

the pilots?

A. There were weapons over there.

Q. But you didn't find them?

A. No, sir.

Q. Mr. FLYNN, would you continue your route from point 1?

A. Well, we were back up here along the big trail.

Q. You moved back up to the southern part of the village to this trail. Is that correct?

A. Yes, sir, and we came down along here.

Q. You moved down this trail in a easterly direction?

A. Yes, right in here.

Q. Before you came to the north-south trail, did you observe anything else which stands in your mind from point 1 to this north-south trail?

A. When those people were running but they weren't shot or anything.

Q. At the north-south trail what happened there?

A. Well, that's where CARTER was. Well, CARTER was right where the blue line is.

Q. On the western part of the trail?

A. And right down in here, maybe about 10 meters down this trail there was a big pile of dead bodies there.

Q. Before we got to the bodies, this would be about the area here where CARTER --

A. (Interposing) Right about in here some place.

Q. Right by the trail here?

(FLYNN)

A. Yes, sir.

Q. This is where you saw him actually sitting. Is that correct?

A. Yes, sir.

Q. Point 2 will be the approximate area where Mr. FLYNN observed CARTER when he was wounded.

Okay. You mentioned then that a dustoff was called in for CARTER and a chopper came in. Would you show the approximate area where the chopper landed. In this case, it is on the eastern side of the trail?

A. Yes, sir, I believe so.

Q. Point 3 will be the approximate area where Mr. FLYNN observed the chopper land and pick up CARTER and evacuate him. Mr. FLYNN, you indicated you saw bodies on this north-south trail. Would you point on the map the approximate location?

A. Right here.

Q. Mr. FLYNN, where were you located, physically located, when you observed these bodies?

A. Right up on the corner.

Q. You were right there in the approximate area where CARTER was at, point 2?

A. Yes, sir.

Q. Approximately how many bodies would you say were located here?

A. Between 15 and 20.

Q. Point 4, the approximate area where Mr. FLYNN observed from 15 to 20 bodies on the trail, north-south trail, south of the village of My Lai (4). Mr. FLYNN, could you estimate the approximate distance that these bodies were from the southern edge of the village?

(FLYNN)

44

APP T-355

392
28

A. About 10 meters.

Q. Okay. Mr. FLYNN, did you observe anything else that stands out in your mind of this area?

A. No, sir.

Q. Would you please continue your route through the village of My Lai (4)?

A. From this part we started in this corner right over here.

Q. You then proceeded in a northeasterly direction. Is that correct?

A. Yes.

Q. Mr. FLYNN, when you were going from point 2 in a northeasterly direction toward the eastern part of the village did you observe anything there that stands out in your mind?

A. Just the dead body in front of the houses and things like that.

Q. You saw dead bodies in front of the houses along the trail?

A. Yes.

Q. Could you estimate the number you saw along the trail?

A. No, not really. But in one place in here I remember looking into a house. The floor was almost covered with dead bodies in there and on the outside of the hootches and places like that. Some were burning and there was dead bodies lying out in front of there.

Q. You couldn't estimate the approximate number that you saw there?

A. No, sir.

Q. As you reached the eastern edge of the village,

(FLYNN)

you indicated in your prior testimony that you observed a ditch somewhere with some bodies in it. Could you indicate the approximate area where you observed this ditch?

A. I believe it was right around in here some place.

Q. On your right as you were going through the village?

A. It was on the outer edge of the village.

Q. On the outer edge of the village?

A. Yes, sir, that's where I was.

Q. I would be correct then, in saying in a north-easterly direction?

A. Right.

Q. Mr. FLYNN, when you arrived at the eastern edge of the village, is this where you ate lunch?

A. Yes, sir.

Q. And prior to eating lunch, you mentioned that Captain MEDINA gave an order to stop the killing to the platoon leaders. Can you recall about what your location was when you heard this order given?

A. Right about in here.

Q. Point 5 would be the approximate location of Mr. FLYNN when he heard the order given by Captain MEDINA to stop the killing. Now, Mr. FLYNN, after you ate lunch what happened?

A. Well, we started going up in this northeasterly direction, right up around in here some place. Well, I know they went up through in here.

Q. But you went in a easterly-northeasterly direction?

A. Yes, sir. I can't remember exactly where it was.

(FLYNN)

They were interrogating these prisoners.

Q. That would be at the laager area?

A. No.

Q. This was before then, the middle of the afternoon. This was when the American officers were interrogating the Vietnamese?

A. Yes, sir.

Q. This was not in the cemetery area, then?

A. It could have been there, but I know it was toward -- it was more towards there.

Q. You don't recall being in that cemetery whenever this interrogation was taking place?

A. There wasn't any cemetery.

Q. We have this on the record here, from your previous testimony where you were located. You mentioned this ditch with a number of bodies located in it. Could you indicate the approximate area where this may have been?

