

FOR OFFICIAL USE ONLY

STATEMENT BY ACCUSED OR SUSPECT PERSON

DA FORM 170-1

PLACE Niagara Falls, New York	DATE 3 Nov 69	TIME 1700	SOCIAL SECURITY ACCOUNT NO.	GRADE Civ
NAME, FIRST NAME, MIDDLE NAME BERGTHOLD, James Robert				
ORGANIZATION OR ADDRESS				

70-610011-00007

PART I - WAIVER CERTIFICATE

I HAVE BEEN INFORMED BY OF Army CID	BILLY H. THOMPSON
THAT HE WANTS TO QUESTION ME ABOUT Murder	
OF WHICH I AM ACCUSED OR SUSPECTED. HE HAS ALSO INFORMED ME OF MY RIGHTS.	
I UNDERSTAND THAT I HAVE THE RIGHT TO REMAIN SILENT AND THAT ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME IN A CRIMINAL TRIAL.	
I UNDERSTAND THAT I HAVE THE RIGHT TO CONSULT WITH COUNSEL AND TO HAVE COUNSEL PRESENT WITH ME DURING QUESTIONING. I MAY RETAIN COUNSEL AT MY OWN EXPENSE OR COUNSEL WILL BE APPOINTED FOR ME AT NO EXPENSE TO ME. IF I AM SUBJECT TO THE UNIFORM CODE OF MILITARY JUSTICE, APPOINTED COUNSEL MAY BE MILITARY COUNSEL OF MY OWN CHOICE IF HE IS REASONABLY AVAILABLE.	
I UNDERSTAND THAT EVEN IF I DECIDE TO ANSWER QUESTIONS NOW WITHOUT HAVING COUNSEL PRESENT, I MAY STOP ANSWERING QUESTIONS AT ANY TIME. ALSO, I MAY REQUEST COUNSEL AT ANYTIME DURING QUESTIONING.	
I (X) (DO NOT) WANT COUNSEL.	
I (X) (DO NOT) WANT TO MAKE A STATEMENT AND <u>/s/ James Robert Bergthold</u> (Signature of Person to be Questioned)	

/s/Billy H. Thompson

(Signature)

WITNESS:

(Signature)

Billy H. Thompson

1st MP Det (C1) Wash-D.C. 20314

(Type Name and Organization)

(Type Name and Organization)

PART II - SWORN STATEMENT

I, James Robert Bergthold

WANT TO MAKE THE FOLLOWING STATEMENT UNDER

OATH: In Apr 1967, I was assigned to C Co, 1st Bn, 20th Inf in Hawaii and accompanied the unit to Viet Nam on 1 Dec 67. I was discharged from the Army in the grade of PFC on 8 Oct 68. I recall the combat assault mission on the village of My Lai (4) near "Pinkville". At that time I was a member of the first platoon and assistant M-60 machine gunner to Robert MAPLES who was the gunner. Lt CALLEY was my platoon leader and I was in SGT BACON 's squad.

Prior to this mission, CPT MEDINA, the CO, held a briefing at LZ Dottie. The briefing lasted 30 - 45 minutes. CPT MEDINA said no one had been in the village for 4 years. The ARVN couldn't get in and it was classified as a VC village. He said if we saw anyone they would probably be carrying a pack or a weapon. I can't remember if he said to destroy the food and animals, but he did not give an order to kill the people. Thats about all I remember and I think most of the company was at the briefing. Although CPT MEDINA didn't say to kill everyone in the village, I heard guys talking and were of the opinion that everyone in the village was to be killed. At this time we had had a lot of casualties from a minefield and everybody was pretty well shook up. I do not recall any briefing from Lt CALLEY or Sgt BACON.

We left the next morning for the village. I was on the first air lift. I was armed with a .45 cal pistol and 2-3 hand grenades. I also carried 400-600 rounds of M-60 ammunition. MAPLES and I were the only ones assigned to our gun. We landed in a dry

EXHIBIT	13	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 5 PAGES
---------	----	-------------------------------------	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INITIALED AS "PAGE _____ OF _____ PAGES." THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." IF THIS FORM IS CARRIED OVER TO ANOTHER PAGE, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONTINUED ON THE BACK OF PAGE 1 OR ON THE BACK OF ANOTHER COPY OF THIS FORM.

FOR OFFICIAL USE ONLY

DA FORM 170-1 2820

16 SEP 1967 WHICH IS OBSOLETE.

FOR OFFICIAL USE ONLY

70-C10011-00005

STATEMENT OF JAMES R. BERGTHOLD, TAKEN AT NIACARA FALLS, N.Y. DATED 3 NOV 69 CONTINUED

rice paddy on the west side of the village. I would say 20-25 meters from the edge of the village. I remember artillery rounds exploding as we landed. They were hitting mostly in the landing area to clear the area. I didn't see any Vietnamese as we landed but I do remember the helicopter gun ships firing into the village. I don't know what they were shooting at. There was quite a bit of firing from the helicopters.

We landed and MAPLES jumped out. I jumped out right after him and found that the helicopter was still about 5 feet in the air. We scrambled around some as MAPLES lost his helmet. We got on line with the second platoon and started going on the village. I didn't see any people at first and not until after we were in the village. As far as I know there wasn't anyone shooting at me or the other people in the company. As soon as I entered the village I shot a cow with my .45. The cow was laying down and may have been shot. Later on I shot a couple of pigs that were running loose in the village.

Somewhere in the village I saw a group of Vietnamese men and women standing in a clearing. It appeared that these people had been rounded up but I can't remember who was there. I passed by these people and continued on without paying much attention. I am certain the people were alive.

