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PLACE Fort Carson Colorado	DATE 25 Nov 1969	70-112011-00007
LAST NAME, FIRST NAME, MIDDLE NAME PINSTALL, Johnnie Elbert	SOCIAL SECURITY ACCOUNT NO.	GRADE E-1
ORGANIZATION OR ADDRESS Company B, 1st Bn, 10th Infantry, 5th Infantry Division, Fort Carson, Colorado		

SWORN STATEMENT

I, JOHNNIE ELBERT PINSTALL

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was assigned to Company C, 1st Bn, 20th Infantry, Americal Division, RVN area 19 March 1969. I know I was assigned just a few days after the action had taken place at Pinkville. All that I know about that operation is what I learned about it in general talk among the men in the company. The general talk was that they had gone through the village of Ky Lai (L) and killed everyone and everything in the village. I cannot recall any specifics. From what I heard, I would guess that there were about 300 Vietnamese villagers killed that day. I heard from MOSCOWITZ and others about hitting a child and that when a man ran out of a hut to protect the child, he was shot in the head and killed by MOSCOWITZ. I also heard that a woman and two children ran out of the hut at that time and were also shot and killed, but I do not know who shot them. I also heard from WO1, SMITH and MITCHELL that Lt CALLEY had marked an area caused to have dug into a ditch a group of Vietnamese and that he (CALLEY) shot them. I believe that the night after the incident at Ky Lai, the brigade commander always called on Company 'C' to go on this type of missions as they would get the desired results and completely wipe out the target. GOSBORN was also involved in killing during the action at Ky Lai (L). During 'Combat stories' I heard GOSBORN talk of Vietnamese he had killed during that particular operation. He did not talk about any specific incident, other than the fact that he had shot Vietnamese. GOSBORN was also involved with WRIGHT, DUNST, CONTE, HUTCH, HUTSON and WEST in acts of rape. I did not actually see the others, but on one occasion, I did see GOSBORN rape an old Vietnamese woman. I was going to shoot him, but someone stopped me. I think that some or all of those men were given an Article 15 by Cpt MEDINA for rape. I think they were caught by one of the company officers and taken to the CO.

Q: What became of the women after they were raped?

A: They were turned loose.

Q: Did these men continue these acts on all operations?

A: I don't know. I only saw that one act, but I did hear about others, but nothing specific.

Q: Did you know WIDMER?

A: Yes. He was Cpt MEDINA'S RTO.

Q: Can you identify the person shown in black and white photo number two (#2)?

A: I think it is Lt CALLEY. Sgt PHU did not carry a claymore mine pack.

EXHIBIT E	INITIALS OF PERSON MAKING STATEMENT E	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADLINE STATEMENT OF **JOHNNIE ELBERT PINSTALL** TAKEN AT **Fort Carson, Colorado** DATED **25 Nov 1969** CONTINUED.
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INITIALED BY THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE **1** OF **1** PAGES". IF THE STATEMENT IS CONTINUED, 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.

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A: I think his name is BLAIN.

A: Yes. I think it was conducted by an officer, but I don't know who he was or where he was from. He did not talk to me.

Q: Do you know who he talked to?

Q: Will you please explain the details of the rape of the old woman by GOODESON?

A: Yes. Around the end of April 1968, we were on a search mission in the northern area of our area of operations (AO) and we came upon 2 hootches together. I went into the first one to check it out and heard someone call to me from the other hut. I didn't know who it was. I went into the other hut and saw GOLDSOHN throw an old woman on the bed. I asked him what he was going to do and he stated that he was going to fuck her. I told him to leave the old woman alone. He asked me what I was trying to prove and I pulled him off of her and ran him out of the hut. He hadn't penetrated her at that time. I then told everyone to go over to the other hut for a meeting, and when I got to the other hut, I saw that GOLDSOHN wasn't there, so I again went back to the hut where the old woman and found GOLDSOHN on the bed with her. I pulled him off of her again and struck him in the face and ran him out of the hut for the second time. When I got back over to the other hut where I had told the men to assemble, I found that GOLDSOHN was still not there, so I went back to the other hut for the third time and found GOLDSOHN having forcible intercourse with the old woman. He had actually penetrated her this time. This time I pulled him off and was going to shoot him, but someone who had arrived at the scene stopped me. This incident was never reported to anyone.

Q: When you saw the aforementioned group of GOODESON, CONTI, HUTSON et al raping the girl(s), what exactly was taking place?

A: This incident also took place in a hut in the northern section of out AO. One of the men, I don't know who, ~~was inside~~ was inside of the hut raping a girl or young woman, and the rest were standing watch. I did not go into the hut so I did not actually see what was going on. I asked the men what was happening and one of them told me that they were getting screwed. I don't know how many girls they had in the hooch. I just walked away from it.

Q: Did you hear anyone talking about any specific acts of murder or rape which they had committed?

A: Other than what I have told you about GOODSON and the others, I did not hear of any other crimes.

Q: Do you have anything to add to this statement?

A: No. I cannot think of anything else.

EXHIBIT F

EXHIBIT E

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76-412-6-2

This portion of the statement form not used

I, JOSEPH E. TUNSTELL

AFFIDAVIT

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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.

WITNESSES:

Joseph E. Tunstall
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of November, 1968 at Fort Carson, Colorado

Robert E. Graham
934th MP Co, Ft Carson, Colorado
ORGANIZATION OR ADDRESS

Robert E. Graham
(Signature of Person Administering Oath)

ROBERT E. GRAHAM

(Typed Name of Person Administering Oath)

Art 136 (b), (4), UCMJ, 1968

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

EXHIBIT E

INITIALS OF PERSON MAKING STATEMENT

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PAGE 3 OF 3 PAGES

Q-6 TON TUNT KHEN

DOB 01-Nov-1924

POB Phung Ho - Phu Vang - Thua Thien

SIR 50.201.730

Branch Infantry

Promotion:

Promoted from: CAPT 15 Feb 1956

Maj 16 Aug 1961

Promoted to LTC 1 Jan 1963

First division/official duty staff comm:

LTC 1 Dec 1963

Firm LTC 1 Apr 1967

One wife

06 children