

Q. And you also, according to the testimony of Warrant Officer THOMPSON, made records in your notebook, on a piece of paper of some variety, as to the critical points that he described to you. Now, subsequent to Warrant Officer THOMPSON's departing the van where you interviewed him, three individuals had come up to the hill together. One was a pilot, Warrant Officer CULVERHOUSE, and one was a door-gunner for Warrant Officer THOMPSON. His name was COLBURN, and they have both indicated that they talked to you, indicated how long they talked with you, and they indicated you took notes. This is without any prompting on our part, and as you completed interviewing them, they went back down the hill, back to the shack of the 123d Aviation Battalion back at the landing zone at Dottie. So the point is, with this from the testimony of Warrant Officer THOMPSON and from the testimony of these other two individuals, you had a lot of information as to what transpired at My Lai (4) on the morning of the 16th.

A. I did not have any evidence or any statements from anybody but Warrant Officer THOMPSON from the 123d Aviation Company. I did not see any other individuals except Major WILSON.

Q. Major WILSON was not there. It was Major WATKE.

A. It was not Major WATKE. It was Major WILSON.

Q. Major WILSON does not remember it. We've also interviewed Major WILSON. But Major WATKE remembers the incident quite well.

MR WEST: I took Major WILSON's testimony. He was not at LZ Dottie that day. He didn't leave Duc Pho.

A. He wouldn't have been at Duc Pho.

Q. I mean Chu Lai, his base. He was the executive officer. He very definitely was not at Landing Zone Dottie that day. We brought him from Alamogordo, New Mexico, to ask him these questions.

MR WALSH: I take it you adhere to your prior testimony; you were not directed to conduct the investigation of these allegations by General YOUNG?

A. That is correct, sir.

Q. After the meeting you went out to interview Captain MEDINA in the field?

A. Yes, sir.

Q. And you spoke to him and he told you that 28 noncom-batants had been killed by artillery and gunships?

A. I'm not sure of the number. It was different from the 20 that I had heard previously. Whether it was greater or less, I'm not confident that I recall.

Q. Well, your memorandum made reference to 24. Your previous testimony has indicated that he gave you a number between 20 and 28. But it was larger than 20?

A. Yes, sir.

Q. And then you went through the motions of your investigation of the warrant officer's allegations in terms of talking to people when they came back in out of the field, in talking to Colonel BARKER; and sometime prior to the 20th, you made a preliminary report to General YOUNG. Now, I want you to recall for us where you were when you made your preliminary report to General YOUNG, and what you said to him, and what he said to you.

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A. I believe that it was at Duc Pho that I made my report to General YOUNG. I reported to him Captain MEDINA's rebuttal of the warrant officer's accusations.

Q. Was General YOUNG familiar with the warrant officer's allegations?

A. I felt that he was, sir. I'm confident he was.

IO: What day was this, approximately? You had met him on the 18th and you talked to THOMPSON on the 18th. What day was this that you would have talked to General YOUNG?

A. I would say it was a day before I talked to General KOSTER. If I talked to General KOSTER on the 20th, it was the 19th. If it was the 21st, it would have been the 20th.

MR WALSH: What did you say to General YOUNG about the warrant officer's allegations of there being many bodies of noncombatants lying around My Lai (4)?

A. I told General YOUNG that neither Captain MEDINA nor Captain MICHLES nor Colonel BARKER agreed with this report.

Q. Now, when you say this report, I'm focusing that on the allegation by the warrant officer that there were many bodies of noncombatants that he observed around My Lai (4).

A. Yes, sir.

Q. You reported to General YOUNG that this allegation was unfounded?

A. That it was denied by MEDINA, by MICHLES, and by Colonel BARKER.

Q. Now, did you report to General YOUNG that somewhere between 20 and 28 noncombatants had been killed?

A. I had the report, I believe, at this time that BARKER had verified through the company commanders that it was 20 and this is the number that I--

Q. (Interposing) MEDINA had told you something more than 20.

A. That is correct, sir, and when I questioned Colonel BARKER regarding this, he informed that they had added, that MEDINA had added, the 6 to 8 that I had observed which were being counted twice and that in reality it was 20.

