

FRV

WITNESS STATEMENT
(CR 195-10-TP 110 3)

LIVINGSTON

PLACE Washington DC	DATE 10 Dec 69	TIME 11:15	FILE NUMBER 69-00001-0001
LAST NAME, FIRST NAME, MIDDLE NAME GRAHAM ROBERT B	SOCIAL SECURITY ACCOUNT NO.		GRADE Crim Invc
ORGANIZATION OR ADDRESS 32d MP Det, 6th Spec Fcs Tp, Fort Bragg N. C.			

SWORN STATEMENT

I, Graham, Robert B, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The purpose of this statement is to document details of interviews of SP4 WILLIAM FREDERICK DOHERTY and CPT BRIAN LIVINGSTON.

On 3 Dec 1969, I interviewed SP4 DOHERTY and CPT LIVINGSTON regarding their participation in the combat assault on My Lai (4), Republic of Vietnam, that took place on 16 March 1968. DOHERTY was advised of his rights to legal counsel and further advised that he was suspected of murder. He volunteered to answer questions and make a statement without benefit of legal counsel present, however, after he had given one (1) page of typed testimony, he requested legal counsel. At this time the interview was terminated and DOHERTY was permitted to call his counsel. A JAG officer was provided and advised DOHERTY not to answer any further questions or to make any statement what so ever. The interview was terminated at that time.

During a reinterview conducted on 3 Dec 1969, CPT LIVINGSTON further stated that on the day of the mission to My Lai (4), COL JOHN HOLIDAY was the division air officer but that to the best of his knowledge, COL HOLIDAY was not in the area of My Lai (4) during that operation. LIVINGSTON does not recall seeing any command chopper in the area that day. He further stated that the night after the operation, he wrote his wife a letter describing what he had witnessed that day, and that his wife still has the letter. He will obtain the letter and have it forwarded to this office by registered mail. When questioned about the location where the civilians had been shot by the gun ship, he stated that this was on the main road which runs East and West to the south of the village. The villagers had just cleared the trail and were starting west on the main road.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>[Signature]</i>	PAGE 1 OF 2 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.

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AFFIDAVIT

I, ROBERT B. GRAHAM 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.

Robert B. Graham
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of December, 1969 at Washington DC

ORGANIZATION OR ADDRESS

Billy H. Thompson
(Signature of Person Administering Oath)

Billy H. Thompson

(Typed Name of Person Administering Oath)

Art 136 (b) (4) UCMJ, 1968

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT