

MEMORANDUM FOR RECORD

*For Col Parson*

24 April 1970

1. On 17 April 1970, LTC George Ryker, JAGC, of USCIDA, came to Fort Meade, presented an outline of how the investigations into the alleged My Lai incident had come about and how they interrelated, and was questioned by those present.

2. Those present included:

COL Stafford	1ASJA
LTC Norton	1ADSJA
MAJ Tichenor	
CPT Keller	
CPT Marlar	
CPT Thomas	
CPT Greenberg, who accompanied LTC Ryker	

The information which follows was presented by LTC Ryker, with some additions by CPT Greenberg, to all the above named persons.

3. LTC Ryker had served as Legal Advisor to the CID on the investigation conducted by that agency into the incident at My Lai. He described the chronology of events, beginning with the receipt of the Ridenhour letter and going through the IG investigation, the CID investigation and the Peers Inquiry.

4. On 1 March 1970, LTC Ryker, together with COL Hubert Miller, LTC George Taylor and LTC Peter Cook, was charged with the responsibility of reviewing the evidence accumulated by the Peers group for possible charges or other appropriate action. The group reviewed the Peers material from 1 March to 12 March 1970 and recommended charges against 10 officers and other action against an unstated number of persons (such as reduction in grade from BG to COL). COL Hubert Miller signed charge sheets on those the group recommended charging. They did not recommend charges against BG Young, COL Parson, MAJ Calhoun or MAJ Watke.

MEMORANDUM FOR RECORD

5. A report was rendered to TJAG by the 4 JA officers.

Members of the group made personal notes on the evidence and theories of charging. LTC Ryker, for one, did not retain his notes.

6. Items of evidence which LTC Ryker considered significant included the following:

a. People in COL Henderson's helicopter flying over My Lai (4) on 16 Mar 68 saw 3-30 bodies of civilian dead.

b. The only weapons secured were very early in the operation, from fleeing VC. No fire was being received by advancing US Forces and everyone apparently knew it.

c. LTC Barker ordered the village burned during an overflight of the area with his company commanders on 15 Mar 68. The commanders of at least B and C Companies ordered their men to burn the hootches, and told the men. All persons in the village would be VC or VC sympathizers.

d. At 0830, LTC Barker overflowed the area. Up until that time, the reported body count from C Company was 15. Medina, on CO frequency, reported 84 at 0830, and reported no US KIA or WIA. This information was entered in TF Barker TOC Log as 69 VC KIA at My Lai (4). LTC Barker said he would "brief" Calhoun, and went back to TOC. The report from TF Barker TOC to 11th Bde at 0930, was that 69 were killed by artillery fire at ground coordinates well outside My Lai (4), on the line of artillery prep fire.

e. At about 1045, an order went out to stop the killing in My Lai (4). A similar order went to Willingham from Michels.

f. MG Koster had received a report of 23-28 civilians KIA at the time he countered the order to go back through My Lai (4) and get a count of bodies.

7. LTC Ryker said he believed the charges against MAJ Watke were based on the delay between 1200 on 16 Mar, when LTC Barker told him there was no unnecessary killing until 2200, when he went to LTC Holladay.

8. LTC Ryker said the charges were divisible into 2 groups, those involving inadequate investigation and/or reporting of civilian casualties known 16 Mar 70, and those involving

MEMORANDUM FOR RECORD

inadequate investigation or reporting of alleged war crimes, reports of which reached the division in April.

9. With regard to BG Young and MAJ Calhoun, LTC Ryker said that it was the JA group's feeling that they were "in it up to their ears" in that they knew a great deal, and were not telling all they knew. But they were not in the chain of command, the regulations didn't apply, and the contradictions among Henderson, Koster and Young did not give any firm basis for charges.

10. LTC Ryker expressed the opinion that MG Koster and COL Henderson got together before testifying and made up the story of a formal report rendered by Henderson to Koster.

11. Before 12 Mar 70, no member of the JA group had had any contact with the Peers group, except to request materials. On 12 Mar, the JA group met with LTC Peers, COL Miller and other members of the Peers group, told them what charges they had preferred, explained the theories of charging, and asked questions to determine if they had questions to determine if they had missed any information. The Peers group did not bring anything to their attention they weren't aware of, and LTC Ryker could not remember anyone who was particularly interested in charges against anyone person not charged by the JA officers. This meeting lasted approximately 3 hours.

12. LTC Ryker believed that COL Robert Miller had a part in the discussion of and drafting of the report of the Peers Committee (VOL I).

13. Although COL Hugh Miller was the accuser on all charges drafted by the JA group, the responsibilities for reviewing evidence and making recommendation were as follows:

MEMORANDUM FOR RECORD

COL Miller - Young, Koster, Henderson

LTC Ryker - McKnight, Calhoun, Medina, Calley, some others

LTC Taylor - the advisor personnel (Guinn, Gavin)

LTC Cook - artillery personnel, and worked with LTC Taylor

A summary of evidence was written for each possible accused.

LTC Ryker drafted the charges against Koster, Henderson, McKnight, Medina, and Willingham.

14. LTC Ryker let it slip that charges were preferred by someone on the Peers group against the Division Chaplain (LTC Lewis). LTC Norton cut him off as he said this. LTC Norton later (24 Apr 70) told CPT Marlar that charges against Chaplain Lewis were withdrawn prior to the public announcement of charges. No explanation was made of the attempt to keep this information from counsel.

  
MICHAEL T. THOMAS  
CPT JAGC