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SUMMARY OF TESTIMONY

WITNESS: BUNNING, Dennis M.

DATE OF TESTIMONY: 16 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, 1st Squad,  
2d Platoon, C/1/20.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

Although BUNNING received no training regarding the handling of PW's and noncombatants, he attended a lecture type briefing on the subject (pgs. 65, 66). This took place either in Vietnam or Hawaii (pg. 66). The witness recalled being given cards containing the same information as the MACV cards "Nine Rules" and "The Enemy in Your Hands" (pgs. 66, 67). He was not certain that he received those exact cards (pgs. 66, 67).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. MEDINA's order to kill everyone in My Lai.

BUNNING was not in country at the time of the mine-field incident, but was told about it on his return (pg. 3). He did not recall the memorial service which preceded MEDINA's briefing on the 15th (pg. 3). MEDINA stated that the company was going on a search and destroy operation into My Lai (4) (pgs. 4, 30). They had taken a lot of casualties in this area and could not even return fire because it was not within their AO (pg. 30). MEDINA said that this would be an opportunity to avenge the recent losses in this area of operations (pgs. 4, 30, 31). MEDINA ordered the men to kill everyone in the village (pgs. 4, 30). They were to kill or destroy everything there (pgs. 10, 31). MEDINA described the village as a VC stronghold (pgs. 4, 30), and told the men to expect quite a fight (pg. 30). MEDINA said that the orders to

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kill everyone had not come from higher authority (pgs. 4, 5, 30). The orders from above had been merely to kill the enemy (pgs. 4, 5, 30). However, MEDINA told the company to take this opportunity for revenge and kill everyone (pgs. 4, 5, 30). The men were to go in shooting all the way (pg. 5). Although the operation was planned to take place at the time when most of the women would be at market, BUNNING did not recall MEDINA excluding women and children from the "kill everyone" order (pg. 10). BUNNING was under the impression that MEDINA was going beyond the order given him by higher headquarters (pg. 5). He believed that most of the other men had the same understanding of the order he did or they would not have gone in shooting (pg. 7). BUNNING was not shocked the next day because he saw exactly what he thought had been ordered (pg. 7). Some of the men were shocked (pgs. 7, 8). The witness understood the "kill everyone" order to extend to all the places the company was to go on this operation (pg. 6). The company never before had been ordered to go into a village and kill everybody (pg. 10).

b. Other information given out at the briefing.

BUNNING was under the impression that the operation would last three days and that they were to search and destroy everything from My Lai to the ocean (pgs. 5, 30). MEDINA said My Lai would be prepped by artillery before they went in (pg. 5). Although MEDINA did not give an order against it, he did not say that raping would be all right (pg. 31). He did not say anything about it at all (pg. 31). At a briefing given by BROOKS, BUCHANON, or HODGES after MEDINA's it was explained to BUNNING that the boundary between the 1st and 2d platoons would be the center of the village (pgs. 6, 56, 57). The third platoon was to follow behind setting the village afire and making a body count (pg. 13). He did not remember BUCHANON bringing beer around after the briefing (pg. 7).

3. ASSAULT ON MY LAI.

a. Attack on the village of My Lai.

(1) Action after insertion.

BUNNING came in on the second lift (pg. 58). After the platoon got on line it moved toward the northwestern part of My Lai (pgs. 12, 58). They were on the outer edge of the village (pg. 58). Five or six men and women in the field in front of the platoon were shot individually as the

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platoon moved forward (pgs. 13, 14, 58, 59). HODGES, his squad leader, told BUNNING that he too would have to fire at these people. When he refused he was moved next to GONZALEZ on the extreme left flank of the platoon (pgs. 12, 14, 59). GONZALEZ, did not do much shooting (pg. 16).

(2) Actions on entering the village.

As the platoon came into the village the men were firing at everything they saw, including the animals (pg. 15). Everyone was participating in this (pg. 16). They did not then, nor at any time during the operation, receive any hostile fire (pgs. 16, 17). As they started moving through the village three children between the ages of seven and nine came running out of the hedgerow with their hands out yelling "chop, chop" which meant they wanted food. They were killed by the Americans (pgs. 14, 59). BUNNING did not know who shot them (pg. 59). He witnessed this from a distance of 30 to 40 feet (pg. 59).

(3) Killing of group by SCHIEL's squad.

BUNNING saw a squad leader named SCHIEL and five or six of his men take a Vietnamese family of eight to ten from a hootch and shoot them with an M-60 and M-16's (pgs. 16, 18, 59). The group was composed of men, women, and children who ranged in age between 4 and 50 (pgs. 16, 17, 59). These persons did not have any weapons and did not put up any resistance (pg. 17). Prior to killing these people SCHIEL told them several times, "I don't want to do it, but I have to because we were ordered to do it" (pgs. 16, 59). SCHIEL was trying to make rank, and he probably killed these people because he felt he was under orders to do so (pg. 16).

(4) Movement through the village.

As they moved through the village they methodically killed all the people and animals they saw because this is what they had been told to do (pg. 17). The men were under good control from their platoon and squad leaders (pg. 15). They did not take the time to search hootches, bunkers, and tunnels or to burn the village since these were the jobs of the third platoon (pgs. 17, 18). About three-quarters of the way through the village they saw a young male attempting to escape. BUNNING and HODGES both fired at the man, but it was HODGES who brought him down (pgs. 9, 60). This was the only time BUNNING fired all day (pg. 19).

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b. Attack on the village of Binh Tay.(1) Recovery of weapons from two VC.

When they reached the end of My Lai they received word that two VC with weapons had been shot to the north of the village by gunships (pg. 60). The platoon moved to the north and in the rice paddies they found two military-age males dressed in black with webgear and weapons, one of which was a carbine (pgs. 11, 20, 21). After finding these bodies and retrieving the weapons, the platoon was ordered to search the village of Binh Tay (pgs. 11, 21, 60).

(2) ROSCHEVITZ kills a group of Vietnamese.

As the platoon moved into the village they gathered the people together into a group (pgs. 22, 60). ROSCHEVITZ, who had not had an opportunity to fire his M-79 because it did not work well at close range, wanted to try out the effect of his M-79 on one of these groups (pgs. 22, 61). This group was composed of 20 men, women, and children who were sitting down and huddled together (pgs. 22, 24, 61). At a distance of 80 to 100 feet ROSCHEVITZ fired several rounds at these people which killed or wounded most of them (pgs. 22, 61). Those who were not killed were finished off by other soldiers with rifles (pgs. 23, 61). BUNNING did not know who these soldiers were (pg. 23). Since ROSCHEVITZ was standing on a slight hill between the witness and the Vietnamese, BUNNING's view of the target was obscured (pg. 24). However, he saw ROSCHEVITZ fire and heard the rounds go off (pgs. 24, 25). He did not know if BROOKS, BUCHANON, or SCHIEL saw this (pgs. 23, 25).

(3) Rapes in Binh Tay witnessed by BUNNING.

BUNNING saw HODGES take a girl into a hootch and rape her (pgs. 26, 32, 62). He went to the door of the hootch where this was taking place and was able to observe the rape (pg. 32). Perhaps GONZALEZ and MACBREEN saw this also (pg. 27). He witnessed a second rape in which three soldiers, two of whom may have been DELGADO and RODRIGUEZ, had simultaneous relations with a woman (pgs. 26, 27, 62). BUNNING believed that the woman involved was the same person raped by HODGES (pg. 26). As they made their way through the village he saw several girls grabbed by soldiers with whom they were forced to have relations (pg. 28).

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In two instances the men shot the girls when they were done (pg. 28). He had a good view of these rapes, but not as close as that involving HODGES (pg. 37). Even after the order to stop the killing came the raping continued (pg. 33). From the point where the order was given until they were out of the village he saw a couple of rapes (pg. 62). However, he witnessed these at a distance (pg. 63). In all he saw approximately seven rapes, some of which were done by Caucasians and some by Spanish Americans (pg. 31). BROOKS would not have tolerated this, and thus it was done behind his back (pg. 32). The witness knew nothing about a rape involving TORRES and JOLLY (pg. 35).

(4) The order to stop the killing.

As they moved through Binh Tay they killed everyone they saw (pg. 22). The organization of the platoon was not as good in Binh Tay as it had been in My Lai (pg. 22). About halfway through the village BROOKS received an order from MEDINA to stop the killing (pgs. 28, 62). This order did not make sense to BUNNING because they had killed so many people already. Perhaps MEDINA felt that they had killed all the people he thought they could get away with (pg. 28). After the order came they moved through the rest of the village without killing anyone (pg. 35). They gathered up a group of about 30 people and began moving them toward My Lai (4) (pgs. 36, 62). The platoon received an order from MEDINA to return to My Lai (4) immediately and BROOKS ordered these people to be released (pgs. 36, 63).

(5) Break for lunch.

After releasing these people the platoon went to the northeast corner of My Lai where they married up with the rest of the company and had lunch (pgs. 21, 37, 63). He saw a burning hootch with bodies under it near the place where they ate (pg. 36). He estimated that this took place at 1300 hours (pg. 63). He did not recall seeing any helicopters land during this time (pg. 64). He did not get over to the 1st platoon's area (pg. 37).

c. Actions following My Lai.

After lunch the company moved east to a graveyard where it joined B/4/3 for the night position (pgs. 39, 64). He did not observe any bodies along the route of march (pg. 64). There were a couple of National Police at the

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laager site, but he did not see them kill any VC suspects (pgs. 39, 40). On the 17th the company burned the villages through which it proceeded and CALLEY's platoon hit a mine returning from a mission on a hill (pg. 41). On the 18th two persons hit a mine and were medevac'd (pg. 41).

#### 4. INQUIRIES AFTER THE ASSAULT.

The company was extracted on the 18th, but BUNNING did not recall HENDERSON at LZ Dottie asking questions about the operation (pgs. 41, 42). He was never questioned about the My Lai incident by anyone (pgs. 42, 44). MEDINA gathered the men together at LZ Dottie and told them that there was going to be an investigation and the less they said the better it would be (pgs. 43, 44). He told them not to write home (pg. 55). BERNHARDT threatened to write his congressman, but was warned not to do so (pg. 52). This did not take place at the briefing (pg. 52). It would have been unwise for him to do so (pg. 52). BUNNING believed that it was MEDINA's influence which kept the men from discussing My Lai or writing home about it, and that it was MEDINA's influence which kept talk from getting around about it (pgs. 54, 55). Except at the briefing given by MEDINA, he was never told to keep quiet about the operation (pg. 44). He heard some rumors about an investigation, but on 20 March he was hospitalized for malaria and did not return for a month (pg. 42).

#### 5. OTHER INFORMATION.

##### a. Rape in C Company.

Rape was quite common in C Company (pg. 33). At first BUNNING had stopped several people in the act of rape, but his life was threatened so he gave up trying to prevent it from occurring (pg. 33). BROOKS nearly ended it, but BROOKS could not control what the men did in the field (pg. 34). BUCHANON also tried to stop it, but HODGES made no attempt to do so (pg. 35).

##### b. Attitude toward Vietnamese.

Most of the men did not consider the Vietnamese human, and killing them was just like killing an old dog (pgs. 45, 46). One exception to this was a hippie named GAFOLO who tried to make friends with the villagers (pgs. 45, 65). However, the kind acts of GAFOLO and a few others could not override the bad acts of the rest (pg. 45).

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c. Use of marijuana in C Company.

While marijuana was widely used in the company, it played no part whatsoever in this operation (pgs. 49, 50).

d. BUNNING's assessment of MEDINA.

MEDINA was "the best CO," BUNNING had ever seen (pgs. 54, 55). MEDINA knew his job and knew how to get things done (pg. 55). He took good care of the men, and he never gave anyone a tongue-lashing unless they deserved it (pg. 55). C Company was a very rough outfit and it took a strong man to command it (pg. 56).

e. Operations after My Lai.

After My Lai the company engaged in search and destroy missions as it had previously (pg. 49).

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## EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit was issued this card or a card like it.	66
M-3	MACV Card "Enemy in Your Hands."	Wit was issued this or a card like it.	66
P-1	Aerial photo of My Lai	The witness was oriented on map.	10,11
		1-Position of LZ.	57
		2-Place where he saw three children shot.	59
		3-Place where he saw SCHIELS kill group of 10.	60
		4-Place where two VC with weapons were found.	60
		5-Place where ROSCHEVITZ fired M-79 into group.	61
		6-Place in Binh Tay where they received orders to stop killing people.	62
		8-Place where they ate lunch.	63
P-8	Miscellaneous Scene	Wit recognized MEDINA.	64

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## EXHIBITS

(The hearing reconvened at 1030 hours, 16 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Mr. Dennis M. BUNNING.

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

Will you state your full name, occupation and residence?

A. Dennis Martin BUNNING, I am a rancher thereabouts raising poultry and chickens.

RCDR: What is your address, please?

A. Raymond, California.

MR WEST: Mr. BUNNING, before we get into any questions, I want to give you some information about the nature and purpose of this inquiry.

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

(1) the adequacy of the prior investigations into what is now commonly referred to as the My Lai incident of 16 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.

We are not attempting to inquire into all aspects of what happened at My Lai, for example, we are not directly concerned with the possible criminal culpability of anybody for the things they did there that day that may have been wrong.

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We have had made available to us and have reviewed prior official statements obtained in other investigations of the My Lai incident, for example as you know, we have a copy of the statement which you gave the CID agent.

Your testimony will be taken under oath, a verbatim transcript will be prepared and a tape recording is being made in addition to the verbatim notes being taken by the reporter.

The general classification of our report will be confidential, however, it is possible that later on, the testimony, or parts of it, may become a matter of public knowledge.

We request that you not discuss your testimony with others, including other witnesses in this investigation, except as you may be asked or required to do in connection with any administrative, or judicial, or legislative hearing or proceedings. For example, there is a subcommittee of the House Armed Services Committee which is taking some testimony about the My Lai incident and when we ask you not to discuss it, this of course doesn't apply to them, because they have an official legitimate reason for inquiring into it.

Have you received an order from the military judge in the case of United States v. Calley?

A. No.

Q. In case you later receive it, it will be an order to the effect that you should not discuss the facts regarding the My Lai incident which might come up later in the court-martial trial for CALLEY. In order to help insure that the accused will really get a fair trial, I request that you not discuss your testimony with anyone. Should you be asked to be a witness for one of the cases this would not prevent you from doing so, I'm sure you appreciate that.

MR WEST: For the record, Mr. BUNNING, were you a member of the United States Army on 16 March 1968?

A. Yes, sir.

Q. When were you discharged?

A. It was either the 14th or the 15th of January, 1969.

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What was your grade and assignment on 16 March

Q.  
1968?

A. I was a PFC, a rifleman.

Q. And what platoon and so forth?

A. 2d Platoon, C/1/20.

Q. At that time was Charlie Company a part of Task Force Barker?

A. Right.

Q. Mr. BUNNING, when did you first hear of the planned assault on My Lai (4)?

A. I believe it was a briefing the day before--was a briefing from Captain MEDINA.

Q. Was this when he got the company together late in the afternoon?

A. At LZ Dottie, right.

Q. Do you recall a memorial service being held for some men of the company at some time before this briefing?

A. No.

Q. You remember there had been some men of the company hurt, and killed in a minefield. There were two or three men killed, I believe. There was a memorial service some time before this briefing?

A. It's possible.

Q. Some of our witnesses have remembered and some haven't.

A. It's possible, I was gone for 10 days, I don't remember the exact dates now, whether I was in country or not, and I know during the time I was gone our company was in a minefield incident. So it was during this time, because they told me when I got back that they had lost 16 men, 2 wounded and a couple killed in the minefield while I was gone.

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Q. We have evidence that the company felt very bad about this.

A. About the loss of the people?

Q. About the loss of the people, and also there had been a ceremony for the men--a memorial ceremony.

A. A formal one?

Q. Yes, they had a chaplain in and a great difference in the testimony as to just when it occurred. Some men put it on the same afternoon, a little before Captain MEDINA's briefing, others said no, it was a day, a week--

A. (Interposing) Well, I was there at that time and if it was real informal, it's possible that I may have forgotten about it, because I did not go to it myself.

Q. Can you tell us what Captain MEDINA told the company during the briefing about the next day's operation, as best as you remember it?

A. As I already stated in the CID information here--he was telling us, we was going on a search and destroy operation and to that effect, you know, and in this Pinkville area and--that we were to go in there and kill, you know, everything that's in there--to be a VC stronghold--being it was out of our normal area of operation and we were under special operation, that we could go in there. He said this was the time we was going to go in there and clean up the place, because we operate right across the river from them all the time, and, "I've lost quite a few men there," you know, got wounded and some killed there--like--course, too he said, beings as our company was going to be the one to go through the main portion of this village--was that we was going to go and kill everyone in these villages. He did state that this order did not come from higher to actually kill everyone. The order was more or less stated to kill or take, you know, the enemy, but he stated that this was, you know, sort of a revenge thing. This was going to be our chance to get back on the Viet Cong and that we was going to kill them off.

Q. Did you get the impression that he was going beyond the order of higher headquarters?

A. Right to--certainly agree it was, yes, because he stated that it wasn't truly directed exactly as this. He put

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it in so many words, you know, that the orders were not directly, go in and kill everybody, but they were to go in, you know, and that it was going to be a fighting zone, you know, because they believe we was going to have opposition there and this--and that we were going to go right straight through it, you know, shooting all the way.

