

UNITED STATES

V.

Charles E. Hutto  
Sergeant  
US Army

STIPULATION OF FACT

It is hereby stipulated by and between Trial Counsel and Defense Counsel, with the express consent of the accused, that the following is a true and accurate chronology of events pertaining to this case:

16 March 1968 - Date of alleged offense.

24 April 1968 - Report of Investigation by Commanding Officer, 11th Infantry Brigade to Commanding General, Americal Division,

29 March 1969 - Ridenhour letter to Department of the Army and members of Congress

23 April 1969 - Investigation by the Inspector General directed by the Chief of Staff. Testimony of 36 witnesses taken totaling 1031 pages. Report dated 19 September 1969.

4 August 1969 - Investigation transferred to the United States Army Criminal Investigation Division. Statements of over 500 witnesses have been obtained to date. This includes witnesses in the United States and the Republic of Vietnam.

26 November 1969 - Peers investigation directed by the Chief of Staff and Secretary of the Army.

8 January 1970 - Charge against Sergeant Hutto preferred and sworn at Fort Lewis, Washington.

8 January 1970 - Sergeant Hutto informed of the charge.

9 January 1970 - TWK from Department of the Army authorizing transfer of Sergeant Hutto to Fort McPherson, Georgia. Major Williamson and Captain Wurtzel were assigned the task of review of available evidence.

9 January 1970 - First Progress Report of Investigation received at this headquarters from Fort Lewis, Washington.

12 January 1970 - Sergeant Hutto scheduled HTS.

12 January 1970 - TWX from this headquarters to Fort Lewis, Washington requesting an interview of Sergeant Hutto to determine a convenient date for a permanent change of station to this headquarters.

13-14 January 1970 - TDY to Washington, D.C. to confer with personnel from First US Army CID conducting My Lai investigations. Captain Wurtzel was provided with the IG investigation, Reports of Investigation completed to date and various sworn statements, maps and photographs.

15 January 1970 - Analysis of potential evidence pertaining to individuals to be transferred to this headquarters was commenced. Additional investigation material from First US Army CID was forwarded to Fort McPherson.

16 January 1970 - Analysis of the IG investigation, consisting of approximately 1,000 pages, began.

17 January 1970 - Further analysis and cross-referencing of the CID statements conducted.

19-23 January 1970 - Review and Analysis of Progress Reports and additional statements provided by the First CID begun.

26 January 1970 - Additional Reports of Investigation pertaining to various subjects of investigation from the First US Army CID were received and analysis of this evidence commenced.

29-30 January 1970 - Additional statements and Reports of Investigation from the First US Army CID were received at this headquarters and analysis of this evidence commenced.

3-6 February 1970 - Further research and analysis of evidence, including evidence pertaining to civilian subjects of investigation.

9 February 1970 - Receipt of additional Report of Investigation from the First US Army CID and commencement of analysis of that evidence.

11-13 February 1970 - Further analysis of evidence pertaining to subjects of investigation, including receipt of various documents, directives, and regulations from the First US Army CID. Also received additional Reports of Investigation and witness statements from the First CID.

- 16 February 1970 - Receipt of additional Reports of Investigation and flagging actions pertaining to subjects under investigation from the First US Army CID.
- 17 February 1970 - Research pertaining to Article 32 investigations conducted.
- 20-26 February 1970 - Further analysis of evidence. Research and inventory of files. Compilation of evidence pertaining to each subject of investigation begun by PFC Luke at the direction of Major Williamson.
- 27 February 1970 - Additional witness statements, regulations, and documents from the First CID received at this headquarters. Folders on each subject of investigation were completed by PFC Luke. Sergeant Hutto arrived at Fort McPherson and Captain Lane made available as Defense Counsel.
- 28 February 1970-5 March 1970 - Statements from the First CID were received at this headquarters and cross-referencing of this evidence was accomplished.
- 9 March 1970 - Charge against Sergeant Hutto was resworn and additional charge preferred by the Company Commander, Headquarters Company, Fort McPherson, Georgia.
- 10 March 1970 - Sergeant Hutto was informed of the resworn charge and the additional charge and the charges were received by the Summary Court Convening Authority.
- 14 March 1970 - Report of the Department of the Army Review of the Preliminary Investigation into the My Lai Incident. Testimony of 401 witnesses taken totaling 33 volumes.
- 11-16 March 1970 - Review of charges and allied papers by the Commanding Officer, Troop Command, since designated Headquarters Commandant, Headquarters Command, Fort McPherson, Georgia.
- 17 March 1970 - Article 32 investigating officer appointed.
- 23 March 1970 - First hearing of the Article 32 investigation. Hearing was recessed due to employment of civilian defense counsel.
- 30 March 1970 - Second hearing of the Article 32 investigation held. Civilian counsel retained. Third session set for 17 April 1970 due to current workload of civilian counsel.

17 April 1970 - Third Article 32 hearing held.

29 April-1 May 1970 - Defense counsel and government representative traveled to Washington, D.C.

8 May 1970 - Fourth Article 32 investigation hearing conducted.

28 May 1970 - Fifth Article 32 Investigation hearing conducted.

16 June 1970 - Report of investigation completed.

17-30 June 1970 - Charges, allied papers and report of investigation considered by the Headquarters Commandant, Headquarters Command.

30 June 1970 - Charges and allied papers forwarded to the Office of the Staff Judge Advocate for pre-trial advice.

4 September 1970 - Pre-trial advice adopted by the Army Staff Judge Advocate.

4 September 1970 - Trial by general court-martial directed by Lieutenant General A.O. Connor, the convening authority.

17 September 1970 - Case referred to court-martial convening order number 37, dated 17 September 1970.

22 September 1970 - Service of charges on the accused.

2 October 1970 - Article 39a session conducted at the request of the military judge.

It is further stipulated that there has been no pre-trial <sup>conflict</sup> ~~negotiation~~ in this case.

FRANKLIN R. WURTZEL  
Captain, JAGC  
Trial Counsel

WILLIAM G. ECKHARDT  
Captain, JAGC  
Assistant Trial Counsel

JAMES W. LANE  
Captain, JAGC  
Military Defense Counsel

EDWARD L. MAGILL  
Civilian Defense Counsel

CHARLES E. HUTTO  
Sergeant, US Army  
Accused