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STATEMENT BY ACCUSED OR SUSPECT PERSON
(AR 195-10)

EXHIBIT H

PLACE Fort Lewis, Washington	DATE 17 Nov 69	TIME 1500 hrs	FILE NUMBER 10-CID011-00014
LAST NAME, FIRST NAME, MIDDLE NAME HUTTO, Charles Edward	SOCIAL SECURITY ACCOUNT NO.		GRADE SGT
ORGANIZATION OR ADDRESS Hq & Hq Co, 3rd AIT Bde, Fort Lewis, WA 98433			
PART I - WAIVER CERTIFICATE			
I HAVE BEEN INFORMED BY <u>BILLY H. THOMPSON</u>			
OF <u>ARMY CID</u>			
THAT HE WANTS TO QUESTION ME ABOUT <u>MURDER and RAPE CEP</u>			
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 ANY TIME DURING QUESTIONING.			
I (DO NOT) WANT COUNSEL.			
I (DO) WANT TO MAKE A STATEMENT AND <u>Charles E. Hutto</u>	(Signature of Person To Be Questioned)		
INTERROGATOR: <u>Billy H. Thompson</u> (Signature)	WITNESS: _____	(Signature)	
BILLY H. THOMPSON 1st MP Det CI Washington, DC (Typed Name and Organization)	(Typed Name and Organization)		

PART II - SWORN STATEMENT

I, CHARLES EDWARD HUTTO WANT TO MAKE THE FOLLOWING STATEMENT UNDER

OATH: I enlisted in the US Army 13 Jan 67 and took my basic training at Fort Polk, LA. Then I went to Hawaii and in Apr 67, I was assigned to C Company, 1st Bn, 20th Inf. I was assigned to the Weapons Squad of the Second Platoon. On 1 Dec 67, I accompanied the unit to the Republic of Vietnam.

I recall the unit's combat assault mission on the village of My Lai (4) near the town called "Pinkville." This was a part of Task Force Barker, and happened about Mar 68. At that time I was in the Weapons Squad and the Machine gunner. John MOWER was my assistant gunner and TORRES was the ammo bearer. HUTSON and WRIGHT also had another gun in the second platoon. At this time LT BROOKS was the platoon leader and SGT BUCHANAN was the platoon sergeant. HUTSON was the Squad Leader of the Weapons Squad.

The night before the mission we had a briefing. It was held by CPT MEDINA and was at LZ Dottie. It lasted for 30-45 minutes. As far as I know about all the company was present at the briefing. CPT MEDINA said that everything in the village was communist. This was a "Search and Destroy" mission and we were to kill all the animals and destroy all the food. He said the NVA was in the area. I don't recall him saying to kill all the people in the village or to burn the village. The village was burned. There wasn't anything different or unusual about this briefing except that it was the first Search and Destroy mission of the unit. I also remember that CPT MEDINA said that we would have our chance to get even with the VC for some of the casualties that the company had already had. The impression that I got from this briefing was that we were to shoot everybody in the village and I think the whole company had the same im-

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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.

DA FORM 2820
1 OCT 67

REPLACES DA FORM 19-24, 1 SEP 62, WHICH IS OBSOLETE.

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Statement of SGT Charles Edward HUTTO, taken at Fort Lewis, WA, dated 17 Nov 69,
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pression.

Early the next morning after the briefing we left for My Lai (4). I think I was on the first air lift and I believe HUTSON, WRIGHT, TORRES, MOWER and ROCHEVITZ were along with me in the same chopper. We landed in a dry rice paddy on the outskirts of the west side of the village. We were about 100-200 meters from the village. MOWER, TORRES and I set up our machine gun. No more then 50 meters away, WRIGHT and HUTSON set up their machine gun too. At this time we were not firing our machine gun.

As we landed in the LZ, the chopper that I was on was not firing its machine guns. I do remember that some of the gunships in the area were firing their guns but I do not know what they were firing at. I don't remember any artillery fire as we landed but it is possible that there was some firing.

After we had set up our gun, the first and second platoons formed on line. This took about 30 minutes and then the platoons started moving out. We moved out and I was carrying the machine gun. Everybody on line opened up on the village and I was firing the machine gun into the village. At this time I wasn't firing at anything in particular just firing for recon. As we got on the outskirts of the village an order came down from the company to destroy all the food, kill all the animals and kill all the people. I don't recall who told me about this and I guess that it came from higher headquarters.

When we entered the village I saw Vietnamese running for cover and trying to hid. The whole company opened up on the villagers and began to kill them. It was murder. We were shooting into houses and shooting at people running or people just standing and doing nothing. At this time I was firing at the people and shooting into the houses. TORRES had an M-16 and was also shooting along with everybody else. About 30 minutes in the village, TORRES wanted the machine gun so at this time I gave him the M-60 and I took his M-16. TORRES liked to fire the M-60 better then the M-16 and I wasn't happy about shooting all the XXXXX people anyway. It was common practice to switch the gun around anyway.

