

THE UNIVERSITY OF HULL

The Massacre at My Khe 4: A Different Story

Being a thesis submitted to the University of Hull for
the degree of doctor of philosophy

by

Mark J. Taylor, M. Phil.

January 2010

CONTENTS

Abstract ...	i
A Geographical Note: The Village of Son My ...	ii
Introduction ...	1
Investigations	
Chapter I: The Peers Inquiry and the Massacre at My Khe 4 ...	54
Chapter II: CID Investigation of the Massacre at My Khe 4 ...	116
Telling the Story	
Chapter III: The Massacre at My Khe 4 in the Print Media ...	134
Chapter IV: The Massacre at My Khe 4 on Screen ...	204
Conclusions: ...	235
Bibliography: ...	239

ABSTRACT

My Khe 4 was the name given by the Americans to a sub-hamlet in the village of Son My in South Vietnam. According to the Vietnamese, American soldiers killed over ninety civilians there on 16 March 1968, the day that, less than two miles away, another unit was massacring the inhabitants of My Lai 4. The Americans did not respond to allegations that civilians had been killed at My Khe 4 until December 1969 and although the leader of the platoon which had assaulted the sub-hamlet was charged with murder and investigators identified a member of his platoon as the killer of a child, neither of the men had to face trial.

American reporters, their attention fixed on the events at My Lai 4, rarely took the trouble to familiarise themselves with what was alleged to have happened at My Khe 4 and those historians who have mentioned the 'other' massacre in Son My have usually presented it as a strand in the story of My Lai. Careless research has led some to argue that the massacres were the result of an order to destroy Son My and its people and the US Army has also been accused of trying to obscure what its investigators had discovered about the killings at My Khe 4 and of ensuring, with the encouragement of the Nixon administration, that no one would be tried for them. Whilst the story of My Khe 4 reveals many of the Army's weaknesses, however, it does not supply evidence of conspiracy. The massacre at My Khe 4 and its consequences are significant because they reflect, probably more accurately than what is now referred to as the My Lai Massacre, the nature of America's war in Vietnam.

THE VILLAGE OF SON MY

Son My is a village in the district of Son Tinh in Quang Ngai, a province which in 1968 lay towards the north-east of South Vietnam. Son My consisted of four hamlets: Tu Cung; My Lai; Co Luy and My Khe, each of which was made up of a number of sub-hamlets. Inhabitants of the village might refer to their home in different ways, by the name of a sub-hamlet as it appeared on Vietnamese maps, by a name used locally which had no official status or by the name of the hamlet in which they lived.

When the Americans developed their own maps of the country they tried to simplify matters. In re-mapping Son My, for example, they ignored the boundaries between the four hamlets in Son My and identified groups of sub-hamlets with a common name and a different number. Hence, on American maps, six of the sub-hamlets in Son My were called My Lai although not all of them were in the hamlet of My Lai. One of these, a sub-hamlet in Tu Cung known to its inhabitants as Thuan Yen, became My Lai 4. To the south-east of Tu Cung was the hamlet of Co Luy. It contained the sub-hamlet of My Hoi or Xom Go. On American maps this sub-hamlet appeared as My Khe 4.

To the south of My Khe 4, along the eastern edge of Co Luy were three sub-hamlets called Xuan Duong, Xam Tuan and Xam Cua which the Americans referred to as Co Lay 1, Co Lay 2 and Co Lay 3. When the Vietnamese referred to the hamlet of Co Luy, Americans sometimes assumed that they meant one of the sub-hamlets called Co Lay. Some American soldiers who had operated in and around Son My simply called the village 'Pinkville', a name apparently

coined as a result of the use of the colour pink on US military maps to denote areas of Vietnam which were more densely populated and of the perception that those who lived there were sympathetic to the enemy. Others were more specific: they identified My Lai 1, in the hamlet of My Lai, as 'Pinkville'.

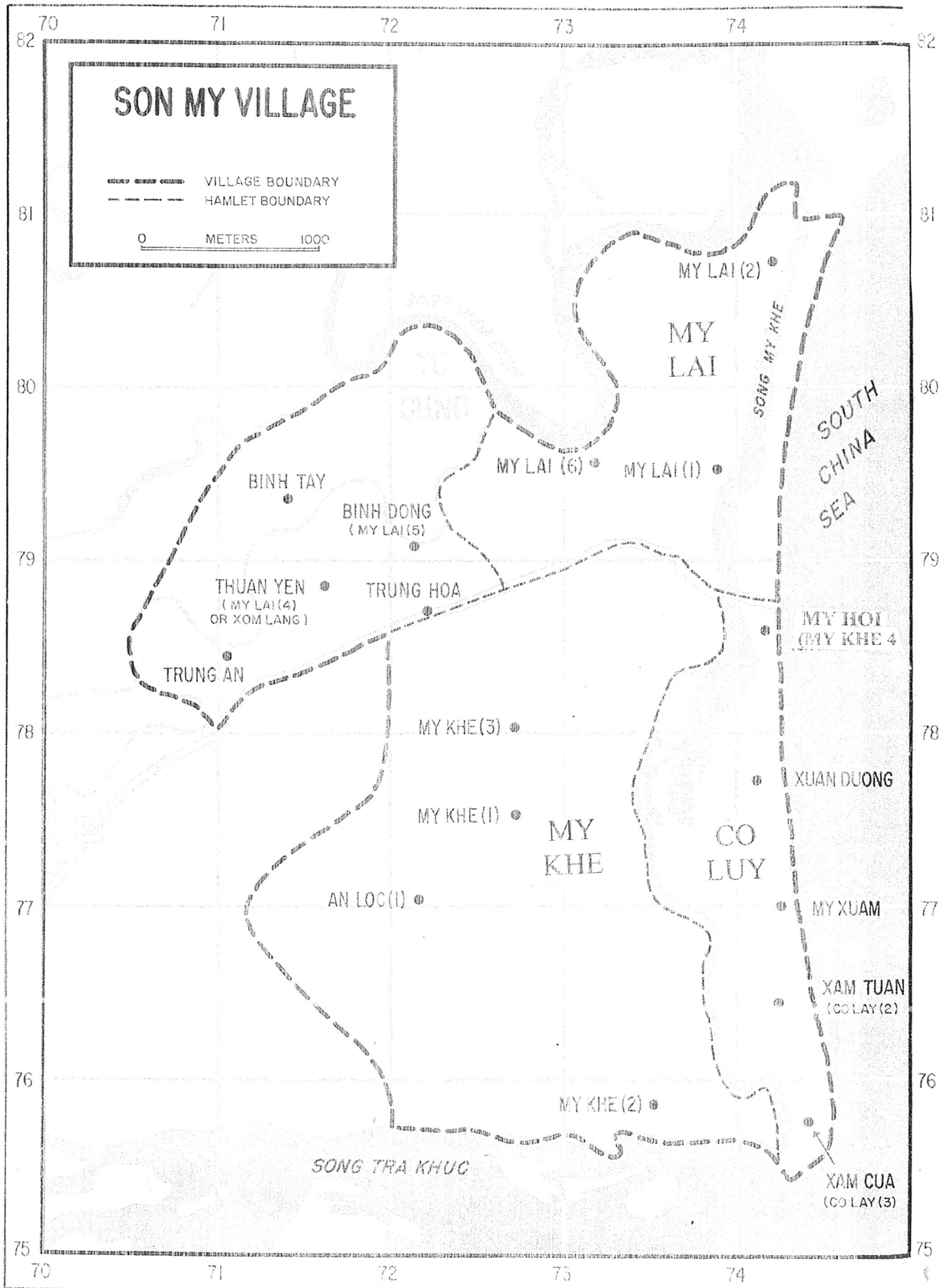
The potential for confusion was considerable.¹

On the following page is a slightly altered version of a map of Son My which was printed in Volume I of the *Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*, (hereafter referred to as the Peers Report).² It was noted in the report that, with the exception of the names Thuan Yen and My Lai 4 which were 'used interchangeably', the 'US Map designations for the subhamlets' were used throughout because those were the names usually cited by witnesses in testimony.³ The same principle has been adopted in this work with the variation that the names My Hoi and My Khe 4 have been used interchangeably.

¹ Early reports in the American media referred to a massacre at Song My (or Songmy): a sign of the imprecision with which Vietnamese place names could be translated into English and another source of confusion.

² Volume I of the Peers Report was printed in Joseph Goldstein, Burke Marshall and Jack Schwartz (eds), *The My Lai Massacre and Its Cover-up: Beyond the Reach of Law?* (New York: The Free Press, 1976). Volumes I-III of the report are available online at http://www.loc.gov/rr/frd/Military_law/Peers_inquiry.html. The printed text has been used as the source for references to the first volume of the report throughout this work.

³ Goldstein et al., note to p. 59.



INTRODUCTION

On the morning of 16 March 1968 two companies of American soldiers were landed by helicopter in Son My in the east of the province of Quang Ngai.¹ Elements of the 11th Infantry Brigade, Bravo and Charlie companies had arrived in South Vietnam in December 1967 and, in the new year, they had been assigned to a task force led by Lieutenant Colonel Frank Barker. In the weeks following the Tet Offensive, Task Force Barker had been pursuing a battalion of Viet Cong which was believed to use Son My as a sanctuary.² In February, Bravo Company had played a leading role in two actions in the area and, according to the US Army's accounts of these actions, 155 enemy soldiers had been killed.³ If the victims were carrying weapons, their escaping comrades must have recovered most of them because the Americans found only six rifles but there had been American losses too: six men had been killed and forty-three wounded. The operation on 16 March was presented by Barker as an attempt to pin down his adversary. He reported afterwards that it had been the mission of the task force: 'To destroy enemy forces and fortifications in a VC base camp and to capture enemy personnel, weapons and supplies.'⁴

Planning for the operation required the separation of Bravo's 1st Platoon from the rest of the company. It was intended that Bravo's 2nd Platoon should sweep through

¹ The United States and Vietnam are on either side of the international date line. It was 15 March in America.

² The Tet Offensive was launched to coincide with the celebration of the Vietnamese new year at the end of January. Its scale surprised the Americans and their South Vietnamese allies but the American counter attack caused serious losses to the forces of the NLF (National Liberation Front).

³ The first of these actions had begun on 13 February 1968, the second on 23 February 1968.

⁴ Lt. Col. Frank A. Barker, 'Combat Action Report', 28 March 1968, Peers Report, Vol. III, Book 3, Exhibit R-2 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-III. (This and subsequent references to the online version of Volumes II and III of the Peers Report relate to access obtained on 1 January 2010.) There were three infantry companies in Task Force Barker, each from a different battalion. Alpha, Bravo and Charlie companies were apparently assigned to the task force because each had been identified as the best in its battalion. Ordered to serve as a blocking force to the north of Son My, Alpha Company did not enter the village on 16 March 1968.

My Lai 1, a sub-hamlet which Barker described in his Combat Action Report as 'the area of the VC base camp', whilst 1st Platoon acted as a blocking force to the east.⁵ As the remainder of the company moved into positions around My Lai 1, therefore, 1st Platoon moved towards a bridge which crossed a water course called the Song My Khe.⁶ On the other side of the bridge was a small community which the Vietnamese called My Hoi or Xom Go. On American maps this collection of huts was named My Khe 4.

Lieutenant Thomas K. Willingham, the leader of Bravo's 1st Platoon, had only been in Vietnam for three weeks and it was the first time that he had been involved in a major operation. His inexperience, rather than any doubts about his men's suitability for the task, might have persuaded Barker not to send 1st Platoon into My Lai 1 because Willingham had inherited a platoon with a reputation for being aggressive. Military press releases in February had celebrated a 'historic assault' by the platoon in which a 'famous "Dirty Dozen"' of them had penetrated an enemy perimeter in the Son My area and scattered its defenders. Two of the men, it was reported, had won Bronze Stars for their exploits that day.⁷ Within the company, though, there were rumours that 1st Platoon killed civilians and an agent of the Army's Criminal Investigation Division (CID) was told by Robert Holmes, a member of Bravo's 3rd Platoon, that 'It was common knowledge with all the men of the company that ... the point team for the 1st Platoon ... had shot many people indiscriminately.'⁸

⁵ Ibid.

⁶ The Song My Khe was sometimes known as the Song Kinh Giang.

⁷ An undated copy of the press release is in Folder 32, Inspector General's Office: My Lai [4] Investigation, Record Group (RG) 472, National Archives and Records Administration (NARA). It describes the action which began on 13 February 1968.

⁸ The testimony provided to the Peers Inquiry by members of Bravo Company is available at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-II. See the testimony of David S. Carter to Peers Inquiry, 16 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook21.pdf; Robert Holmes, Witness Statement, 11 February 1970 in CID Report of Investigation on Donald Hooton, 70-CID011-00049, US Army Crime Records Center, Fort Belvoir, Virginia. The documents in the report have been

Before Willingham's platoon had reached the western bank of the Song My Khe, a mine exploded on the edge of My Lai 1 killing the leader of 2nd Platoon, Lieutenant Roy Cochran. The news of his death, which soon reached 1st Platoon, particularly affected some of its men because they had served under Cochran. Later there was another explosion and 2nd Platoon suffered more casualties, enough to persuade Barker to abort the attack on My Lai 1. There was no change to 1st Platoon's orders, however, and so Willingham and his men crossed the river. Having done so, they found that some of the people who lived in My Khe 4 were moving around in the open. Others, intimidated by the sounds of gunfire and explosions to the west, sheltered in bunkers. Many of them were not to survive what followed: as many as ninety people, most of them women, children and old men, were killed. Initially, rifle and machine gun fire cut down those who were outside, then explosives were thrown into the bunkers and most who tried to escape were shot. One survivor, Nguyen Thi Bay, alleged later that she was beaten and raped by two of the soldiers and that, tied with a rope, she was forced to lead the way when Bravo Company's 1st Platoon left the ruins of My Khe 4.

An official version of the assault on My Khe 4 can be found in the daily log kept by Task Force Barker. The duty officer recorded that Willingham's platoon had killed thirty-eight enemy soldiers in My Khe 4: twelve at 09.55, eighteen at 10.25 and eight at 14.20. Two of these reports indicated that the dead had military equipment and at 12.45 it was separately reported that steel helmets, uniforms and web equipment had been discovered. This was apparently how Willingham described his platoon's action, by

redacted and names have been obscured. By cross-referencing with documents in a version of the Report of Investigation on Hooton held at the Henry Tufts Archive it is possible to identify the witnesses. The copy of the report held at the Tufts Archive does not include the witness statements. CID Report of Investigation on Donald Hooton, 70-CID011-00049, Henry Tufts Archive (HTA), Labadie Collection (LC), University of Michigan Special Collections Library (UMSCL), Ann Arbor (AA).

radio, to Captain Earl Michles, the commander of Bravo Company. Willingham's claims were relayed by Michles to the headquarters of the task force and then notified to 11th Brigade. Perhaps Willingham's figures troubled someone because, according to an entry in the task force log, Michles was asked later that afternoon about the nature of the victims. His response, that 'none of VC body count reported by his unit were women and children', was logged as having been passed on to brigade headquarters but, unlike Willingham's reports of the killing of enemy soldiers, it was not included in the daily log kept at 11th Brigade.⁹

The routing of an enemy force reported by Willingham became a feature of the accounts of Task Force Barker's operation in Son My provided by the brigade's information officers and, because 11th Brigade was attached to the Americal Division, by information officers at divisional headquarters in Chu Lai. These accounts, which included a description of Charlie Company's engagement with the enemy in My Lai 4, formed the basis of the stories about the assault on Son My that appeared in American newspapers, including *The New York Times*. The newspapers were not alone in their acceptance of this version of the operation. General William Westmoreland, commander of American forces in Vietnam, sent his congratulations to the 'officers and men' of Bravo and Charlie companies for 'outstanding action' which had dealt the enemy a 'heavy blow' and, in passing on Westmoreland's message, Major General Koster, commander of the Americal, added his own congratulations.¹⁰

⁹ 'Duty Officer's Log, TF Barker, 16 March 1968', Peers Report, Vol. III, Exhibit M-14; 'Duty Officer's Log, 11th Light Infantry Brigade, 16 March 1968', Peers Report, Vol. III, Exhibit M-46; both at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-III. The brigade log did not include the entry in the task force log which recorded the finding of steel helmets, uniforms and web equipment in My Khe 4 at 12.45. There were some additional details in the brigade log, however, one of which indicated that the enemy soldiers killed at 14.20 had been 'engaged in tunnels'.

¹⁰ 'Extract Message from Major General Koster', dated 19 March 1968 in Box 8, Folder 52, Papers of *Four Hours in My Lai*, Liddell Hart Centre for Military Archives (LHCMA), King's College, London (KCL).

Although Willingham had reported the killing of thirty-eight enemy soldiers, his platoon had recovered none of their weapons and, elsewhere in Son My, the task force claimed to have killed a further ninety enemy soldiers and to have recovered only three weapons. In his memoir *A Soldier Reports*, published in 1976, Westmoreland argued that there was nothing unusual about these figures. His commendation, he explained, was 'based on the brigade's official report' and 'such a disparity between killed and weapons' would not have aroused his suspicion because:

high body counts and low numbers of weapons collected in the war against the guerrilla in hamlet and village were not uncommon [the dead were presumed to be armed combatants not civilians]. To assure accurate reporting, I had had several reports like that investigated; the investigations revealed that guerrillas were adept at disposing of weapons in paddy or canal, and many guerrillas often were armed only with grenades and explosives. ... We had to rely on the presumed and generally established veracity of the reports and the chain of command.¹¹

Just about any report claiming that enemy soldiers had been killed was rendered credible by this combination of presumption and conviction and it is significant that Lieutenant General William R. Peers, who conducted the inquiry into the cover-up of the massacre at My Lai 4, commented later that the figures ought to have aroused suspicion:

a ratio of forty-three enemy dead to one weapon captured was completely out of line. The operations section should have noted the disparity and called it to General Westmoreland's attention, and an inquiry should have been initiated. Instead, a message of congratulations was sent to the unit.¹²

At a briefing of senior officers in the Americal on the evening of 16 March, the figures reported for the Son My operation apparently elicited some scepticism but it was the actions of Charlie Company at My Lai 4 which provoked Koster to make some

¹¹ General William C. Westmoreland, *A Soldier Reports* (Garden City, N.Y.: Doubleday and Co., Inc., 1976), p. 379. Here and elsewhere, square brackets indicate a parenthesis in the original.

¹² Lt. Gen. W. R. Peers, *The My Lai Inquiry* (New York: W.W. Norton, 1979), p. 208.

superficial inquiries.¹³ As George C. Herring observed in *America's Longest War*, "'attriting the enemy" was the major goal' of the US Army in Vietnam and, because 'the "body count" became the index of progress', there was 'heavy pressure to produce favorable figures'.¹⁴ In the weeks following the Tet Offensive, when this pressure was perhaps at its most intense, it is unsurprising that Willingham's superiors accepted his report of what had happened at My Khe 4.¹⁵

As Bravo Company had landed in Son My on 16 March, the soldiers of Charlie Company had been making their way through that part of the village which appeared as My Lai 4 on American maps. They left behind them the bodies of hundreds of civilians and, when their actions were brought to the Army's attention by Ronald Ridenhour eighteen months later, their place in history was assured.¹⁶ The massacre in and around My Lai 4 was to be reported and dissected in the press, on television and, over a period of forty years, in more than twenty books. By March 1971, according to NBC's Frank McGee, the words My Lai had been 'seared into the American consciousness', a metaphor which gathered some empirical support at the end of that month. When William Calley was found guilty of the murder of at least twenty-two civilians in My Lai 4, a survey indicated that 96% of Americans were aware of the verdict, a degree of

¹³ Peers noted that Lieutenant Colonel Francis Lewis, the chaplain of the Americal Division, recalled 'considerable murmuring and buzzing among the staff members' when the figures were announced and that one officer had muttered 'They were all women and children'. *Ibid.*, p. 129.

¹⁴ George C. Herring, *America's Longest War: The United States and Vietnam, 1950-1975*, 3rd edn. (New York: McGraw-Hill, Inc., 1996), pp. 170-171.

¹⁵ Seymour Hersh expressed the opinion that senior officers faced a choice 'between a higher body count or a war crime investigation.' Seymour Hersh, *Cover-Up: The Army's Secret Investigation of the Massacre at My Lai 4* (New York: Random House, 1972), p. 35.

¹⁶ Ridenhour was a Vietnam veteran who had heard about the massacre at 'Pinkville' from some of the men in Charlie Company. On 29 March 1969 he wrote to a selection of America's political and military leaders to request an investigation. Amongst the recipients of his letter were President Nixon, Secretary of Defense Melvin Laird and General Earle Wheeler, the Chairman of the Joint Chiefs of Staff. The letter is printed in Goldstein et al., pp. 34-37.

awareness which prompted President Nixon's Chief of Staff H. R. Haldeman to note that this was 'the highest we've gotten on any subject in any of our polls.'¹⁷

No such impact can be claimed for the massacre at My Khe 4. The American media showed some interest when, the Army having recognised in December 1969 that there had been a second massacre in Son My, charges of murder were brought against Willingham in February 1970. Four months later, the story faded away when the charges were dropped. In *The Court-martial of Lt. Calley*, published in 1971, Richard Hammer suggested that 'the light that had flickered for only a moment over the ... killings at ... My Khe [4], was extinguished' by the Army's decision and that 'what happened at that sub-hamlet in Son My would remain, it seemed, forever arcane and obscure.'¹⁸ Attempting to revive the nation's interest in 1972, Seymour Hersh was guilty of exaggeration when he wrote of 'the American public's total ignorance' of the massacre at My Khe 4 but the Army's presentation of the charges against Willingham and the majority of the media coverage had encouraged the idea that any killings at My Khe 4 had been a part of what had become known as 'The My Lai Massacre' and it was Charlie Company and particularly William Calley who were at the centre of that story from the moment that it was broken in November 1969.¹⁹ As Kendrick Oliver asserted in the February 2006 issue of *History Today*: 'the killings in My Khe [4] were largely ignored'.²⁰

¹⁷ McGee made his comment on *NBC Nightly News* on 19 March 1971. This, the references to the results of the survey and Haldeman's response to it are cited in Kendrick Oliver, *The My Lai massacre in American history and memory* (Manchester: Manchester University Press, 2006), p. 231.

¹⁸ Richard Hammer, *The Court-martial of Lt. Calley* (New York: Coward, McCann and Geoghegan, Inc., 1971), pp. 39-40.

¹⁹ Hersh, *Cover-Up*, p. 25.

²⁰ Kendrick Oliver, 'Coming to Terms with the Past: My Lai', *History Today*, Vol. 56, February 2006. By 1996 even Henry Kamm, the first American reporter to suggest that there had been a second massacre in Son My, seemed to think the events at My Khe 4 not worth mentioning. In *Dragon Ascending: Vietnam and the Vietnamese*. Kamm wrote of: 'the unarmed, helpless women, children and old men massacred by First Lieutenant William Laws Calley Jr. and his platoon, as well as others from C Company of the

Those writing histories of America's war in Vietnam have done little to fill this gap.²¹ Most have been content to offer brief and sometimes imprecise accounts of what occurred at My Lai 4.²² Those who have written books about My Lai 4 have been more likely to include a few, often inaccurate lines about the events at My Khe 4 but, like most of the reports in the media, these works have tended to subsume those events into the narrative of the My Lai Massacre.²³ Attempting to explain the actions of Bravo

Eleventh Brigade of the Americal Division on the morning of March 16, 1968.' Henry Kamm, *Dragon Ascending: Vietnam and the Vietnamese* (New York: Arcade Publishing, 1996), p. 4.

²¹ There are brief references to the massacre at My Khe 4 in Guenter Lewy, *America in Vietnam* (New York: Oxford University Press, 1978), pp. 362-363 and in Neil Sheehan, *A Bright Shining Lie: John Paul Vann and America in Vietnam* (New York: Vintage Books, 1989). Sheehan does not identify My Khe 4 as the site of the killing of 'about another ninety unarmed Vietnamese ... by soldiers from a separate company' and he does not distinguish between the two massacres in his description of what occurred. Sheehan, p. 689. A little more detail is provided in William M. Hammond, *Vietnam, Public Affairs: The Military and the Media, 1968-1973* (Washington, DC: Center of Military History, US Army, 1996), a survey of the relationship between the media and US forces in Vietnam, although Hammond dates the massacre as having occurred two days before the massacre at My Lai. Hammond, pp. 243-244. There is no mention of My Khe 4 in: Larry H. Addington, *America's War in Vietnam: A Short Narrative History* (Bloomington: Indiana University Press, 2000); Frances FitzGerald, *Fire in the Lake: The Vietnamese and the Americans in Vietnam* (New York: Vintage Books, 1972); George C. Herring, *America's Longest War*; Stanley Karnow, *Vietnam: A History* (London: Guild Publishing, 1983); Gabriel Kolko, *Anatomy of a War: Vietnam, The United States, and the Modern Historical Experience* (New York: The New Press, 1985); Robert D. Schulzinger, *A Time for War: The United States and Vietnam, 1941-1975* (New York: Oxford University Press, 1997); Marilyn B. Young, *The Vietnam Wars, 1945-1990* (New York: Harper Collins, 1991). Although the massacre at My Lai 4 is described in some detail, there is no reference to My Khe 4 in Stanley I. Kutler (ed.), *Encyclopedia of the Vietnam War* (New York: Charles Scribner's Sons, 1996), pp. 342-343. One of the hundreds of memoirs by American veterans of the Vietnam War was written by Leroy TeCube, a member of Bravo Company's 3rd Platoon. Te Cube, who took part in the operation in Son My on 16 March 1968, recalled 'rumors of villagers and livestock being killed by GIs, mostly by Charlie Company' but he made no reference to the events at My Khe 4. Leroy TeCube, *Year in Nam: A Native American Soldier's Story* (Lincoln: University of Nebraska Press, 1999), p. 97.

²² Examples of this imprecision are detailed in Oliver, *The My Lai massacre in American history and memory*, p. 264 and Mark Taylor, *The Vietnam War in History, Literature and Film* (Edinburgh: Edinburgh University Press, 2003), p. 113. See also the brief account in Sallah and Weiss's *Tiger Force* which claimed that: 'In a small cluster of hamlets known as My Lai ... more than five hundred Vietnamese had been slaughtered ... by an angry Army brigade led by Lieutenant William Calley.' Michael Sallah and Mitch Weiss, *Tiger Force* (London: Hodder and Stoughton, 2006), p. 216. As others have done, Sallah and Weiss assumed that Calley's unit was responsible for all the killings in Son My. They seem to be the first to give Lieutenant Calley command of a brigade. Colonel William G. Eckhardt is another who has given the impression that Charlie Company killed about 500 non-combatants in Son My. See Eckhardt's 'Command Criminal Responsibility: A Plea for a Workable Standard', *Military Law Review* No. 97 (1982) and 'My Lai: An American Tragedy' at http://religion.rutgers.edu/courses/347/readings/my_lai.html. Accessed on 9 April 2007.

²³ The books about My Lai 4 which were rushed into print in 1971 were particularly unhelpful. Arthur Everett, Kathryn Johnson and Harry F. Rosenthal stated in *Calley* (New York: Dell, 1971) that Willingham was the commander of Bravo Company and that he had been charged with offences committed at My Lai. Everett et al., pp. 105-106. Martin Gershen wrote in *Destroy or Die: The True Story of My Lai* (New Rochelle, NY.: Arlington House, 1971) that Bravo Company landed at My Khe 4. Gershen, p. 284. Wayne Greenshaw referred to the estimate that 500 civilians were killed in and around My Lai 4 in *The Making of a Hero: The Story of Lieut. William Calley Jr.* (Louisville, Ky.: Touchstone,

Company's 1st Platoon by locking them into that narrative is an error, however, because the massacre at My Khe 4 was significantly different in its nature, its causes, its consequences and its reception. Even when it has been appreciated that there were separate massacres, it has been the links between the men who, landing in Son My that morning, went their separate ways to murder which have attracted attention. Analysis which focuses instead on the distinctive features of the massacre at My Khe 4 and its outcomes is more revealing. My Khe 4, it turns out, requires its own narrative, one which illuminates important aspects of America's war in Vietnam.

Richard Hammer was one of the first writers to assert 'there had been not one but two separate and distinct massacres' in Son My on 16 March and to try to throw some light on what had happened at My Khe 4. Like other books which appeared in the wake of the revelations about the My Lai Massacre, *One Morning in the War* focused upon the actions of Charlie Company in and around My Lai 4 but in his introduction Hammer promised to provide the 'details' of the action at My Khe 4 which 'the army has not revealed'.²⁴ Unfortunately, most of the 'details' Hammer provided were wrong.²⁵ He located the massacre on the western bank of the Song My Khe (and therefore in the

1971) but gave no indication that this estimate included the dead at My Khe 4. Greenshaw, p. 158. Tom Tiede included a picture of Vo Thi Lien in *Calley: Soldier or Killer?* (New York: Pinnacle Books, 1971). Lien, who was a survivor of the massacre at My Khe 4, was described as a survivor of the My Lai massacre. Tiede, p. 33. Seymour Hersh's earlier *My Lai 4: A Report on the Massacre and its Aftermath* (New York: Random House, 1970), was rather more accurate in its brief references to the Willingham case. Lengthy excerpts of this work were published first in *Harper's Magazine* and it is considered in Chapter III. Mary McCarthy's *Medina* (London: Wildwood House, 1973), which was published in America in 1972, identified My Khe 4 as the site of a massacre in which 90 to 100 civilians were killed by the men of Bravo Company. McCarthy, p. 78. Michael Bilton and Kevin Sim's *Four Hours in My Lai* (New York: Viking, 1992) included brief references to the massacre at Co Luy and its investigation by Peers. These are noted later in this chapter and in Chapter III. Forty years later, some writers remain uncertain about the details of the massacre at My Khe 4. In William Thomas Allison's *Military Justice in Vietnam: The Role of Law in an American War* (Lawrence: University Press of Kansas, 2007), for example, it is asserted that the whole of Company B moved 'into nearby My Khe, just across the river from My Lai'. Allison, p. 94.

Oliver has noted that, whilst the American media has returned to the My Lai story on anniversaries or 'as part of a project to commemorate the Vietnam war', the massacre at My Khe 4 has 'hardly ever (been) mentioned' since the early 1970s. Oliver, *The My Lai massacre in American history and memory*, p. 268.

²⁴ Richard Hammer, *One Morning in the War: The Tragedy at Son My* (New York: Coward-McCann, Inc., 1970), p. xii.

hamlet of My Khe), claiming that helicopters strafed and shelled My Khe 4 before soldiers were landed on its western edge.²⁶ In his description of how 'The houses were all burning and blown up and there were ... ninety-seven, a hundred people killed' by the time the Americans left, Hammer was closer to the truth but his account did little to dispel the confusion that had come to surround the massacre at My Khe 4.²⁷ He was, however, correct in his belief that the Army already had a description of the events in the sub-hamlet.

When Peers delivered the results of his inquiry into the cover-up of the massacre at My Lai 4 to his superiors in the US Army on 14 March 1970, his findings were summarised in the first of the four volumes which constituted his report. A chapter entitled 'Company B, 4 Battalion, 3D Infantry: Actions on 16-19 March 1968', which was one of several not released to the public until November 1974, presented 'such facts and evidence as have been developed bearing upon (Bravo Company's) participation in the Son My Village operation'.²⁸ This chapter, which has served as the basis of most of the subsequent descriptions of the massacre, was written by Jerome K. Walsh, one of two civilian lawyers who assisted Peers during the inquiry.²⁹ Walsh, who had been asked by Peers to look into Bravo Company's actions in Son My, drew upon American

²⁵ Hammer's account was based on what he was told by Hguyen Van Danh, apparently the deputy chief of My Hoi. Danh did not testify to the Peers Inquiry and the available records do not indicate that he made a statement to a CID agent.

²⁶ According to Hammer, My Hoi was 'divided into two sections', separated by the Song My Khe, and 'About half the sub-hamlet lies on either side of the river.' Hammer, *One Morning in the War*, p. 145. Danh told Hammer that 'The shooting, the burning and the detonations from grenades and explosives lasted for more than an hour' as the soldiers massacred the inhabitants of the western half of My Hoi and that, when the Americans left, he and others crossed the river 'to see what had happened'. Ibid., pp. 145-146. Perhaps Hammer misunderstood Danh or his translator. If Danh was sheltering on the western side of the river and crossed to its eastern bank to discover the massacre, that part of his story would make some sense. My Hoi was not shelled and strafed by helicopters on 16 March, however, although gunships did fire into what remained of My Hoi on the following day.

²⁷ Hammer cites Danh's estimate in *ibid.*, pp. 146-147.

²⁸ Goldstein et al., p. 188.

²⁹ Walsh revealed that he had been the author of this chapter during conversation with the writer on 5 August 2009. A recording of the conversation is in the writer's possession. It was at the suggestion of Robert MacCrate, the other civilian lawyer appointed to assist Peers, that Walsh was asked to join the inquiry.

and Vietnamese testimony, much of which he had helped to elicit, to describe the assault on My Khe 4. Because of a two year statute of limitations on military offences such as dereliction of duty and false reporting, however, Peers was required to present the findings of his inquiry by 14 March 1970 and so Walsh's account, written to meet that deadline, did not include material developed by CID during a separate investigation into the massacre at My Khe 4 which began in February 1970 and continued for several months.³⁰

According to the Peers Report, it was after 'the completion of the ongoing criminal investigations and any resulting prosecutions' that 'the full story' of the massacre at My Khe 4 would become available but the records of the CID investigation provide a less complete account of the events at My Khe 4 than the Peers Report.³¹ In December 1969 an agent had stumbled across evidence that there had been a second massacre in the process of CID's investigation into the crimes committed at My Lai 4, an investigation which Westmoreland, who had become the Army's Chief of Staff, had initiated in August 1969. It was the Peers Inquiry, however, which followed up this lead and it was not until Willingham was charged in February 1970 that CID began a serious examination of the events at My Khe 4. Then it looked into allegations against three members of Bravo Company's 1st Platoon and completed two reports of investigation, one upon Willingham and one upon Donald Hooton. Responsible for the assessment of the weight of evidence against individuals, the records of the CID investigation do not provide the 'full story' of what had happened at My Khe 4 although the report of investigation on Hooton, which concluded that he had murdered a child at My Khe 4,

³⁰ CID, which worked under the supervision of the Army's Provost Marshal General, investigated allegations of criminal behaviour by soldiers in the US Army.

³¹ Goldstein et al., p. 188.

contains crucial testimony not heard by the Peers Inquiry.³² The CID investigation of the massacre at My Khe 4 did not lead to any prosecutions either and Peers' frustration at this outcome is evident. In *The My Lai Inquiry*, a memoir published in 1979, Peers described Lieutenant General Albert O. Connor's decision to dismiss the charges against Willingham 'without benefit of an Article 32 investigation', as 'difficult to understand' and when he was asked at the end of his military career if there was 'anything of substance' he wished he had done differently in conducting his inquiry, he replied: 'the only thing ... is to look in ... a little greater depth into the activities of BRAVO Company.'³³

Two other investigations were prompted by the events at My Lai 4: one by the Army's Office of the Inspector General and one by the Armed Services Committee of the House of Representatives. In the course of the former, Willingham made a lengthy statement about the activities of his platoon on 16 March to Colonel William V. Wilson who had been instructed by the Army, late in April 1969, to find out if there was any substance to the allegations contained in Ridenhour's letter. Wilson, who began by interviewing Ridenhour and Ridenhour's informants, questioned Willingham in May, telling him that he was not a suspect and asking him to describe 'the concept' of the operation in Son My.³⁴ There is no sign that Wilson was aware of the official record of

³² CID concluded that 'There is insufficient evidence to refute or substantiate the allegations that Willingham ordered the killing of an undetermined number of Vietnamese noncombatants'. CID Report of Investigation on Thomas Willingham, 70-CID011-00039, HTA, LC, UMSCL, AA. This conclusion apparently prompted Colonel William G. Eckhardt, the chief prosecutor in the Son My cases, to write a lengthy justification of the decision to drop the charges against Willingham.

³³ Peers, p. 222. Article 32 of the Uniform Code of Military Justice required independent investigation of the evidence before a court martial could take place. It was the responsibility of the Article 32 investigating officers to decide if a court martial was justified; De-Briefing Interview with Lt. Gen. William R. Peers by Lt. Col. Breen and Lt. Col. Moore, 14 April 1977, Section 4 (continuation), p. 6 in William R. Peers Papers, US Army Military History Institute (USAMHI), Carlisle, Pennsylvania.

³⁴ Testimony of Thomas K. Willingham, Inspector General's Investigation, 8 May 1969 in Box 2, MACV Inspector General, Investigative Division: My Lai Investigation, RG 472, NARA. Wilson's decision to question Willingham does not imply that he had fallen under suspicion at this stage. In order to collate information about the operation in Son My, Wilson had to find out about the movements of Alpha and Bravo companies. Neither Barker nor Michles had survived the war and Cochran had been killed on the

the action in the log kept by the task force, according to which Willingham had reported the killing of thirty-eight of the enemy at My Khe 4 on 16 March 1968. Willingham told Wilson that he reported the killing of twenty-eight civilians, of whom he thought twenty-three were 'VC'. Wilson did not ask about the five civilians who, Willingham thought, were not hostiles.³⁵ Wilson's acceptance of Willingham's testimony that 'heavy resistance' had been encountered at My Khe 4 and that there had been no 'unnecessary killing' is demonstrated in an essay that he published twenty years later in which he credited the Peers Inquiry with the discovery of 'an equally vicious massacre ... conducted by a second company ... of Task Force Barker'.³⁶

Congressional investigation generated even less information about the second massacre. On 19 December 1969 the House Armed Services Committee directed an investigating sub-committee to produce a report about Charlie Company's actions in My Lai 4 and to ascertain if there had been a cover-up.³⁷ F. Edward Hébert, the chairman of the sub-committee, wrote on 3 March 1970 that he was ready to begin formal hearings and that the sub-committee would address in its report the question of 'the Task Force Barker operation in ... Son My'.³⁸ By July, however, when the report was completed, it looked as if the sub-committee's intention had been to subvert the prosecution of members of Charlie Company by taking testimony from members of the company in

first day of the operation. Willingham, who was still in the Army and stationed in the USA, was a convenient and potentially useful witness.

³⁵ 'Duty Officer's Log, TF Barker, 16 March 1968', Peers Report, Vol. III, Exhibit M-14; Testimony of Thomas K. Willingham, Inspector General's Investigation.

³⁶ Testimony of Thomas K. Willingham, Inspector General's Investigation; William Wilson, 'I Had Prayed to God That This Thing Was Fiction', *American Heritage*, February 1990.

³⁷ The Senate's Armed Services Committee, which began to plan an investigation, decided to leave the matter to the House.

³⁸ Letter from F. Edward Hébert to L. Mendel Rivers, Chairman of the House Armed Services Committee, 3 March 1970 reprinted in U.S. Congress, House, Investigating Subcommittee of the House Committee on the Armed Services, *Investigation of the My Lai Incident: Report ... Under Authority of H. Res. 105*, 91st Cong., 2nd sess., 1970 (Washington D.C.: Government Printing Office, 1970), p. 3.

executive session and refusing to release it.³⁹ The sub-committee evinced little interest in the massacre at My Khe 4.⁴⁰

The only other chapters to have been written about the massacre at My Khe 4 appear in Hersh's *Cover-Up: The Army's Secret Investigation of the Massacre at My Lai 4* and Peers' *The My Lai Inquiry*. Both rely upon Walsh's work in their descriptions of what happened in the sub-hamlet.⁴¹ Peers added little to the chapter which had appeared in his report but Hersh departed from Walsh in an important respect. Possessing a leaked copy of the Peers Report which included the unreleased chapters of the first volume and transcripts of the testimony which the Peers Inquiry had heard from, amongst others, members of Bravo Company, Hersh selected material to demonstrate that the massacres at My Lai 4 and My Khe 4 had proceeded from the same set of orders. In doing so, Hersh ignored or failed to notice the overwhelming evidence to the contrary but this misinterpretation, which had a wider audience because most of Hersh's *Cover-Up* also appeared in *The New Yorker*, has seduced others and the idea that the

³⁹ Under the Jencks Act, a defendant was entitled to see the previous testimony of a prospective witness. Because the sub-committee refused to release transcripts of the testimony that it had heard, it could be argued that those who had testified before the sub-committee were ineligible to testify at a court-martial. Colonel Eckhardt accused Hébert and Rivers of 'calculatingly setting out to destroy the prosecution' of members of Charlie Company. Eckhardt is cited in Michal R. Belknap, *The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley* (Lawrence: University Press of Kansas, 2002), p. 224.

⁴⁰ Although the sub-committee was aware of the allegations, made by the village chief of Son My, that there had been massacres at Tu Cong and Co Luy (see p. 18 below) and some surprise was expressed that these allegations had been dismissed, there is no specific discussion of the events at Co Luy in the official record of the sub-committee's hearings. Whilst taking testimony from General Westmoreland on 10 June 1970, however, Hébert complained that the charges against Willingham should not have been made public. U.S. Congress, House, Investigating Subcommittee of the House Committee on the Armed Services, *Investigation of the My Lai Incident: Hearings ... Under Authority of H. Res. 105*, 91st Cong., 2nd sess., 1970 (Washington D.C.: Government Printing Office, 1970), p. 586; p. 819; p. 841. The attention of Hébert and his sub-committee was dominated by the massacre at My Lai 4 and it might have been agreed that there was no time to investigate another incident, an incident which some members of the sub-committee might have had no desire to bring to people's notice. It is also possible that Hébert became aware, early in April 1970, of CID's estimate that the case against Willingham would be 'Unfounded'. 'Son My Army Staff Monitor Summary', 6 April 1970 in Box 8, Folder 16, Papers of *Four Hours in My Lai*, LHCMA, KCL.

⁴¹ Hersh, *Cover-Up*; Peers, pp. 184-198.

men of Task Force Barker were ordered to massacre the inhabitants of Son My continues to appear in discussions of the massacre at My Khe 4.⁴²

Although it remains the most useful source for an examination of the massacres in Son My, the Peers Report was originally intended to have a much narrower focus. Peers had been ordered by Westmoreland to conduct an inquiry into 'the nature and the scope of the original U. S. Army investigation[s] of the alleged My Lai [4] incident' but he persuaded Westmoreland and the Secretary of the Army that, in order to conduct such an inquiry, he had first to establish what had happened at My Lai 4.⁴³ When he began his investigations on 26 November 1969 there is no indication that he or his superiors suspected that a second massacre might have occurred. How Peers reached the conclusion, five weeks into his inquiry, that the men of Bravo Company needed to be questioned about a massacre at My Khe 4 makes a complicated story, not least because the accounts which he and others have given of that process are inconsistent. In the records of the Peers Inquiry, a file of papers related to the Willingham case contains a typewritten note headed 'Willingham' which reads: 'Have report on killing of 30-38. Is he a suspect? Check with Wilson' and this perhaps marks the point at which Peers, or someone working with him, began to be suspicious about the activities of Willingham and his platoon.⁴⁴ Unsigned and undated, however, the note does no more than demonstrate that someone had noticed one of several clues that a second massacre had occurred.

⁴² Seymour Hersh, 'Coverup-I', *The New Yorker*, 22 January 1972; 'Coverup-II', *The New Yorker*, 29 January 1972. Hersh's description of the massacre, his explanation of its causes and his opinion of the Army's response to the events at My Khe 4 are explored in Chapter III. Amongst those who have recently found common ground with Hersh in their analysis of the massacre at My Khe 4 and its investigation is Robert Hoderne whose radio documentary *The My Lai Tapes*, first broadcast in 2008, is considered later in this chapter.

⁴³ 'Directive for Investigation', 26 November 1969, is printed in *ibid.*, p. 33.

⁴⁴ 'Willingham', undated in CIP (Closed Inventory) 180 XI-1-5: Captain Thomas K. Willingham, Records of the Peers Inquiry (RPI), NARA. Presumably, the writer of the note was aware that Colonel Wilson had interviewed Willingham in May 1969.

Peers observed later that information about the massacre at My Khe 4 had been 'tightly held within the 1st Platoon, and perhaps by certain other members of Bravo Company' but allegations of a second massacre had passed along South Vietnamese military channels in March and April 1968.⁴⁵ Within two days of the massacres in Son My a Census Grievance Report had been completed which accused the Americans of killing 320 people at Thuan Yen and '80 people young and old' in Co Luy.⁴⁶ During the same period, the NLF and the North Vietnamese had disseminated stories in which the massacre at My Khe 4 received as much attention as the massacre at My Lai 4. That those involved in the cover-up of the massacre at My Lai 4 did not realise that there was a second massacre to be concealed is because they were focused upon the actions of Charlie Company, pre-disposed to reject allegations of American criminality as enemy propaganda and mystified by the geography of Son My. By November and December 1969, little had changed: Americans failed to respond to clues that there had been a massacre at My Khe 4 because they appeared in the context of details about the massacre at My Lai, the geography of Son My remained a puzzle and what the Vietnamese had to say was treated with scepticism.

Peers has explained that when he and his assistants arrived in South Vietnam on 28 December 1969 to pursue the investigation into the massacre at My Lai 4 and its cover-up, his grounds for suspecting Bravo Company of criminality were 'tenuous at best', consisting of little more than a reference to the killing of civilians in a hamlet called Co Luy which had been found in a statement attached to a US Army 'Report of Investigation' prepared by Colonel Oran K. Henderson, Barker's immediate superior, in

⁴⁵ Peers, p. 198.

⁴⁶ The report is printed in *ibid.*, pp. 276-277. The Census Grievance Program had been set up by the South Vietnamese government with the assistance of the CIA. It purported to provide a confidential opportunity for South Vietnamese villagers to complain about ill-treatment.

April 1968.⁴⁷ Ironically, the Henderson report had been intended to put an end to suggestions that there had been a massacre at My Lai 4 and Peers did not believe that Henderson 'had any knowledge' of the massacre at My Khe 4.⁴⁸

Complaints that civilians had been unnecessarily killed at My Lai 4 had been received from the crews of American helicopters which had been flying in support of Task Force Barker. One of the pilots, Warrant Officer Hugh Thompson, had even landed twice to help the villagers. A diluted version of these complaints and reports from Barker and Charlie Company's commander, Captain Ernest Medina, that up to twenty-eight civilians had been killed at My Lai 4 reached General Koster. His response was to instruct Henderson to investigate.⁴⁹ The only documentary evidence of Henderson's conclusions, which were first delivered orally to Koster, is in the form of a 'Report of Investigation' dated 24 April 1968.⁵⁰ It claimed that the enemy had lost 128 soldiers during the operation and described the death of twenty non-combatants as 'inadvertent': they had been hit during 'Artillery and gunship preparatory fires' or caught in the crossfire between American and enemy forces.⁵¹

Significantly, Henderson chose to make no reference to the allegations which the Americans in the helicopters had made. Instead, he described the suggestion that there had been a massacre in Son My as 'a Viet Cong propaganda move to discredit the United States' and he attached to his report two documents intended to reinforce this

⁴⁷ Peers, p. 184. Henderson had assumed command of the 11th Infantry Brigade on the day before TF Barker's operation in Son My.

⁴⁸ Ibid., p. 198.

⁴⁹ Peers expressed his disapproval of Koster's action in *The My Lai Inquiry*: 'one does not conduct an investigation of one's own unit; rather, a disinterested officer is appointed in writing to direct it'. Ibid., p. 59. Peers also concluded in his report that 'Henderson failed to make any real investigation of the matter'. Goldstein et al., p. 307

⁵⁰ Koster explained to Peers that he insisted on a written report when he realised that the allegation of a massacre at My Lai 4 was being passed along South Vietnamese military channels and being disseminated by the NLF. Goldstein et al., p. 284.

⁵¹ Henderson's 'Report of Investigation', dated 24 April 1968, is printed in *ibid.*, pp. 285-286.

idea. One was a translated transcript of a NLF radio broadcast entitled 'American Evil Appears' which claimed that:

In the operation of 15 March 1968 in Son Tinh District the American enemies went crazy. They used machine guns and every other kind of weapons to kill 500 people who had empty hands, in Tinh Khe [Son My] ... There were many pregnant women some of which were only a few days from childbirth. The Americans would shoot everybody they saw.⁵²

Unwittingly, therefore, Henderson conveyed what has become a generally accepted estimate of the number of people killed in the two massacres which had occurred in Son My but the other attachment to his report, a statement dismissing allegations that there had been two massacres in Son My, gave away something more. The statement, which bore no signature, gave the impression of being a translation of a South Vietnamese document. Having discovered that the statement had originally been signed by the Assistant Son Tinh District Advisor, Captain Rodriguez, Peers suggested in his report that the signature had been deliberately removed from the copy attached to the Henderson report in a 'conscious effort to deceive': to imply that the South Vietnamese concurred in Henderson's rejection of the allegations as NLF propaganda.⁵³ The statement recorded that a complaint by the village chief of Son My about the killing of civilians in Son My 'was not given much importance by the District Chief' although it had been passed to the chief of Quang Ngai province and to Colonel Toan, the commander of the 2nd ARVN Division. It also included, however, the details that the village chief had complained that American soldiers had killed '400 civilians in Tu-Cong hamlet' and '90 more civilians' in Co-Luy hamlet.⁵⁴ Accidental and unnecessary in the context of Henderson's attempt to cover up the massacre at My Lai 4, the reference

⁵² Ibid., p. 286; *ibid.*, p. 275. The transcript had been passed to Henderson by Colonel Toan, the commander of the 2nd Division of the Army of the Republic of Vietnam.

⁵³ Ibid., p. 288.

⁵⁴ The statement is printed in *ibid.*, p. 287. During the Peers Inquiry, testimony was taken which indicated that Rodriguez had been helped in its preparation. See Hersh, *My Lai 4*, p. 193n. There is some evidence that the statement was completed in haste. The total of 490 is not consistent with the assertion earlier in the statement that the village chief of Son My had complained to his superior at district level that 450 civilians had been killed in his village on 16 March. Goldstein et al., p. 287.

to the killing of 90 civilians at Co Luy, the hamlet of which My Khe 4 was a part, was a clear sign of what else had occurred in Son My.⁵⁵

A much more detailed account of the massacre at My Khe 4 was probably in circulation by the end of March 1968. 'Concerning the Crimes Committed by US Imperialists and Their Lackeys Who Killed More Than 500 Civilians of Tinh Khe Village (Son My), Son Tinh District' was produced by the NLF in Quang Ngai and it devoted approximately the same amount of space to the killings at Xom Go (My Khe 4) as it did to the killings at Xom Lang (My Lai 4). It described how Xom Lang and Xom Go 'were pounded by artillery for hours' before providing details of the events at Xom Lang. Then the notice continued:

At Xom Go Sub-Hamlet of Co Luy Hamlets, American pirates blew up and burned every hut and tossed grenades into civilian shelters. The sand was soaked with blood; beheaded bodies lay sprawled on the ground. People died without enough time to utter a word! Mothers holding sons' bodies! Grandmothers holding grandsons' bodies! They died unjustly. Fifteen people were killed inside Mr. Le's shelter. They even killed pregnant women. Vo Thi Hai, who had given birth to a child the night before, was raped and killed, leaving behind a newly-born baby with no milk, with no one to suckle it. Nguyen Thi Ngon, 32 years old, near the end of her pregnancy, was mutilated inside her bunker, exposing the stirring, unborn baby. While 30 year old Vo Thi Phu was feeding her baby, they snatched her baby away and raped her. Later, both were burned to death.

Mrs. Kheo, 65 years old, was shot to death by the bunker entrance and her body was tossed onto the burning fire. Mr Duong, 85 years old, was marched out of the bunker when they came. They marched him to every bunker, showing him the sights of the barbaric killings. They offered him poisoned candy, but he caught the bad smell and didn't eat the candy. They searched him and found nothing and released him.

At this place, American pirates killed 92, wounded 10, burned 304 huts, destroyed 78 bunkers and destroyed and burned civilian property worth 900,000 piastres.

Civilian laborers who had come to work or to visit relatives at Tu Cung Hamlet and Co Luy Hamlet were also massacred.

⁵⁵ Although Henderson referred to an interview with Captain Michles in his report and, in testimony to Peers, he stated that 'sworn, signed statements' were taken from 'platoon leaders ... and enlisted men in Bravo and Charlie companies', there is little to suggest that he suspected Willingham's platoon of wrongdoing. *Ibid.*, p. 285; Peers, p. 62. Perhaps Henderson wanted to emphasise his thoroughness as an investigator: no signed statements were ever found and Peers doubted that they had ever existed. Goldstein et al., p. 293.

Whilst this account contains features like the 'poisoned candy' which can be dismissed as invention for the purposes of propaganda, other features confirm the later testimony of American soldiers about the events at My Khe 4: the killing of women and children, the use of explosives and the burning of huts.⁵⁶

Because the Americans apparently did not encounter a copy of this notice until December 1969, Peers suggested that it might have been produced in late 1969 with the earlier date of 28 March 1968 upon it 'in order to capitalize on the widespread publicity at that time concerning the Son My incident.'⁵⁷ This begs the question of why, if the NLF produced the notice to take advantage of the publicity surrounding the My Lai Massacre, so much of it was devoted to the events at Xom Go, events which received little attention until February 1970. Furthermore, significant elements of the description and detail in the notice had appeared in a report entitled 'Son My Mothers Call for Vengeance' which was published in the *Viet Nam Courier* in Hanoi on 27 May 1968. This report recorded the fates of Vo Thi Phu and her child: 'Vo Thi Phu, mother of a 12-month-old baby, was shot dead ... The baby tried to suck at its mother's breast ... The Yankees ... heaped straw on mother and baby and set fire to it.' It referred to the death of

⁵⁶ A translation of the notice is printed in Peers, pp. 283-286.

⁵⁷ Goldstein et al., p. 275. Peers noted in his report that 'The Inquiry found no indication that (the notice) ... reached (South Vietnamese) or US hands at any time prior to December 1969. Ibid., p. 275. The notice, in Vietnamese, was found by a unit in the Americal on 11 December 1969. On the following day, the Military Intelligence Detachment of the Americal Division prepared a Special Document Report (Amer- D1083-69) recording the discovery. This and a translation of the notice are in Box 3 Folder 9, Inspector General's Office: My Lai [4] Investigation, RG 472, NARA. Oliver has suggested that the leaflet was based on information gathered by two NLF cadre in the days following the massacres. One of them was Nguyen Co who, having apparently switched his allegiance to the Saigon government, made a statement to a CID agent in January 1970 describing how he had worked out the number of victims in My Lai 4. Co stated that another cadre called Ngo Man, who operated in My Hoi, had investigated the killings on behalf of the Viet Cong and that Man had produced a list of those who had been killed in Son My which he had passed to his superiors at district level. When Do Vien testified to the Peers Inquiry on 4 January he also identified Ngo Man as a cadre from Co Luy who knew about the killings in My Hoi. Oliver, *The My Lai massacre in American history and memory*, p. 197; Witness Statement of Nguyen Co, 15 January 1970 in My Lai Collection (MLC), The Vietnam Archive (TVA), Texas Tech University (TTU); see the testimony of Do Vien to Peers Inquiry, 4 January 1970 at http://www.loc.gov/n/frd/Military_Law/pdf/DAR-Vol-IIBook32.pdf.

Vo Thi Mai(sic), 'who had just had her baby', to the speed with which the Americans 'fell' upon their victims, to the use of explosives and to the killing of villagers inside their shelters. Similarly, the notice's account of the killings at Xom Lang can be matched to some of the details in the report in the *Viet Nam Courier*.⁵⁸

Whilst the Americans tended to assume that the enemy's propaganda had to be false and their South Vietnamese allies were eager to reject allegations against American soldiers in case they turned out to be true, Peers noted that the specific nature of the claims being made against the Americans in 'American Evil Appears' and the confirmation of what American and South Vietnamese commanders had already heard from other sources ought to have alerted more determined attempts to find out what had happened in Son My.⁵⁹ A closer study of the enemy's 'propaganda', in this case, could have revealed that the NLF had detailed descriptions of not one but two massacres on 16 March.

According to Peers, 'the first leads on Bravo Company being involved in various activities' arose during his conversations with three ARVN officers in South Vietnam. Each of the officers had been referred to in the statement appended to Henderson's report: Colonel Toan, the commander of the 2nd Division of the Army of the Republic of Vietnam (ARVN), Colonel Khien, the military chief of Quang Ngai, and Lieutenant Tan, the District Chief who had forwarded the complaint about the killings in Tu Cung

⁵⁸ 'Son My Mothers Call for Vengeance', *Viet Nam Courier*, 27 May 1968 is reprinted in Richard A. Falk, Gabriel Kolko and Robert Jay Lifton (eds), *Crimes of War* (New York: Random House, 1971), pp. 360-362. Although the events at My Khe 4 received equal space in the *Viet Nam Courier* and were described first, there was no indication of where in Son My they had occurred.