A. Well, it was in here someplace. I know I was walking down through here. As I looked down to the right, you look down in the ditch, you look down in there.

Q. As you left the eastern part of My Lai (4), going in a northeasterly direction, somewhere on your right you observed a ditch that had bodies in it. Is that correct?

A. Yes.

Q. Do you know the approximate number you may have seen?

A. Well, I couldn't say how many there were but there were quite a few.

Q. How close were you to this ditch?

(FLYNN)

28
395

A. About 25 meters.

Q. As you walked along it, you glanced to the right?

A. Yes, sir.

Q. Was there any comment made at this time by anyone about the bodies in that ditch?

A. No, sir. We were walking -- usually we walked about 10 meters apart or something like that.

Q. Mr. FLYNN, at this time, I'll show you the photographs which you have indicated you recognized and ask you to describe it for me and to state what you do recognized about the photograph, P-2?

A. That's that old man that we found in that one house and they didn't kill him.

Q. Do you recall on the map where this may have been located?

A. Somewhere in the vicinity of point 2 on the map here.

Q. Point 2 would be that where CARTER had been wounded. In this case it would be on the eastern part of the north-south trail.

A. Well, the western.

Q. Excuse me, the western part.

Q. P-3?

A. Same location.

Q. P-3 and P-4?

A. The same.

Q. P-2, P-3, and P-4 are the same Vietnamese and were

(FLYNN)

all located in the same vicinity. Is that correct?

A. Yes, sir.

Q. Do you recognize the individual in P-3, the Vietnamese soldier?

A. Yes, sir.

Q. Sergeant PHU?

A. Yes, sir.

Q. How about P-4?

A. I can't see who it is.

Q. Do you know who this may have been with his back turned on the extreme right of the picture?

A. No, sir.

Q. P-6, located in the vicinity of 2, do you recognize anybody in the photograph?

A. Just him.

Q. In this case, CARTER who was in the center of the photograph lying down. No one else?

A. No, sir.

Q. P-7?

A. It was in the same area.

Q. Do you recognize anyone?

A. No, sir.

Q. Did you recognize CARTER?

A. Yes, sir. I believe that's one of Captain MEDINA's RTO's, P-8.

(FLYNN)

49

APP T-355

Q. P-8, you recognize CARTER being treated. CARTER in this picture, is on the right sitting down. Did you recognize anybody else?

A. MARTIN on Captain MEDINA's right. His artillery forward observer, RTO.

Q. MARTIN is the person sitting down in the left back ground of the photograph.

Q. P-9?

A. That's in the same area.

Q. The chopper landed over here. Do you recognize the personnel in the photograph?

A. All I know is his first name is Fred.

Q. Do you know his last name?

A. No, sir.

Q. You recognize CARTER?

A. Yes, sir.

Q. How about this person here?

A. I don't know his name.

Q. So P-9 is enroute to the chopper?

A. Yes, sir.

Q. P-10?

A. That's right, in the same area.

Q. That's BERNHARDT on the right standing up?

A. Yes, sir.

Q. P-11 and P-12 are photographs showing CARTER being taken to the chopper. P-11 and P-12 were somewhere near 3,

383

28

then. Is that right?

A. Yes, sir.

Q. What do you recognize about P-13?

A. That's ---

Q. (Interposing) Do you know their names? Who is this?

A. He is the artillery FO.

Q. What's his name?

A. Well, I can't say.

Q. You don't know the person's name here on the right?

A. No.

Q. Who is the person sitting to his right without his steel pot on?

A. He was the 81mm mortar platoon sergeant, Sergeant MARONEY.

Q. Sergeant PHU is the third person from the right in the photograph and to the right of Sergeant MARONEY? Is that correct? }

A. Yes, sir.

Q. Who is that?

A. Myself.

Q. This is you with a steel pot off and your hands behind your head?

A. Yes, sir.

Q. In this case, to the right of Sergeant PHU?

(FLYNN)

51

APP T-355

A. Yes, sir.

Q. Anything else you recognize?

A. No, sir.

Q. P-16, you saw this house here?

A. Yes, sir.

Q. This is in My Lai (4)?

A. Yes, sir.

Q. Do you know approximately where you saw this?

A. Well, I don't think I could place it.

Q. It would be somewhere around point 2?

A. More towards the outer edge.

Q. You couldn't actually plot it on the map then, right?

A. No, sir.

Q. Photograph 17, does that look familiar?

A. Yes, sir.

Q. Do you recognize those people on there? Let's start from the right over here. You don't recall the person's name on the far left of the picture, then?

A. That's Lieutenant ALAUX and Sergeant MARONEY.

Q. Sergeant MARONEY is the one without the steel pot on. Sergeant PHU is to the right of Sergeant MARONEY.

A. This is Captain MEDINA.

Q. Captain MEDINA is standing in the background, and what is he doing?

A. Pointing.

Q. How about the person sitting there with his hands behind his head?

A. That's myself.

Q. Do you recognize anybody to the left here? CAPEZZA would be the third person from the left of the photograph? Is that correct?

