

STATEMENT BY ACCUSED OR SUSPECT PERSON

PLACE Fort Lewis, Washington	DATE 10 NOV 69	TIME 1630 hrs	FILE NUMBER 0006 69-CJ-0111-00001
LAST NAME, FIRST NAME, MIDDLE NAME HUTTO, Charles Edward		SOCIAL SECURITY ACCOUNT NO.	GRADE SGT
ORGANIZATION OR ADDRESS Bq & Rq Co, 3d ALT Bde, Fort Lewis, WA 98433			

PART I - WAIVER CERTIFICATE

I HAVE BEEN INFORMED BY BILLY H. THOMPSON
OF Army CID
THAT HE WANTS TO QUESTION ME ABOUT Murder and Rape
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 QUESTION AT ANY TIME. ALSO, I MAY REQUEST COUNSEL AT ANY TIME DURING QUESTIONING.
I (DO) (DO NOT) WANT COUNSEL.
I (DO) (DO NOT) WANT TO MAKE A STATEMENT AND Charles E. Hutto
ANSWER QUESTIONS. (Signature of Person To Be Questioned)

INTERROGATOR: Billy H. Thompson WITNESS: _____
(Signature) (Signature)
1st MP Det (CI) OPMG (Typed Name and Organization)
Washington, DC 20314 (Typed Name and Organization)

PART II - SWORN STATEMENT

I, Charles Edward HUTTO WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: In addition to the information I furnished yesterday, I would like to add the following information. Sometime during the middle of the village of My Lai (4) after I had changed weapons with TORRES, my ammo bearer, we became separated. I came upon a hut located along a row of huts in the village. As I came up to the ~~XXXX~~ doorway of the hut I heard some GIs talking inside the hut. I was alone at this time. I went to the doorway to see who was inside and what was going on in the hut. I saw TORRES and Joe T. JOLLY inside the hut. There was a Vietnamese girl in the hut and she was laying on the bed and TORRES was having intercourse with her. The girl was crying and fighting and resisting TORRES' sexual advances. Part of the time JOLLY was standing beside the bed and holding the girl down. He was holding the girl by her hands. There was no doubt in my mind that the girl was being forced to have intercourse. In a few minutes TORRES finished and got up off the girl. After TORRES finished, JOLLY took out his penis and got on top of the girl and started having intercourse. The girl was still crying and fighting and resisting. By this time some of the other men in the platoon had gathered around the hut and were watching through the door and windows. I don't recall who was there but there were 3 or 4 people. I think they were both Caucasian and Negro, but I am not sure. Before JOLLY had finished having ~~XXXXXX~~ intercourse with the girl, I decided to leave and check out the other hootches along the way. At this time, I left and JOLLY had not finished having intercourse. That is all that I can tell you and I did not have intercourse with this girl. I did not hear about this girl getting killed until yesterday when you told me SIMPSON ~~XXXXXX~~ me that she had stated

EXHIBIT <u>D</u>	INITIALS OF PERSON MAKING STATEMENT <u>CEP</u>	PAGE 1 OF <u>2</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.

STAFFER (continued) been shot and killed. I did not see her shot and killed and I did not see anyone else have intercourse with her. I ~~do not~~ ~~know~~ ~~why~~ ~~she~~ ~~has~~ ~~been~~ ~~one~~ ~~of~~ ~~the~~ ~~people~~ ~~that~~ ~~gathered~~ ~~and~~ ~~were~~ ~~watching~~ ~~the~~ ~~girl~~ ~~and~~ ~~saw~~ ~~me~~ ~~and~~ ~~other~~ ~~guys~~ ~~but~~ ~~the~~ ~~reason~~ ~~he~~ ~~said~~ ~~I~~ ~~had~~ ~~intercourse~~ ~~with~~ ~~her~~ ~~and~~ ~~then~~ ~~shot~~ ~~her~~. I did not have intercourse with this girl or any other girl in My Lai (4) and I have told the truth.

Q: What type of clothing was the girl wearing?

A: Probably black pajamas because that is what they mostly wear. I don't remember for sure.

Q: Did TORRES or JOLLY undress?

A: No they just had their penis out by opening their fly.

Q: Can you describe this Vietnamese girl?

A: No. I would guess she was about 20 years old. She was not a good looking girl and I would describe her as being ugly. Thats all I remember about her.

Q: Were ~~there~~ any other Vietnamese inside the hootch?

A: No. *CCR*

Q: Did you see any other of the GIs go into the hootch?

A: No.

Q: Why didn't you report this incident?

A: I don't know. I didn't want the guys to get into trouble.

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

A: No that's all I know. *CCR*

AFFIDAVIT

I, Charles Edward BUTTO,

HAVE READ OR HAVE HAD READ TO ME THIS STATE-

MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

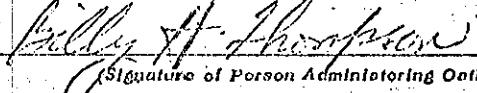


(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of November, 1969
at Fort Lewis, WA

ORGANIZATION OR ADDRESS


(Signature of Person Administering Oath)

BILLY H. THOMPSON

(Typed Name of Person Administering Oath)

Article 136 (b) (4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT *CCR*

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