⁵⁹ Goldstein et al., p. 274. Peers reported that the substance of the claims to be found in 'American Evil Appears' were repeated in broadcasts from Hanoi on several occasions during April; that armbands bearing slogans vowing revenge for the murders at Son My were worn by VC soldiers and that there were references in propaganda lectures to what had happened at Son My. Ibid., pp. 275-276. See also Jon Unger, 'The Press: NLF Radio Scooped the American Press By a Year and a Half on Son My. That Makes It News', *Scanlan's*, 1 (1970).

and Co Luy with the comment, unmentioned in the Rodriguez statement, that the Americans could be accused of 'an act of insane violence.'⁶⁰ Any 'leads' they might have given Peers do not appear in the transcripts of their testimony and there is no indication that Peers was successful in his attempts to discover the whereabouts of Co Luy in his questioning of Toan and Khien. He did, however, receive a clarification of 'the geographic terminology' of Son My which provided the inquiry's 'start in understanding Bravo Company's operation' as a result of his meeting with Khien on 30 December.⁶¹ Peers was shown a report, prepared by Khien at the end of November 1969, which summarised the results of a South Vietnamese investigation into 'the case of the American operation in the Son My Area'. Although there was no reference to the possibility of a massacre in Co Luy, the summary began by naming the four hamlets which formed Son My and it revealed to Peers that Co Luy was a hamlet in the south-eastern corner of Son My rather than an alternative spelling of a series of sub-hamlets further south which the Americans referred to as Co Lay 1, 2 and 3.⁶²

There was, however, rather more to the discovery of the massacre at My Khe 4 than the 'tenuous' reference in the statement attached to Henderson's report and Peers' discovery that Co Luy was a hamlet in Son My. Peers' accounts of that process make no mention of a story by Henry Kamm in *The New York Times* on 7 December 1969 which reported the allegation that a massacre had taken place in Co Luy although Army

⁶⁰ De-Briefing Interview with Peers, Section 4, pp. 40-41. Toan, whose name is spelt Tuan in the transcript of the interview, had become a general by December 1970. A translation of Tan's letter of complaint, dated 11 April 1968, is printed in Peers, pp. 279-280.

⁶¹ Peers, p. 185. The testimonies of Nguyen Van Toan and Ton That Khien to Peers Inquiry on 30 December 1969 and the testimony of Tran Ngoc Tan to Peers Inquiry on 3 January 1970 are at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook32.pdf.

⁶² Peers included a translation of the summary, dated 1 January 1970, in the Peers Report as Exhibit R-33. 'Results of the Investigation of the Case of the American Operation in the Son My Area', 30 November 1969, Exhibit R-33, http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-III, Book 3. Significantly, in his questioning of Do Dinh Luyen, the Son My Village Chief, on 31 December, Peers referred to Co Luy, rather than Co Lay, and he no longer found it necessary to ask questions about the geography of Son My. The testimony of Do Dinh Luyen to Peers Inquiry on 31 December 1969 is at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook32.pdf.

records show that, because Co Luy was assumed to be a mis-spelling of Co Lay, the allegation was immediately connected with Bravo Company which had passed through Co Lay 1, 2 and 3 on 17 March. On 10 December, Peers and the Provost Marshal General were ordered to investigate and Peers responded by requesting General Abrams, commander of American forces in Vietnam, to make immediate inquiries.⁶³ There were other indications that there had been a second massacre. On several occasions during November and December 1969, newspapers and news magazines cited South Vietnamese allegations that there had been killings outside of My Lai 4 on 16 March. Sometimes the source of the allegation was a member of the military, sometimes it was a civilian.⁶⁴ Indeed, almost two weeks before Peers arrived in South Vietnam to pursue his inquiries into the massacre at My Lai 4, an agent had taken testimony from a civilian in Chu Lai which persuaded the CID that it ought to operate on the assumption that there were two massacres to investigate.

In *The My Lai Inquiry*, Peers recalled that Andre C. Feher, a CID investigator who was assigned to assist him in South Vietnam, 'strongly suspected that more had taken place in the Bravo Company area than had thus far been brought to light' and that 'this opinion, as well as our own growing concern, prompted us to delve into Bravo Company's activities.'⁶⁵ This hardly did justice to what Feher had learned on 15 December at the 91st Evacuation Hospital in Chu Lai. There he had spoken to three Vietnamese women who alleged that, on the day of the massacre at My Lai 4, American

⁶³ Henry Kamm, 'Study Finds High Songmy Toll', *The New York Times*, 7 December 1969; Memorandum: Information for Members of Congress, 16 October 1970, Incl.: Chronology of Key Events and Congressional Notification, Son My Incident, undated, p. 5 in Folder: Son My Chron. File#14 (1 of 2), Box 36, Peers Inquiry Records Created after the Completion of the Peers Inquiry (PI-AC), RG 319, Records of the Army Staff (RAS), NARA; Message DA to COMUSMACV, 11 December 1969, subject: Alleged Killings in Quang Ngai in Folder 224.04: TF Barker, Box 1, MACV Inspector General, Investigations, RG 472, NARA. Kamm's story, the Army's response and Peers' difficulties with the geography of Son My are explored in more detail in Chapter III.

⁶⁴ These reports are considered in Chapter III.

⁶⁵ Peers, p. 133.

soldiers had killed up to 100 people in Co Luy. Two of the women, of whom one was Nguyen Thi Bay, specified My Hoi as the site of the killings.⁶⁶ Bay also told Feher that two of the soldiers had raped her during a two day period in which she was held captive. American investigators were uncertain about the location of My Hoi and, initially, the response of the CID Task Force in South Vietnam which was investigating the killings at My Lai 4 was to consider the women's statements as further evidence of a massacre there.⁶⁷ After Feher had re-interviewed Bay and one of the other women on 17 December, the task force altered its view. The statement incorporating a more detailed version of Bay's testimony which was forwarded to CID headquarters in Washington made it clear that a second massacre was being alleged.⁶⁸

Unable to locate My Hoi on American maps, the CID Task Force concluded that the allegations centred on events in and around the sub-hamlet in the south-east of Son My which the Americans called Co Lay 2.⁶⁹ Although it was approximately two kilometres to the south of My Hoi, Co Lay 2 had been in 'the B Company AO (Area of

⁶⁶ Nguyen Thi Hien, the third woman, located the killings in Xuan Duong, a sub-hamlet which adjoined the southern edge of My Hoi.

⁶⁷ A Combined Interrogation Report dated 16 December 1969 which contains a summary of the information provided by the three women on 15 December is in Box 10 Folder 53, Inspector General's Office: My Lai [4] Investigation, RG472, NARA. The report noted that 'Co Luy ... is possibly Co Lay'. A copy of the Daily Journal kept by the CID Task Force in Vietnam which recorded Feher's initial meetings with the three women on 15 December 1969 is in Box 8, Folder 36, Papers of *Four Hours in My Lai*, LHCMA, KCL. Journal entries 4 and 5 noted the women's claims that a massacre had taken place in Co Luy. In entry 11, however, the women were described as having 'knowledge of the My Lai [4] incident'.

⁶⁸ A copy of the Daily Journal of the CID Task Force in Vietnam for 17 December 1970 is in Box 8, Folder 36, Papers of *Four Hours in My Lai*, LHCMA, KCL. Journal entry 8 reported Bay's allegation that '90 of the 100 persons living in her hamlet' had been killed and suggested that her hamlet was in the vicinity of Co Lay 2. Entry 14 indicates that the women's testimony had been communicated to Washington. A copy of the Witness Statement in which Feher produced a record of Bay's testimony on 17 December 1969 is Item 1540149013 in MLC, TVA, TTU. Feher's statement reveals that, even with the assistance of an interpreter, he and Bay found it difficult to understand each other, especially with regard to the geography of Son My.

⁶⁹ Perhaps CID agents were aware that Peers was investigating the possibility that a massacre had taken place in one of the sub-hamlets which the Americans called Co Lay. In March 1970, however, Feher made a sworn statement to another CID investigator in which he explained that he had mistakenly identified My Hoi as Co Lay 2 because, not 'familiar with the names of the several sub-hamlets comprising Co Luy', he had tried to establish the location of My Hoi by asking Bay to describe its relation to the area's physical features. Witness Statement by André C. Feher, 20 March 1970 in MLC, TVA, TTU.

Operations) during Operation Pinkville' and this was noted on 19 December in the CID's Daily Journal. On the same day the journal noted that the women's allegations of a second massacre provided some confirmation of the notice produced by the NLF in Quang Ngai, a copy of which had surfaced on 12 December.⁷⁰ By 20 December the CID had realised that two investigations might be necessary: agents were directed to take 'separate statements whenever individuals have information about events at My Lai [4] and Co Lay [2].'⁷¹

Peers does not seem to have been informed of Bay's testimony until nearly two weeks later, when he visited South Vietnam.⁷² Within a day or two of his arrival there he had learned enough about Bay's allegations to convince him that further investigation was necessary. He arranged for the South Vietnamese authorities to track down Vietnamese civilians who might have additional information about the events in My Hoi

⁷⁰ A copy of the Daily Journal of the CID Task Force in Vietnam for 19 December 1970 is in Box 8, Folder 36, Papers of *Four Hours in My Lai*, LHCMA, KCL. See journal entries 10 and 12. The similarities between the description of the massacre at Xom Go in the NLF notice and the statement Bay had made to Feher on 17 December are considered in Chapter I.

⁷¹ A copy of the Daily Journal of the CID Task Force in Vietnam for 20 December 1969 is in Box 8, Folder 36, Papers of *Four Hours in My Lai*, LHCMA, KCL. See journal entry 13. That 'separate statements' were not always taken is demonstrated in Chapter II.

⁷² It was Walsh's recollection, during conversation with the writer, that Peers learned of Bay's testimony to Feher after his arrival in South Vietnam. His recollection is supported by the documentary record which suggests that information about Bay's testimony awaited Peers in Saigon. On 20 December 1969 the Office of the Inspector General recorded that Peers was to be provided, via the Inspector General's Office in South Vietnam, with a copy of the Combined Interrogation Report containing a summary of the information which had been obtained from Bay and the other two women on 15 December. It is noted in handwriting that the material was forwarded on 25 December. 'My Lai Investigation', 20 December 1969 in Box 3 Folder 12, Inspector General's Office: My Lai [4] Investigation, RG472, NARA.

Walsh told the writer that he could not recall Feher being present when he conducted the interviews in Quang Ngai but, in 1990, he remembered matters rather differently. In a letter to Michael Bilton in 1990 Walsh wrote:

The My Khe information came to me from Mr. Feher, who was assisting me in Quangngai talking to some Vietnamese survivors through an interpreter. He had taken a written statement from a woman in a hospital who definitely fixed her home in My Khe, not My Lai, and other details pointed to the activities of Capt. Willingham's platoon.

Walsh in a letter to Bilton, 15 August 1990 in Box 8, Folder 61, Papers of *Four Hours in My Lai*, LHCMA, KCL.

Feher, however, could not remember 'having pointed the way to a second massacre' when Bilton asked him about it and it seems unlikely that he was directly involved in communicating Bay's allegations to the inquiry. André C. Feher in a letter to Michael Bilton, undated but probably written in September-October 1990, in *ibid.*

and he sent Jerry Walsh to Quang Ngai to interview them.⁷³ By 1 January, the records of the Peers Inquiry demonstrate, Walsh had begun his inquiries: whilst interviewing Ngo Tan Hai, the Hamlet Chief of Co Luy, and Hai's assistant Ngo Son in Quang Ngai, Walsh asked them about the killing of civilians at My Hoi. The location of My Hoi was revealed when Hai explained the geography of Co Luy and, although Hai insisted that most of the dead at My Hoi had been Viet Cong or supporters of the Viet Cong, he indicated that over ninety people had been killed there.⁷⁴ A 'Memorandum for Record' explaining the geography of Son My, which Walsh produced a few days later, confirms that the Peers Inquiry had established the geographical context of Bay's allegations.⁷⁵ On 2 January, when Peers interviewed Do Thanh Hien, an interpreter who had been with Task Force Barker in Son My, he also began to ask questions which were prompted by Bay's allegations.⁷⁶ A new dimension having been added to the inquiry, a reorganisation was necessary: 'Because of our increasing interest in Bravo Company's

⁷³ Walsh explained to the writer that he was asked to investigate Bay's allegations because Peers and MacCrate were engaged in meetings with South Vietnamese civilian and military officials. He also recalled that Bay's testimony was corroborated by what 'we knew about the movements of B Company', movements which had been recorded in the daily logs kept by the task force and the brigade. Because only Willingham's platoon had operated in the area across the Song My Khe where My Hoi lay and his was the only platoon in Bravo Company which claimed to have killed anybody on 16 March, it would have been a simple task to identify Willingham's platoon as the unit responsible for any assault on My Hoi. Although Bay altered her testimony about the number of Americans she had seen in My Hoi, the estimates of thirty and twenty which she gave indicated a unit the size of a platoon and Willingham had been in command of twenty-six men on 16 March. Combined Interrogation Report, 16 December 1969 and Witness Statement of Nguyen Thi Bay, 17 December 1969.

Bilton and Sim noted that the Peers Inquiry 'was widened still further' after Feher heard Bay's testimony but they offered no explanation of how Feher's information reached Peers. Bilton and Sim, p. 273.

⁷⁴ The testimonies of Ngo Tan Hai and Ngo Son to Peers Inquiry on 1 January 1970 are at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook32.pdf.

⁷⁵ The transcript of Hai's testimony indicates that Walsh began by asking questions about 'Co Lay' but this might be a recording error. Although the geography of Son My had been clarified, references to Co Lay rather than Co Luy continued to appear in the inquiry's documentation for some time. Walsh's questions make it clear that he had grasped the distinction between Co Luy and Co Lay. The 'Memorandum for Record' was based upon interviews conducted by the Peers Inquiry and CID in Quang Ngai between 15 December 1969 and 2 January 1970 but Hai's testimony seems to have been the major source for the section on Co Luy. Walsh had still to appreciate that My Hoi was the sub-hamlet which the Americans called My Khe 4 and this suggests that he had not studied Willingham's testimony to Wilson in which Willingham had identified the sub-hamlet assaulted by his platoon as My Khe 4. In his memorandum Walsh located My Khe 4 in the hamlet of My Lai. 'Names and Locations of Tu Cung and Co Luy Hamlets and Their Component Sub-Hamlets', 8 January 1970. Item 1540304004 in MLC, TVA, TTU; Testimony of Thomas K. Willingham, Inspector General's Investigation.

⁷⁶ The testimony of Do Thanh Hien to Peers Inquiry on 2 January 1970 is at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook32.pdf.

operation', Peers recalled in *The My Lai Inquiry*, we 'split the official party into two interrogation teams'.⁷⁷ During his final three days in South Vietnam Walsh concentrated on the massacre at My Hoi and when he returned to America on 6 January he and Colonel Wilson became the leaders of the inquiry's C Team, which was solely concerned with the Bravo Company operation.⁷⁸ By 6 March 1970 sixty men who had served with Bravo Company, eighteen of them members of 1st Platoon, had appeared before the C Team and when Peers presented his report on 14 March 1970 he was able to describe a second massacre in which 'the number of noncombatants killed ... may have been as high as 90.'⁷⁹

In *The My Lai Inquiry* Peers observed that Walsh and Wilson had done a 'truly remarkable job' in 'assembling information' about Bravo Company's role in the assault on Son My.⁸⁰ The report and transcripts of the testimony taken by Walsh and Wilson's C Team suggest that Peers' admiration was justified because very little about the

⁷⁷ Peers, p. 137. In 1990 Walsh recalled that, when Peers became aware of Bay's testimony, he 'immediately directed the people in Washington to start questioning ex-soldiers from (Willingham's) platoon as well as Calley's platoon', Jerome K. Walsh in a letter to Michael Bilton dated 15 August 1990 in Box 8, Folder 61, Papers of *Four Hours in My Lai*, LHCMA, KCL.

Although Peers gave no indication in *The My Lai Inquiry* that, having learned of Bay's testimony, he responded 'immediately', the inquiry's sudden interest in My Hoi supports Walsh's assertion. Thus, the order to trace the men of Willingham's platoon (and of the other platoons in Bravo Company) for questioning was probably given on the first or second of January. Hammer claimed in *One Morning in the War* that when he 'informed a high official of the army's investigating committee of (what he had learned about the events in My Hoi) early in January of 1970; (the official) did not seem overly appreciative of this information' and he implied that it was his intervention which led 'about a month later' to Willingham being 'charged with murder.' It is clear, however, that by the time Hammer passed on his information in 'early January', both the CID and the Peers Inquiry already knew a lot more about what had happened at My Hoi than he did. Hammer, *One Morning in the War*, p. xii.

⁷⁸ When Peers visited My Lai 4 on 3 January 1970, Walsh accompanied him. Afterwards, Walsh spent his time in pursuit of information about the 'other' massacre. Peers, p. 145.

⁷⁹ Sergeant Martin Brunelle was the first to be questioned although his testimony, which he gave in South Vietnam on 7 January, was not included in the Peers Report. Brunelle, who had not taken part in the operation, was one of nine men interviewed by the inquiry in South Vietnam because they had returned there for a second tour. Peers noted that 'none of them had anything of significance to offer.' Peers, p. 133. On 13 January 1970, Sergeant Roy Lias became the first member of Willingham's platoon to be questioned by the Peers Inquiry. Another five of the men from Bravo Company who testified had not taken part in the operation, including one member of 1st Platoon. According to Peers, Walsh and Wilson interrogated fifty-eight members of Bravo Company. Peers, p. 185. Peers' total did not include Brunelle or Larry Taylor, a member of 1st Platoon who made an appearance before the inquiry but refused to answer questions. Goldstein et al., p. 46.

⁸⁰ Peers, p. 185.

investigation was straightforward. Whilst in South Vietnam, Walsh had found it difficult to trace other survivors of the massacre.⁸¹ He explained in the Peers Report that this was mainly because of the destruction of the area in which My Khe 4 had been located:

the entire coastal area in which My Khe [4] is located has been virtually leveled in the period since the incident took place. The dwellings, trails, and much of the foliage existing in the area in 1968 have been obliterated, and the surviving populace has moved out of the area.⁸²

The leveling of the area caused a further complication: the investigators could not tell what My Khe 4 and its surroundings had looked like. Although they had some photographs, most of them were aerial shots taken after the destruction of My Khe 4 and, for a description of the sub-hamlet's physical features, Walsh and Wilson were forced to rely upon the frequently misty and contradictory memories of the Americans who had taken part in the Son My operation.⁸³ The absence of another sort of photograph was more critical. Susan D. Moeller has written that 'it is photography that brings war home' and the images of the dead at My Lai 4 taken by Ronald Haeberle, an Army photographer, had convinced most of the Americans who saw them that civilians had been killed there.⁸⁴ In the court room, too, Haeberle's images served an important role: they demonstrated that there was a case to answer. Unless American investigators were prepared to go back to My Khe 4 to try to find the bodies which had been buried, according to the testimony of the surviving inhabitants of Son My, in and around the

⁸¹ In his letter to Bilton, Walsh recollected that 'while in Vietnam I tried (without much success) to find other survivors from My Khe.' Walsh's letter to Bilton, 15 August 1990. In *The My Lai Inquiry* Peers claimed that Walsh and his assistants 'talked to about twenty-five persons from the area and prepared transcripts of the interrogations' and that 'they also talked informally with others'. Peers, p. 141. The transcripts of testimony taken from thirty-two Vietnamese witnesses are included in the second volume of the report but the testimony of only ten of the witnesses relates to the massacre at My Hoi and only six of these witnesses were interviewed by Walsh. http://www.loc.gov/n/frd/Military_Law/pdf/DAR-Vol-IIBook 32.pdf.

⁸² Goldstein et al., p. 168. When, after Willingham was charged, the investigation of the massacre at My Khe 4 became a priority for CID, its agents were able to trace thirty-three former residents of My Hoi, nine of whom had been present during the assault.

⁸³ On the day after the massacre at My Khe 4 other elements of Bravo Company had passed through what remained of the sub-hamlet. This gave investigators another source of information.

⁸⁴ Susan D. Moeller, *Shooting War: Photography and the American Experience of Combat* (New York: Basic Books, 1989), p. xii.

sub-hamlet, Walsh and Wilson had to find evidence that people had been killed there.⁸⁵

The most compelling witnesses, if they could be persuaded to talk, would be

Americans: the men in Willingham's platoon.⁸⁶

When Wilson had interviewed members of Charlie Company during the Inspector General's preliminary investigation into Ridenhour's allegations some of the men he encountered were willing, even eager to tell him what they had seen and done. He was to recall that Paul Meadlo came to meet him 'determined to relieve his conscience and describe the horrors of My Lai.'⁸⁷ The men in Bravo Company's 1st Platoon were a different proposition. Twenty-four of the twenty-seven men who had crossed the bridge towards My Khe 4 on 16 March had survived the war but, it was noted in the Peers Report, eight of them refused to answer the inquiry's 'questions about the incident and several others who testified claimed to have little or no recollection of their actions and observations'.⁸⁸ Perhaps the trappings of a military inquiry were less likely to impress those who had left the Army but, of the four men who were still in uniform, only SP4 Rodney Linkous, who had led the platoon's 2nd Squad, offered any co-operation. Willingham refused to answer questions and Staff Sergeant Earl Rushin,

⁸⁵ If attempting to exhume the dead at My Khe 4 was ever seriously considered by American investigators, and there is no indication in the Peers Report or in available CID records to suggest that it was, there would have been concerns about the lack of security in the area and, perhaps, about the views of the South Vietnamese authorities and the remaining residents of Son My.

⁸⁶ Marcus Cohn offered a comment on the importance of photographic evidence in an essay which appeared in 1970: 'Every lawyer knows that, given a choice of oral testimony, on the one hand, or photographic evidence, on the other, the latter is always more persuasive to the jury.' Marcus Cohn, 'Subpoenas: Should Reporters Be Forced To Tell What They Know?' in Marvin Barrett (ed.), *The Alfred I. du Pont-Columbia University Survey of Broadcast Journalism 1969-1970: Year of Challenge, Year of Crisis* (New York: Grosset & Dunlap, Inc., 1970), p. 123.

⁸⁷ Wilson, 'I Had Prayed to God That This Thing Would Be Fiction'.

⁸⁸ Goldstein et al., p. 168. Amos Williams was one of the eight. Williams, who was in prison in Florida, made a statement to an officer in the Military Police, however. This seems to have been at Peers' behest: on 28 January 1970 the inquiry was told by Walter Askew, a member of Bravo Company's 3rd Platoon, that Williams had talked to him about the killings in My Khe 4 and that Williams was living in Florida. When he was questioned on 29 January, Williams stated that he had heard Donald Hooton had shot a baby at My Khe 4. The record of the statement, dated 4 February 1970, is in the CID Report of Investigation on Donald Hooton, 70-CID011-00049, US Army Crime Records Center. Williams, perhaps, refused to repeat this before the inquiry.

who had been the 1st Platoon's sergeant, and Staff Sergeant Roy Lias, who had been the leader of the platoon's 1st Squad, insisted that they found it difficult to recall the details of the operation.

One of those who had left the Army had been more forthcoming. Late in November 1969, Terry Reid had volunteered an account of a massacre to a newspaper in Wisconsin, identified the unit to which he had belonged and indicated that the massacre had taken place before August 1968.⁸⁹ Although the newspaper report located the massacre to the north-west of Chu Lai, miles away from Son My, it contained other details which suggested that Reid might have described the assault on My Khe 4 and when the report was brought to Walsh's attention, probably while he was still in Vietnam, Reid's potential as a witness must have been clear.⁹⁰ Frustratingly, however, whatever had driven Reid to talk to a journalist about the events at My Khe 4 did not persuade him to assist the army in its inquiries. CID, which had been ordered in December to investigate Reid's allegations, sent an agent to interview him on 21 January but Reid would not elaborate upon the information which he had given to the newspaper, explaining that:

⁸⁹ Reid's story, which appeared in *The Paper* in Oshkosh, Wisconsin, was later picked up by Associated Press. On 29 November a version of the story was printed in the *Baltimore Sun*. The stories and their impact are considered in Chapter III.

⁹⁰ Included amongst the records of the Peers Inquiry is a file labelled 'War Crimes Allegations - 9; Reid Allegation (Co Lay/Co Luy)'. Most of what is contained in the file documents other allegations of war crimes in South Vietnam but approximately thirty pages relate to the massacre at My Khe 4. One of these pages suggests that before the end of 1969 a connection had been made between Kamm's article in *The New York Times* and the story about Reid in *The Paper*. A partial record of the history of the investigation into the allegations that there had been a massacre in Co Luy has an entry dated 7 January headed 'Reid Allegation (Co Lay/Co Luy)' which reads:

Article by Kamm in New York Times, 7 December 1969, regarding the alleged killing of Vietnamese civilians near Co Luy ... furnished USACIDA. A request for appropriate inquiry has been forwarded by USACIDA to USARV on 29 December 1969. On 31 December 1969, the USACIDA had requested to have Mr. Terry Reid interviewed in regard to a similar article in the 29 December issue of the Baltimore Sun.

Undated, untitled record in 'War Crimes Allegations - 9; Reid Allegation (Co Lay/Co Luy)', Box 51, PI-AC, 1969-1975, RAS, RG 319, NARA.

On 2 January 1970 it was recorded that 'The Peers Inquiry is ... looking into this allegation as part of its investigation of TF Barker operations.' 'Reid Allegation (Co Lay/Co Luy)', 2 January 1970 in *ibid*.

The reason I'm not revealing the entire incident to you or the press is this: I will not place myself in a position to possibly persecute and condemn my comrades even though what they did was wrong. The guilt, I believe, is not with them alone but with the people who helped train their minds with regard to the invincibility of one's race, color and creed.⁹¹

Those who were prepared, unlike Reid, to talk to Walsh and Wilson about what had happened nearly two years before proved to have similar misgivings: they did not want to provide testimony which might be used against their comrades.

It was not even easy to establish who had been in Willingham's platoon.⁹² A roster of Bravo Company's personnel for the operation in Son My which Walsh and Wilson had obtained was no more than a starting point: it listed only twenty of the twenty-seven men in the platoon and it led Walsh and Wilson to believe that others, who had missed the operation or switched platoons, might have been involved in the massacre.⁹³ Much of Walsh and Wilson's questioning, even in the later interviews, was

⁹¹ Testimony of Terrence J. Reid, CID Witness Statement, 21 January 1970 in *ibid.* Walsh told the writer that 'We really made an effort to get him in there' and that, having learned that Reid had refused to testify before the inquiry, he considered flying to Wisconsin to appeal to him to change his mind.

Walsh has also suggested that Reid might have been persuaded not to appear. During the preparation for Kevin Sim's documentary *Four Hours in My Lai* which was released in 1989, Walsh was interviewed by the researcher Sheldon Himelfarb. According to Himelfarb's notes, Walsh:

had tried and failed to persuade one of the (Bravo Company) soldiers who lived in Wisconsin to come to Washington to testify before the Peers panel - but ... somehow the guy was got at by someone else from St Louis and never gave evidence.

Notes of interview with Jerome K. Walsh, undated, folder: My Lai 8/61, Papers of *Four Hours in My Lai*, LHCMA, KCL.

One explanation of this cryptic reference presents itself. One of the strongest personalities in Willingham's platoon, according to testimony heard by the Peers Inquiry, was Larry Taylor. A member of the point team who was suspected of the murder of Vietnamese civilians at My Khe 4, Taylor was living in St Louis when Wilson made the journey from Washington to hear his testimony in February 1970. Taylor, however, refused to answer questions. Evidence of his reputation is provided in the following chapter.

Another possibility is that Reid harboured doubts about the sort of justice he could expect in the Army. He had told *The Paper*: 'If I had been a man and objected to what I saw being done, I probably would have gone to jail for five years'. Allan Ekvall, 'Fond du Lac GI says Viet slaughter "common"', *The Paper*, 28 November 1969.

⁹² In Vietnam, the US Army chose to replace the individuals in a unit rather than to rotate the units. This made more difficult the task of identifying a unit's personnel at a particular time.

⁹³ 'Personnel Roster, Company B, 4th Bn, 3rd Inf, as of 31 October 1968. Corrected as of 16 March 1968.' Peers Report, Vol. III, Book 3, Exhibit M-24 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-III. The roster was corrected by Sergeant Wilhelm Dahner, Bravo's company sergeant, when he appeared

driven by the need to establish who had been in Willingham's platoon. The transcripts indicate what a frustrating task this must have been: some of those who testified were unwilling to help, most found it difficult to remember exactly who they had served with on an operation nearly two years before and even when a name was remembered, it was not necessarily a surname.⁹⁴ Reaching agreement about who had been attached to the platoon's first and second squads and the role that each soldier had played in the assault on My Khe 4 was more trying still. At the same time, there were the men who had served in Bravo Company's other platoons to identify and question and, in addition to the massacre at My Khe 4, there were allegations that members of the company had been involved in the mistreatment of prisoners to investigate.

Walsh and Wilson's C Team elicited enough information to corroborate, in important ways, the descriptions of the massacre which had been obtained from Vietnamese sources. Some of the testimony by men in Bravo Company's other platoons also suggested that Willingham's platoon had killed civilians on 16 March. Although it had 'not been possible to reconstruct the events with certainty', the Peers Report was able to describe the nature of the assault on My Khe 4. The initial burst of fire, which had lasted 'for approximately 5 minutes', had killed 'some inhabitants ... mostly women and children' and when members of the platoon entered the sub-hamlet 'firing into the houses and throwing demolitions into shelters ... Many noncombatants apparently were killed in the process'.⁹⁵ Although there was no suggestion that villagers had been

before the Peers Inquiry on 14 January 1970. Despite the alterations Dahner made to the roster to reflect the company's strength on 16 March, gaps remained.

⁹⁴ A complete list of the men in Willingham's platoon on 16 March 1968 was not provided in the Peers Report. The statement that 'only 22 men' in the platoon 'appear to have witnessed or participated' in the massacre is the closest that the report came to specifying the platoon's strength. Goldstein et al., p. 168. Peers was wrong to assert in *The My Lai Inquiry* that Willingham's platoon 'consisted of only twenty-two men'. Peers, p. 185. Comparison of the testimony heard by the Peers Inquiry, the first volume of the Peers Report and available CID records indicates that there were twenty-seven men in 1st Platoon. Their names are listed in Chapter I.

⁹⁵ Goldstein et al., p. 46.

gathered into groups to be executed, as they had been at My Lai 4, 'testimony and circumstantial evidence strongly suggest(ed) that a large number of non-combatants' had been killed by Willingham's platoon. It was much harder, however, to find evidence against individual soldiers.⁹⁶

Eventually, Walsh and Wilson's inquiries led to the conclusion in the Peers Report that 'ten men directly participated in the search and destruction of My Khe [4]'. Although they were not named in the report, it is clear that the ten included the four men in the point team, Donald Hooton, Beverly Larche, Larry Taylor and Ray Tittle, and two soldiers who had not survived the war, Edward Milus and Gregory Mossford.⁹⁷ There was strong evidence that the machine gunner Milus had fired at and killed civilians. Some testified to witnessing his actions in My Khe 4 and others to hearing him boast of his exploits but there was not much to be gained by developing a case against Milus. By the middle of February Walsh and Wilson had also gathered enough evidence against Hooton and Taylor to warn them, when each appeared before the inquiry, that they were suspected of murder.⁹⁸ By then, Willingham had been charged but Peers was reluctantly

⁹⁶ Ibid., p. 175.

⁹⁷ Walsh wrote in the Peers Report that two of the ten were dead and described how 'the point team and the 1st Squad moved down the trail searching and then burning the houses'. As they did so these 'elements of the platoon ... killed an undetermined number of noncombatants'. Ibid., p. 174. It seems likely that the report was also referring to Lias, the leader of 1st Squad and Leo J. Strachan, Milus' assistant on the machine gun. There was contradictory testimony about the number of men in Lias' squad and who they were. Making up the ten might have been Marvin Jones or James Placek, who appeared before the inquiry, David Millsaps, who did not, or Cresencio Garcia who had been killed in April 1968. Larry Holmes was a member of the platoon's 2nd Squad but there was an allegation, which CID began to investigate, that he had committed murder at My Khe 4. In a brief reference to Peers' investigation of the massacre at My Khe 4, Bilton and Sim jumped to the erroneous conclusion that, with Milus and Mossford, the eight men who refused to appear before the Peers Inquiry 'were thought primarily responsible for most of the ninety deaths in the village.' Neither Terry Reid nor Amos Williams appeared before the Peers Inquiry but there is no indication in the report that either of them were suspected of killing anyone at My Khe 4. Bilton and Sim, p. 297.

⁹⁸ Unlike the others in the point team, Hooton and Taylor agreed to make appearances before the inquiry but Wilson's journey to St Louis to interview Taylor on 15 February 1970 achieved little: Taylor refused to answer questions. Hooton's appearance was two days later. He answered some of the inquiry's questions but, on the advice of counsel, refused to answer others. (Wilson interviewed Placek in Chicago and Taylor in St Louis on successive days. Taylor had lost a foot while trying to disarm a mine on the day after the massacre at My Khe 4 and this may explain why Wilson travelled to St Louis to meet him. Placek might simply have refused to travel to Washington.)

coming to the conclusion that none of the men who had left the Army would be prosecuted for the murder of civilians in Son My.⁹⁹

This was because the Supreme Court had ruled in 1955 that it was 'unconstitutional to subject ex-servicemen to trial by courts-martial, and Congress had never given any civilian federal court the authority to try them for crimes committed abroad' as Michal R. Belknap has explained in *The Vietnam War on Trial*.¹⁰⁰ It had become clear to the Army by the middle of November 1969 that this was going to cause a problem. The Provost Marshal General reported to Westmoreland that, whilst 'consideration is being given to possible charges' against nine members of Charlie Company who were still on active duty, there were another fifteen 'who are no longer on active duty' who were suspected of intentionally killing civilians at My Lai 4.¹⁰¹ Various solutions were considered. Colonel William G. Eckhardt, who supervised the prosecutions of those charged with offences at Son My, wrote later that 'there were three jurisdictional bases that could have been chosen': one was to try ex-servicemen by courts-martial for violation of the law of war, another was to try them by military commission and a third possibility was to persuade Congress to give federal district courts the necessary authority.¹⁰² Particular effort was expended in exploring the

⁹⁹ CID documents indicate that Tittle had left the Army. A 'Fact Sheet', dated 2 April 1970, listed him as a civilian and he is referred to as Mr. Ray Tittle, Jr. in an investigator's statement, dated 21 April 1970, which identified Lias and Rushin according to their ranks. However, a memorandum sent to the Deputy Secretary of the General Staff by the Office of the Provost Marshal General on 11 April 1970 noted that, of the four members of the point team, 'only SGT Tittle is still in the service'. In view of Tittle's refusal to appear before the Peers Inquiry or make a statement to the CID and because there is no suggestion that charges against him were considered, it seems likely that he had left the Army by the end of 1969. 'Fact Sheet: Son My Investigation', 11 April 1970 in Folder 2AA, Box 2, HTA, LC, UMSCL, AA; Investigator's Statement by Raymond E. Miller, 21 April 1970 in CID Report of Investigation on Donald Hooton, 70-CID011-00049, HTA, LC, UMSCL, AA; Memorandum for Deputy Secretary of the General Staff, Subject: Son My Investigation - Company B, 4th Battalion, 3d Infantry, 11 April 1970 in Folder 2CC, Box 2, HTA, LC, UMSCL, AA.

¹⁰⁰ Belknap, p. 221. The Supreme Court had made the ruling in the case of *Toth v Quarles*.

¹⁰¹ 'Fact Sheet: To inform the Army Chief of Staff of the current status of the My Lai Investigation', 18 November 1969 in Folder 2AA, Box 2, HTA, LC, UMSCL, AA.

¹⁰² William G. Eckhardt, 'My Lai: An American Tragedy', 2000. In 1996, as Eckhardt noted, the US Congress finally gave federal district courts the authority to try civilians for violations of the law of war.

possibility that ex-servicemen could be tried for violations of the law of war. On 24 November, Secretary of the Army Resor was provided with a fact sheet by the Provost Marshal General's office which included a 'Discussion of Jurisdiction Over Former Army Members Who May Have Committed Offenses at My Lai' drafted by Major General Kenneth Hodgson, the Judge Advocate General. Hodgson expressed the opinion 'that the Army is empowered to try by general court-martial or military commission former members of the military who may have committed offenses at My Lai in violation of the law of war.'¹⁰³ Eight days later, with Resor's support, Army General Counsel Robert E. Jordan III sent an eight page memorandum to the US Attorney General's office which argued that 'There is statutory authority which would allow discharged servicemen to be tried for violations of the law of war'. The memorandum concluded with the suggestion that 'we attempt to obtain Executive Branch agreement on the propriety of trial by military tribunal' in such cases. According to Jordan, however, the possibility was not pursued because 'We would have needed the president's support to proceed ... We didn't have much support'.¹⁰⁴

Bernd Greiner has pointed out that this legislation does not apply to Vietnam veterans and 'others who left military service before 1996'. Greiner, *War Without Fronts: The USA in Vietnam* (London: The Bodley Head, [original in German 2007] 2009), p. 298. Steven D. Green became the first ex-serviceman to be tried under this authority in May 2009. He was found guilty of the rape and murder of an Iraqi girl and of the murder of members of her family. He was sentenced to life imprisonment. James Dao, 'Ex-Soldier Gets Life Sentence for Iraq Murders', *The New York Times*, 21 May 2009.

¹⁰³ Inclosure 5 to 'Fact Sheet: Alleged Murder of Noncombatant Civilians in the Hamlet of My Lai [4], Republic of Vietnam', undated. A memorandum to the Secretary of the General Staff indicates that Resor had instructed the Provost Marshal General to provide the fact sheet by 24 November 1969. A draft of the material in the inclosure is headed 'TJAG Response'. These documents are in Folder 2CC, Box 2, HTA, LC, UMSCL, AA.

¹⁰⁴ Jordan's memorandum and his comments about its fate are cited in Deborah Nelson, *The War Behind Me: Vietnam Veterans Confront The Truth About US War Crimes* (New York: Perseus Books, 2008), p. 138 and pp. 149-153. Eckhardt, who referred to the memorandum in 'My Lai: An American Tragedy', asserted that President Nixon and his attorney general 'could not or would not' support the idea of trying ex-servicemen in a federal court. He was speaking at a conference held at Tulane University in December 1994. The purpose of the conference was 'to reflect upon the massacre (at My Lai 4) and related issues of war and atrocity.' Some of the sessions were recorded and transcripts made of the recordings. The transcripts appeared in David L. Anderson (ed.), *Facing My Lai: Moving Beyond the Massacre* (Lawrence: University Press of Kansas, 1998), p. 43. Eckhardt also expressed the opinion in a conversation with the writer on 3 August 2009 that Nixon and his advisors 'would just as soon the whole thing went away'. A recording of the conversation is in the writer's possession.

The wording of President Nixon's first public statement about the massacre at My Lai 4 suggests that Jordan and Eckhardt were correct in their assessments of the president's attitude. The statement was

Word of the work that military lawyers were engaged in reached the newspapers. On 26 November, for example, *The New York Times* reported that 'Pentagon lawyers are searching lawbooks to find if there is any way to prosecute men who took part in ... the massacre at Songmy but who have since been released from active duty' adding that, if they were successful, an announcement would be made within a few days.¹⁰⁵ Seymour Hersh detected conspiracy, alleging that 'Pentagon correspondents were fed information pointing out that the Army was doing everything possible to get jurisdiction over former Charlie Company members in order to prosecute them' because the Army wanted to frighten into silence those members of Charlie Company who, believing that they could not be charged, were confessing to the media that they had killed people at My Lai 4.¹⁰⁶ Whilst the Army might have been guilty of manipulating reporters to this end, it was not inventing the stories.¹⁰⁷ Military lawyers were trying to find ways to prosecute ex-servicemen and when *The Washington Star* reported on 3 December that, as Hersh put it, 'the Army was planning to send the Justice

reported in *The New York Times* on 9 December 1969 under the headline 'President Pledges Penalty For Any Guilty at Songmy' but Nixon had been careful to say something rather different: 'That's why I'm going to do everything I possibly can to see that all the facts in this incident are brought to light and that those who are charged, if they are found guilty, are punished.' About the problems associated with the charging of ex-servicemen, the president had no comment. David Rosenbaum, 'President Pledges Penalty For Any Guilty at Songmy', *The New York Times*, 9 December 1969.

Privately, Nixon was more explicit. He told Kissinger during a telephone conversation on 17 March 1970 that the massacre at My Lai 4 'was covered up because it was in the interest of the country ... We know why it was done. These boys being killed by women carrying that stuff in their satchels ... Let's get it out of the way.' Cited by Greiner, p. 288. Greiner and others have noted Nixon's fear that his plans in Vietnam might be disrupted by the reaction to the massacre. *Ibid.*, p. 319. A more sophisticated analysis is to be found in Oliver, *The My Lai massacre in American history and memory*, pp. 73-79.

In Belknap's opinion, the attorney general rejected the idea of trying ex-servicemen by military tribunal because of a concern that 'this procedure would trigger protracted litigation over its legality'. He also noted the concern that public opinion might have swung against the military trial of civilians. Belknap, p. 222.

¹⁰⁵ Fred Graham, 'Army Lawyers Seek Way To Bring Ex-G.I.'s to Trial', *The New York Times*, 26 November 1969; the possibility of a 'special military tribunal' was raised in Edward F. Sherman, 'Songmy 2: Some Knotty Legal Questions', *The New York Times*, 7 December 1969.

¹⁰⁶ Hersh, *My Lai 4*, p. 162. On 24 November, for example, Paul Meadlo had confessed to murdering women and children on television. Details of the confessions made to the media by Meadlo and others in Charlie Company are provided in Chapter III.

¹⁰⁷ In conversation with the writer Eckhardt expressed the view that Hersh's theory 'assumes a sophistication that is far beyond what I think the (Army's) capabilities were at the time.'

Department a document outlining possible ways of trying ex-servicemen', it was referring to Jordan's memorandum.¹⁰⁸

That, by February 1970, Peers thought it unlikely that charges would be laid against civilians is suggested in *The My Lai Inquiry*. Willingham was charged on the day that he was due to leave the Army, Peers explained, because 'the attitude of the American people and the climate within the government at the time were such that had he been released to civilian status, it was highly unlikely that he would have been prosecuted at all.'¹⁰⁹ Nevertheless, the documentary record shows that, when Willingham was charged, senior military lawyers were still hopeful of finding a way to try those who had left the Army. Indeed, the idea was mooted that the case against Willingham could test the proposition that ex-servicemen could be tried by a military tribunal for violations of the law of war.

Willingham's lawyers were expected to contend that their client had become a civilian before he was charged. This was because Willingham had received orders on 7 February releasing him from active duty on 10 February and it had been necessary to revoke these orders so that he could remain under the Army's jurisdiction.¹¹⁰ The first charge against Willingham, that he had violated Article 118 of the Uniform Code of Military Justice (UCMJ) by the 'unpremeditated murder of 20 Vietnamese individuals', was similar to the charges which had been preferred against members of Charlie

¹⁰⁸ Hersh, *My Lai* 4, p. 162.

¹⁰⁹ Peers, p. 197.

¹¹⁰ 'Talking Paper', 13 February 1970 in CIP 180 XI-1-5: Captain Thomas K. Willingham, RPI, NARA. On 2 March the *Chicago Tribune* reported that Willingham's lawyer was planning to demand his client's release from the Army on the grounds that he had been released from the Army when he was charged. 'Viet Massacre Suspect Seeks Army Release', *Chicago Tribune*, 2 March 1970. By 3 March the Judge Advocate General had been 'informed that attorneys for Captain Willingham are preparing to seek his release from the Army in either the United States Court of Military Appeals or a United States District Court.' 'Son My Summary Report Number 11', 3 March 1970 in Box 1, My Lai: Army Staff Monitor Summaries, Feb.-May 1970, RAS, RG 319, NARA.

Company but the second anticipated the defence that he had already become a civilian. He was charged with violating 'the laws of war by murdering 20 Vietnamese individuals'.¹¹¹ The wording reflected the involvement of the Army's senior lawyers: as Peers recalled, the Army General Counsel, the Judge Advocate General, and the Provost Marshal were consulted before the decision was taken to prefer charges against Willingham.¹¹² The thinking behind the second charge is revealed in an Army 'Talking Paper', dated 13 February 1970, which suggested that if Willingham's lawyers were successful in arguing that he had been 'irrevocably separated from active duty prior to the time he was charged', his case 'may provide a test vehicle for the proposition that former servicemen may be tried by a military tribunal for war crimes in violation of the law of war'.¹¹³ In the same document it was recorded that 'The Judge Advocate General and the Office of the General Counsel, Department of the Army, have concluded that (former servicemen) may be tried by military tribunal [either military commission or court-martial] for war crimes in violation of the law of war' and that:

The legal issues, policy implications and the mechanics of such trials – as well as the possibility of conferring jurisdiction upon civilian courts to try these persons - are being considered further by The Judge Advocate General, the General Counsel of the Army, the Department of Defense, and the Department of State.¹¹⁴

According to Westmoreland, the question of jurisdiction was still under discussion several months later. When he appeared before Hébert's sub-committee on 10 June 1970, the day on which it was announced that the charges against Willingham had been dropped, Westmoreland stated that he had been told by the Secretary of the

¹¹¹ Son My Army Staff Monitor Summary, 11 February 1970 in Box 1, My Lai: Army Staff Monitor Summaries, Feb. - May 1970, RAS, RG319, NARA.

¹¹² Peers, p. 197.

¹¹³ 'Talking Paper', 13 February 1970. There was some speculation in the newspapers about the nature of the charges against Willingham, the precise wording of which was not released. *The New York Times* was told by a 'ranking Pentagon officer' that the second charge might be easier to prove than the first. Possibly, this was deliberately misleading. The Army would not have been eager to reveal the charge's rationale. 'Accused Captain Linked to 20 Killings', *The New York Times*, 14 February 1970.

¹¹⁴ 'Talking Paper', 13 February 1970.

Army and the Army's Judge Advocate General that 'there probably is a way' that ex-servicemen could be charged with crimes committed whilst they were in uniform and that he had been informed that 'the Secretary and his General Counsel are working diligently on this matter with the Department of Justice.'¹¹⁵ At what point Army lawyers resigned themselves to defeat is unclear. Peers' pessimism might have been unjustified in February 1970 but, by the time that the charges against Willingham were dropped, it seems likely that Army lawyers had realised that the executive branch did not want to get involved and that Westmoreland's statement to the sub-committee was driven by pragmatism: telling the sub-committee that those who had left the service could not be tried would have put the Chief of Staff in an uncomfortable position.¹¹⁶ It was not until 8 April 1971 that the Department of Defense and the Justice Department announced that they had been unable to agree on a method of prosecuting ex-servicemen and that 'as a practical matter the problem is not being studied any further' but the delay in making the announcement was probably to allow the dust to settle.¹¹⁷

Charges having been made against Willingham, it became the CID's responsibility to investigate the events at My Khe 4. Prompted by Bay's testimony to Feher, the agency had recognised by 20 December that a second investigation might be necessary and the leads which it had been ordered to pursue in Kamm's report in *The New York Times* and the newspaper story about Terry Reid had implicated the men of Bravo Company. There had been little progress, however. Kamm's report was dismissed as 'a questionable, unsupported lead' and the agency did no more than forward 'a request

¹¹⁵ *Investigation of the My Lai Incident: Hearings ... Under Authority of H. Res. 105*, pp. 851-852. In December 1969 Senator Sam J. Ervin, Jr. of North Carolina 'introduced legislation to give federal district courts jurisdiction over discharged soldiers accused of offenses committed while in the service.' The bill received little support. Lewy, p. 365.

¹¹⁶ In conversation with the writer, Eckhardt commented: 'I don't know when the decision was made and I suspect there's no paper anywhere that says when it was made. I suspect it was done informally. But ... the matter died ... and we knew it died.'

¹¹⁷ 'Failure to Prosecution(sic) former soldiers', Box 8, Folder 42, Papers of *Four Hours in My Lai*, LHCMA, KCL.

for appropriate inquiry' to the headquarters of the US Army in Saigon eighteen days after Peers had sent the same inquiry to General Abrams.¹¹⁸ The decision to interview Reid was taken on 31 December but three weeks were to pass before he made his statement. Colonel Henry Tufts, CID's commanding officer, had indicated on 6 January 1970 that consideration was to be given to the formation of 'another team for requirements at Co Lay [2]' and, in Vietnam, agents continued to question people who had lived in Co Luy but it was not until 11 February, the day after Willingham was charged, that the CID investigation was formally expanded to include the actions of Bravo Company.¹¹⁹ Had it not been for Walsh and Wilson's efforts, therefore, the actions of Willingham and his platoon might not have been investigated.

¹¹⁸ Undated, untitled CID record in War Crimes Allegations - 9; Reid Allegation (Co Lay/Co Luy). The response, from Captain Dale E. Patrick on behalf of General Abrams, clarified the geography of Son My and cited information which, Patrick explained, had been provided by the former hamlet chief of Co Luy when he was interviewed by Jerry Walsh on 1 January 1970. In several respects, Patrick's account of this testimony is inaccurate. He identified the hamlet chief as Nguyen Tan Hai, rather than Ngo Tan Hai, and Hai's informant as Trinh Fiu, rather than Pham Xe. Xe had stated that ninety-seven people were killed in My Hoi, of whom fourteen were innocent civilians. According to Patrick, Fiu had given a figure of ninety-seven dead, of whom twenty-four were innocent civilians. Patrick added the note that: 'The "innocent" civilians were violating RVN law by living with the VC. Differentiation between "innocent" civilians and VC was therefore purely academic.' Memorandum to Commanding Officer, USACIDA, 17 January 1970 in *ibid*. Greiner has made the illogical suggestion that Patrick's memorandum could have been written in reaction to CID's decision to expand its investigation to include the massacre at My Khe 4, a decision which was not taken until several weeks after Patrick wrote his memorandum. Greiner, p. 321. Nevertheless, Patrick's response to CID's inquiry is significant. Like some of those who were to testify before Walsh and Wilson, Patrick was prepared to argue that there were no innocent civilians in My Hoi. Whether his argument had the support of his superiors in Saigon is another question.

¹¹⁹ Daily Journal of the CID Task Force in Vietnam, 6 January 1970 in Box 8, Folder 36, Papers of *Four Hours in My Lai*, LHCMA, KCL; on 13 January 1970 the daily journal recorded 'Have gotten only 1 statement (hearsay) concerning Co Lay [2]. Nothing new since submitting the list of 23 names of persons we desire to interview.' Daily Journal of the CID Task Force in Vietnam, 13 January 1970 in Box 8, Folder 36, Papers of *Four Hours in My Lai*, LHCMA, KCL; on 19 January 1970 an agent made a statement that he had interviewed six Vietnamese who had once resided in Co Luy. None of them had been in Co Luy on 16 March but all of them had heard rumours that people living in Co Luy had been killed. Witness Statement by Juel M. Moses, 19 January 1970 in Box 02, Folder 04, My Lai Collection, TVA, TTU.

Tufts issued a memorandum affirming the the decision he had taken on 11 February 1970 to reorient CID's My Lai investigation. He noted that 'In connection with CPT Willingham's involvement, it becomes apparent that we must expand our My Lai investigation to explore allegations of crimes committed by ... B4/3 (Bravo Company)'. 'Reorientation of My Lai [4] Investigation', 12 February 1970 in CIP 180 XI-1-5: Captain Thomas K. Willingham, RPI, NARA. CID recorded the progress of its Son My investigation in weekly fact sheets. The first to indicate that CID agents were investigating the Bravo Company operation is dated 17 February 1970. See Folder 2, Box 2, HTA, LC, UMSCL, AA. Thus, Belknap's assertion that 'The CID's investigation yielded evidence sufficient to justify prosecuting ... Willingham' is an error. Belknap, p. 217.

Responsible for the collection of evidence against those suspected of crimes at My Lai 4 and, in the form of reports of investigation, for assessing the value of that evidence, CID's resources seem to have been stretched to the limit.¹²⁰ By 4 December 1970, when the agency completed its work, seventy-six complaints had been investigated, thirty-eight of which had formed the basis for twenty-five reports of investigation 'identifying 46 subjects and pertaining to offenses of murder, assault with attempt to commit murder, rape, aggravated assault, maiming (and) indecent assault.' Agents had conducted over 800 interviews during an investigation which, by December 1969, was proceeding 'at an accelerated pace' because of 'Worldwide attention to the incident (at My Lai 4)'.¹²¹ The memorandum in which Tufts affirmed the agency's intention to widen its investigation suggests it was because of a lack of personnel that he had not, as Peers had, established a separate team to look into the massacre at My Khe 4.¹²² Tufts complained in the memorandum that 'we cannot do all of the things that we have to do simultaneously without obtaining additional investigators from groups in the field' and he was unwilling to do this because 'the impact of further depletion of their resources would be disastrous to the investigation of crimes in the field'.¹²³ His solution

¹²⁰ It was CID's responsibility to gather evidence and to make a preliminary assessment of that evidence. If a CID report indicated that a case was 'founded' and if the suspect remained under military jurisdiction, an Article 32 investigation would follow.

In 'Lessons Learned From the Son My Incident', completed in June 1972, CID evaluated its performance during the investigation of the massacres in Son My. The report, which was sent to the Army's Chief of Staff, referred to a 'lack of an investigative orientation' and 'myriad leads without firm direction from the task force headquarters.' Cited in Greiner, p. 309.

¹²¹ These figures include CID's work in relation to the massacre at My Khe 4. 'The CID Investigation of the Son My Incidents', 31 December 1970 in Box 6, Folder: Congressional Back Up Sheets – My Lai Case 1970-1972, Records of the Vietnam War Crimes Working Group (VWCWG), RAS, RG319, NARA.

¹²² In contrast, the Peers Inquiry seems to have been able to call upon the Army for anyone or anything that was required. In *The My Lai Inquiry*, Peers noted that 'General Westmoreland had assured me that I would be supplied with all the people, funds and anything else needed for the investigation.' Peers, p. 12. In conversation with the writer, Walsh declared that Peers had 'carte blanche to call whatever he needed and he didn't stint.'

¹²³ 'Reorientation of My Lai [4] Investigation', 12 February 1970.

was to establish a series of 'priorities ... to produce the products in the order that they are required by the Army', the first of which was investigation of the Willingham case.¹²⁴

CID's involvement did not persuade Peers to abandon his investigation into what had happened at My Khe 4 although, on the day that Tufts formally expanded the CID effort, Colonel Wilson had sent a memorandum to Peers recommending that 'C Team terminate interrogations after Friday, 13 February'. Wilson's memo explained that he had 'co-ordinated with a CID Team located in the Pentagon which has been assigned to pursue the criminal aspects of the unit's operation' and he did not feel that further interrogations by C Team would 'provide significant information concerning the unit operation'.¹²⁵ Interview Team C, however, questioned another ten members of Bravo Company before the end of February and re-interviewed two more early in March.¹²⁶

¹²⁴ Ibid. Tufts' memorandum makes it clear that the reorientation of the CID investigation was a response to the requirements of the Army but one historian has interpreted the memorandum differently. In *War Without Fronts*, Greiner argues that Tufts was so impressed by the strength of the case against Willingham that he 'demanded that the scope of the (CID) investigation be broadened' to include the massacre at My Khe 4 and he adduces Tufts' memorandum, which he does not quote from, as evidence of this. Greiner, p. 321. Although the memorandum established as a priority the 'Substantiation of a case or the lack of one against CPT Willingham', however, it made no comment about the evidence developed by the Peers Inquiry against Willingham. 'Reorientation of My Lai [4] Investigation', 12 February 1970.

¹²⁵ 'Memorandum for General Peers', 11 February 1970 in CID Report of Investigation on Donald Hooton, 70-CID011-00049, p. 667c, US Army Crime Records Center. The identities of the writer of the memorandum and the intended recipient of a copy have been obscured in the redacted form in which the memorandum appears in the report of investigation. Nevertheless, the 'Colonel' who signed it could hardly have been other than Wilson and it is unlikely that he would have intended to send a copy to a civilian other than Walsh. In conversation with the writer, Walsh said that he could not remember seeing the memorandum before and it is possible that the copy did not reach him.

¹²⁶ There seems to be a compromise - according to Wilson's memo, fifty-five members of Bravo Company were still to be interviewed by the inquiry - although Walsh feels that Peers would have been determined to pursue all the leads which were available. Walsh told the writer that 'Peers wouldn't have said (to Wilson), "OK, forget it"' and, only two days before Wilson sent his memo, Peers had told one of the men in Willingham's platoon::

I don't appreciate my job as Investigating Officer, but I feel the same way that you do, in that we are soldiers and we are American soldiers. We have certain obligations which we have to uphold. So, we're not leaving any single stone unturned in order to get at the facts ... We have to uphold our honor. And, that's what we're going to do.

Testimony of Jimmie L. Jenkins to Peers Inquiry, 9 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook19.pdf. How much was learned from those who appeared after 13 February is explored in Chapter I.

Peers' unwillingness to accept Wilson's recommendation is susceptible to different interpretations. The most provocative of these is that Peers did not trust Tufts' agents to investigate properly. That Peers felt that he could have improved upon CID's efforts is implied in his comment, seven years later, that he would have liked 'to look in ... a little greater depth into the activities of BRAVO Company'. Alternatively, he might have suspected that he would not be kept informed of any progress made by the CID investigation. There is only one statement from a member of Bravo Company in the final volume of the Peers Report which, according to its preface, contained 'CID statements received prior to the submission of this report (that were) considered to be relevant to this inquiry'.¹²⁷ It is possible, therefore, that Tufts did not provide Peers with the CID statements taken from members of Willingham's platoon. Amongst those who had not testified to the inquiry when Peers received Wilson's memorandum were a number of men in 1st Platoon, including Hooton, Taylor and Willingham and, whilst Peers might have been doubtful that anybody's testimony would lead to fresh charges, he might have wanted to ensure that he had direct access to any information which they might provide in order that Walsh could write a more conclusive report about the events at My Khe 4.¹²⁸ Whatever the grounds for Peers' decision to reject Wilson's

¹²⁷This volume of the Peers Report is available on micro-film as *The Peers Inquiry of the Massacre at My Lai*, Vol. IV: CID Statements, (Bethesda, MD: University Publications of America, 1996), p. i. The only statement by a member of Bravo Company included in Volume IV was made by Sergeant Paul Love. After Cochran was killed, Love had taken command of Bravo's 2nd Platoon for the rest of the day but Walsh and Wilson had mistakenly believed that Love had been in Willingham's platoon during the operation in Son My. Love's statement was taken on 19 February 1970 by a CID agent on behalf of the Peers Inquiry because Love was stationed in South Vietnam. (It was requested by Colonel Whalen who was responsible for the collection of documents during the inquiry.) Love stated that he 'did not know where the other platoons operated or what they did' on 16 March 1968. Testimony of Rodney V. Linkous to Peers Inquiry; Testimony of Paul Bartholomew Love, CID Witness Statement, 19 February 1970 in *The Peers Inquiry of the Massacre at My Lai*, Vol. IV: CID Statements, pp. 116A-116C.

¹²⁸ Peers made no complaint about a lack of co-operation from CID in *The My Lai Inquiry*. Indeed, he noted that Major E.F. Zychowski, who liaised between CID and the Peers Inquiry, 'was most useful throughout our investigation in obtaining copies of the CID's testimony'. Peers, p. 13. In conversation with the writer, however, Walsh recalled that 'we didn't regularly see everything that (CID) were doing' and it might have been that, in the rush to complete the report, the CID statements from members of Bravo Company were simply forgotten.

Another possibility is that the statements were excluded because, by the time Peers was completing his report, there were doubts that a case could be made against Willingham. Those on the Army staff monitoring the progress of the Son My investigations were told on 6 April 1970 that 'Some 25 former

recommendation, it is clear that he was determined to find out what he could about My Khe 4.

The outcome of CID's efforts to investigate the events at My Khe 4 cannot be described as satisfactory. The charges against Willingham were dropped in June 1970 because there was 'insufficient evidence to substantiate or refute allegations' that he had 'ordered the killings'.¹²⁹ There was evidence that Donald Hooton had murdered a child: on 23 April 1970 a CID Report of Investigation was completed with the conclusion that 'Hooton did, at My Khe [4] ... with premeditation, murder an unidentified Vietnamese boy by shooting him in the head with, presumably, a .45 caliber pistol' but Hooton was a civilian and he was not charged.¹³⁰ The other subject of CID investigation was Larry Holmes. He, too, was suspected of murder but he was also a civilian. His case did not

members of 1st plt have been interviewed' and that the case against Willingham had 'an estimated conclusion of "unfounded"'. The two other members of Willingham's platoon against whom allegations had been made were no longer in the Army and, by March 1970, Peers apparently doubted that charges would be laid against those who had left the service. If pessimism about the outcomes of CID's investigations into the massacre at My Khe 4 explains the decision to omit these statements from the report, however, it is hard to understand why Peers chose to include the testimony given to his inquiry by members of Bravo Company in the second volume of his report, 'Son My Army Staff Monitor Summary', 6 April 1970.

Greiner makes the unsourced assertion that, at some unidentified point after Peers' return from South Vietnam, CID 'no longer had the power to analyse the evidence and interviews it had collected' and that '118 interviews about My Lai [4] and My Khe [4] were placed at the disposal of Peers and his colleagues.' Greiner, p. 313. It is possible that this is true of some of the statements about the events at My Lai 4 and, perhaps, Walsh was provided with some or all of the statements relating to the killings in My Hoi which Vietnamese witnesses had given to CID agents between 2 January and 10 March. The statements about the massacre at My Hoi taken by CID agents from Vietnamese witnesses on 14 March could not have reached the inquiry in time to have any impact on the report. (The content of the CID statements taken from Vietnamese witnesses between January-March 1970 is considered in Chapter II.) If CID statements taken from members of Bravo Company were presented to the Peers Inquiry as Greiner has suggested, it seems strange that they were then omitted from Volume IV of the Peers Report. Neither does Greiner's suggestion accord with Walsh's description of the relationship between CID and the Peers Inquiry. That CID was required to analyse the evidence against Willingham and Hooton and produce a report of investigation about each case sheds further doubt on Greiner's claim.

¹²⁹ Memorandum for Deputy Chief of Staff for Personnel: 'The CID Investigation Concerning the Conduct of B/4/3rd Infantry and A/3/1st Infantry at Son My', 6 July 1971. In 1971, when Chief of Staff Westmoreland ordered an administrative review of the actions of some of the men who had been charged with offences arising out of the massacre in Son My 'to determine if the individual's conduct was short of the desired professional standards', it was concluded that 'The performance of duty by CPT Willingham did meet the standards of an officer of his position, grade, and experience, thereby rendering administrative action unnecessary.' 'Administrative Review of Son My Cases: JAG 1969/8751', 26 April 1971 in Folder: Administrative Review - My Lai Cases, 1 of 4, RG319, RAS, NARA. The administrative review of Willingham's actions is considered in Chapter II.

¹³⁰ CID Report of Investigation on Donald Hooton, 70-CID011-00049, HTA, LC, UMSCL, AA.

even merit a report: it was 'administratively closed' on 21 April 1970 because of 'insufficient evidence' although he had admitted to a CID agent that he had shot a woman at My Khe 4.¹³¹ There had been a massacre at My Khe 4 but none of the men who were responsible were going to be prosecuted.

The American media, which had been encouraged by the Army's presentation of the charges against Willingham to portray the events at My Khe 4 in the context of the massacre at My Lai 4, rarely exhibited any enthusiasm for what seemed to be a secondary story.¹³² Without photographs of the victims or the drama of a trial, it is unsurprising that the story of My Khe 4 made no lasting impression upon the American people. Despite this, those who have written about the My Lai Massacre have frequently asserted that there were over five hundred victims, a figure which includes those killed at My Khe 4.¹³³ Those who have not ignored the distinction between the two massacres

¹³¹ See, for example, 'CID Fact Sheet: Son My Village', 2 October 1970 in Box 8, Folder 33, Papers of *Four Hours in My Lai*, LHCMA, KCL. Holmes made this admission to CID agent Thomas Porter on 5 March 1970. Although Holmes' name has been redacted, other details in the agent's statement make it clear that he had been speaking with Holmes. Witness Statement of Larry Holmes, 6 March 1970 in CID Report of Investigation on Donald Hooton, 70-CID011-00049, US Army Crime Records Center.

¹³² The Army's presentation of the actions of Bravo and Charlie Companies as if they constituted a single incident is exemplified in the official titles of the Peers Inquiry and the Peers Report. The title of the inquiry was *The Department of the Army Review of the Preliminary Investigations into the My Lai Incident* and the title of the subsequent report was *The Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident*. The presentation of the massacre at My Khe 4 in the media is the subject of Chapter III.

¹³³ The Vietnamese have produced a list, which purports to be definitive, of 504 men, women and children who were killed in Son My. Many of the names on the list are the same as, or very similar to, the names of those identified as victims at My Hoi by Vietnamese who testified to CID (the translation of Vietnamese names into English being subject to some variation).

In Son My, the victims of the massacre at My Hoi are also memorialised in song, as Heonik Kwon has revealed in *After the Massacre: Commemoration and Consolation in Ha My and My Lai*, an analysis of the ways in which Vietnamese communities have responded to the suffering inflicted upon them during the 'American War'. The title of the song, which Kwon recorded in Son My, translates as 'Come, and Visit My Hoi' and its words assert that one of the sadnesses of the massacre at My Hoi is that the precise number of victims cannot be known:

Let's listen to a story of a crime.
When the night's fog is still glittering the bush,
Birds are singing, hens are calling chicks.
Diligent children have already begun their play.
Farmers chase their buffalo toward the horizon.
Old women and men, and children,

have usually followed Seymour Hersh in arguing that, whilst the massacres were carried out in different places by men from different units, they proceeded from the same set of orders.¹³⁴ The weaknesses of this argument have been recently exemplified in *The My Lai Tapes*, a radio documentary presented by Robert Hoderne.¹³⁵ Made to commemorate the fortieth anniversary of the massacres in Son My, *The My Lai Tapes* was dramatised by the inclusion of recordings of testimony given to the Peers Inquiry. Like Hersh, Hoderne drew selectively upon the testimony heard by the Peers Inquiry in an attempt to fit the story of the massacre at My Khe 4 into the context of the 'My Lai Massacre' but, in doing so, he was guilty of numerous factual errors. Hoderne stated, for example, that:

Up until the Peers Inquiry it had been part of the cover-up that only Charlie Company had been involved in the massacre and only in the village of My Lai but during the inquiry it emerged that a second company, Bravo, was also involved and had attacked another village: My Khe. Both companies, it became

Who earn a living from the soil-
Who wants to kill them?
Does the nation know about it?
An American crime has just been heard.
Some lost parents.
Some left no trace, entire families, leaving nobody to wear the white ribbon of mourning.
This is *grievous death*.
You ask me how many, I don't know how many.
You keep asking me the number, How many?
I do not know how many were killed.
I do not count how many incense sticks I ought to burn.
Let's go see My Hoi, Tu Cung.
People! Remember My Hoi's blood.
Stop the hands of killing.

The concept of 'grievous death', Kwon explained, involves a sense of the injustice of the killing of non-combatants and, as the song suggests, of the particular injustices of the destruction of whole families which leaves 'nobody to wear the white ribbon of mourning' and the impossibility of precisely establishing the number and the identity of the victims. Kwon, who was apparently unaware that there had been two massacres in Son My, thought that My Hoi was 'the old name of a subhamlet ... in My Lai'. Consequently, he missed the significance of the question 'Does the nation know about it?' and the irony that people cannot visit My Hoi because, as Peers reported, it no longer exists which adds another element to the concept of 'grievous death': the death of the sub-hamlet itself. Heonik Kwon, *After the Massacre: Commemoration and Consolation in Ha My and My Lai* (London: University of California Press, 2006), pp. 126-127.

¹³⁴ Hersh's argument, which appeared in 'Coverup-I' and *Cover-Up*, is considered in Chapter III. Ronald Ridenhour demonstrated his support for Hersh's position at the conference at Tulane University in December 1994 when he declared that 'this was part of a plan. Those men were ordered to go out there and destroy this village.' Anderson, pp. 56-57.

¹³⁵ *The Archive Hour: The My Lai Tapes*, BBC Radio 4, 15 March 2008. Presented by Robert Hoderne. The script was written by Hoderne, the Senior Managing Editor of the *Military Times*, and Rosie Goldsmith, the programme's producer. It was also broadcast by BBC's World Service.

clear, had received the same briefing before the operation by task force commanders Colonel Oran Henderson and Lieutenant Colonel Barker. General Peers and his team concluded that the command to kill was a well thought out, concerted plan, not a chaotic free-for-all on the part of rogue soldiers. Most members of Bravo Company refused to testify at the inquiry.¹³⁶

It is far from certain that there was a conscious attempt to conceal what had happened at My Khe 4 by Colonel Henderson and his superiors; Hodiern's identification of the location of the second massacre is imprecise and his implication that the whole of Bravo Company attacked the 'village' of 'My Khe' is misleading. Worse is the assumption that the men of Bravo and Charlie companies received the same briefing from Henderson and Barker and the misrepresentation of Peers' conclusions about the significance of the briefings received by the men of Bravo Company.

To support the claims that 'Both companies ... had received the same briefing before the operation by task force commanders Colonel Oran Henderson and Lieutenant Colonel Barker' and that 'the command to kill was a well thought out, concerted plan, not a chaotic free-for-all', Hodiern used the testimony of Robert Holmes, who was described as 'a rifleman with Bravo'. According to Hodiern, Holmes' testimony was particularly 'important' and those listening to *The My Lai Tapes* heard the following exchange between Colonel Wilson and Holmes who, it was explained, was being asked about Bravo's pre-operation briefing:

Wilson: Was there anything discussed about the destruction of villages, and the burning of hootches?

Holmes: Yes. We were ... it was supposed to be a search and destroy mission, and one of the orders that I thought I heard, or somebody did say, was to shoot anything that moves.

Wilson: Anything?

Holmes: Yes, that's the way I received the order. I didn't understand it at the time really.

Wilson: Did you receive orders like this before?

Holmes: No, not in that tone. Just that we understood that Colonel Barker was upset about the men we had been losing. We were led to believe that this area

¹³⁶ Ibid.

that we were going into was either all VC or they were VCS, VC supporters. I thought the area was supposed to be cleared, you know, like the people were supposed to have evacuated the area. We found out there were many, many civilians.¹³⁷

Had Holmes been a member of Willingham's platoon, had he attended a briefing with the rest of the men in Bravo and Charlie companies and received an order to 'shoot anything that moves' from Colonel Barker and had, as Hodierna asserted, 'Most members of Bravo Company refused to testify at the inquiry', this might have been crucial testimony. However, Holmes had been a member of Bravo Company's 3rd Platoon, a unit which had killed no-one on 16 March according to the Peers Inquiry, and, as fifty-nine of the men in Bravo Company had offered at least some testimony, it had become obvious to Peers that 'In the case of B Company, no firm conclusions can be drawn as to either the nature or effect of any preoperational psychological buildup that may have been given to the men' because they were briefed in different ways and not gathered together as a company.¹³⁸ Indeed, elsewhere in his testimony, Holmes admitted that he could not recall the source of the idea that anything that moved should be shot. Asked 'Were you briefed by Sergeant McCloud or the squad leader?' he replied, 'I can't really remember whether we were. We talked about it, that's all I can remember, that it was, you know, the whole platoon was together and we talked about it, I can't really remember, that well ...'¹³⁹ Holmes also painted a picture of an operation that

¹³⁷ Wilson and Robert Holmes in *ibid.*

¹³⁸ Walsh concluded that Holmes' platoon 'had searched ... My Lai [6]' on the morning of 16 March and that the inhabitants had not been harmed. Goldstein et al., p. 172; on 11 February Robert Holmes testified to a CID agent that he had seen the body of a Vietnamese in My Lai 6 but there was no indication that his platoon had been responding to an order to 'shoot anything that moves'. Robert Holmes, Witness Statement, 11 February 1970; Goldstein et al., p. 205. Peers concluded that there were 139 officers and enlisted men assigned to Bravo Company in mid-March 1968. The 'field operating strength was ... approximately 115 men' of whom at least six did not survive the war. *Ibid.*, p. 83. Of the fifty-nine who testified to the Peers Inquiry, fifty-four had taken part in the operation on 16 March. Amos Williams was in prison and it is likely that at least some of the others were either untraceable or not required to attend. It is at least misleading to suggest that 'Most members of Bravo Company refused to testify at the inquiry'.

¹³⁹ Testimony of Robert D. Holmes to Peers Inquiry, 16 January 1970 at http://www.loc.gov/r/r/frd/Military_Law/pdf/RDAR-Vol-IIBook22.pdf. It is possible that Hodierna confused Robert Holmes with Larry Holmes. Hersh referred to Larry Holmes' testimony to the Peers Inquiry when he argued in *Cover-Up* that the men of Bravo and Charlie companies had been gathered together and ordered to destroy Son My and its inhabitants. Hersh, *Cover-Up*, p. 9; p. 11.

seemed more like 'a chaotic free-for-all' than 'a well thought out, concerted plan' when he told Wilson that:

We never really knew what exactly was going to happen once we got out there. It was almost complete disorganization once we hit the ground, all we knew is we moved out and we set up security right away, but we didn't know - Sergeant McCloud, he, he really didn't know anything either.¹⁴⁰

In November 2009, having already won a BBC Audio and Music award for best journalism, *The My Lai Tapes* earned an award from the London Foreign Press Association as the radio story of the year.¹⁴¹ Its portrayal of the events at My Khe 4, however, is flawed by a carelessness that has become characteristic of attempts to reveal the truth about the massacre at My Khe 4. The task of disentangling the story of My Khe 4 from the record of the My Lai Massacre requires a willingness to recognise that it is a different story and that to explain the behaviour of Willingham's platoon one has to do more than dip into the Peers Report.

Whilst the first volume of the Peers Report identified 'Significant Factors Which Contributed to the Son My Tragedy', the focus of this section of the report is on the events at My Lai 4. In the following chapter, the transcripts of the testimony taken from members of Bravo Company by Walsh and Wilson are analysed in order to provide a more complete account of the causes of the massacre at My Khe 4. A separate chapter considers the available records of the CID investigation and provides an explanation of the difficulties faced by prosecutors trying to build a case against Willingham and

¹⁴⁰ Ibid. Robert Holmes told CID: 'We did not receive any briefing as such prior to this operation. In fact, I cannot recall ever knowing our mission ahead of time ... We ... usually learned of our mission as a matter of hearsay – from a large number of sources.' Robert Holmes, Witness Statement, 11 February 1970.

¹⁴¹ 'Moonlighting in audio', *The Economist*, 27 November 2009.

members of his platoon.¹⁴² This is an explanation rendered particularly important by the recent publication in English of Greiner's *War Without Fronts*, which resurrects an argument first mounted by Hersh that the dropping of the charges against Willingham was the result of external pressures.

To understand why the massacre at My Khe 4 was 'largely ignored' requires a consideration of the Army's management of the story and of how the American media responded to this. Survey of the ways in which newspapers and news programmes on national television reported the clues that there had been another massacre and the progress of the case against Willingham reflects the sort of journalistic practice identified by Daniel Hallin in *The 'Uncensored War'*, a practice characterised by 'the low priority ... place(d) on analysis and interpretation' and a 'strong tendency to focus on immediate events.'¹⁴³ Collectively, the amount of information about the massacre at My Khe 4 was enough to tell the story in some detail. Frequently, however, the American media failed to distinguish between the massacres at My Lai 4 and My Khe 4 and only occasionally was an attempt made to put the details of the story into an appropriate context.

In the first of two chapters about the media's response to the events at My Khe 4, the focus is on four newspapers. In the absence of a national newspaper, the only printed media which could claim a national audience were the major weekly news

¹⁴² It has proved difficult to obtain a full record of the CID investigation of the massacre at My Khe 4. Materials available from the US Army Crime Records Center at Fort Belvoir are heavily redacted and the collections of CID documents relating to My Khe 4 to be found at the Henry Tufts Archive, the Liddell Hart Centre for Military Archives, the Vietnam Archive at Texas Tech University and the National Archives and Records Administration are incomplete. The records of the Peers Inquiry are particularly useful to researchers because, as Eckhardt commented to the writer, 'They did things on the record' whilst the documentation of a CID investigation, according to Eckhardt, often reduced 'four hours of talk' to 'a page that people distill down and talk to.'

¹⁴³ Daniel C. Hallin, *The 'Uncensored War': The Media and Vietnam* (New York: Oxford University Press, 1986), p. 74.

magazines, *Life*, *Time* and *Newsweek* but, although each of these provided detailed coverage of the massacre at My Lai 4, they displayed little interest in the story of My Khe 4.¹⁴⁴ Consequently, the analysis is primarily based upon *The New York Times*, described by Leonard R. Sussman in a foreword to Peter Braestrup's *Big Story: How the American Press and Television Reported and Interpreted the Crisis of Tet 1968 in Vietnam and Washington* as 'the nation's most prestigious newspaper and a major influence on other media' and *The Washington Post*, 'important' as Sussman noted 'because of its bellwether role in the nation's capital'.¹⁴⁵ Because each of these newspapers provided a news service to regional and local newspapers, the stories they contained often reached beyond their own readers. The presentation of the story of My Khe 4 in the *Chicago Tribune* and the *Los Angeles Times* is also considered in order to provide some variety of regional and political perspective. All four of these newspapers picked up the stories carried by the major wire services, Associated Press (AP) and United Press International (UPI).

