

INVESTIGATING OFFICER'S REPORT

EASON, Eddie E., SP5  
SMITH, Frank E., PFC

SEQUENCE OF EVENTS

13 Jan 70      Received charge sheet and allied papers. Visited "A" Battery, 2d Bn (HERC), 52d Arty to determine availability of witnesses. Informed Battery CO that anticipated date of investigation would be 20 or 21 Jan 70. Battery CO stated unit was to leave Miami/Homestead on 17 Jan for SNAP at Ft. Bliss and would return 25 Jan 70. He indicated that all presently listed witnesses except for LT Lepore, Battery CO, would be available during the SNAP period and he would be available after 25 Jan 70.

14 Jan 70      Traveled to Key West Navy Brig to commence investigation. Accused requested council (see item 3e) and also the following named personnel as witnesses:  
SP5 Douglas M. Jones  
Mr. Willie Griffin (Will delay contact with Mr. Griffin until Council confirms request)

19 Jan 70      Flight to Key West cancelled due to weather, rescheduled for 20 Jan 70.

20 Jan 70      Due to priority flight requirement, flight to Key West delayed until 1130 hours. CPT Pipes and CPT Suhre were so informed and decided they would not have sufficient time that day and requested air transportation on 21 Jan 70.

21 Jan 70      Due to brigade mission, CPT Pipes and CPT Suhre were informed that take-off would be 0730 and return flight would leave Key West at 1600 hours. At about 0715 hours 21 Jan 70 CPT Pipes called the Aviation Section, stated the transportation schedule would take too much of their time, to cancel them out and they would make independent arrangements.  
I.O. contacted CPTs Suhre and Pipes at about 1600 concerning their availability to continue as council for SP5 Eason and PFC Smith. They stated they could not continue if they were required to travel to Key West in order to see their clients, but strongly desired to continue as council and would if the

SEQUENCE OF EVENTS - Continued

accused could be brought to them. I.O. made this information known to the brigade CO and DCO. It was decided to provide all possible assistance and at 1710 hours final arrangements were made to send an aircraft with guard to Key West at 0800 hours on 22 Jan 70 to pick up Specialist Eason and Private Smith, deliver them to their respective councils, and return them to Key West when council had completed this preliminary session.

22 Jan 70      0800: Aircraft departed for Naval Air Station, Key West.

0945: Specialist Eason and PFC Smith arrived at Aviation Section, 47th Artillery Brigade, Homestead Air Force Base. I.O. explained to each of them the reason for their being ordered to Homestead AFB. i.e. to be interviewed by CPT Suhre and CPT Pipes respectively, such legal council having indicated being available to act as their council.

Specialist Eason, confirmed by PFC Smith, stated that LT Mattson (Legal Officer, Naval Air Station, Key West) had written some letters in their behalf and was arranging for civilian council. I.O. immediately initiated a telephone call to LT Mattson. He was not available, but his secretary stated that he would be in soon after 1300 hours. She also verified that he had forwarded three registered letters (one each to LTC King, CO, 2d Bn, 52d Arty; Major Kemp, XO, 2d Bn, 52d Arty; and 1LT Lepore, CO, A Battery, 2d Bn, 52d Arty) requesting subject men be released from confinement, and a letter to Mrs. Florence Wills, American Civil Liberties Union, Miami, Florida, requesting assistance in obtaining civilian council as the men were financially unable to engage council.

I.O. duly noted this information and advised each that they should talk to CPT Suhre and CPT Pipes to help determine if each desired to be represented by them and then if they (the accused) did obtain civilian council, both military and civilian council could be retained or one or the other could be discharged, as they saw fit. Each then indicated a desire to interview such council and were duly delivered to CPTs Suhre and Pipes by the IO at approximately 1005 hours.

SEQUENCE OF EVENTS - Continued

23 Jan 70 1500 hours. Contacted CPTS Pipes and Suhre reference their status as council. They believe they are desired as council but there is a possibility that civilian council will be retained. Specialist Eason and PFC Smith were relocated from Key West to the Air Force Confinement facility on Homestead AFB. Arrangements are being made for I.O. to interview each on Monday morning, 26 Jan 70.

26 Jan 70 Due to work details, Eason and Smith were not available during the morning. Appointment made to interview each at 1500 hours. During interview, each agreed that even though a request had been made for civilian council, they desired to retain assigned military council and would be ready for the investigation as determined by their council, CPT Suhre representing Specialist Eason and CPT Pipes representing Private Smith.

1530 hours. I.O. contacted both councils and determined that they both would, barring any unusual incident, be ready Tuesday, 3 February 1970. I.O. informed both that the investigation would convene at 0900, 3 Feb 70, in 47th Bde Headquarters Conference Room. No requests were made by council for witnesses.

3 Feb 70 0925: Investigation convened at Homestead AFB. Present were:

LTC Clifford S. Athey, Investigating Officer  
SP5 John W. Peterson, Stenographer  
SP5 Eddie E. Eason, Accused  
CPT John F. Suhre, Council for Eason  
PFC Frank E. Smith, Accused  
CPT Douglas Pipes, Council for Smith

1155: Recessed for lunch

1305: Reconvened.

During testimony by CWO Sinquefield it was revealed that laboratory report of the 5 Jan '70 alleged sale by Smith to Fineran had not been received, but was expected shortly. I.O. directed Mr. Sinquefield to deliver a copy immediately upon receipt. I.O. also informed council that a copy would be delivered to him as soon as received by I.O.

SEQUENCE OF EVENTS - Continued

1LT Lepore stated during his testimony that he had made a written statement. CWO Sinquefield denied this. I.O. contacted LT Lepore by telephone in the presence of both accused, councils, and CWO Sinquefield. LT Lepore informed the I.O. and CPT Pipes that upon reflection and after checking his office he was in error. That after discussion of the case with CWO Sinquefield and reading SP4 Fineran's statement, he "remembered" that he had made a statement. Now, he was clear and remembers that he did not make a statement.

Council for accused requested that Specialist Fineran obtain his notes and be recalled. Due to lateness of the hour, the investigation recessed at 1620 hours until 0900 hours,  
4 February 1970

4 Feb 70      0900: Convened.  
SP4 Fineran refused to produce his notes.  
  
0915: Adjourned.