About the middle of the village I was with MAPLES. We came upon a hut and someone shot into the hut. I went in alone. I think MAPLES was up front. When I got in the hut I found 2-3 kids that were not injured and an old woman that had a flesh wound in the side and an old man that had been seriously injured in both legs. I chased the woman & children out of the hut and then I shot and killed the man as an act of mercy. I was 5-6 feet away and I shot the man in the chest. I figured the man was going to die anyway and I did this to put him out of his misery. As far as I know there was no one else in the hut at this time. I think the woman and children were pushed on through the village as they were gone when I came out of the hut.

After I had shot this man I moved on through the village. I joined up with MAPLES. We came upon about 4 men from the second platoon. One was blond and heavy set but I can't remember his name. They were standing in front of a hut. A Vietnamese man, maybe in his fifties, came out of the hut. One of the four said to shoot the man and one refused. They the blond, heavyset guy who had an M-79 took his M-79 and traded it for an M-16 from the guy who wouldn't shoot, and shot the Vietnamese in the head. I remember seeing half his head shot off and his brains flying all over the place. Then the mother and two children came out of the hut and this same blond, heavyset guy shot them too. These 4 guys were all caucasian and I don't recall who they were.

Then MAPLES and I pushed on through the village. We were not shooting our M-60. As we got to the other edge of the village, we hit a clearing and there was one house, sort of by itself. Everybody in the area started shooting. MAPLES might have fired the M-60, I'm not sure. We saw a man run from the tree line to the house. Everybody really blasted the house and there was quite a few M-79 grenades fired into the house. I assume the man was killed but I don't know as I didn't go into the house.

EXHIBIT B

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

70-CIV-011-00009

STATEMENT OF JAMES R. BERGTHOLD, TAKEN AT NIAGARA FALLS, N.Y. DATED 3 NOV 69 CONTINUE
I estimate it took my squad 30-60 minutes to go through the village. As far as I
recall I saw 6 people dead as I went through.

Q: Did you see any groups of dead Vietnamese?

A: No. Only the man, woman and two children.

Q: Can you describe the group of Vietnamese you saw alive in the village?

A: There was 10-15. I can't say exactly how many. They were standing as if they
had been brought there. I don't know about the children, but I know there was men
and women. They were all alive. I don't remember who from the company was there.

Q: Could these people have been shot?

A: Not when I saw them. Later I don't know.

Q: Did you hear anything about a ditch, or people being killed at a ditch?

A: Yes. Later on I heard that a group of people had been rounded up and taken to
a ditch where they had been shot. I didn't see this ditch and I don't know who shot
these people.

Q: Did you see a helicopter land in the village?

No I didn't. I heard that one landed between Sgt MITCHELL and a child. I heard
that MITCHELL was going to shoot this child and the chopper landed to stop this.
This is only hearsay and I didn't see it.

Q: Did you see CARTER after he had been injured?

A: No, later on that day I heard that he had been shot but I didn't see it and don't
have any details.

Q: During this mission, did you see CPT MEDINA, LT CALLEY or SGT MITCHELL?

A: Not until that night when we set up for perimeter and got re-supplied.

Q: It was stated by MAPLES, that you shot a Vietnamese in the head with a .45.
Would you like to comment on this?

A: Yes. I did not shoot any Vietnamese in the head. I shot only one person and
that was the man in the chest. I feel he is talking about the 4 men from second
platoon who shot the man in the head which I have already described.

EXHIBIT B.

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

70-C1001-000

STATEMENT OF JAMES R. BERGTHOLD, TAKEN AT NIAGARA FALLS, N.Y. DATED 3 NOV 69 Continue

Q: Can you describe MEADLO being injured?

A: Yes. This was the next morning. First platoon had gone up Hill 85. MEADLO was point man and carried the mine detector. He went up OK but LT CALLEY, who was behind him, was pushing him and he went down a different way. He stepped on a mine going down the Hill. I was 75-100 meters away and MAPLES and I had set up the machine gun. I heard MEADLO scream that God had punished him for what he'd done the day before in the village and that God would punish Lt CALLEY too.

Q: Do you know what MEADLO had done in the village?

A: No.

Q: Did you ever see LT CALLEY shoot anyone?

A: Yes. I can't remember the date but it was before My Lai (4). We were working out of LZ Uptight and it was at a little village near Uptight. I had captured a man working in the rice paddy. I took him to Lt CALLEY to check him out. This was at a path outside the village at a well. After a few questions CARTER started beating the man up. Then CARTER and someone (maybe MEADLO) threw the man in the well. Then LT CALLEY came over and looked in the well shot the man with his M-16.

Q: Was this man a VC?

A: I don't think so. I think he was just a plain civilian farmer.

Q: Did you throw any grenades?

A: No.

Q: How much ammunition did you fire?

A: I don't remember for sure but maybe one clip for my .45.

Q: How about the M-60?

A: I can't remember for sure but the only possible time he fired was at the man in the hut at the edge of the village. This would have been maybe 100 rounds.

Q: Can you recall any other persons being killed in the village?

A: NO.

Q: Did anyone question you about this mission after you went back to LZ Dottie?

A: Not that I remember.

Q: Is there anything else you would like to add to this statement?

A: No.

B

AFFIDAVIT

I, James Robert Bergthold, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. 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.

/s/ James Robert Bergthold

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3d day of November, 1960
at Niagara Falls, New York.

ORGANIZATION OR ADDRESS

/s/ Billy H. Thompson

(Signature of Person Administering Oath)

Billy H. Thompson

(Typed Name of Person Administering Oath)

Article 126 (b) (4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES