

RE: WIDMER

WITNESS STATEMENT

(AR 105-10 - TB PMG 31)

PLACE Modesto, California	DATE 16 Oct 69	TIME 1340 hours	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME MARTIN, Louis Bernard (M-Cau-10 Sep 46)	SOCIAL SECURITY ACCOUNT NO.		GRADE Civilian
ORGANIZATION OR ADDRESS			

SWORN STATEMENT

Louis B. Martin

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During the period December 1967 through May 1968 I was attached to Company C, 1st Battalion, 20th Infantry, 11th Infantry Brigade, AMERICAL Division, in Vietnam. My parent unit was Battery C, 6th Battalion, 11th Artillery, also of the AMERICAL Division. I carried a PRC-25 radio for the Artillery Forward Observer. Usually this was Lieutenant ALEXU. I also worked with Sgt KERN, who was the Recon Sergeant. We worked with the command group whenever we were out.

During the spring of 1968, we went on an operation in MyLai(4). I remember it was right around St Patrick's day. I attended the company briefing the night before the operation. This was at LZ Dottie. Captain MEDINA gave the briefing. It was a pep talk. We had received sniper fire from the village and we had losses as a result of VC activity around the village and this was pointed out. During the briefing MEDINA said something about going into the village and "killing everything that moved," or words to that effect. All of the unit officers were at this briefing. There was no briefing from anyone else that I recall. Someone from Battalion might have been there because I recall someone standing with MEDINA when he gave the talk.

The next day we were flown to MyLai(4) in a chopper. We landed on the side of the village away from the ocean. I was in the 1st or 2d lift of choppers. I was armed with an M-16 rifle. Captain MEDINA was accompanied by his RTO's: Fred WIDMER and PAUL. MURRAY might have been there also but he missed some operations because of malaria, but now that I've thought about it, I am sure he was there. Also with the command group was Nick CAPEZZA. I think KERN was out with one of the platoons. There were two PIO's, a Sergeant and an SP-4 with the command group. I know that the Executive Officer and the First Sergeant were not on this operation.

There was an artillery preparation of 69 rounds before we landed. To the best of my knowledge, none of the rounds struck in the village. There were no rounds fired into the command group and I saw no signs of resistance in the village. After we landed we moved behind other US troops through the village.

After we landed and before we got very far into the village, Captain MEDINA began to chase after a Vietnamese who was fleeing from the village. All the rest of the Command Group ran after them too, but we couldn't keep up so well because we were running through a paddy with a radio on my back. I heard shots fired from where MEDINA was (and it had to be from his rifle because he was alone there) and when I got up to where he was, MEDINA was standing over a Vietnamese he had just shot. There were two bubble-choppers in the immediate area. I don't recall whether or not the dead Vietnamese was a man or a woman. ALEXU was there at the time and had arrived before I did. WIDMER, PAUL, and maybe MURRAY were there also.

Q. Other witnesses have stated that this Vietnamese was shot earlier and that the choppers had marked the girl with smoke so someone could come to her and give her first aid and that MEDINA shot her after he found her wounded. Would you comment on this?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>LAW</i>	PAGE 1 OF <u>4</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED" THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

A. I recall now that you mention it that there was smoke from the choppers there. I had seen someone running from him during the chase. We ran 150 or 200 yards after the person. It was my impression that a VC was escaping and the choppers popped smoke to guide us to the VC. MEDINA's rifle fire was a burst of automatic fire. I think he fired quite a few bullets and I recall thinking that enough bullets had been fired to kill a person.

Q. What happened then?

A. I left with MEDINA and the others and we went back into the village. While we were out by the body in the paddy I had heard quite a bit of rifle fire from the village. I walked behind MEDINA. Our order of march was MEDINA, and WIDMER, PAUL, and MURRAY, then Lt ALEX, and I, and then the Medic. I saw dead Vietnamese all over the place. I estimate I saw 100 dead people in this village and this was on a straight line march through the village. I didn't go in and out or around trying to find bodies. I also saw a lot of slaughtered cattle. The people I saw had been shot with M-16 rifles. I saw no wounds I considered caused by artillery fire or shrapnel or high explosives. I did hear grenades going off in the dugouts the Vietnamese used for bomb shelters.

Q. Was MEDINA in your sight at all times?

A. I was with the command group at all times and only lost sight of him when he went around a corner or something like that.

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Q. Did you see WIDMER kill anybody?

A. I did not see WIDMER kill anybody. He took a lot of photographs of bodies during various operations and I considered this peculiar.

Q. Do you know if anyone had a camera with them during MyLai(4)?

A. MEDINA always carried a little camera in his ammo box. Lt ALEX carried a good camera with him. I know the PIO people took some photographs. I do not know anyone else who might have taken photographs during MyLai(4).

Q. Did you see anyone take an old man out of a hut and bring him to the Commanding Officer (MEDINA) for questioning and then shoot the old man?

A. I didn't see that. I have seen MEDINA hit Vietnamese when questioning them, but never saw him kill anyone in the course of interrogation.

Q. Did you see anyone kill anyone that day.

A. Yes, I saw five or ten guys kill Vietnamese, but I can't give specific incidents.

Q. Where were you when CARTER shot himself in the foot?

A. We were east of where CARTER was when he shot himself and walked west through the village for 3-4 minutes to get to where he was. We all sat around while CAPEZZA treated GARG CARTER.

Q. Just about this time, a little boy - about eight or nine years of age -- walked down the path and someone from the command group shot him. Did you see this?

A. No I did not see this. I realized while we were walking through the village that a slaughter of civilians was going on and it was pretty horrible, but I don't recall specifics.

Statement of Mr MARTIN, taken at Modesto, California, 16 October 1969, continued

Q. If you knew there was a slaughter going on, wouldn't MEDINA, of necessity, reached the same conclusion?

A. ALEUX and I reached this conclusion during the march through MyLai(4). Common sense indicates that he saw that civilians. -- women and children dead and dying -- and must have seen people getting shot. He must have known that his soldiers were killing the civilians in MyLai(4).

Q. On the far side of MyLai(4) was an irrigation ditch which served as the scene of a mass execution. There were 50 or more people forced into the ditch and executed. Have you any knowledge of this incident?

A. Someone from command group -- I believe WIDMER -- told me there were bodies piled one on top of another in the ditch, but I didn't look into the ditch and wasn't present when the people were killed.

Q. Earlier in the same day some civilians were executed in a group inside the village. Do you have any knowledge of this incident?

A. I know nothing about this.

Q. Have you ever seen CALLEY molest, kill, or harm anyone?

A. I have seen him beat Vietnamese on several occasions while questioning them. These beatings involved real physical damage - broken teeth; that sort of thing. The people were always farmers and people like that we found on patrols and were questioning. Also, before MyLai(4) at about the end of January or the first of February 1968, we were working out of LZ Uptight on a Platoon Patrol. I was RTO for KERN or ALEUX -- I am pretty sure it was ALEUX along that time. CALLEY and some others had a man they questioned and they had him spread over a well trying to get some information from him. When he didn't answer them, they forced him into the well. This much I know from what people said to me. I was sitting between thirty-five and fifty feet from the well. I saw the group of people around the well. I think I walked over there and saw that a suspect was being questioned and then, rather than watch, I walked away. I saw CALLEY fire into the well with his M-16. I remember CALLEY was yelling questions at the man. After he fired, I walked over to the well and looked in and saw a man's body in the well.

Q. Who else was around when this took place?

A. CALLEY was there. CARTER was around the area. I remember him ~~W~~ hitting someone in that vicinity himself. GRZESIC was there, but not right at the well. Sgt MITCHELL should have been there, but I don't remember specifically seeing him there at that time. CALLEY's RTO should have been there also.

Q. Was there an investigation after MyLai(4)?

A. I was never questioned, but I did hear the chopper pilots had complained about the incident with MEDINA and the person he killed. I never heard of any investigation and no one ever told me to keep quiet about the matter. I did not report the matter to anyone because I had a year to do with those people -- the people in the company -- and felt that the company should stick together.

Q. During MyLai(4) did you see anyone molested by the Vietnamese National Police?

A. Yes, at the end of the day (after MyLai(4)) we walked into a cemetery and set up a perimeter. We joined another company, as I recall. When I first saw the National Police they had three or four Vietnamese in custody. The Vietnamese police

shot three of these people once each. I was twenty-five or thirty feet from the Vietnamese when they were shot and I saw a pistol drawn and then I started watching. While I watched, I saw one Vietnamese ranger holding a weapon. Then he kept questioning the men and I looked away. I heard a shot and looked around and saw that the Vietnamese Ranger or Policeman had just shot one of the Vietnamese. Then the Vietnamese police shot two more people. It was all in a relatively close time span that the three were shot. I don't recall now what kind of weapon was used for sure, but know that it wasn't an M-16. The Vietnamese were put in a ditch and then someone said, "Somebody should go finish them off." We could hear moaning from the ditch and I remember one of them moving -- everyone in the command group went over there and saw this -- and someone made a remark about how cruel the Vietnamese police were, to wound but not kill these suspects. One of our people -- as I recall -- it was WIDMER, went over with his M-16 and finished them off by shooting them with his rifle. I went over and looked in the ditch a few minutes later and all of the Vietnamese in the ditch were dead. Other witnesses were GRZESIC and PHU.

Q. Did MEDINA see this?

A. I think he was right there, talking with another Captain or officer; someone outside the company. There were two other outsiders -- I think MI people there. These Vietnamese were killed by WIDMER as an act of mercy because they had been wounded -- shot through the head -- and were going to die in an hour or so anyway.

Q. In MyLai(4) -- what were the proportion of men and women and children among the dead?

A. There were six or seven men of military age, a group of older men, and then the majority of the dead were women and children.

Q. During the operation was the word passed to stop killing civilians?

A. Yes. Just before we found the two little kids an order was put out to stop killing, but I don't recall who put the word out. As I recall, it was at the end of the MyLai(4) operation.

Q. Were huts burned in MyLai(4)?

A. I believe everything was set on fire. I set fire to 2-3 huts and then my lighter ran out of fuel. I saw MEDINA set fire to some huts in MyLai(4) also.

Q. Did you fire your weapon?

A. Yes. I fired one shot in front of a pig to make it move, but it didn't and I saw that its guts were hanging out. I did not throw any grenades.

Q. Was any medical care furnished the Vietnamese?

A. Not that I saw. All the Vietnamese I saw were dead.

Q. Do you know anything else -- anything at all -- which might be considered criminal or improper which took place in Vietnam while you were there?

A. Yes. A couple of days after MyLai(4) MEDINA was away and Lt JENSEN was acting commanding officer. We were out in the field and some men captured a Viet Cong nurse and brought her in. Before he asked her anything, JENSEN hit her very hard in the face and then asked her some questions in English and continued to strike her very hard in the face. I got a cloth and poured water on it to bathe her head. I was told that the men who captured her had raped her before they brought her to the Lieutenant. I was told that CONTI was one of the three who captured the girl.

I am not sure it was CONTI who captured the girl. At some stage the girl's blouse was opened or taken off because I remember seeing her breasts. There had been someone with her when she was first sighted, and I don't know if he escaped or was captured or

what happened to him. I think the girl was evacuated by helicopter.

Q. At one time CONTI was allegedly seen carrying this girl over his shoulder. At this time, the girl's blouse was off and she was unconscious. Can you account for this?

A. No. I remember him bringing her down from the hill and she was being pulled along, and she was conscious then, as I recall. I never saw her unconscious myself. When I put the water on her head she was groaning. I believe PAUL poured some water on her too.

Q. What else do you know about CONTI?

A. He was reputed to have been involved in raping and looting. He was reputed to belong to a group of people -- four or five guys -- who did this sort of thing. One fellow in the group I heard was SIMONE. Another one was SIMONE's best friend -- an Italian from New York City who stepped on a mine and later died. There were five or six guys in the company with helmets decorated with braids of hair they had cut from girls' heads. CONTI was one of the people with his helmet so decorated and I believe SIMONE was another.

Q. Is there anything you ~~would~~ would like to add to this statement or to have deleted from this statement?

A. There were instances in the company of people cutting off the fingers of dead VC or the ears and also of kicking out gold teeth, but I can't identify any of these people by name or more definitely locate the incidents.

Q. Do you have anything further to this statement? If there anything you wish deleted from this statement?

A. Yes. Having read the statement I would like to add that I think KERN was with us when the National Police executed the Vietnamese in the CP area. There were more witnesses than those mentioned in the statement, but I can't recall who else was there.

Q. Is there any other change?

A. Yes, concerning the VC nurse: PAUL and I both -- I think -- got the water and poured it on the girl. This was to stop the groaning. The girl was kept with the CP group that night but was not evacuated by helicopter ~~XXX~~ because she escaped during the night.

Q. Are there any other changes or corrections?

A. No there are not.

STATEMENT (Continued)

This portion of the statement form was not used.

AFFIDAVIT

I, Louis B. Martin

HAVE READ OR HAVE HAD READ TO ME THIS STATE-

MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Louis B. Martin

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of October, 1969 at Modesto, California

Reis R. Kash

(Signature of Person Administering Oath)

REIS R. KASH, Criminal Investigator

(Typed Name of Person Administering Oath)

Art 136(b)(4) UCMJ, 1951

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

LBM

PRM

PAGE 6 OF 6 PAGES