A. Yes, sir.

Q. In this case his left hand is holding his M-16, which is on the ground? Is that right?

A. Yes, sir.

Q. Do you recognize anyone else?

A. That's an engineer.

Q. The engineer is the second person from the left standing. How about this person here?

A. He's from the 81mm mortar platoon. I didn't know his name at all. I didn't know him all that well. This is MARTIN right back in here, Lieutenant ALAUX's RTO.

Q. MARTIN would be the fourth person from the left, standing by the tree?

A. Yes, sir.

Q. Is there anybody else you recognize in that photo?

A. No, sir.

Q. Do you recall where this picture was taken?

A. No, sir.

Q. P-18?

A. That was some suspects that they had captured.

(FLYNN)

Q. Do you know who this is, the U.S. soldier?

A. No, sir, I don't.

Q. This was identified as being in B/4/3 area. P-35, what do you recognize in that photograph?

A. I have seen that, all that stuff being set on fire.

Q. Did you recognize who the soldier is?

A. No, sir.

Q. Is this My Lai (4)?

A. Yes, sir.

Q. P-36 would be that of CARTER, which you indicated in the black and white photo before?

A. Yes, sir.

Q. P-41?

A. I recall that, sir.

Q. Where was this at?

A. The north-south trail.

Q. This is where you have indicated as point 4, where you observed 15 or 20 bodies?

A. Yes, sir.

Q. Mr. FLYNN, if the information which has been placed on the photograph is correct to the best of your memory. I would ask you at this time, to sign your name at the upper left-hand corner.

(The witness did as instructed.)

This photograph, which is signed by Mr. FLYNN, is entered into the record as P-226.

(FLYNN)

54

APP T-355

28 402

Mr. FLYNN, when did you first join the 11th Brigade?

A. August of 1966, I believe.

Q. And where did you join them?

A. In Hawaii.

Q. While you were in Hawaii and prior to going to Vietnam, the brigade did make some preparations and training. That is prior to the 11th Brigade going to Vietnam there was a certain amount of training that I'm sure they conducted prior to that departure.

A. Yes, sir.

Q. Do you recall if you had any training on the handling of noncombatants and prisoners of war?

A. Myself, no.

Q. You didn't receive any at all?

A. No, sir.

Q. Mr. FLYNN, I show you a Xerox copy of Exhibit M-2, which is entitled, "Nine Rules." I'd like to show it to you and have you look at it and let me know if you have ever seen this card or if you were issued this card. This would be a little card that would be issued to personnel, the type you would have carried it in your wallet.

(The witness reviews Exhibit M-2.)

A. I have never seen it.

Q. Okay. I also show you on the same sheet here Exhibit M-3, which is entitled, "The Enemy In Your Hands." Again, I would ask you to read this over and let me know if you have ever seen this card or were issued a card.

A. No, sir.

Q. Where did you arrive in Vietnam?

A. Qui Nhon.

(FLYNN)

55

APP T-355

Q. How long did you stay there?

A. Just overnight.

Q. Where did you go from there?

A. To Duc Pho.

Q. Did you have any training there on the handling of noncombatants, the prisoners of war?

A. No, sir. I was with the 4.2 mortar then and maybe they didn't think we needed that.

Q. Mr. FLYNN, we've discussed a number of things that occurred on the 16th of March and after that. Is there anything else now, that you can recall that we haven't discussed or perhaps has come to mind that you can relate.

A. No, sir.

Q. At this time, I'd like to give you the opportunity to make any statement that you would like to make or anything else you would like to say about this incident.

A. I don't think the blame should go on CALLEY.

Q. Mr. FLYNN, it is requested that you not discuss your testimony with others except in the performance of duty or as you may be required to do so before a competent judicial or legislative or administrative body. I asked you before if you had received a letter from the military judge in the case United States v. Calley, and you indicated in this case that you did not. If you had received such a notification, your appearing here today and testifying would in no way change the applicability and the effect of that order. My request that you not discuss your testimony with others would not apply if you had to appear at the court martial. You may be requested to appear before a special subcommittee of the House Armed Services Committee. Now, this committee is looking into the entire incident of My Lai and your appearance and instructions before the Peers Inquiry in no way restricts your

28 404

appearance before the House Armed Services Committee. Do you understand that?

A. Yes, sir.

Q. You will be notified prior to your departure if you are to appear before that committee. Mr. FLYNN, are there any questions that you have that I can answer at this time?

A. No, sir.

Q. Mr. FLYNN, we appreciate your coming and giving us the information you have. It has been very helpful to us. Thank you very much.

(The hearing recessed at 1605 hours, 11 February 1970.)

(FLYNN)

28 405