IO: Why did you also talk to MICHLES if all your concern was about MEDINA?

A. I do not know really why I talked to him, but I did talk to him.

Q. What did he tell you?

A. He told me that he had not observed any indiscriminate killing of civilians because his unit wasn't reporting any.

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Q. Your concern though, was the allegation, really, not so much that MEDINA had killed a woman but from the statement then, in your own words, that he had seen many civilian bodies all over the area. And that is unquote--this is your statement?

A. Yes, sir.

Q. And this warrant officer was not only worked up. This warrant officer was mad, and you aren't the only one that he talked to, so we have a pretty good idea about what story this man had to tell. Go ahead, please (to Mr. WALSH).

MR WALSH: General YOUNG appeared before us here, and he was read your prior testimony about meeting at LZ Dottie on the morning of March 18th, specifically to hear your testimony that he was told at that meeting that the helicopter pilot's allegation of a captain shooting a woman, the allegation of wild shooting by ground forces, and the allegation that many noncombatants had been killed. After hearing your testimony, General YOUNG stated, "I do not recall Colonel HENDERSON relating that to me. I would have recommended formal investigation." I'd just like to know if you have any explanation why General YOUNG testified he heard nothing about this sort of allegation?

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A. No, sir.

Q. And you adhere to your prior testimony that General YOUNG was familiar with the allegations made by a helicopter pilot with respect to a captain shooting a woman, allegations of wild shooting by ground forces, and allegations that many noncombatants had been killed.

A. Yes, sir.

Q. At another point in his testimony, General YOUNG was read your testimony that at the meeting at LZ Dottie, there had been a discussion of the fact the helicopter pilot had been marking wounded civilians with smoke and that there had been a confrontation between the pilot and ground forces. General YOUNG responded, "I do not recall that conversation whatsoever." I wonder if you can explain that?

A. I cannot. No, sir.

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Q. You testified that following your oral report to General KOSTER on the 20th, General YOUNG told you that General KOSTER wanted it put in writing. Do you recall exactly where you were when you got that advice from General YOUNG?

A. Yes, sir. I was at my Duc Pho headquarters.

Q. And was General YOUNG there, or did you talk to him on the telephone?

A. No, sir. He was there, and I stated that he had-- page 198 of my testimony where I said he telephoned me, it was a slip of the tongue which I corrected on page 199. He was physically present at Duc Pho, and he gave me these instructions.

Q. Do you remember the occasion of his visit? Was there any other reason for him to be there?

A. I know of nothing. I can recall nothing specific other than this.

Q. Do you remember what time of day it was?

A. No, sir. I do not.

Q. Do you remember if anyone else was present?

A. No, sir. I cannot.

Q. General YOUNG denies that he had any such discussion with you. Do you have any explanation of why he would have no recollection of that meeting?

A. No, sir. I do not.

Q. Is it possible that you are confused?

A. Sir, it's always possible that I am confused, but I'm positive he gave me instructions from General KOSTER. I was to reduce my oral report to writing.

Q. When you reduced this oral report to writing, I believe you said earlier today that you think it was transmitted

by a liaison officer. And I think in some of your prior testimony you had indicated that you had delivered it to Colonel PARSON. Are you clear about that, and could you give us a description of how your written report concerning Warrant Officer THOMPSON's allegation was transmitted to General KOSTER?

A. I cannot, sir. Either my oral report or my report of the 24th, I personally hand-carried up, and one of those two reports I handed to Colonel PARSON. The other report of these two that I did not hand-carry up, I feel that I sent up with one of my liaison officers.

IO: Could your report of 4 to 6 April, your first written report, could that have been some kind of an indorsement on a paper that somebody else had prepared so that your indorsement, a letter of transmittal, would have been something less than a page long with your signature on the front page?

A. I can't believe so, sir; I recall very vividly of pulling out my note book and making sentences out of some of the cryptic notes I had taken down during my interviews with various people.