We continued through the village shooting at everything. As far as I could tell about everybody in the company was shooting. We didn't collect any people and we didn't try to capture anyone. I didn't agree with all the killing but we were doing it because we had been told to do it. We shot men, women and children.

Somewhere in the vicinity of halfway through the village, we came upon a little clearing in the village. There was a pretty small hut there. There was a group of 10-15 people, men, women and children standing around in the clearing. Some were in groups and some were running around. There was me, TORRES, MOWER and 3-4 riflemen from the second platoon together and we all opened up on the group of people. TORRES opened up with the machine gun. After TORRES stopped firing, I shot one or two of these people with the M-16. I shot them from a distance. MOWER shot one or two of them with a 45. The reason I shot these people was because I was ordered to kill everybody in the village. As far as I know this group of people were all killed. There was men, women and children in this group, ranging from old people to young people. I don't recall any babies in this group. I did see some babies shot, but they were not in groups and scattered as we moved through the village.

This is the only group of people of that size that I shot or helped to shoot. I saw other groups of 7-8 people that were shot and killed. One group I remember now was shot and killed by ROCHEVITZ. He carried an M-79. These people, men, women and children, were sitting in a group in a clearing in the village, and ROCHEVITZ fired two rounds from his M-79. The first round missed and the second round hit them. Some of the people were not dead and I remember one of the riflemen went up and shot the people in the group that were only injured. All these people were killed. I remember that

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the first round fired by ROCHEVITZ almost hit SGT BUCHANAN, our platoon sergeant. I don't know if he saw them killed or not as he walked up after everything was over. Nothing was said about him nearly being hit.

These are the only two groups of people being killed that I remember. The rest of the people I saw killed were scattered throughout the village.

Q: How many people did you kill during that mission?

A: I can't really estimate. Maybe 8-10. Maybe more or maybe less. These were men, women and children and I can't remember any specific details.

Q: How much firing did you do?

A: 75 - 100 round of M-60 ammo. Both firing for recon and at people. I also fired about one magazine when I had the M-16. I don't remember if I had any grenades or not, but I do remember that I didn't explode any grenades.

Q: Did you approve of all the killings?

A: No. I did it because I was ordered to do it.

Q: Can you estimate how many dead persons you saw as you moved through the village?

A: I'd say 30 - 50 or so. I can't really recall.

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

A: Yes, ~~XXX~~ like I told you I heard that LT CALLEY, the first platoon leader, had two large groups of people and lined them up and gunned them down. I didn't see this and I don't know if it is true or not. I don't remember who told me about this and as I recall, I heard about this before I left the village.

Q: How long were you in the village?

A: ~~most~~ of the morning. I remember wh had lunch inside the village on the wood line at the edge of the village.

Q: Do you have any information about CARTER being injured?

A: No, but I heard that he shot himself in the foot. I don't know if this was on purpose or an accident. I don't remember seeing CARTER at all.

Q: What route did you travel through the village?

A: I went through the village on the northern edge of the village. Later on I moved throughout the village.

Q: Did you see CPT MEDINA or any other of the unit officers while you were in the village?

A: I don't recall seeing any of them.

Q: While you were inside the village, do you recall getting any type of cease fire order?

A: I don't remember hearing an order. After we got through the village to the other side everyone ceased fire. We stopped firing because we reached the edge of the village. I don't recall getting an order.

Q: I have read to you part of a statement made by Varnado SIMPSON, who stated that you and other persons raped and shot a girl in the village. Would you care to comment about this?

A: Just that I did not do this and I don't recall seeing anyone do this.

Q: Do you know why he might make such a statement?

A: Maybe he thought he saw me there if it happened, but if it happened, I was not there. I don't know anything about a girl being raped.

Q: I have read to you part of a statement made by John MOWER, in which he stated that you and he shot some people after TORREST had some them with the machine gun. Is this the same incident that you described above?

A: Yes it is.

Q: Can you explain why the ~~XXXXXX~~ villagers were all shot?

A: Because they were all considered communist from the word that we had gotten from CPT MEDINA.

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Q: Would this include balloons and small children?

A: Yes.

Q: Can you describe any other persons that were shot during this mission?

A: No I cannot.

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

A: No that's about it. CCH

AFFIDAVIT

I, Charles Edward HUTTO HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. 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.

Charles E Hutto

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of November, 1969
at Fort Lewis, WA

Billy H Thompson

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

BILLY H. THOMPSON

(Typed Name of Person Administering Oath)

Article 136 (b) (4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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