

CID REPORT OF INVESTIGATION

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

TYPE OF REPORT
Completed

REPORT NUMBER

70-CID011-00014

PERIOD COVERED
29 Jan - 8 Jul 70

DATE OF REPORT

4 September 1970

PREPARING CID AGENCY

1st MP Detachment (CI)
US Army CID Agency
Washington, D.C. 20315

OFFENSE

1. Murder
2. Attempted Murder

SUBJECT S1 (Last name - First name - Middle name - Grade - SSAN Organization or address and ZIP Code)

TORRES, Esequiel Estaban; (1&2); 3GT;
Ft McPherson, GA 30330

BROWN, Maclin Clinton; (1&2); Civ;

; Hqs, Third US Army,

(Continued; See Attached Sheet)

BASIS FOR INVESTIGATION Investigation predicated upon information developed during course of investigation surrounding alleged atrocities committed by former members of Co C, 1st Bn, 20th Inf, Americal Div, APO SF 96217. (OPMG-C-69-530; 531; 532; 533 and CIDA-C-70-007)

INVESTIGATIVE SUMMARY

Investigation disclosed that on 16 Mar 68, at My Lai (4), Quang Ngai Province, RVN, TORRES, Maclin C. BROWN, MOWER, HUTTO, HUTSON, WRIGHT, SCHIEL, Fernando TREVINO, DELGADO and CROSSLEY, while on a combat assault operation conducted by Co C, 1st Bn, 20th Inf, Americal Div, of which they were members, moved through the second platoon area of operations within the village and systematically killed all the inhabitants they encountered.

Investigation further disclosed that approximately 102 Vietnamese noncombatant civilians were killed in the second platoon area of operations, 51 of whom have been tentatively identified by name, and 36 by family or position. In addition to the killing of the approximate 102 inhabitants, the subjects attempted an undetermined number of murders by throwing grenades and firing weapons indiscriminately into huts occupied by unarmed Vietnamese men, women and children.

All efforts to positively identify the victims killed by the subjects have met with negative results.

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INVESTIGATOR (Signature)

TYPED NAME, TITLE, AND ORGANIZATION

ROBERT B. GRAHAM
Crim Inves

APPROVING OFFICER (Signature)

TYPED NAME, GRADE, TITLE, AND ORGANIZATION

THOMAS L. ZANE, LTC, MPC
CO, 1st MP Detachment (CI)

DA FORM 2800
1 APR 69

REPLACES EDITION OF 1 JAN 68, WHICH IS OBSOLETE.

CID REPORT OF INVESTIGATION - ADMINISTRATIVE DATA

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

REPORT NUMBER
70-CID011-00014

SUBJECT(S) (Show last name and following personal data in order listed: Service number; Security clearance; DOD; POD; Sex; Race; Height; Weight; Hair color; Eye color; Build; Identifying marks; Former name, aliases, or service number; Disposition of subject; Results of repository check.)

TORRES: ; None; 10 Apr 48; Brownsville, TX; M; Span-Amer; 68 ins; 106 lbs; black hair; brown eyes; medium build; tattoo of heart with name "Saldana" right arm; on duty with unit; USAIRR-Subject of CID ROI 70-CID011-00009; 70-CID011-00012; 69-CID011-00069, offenses of murder and rape (Founded)

BROWN: ; None; 8 Dec 41; Petersburg, VA; M; Neg; 73 ins; 160 lbs; black hair; brown eyes; medium build; former ASN: US 52 912 746; presumed at listed address; USAIRR-Subject of CID ROI 70-CID011-00012, offense of murder (Insufficient evidence)

MOWER: ; None; 3 Apr 47; Chambersburg, PA; M; Cauc; 72 ins; (Continued; See Attached Sheet)

VICTIM(S) (Show full name and following personal data in order listed: SSAN; Service number; Organization or address; Position occupied; Grade or title; Sex; Race; DOB; POD; Former military rank or service number; Location of victim.)

Approximately 102 Vietnamese Nationals (men, women and children) (deceased); formerly residing at or near My Lai (4), RVN; M and F; Mongolian; remains of victims presumed to be interred in unmarked graves at My Lai (4), Quang Ngai Province, RVN.

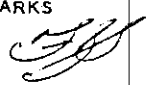
AGGREGATE DOLLAR VALUE OF PROPERTY

	STOLEN	LOST	DAMAGED	RECOVERED
US GOVT				
PRIVATE				

COORDINATION

INTELLIGENCE	DATE INITIAL NOTIFICATION 21 Feb 70 (SCHIEL)	NAME OF PERSON RECEIVING NOTIFICATION S/A John N. STRATTON
JUDGE ADVOCATE	DATE CASE DISCUSSED 17 Jun 70 26 Jun 70	NAME OF PERSON DISCUSSED WITH CPT Stanley I. GREENBERG MAJ David J. PASSAMANECK
PROVOST MARSHAL	DATE INITIAL NOTIFICATION 29 Jan 70 DATE COMPLETED REPORT DISCUSSED	NAME OF PERSON RECEIVING NOTIFICATION COL Henry H. TUFTS INSTALLATION PROVOST MARSHAL APPROVAL
OTHER	SPECIFY AGENCY, DATE, PERSON NOTIFIED	

TOTAL AMOUNT OF CID FUNDS EXPENDED ON INVESTIGATION (Enter on repository and file copies only.) \$

REMARKS


REVIEW

SUBJECTS: (Continued from DA Form 2800)

MOWER, John Richard; (1&2); Civ;

HUTTO, Charles Edward; (1&2); SGT; ; Hqs 3d US Army Ft Mc-
Pherson, GA 30330.

HUTSON, Max Dean; (1&2); PVT; ; Hqs, 3d US Army Ft McPherson,
GA 30330.

WRIGHT, Floyd Dale; (1&2); Civ; ;

SCHIEL, Kenneth (NMN); (1&2); CPL; ; Hqs, 3d US Army, Ft Mc-
Pherson, GA 30330.

TREVINO, Fernando R(10); (2); Civ; ;

DELGADO, Address (NMN); (2); Civ; ;

CROSSLEY, Gary Wade; (2); Civ; ,

ADMINISTRATIVE DATA: Continued From DA Form 2800-1)

150 lbs; brown hair; gray eyes; slender build; former ASN: US 51 915 844; presumed at listed address; USAIRR-Subject of CID ROI 69-CID011-00069 (Insufficient evidence) and 70-CID011-00012, offenses of murder and rape (Founded).

HUTSON: RA 16 884 903; None; 13 Jul 47; Williamsport NM; M; Cauc; 69 ins; 175 lbs; brown hair; green eyes; medium build; on duty with unit; USAIRR-Subject CID ROI 69-CID011-00069 (Insufficient evidence), 70-CID011-00004 (Founded), and 70-CID011-00012 (Founded), offenses of murder and rape.

WRIGHT: None; 17 Jun 46; Greenville, TN; M; Cauc; 72 ins; 180 lbs; brown hair; blue eyes; medium build; presumed residing at listed address; USAIRR-Subject of CID ROI 69-CID011-00069 (Insufficient evidence), and 70-CID011-00012, offenses of murder and rape (Founded).

SCHIEL: US 54 959 698; Secret (pending); 21 Jul 47; Flint, MI; M; Cauc; 65 ins; 130 lbs; black hair; brown eyes; slender build; on duty with unit; USAIRR-Subject CID ROI 70-CID011-00012, offense of murder (Founded)

TREVINO: None; 15 Aug 47; San Diego, TX; M; Mex-Amer; 70 ins; 194 lbs; black hair; brown eyes; medium-heavy build; cut scar on top of right hand; presumed to be residing at listed address; USAIRR-Subject of CID ROI 70-CID011-00012, offense of murder (Insufficient evidence)

DELGADO: None; 12 Apr 45; LaPryor, TX; M; Mex-Amer; 66 ins; 156 lbs; black hair; brown eyes; medium build; tattoo depicting head of Jesus Christ on left forearm; USAIRR-Subject of CID ROI 70-CID011-00006 (Founded) and 70-CID011-00012, offenses of murder and rape (Founded).

CROSSLEY: None; 13 Mar 47; Dallas TX; M; Cauc; 75 ins; 180 lbs; brown hair; brown eyes; medium build; former ASN: US 54 720 201; presumed residing at listed address; USAIRR-Subject of CID ROI 70-CID011-00001, offense of murder (Founded).

SUBSTANTIATION:

Mr. Thomas R. PARTSCH, former member of Co C, 1st Bn, 20th Inf, stated that he witnessed TORRES, HUTSON, HUTTO and MOWER shoot into huts occupied by Vietnamese civilians, and further, that he witnessed CROSSLEY shoot an elderly man in the arm.

SP4 Harold (NMN) BROWN, former member of Co C, stated that TORRES related that TORRES had shot a group of unarmed civilians, and further, that TORRES shot and killed a Vietnamese man as he ran from a house. BROWN further stated that MOWER related killing several Vietnamese civilians at My Lai (4). BROWN added that Fernando TREVINO, DELGADO and SCHIEL each stated that they had killed several Vietnamese civilians at My Lai (4).

Mr. John H. SMAIL, former member of Co C, stated he heard from an unknown source that TORRES had killed a Vietnamese National by stabbing him with a bowie knife.

SP5 Joseph N. KONWINSKI, former member of Co C, 1st Bn, 20th Inf, stated that he had heard that TORRES was one of the more avid shooters of Vietnamese during the combat assault at My Lai (4). KONWINSKI added that TORRES had removed a gold necklace from one of the victims and retained it in his possession.

Mr. Dennis M. BUNNING stated that he had been a member of Co C and that during the mission at My Lai (4), he witnessed SCHIEL and other soldiers shoot a group of about 9 Vietnamese men, women and children and that at the time of the shooting, he heard SCHIEL say that he did not want to shoot them, but that he had orders to do so.

SGT Patrick A. THIELE, SP4 Victor (NMN) ROMERO and SP4 Randolph E. GLAZIER, assigned to the unit after the assault, advised that TORRES admitted to killing from several to 30 Vietnamese during the My Lai (4) mission.

SGT Michael A. BERNHARDT, former member of Co C, stated he heard from unidentified members of the unit that HUTSON and WRIGHT had killed a lot of Vietnamese during the mission.

Mr. Everette L. CAYOT, former member of Co C, stated he heard from either HUTTO, HUTSON or WRIGHT that they had killed many Vietnamese during the mission at My Lai (4).

Mr. Varnado SIMPSON, former member of Co C, stated that he witnessed HUTTO, HUTSON and WRIGHT enter a hut in My Lai (4) and shoot about five children.

2LT Walter R. MACHNICKI, former enlisted member of Co C, stated that WRIGHT related killing many Vietnamese civilians during the mission at My Lai (4).

SUBSANTATION: (Continued)

Mr. Anthony E. BROUSSARD, former member of Co C, who did not participate in the mission, stated he heard from men on the mission that HUTSON had set up a machine gun and shot groups of people.

1SG Jay A. BUCHANON, former 2d platoon sergeant, stated that he had not witnessed the shooting, but that he had seen a group of bodies and that he and the platoon leader had asked what had happened with no results.

During reinterview, BUNNING stated he witnessed SCHIEL and four or five other men, believed to be members of SCHIEL's squad, fire into a group of about nine Vietnamese with M-16 rifles on automatic. BUNNING added that one of the men was firing an M-60 machine gun into the group.

PVT Dean FIELDS Jr, former member of Co C, stated that he observed an M-79 round fired into a group of about 12 Vietnamese civilians killing four or five outright and wounding the others. FIELDS added that either an NCO or an officer ordered one of the other men present to go to the group and finish off the wounded. According to FIELDS, this was accomplished by one of the men with an M-16 rifle.

SP5 George A. GARZA, former medic, Co C, stated that everyone in the second platoon was firing their weapons as they moved through the village. He was to the rear of the platoon and saw bodies as he moved through the area. GARZA stated that everyone in the platoon, except himself, BUCHANON, PARTSCH and BROOKS, were firing their weapons. GARZA stated he saw HUTSON firing the M-60 machine gun in the village, but did not actually see anyone killed.

SP4 Leonard R. GONZALEZ, former rifleman, Co C, stated that about three-quarters of the way through the village, he came upon about 15 Vietnamese in front of a hootch who were shot and killed by SCHIEL, TORRES and other men of that squad. GONZALEZ described two incidents, one where a soldier threw a grenade into a bunker in which an unknown number of Vietnamese were hiding, and one where an unidentified soldier killed a Vietnamese girl by shooting her point blank with an M-16 rifle. GONZALEZ further stated that he could identify TORRES as being one of the men who fired into the group of about 15 Vietnamese.

SSG Kenneth L. HODGES orally stated to Crim Inves Coy L. WELLS, that he had been the squad leader of the 1st squad, 2d platoon, Co C and indicated that names of several men who had been assigned to his squad. HODGES declined to answer any questions regarding rapes and denied having seen any Vietnamese mistreated.

Mr. Salvador LaMARTINA III, former member of Co C, stated that he had seen about 20-25 bodies in the village and estimated about 360

SUBSTANTIATION: (Continued)

villagers were killed. During a reinterview, LaMARTINA stated that he recalled a village elder or Monk being shot in his platoon area but he did not see the man shot.

Mr. Tom C. MAKEY, former member of Co C, stated he did not participate in the mission but that he heard men in the unit talking about the large number of men, women and children that had been killed.

Mr. James M. McBREEN, Jr, former member of Co C, who participated in the combat assault, denied shooting anyone in the village and added that he had seen about 50 Vietnamese killed.

Mr. Tommy Lee MOSS, former member of Co C, related that he observed 50-75 civilians shot during the operation. MOSS stated these were groups that had been taken from houses and shot and other groups that had been rounded up. MOSS stated that he had witnessed the actual shooting of Vietnamese by members of his unit, but that he would not identify these offenders.

Mr. Leon D. STEVENSON, former ammo bearer for the M-60 machine gun manned by HUTSON, recalled it was the only mission where women and children were killed. STEVENSON stated that he saw about 15 bodies as he went through the village, but that when he returned back through the village, he observed about 25 bodies of women and children scattered around. During a subsequent interview, STEVENSON added that he did witness HUTSON firing into the village as they were advancing, but that he could not recall any specific incidents in which HUTSON fired into hootches.

PVT Roy F. TREVINO, former rifleman during the mission, stated he observed a group of about 10 Vietnamese being guarded by American soldiers. He did not think anything of it, and when he turned to walk away, he heard gunfire and turned in time to see the Vietnamese falling to the ground after being shot.

Mr. Diego RODRIGUEZ, former member Co C, verified that he was assigned to the 2d platoon at the time of the combat assault, but declined to make any statement regarding the action at My Lai (4).

HUTSON admitted that he, TORRES, SCHIEL, DELGADO, HUTTO, CROSSLEY and WRIGHT killed about 25 Vietnamese civilians and that they "executed" about 10 civilians. HUTSON further stated that WRIGHT had killed a Vietnamese Elder or Monk by shooting him with a .45 caliber pistol. MOWER admitted that he had killed a Vietnamese man who had been wounded by TORRES. HUTTO admitted that he and several other soldiers fired into a group of about 15 Vietnamese with their M-16 rifles and that he witnessed TORRES shoot and kill several Vietnamese. HUTTO further admitted that he killed about 10 men, women and children during the mission. WRIGHT stated that he had killed an undetermined number of

SUBSTANTIATION: (Continued)

Vietnamese civilians during the mission. Fernando TREVINO stated that on orders from his platoon leader he fired upon a group of about 9 Vietnamese who were running from the area. Fernando TREVINO further stated that a soldier with a machine gun, either HUTSON or TORRES, had also been ordered to fire on the group. Fernando TREVINO could not say whether or not the group had been killed. SCHIEL stated the unit had orders to kill everything in My Lai (4) and denied killing any unarmed civilians himself. CROSSLEY and DELGADO declined to make a statement. BROWN, who said he had been hospitalized for about 5 months for a nervous/mental disorder, stated he did not recall any details of the assault of My Lai (4). SJA, Ft McPherson, GA, refused to authorize a search of TORRES, TORRES declined to make a statement, but made several unsolicited comments, one of which was to the effect that there was not a man in the unit who did not kill that day. Fernando TREVINO stated he saw a lot of bodies and heard a lot of shooting but did not see anyone shot. He admitted firing his weapon but did not know if he killed anyone or not.

An engineer map of the village of My Lai (4), produced subsequent to the combat assault, was prepared, and the general area of operations of the 2d platoon, Co C, 1st Bn, 20th Inf, to include directions of travel and individual incidents, has been indicated thereon.

A statement by Crim Inves Robert B. GRAHAM covers investigative details not described elsewhere in this report and documents partial identifications of victims.

