

UNITED STATES

v.

GERALD A. SMITH

PRIVATE

UNITED STATES ARMY

MOTION TO PRODUCE

IN the above-styled case, a General Court-Martial convened by Court-Martial Convening Order Number 27, Headquarters, Third United States Army, Fort McPherson, Georgia 30330, dated 22 June 1970, comes now the accused, by and through his attorneys, and moves this Court to order trial counsel to produce the sworn testimony given by Mr. Ronald Haeberle to the Armed Services Investigating Subcommittee of the Committee on Armed Services, House of Representatives, Ninety-First Congress, which investigated the My Lai incident.

I

Mr. Ronald Haeberle is listed as a prosecution witness, and defense counsel have not been afforded the opportunity to study the testimony given by Mr. Haeberle to the aforementioned House Armed Services Subcommittee.

II

Since the sworn testimony of Mr. Haeberle relates to the My Lai Incident, it is reasonable to assume that the defense could utilize this testimony in cross-examination of the witness.

III

For the above reasons, we respectfully move this court to order trial counsel to produce the aforementioned testimony.

---

ROBERT K. RAULERSON  
CPT, JAGC  
Detailed Defense Counsel

---

DELMER C. GOWING, III  
CPT, JAGC  
Individual Defense Counsel