Q. Did he say anything about the men recently killed in the minefield?

A. Yes, he said--

Q. (Interposing) Would this have had a bearing on the operation?

A. Well, it may--I don't know whether you would call it directly or indirectly, but he did say that due to our recent losses that we were going to get even for these losses at this village.

Q. Did he say anything about artillery preparation?

A. Yes, there was--the place was to be prepped with artillery before we were to go in there.

Q. Did he indicate whether the preparation would be on the village or the landing zone, or just where?

A. I really can't recall that to be exact, but my best knowledge and impression--it was to be the whole area.

Q. Did Captain MEDINA give you any indication how long the operation was to last?

A. The complete operation was to last--it was a 3-day operation. It was to start at this My Lai (4), and then go all the way to the ocean and work in that area, you know, and on the third day we was to be lifted back out.

Q. Then was it your impression that it was to be search and destroy all the way through, to level all the villages?

A. This was in the beginning, yes, but on the second and third day, there was nobody there.

Q. Yes, I understand that things didn't work out just right.

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A. Yeah.

Q. Was that to apply or just to--

A. (Interposing) That was the impression.

Q. It didn't just apply to My Lai (4) but to other places too?

A. Yes, it applied to everything, you know, and--

Q. (Interposing) In the area of operation?

A. Right.

Q. Do you know whether there was to be a meeting of the platoon leaders, platoon sergeants or whether there was one after the briefing.

A. You mean before the operation?

Q. Yes, that same evening at LZ Dottie?

A. Yes sir, I'm quite sure there was to my knowledge, because as I recall we got briefed by either the platoon leaders or sergeants or squad leaders, or somebody. We got rebriefed that night, or either that night or early the next morning. I'm not sure of the exact times, because we have so many operations, but we were rebriefed and retold of the operation and in these briefings most it consisted of time of departure and flights and where you were to be and all of this.

Q. Your platoon leader was Lieutenant BROOKS?

A. Right.

Q. So he did brief you somewhat after--

A. (Interposing) Well, I don't know for sure whether it was him or Sergeant BUCHANON or HODGES, you know, one of them, because when we have so many briefings you know, you can't recall--swear which one of them was, but I know that day or that next morning we were rebriefed by one of them.

Q. What was the mood of the men in your platoon after the briefing, how did they feel about the next days operation, what did they say?

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A. You mean were some of them ready to go and do it or some wondering whether they should do it, is that what you mean?

Q. Did they have the same understanding of the orders that you had, for example?

A. I would believe they did. I mean the operation wouldn't go off as it did, if they didn't.

Q. Can you remember anything they said, at the time, that indicated this?

A. Well, nobody made much comment, because you know, we was pulling guard and all, and we tried to get as much sleep as we can. After the briefing and eating you would feel like getting some sleep. So, I am not one to sit up and talk. I go to bed. When I get my chance, I sleep.

Q. Did Sergeant BUCHANON bring around some beer that evening?

A. I don't really know. We have beer rations, you know, every so often, but myself, I don't drink beer and I wouldn't have the slightest idea whether he did or not. I don't say I don't drink beer, I mean to say I'm not a beer drinker. I drink a can now and then. So he may or he may not have brought some around. It's, you get it, you know, supposed to get it every couple of days, K-rations, two or three cans per meal or something.

Q. Would you say that the men were keyed up for a real fight the next day, or--

A. (Interposing) Well, you know, you've got real aggressive ones that were out for blood, you know, and you've got the ones that are not so much, you know. And there were a few that were, I believe--that didn't really think it was going to happen the way it did. I mean, I wasn't especially shocked the next day, because I knew this is what they were going to do. I mean, that's what they said they were going to do, so I expected it. But it looked to me as if some of them, you know, really--from where I was at--I can't see very many people really. But from the reactions I got, they didn't all really expect that this was going to happen at this scale, this large of a scale or this hard, you know. But I mean there was several of them that was, you know, what you might consider anxious to go do something, you know, like this.

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Q. Well, we've had some witnesses in before who said that they really didn't understand it this way.

A. Well, it's possible that there were some that were confused.

Q. They hadn't expected what happened.

A. Yeah, 'cause it appeared to me, you know, that when we did get in there, that some guys didn't know what they were really in-- you know, I mean they didn't realize that this really was happening.

Q. Did you ever see anyone go right to work?

A. Yeah, you've always got the aggressive few that are aggressive in one thing or another.

Q. Going back to the briefing, did Captain MEDINA draw a map to indicate the platoon missions?

A. I believe that if he did at all, it was real informal. All this came to the platoon leaders, 'cause he wouldn't draw a map. We've all got our maps, you know.

Q. We had one or two witnesses who said he got down and he scratched out something in the dirt, I suppose outlining the platoon areas.

A. This is possible, but he wouldn't have elaborated on it or gone to any great length, not that I can recall myself anyhow. Sometimes he has, you know, gone, come right out and really tell the people quite a bit, you know, 'cause he was good in this way, I mean he generally let you know what was gonna happen. But most of the real technical fine points of showing where were gonna exactly be, as I recall, came from our platoon briefings, either platoon or squad, whichever we did get that night.

MAJ ZYCHOWSKI: Mr. BUNNING, what squad were you a member of?

A. First squad.

Q. Do you recall who your squad leader was?

A. Sergeant HODGES.

Q. I understand that this was your first search and destroy mission. Is this correct?

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A. My first search and destroy mission?

Q. Yes.

A. You mean this mission was first in this area, yes, but the first mission we had of the search and destroy in our--

Q. (Interposing) Had you been on previous search and destroy missions prior to this time.

A. Three months worth of them.

Q. Did anybody have any questions between the two, search and clear and search and destroy? Was this question brought up at this briefing?

A. You mean to exactly what we were to do. I don't recall whether it exactly was brought out in that form. I mean, it may have been questioned, exactly what we were to do, because it was a little different from our normal operations, being that MEDINA said that we're gonna kill everybody in there. I can't recall the exact questions that came up, but they could have been a question or two, you know, for somebody asking, in other words to definitely confirm that this is what he wanted done. But we went on lots of search and destroy missions. That's what they call every time out in the field is a search and destroy mission.

Q. Just for clarification, what is your definition of search and destroy and search and clear?

A. Well, we never had any different stipulation. We never, to my knowledge, nothing was ever considered a search and clear mission. Everything was search and destroy, and you didn't--to me it didn't mean what it was supposed to mean, 'cause all we did was go out through there and look in the huts and look all over and see if we could find anything and just search and all really. And destroy was to mean anything that didn't belong to the Vietnamese, anything that was military, we was to destroy, or take back, or report it, or anything like this. Clear to my knowledge was always smeared together. We didn't say, okay we're going to this village and search and clear, and we're going to this village and search and destroy. To me it was one mission or operation, was the same as the other one. I mean, there was nothing stipulating the difference of clearing and destroying.

Q. At this briefing was it brought out that the villagers would be there? I am referring now to women and children?

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A. Well, this is a big question that when the CID man was out he tried to press and get definite answers, and I really can't swear to it, whether he said they will or will not be there. I mean most of the women are always gone. They go to market and everything else in the morning, and this is common fact. To my knowledge he did not say that the women and children will be out of the area and we are killing only men, that is all that is going to be there. This was not stipulated. He just said we're killing everything in these villages.

MR WEST: Going back to the search and destroy missions. Had the company ever before had orders to go in and kill everybody?

A. No.

Q. You had no other occurrences like My Lai then, where a lot of people were killed?

A. On no large scale, no. There have been missions when we're in places, where we were getting shot and stuff, and they have killed civilians, or Viet Cong sympathizers.

Q. I was thinking if you were ever aware that the company was or had a deliberate plan to go in and wipe out everybody?

A. No. There never was before or after.

Q. Mr. BUNNING, we'll put in front of you an enlargement of an aerial photograph of the little hamlet of My Lai (4). My Lai (4) and the surrounding area (placing Exhibit P-1 before witness). You'll notice the center of the photograph. This is the village of My Lai (4) (indicating). You will find it there on the map. Notice the stream line that comes around there like this (indicating). You'll notice the trail running south of the center of the village down to 521 that's it right here, see?

A. Right.

Q. And the landing zone is west of the village. Our testimony is that 2d Platoon got on line with the 1st which was on the left.

A. Where was the landing zone at exactly--

Q. (Interposing) It was right in here (indicating); the rice paddy.

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This is west. The photograph is oriented so that this is north. The scale is 1 inch equals about 80 meters. Over there is the east towards the sea, toward the China Sea.

A. That looks right.

Q. 2d Platoon would be on the left; the 1st Platoon over here.

A. Right.

Q. Does this look familiar to you now?

A. I was looking for a village or a cut right off here (indicating) to the left.

Q. The platoon moved from My Lai (4) out into the field to pick up a couple of VC.

A. We had moved through here (indicating), to begin with.

Q. That's right after they went up in here to pick up weapons.

A. Yep.

Q. Here's the little subhamlet of Binh Tay (indicating), where the platoon came later on.

A. How far is that in meters?

Q. That would be about 400 and some.

A. That's right. Actually, we had gone to here and then we back tracked back from here (indicating) and gone out in this area right here. Where those two men were shot, I believe, was right in this area right here. And from there we went back in that village.

Q. At this stage we just want to get you oriented on the map and then we'll go through it. Does this look familiar to you now?

A. Yes.

Q. Would you tell us please then, Mr. BUNNING, what you remember of the events that occurred after you were CA'd into the landing zone there (indicating) and got out of the

helicopter.

A. Well, first of all we were lining-up right here and then we moved up more or less on line.

Q. Would you show us on the photograph just about how the platoon lined up before you moved into the village?

A. We had the 2d Platoon here and we stretched just about from here and I couldn't see the other end, so I couldn't say how far 1st Platoon was to the other end of the village, but they were to cover the right flank of the village and we were to cover the left flank of the village.

(Witness marked the photograph as he talked.)

Q. Initially, did the line formed by the 2d Platoon extend out into the rice paddy for any distance?

A. This rice paddy? (indicating)?

Q. No, to the north.

A. This way?

Q. Yes.

A. No. We were right --

Q. (Interposing) You were facing the village?

A. Right and we were right here (indicating), on the edge of it. We were in a little bit of rice paddy right here because we're not up far enough--because we had a little bit right in front of us here.

Q. If I remember your prior testimony correctly, you were over on the left flank.

A. The complete left flank. Right at the beginning, when we were on this line I may have been in between two or three men. And then as we started to move into the village, HODGES wanted a little more activity out of me, and I told him, "I wasn't going to shoot any of these women and kids." Therefore he gave me the complete left flank. And I was completely on the left, which through the whole operation, was along this little trail (indicating) on the outside of the village and where I would be on the trail and go in and out, like this a little bit along the

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village (indicating a zigzag). But through this whole operation except for maybe this first 50 feet or 100 feet I was, or after that, I was completely, on the left flank.

Q. Go ahead and describe then what happened after the 2d Platoon got on line there.

A. Well, as I have said in our other statement there from CID that we started moving, we didn't really start, everybody was on a rough line and there was some men and women and I don't believe any children at the time-- men and women mostly was out in this area (indicating) in these fields here.

Q. The field right in the north west corner of My Lai (4)?

A. Right. Right in front of us and some maybe to the left of us a little bit, and so they just started shooting at these people, and knocking them over.

Q. The men of the platoon?

A. Right, the men of our platoon then, and I don't really recall whether our platoon started shooting first or whether 1st Platoon over here (indicating) started shooting first. It was all about the same time, you know, because we was all getting up on line and that was what the plan was. After we got on line, get ready to move through, we're moving through and killing everything in front of us.

Q. What was the 3d Platoon to do?

A. The 3d Platoon would stay in the rear for a while and then after we had gone through were following us, not real close though, but behind us. They were to come through and according to the briefing they were to count bodies and burn the village.

Q. You know that we've been told before that they were to burn the village, this seems pretty settled. But this is the first time that we've been told that they had a mission of counting bodies. Do you remember this clearly?

A. Yes, definitely was clear, I cannot say it was MEDINA or the other, but it was clearly told, at least in a briefing that I was in, that they were to take a body count and burn the village. They may not have been told this, I mean that may be just what MEDINA told the platoon leaders

and what we were told.

Q. This could have come then from Lieutenant BROOKS or Sergeant BUCHANON--

A. (Interposing) Or Sergeant HODGES because you know, it was the chain of command, you know everything comes down.

Q. All right, please go ahead.

A. Well after everybody started shooting here, that's when we started moving forward and that was probably, I think as I can recall, when HODGES thought that I wasn't doing any shooting as of yet. And he assigned me to his left flank or to the left flank and--

Q. (Interposing) How many people were shot initially, these were Vietnamese civilians weren't they?

A. Well, nobody is a civilian in areas like this, I hate to call them civilians.

Q. Vietnamese who were in the village?

A. They were Vietnamese in the village and all of our knowledge after being through the war, they definitely are VC supporters.

Q. What were they, men or women?

A. Both, but I don't recall any children right at this first incident. There was possibly five or six killed initially right here (indicating). And then we started moving through the village, and as you can see this first part here is not quite so heavily dense as later on, and so I could see fairly well from the left flank, and we got in maybe 100 yards or so and 3 kids--I believe it was 3 come--children you know they were anywhere from 7 to 9 years old or something. They came running out through a hedgerow and they had their hands out hollering "chop chop" which means they want food, and some of our guys here come running out and shot them down. And then we continued on through. I mean, because that was the mission theoretically--was to kill everybody as we went through the village.

Q. Well, when you say this stuff going on, what do you mean?

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A. They were shooting everybody we was coming to, and all the animals.

Q. Where was Lieutenant BROOKS and Sergeant BUCHANON?

A. I didn't have visible sight of them here, I may have seen them twice through the whole thing, where we would kind of hold up and make sure that everyone was still on line so nobody was--that we weren't shooting each other. And I believe to my knowledge from what I could see, he stayed well in the middle of our platoon line.

Q. I suppose that was to maintain control.

A. Yeah, I mean its normal procedure and that's where they generally are, I mean I have no idea of them being anyplace else.

Q. Was the platoon kept under good control during this time?

A. From a platoon-size element? You mean did BROOKS have control of his men?

Q. Yes, and Sergeant BUCHANON and Sergeant HODGES. Were the men running around on their own, or were they--

A. (Interposing) No, they were well-organized or controlled under squad size because BROOKS, he can't see what I'm doing out here or what this man out here is doing (indicating), but through squad leaders and through the little radios we have, it was controlled and you can see a line as we were moving through here. You can maintain a pretty much line.

Q. How about HODGES, what was he doing?

A. Well he was controlling us most of the time, telling us what to do and stuff like this and he was doing some shooting there, too.

Q. I was thinking mostly about supervision and whether he were issuing orders to the squads and--

A. (Interposing) Well I'm not any--he's not an over-directive person. I mean, he doesn't say do that, you do that, shoot that person there. I mean, it's pretty well went through, I

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mean, everybody knew what they was going to do anyhow and there were--well I think that GONZALES was right next to me, if not he was right over--because I generally worked right next to him or with him. Other than him and I it's possible--you know, I couldn't keep visible contact with everyone else all the time. I don't believe he was doing much shooting, at least I didn't see him doing much shooting. Other than that, most everybody was shooting.

Q. You told the CID agent about an incident involving SCHIEL and some other members. What squad was SCHIEL in?

A. SCHIEL was a squad leader, and I believe its second squad, but I never could keep them straight, which squads were which, and I believe it was second squad, but he was a squad leader.

Q. Will you tell us about that?

A. We was quite a ways in the village, I'm not really sure how far, a third of the way in, or something like this. But he had not yet, to my knowledge, shot anybody yet, because him and several other members of his squad were in front of a pretty good size hootch or huts, and they had maybe eight or nine people there. Men, women, and kids and they all--most of them came out of that hut probably one family or group there, and he was there mostly in front, and he said that he didn't want to do it. He said, you know, "I don't want to do it, but I have to because we were ordered to do it," and he said that about twice, and then he started shooting, and so did everybody else in a little group, there of five or six men, and they shot those people down. And that was the first time that SCHIEL had shot to my knowledge. Because he was, well a guy that--actually he was, you know, trying to make rank and trying to do what he was supposed to do. And being that we were told to do it, and in a position where he was, he couldn't very well say well I'm not going to do it, because, well pretty soon he'd knock him out of squad leader position, and put him back down at the bottom. So, he finally did start doing it and that was the only time that at the present time, that I ever did see him shoot into a bunch of people.

Q. And up to this time had the platoon received any hostile fire?

A. Well, later I heard that somebody said they did, but to my knowledge, I never heard of any, or knew of any during the

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whole operation.

Q. These people that SCHIEL and his men shot, did they put up any resistance?

A. No, nobody put up any resistance, except for one that I saw run, I wouldn't really call it resistance, but other than that nobody put up any resistance. They'd just stand there.

Q. Did they have weapons?

A. No, none of them in the village--the two that we went out to check that the helicopter shot down, they both had a weapon.

Q. Now this group of people, how many were there?

A. In this group where SCHIEL was, anywhere from 8 to 10, 8, or 9, or 10 people.

Q. And what were their ages and sexes?

A. Well, anywhere from 4, 5 years old to 50 or 60 years old and every sex, male, female and kids.

Q. A little later on I'll ask you to get with Major ZYCHOWSKI and mark a photograph like this and locate approximately where this group was as well as the other important point that you mentioned. But, we won't stop for that now. Could you tell us then, what happened after this particular incident, after the platoon moved along?

A. This was no particular incident really, I mean that it was going on all the time, but that was the time that I noted that SCHIEL did start shooting right there. We just kept on moving through the village, and more of the same. I mean they was shooting all the people that were there to be shot, and the animals.

