

1 May 1970

SUBJECT: Availability of Witnesses for Interview

TO: **SEX DISTRIBUTION**

1. The following listed individuals will be present at this headquarters on dates indicated below.
2. Request that you contact SSG Robert W. Doughty, Building 41, extension 4141, for an appointment if you should desire to interview the listed individuals.

<u>NAME</u>	<u>ARRIVAL</u>	<u>DEPARTURE</u>
	<u>DATE</u>	<u>DATE</u>
SP5 Harold Brown	11 May	14 May
Mr. Robert B. Graham	11 May	14 May

RWD

ROBERT W. DOUGHTY
SSG E6, 520-32-8675
Witness Coordinator

DISTRIBUTION:

CPT Mark Kadish
CPT William Lanham
CPT Robert Raulerson
CPT Norman Cooper
 CPT James Lane
CPT Franklin Wurtzel
CPT Robert Demets

BY PHONE

CPT Daniels
CPT Swan
MAJ Raby

Possible areas where Statement is inadmissible:

A. Warning Itself:

1. Failure to apprise of offense accused or suspected of.
2. Approval of Agent was one of duty to cooperate as a soldier/ lacks right to remain silent.
3. Mere utterance of warning with no understanding of the consequences of an exculpatory statement.
4. Failure to distinguish to accused that he was a suspect under investigation and not a witness making a requested statement pursuant to an implied order of W office
5. Warning of "use of statement against accused as negated by idea that was merely an investigation to clear up the matter - to find out who was the cause or responsible for the incident as a whole -- no one would be prosecuted!"

Methods of CID in obtaining statement

- A. Atmosphere vs. lack of understanding by accused of circumstances
- B. Accused's belief that he acted under orders in village
- C. Accused desire to exculpate himself of alleged offense of rape and murder of a Viet girl.
- D. Accused told only way to exculpate was to tell everything knew about the mission.
- E. Accused misapprised of purpose of interview -- general investigation to clear it up
- F. He was led to believe that he was one of the last to make a statement