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PLACE 1st Hq. Co., 2d Bn., 1st Armored Division, Ft. Hood, Texas	DATE 1 Apr 70	TIME 1200	FILE NUMBER 70-61001-0001
NAME, FIRST NAME, MIDDLE NAME PHILIP, WALTER JR.	SOCIAL SECURITY ACCOUNT NO.		GRADE Pvt-2
ORGANIZATION OR ADDRESS Hq. A Bn. Co., 2d Bn., 1st Armored Division, Ft. Hood, Texas 76515			

SWORN STATEMENT

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

PVT PHILIP, in reference is made to your previous statement dated 13 Jan 70, in which you rendered certain information relative to the rape of a Vietnamese girl on 16 Mar 68, by two Puerto Ricans, and another incident involving BOSCHWITZ firing an M-79 grenade launcher into a group of Vietnamese civilians on 16 Mar 68. Will you please answer additional question concerning these incidents, and render any other information you may have remembered since being interviewed initially?

Yes.

In reference to previous testimony before the PHARS Committee, and your former statement to the CID on 13 Jan 70, there is a conflict as to who you were working with on 16 Mar 68. Were you the RIO for CALLIN or for BRANKS?

I was the RIO for 2LT BRANKS during the My Lai operation on 16 Mar 68. You stated previously that you watched a girl being raped by two Puerto Ricans. Specifically, when and where did this act take place?

It was on the morning of 16 Mar 68, at the village of My Lai (4). The incident took off the trail near a hooch on the north side of the village. I have looked at the map, but I can't pinpoint any specific location. I'm unable to remember any one of two people that would have witnessed the incident, but most of the men in the 2d Platoon should have seen it. When I saw the girl she was naked and laying on the ground with address DELGADO on top of her having intercourse. The second man was either AGUILAR or GONZALEZ. I can't place the name with the face of these two individuals, but the second person was rather short and stout. I'm sure I would recognize the right person if I ever saw him again. Well anyway, the second person had the girl to masturbate him. I'm sure he didn't have sexual intercourse with her. When these two men finished they walked away from the girl and she more or less waved good-bye to them. I did not see either of these two men threaten the girl or abuse her in any way. The girl was rather cute and I would estimate her age to be about 18 or 19 years old.

Did you see the clothing being taken off of the girl?

A: No.

Q: Did either of the men make any type of remarks, either before or after the act?

A: No.

Q: Did you see either of the men touch the girls breast or private parts?

A: No.

Q: Did you actually witness a penetration of DELGADO's penis into the girl's vagina?

A: All I saw was DELGADO laying on top of the girl and moving his body up and down.

Q: After the two men finished with the girl did they assault her, shoot her, or just leave her at the hooch or on the trail where the incident occurred?

A: They didn't harm her. They just left her where she was.

Q: How long would you estimate that you watched this incident?

A: Oh heck, I don't know. A couple of minutes, I guess.

Q: Did you witness another rape, or a girl being forced into having intercourse on

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Statement Of: Pvt-2 Dean FIELDS, Jr. Taken At: Ft Hood, TX Date: 1 Apr 70
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Yes. This incident occurred later in the day and on the same side of the village as the other one. This was inside a hooch and I saw HUFFCO and LAIGHT for a moment girl into sexual intercourse. HUFFCO was the one that was in the saddle and LAIGHT was helping HUFFCO hold the girl down. Both of the men were fully clothed, and the girl had her clothes on except for the bottom piece. I would estimate this girl to be in her middle twenties, maybe 25. It was obvious that the girl wasn't giving herself to the men willingly, but I didn't see the men hitting her nor threatening her nor any of her family. I didn't witness LAIGHT having intercourse with the girl. There were others in the hooch, more or less watching, but I can't remember who they were.

Q: Did you hear HUFFCO or HUFFCO make any remarks during or after the above act?

A: No.

Q: Did you see either of the two men named above touch the girl's breast or vagina?

A: No.

Q: Did you witness HUFFCO place his penis in the girl's vagina?

A: No, I just saw him in the saddle and he was working up and down like BULBAC.

Q: Did you see this girl beaten, threatened or shot after she was assaulted?

A: No.

Q: Can you name anyone else that you are sure witnessed the above incident?

A: Just the two men that were with the girl. I don't recall the names of the other people that were in the hooch.

Q: Based on your testimony before the PERS Committee you stated that you saw JOLLY and TOMBS rape a girl? When and where did this occur?

A: To the best of my knowledge, neither TOMBS nor JOLLY participated in any rape.

Q: Why did you render testimony before PERS that you saw these men rape a girl?

A: I still don't recall saying that they (JOLLY & TOMBS) did it.

Q: PVT FIELDS, please be reminded that this will be a sworn statement, and rendering the penalty for false swearing is rather severe. I now ask you if you witnessed JOLLY or TOMBS rape, or participate in the rape of a female at My Lai 4 on 16 Mar 68?

A: No, I didn't witness JOLLY nor TOMBS rape any female in My Lai 4 on 16 Mar 68.

Q: PVT FIELDS, in your previous statement to the GIC you stated that you saw ROSCHWITZ fire an M-79 grenade launcher into a group of some 12 Vietnamese people. Please elaborate further on the incident, with full details?

A: This happened about 3/4th the way through the village. There was about twelve people that had been rounded up by members of the 2d Platoon. After being rounded up, the group sat down. As I recall there was one old man, about four little kids and the rest were women. They were not offering any type resistance. When they sat down in a group, most of the men started walking away and ROSCHWITZ fired a M-79 round into the middle of the group. I guess there was about four or five that were killed outright. LT BRIGGS told someone in the 2d Platoon, whom I can't remember, to go on over and finish off the rest of them since they were already wounded and suffering. Who ever this person was, went over and finished off the rest of the group with an M-16.

Q: Did BRIGGS assist in the killing of any of the wounded?

A: No.

Q: Why did ROSCHWITZ fire the M-79 into the group of people?

A: I can't remember.

Q: How far away were you when ROSCHWITZ fired the '79 into the group of people?

A: I would estimate about 25 or 30 meters.

Q: Did ROSCHWITZ fire into the group of Vietnamese civilians with, or without orders to do so?

A: I think he was without orders.

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EXHIBIT G

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Date: 1 Apr 73

Q: Did you pinpoint the location of this incident more exactly?

A: It was near two fairly nice side benches that was made out of concrete rather than wood.

Q: Where did the M-79 round land in relation to the group of people?

A: It landed in front of the group and about the middle.

Q: Did you notice which specific individuals that were initially killed?

A: I don't know.

Q: Had any of the individuals attempted to resist or escape to provoke ROSCHWITZ to fire at them?

A: No.

Q: Were any of the individuals wounded before being fired upon by ROSCHWITZ?

A: None that I know of.

Q: Can you describe the dress of the people in the group?

A: Most of them had the typical Vietnamese dress, white top and black bottom. None were dressed with any type of clothing which stands out in my mind.

Q: Was this a deliberate act on ROSCHWITZ's part? Could it have been an accident?

A: It was not an accident; it was deliberate.

Q: How many people participated in killing the wounded or dying people after being fired upon by ROSCHWITZ?

A: Just one.

Q: Did you assist, or perform the act?

A: No.

Q: Who else witnessed this incident?

A: LT BROOKS, SGT BUCHANAN and the person that done the killing. I think the balance of the Platoon had already moved ahead.

Q: Was any type of action taken against ROSCHWITZ by BROOKS or BUCHANAN for this act?

A: None that I know of.

Q: Do you possess any further knowledge relative to the foregoing incidents that may be beneficial in this investigation?

A: No, I don't.

Q: Do you desire to add or delete anything from this statement?

A: No.

AFFIDAVIT

James F. Mercer, Jr.

HAVE READ OR HAVE HAD READ TO ME THE 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:

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1st day of April, 1973, at Ft Hood, Texas

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

JAMES F. MERCER, CJD

(Typed Name of Person Administering Oath)

Article 135 (b) (1) UCMJ

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

EXHIBIT G

INITIALS OF PERSON MAKING STATEMENT

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