Q. Did anybody help you prepare this report?

A. Well, it was typed by somebody in my headquarters.

Q. Who else beside yourself has any knowledge of it?

A. I do not know, sir.

Q. We can find no record of it in the 11th Brigade, nor can we find anybody in the 11th Brigade who has any real knowledge of the report.

MR WALSH: With respect to your oral report to General KOSTER, did that take place in his office?

A. Yes, sir.

Q. Did anyone accompany you up to headquarters when you made that report?

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A. I'm certain somebody went with me. I do not know who. Nobody went into General KOSTER's office with me.

Q. When you arrived at the headquarters, do you remember talking to anybody in the headquarters before going in to see General KOSTER?

A. I cannot recall talking to anyone, sir.

Q. Was it in the morning?

A. I believe it was in the morning.

Q. Was General YOUNG there?

A. I do not know if General YOUNG was in the headquarters. I think he was in the headquarters, but he was not present when I talked to General KOSTER.

Q. Between the time you made your report to General KOSTER and the time General YOUNG told you at Duc Pho to reduce it to writing, did you have any discussion about it or conversation with either General YOUNG or General KOSTER or anybody else?

A. I had no conversation with General KOSTER other than the report after I made that report to him. I feel that I did mention it from time to time to General YOUNG that I had no further information on this incident. I do not recall when or where.

Q. All right. After you submitted the written report, the 4th to 6th of April report, you indicated that you had been advised by General YOUNG that the report satisfied the requirements. I wonder where you were when you had that conversation with him?

A. Again, sir, I feel it was at Duc Pho.

Q. What I'd like you to give us is everything you can remember about that discussion.

A. To the best of my knowledge, General YOUNG informed me that General KOSTER had seen or had received my oral report, and that he had passed it--

Q.

(Interposing) You mean written report?

A.

My oral report that I had reduced to writing, that he had sent it in for General YOUNG to look at. General YOUNG and General KOSTER agreed it satisfied the requirement and that no further action was contemplated.

Q.

How long after you submitted it did you have this conversation with General YOUNG?

A.

I don't know, sir. I have estimated 3 or 4 days. I do not recall.

IO:

I want to come back to this one paper that I talked to you about, your written report. Possibly it was three-quarters of a page. I think I may have created the impression that nobody in your headquarters was familiar with your written report, the one which you may be describing as three, four, five pages in length. We do have a couple of people in the headquarters that seem to remember there was a paper, which was about three-quarters of a page in length, which you were working on. We also have some indications at division headquarters that there was such a paper at division. So I don't want to mislead you in any way. There is no knowledge of the three to five but there is a remembrance of something that was about three-quarters of a page long, by Captain HENDERSON for one and Sergeant Major KIRKPATRICK another one.

A.

Well, not because they said that, but I considered those two individuals a couple of my finest, sir.

Q.

They were fine soldiers. We also have some indications that you may have directed Colonel LUPER to conduct an artillery investigation.

A.

I did not order Colonel LUPER to conduct a formal artillery investigation. There was a discrepancy between what I had in mind, somewhere that I had gotten, that some of these civilians, well, 50 percent of them, that I was reporting to General KOSTER had been killed by artillery fire and 50 percent approximately by gunship. Colonel LUPER, as I recall, denied this. I asked him to look into it and to let me know if he could pick up any intelligence from his firing battery as a result of it. I believe that he did that and orally told me that he had talked to Colonel BARKER and that--I don't know if they

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came to any meeting of the minds, but he was very unhappy that his artillery was being accused of having killed civilians.

Q. Well--

A. (Interposing) I did not follow up on that report, sir.

Q. What specifically did Colonel LUPER tell you about his artillery?

A. It seems to me that some place in this conversation it came up, sir, that the artillery had not impacted in the area that it should have impacted into, and that as a consequence, possibly some civilians had been inadvertently killed by this artillery fire. And as I recall, Colonel LUPER verified that the artillery impacted where it was supposed to have impacted. I do not recall exactly where that was, but he assured me that in his check with the battery commander, that the artillery impacted in the LZ or exactly where it was supposed to have impacted.

Q. May I ask you why you did not direct Colonel LUPER to initiate an artillery incident report?

A. I have no reason, sir. I did not direct him to do so.

Q. He should not have had to have been directed. The regulation that was put out by the Americal Division makes it very clear that any casualties caused by friendly artillery against friendly forces, U.S., ARVN and Vietnamese civilians, requires that an artillery incident report be initiated. Additionally, I wonder why, knowing how General WESTMORELAND and how MACV felt about civilian casualties and the requirements for protecting noncombatants, why a report was not initiated under MACV Regulation 20-4, or a serious incident report to explain the civilians having been killed. Going back to Colonel LUPER, when you talked to him about the artillery, did he show you his log on the firing data which he had for the 16th?

A. He did not physically show it to me, no, sir.

Q. Did you know where his artillery had impacted?

A. I do not believe that I know precisely where it impacted. I know where it was planned to have impacted. It was in the LZ.

Q. Yes. This would probably ring with one exception and that is that Colonel LUPER puts the LZ about 800 yards west of My Lai (4).

A. He put it there for the operation, or he puts it there now, sir?

Q. We asked him where the LZ was. He indicated down here, 500 to 800 meters to the southwest, not immediately to the west of the village where you know and everybody else seems to know that it was.

MR MACCRATE: Colonel HENDERSON, you have previously told us of the conversation that you had with Colonel GUINN last fall after you had seen an article in The Washington Post.

A. Yes, sir.

Q. Have you at any other time spoken with Colonel GUINN in the last year?

A. Well, I talked to him, not about testimony or anything, out here. I think I saw him in the hall of the Pentagon one day in December when I was up here. I think I have seen him on two, possibly three occasions.

Q. Have you had any conversations with him that related to the substance of this investigation at any time other than that one telephone conversation that you have told us about?

A. To the best of my knowledge, that's the only time I have talked to him about that.

Q. Well, while we are on the subject of telephone conversations, within the last year, what telephone conversations have you had with Major MCKNIGHT? What conversations, not necessarily telephone, have you had with him?

A. I have had no telephone conversations with Major MCKNIGHT. I do not believe that I talked to him until he processed back through Hawaii. That would have been more than a year ago. I did meet Major MCKNIGHT at the motel the first night I was here, which would have been on the first--

Q. (Interposing) The first week of December?

A. On the first week of December at breakfast, on the morning of the 2nd, I met him across the road here at the motel at breakfast. He had spent the night there; I had spent the night there. I had not seen him and we did have a conversation in a taxi coming over here. Some of this related to this and I frankly do not recall what we discussed about it. That was before I appeared before. That was the day I appeared, I believe, for the first time.

Q. You have no recollection of what he recalled as to the reports of investigations that had been made?

A. I do not believe we discussed the reports of investigations.

Q. And that's the only conversation that you recall from the time he may have passed through Hawaii more than a year ago?

A. I do not believe I saw him when he passed through Hawaii. I believe I saw him last in Vietnam, and, of course, I have seen Major MCKNIGHT sitting out here.

Q. What about Colonel PARSON? Have you had any conversations with him relative to the substance of matters here under investigation over the last year's time?

A. I only shook hands with him yesterday.

Q. But nothing with respect to the substance of the investigation?

A. No, sir, absolutely not.

Q. And with respect to General YOUNG, have you been in communication with him as to the substance of the investigation at any time within the last year?

A. No, sir. When General YOUNG was here in December, I rode from here to Fort Myer with him in an official sedan and told him that I was under orders that I could not discuss the case, and in fact, I stated for that reason, I was calling a cab to take me over there, and he said, "Well, I understand that you can't discuss it; come on with me." I did and we did not discuss this case. He let me out at Fort Myer and I have not seen him since.

Q. Colonel GUINN told the IG 2 days after you spoke with the IG last May:

"...but because of the accusation made and, as I say, because of the seriousness of it, I did take the information and pass it on the Colonel HENDERSON. At the time, I didn't believe it. No, I did not believe it but it did have to be checked out. And I know, again I say, I know, that the province chief and the 2d ARVN Division commander and also the division commander of the Americal Division made an effort to investigate and find out what happened. I do not know the results of their investigation."

