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JOHN T. M. REDDAN
COUNSEL

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House of Representatives

COMMITTEE ON ARMED SERVICES

ARMED SERVICES INVESTIGATING SUBCOMMITTEE

2339 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
225-4221, GOVERNMENT CODE 180, EXT. 4221

August 27, 1970

Captain Robert K. Raulerson, JAGC
Hqs., Third United States Army
Department of the Army
Fort McPherson, Georgia 30330

Dear Captain Raulerson:

This is in reply to your letter of August 24 in which you requested jointly with Captains Cooper, Lantham, Kadish and Lane an opportunity to examine the testimony taken by the My Lai Incident Subcommittee.

I understand your desire to examine that testimony in an effort to avail your clients of every possible defense. I deeply regret, however, that, except for making the testimony of Captain Medina and Captain Kotouc available to their respective counsel for examination at the Subcommittee office, I am unable to comply with your request. The testimony of Captains Medina and Kotouc can only be made available because they appeared as witnesses before the Subcommittee and each witness is entitled to examine his own testimony. He cannot, however, examine the testimony of anyone other than himself.

As you know, the Constitution created the Congress as an independent branch of the Government, separate from and equal to the Executive and the Judicial Branches. Since it is an independent branch, it is our belief that only the Congress can direct disclosure of its legislative records. Consequently, the My Lai Subcommittee has adopted the position that testimony taken during its investigation is not within the purview of the holding in Brady v. Maryland, 373 U.S. 83 (1963), nor is it subject to production under 18 U.S.C. 3500. Accordingly, all requests from both defense and prosecution for an opportunity to examine the testimony have been, and will continue to be, denied.

Sincerely,

F. Edward Hebert
Chairman,
My Lai Incident Subcommittee

cc: Capt. Norman G. Cooper
Capt. William C. Lantham
Capt. Mark J. Kadish
Capt. James W. Lane

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Captain James A. Lane, JAGC
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Sincerely,

He is from Louisiana

F. Edward Herbert
Chairman,
My Lai Incident Subcommittee

cc: Capt. Norman G. Cooper
Capt. William C. Lanham
Capt. Mark J. Kadish
Capt. James W. Lane

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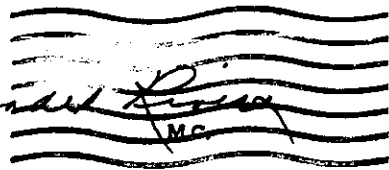
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