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WITNESS STATEMENT

For use of this form, see AR 195-10 - TB PMG 3; the proponent agency is Office of the Provost Marshal General.

PLACE	DATE	TIME	FILE NUMBER
Washington, D.C.	14 Feb 70	1400	69-00011-00073
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY ACCOUNT NO.		GRADE
SMITH, Darrell Edward			Crim Inves
ORGANIZATION OR ADDRESS			

1st MP Detachment, Washington, D.C. 20315

SWORN STATEMENT

I, Darrell E. SMITH, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

This statement is made to document the reinterview of Mr. Robert Earl MAPLES, 40 1/2 Avenue A, Freehold, New Jersey, for the purpose of obtaining additional information concerning MAPLES' knowledge of and/or participation in the Combat Assault Operation at My Lai (4), Republic of South Vietnam, on 16 March 1968.

On 13 February 1970, MAPLES was interviewed at Freehold, New Jersey and stated substantially as follows concerning his witnessing BERGTHOLD shoot and kill an elderly Vietnamese man. At the beginning of the assault operation at the west end of My Lai (4), he and BERGTHOLD came upon a hooch from which an elderly man, woman and two or three children exited. He (MAPLES) was standing approximately twenty to twenty-five feet from the entrance of the hooch and saw the elderly man come walking out. Without provocation on the part of the Vietnamese man, BERGTHOLD, at a distance of five or six feet, facing the man, shot and killed him by blowing off the top of his head with a caliber .45 pistol. The man did not appear to be wounded as he was walking and acting in a normal manner prior to the shooting.

As the elderly Vietnamese woman and the children came out of the hooch, the woman was crying and came over to him (MAPLES) and showed him that she had been wounded in the left arm. He did not know how the woman received the wound in her arm. To the best of his knowledge, the woman and the children were gathered with other villagers and marched on through the village.

MAPLES stated that he does not recall of anyone shooting into or through the hooch before or after the man, woman and children came out nor does he recall of BERGTHOLD or anyone entering the hooch at any time. He further stated that he did not enter the hooch and did not hear shots fired from within it.

MAPLES concluded by saying that he had no knowledge of BERGTHOLD shooting a wounded Vietnamese man as an act of mercy.

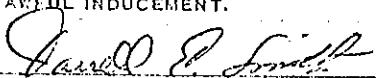
////////// NOTHING FOLLOWS //////////

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	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 ENTITLED 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.

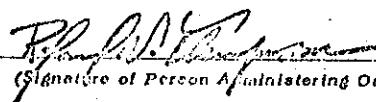
AFFIDAVIT

I, Darrell E. Smith, 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.



(Signature of Person Making Statement)

Subscribed and sworn to before me a person authorized by law to administer oaths, this 14 day of February, 1970 at Washington, DC.



Roland W. 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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