Now, this was what Colonel GUINN told the IG in May before he spoke with you on the telephone. Then, in May, you had your interview with the IG and you said:

"I did not show the report to anyone else."

It is unclear at this time what report you were speaking of in May of 1969. However:

"General YOUNG, a few days later came down to see me and told me that he had read the report, had discussed it with General KOSTER again and that he recommended that General KOSTER buy my report, that he thought it had all the pertinent details in it, and this is the last that I have heard of that report. I received no further comeback from General KOSTER or anyone else."

Now, one reading that seems to hear a complete write-off of the matter at that time, as if that's the end of it. The next question is:

"Did you ever see a copy of the investigation made by the province chief directed by General LAM?"

And you say:

"I did not. I only know that at the conclusion of that investigation that Colonel KHIEN, the province chief, informed me that he could find no basis for the accusations made in the VC propaganda leaflets, and as far as he was

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concerned this whole area was Viet Cong."

Now, I have several matters that I want to explore from these statements which we all recognize were made when you were a year closer, almost a year closer, than you are today to the events in 1968. First of all, when you say, "I received no further comeback from General KOSTER or anyone else," after you had this reassurance from General YOUNG, were you referring to the report of investigation of 24 April?

A. I believe I was referring to my 4 or 6 April, whatever the date it was, that submitted my oral report in writing. Although, I admit that some place there I had mentioned that VC propaganda document. But that isn't true because I did receive comeback to have a formal investigation conducted.

Q. Well, it seems that your write-off here may well have been directed to the 24 April report. Did General YOUNG, after the 24 April report, come down to speak with you at Duc Pho?

A. Well, he did, to tell me--well, I know that General YOUNG came down several times during the week to talk about this specific thing when he gave me the orders to have a formal investigation conducted, which I believe was sometime in May.

Q. But prior to then, had he told you at Duc Pho that the 24 April report looked fine to him and that it had all the pertinent details?

A. I would think that I was referring to my earlier report.

Q. This doesn't help you put it into a clearer frame of reference by going back and seeing how these things have developed? Because, at this time, when you were making this statement, you indicated to us today that you had not as clear a view of the sequence of these reports as you have today. I just wanted to be sure that we were not misreading what you were thinking about when you were back at this time last May.

A. Well, I think last May that I was thinking only of one report. This paper, this R-1.

Q. R-1 and R-5 are the same. One is a true copy and one is the document from Duc Pho.

Q. This R-1, although it is entitled "Report of investigation," was never considered a report of investigation.

A. Well, if it wasn't a report of an investigation as you labeled it, and General YOUNG came down to talk to you about doing a step further, what else could he have been talking about other than this report of investigation?

A. Sir, I had no word from division that my oral report, that my written report, that this letter transmitting what I call the report of investigation dated 24 April, that the formal report made by Colonel BARKER, that there was any criticism or any comment at all from division that they did not meet the requirement placed upon me at the time.

Q. Well, you did have the affirmative comment that they did meet their requirements as I understood what you told the IG?

A. That is correct, sir.

Q. Last year.

A. Sir, I just cannot place which one of the two reports I was speaking about at that time.

Q. Well, do you ever recall General YOUNG speaking with you about the 24 April letter or report of investigation?

A. I believe he did.

Q. And indicated that it was satisfactory?

A. Yes, sir.

Q. And did that take place at Duc Pho?

A. I believe it did, sir.

Q. And was that after General KOSTER returned from R&R in Hawaii or before he left?

A. I do--I'm sorry I don't know when General KOSTER went on R&R.

Q. We understand that General KOSTER left on R&R on 28 April, which would have been some 4 days after this document is dated.

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A. I can't tie any time in based on those dates of when General KOSTER was gone, sir.

MR MACCRATE: Now, I want you to look once again to Exhibit R-5. Once again we invite your attention to what Colonel GUINN said in his statement to the IG, ". . . I did take the information and pass it on to Colonel HENDERSON . . ." And he further says, ". . . I know that the Province Chief and the 2d ARVN Division Commander, and also the Division Commander of the Americal Division, made an effort to investigate and find out what happened . . ." Now, does any of that bring back to you anything relating to the one-sheet inclosure, that green sheet?

A. No, sir.

Q. Colonel HENDERSON, we do know who put his name beneath that. We have found it in Vietnam, and I am going to show you Exhibit M-30 and ask you if you have ever seen that document before? A clear copy is underneath which is a true copy and you'll see the signature on the top copy of M-30.

(The witness examined the document.)

You'll notice the document is signed by "Angel M. RODRIGUEZ, Captain, Assistant District Advisor, Son Tinh District."

A. Yes, sir.

Q. Does this in any way bring back to you the train of events of that move from district to province and province to you?

A. No, sir. I do not know this captain. It doesn't help me a bit.

Q. Do you know Major GAVIN?

A. Yes, sir.

Q. This was Major GAVIN's assistant.

A. Yes, sir.

Q. When he was out of town, this was the man who acted in his stead. You have no knowledge of the request that went from province to district on which Captain RODRIGUEZ acted in preparing this statement?

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Q. Did it ever occur to you at that time that you could have initiated an operation back into the area with perhaps not too much problem if you were really interested in finding out what transpired?

A. I don't recall if I considered it or not, sir.

Q. Did Colonel KHIEN ever tell you that he had planned operations into the area?

A. Colonel KHIEN, at that time, told me he was not going to conduct an investigation; that this statement was completely false. Again, I do not recall asking him how he knew it to be false, but I accepted from him this, his judgment that there was nothing to the report.

Q. Which report are we talking about?

A. Well, the report that we were discussing.

Q. We were talking about the report from the district chief to the province chief.

A. Some letter that he had made reference to that he had received.

Q. Yes, which indicated that approximately 500 civilians had--a letter from the district chief to the province chief relaying information provided by a letter which had been provided by the village chief to the effect that approximately 500 civilians had been killed in Son My Village on 16 March?

A. Yes, sir. I understood this had come down from General LAM with instructions to Colonel TOAN to conduct an investigation and had been passed to Colonel KHIEN to conduct the investigation.

Q. Well, we know that Colonel TOAN did inform General LAM of his actions, but General LAM up to that time had not directed an investigation. The action was initiated by Colonel TOAN who directed Colonel KHIEN to conduct an investigation. You do not recall specifically any report of information provided by the Static Census Grievance Committee or through Colonel GUINN?

A. No, sir, I do not.

Q. Other than, there's a possibility--

A. (Interposing) There's a possibility of oral conversation.

Q. Now we also asked you to recall your discussion with individuals subsequent to the time that General YOUNG instructed you to conduct an investigation at LZ Dottie on the morning of the 18th. You indicated the only individual you talked to was THOMPSON, and I asked you to think that over to see if you could recall having talked to Warrant Officer CULVERHOUSE and also Specialist COLBURN, doorgunner on the H-23 that day.

A. I'm positive that I talked to neither of those individuals, sir.

Q. I also asked you if you would think over any of the discussions which may have transpired on the aircraft that morning, the morning of the 16th, or the afternoon of the 16th between yourself and the other occupants of the aircraft concerning civilian casualties which had been observed or may have been observed on the ground that morning.

A. Except for the civilian casualties that I observed I had no report from anybody in my aircraft that they had observed any other casualties, and I know of no conversation that I had regarding casualties, civilian casualties.

Q. Now I'm sure we've asked you before, Colonel HENDERSON, but I would want to ask you once again, if you have any papers of any kind which relate to this incident? And here I'm referring to whether or not you may have retained a copy of your, possibly the 4 to 6 April, that time period--I'm not sure exactly when you did date your report to back up your oral report--whether or not you have, one: a copy of the report; two: whether or not you have a copy of your formal report that was supposed to have been submitted in the latter part of May; or three: any other documents pertaining to this incident?

A. I do not, sir.

Q. Do you specifically recall destroying your green notebook which you maintained all your data in?

A. Yes, sir, I do.

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Q. That has been destroyed and is no longer a matter of record?

A. Yes, sir.

Q. Do you have any idea how the files of the 11th Brigade-- for example, your report of 4 to 6 April, how it is not available in the files at the present time?

A. No, sir. I do not.

Q. Would you have any thought as to how or why the log of the 11th Artillery Battalion, 6/11 Artillery Battalion I believe it is, with the date of the 16th of March is not available?

A. No, sir. I do not.

Q. Well, we appreciate very much your coming in, Colonel HENDERSON. If you do, based upon what we've told you and this line of questioning, recall anything we would ask that you get in touch with us. We are trying not to leave a single stone unturned in this investigation because of the enormity of the incident so that we can give a valid and factual report to the Chief of Staff and the Secretary of the Army. As a consequence, we are trying to go into every single facet of it to provide answers, primarily concerning the investigative process, the reporting, the reviews and analysis of such reports, and whether or not there has been any attempt to cover up the incident. If you would care to ask any questions at this time I'd be very happy to try to respond. Or if you would care to enter a statement into the record, now would be the time to do so.

A. I would like to make a couple comments if I may, sir. One, regarding Saturday the 16th, I now recall that I had a battalion and separate company commander's, and possibly a staff meeting at Duc Pho at my headquarters at 1600 hours on that Saturday. This was the first opportunity that I had to speak to my commanders regarding my policies, of any changes from General LIPSCOMB's, and I did meet with them at 1600 hours on Saturday. I do not believe this has been entertained in the record at any point up to now.

Q. May I ask you at this point, was Colonel BARKER there?

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A. Colonel BARKER was not there. I had excused him from attending that because of his ongoing operation.

Q. Was anybody from the task force present?

A. I believe there was a representative of the task force. Whether it was Major CALHOUN or the liaison officer, I do not know, sir. There should have been a representative from Task Force Barker. I'm positive there was. On page 253 of my testimony, sir, I note where I had, and this I believe was a slip of the tongue, where I stated that Colonel BARKER acknowledged that civilians had been killed by small arms fire. This is incorrect, sir. To the best of my knowledge Colonel BARKER never admitted to me that any civilians had been killed by small arms fire. Also I agree with you in your reconstruction of the situation that I now believe that I talked with Captain MEDINA after I talked to General YOUNG. I, heretofore, have been insisting that I believed I talked to Captain MEDINA before I talked to General YOUNG, but in rationalizing what happened, I believe now it was after, if that is any help. Otherwise, sir, I have attempted to be as candid and honest with this committee as I can.

MR MACCRATE: Colonel HENDERSON, in reconstructing the day of 16 March which you have just done, did you have any information, any materials that you relied upon to establish the actual time of this meeting with your command group? How were you able to now fix so clearly that it was at 1600 hours on that day?

A. Every Saturday it had been SOP in the brigade to have a commander and staff meeting at 1600 hours. I did not change that policy, and I know that I was eager to get with my battalion commanders and separate company commanders, that this would be the first opportunity that I would have after assuming command. And during our earlier testimony I had not placed much significance on this being a Saturday, this particular 16th being a Saturday, and I know that during my entire tour in Vietnam only when I was out in the area to the extreme west of the Duc Pho AO and on ongoing operations, brigade-size operations, did I ever cancel that Saturday meeting.

Q. Can you tell us who was at that Saturday meeting on 16 March other than yourself?

(HENDERSON)

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A. Yes, I would have had one, Lieutenant Colonel BEERS, commanding the 1/20; I had Lieutenant Colonel FRANKLIN commanding the 3/1; I would have had Lieutenant Colonel ADKINS commanding the 4/3; I would have had Colonel RUSCHE commanding my 6th Support Battalion; Colonel LUPER commanding the 6/11 Artillery; my E Troop, 1st Cavalry, and I do not recall the company commander's name; I would have had my Headquarters Company commander; and all of my special staff officers, my unit and special staff officers present. Now these would not have stayed for the entire meeting. I am confident that I excused the staff and kept my commanders to discuss other matters with them.

IO: I would like to again caution you, Colonel HENDERSON, of the fact that you have been directed not to discuss your testimony with others, including witnesses who have appeared or who may appear before this investigation.

The hearing will recess at this time.

(The hearing recessed at 0925 hours, 17 February 1970.)

(HENDERSON)

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