

WITNESS STATEMENT

Use of this form, G-1 A-1, 195-10 - TB PMG 3; the opponent agency is Office the Provost Marshal General.

PLACE Washington, D.C.	DATE 20 Mar 70	TIME	FILE NUMBER 10-6861-00013
LAST NAME, FIRST NAME, MIDDLE NAME BUGLIO, James	SOCIAL SECURITY ACCOUNT NO.		GRADE Crim Inves
ORGANIZATION OR ADDRESS Det P, 4th MP Gr (C), Ft Sill, OK			

SWORN STATEMENT

I, James BUGLIO, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

About 1745 hrs, 18 Mar 70, I interviewed Mr Nicholas (nmn) CAPEZZA, at his place of residence, 105-18 80th Street, Ozone Park, Queens, New York.

Although Mr CAPEZZA declined to make a written statement, he verbally provided the following account of his participation in Operation Finkville while Chief Medic, Co C, 1st Bn, 20th Inf during Task Force Barker:

On an unrecalled date/month in the Republic of Vietnam during 1968, he attended a briefing by CPT MEDINA, his Company Commander, concerning an assault to take place at My Lai the following morning. He recalled that the men were told to expect heavy resistance, destroy crops and animals and that non-combatants were warned to leave the area by leaflet-drop. According to Mr CAPEZZA, the briefing also took the form of a "pep talk" with MEDINA stating "This is what we've been waiting for", or words to that effect. Other than that a Priest may have been present, he could recall nothing further concerning that briefing.

Concerning the assault on My Lai (4) the next morning, CAPEZZA related that he flew in on the Second Heli-lift and that he joined CPT MEDINA at the LZ, which was "cold". From the LZ, and with CPT MEDINA, he proceeded to a dike at the edge of the village and remained there about 30 minutes. It was there that he observed a shrine or pagoda. First and Second Platoons were in the village and one element of the Third Platoon was chasing several Vietnamese to the South-East. He recalled that CPT MEDINA advised that unit by radio that they were too far away. CAPEZZA stated he did observe damaged buildings and craters, the result of artillery fire which preceded the landing.

CAPEZZA stated he could not recall the route he took through the village, and could only vaguely recall certain scenes and incidents. Based on his poor recall the became one of direct questioning and the below additional information was elicited.

Reference radio transmissions he may have heard, CAPEZZA recalled CPT MEDINA receiving a request for a body count and that MEDINA's reply was to the effect that he could not say because of artillery, but did render a figure of 25 - 35. MEDINA also called LT CALLEY, First Platoon Leader and asked him "What's going on?" CAPEZZA stated he did not remember CALLEY's answer, and addet that a helicopter pilot was somehow involved in these transmissions and further, that the pilot had made some form of complaint.

CAPEZZA stated he did not witness any slayings, but did observe some 20 - 30 dead Vietnamese throughout the village. Those dead consisted of various aged adults of both sexes and "a couple of kids", ages 6-10.

Concerning the torture, interrogation and slaying of prisoners, CAPEZZA first related that on the first night he observed an MI Captain and Vietnamese National Police questioning 5-6 male prisoners. He recalled the Police taking the prisoners out of sight, hearing shots and minutes later he saw their bodies. Second, CAPEZZA stated that on the second day near the coast, he witnessed CPT MEDINA fire his rifle 2-3 times over the head of a Vietnamese male prisoner that was placed against a tree.

EXHIBIT 5	INITIALS OF PERSON MAKING STATEMENT QB	PAGE 1 OF <u>3</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.

STATEMENT (Continued)

He stated that prisoner was not tied to the tree, was not unarmed and later was flown out for further interrogation.

Concerning any investigation of the My Lai incident, CAFEZZA stated that just prior to returning to LZ Dottie he was told that the operation was terminated due to the number of killings. He stated he was never advised or ordered to remain silent and in fact, he was questioned as part of a group by COL HENDERSON for approximately 10 minutes upon their return to LZ Dottie, however COL HENDERSON did not receive any answers.

CAFEZZA could not recall any enemy resistance at My Lai, any order to commence or to cease fire, any of CPT MERRIMA's actions or movements other than those shown above, nor seeing a large number of dead in a ditch or on a trail. I queried CAFEZZA concerning specific allegations developed during the course of this investigation, however he could offer no positive information other than that reflected above.

CAPEZZA identified the following photographs:

Black & White #11A - Himself, treating CARTER. MURRAY carrying radio being used by MEFINA. To rear of CAFEZZEA with rifle and uncovered, MARTIN.

Black & White #1A - Himself. CAPEZZA explained that he twice posed for this picture for Photographer HARPERIE, and that the fire was in progress upon his arrival at the scene.

Black & White #14A - Possibly FLCRFS with Insect Repellent on Helmet.

Black & White #10A - CARTER in center, WICKER on right.

AFFIDAVIT

1. JAMES BUGLIO

HAVE READ OR HAVE HAD READ TO ME THIS STATE-

MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. 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:

James Bruglio
(Signature of Person)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law
to administer oaths, this 20th day of March, 1970
at Washington, D.C.

ORGANIZATION OR ADDRESS

Richard E. Thompson
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

RICHARD E. SHERWOOD

(Typed Name of Person Administering Oath)

Art. 136(b)(4), UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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