Q. I get the impression that they were just methodically killing everything they came to, every person, every animal--

A. (Interposing) That's what we were told, and that's what they were doing.

Q. They didn't take time to burn anything?

A. No, we did not in this village, we went right

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straight through it, because we were not supposed to, because the other was to come through and do all the burning, so to my knowledge--

Q. (Interposing) Did they take time to search the hootches, bunkers and tunnels and that kind of thing?

A. Not really.

Q. Or was it a pretty fast moving operation?

A. It was relatively fast and anyplace there we suspected, or anything, you know, we were heavily loaded with grenades, anything we suspected or bunkers most every bunker or anything, a grenade was thrown in. So to be sure that there was nobody left to pop up and start shooting us from behind, or start shooting the other people.

Q. Going back to SCHIEL and this little group they killed, what was used to kill them, what weapons were employed?

A. Most everybody that was shooting had M-16's except for one M-60 machinegun that was used.

Q. Do you remember who was using the M-60?

A. No, I don't, because later on we had special machinegun groups attached to certain squads, but at this time we really didn't, we just had machineguns, you know and--

Q. (Interposing) And maybe a fire team in the squad?

A. Yeah, would be assigned to carry a machinegun, and being it wasn't our squad I don't know. In fact during this operation I don't even think our squad had an M-60.

Q. How many squads were in the 2d Platoon at that time?

A. We operated almost all the time with four squads, and there was four there.

Q. Are you sure? At this time the 1st Platoon only had two squads.

A. The 1st Platoon? 'Cause they'd lost some men, let's see--

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Q. (Interposing) Were you counting the weapons squad when you said four?

A. Right, but the weapons squad it's more or less-- later on I know weapons squad had a machinegun attached to them. But we had a--we had SCHIEL, I don't know LACROIX was squad leader later, I don't know if he was squad leader then. To my knowledge, I'm almost sure we was organized in four squads. Its possible that they may call it only three squads, being machineguns are shoved into a squad.

Q. Do you remember seeing GARZA that day?

A. I can't swear that I remember seeing him for definite, I believe he was there. I mean, I had no contact, or any particular thing, to make me remember he was definitely there. He was our medic, I'm quite sure he was there.

Q. Will you please continue with the platoon as they moved through My Lai (4).

A. Well, we continued moving through and then at a point, close to three-quarters of the way through, somebody hollered that there was somebody running off to the left. And this was at a time, when I had just walked into a hedge-row, and I was walking completely on the left. I had complete visibility so when they hollered, Sergeant HODGES and I ran out to the outside, so we could see. And approximately 100 meters away or thereabouts we saw a man, a young man, at least he appeared to be young, in the twenties or something, running away from us. And HODGES started shooting at him, and hollered for me to shoot at him and get him. I put my gun on automatic and I shot a whole clip at him. While I did all the brass went in HODGES' face and he couldn't shoot any more, and I missed the guy and then HODGES, he drew a good bead the next time and knocked him down, and then we went on back in the village and continued on.

And that was the only time I shot at anybody other than animals. I shot some animals, but I do that at home all the time anyhow, that wasn't anything that I didn't believe was morally right or wrong. But that right there was the only time I shot at any person and I missed him, because he was still running good when I was through shooting.

Q. Did the platoon move all the way through killing everybody they came across?

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A. Right, and we stopped, at least I stopped, being I was on the left flank, cause see, I run out of village before anybody else does. And I stopped in this area someplace right here (indicating), and everybody else goes to the end of the village. And then, right at that time, or in fact, it may have been even just before we got to the end of the village, or the end of the tree line here, (indicating), there wasn't very much village at the end that I recall-- they said that the helicopters had knocked down two guys over here (indicating), with weapons so we-- as soon as we made the the end of the village we made sure we made the end, we moved right on over to check those out.

Q. That's to the north, out in the rice paddy there (indicating)?

A. Right, it was to the north and 200, 300 meters out, to my knowledge. It was quite a ways, it could have even been up to 300, 400 meters out.

(The hearing recessed at 1117 hours, 16 January 1970.)

(The hearing reconvened at 1135 hours, 16 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, MAJ ZYCHOWSKI and MAJ COOP.

Mr. BUNNING you are reminded that you are under oath.

MR WEST: At the time we recessed, Mr. BUNNING, I believe you were discussing the mission of the platoon, which was to move out into rice paddy to the north and possibly recover the weapons of two VC that had been killed by gunships. Would you go ahead and tell us what the platoon did?

A. We went out towards the north in the direction towards where the bodies were said to be, and I always walk point. That's where I'm at, right out in front in, you know, not a line but a file formation, and they were radioing from the gunships telling us where these bodies were. And so we just kept going that way, and you know, the rice is three foot high, and you can't see too good, and the gunships kept circling around, and dropped a couple smoke grenades pointing the place. And I saw exactly from where the smoke grenades

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were, where the bodies were, so finally we made it to where the bodies, and each one of them had a weapon which--I don't know exactly what kind of weapon. I think one of them may have been a carbine, but the other one was not, and they were both in pretty good order, and a lot of weapons we kept aren't in too good a shape, but these were in pretty good shape. From there--

Q. (Interposing) What were the VC?

A. You mean how old?

Q. Men, women?

A. Well, they were both men and were--both appeared to be military age, you know like 20 or 21 years old. Just young men.

Q. How were they dressed? Any web equipment or uniform at all?

A. Yeah, they did. One of them had something that was, I believe it was even a pistol belt, you know, with a couple clips of ammo on it, and no big military packs or anything like this. And I believe one of them was carrying a little bit of rice. And they wore just plain black like all the other people dress.

Q. Go ahead and tell us what the platoon did next.

A. From there we--being they definitely came out of this village, which was right directly, which would be back to the left, which is--

Q. (Interposing) To the north or northwest?

A. From where the people were lying it would be back to the west, and so beings they came out of that village, we were told to go on into the village and check out that village, which according to the map and things here appears to be this village here, because it was a fairly good size village (indicating Binh Tay, subhamlet north of the northwest corner of My Lai (4)). Well, we moved into there, and beings our original orders were to kill everybody in our operation, they continued--I mean especially being that we'd just got, you know, two enemy out of this village. They definitely had just come running out of this village and these other people that were still back here were, you know, they knew they had just come out, because they come right out of it.

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So we continued and started to go through this village killing everybody that was there.

Q. You told the CID agent what happened to a group of people who were assembled there. Do you remember that?

A. Yes, we weren't very far in the village, and it's really hard to say the exact figure on it, you know, there was quite a few people, around 20, or in that neighborhood, of people that were grouped together and--

Q. (Interposing) They'd been gathered up by the platoon?

A. Well, not really by the platoon, because when we got in here in this village, nothing was near as well organized as when we went through the first village. Nobody had a particular formation any more, at least that I saw. We were still pretty well on the left, our first squad was, you know, but people were pretty well milling around. And we weren't going through this village as dead fast, you know, I mean, we was tearing up the hootches and were looking for stuff, being we just got two guys come right out of there. We knew we had something going here, at least thought we did.

But anyhow as we were--some of us were searching and tearing apart hootches and all, and several men got, you know, 2 or 3 huts, here probably (indicating) 20 people or thereabouts, you know, put them all in one group. And then one guy, he hadn't had much practice or chance to shoot a 79, being 79's don't work good at point-blank range, and that's what most all our fighting was in this area, you know. So he got back and shot a few rounds into this group of people, which would wound most of them, and kill a few of them--

Q. (Interposing) An M-79, that's substantially a rifle grenade--

A. (Interposing) Right, it's and M-79 grenade launcher which shoots a small grenade.

IO: This is the one you normally refer to as a 40 millimeter grenade.

A. Right, that's what it's considered, they have them also on the gunships, but they're a little different, because they got more powder in them. They got a better gun up there to hold them and--

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Q. (Interposing) Who fired the M-79?

A. ROSCHEVITZ, and then after he shot, I don't know the exact amount, he shot a couple rounds, or three rounds, or something into the group, then everybody that was standing right around there, that was grouping these people together-- several men went ahead and finished killing everybody there. I really--all I noticed was how ROSCHEVITZ climbed up on a little hill there to shoot at these people so he could get his right range and where he wanted it--

Q. (Interposing) Who was this?

A. ROSCHEVITZ, with the 79, but I don't know really who--some of the other guys were standing around there, but I was over a little further away, going through some hootches while--when they finished shooting all them people off.

Q. So you don't know who finished them off.

A. No, but they were some members of our platoon, I don't know which squad.

Q. Where was Lieutenant BROOKS at that time?

A. I believe he was further, already past these people because as we started in this village, beings we come from this side (indicating), he pretty well stayed to the right-hand side at first and worked across, to my knowledge. And these people were gathered probably, right over here (indicating) because we worked to get over on the left flank again, and I believe, some of them were our squad that were in on it, and then there were some from the squad next to us, and--

Q. (Interposing) That would have been SCHIEL's squad?

A. I'm not sure now whether it is or not in this formation, because I know we was still on the left and at the time I'm not sure whether SCHIEL was there or not. But there was members, maybe even a third squad there too, because I mean, when you go in there and people are going through villages, and hootches, and stuff, nobody stays exactly perfect. But anyhow, I don't to my knowledge, know whether Lieutenant BROOKS or Sergeant BUCHANON or the headquarters section visibly saw this or not.

Q. I was going to ask you about Sergeant BUCHANON.

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A. Well, Sergeant BUCHANON generally, you know, and the medic-- this here headquarters section in either company-size, or platoon-size, generally stays together, you know, I mean you've got the RTO and the platoon leader and platoon sergeant and then the medic which is generally in this little group.

Q. Do you remember FIELDS, he was Lieutenant BROOKS' RTO on the company push?

A. Well we had a lot of RTO's, he may have been at the time--

Q. (Interposing) He was here yesterday and said he was, he carried a PRC-25.

A. Well, he did at one, time, I don't know when, you know, I mean we have so many RTOs.

Q. Well he described this incident. His recollection was the group was sitting down when ROSCHEVITZ--

A. (Interposing) They were 'cause--they were put together, you know, in a group and they were all huddled down or huddled together. You know, I mean, I wasn't standing right there watching them shoot into it, you know, because ROSCHEVITZ running around, he was, you might say, running the show of this thing, because he said he wanted to use the 79 and that's all. I mean I wasn't in visible plain sight of even seeing ROSCHEVITZ even hitting the people with the 79. All I know is, from what he said, and how he said it happened, you know, when later on from when he hit it, how he shot it in there, I mean you could hear the 79 rounds going off. He said his first one was, I believe, high and he missed, and after that he said the next couple made it, you know, right in the group.

Q. Well, from where you were could you see the people when he was firing on them, and when the others were firing on them?

A. No, I could not, because I'd already moved over further into the hootch, I mean he had them there, and he was standing on the hill and the hill's not much bigger than this table, you know, just a little mound maybe ten feet high at the most, it could be a bunker.

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Q. Did you see him firing?

A. Yes, I saw him firing from the hill.

Q. But you couldn't see the target?

A. No, but he said he was shooting into it, and I mean, he made it plain that he was.

Q. Did he tell you about it later?

A. Yeah, he said so.

Q. I asked where Lieutenant BROOKS was, because FIELDS said that he could see the group and I assume that Lieutenant BROOKS was probably somewhere close by.

A. He probably could have been.

Q. But you don't remember?

A. No, because not here, in fact once we move in here 'cause, you see, Lieutenant BROOKS, when we was going to the two dead bodies, he was right behind. Well I was there, and maybe one other guy and then Lieutenant BROOKS was there, being we had two dead bodies out there, that we knew was there, and the gunship said, that they had guns. You know, he wanted to be right there when we got there, but after that he hardly ever walked that close to the front of the formation, and on other operations he has been maybe three men behind me. I walked point for seven months over there, and I walked point actually, until I became squad leader, and after that, then I only walked point on night operations, because most everybody would actually get lost, and well, Lieutenant BROOKS liked the way I walked. He'd show me a map, show me grids, where we was going, night or day, he'd just say just take me there, you know, and I would--

Q. (Interposing) You could read the map?

A. Oh, yeah, and he'd just show me over here (indicating), and we wanted to go there and very seldom--he'd never even say anything, we may be going 2 or 3 clicks, and even up to 4, 5 clicks.

And one night operation, I think 4 clicks, and the only thing, when we got about half way, he told me I was getting a little too close to a village, and they were liable to hear us. So we had to go out a little farther, in the rice paddy, to get around it, but he was pretty good on that, you know. And he would just tell me take us there, that's where we want to go, and once in awhile we would hold up to make sure that everyone was caught but--

Q. (Interposing) Would you tell us what happened after the group was shot?

A. Well, right at or in that time there, was several people raping several women in this area and--

Q. You described one rape incident on the CID statement, would you go through that please?

A. Okay, I really don't know who it was, if that's the one you're referring to. There was three guys on--

Q. You mentioned HODGES.

A. Sergeant HODGES took one girl there, and drug her into a compartment, like in a hootch there, you know, and hootches don't have doors or nothing, and you could see, and he raped one girl inside there. And then there was three other guys and one girl all at one time, as I stated in there too. And there was--

Q. (Interposing) You don't know who they were though?

A. No, I can't really say, like I stated in there, I names one or two names, it could possibly have been them, but I can't definitely say, because the chances of bringing in somebody that never raped anybody are too great, you know, to say I'm sure, or I believe that this person did it.

Q. I couldn't tell from your CID statement whether the girl that HODGES raped--

A. (Interposing) Had been previously raped?

Q. Was it the same girl who was with the three soldiers.

A. I believe it is, to my knowledge, you know, what I keep remembering. I can't remember which one comes first, you know I mean--

(BUNNING)

Q. (Interposing) Well you indicate that, in your statement to the CID.

MR WEST: You said this: "First, I observed a Mexican-American having sexual intercourse with a Vietnamese girl about 18 years old. She was only wearing a blouse that was unbuttoned. When he finished, the girl got up to get away, and HODGES grabbed her."

A. It may be even related when I said that--that one Mexican-American--it may have been the time all three of them were on this girl. I'm not sure.

Q. On that part of it you said this. "Either before or after HODGES raped her I saw three U.S. soldiers with her."

A. It's possible that those three could even be at the same time I saw the one because as it was, I think that one of them started, and the other two got into the action all at the same time.

Q. I see. You said further. "One was having normal sexual intercourse, while the other had his penis in her mouth, at the same time, she was fondling the penis of the third man"?

A. Right.

Q. You also said that: "Two of them may have been DELGADO and RODRIGUEZ"?

A. Yes. This is when I got thinking afterwards. I hate to say yes, I know these are the men because--

Q. (Interposing) I think you made it clear that you are not certain.

A. Right. Because there is too great a possibility that one of them isn't and you can't--I mean, one of them may, and one of them may not, or they both may.

Q. You also indicated that MCBREEN and Leonard GONZALEZ may have seen HODGES?

A. It's possible, because I know, we were all in the same area there. I stayed pretty close to GONZALEZ throughout this operation except for the last time when we were

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getting ready to move out, because whenever I am walking point we have a certain formation to follow and GONZALEZ ended up on the end. But when we was going through a village or something, GONZALEZ and I were pretty good friends and he would, if possible, you know--we would be next to each other.

Q. Now, you said to the CID agent that you observed several rapes?

A. Right. There were--

Q. (Interposing) Can you describe any others that took place there in Binh Tay?

A. Well, as far as any particular detail, you know. A guy would just grab one of the girls there and in one or two incidents they shot the girls when they got done. And when we were about halfway through the village, is when we got word to quit killing people.

Q. How did you hear about this?

A. As close as I can remember, it came to Lieutenant BROOKS over the company net and he told us.

Q. Did he yell to everybody? Do you remember what his words were?

A. Not exactly. He said something to the effect that Captain MEDINA says that that's enough shooting now. We have to quit now. To me it didn't make any sense. I couldn't figure out why we had to quit right now, when MEDINA said we were going to go right through. All I could ever figure out was, he figured he got away with as much as he probably thought we were going to get away with, or something like this, 'cause, you know, we had already killed quite a few people and beings the original orders were not to actually kill everybody there from BARKER--Colonel BARKER'S orders were not to--he didn't say go in and kill everybody, you know. At least that's the way the orders came down to us, that he didn't say it.

Q. When you say this, are you basing this on something Captain MEDINA said the day before?

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A. Basing, which part is that?

Q. You said earlier that Captain MEDINA had said that higher authority hadn't exactly said to kill everybody and you just now mentioned Colonel BARKER's name?

A. Well, Colonel BARKER was one step up from Captain MEDINA.

Q. Well, it's your assumption then that this came from Colonel BARKER?

A. Not to kill everybody you mean?

Q. Right?

A. You mean to just go through on a regular search and destroy, and take only the enemy, and to this effect?

Q. Well, when you spoke of higher authority you meant Colonel BARKER?

A. Right.

Q. It was your assumption then that it was Colonel BARKER? You didn't actually know, did you, that he had issued the orders?

A. I am almost sure it is. I mean, he issued the orders for the operation which he got, no doubt from higher up, because he was our task force leader.

Q. Was he present at the briefing?

A. No. MEDINA went to him.

Q. What information you got, I take it, came from Captain MEDINA?

A. Right. That was the highest any of our direct information came from.

IO: What specifically did Captain MEDINA say with respect to the village?

A. On the briefing?

Q. Yes?

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A. Well, like I already said earlier--

Q. (Interposing) I'd like to hear it anyway?

A. Right. He said in there, to the effect that we were to go into this village, and it was a Viet Cong stronghold, you know, and we all knew it was out of our area of operation. And we lost a lot of casualties, and had a lot of people killed just across from it, and we never could even fire upon this place. But like earlier, we would be right next to it, and get shot, and all we could do was get up and run. We couldn't even shoot back because it was out of our AO. But, anyhow he said that we were to go in there, and it was going to be a 3-day operation, and we were to kill everybody in there in this operation. And he says that the orders actually come from higher up, you know, and we are not to actually kill everybody, but just enemy and such in this order. He says that we are going to destroy--I believe he said, also said from higher up, you know that destroying something about the houses and something, that came from higher up, to a degree of enemy buildings and or enemy bunkers and stuff like this.

Also, 'cause the way he put it to us, it was saying that this definitely was going to be--in other words, we were going in here and we were going to have a fight; is one thing that he did claim too, which I really didn't bring out before. He did make it quite plain that we were to run into enemy forces, which to my belief, we never did see any, or receive any fire that I know of. The two people that ran never shot at us that I know of. Anyhow, he said that we were going to go in there and kill everybody in this village, and in this area, and the operation. And he said, that this was our chance, and we were going to do it now, to get revenge on all the people we previously lost.

Q. He said that in just those words, huh?

A. In those words to that effect. Now, I won't say that those were his exact words, but they did mean that we were going to get revenge on the--he didn't call them civilians. I mean, it was known and pretty well figured that these are enemy supporters or enemy in this area. Anybody can see that when a bunch of guys with rifles run out of a village and are carrying rice, they know them villagers that are back there, know that they just left with their rice. It may be forced upon these villagers, now, and this is possible, although I've seen them before when I knew it

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wasn't. We chased as many as 30 guys out of one little village and everybody ran out with weapons and everything and you know this many--the villagers just played dumb and we can't speak Vietnamese. But, anyhow he stated in those words that we were going to get revenge for the recent losses that we had taken in this area of operations.

MR MACCRATE: Did he also make it appear that anything you wanted to do to the villagers, such as raping them or otherwise was perfectly all right?

A. No. This was never said to be all right or anything like that. You mean, did MEDINA say this and--

Q. (Interposing) Yes?

A. No. He didn't to my knowledge. He didn't say for us to go ahead and rape the girls if we wanted to, or nothing. He never stipulated don't rape them, but he never said go ahead. We were to kill everything and destroy everything and that was it.

MR WALSH: Could as many as seven rapes have taken place in that village north of the main village that you described?

A. That would sound like about the right number. I think that would be just about right.

Q. All of the rapes that you observed, were they by Negro soldiers or were there white soldiers involved also?

A. I am quite sure that some were by white and some were by Spanish-American. Several were done by those. I wouldn't say several, but some. I know in one incident, there was at least two of them involved in that one. Like I say, I don't know exactly which one was involved where, but I would say that it was all three types of people.

MR WEST: Did you have a good view of this initial rape incident that you describe?

A. Well, relatively good. It was enough to make you sick and not stand there and look. You mean--it was 30 feet away if that's what you mean.

Q. You could see through the door of the hootch?

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A. On Sergeant HODGES?

Q. Yes.

A. Yes. I never stayed there--you could see him raping the girl. He got her on the ground and all this, but I never stayed there and watched him for 2 or 3 minutes or nothing.

Q. What I was getting at was did you have the same kind of view of other incidents of rape?

A. Yes. There were--maybe not quite as close. In fact, when HODGES was in there I even went inside. The hootch was in one part, and it went into another back part almost, and it's not real visible from the outside. But I did go into the first part and I had to ask him a question on what we were doing or something--I forgot what the question was, but I did go to the door or in part way and I could see him plainly and I asked him some question which I really don't remember. It was something to the effect of our operations going through there.

MR MACCRATE: What was Lieutenant BROOKS doing all this time?

A. In this village that we were in?

Q. During all these rapes? Was he just going around and patting everyone on the back?

A. No. In fact, Lieutenant BROOKS was a real good man, and these rapes almost had to be done behind his back, because he was one man that didn't tolerate it.

Q. The way you described it, it wasn't behind anyone's back. It just doesn't make sense to me that if anyone was trying to stop it that he didn't know what was going on?

A. Well, here is one thing. You can't stop it. I mean when we first got over there--I mean these aren't the only rapes. You guys all know that. When we first got over there--I am strictly against molesting any women, or girl, or female sex. I mean it's not my nature and when we first got over there--the first 3 weeks or so we were at Qui Nhon receiving all our stuff, so it was a month after, before we ever got in the field, and probably another month later, and then people just started raping girls, you know.

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Q. You told us yourself, a few minutes ago that the order was passed and then it all stopped. Why didn't Lieutenant BROOKS pass the order himself if he was so concerned about this situation?

A. To stop what?

Q. To stop the raping?

A. No, to stop the killing. The raping still went on.

Q. The raping still went on after the order?

A. Yes. To stop the killing, but anyhow earlier, after we had been in the field a month or so, and after we had been over there a couple of months, raping did start. And being that I am against it, and I was the biggest guy in the company--ROSCHEVITZ had about 5 or 6 pounds on me, but other then that--I've lost--from over there I've lost 25 pounds. I lost 15 from malaria, and 15 or so from getting shot, and I have gained some back--but anyway I was the biggest guy in the company and when these guys first started raping the girls--these were young girls. Some were 15 and 16 years old you know, and some were down as low as 13, and maybe 12. I'd go up to a guy, 'cause I am bigger than him, you know, and say, "You leave that girl alone." Well, this goes good for a couple of weeks, and everyday or so, I would be pulling off two or three guys, and telling them, "You leave that girl alone." After a couple of weeks of this I had about 5 guys come to me and they says, "Look BUNNING"--everybody goes by last names--they said, "Look BUNNING, you leave us alone or we are going to kill you."

Now, what can you do with a fact like this? What can Lieutenant BROOKS do when those people are out there raping. All that they got to do is shoot him. We had a pretty rough bunch in the company. Our men were, and what can a person do? People threatened to write back to their Congressmen about stuff, and other people would threaten them, you know. Just about anything. People wanted to complain because our conditions were even bad, and they have been threatened that you don't write your Congressman nothing. You don't ever write to your Congressman, you know. What can you really do? I mean, we're sent over there, and nobody really wants to go over there, and here is all this stuff going on. I am against it all.

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All that I know to date is that, I killed one girl over there which definitely was an enemy, and it was in a night operation when we went out there. In fact, we didn't even know what we were shooting at. Me and another guy was out there and we were just shooting at everything that run from us. It was a night operation, where nobody is allowed out at night, and they were definitely enemy, and that is the only person I ever killed that I know of, and I don't shoot my gun over there, or my weapon, until I have to. When we are shot at and stuff like this, but when you are shot at you never see where you're getting shot from. You never see them, but what can you do when you know that these guys are going to kill you? Do you press the issue?

Lieutenant BROOKS tried at the very beginning when he first took over the platoon, and he almost stopped rapes completely, you know, and I thought he was going to be able to make it and--for quite awhile I would say that there was none of it going on because he was a good man and well, you can't control everybody all the time. You set up your headquarters here, and Lieutenant BROOKS stays back here with his headquarters section and one squad. The other two or three squads go out there and operate. He has no control over them. The squad leader is the only one that has control over them. What they rape and do out there is only among the squad. He never even knows what happens, so--there was other officers--we had one or two other officers--we even had one CO and he was dead against it. I mean, he said that he would prosecute them if he caught anybody raping and this slowed it down a whole bunch, but what can you do?

I can't say whether BROOKS saw or did not see anybody raped during this time. But he was a man that was against it, and he himself never took part and I know that, or at least I know for a fact that I never seen him taking part. And to me, he was really a good man, because he tried to stop it, and I don't know why he really slacked off, or whether he saw that it was useless, or whether somebody threatened him, too. I mean, what are you going to do if five people come up to you and say if you don't do this, we are going to kill you? What can you do? You can't shoot them all, and if you do, then you go to jail for that, and all we are over there for is for 12 months, and to get back home.

MR WEST: I take it that Sergeant HODGES wasn't making any effort to stop it?

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A. No. He kind of liked it himself. No, he wouldn't stop it. Then, Sergeant BUCHANON on the other hand--sometimes has done it that I know of--not raped. Stopped it I mean. He's never raped that I've seen myself or know of, but he wasn't a man that was all for it, and I've seen him at times stop men, and at other times I've seen him let them go ahead.

Q. Do you remember seeing a rape incident involving a man named TORRES and another man named Joe T. JOLLY? This was supposed to have happened in this (indicating) 2d Platoon area.

A. It couldn't have happened here. There was no time down in here that I know of. (Pointing to the aerial photograph, of My Lai (4) TORRES is another Spanish-American and he may have even been one of them in that three. I don't know. It's possible.

