

CHARGE SHEET			
PLACE Fort Riley, Kansas		DATE 7 January 1970	
ACCUSED (Last name, First name, Middle Initial) (List aliases when material) SMITH, Gerald A.		SERVICE NO./SOCIAL SECURITY ACCOUNT NO.	GRADE OR RANK Private AND PAY GRADE E-2
ORGANIZATION AND ARMED FORCE (If the accused is not a member of any armed force, state other appropriate description showing that he is subject to military law) Company A, 2nd Battalion 21st Infantry, U S Army		DATE OF BIRTH 26 October 1947	PAY PER MONTH
		CONTRIBUTION TO FAMILY OR QUARTERS ALLOWANCE (MCM, 126b (2)) \$42.00	BASIC \$79.10
			SEA OR FOREIGN DUTY \$0.00
			TOTAL \$79.10

RECORD OF SERVICE			
INITIAL DATE OF CURRENT SERVICE 13 January 1967		TERM OF CURRENT SERVICE 3 YEARS	
PRIOR SERVICE: (As to each prior period of service, give inclusive dates of service and Armed Force, if available.) YEARS MONTHS DAYS NONE			

DATA AS TO WITNESSES (Summary Court Officer will line out and insert names as applicable (MCM, 79g) and initial changes)			
NAME OF WITNESS	ADDRESS	WITNESSES FOR	
		PROSECUTION	ACCUSED
Harry Stanley	Long Beach, California	X	
Fred W. Austin	Canoga Park, California	X	
Ronald L. Hauberle	North Ridgeville, Ohio	X	
Jay W. Roberts	Arlington, Va.	X	
Lo Chue	Son My Village, Quang Nam Province, Republic of Vietnam	X	
Richard W. Pendleton	Richmond, California	X	

DOCUMENTS AND OBJECTS			
LIST AND DESCRIBE (If not attached to charges, note where it may be found) CID Report Number 69-CID011-00270 DD Form 413			
DATA AS TO RESTRAINT			
NATURE OF ANY RESTRAINT OF ACCUSED	DATE	LOCATION	

Charge

Violation of the Uniform Code of Military Justice, Article

110

Specification

1. In that Private E-2 Gerald A. Smith, US Army, Company A, 2d Battalion, 21st Infantry, did, at My Lai (4), Quang Nam Province, Republic of Vietnam, on or about 16 March 1968, with premeditation murder Da Thi Can, a Vietnamese civilian, by means of shooting her with a rifle.

Specification 2: In that Private E-2 Gerald A. Smith, US Army, Company A, 2d Battalion, 21st Infantry, did, at My Lai (4), Quang Nam Province, Republic of Vietnam, on or about 16 March 1968, with premeditation murder Da Mac, a Vietnamese civilian, by means of shooting him with a rifle.

Specification 3: In that Private E-2 Gerald A. Smith, US Army, Company A, 2d Battalion, 21st Infantry, did, at My Lai (4), Quang Nam Province, Republic of Vietnam, on or about 16 March 1968, with premeditation murder five unidentified Vietnamese civilians, by means of shooting them with a rifle.

Charge 11: Violation of the Uniform Code of Military Justice, Article 134

Specification: In that Private E-2 Gerald A. Smith, US Army, Company A, 2d Battalion, 21st Infantry, did at My Lai (4), Quang Nam Province, Republic of Vietnam, on or about 16 March 1968, commit an indecent assault upon Da Thi Can by fondling her breasts, with intent to gratify his lust.