The place of residence indicated in the following substantiation paragraphs relate to the contributor's status during the period 16-19 Mar 68. The current status of the same individuals, where known, is reflected in the sections of this report identifying subjects, victims and witnesses.

Nguyen Thi BI, former inhabitant of My Lai (4), stated that on the day of the attack by the US Forces, she saw and heard artillery fire striking on the west side of the village of My Lai (4). She ran to the village of Son Hoa where she stayed until about 1400 hrs. At that time she returned to My Lai (4) where she saw many bodies along the trail and in scattered groups. She returned to her home to find it destroyed by fire. BI further related that at the home of her uncle, Nguyen GAP, she found her uncle, aunt, and two young cousins dead. BI added that in the homes of neighbors, she found 41 older adults and nine children dead.

Nguyen CO (AKA: Nguyen Khac TUONG), former inhabitant of My Lai (4), stated that about at 0700 hrs, 18 Mar 68, he was in his home when artillery began to hit on the northern and western edge of the

SUBSTANTIATION: (Continued)

village. He remained in the family bunker while the rest of his family went out with the US soldiers. At about 1200 hrs, CO exited the bunker and found his mother and grandmother dead along with several others. CO further stated that he had established the number of people killed in the village that day at 350, including residents, visitors and vendors in the area.

Nguyen Thi ME (AKA: BUK), former resident of My Lai (4), stated that early one morning, she was in her home in the village when she heard explosions around the village and saw helicopters. She took her family and went to the village of Son Thanh where she remained until the following day. ME identified one elderly female and one female child as having been shot to death.

Truong QUY (AKA: QUI), former resident of My Lai (4), stated that on 16 Mar 68, when the US soldiers arrived, he was in the village of My Lai (4). He ran and hid in the rice paddies to the south of the village. QUY elaborated that from his hiding place in the rice paddies, he observed the US soldiers moving into the village and firing their weapons into the houses. QUY identified 47 persons as having been killed by the US soldiers.

Nguyen Thi TAI, former resident of My Lai (4), stated that early in the morning one day in Mar 68, she was in the village of My Lai (4) when the US soldiers came. She heard a lot of shooting, so she ran to another village to hide. TAI further related that she returned to My Lai (4) about 1200 hrs the same day and found her father, mother, sister and six neighbors killed in or near their homes.

Nguyen TRI, former resident of My Lai (4), stated that about 0700 hrs, 16 or 17 Mar 68, the Americans came to his village, and he, being afraid, ran and hid in the family bunker until about 1200 hrs. TRI further stated that when he went out of the bunker, he found his grandmother, three sisters and 22 neighbors dead in their respective houses.

Do VIEN, former resident and Viet Cong Sub-Hamlet propagandist, related that early in the morning, 16 Mar 68, he was working in the rice fields when the artillery rounds started exploding near the perimeter of the village. VIEN fled to the village of Binh Hoa where he remained until about 1300 hrs the same day. VIEN further stated that when he returned to the village of My Lai (4) about 1300 hrs, he found many bodies of villagers in the area and gave full or partial identifications of 211 persons who were killed in or around the village.

CONCLUSIONS

- a. That TORRES, HUTSON, WRIGHT, SCHIEL, HUTTO and MOWER acting jointly and in pursuance of a common intent, did, at My Lai(4), Quang Ngai Province, Republic of Vietnam, on or about 16 March 1968, with premeditation, murder as groups and individuals, an undetermined number of Vietnamese Nationals, (men, women and children) by means of shooting them with M-16 rifles and an M-60 machine gun.
- b. That DELGADO, CROSSLEY, Fernando TREVINO, TORRES, HUTSON, HUTTO, WRIGHT, SCHIEL and MOWER acting jointly and in pursuance of a common intent did at My Lai (4), Quang Ngai Province, Republic of Vietnam, on or about 16 March 1968, with premeditation, attempt to murder an undetermined number of Vietnamese Nationals, (men, women and children) by means of firing M-16 rifles and an M-60 machine gun into occupied houses.
- c. There is insufficient evidence to prove or disprove that WRIGHT shot and killed a village elder or monk with a .45 caliber pistol, as alleged by HUTSON.
- d. There is insufficient evidence to prove or disprove that BROWN committed murder, as alleged by HUTSON.
- e. There is insufficient evidence to prove or disprove that TORRES murdered an unidentified Vietnamese male by stabbing him with a knife, as alleged by SMAIL.