Q. Joe T. JOLLY, as I remember is the FO?

A. Yes. The mortar FO.

Q. You knew him?

A. To a degree. Right.

Q. Do you remember seeing him involved in a rape?

A. I can't definitely say in this village, I did. No. In fact, even out of this village, I never had a lot of contact with him, because he stays with headquarters again.

Q. Now, we've gone over the rape incidents pretty well. Let's go back to the point where Lieutenant BROOKS received the orders to stop the killing. Could you describe what happened after that with the platoon?

A. After that, we were halfway through the village.

Q. This was Binh Tay?

A. Right. We were about halfway through it, so we just continued through it and we didn't kill anybody else then and--I don't even know. There may have been one or two people killed. I know that one person went down a bunker

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and wouldn't come out and somebody threw a grenade in, so I don't know what happened to him when somebody threw a grenade. A bunker, they consider their little bomb shelter. I don't know if it is the proper word for it or not. What they actually are is bomb shelters. They are not a fortified bunker position.

Q. Not a fighting bunker position?

A. No. Right. They are bomb shelters and then run in there for protection and--anyhow, we just continued through the village and got all the people together, who came back to the front part of the village heading through My Lai (4).

Q. The south part of the village?

A. Right. There at that time we had somewhere around 30 or more people grouped together, and as I recall it BROOKS called back up MEDINA again, and confirmed for us to come back over here and we turned those people loose and we went back over there (indicating on Exhibit P-1).

Q. A problem we've had is trying to determine just where the platoon went after it moved back to south from Binh Tay and whether you went into My Lai (4) again?

A. As I recall it, the only possible place we could have been in right here, back in that position being--

Q. (Interposing) Indicating the northeast corner of My Lai (4)?

A. Right. Being due to the fact here that I remember eating lunch right next to a hootch burning, with dead bodies in it, and I don't think--it's possible that that could have taken place before we went out here (indicating), but I don't think it did, but it is possible, so I can't really stipulate that. To my knowledge I would almost state that we went back to this corner again and ate lunch there.

Q. We've had testimony that you did eat lunch back at My Lai (4) someplace.

A. It would be this corner (indicating). I can't remember if we ate lunch before or after we came back, but I do know that the hootches were burning and we didn't set

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them on fire. So it would have to be when we came back, 'cause it was a pretty good smell of the bodies burning up.

MR WEST: We will have a short recess.

(The hearing recessed at 1208 hours, 16 January 1970.)

(The hearing reconvened at 1217 hours, 16 January 1970.)

MR WEST: The following persons are present: MR WEST, MAJ ZYCHOWSKI, and MAJ COOP.

MR. BUNNING, you are reminded you are still under oath.

A. Yes, sir.

MR WEST: Your recollection is that you ate lunch about on the northeast corner of My Lai (4) (indicating).

A. I know we ate lunch there and whether it was before or after, I am not sure of.

Q. Did you move to the south at all and down in perhaps the 1st Platoon area or anywhere in that area?

A. No. When I ate lunch I was still completely over here (indicating) which would be on the north of the western end of it and we never moved. I was never once in the 1st Platoon's area. We never moved through it, even when we moved out.

Q. When the platoon came back from Binh Tay, did you do anymore or did the platoon go through anymore of My Lai (4)?

A. As far as I can remember we came right back on the trail and walked right to the corner of this thing (indicating).

Q. Did you set up a perimeter?

A. Right. We set up a perimeter guard right here (indicating) on the end. I believe we was here and another platoon was here. Most likely the 3d Platoon was back at the rear or the back half of the perimeter.

Q. Were you visited at My Lai (4) that morning by any officers of the task force or the brigade or the division?

A. Out in the field?

Q. Yes? Did you see any visiting officers that morning at all?

A. No. Not that I can remember. I believe there was some in the air, but none on the ground that I know of.

Q. When you say in the air, do you mean in helicopters?

A. Right. It would have to be a helicopter because I don't remember any small planes on this one.

Q. Did you know Colonel BEERS, Lieutenant Colonel BEERS who was the commander of the 1/20, the battalion commander?

A. I have met with him, but I don't know--

Q. (Interposing) You know him when you see him?

A. I did then, but I couldn't swear that I could recognize him now.

Q. I understand. You knew him by sight. Did you see him there that day or the day following?

A. No. Well, that's really hard to remember. He has landed in the field several times. I don't definitely recall that he did land on this operation, and I can't say that he didn't land, but I don't recall seeing him.

Q. But, you have seen him land before and visit Charlie Company?

A. He doesn't visit Charlie Company because Charlie Company doesn't like him. He visits the CO, MEDINA or whoever the CO is, and tells him about our operation orders, because for some reason or another--

Q. (Interposing) Did this happen during the time that Charlie Company was with Task Force Barker?

A. You mean that we did not like him?

Q. No. When he came to visit, was this during the time when the company was with Task Force Barker?

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A. I don't think so because, we were not under his direct control anymore, and I don't think he did.

Q. You don't recall him appearing that time?

A. No.

Q. Do you recall what Charlie Company did for the rest of that day, the 16th?

A. Well, as I remember we moved--that's west?

Q. East?

A. We moved east and as far as I know we just moved out here several hundred meters and set up. I don't remember going through any more villages. I know there was no more killings or any of this, but we moved several hundred meters east and possibly even south. I might recognize it on a bigger map?

MR WEST: Let the record indicate that the witness is examining Exhibit MAP-4.

A. I believe that it would be almost directly east.

Q. We have had evidence that the company moved to the east and joined up with Bravo at the 4/3 and laagered for the night around the graveyard?

A. Right.

Q. Does that fit into your recollection?

A. Yes, but I can't remember for sure whether we did have them on our perimeter or not. I can't say for sure if we did or not. You know when you set up a perimeter, you make a pretty big perimeter as it is, but it was in a graveyard and looking in the map I am quite sure it was to the east and maybe to the south just a little bit. It was in that direction.

Q. That afternoon or that evening, did you see any National Police?

A. Yes. We had--what's considered National Police. We had Vietnamese soldier interpreters, and we had somebody that was popular force. I don't know if you call them

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the National Police or not, but they were Popular Force. We had one or two of them with us. Afterwards, they were--well, we took men and held them in the form of captive to become our point men and as I remember--being as I walked point I was in charge of one, see, and I had to shove this guy out in front of me. As I recall they told me to make sure that this Vietnamese soldier did not get to him because he would kill him--that he would kill the guy we had, see. At one place, or one time I seen him and one of them walk up to one of the other ones, and was talking to him and got quite mad and had to be almost literally separated, so that he wouldn't beat this guy up. They can talk their language, and they start asking them information, and we don't know what they are saying or nothing, but by beating them, they get a little more information and what they want so we--we did have--I don't know whether they were police or Popular Forces or what they were, but we had several different kinds with us, but we did have--whether it was that night or the next day I can't remember for sure, but we did have them there.

Q. Did you see any of the prisoners killed by any of these men? Did you see that or hear about?

A. One of the prisoners killed by a South Vietnamese soldier?

Q. Yes? National Police, or Popular Force, or what?

A. No. I didn't. We wouldn't let him get near ours because he might do it.

Q. You never heard this?

A. No, not that he killed one.

Q. Along in the afternoon, did you see any visiting officers from Task Force Barker?

A. I can't really say whether I did or didn't. It's possible.

Q. Did you know Captain KOTOUC? He was the S2 of Task Force Barker?

A. I did not know him. His name is familiar, but I don't know him.

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Q. Do you recall the events of the next 2 days; the 17th and 18th?

A. Mostly the next day when we moved almost to the south and, I believe a little bit eastward. There was some big water out there and it was quite wide. We moved from there to here, and through these next villages (indicating), and there wasn't anybody in them. There wasn't even anybody in there, or any animals, or anything so we went from--we overnighted and went up to here, to the water and sometime during while we were here or going to here (indicating) Lieutenant CALLEY took his platoon over to one of the hills in the area to see if we could have an overnight position on it. And all I know is they went up one way and came down the wrong way because they ran into a mine coming down and that is just what I heard.

Q. How about the little villages that you went through? Anything happen to them?

A. Well, we burned them as we went through them. They were all burned, wherever we went through.

Q. Is that where you spent the night?

A. As I recall we went to the water and almost back tracked. There was some talk that we were going to spend it in the same position, and I don't swear that we didn't. It should be logged in the army book. All of our positions are. I know we did go quite a ways back in the same direction.

Q. Do you recall what happened the next day?

A. The next day the main thing we did was to walk out and get picked up and I recall as we walked out in my squad we lost two guys from one mine which was GONZALEZ and TREVINO. They didn't die to my knowledge, but they was just wounded.

Q. They were medevac'd out I take it?

A. Right.

Q. Now, when you were lifted out by helicopter, where were you taken?

A. I believe it was back to Dottie. I mean, we get picked up and taken so many times. I believe it was Dottie.