Survey of the coverage of stories about My Khe 4 on television news programmes is limited to those broadcast by ABC, CBS and NBC. As Hallin noted, 'virtually nothing of local broadcast journalism has been preserved' from the Vietnam War era.¹⁴⁶ Tapes of the national networks' evening news programmes are available, however, and, as James L. Baughman has pointed out in *The Republic of Mass Culture*:

In the late 1960s, broadcast regulation of cable and the federal government's half-hearted support for non-commercial TV had the effect of reinforcing the three networks' dominance. They had little real competition: on a given evening more than 90 percent of all sets were tuned to a network program.¹⁴⁷

¹⁴⁴ The massacre at My Khe 4 offered *Life*, with its reliance on photographs, little to work with.

¹⁴⁵ Leonard R. Sussman in 'Foreword' to Peter Braestrup, *Big Story: How the American Press and Television Reported and Interpreted the Crisis of Tet 1968 in Vietnam and Washington* (Boulder, Co. : Westview Press, 1977), p. ix.

¹⁴⁶ Hallin, p. 11. It is for the same reason that an analysis of the presentation of the My Khe 4 story on radio news programmes cannot be attempted.

¹⁴⁷ James L. Baughman, *The Republic of Mass Culture: Journalism, Filmmaking and Broadcasting in America since 1941* (Baltimore: The John Hopkins University Press, [1992] 1997), p. 108.

Study of the ways that it was usually presented in print and on the screen helps to explain why the massacre at My Khe 4 failed to command the attention of the American people. As the next chapter demonstrates, however, it was a story which needed to be told.

INVESTIGATIONS

CHAPTER I: THE PEERS INQUIRY AND THE MASSACRE AT MY KHE 4

The first volume of the Peers Report attempted to record what had happened in Son My and to show the extent to which the events there had been covered up by senior officers in the US Army. Although the seventh chapter of the report focused upon the behaviour of Willingham's platoon in My Khe 4, Peers was primarily concerned with what had happened in and around My Lai 4 and there were only passing references to the massacre at My Khe 4 in his consideration of the factors which had led to the killings in Son My. Outlines of the actions of Charlie Company in the hamlet of Tu Cung and of Bravo Company in the hamlet of Co Luy featured in the second and fifth chapters and the fourth chapter included a brief explanation of Bravo Company's history, its strength and some comments about its officers but, as Walsh has commented, 'Bravo Company ... was a sideshow' and this is reflected in the report.¹

The inquiry's description of the massacre at My Khe 4 drew upon the testimony taken from the men of Bravo Company by Walsh and Wilson's Interview Team C and the testimony which Feher had elicited from Nguyen Thi Bay. Walsh's attempts to find support for Bay's story by speaking to other Vietnamese do not seem to have contributed much to what he wrote. Although he had questioned 'about twenty-five persons' from Co Luy whilst he was in Vietnam and others had been talked with 'informally ... to obtain background information', what he heard 'was so jumbled and, at times, contradictory that it was difficult to piece together any kind of a picture', as

¹ Peers devoted a section of the tenth chapter of the report to 'Indicators of Unusual Events' which should have attracted the attention of commanders at task force, brigade and divisional levels. He did not consider the indications that something 'unusual' was happening at My Khe 4: burning buildings; the reports that thirty-eight of the enemy had been killed; the failure to recover any weapons and the absence of US casualties. Goldstein et al., pp. 246-259; Walsh in conversation with the writer.

Peers observed in *The My Lai Inquiry*.² The testimony of only six of these witnesses appeared in Volume II of the Peers Report, presumably because the others questioned by Walsh gave such unhelpful testimony that there was no point in including it. Of the six, Ngo Tan Hai was the most useful because he was able to explain the location of My Hoi but he also maintained that of ninety-seven people killed in My Hoi only fourteen had been innocent civilians.³ Otherwise, Walsh seems to have picked up little more than rumours: Do Vien spoke of hearing that 'under a hundred' people, including 'some women and children', had been killed in My Hoi and other witnesses talked of the killing of Viet Cong in the sub-hamlet.⁴

Walsh might also have seen copies of the statements taken by a CID agent in early January from Tran Dau and Nguyen The in which mention was made of talk that people had been killed in Co Luy.⁵ There is no sign, however, that he was aware of the statements supporting many of Bay's allegations which were taken by CID agents from over thirty Vietnamese on 10 March and 14 March. Neither is there any indication that Walsh had seen any of the statements which CID agents had begun to collect from members of Bravo Company after 11 February.⁶

There was an account of the massacre by another survivor which, by January 1970, had been widely disseminated by the North Vietnamese. Vo Thi Lien's description of a 'killing and burning rampage' in My Hoi in which about ninety people, mainly old men, women and children had lost their lives was consistent with what Bay

² Peers, p. 141.

³ See the testimony of Ngo Tan Hai to Peers Inquiry, 1 January 1970.

⁴ See the testimony of Do Vien to Peers Inquiry, 4 January 1970; see the testimonies of Nguyen Am and Tinh Troung to Peers Inquiry, 4 January 1970 at http://www.loc.gov/n/frd/Military_Law/pdf/DAR-Vol-IIBook32.pdf.

⁵ Witness Statement of Tran Dau, 3 January 1970 and Witness Statement of Nguyen The, 4 January 1970. Box 02, Folder 01, My Lai Collection, TVA, TTU.

⁶ CID agents had made progress before the completion of the Peers Report. On 5 March, for example, Larry Holmes had made the admission that he had shot a woman at My Khe 4.

had told Feher and the claims which had appeared in the NLF notice in March 1968. Most of the victims, Lien explained, had been killed in their shelters by grenades and others were shot as they tried to escape. She identified over fifty of the dead either as members of a particular family or as individuals, several of whom had been mentioned by Bay or in the NLF notice. Because it was presented as the story of a survivor from My Lai and because its source was a twelve year old girl who had been taken to North Vietnam after the massacre, the significance of this account does not appear to have been recognised by the inquiry.⁷

According to Peers, Walsh 'felt certain that some atrocities had been committed by Bravo Company' when he returned to America on 6 January.⁸ The detailed nature of Bay's allegations and the accuracy with which she had described the movements of Willingham's platoon seem to have led Walsh to this conclusion but he might also have recognised that Bay's testimony was corroborated in some respects by the statement which Willingham had made to Colonel Wilson on 8 May 1969 during the Inspector General's investigation of the Ridenhour allegation and, as CID agents had realised, by the text of the NLF notice which had been discovered in Vietnam in December.

Wilson had asked Willingham, only the seventh of the thirty-six men he interviewed during his investigation, to explain the 'concept of operations as far as your unit was concerned and any units working with you' and he had probed Willingham for information about Medina and Calley. There was nothing in Willingham's testimony to assist Wilson in his investigation of Charlie Company but he did provide an account of Bravo Company's movements during the three-day operation and details of his platoon's

⁷ 'Son My Survivor's First-hand Account of Massacre', *Viet Nam Courier*, 1 December 1969. See Item 2293904001 in Douglas Pike Collection: Unit 03 - War Atrocities, TVA, TTU. The dissemination of Lien's story and reaction to it are considered in Chapters III and IV.

⁸ Peers, p. 141.

approach to My Khe 4.⁹ The alacrity with which Willingham provided this description is in sharp contrast to the amnesia which apparently afflicted some of the other members of 1st Platoon when they were questioned by Wilson in the early months of 1970. Willingham, however, was in a different position. He had been in command of the platoon in an engagement in which, his reports had indicated, a large number of enemy soldiers had been killed. It was also his first experience of command in a major operation and, he told Wilson, 'the one and only' occasion on which Bravo Company was involved in a 'Search and Destroy' operation. Having been told that he was not a suspect, any reticence on Willingham's part might have provoked suspicion and so he proceeded to explain at some length the difficulties he and his platoon had faced during the operation. Significantly, his description of what had happened after his platoon entered My Hoi was, at first, restricted to the single sentence: 'The activities of the rest of the day was to search the village of My Khe (4) and burn it.'¹⁰

According to Willingham, the company's landing zone in Son My was 'hot', Cochran was killed before 1st Platoon moved off and there was 'heavy resistance', consisting of sniper fire and two grenades which failed to detonate, as he and his men approached the bridge leading to My Khe 4, an approach which took 'approximately two and a half hours'.¹¹ He recalled that he had requested the support of gunships as he prepared to cross the bridge because 'we received a heavy sniper fire' but that there were none available. Driven back as he tried to lead his platoon across the bridge, he asked for mortars to fire across the river but none of the shells exploded. A second attempt to cross the bridge having failed, Willingham told Wilson, he reported to Michles that fire

⁹ Willingham thought that the operation had begun on 18 or 19 March but his account of the movements of Bravo Company during the operation was mainly accurate. Testimony of Thomas K. Willingham, Inspector General's Investigation.

¹⁰ Ibid.

¹¹ Ibid. American soldiers were firing their guns in My Lai 4 as the helicopters carrying the men of Bravo Company landed and Willingham might have mistaken this, as other members of his company did, for the sound of enemy gunfire.

was being received from My Khe 4 and then ordered his machine guns to fire 'into the area that we received the sniper fire(sic)', an area of 'heavy foliage' which obscured the sub-hamlet.¹² It was noted in the Peers Report that there was 'no record of any report being made of this alleged enemy contact' but the Army's rules of engagement in Vietnam would have permitted 'preparatory fire' across the bridge 'whether the platoon received fire or not'.¹³ A more important question was whether anyone in the platoon was fired upon once the bridge had been crossed. What is clear is that there were no casualties and, although some of the men maintained that they had received fire in My Khe 4, testimony on this point was often vague.¹⁴

Wilson does not appear to have known about the reports in which Willingham had indicated that his platoon had killed thirty-eight of the enemy in My Khe 4 and, when Willingham was asked 'How many civilians were killed and wounded in your area?', he told Wilson that there had been twenty-eight, of whom five had been non-combatants. At first it seemed that Wilson was troubled by this testimony and he asked Willingham how he had identified twenty-three of the dead as Viet Cong. Willingham, who admitted that his platoon had 'found no weapons' in My Khe 4, replied:

we found one who planted the mine which made one of my men an amputee. In a tunnel we found booby traps when these people were in the tunnel, and in the area four evaded and wouldn't stop, and the other ones that we found, when we received this fire, were young men about the age of 18 to 25. You know how they look.¹⁵

¹² Ibid.

¹³ Goldstein et al., pp. 171-172. On 9 February 1970 Leon Mercer appeared before Interview Team C. Mercer had served as a Radio Telephone Operator (RTO) for Michles during the operation in Son My and he testified that Michles had refused Willingham's request for gunship support because the target was a single sniper. Mercer was not sure if this had happened on 16 or 17 March but he added that Willingham 'on several occasions wanted unnecessary stuff at that time.' Testimony of Leon R. Mercer to Peers Inquiry, 9 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook21.pdf.

¹⁴ Jimmie Jenkins, one of the platoon's RTOs, was amongst those who recalled no opposition.

¹⁵ Testimony of Thomas K. Willingham, Inspector General's Investigation. Taylor, who was the amputee, was wounded on 17 March. If the 'one who planted the mine' was killed, it is unlikely that he met his end on 16 March. It was the inquiry's view that the mine had been planted after the assault on My Khe 4. Wilson made this clear when he questioned Jimmie Jenkins: 'Now, would you tell me ... why you left that bridge and went up north and let the VC mine it that night? Why didn't (Willingham) stay down there at the bridge ... The company had to cross it the next day.' Testimony of Jimmie L. Jenkins to Peers Inquiry.

Perhaps Wilson did not want to be distracted from the task of finding out if there had been a massacre at My Lai 4 because he failed to challenge Willingham's assumption that it was acceptable to identify his enemies by the way that they looked and he did not ask Willingham to explain the fate of the non-combatants. Asked to account for the deaths in My Khe 4, Willingham repeated, with some additional details, his description of the difficulties that his platoon had faced in the approach to the sub-hamlet before claiming that:

we met four evading ... They tried to go down the beach line. They were killed. We got into the village and assembled all the people in the village ... The tunnel rats encountered people in the tunnels and received one grenade which didn't hurt anybody ... We found in the hootch and one tunnel we went down ... two boobytraps ... One was ... two bullets put together with a firing mechanism ... The other one was a mine ... We ... destroyed the tunnel ... We destroyed ... bunkers ... and then the body count at that time was about 20 to 23. The final report total, when we got there, was 28.¹⁶

Wilson did not press Willingham for information about the procedure that had been followed in the destruction of the tunnel and the bunkers or ask him if this was how the non-combatants had died. Reviewed by Walsh in the light of what Bay had told Feher, however, some of the details which Willingham had been prepared to divulge would have demonstrated that Bay's recollection of events was at least partly accurate.

Like Willingham, Bay stated that some of the victims at My Hoi had been killed in a bunker although Bay's description was more precise: she had seen the bodies of thirteen women and children in a bunker which had belonged to an inhabitant called Mr Le. What confirmed that she had, at least, been in My Hoi when it was searched by Willingham's platoon was her testimony that, after she had been raped by two black soldiers, 'she was taken ... to another hooch (in which) there were five white soldiers and one of them showed her two spent cartridges which were tied together with a rubber

Wilson's view was challenged, not very convincingly, by Marvin Jones. Testimony of Marvin B. Jones to Peers Inquiry, 7 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook19.pdf.
¹⁶ Testimony of Thomas K. Willingham, Inspector General's Investigation.

band and she was then called a VC' and threatened with a knife.¹⁷ If Walsh appreciated that her testimony in this regard was confirmed by Willingham's reference to the same objects, he would have had a compelling reason to take her allegations seriously.¹⁸

There were also resemblances between Bay's statement and the description of the massacre which had been disseminated by the NLF and this had attracted CID's attention. The tone of the NLF notice was more sensational but it referred, as Bay had, to the killing of a group of people in a bunker belonging to Mr Le and Walsh might have noticed that the NLF's allegation that the Americans had 'burned every hut and tossed grenades into civilian shelters' was supported to some degree by Willingham's testimony.¹⁹ Bay, who had stressed that 'there were no VC or Vietnamese troops in the hamlet' on 16 March and that 'the U.S. troops were not fired upon', explained to Feher that 'when American troops entered the hamlet, the population always went into bunkers.' On this occasion, however, 'when they came out of the bunkers the soldiers opened fire and shot them' and this was reflected in the NLF notice which identified 'Mrs. Kheo' as having been 'shot to death by (a) bunker entrance.'²⁰ Although Bay had listed the names of those who had survived and the NLF had named some of the women who had been killed, there was, significantly, some agreement about the extent of the

¹⁷ Witness Statement of Nguyen Thi Bay, 17 December 1969.

¹⁸ Perhaps Willingham made another reference to Bay. When Wilson asked him if he had encountered 'many South Vietnamese women who were VC.' Willingham replied:

What we can surmise is just if you go into a village and there are a lot of young pregnant women and no males around, and there are only old males, that someone has to be doing it ... the assumption can be made ... that if you see a young, very healthy woman, then she's probably the wife or the girlfriend of a VC ... but we couldn't do anything to them.

Bay was to tell Feher that she was two months pregnant when she was raped and it is possible that Willingham was remembering a meeting with Bay in My Hoi and the suspicions that her pregnancy had aroused. If so, he might also have been describing My Hoi when he spoke of a village containing 'a lot of young pregnant women and no males'. The NLF notice dated 28 March 1968 which described the massacre at Xom Go numbered two pregnant women amongst the dead and another who had only recently given birth. Testimony of Thomas K. Willingham, Inspector General's Investigation; Witness Statement of Nguyen Thi Bay, 17 December 1969; Peers, pp. 283-286.

¹⁹ Peers, pp. 283-286; Witness Statement of Nguyen Thi Bay, 17 December 1969. Bay told Feher that she had seen thirteen bodies in Mr Le's bunker and the NLF notice claimed that fifteen bodies were found there.

²⁰ Witness Statement of Nguyen Thi Bay, 17 December 1969; Peers, pp. 283-286.

massacre. Bay told Feher that ninety people had been killed in My Hoi and the NLF alleged that the number was ninety-two, figures which would have reminded Walsh of the reports of a massacre in Co Luy which had passed through South Vietnamese channels in the weeks after the operation in Son My.²¹

Nevertheless, as Walsh returned to America early in January 1970 to join forces with Colonel Wilson, his conviction that there had been a second massacre rested upon the testimony of Nguyen Thi Bay, a ropemaker who had been classified by the Americans as a 'civil defendant': someone suspected of collaborating with the Viet Cong.²² Elements of Bay's story were consistent with what had been alleged by other Vietnamese sources and what Willingham had told Wilson about the events in My Hoi was not particularly convincing but, if the Army was to build a case against Willingham or anyone else in his platoon, Walsh and Wilson had to secure the co-operation of some of the Americans who had crossed the bridge into My Hoi.

Had they been able to, Walsh and Wilson would probably have called Terry Reid as the first witness.²³ Pressed for time, however, they questioned members of Bravo Company as they became available. Whilst he was in South Vietnam, Peers had directed

²¹ Witness Statement of Nguyen Thi Bay, 17 December 1969; Peers, pp. 283-286. Mr Le and Mrs Kheo were also named in Lien's account: 'Son My Survivor's First-hand Account of Massacre'.

²² According to Greiner, about 56,000 people were classed as 'civilian defendants' between the beginning of 1966 and the end of October 1970, a figure representing over a quarter of those arrested by the Americans and the South Vietnamese during that period. Journalist Orville Schell described the term as 'a convenient designation for anyone about whom the interrogation teams cannot make up their minds'. Greiner, p. 76. Schell is cited in Greiner, p. 77.

²³ This assumes that Walsh and Wilson were aware of what CID was referring to as the 'Reid Allegation (Co Lay/Co Luy)'. It is curious, however, that it was not until 22 January that there was any reference to Reid in the hearings conducted by Walsh and Wilson and that it was Morris G. Michener, rather than one of the questioners, who indicated that Reid was a member of Willingham's platoon. Testimony of Morris G. Michener to Peers Inquiry, 22 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook20.pdf. Perhaps some uncertainty remained about whether Reid had described the assault on My Khe 4. Although he had identified the company to which he belonged, Reid had not dated the operation in which, he alleged, civilians had been murdered and he had located it miles away from Son My. It might also be significant that, when Reid was interviewed by CID agent Robert E. Batley on 21 January, he was not specifically asked about the events at My Khe 4. Testimony of Terrence J. Reid, CID Witness Statement.

that the Army should begin to trace the men who had served under Captain Michles at the time of the operation in Son My but, as Wilson interviewed Sergeant Wilhelm Dahner on 14 January, it was revealed that there had not been much progress. 'What we are trying to do actually', Wilson told Dahner, 'is fix the personnel assignment on 16, 17, 18, and 19 March.'²⁴ All that could be gleaned from the allegations of the Vietnamese, Willingham's testimony to Wilson and the logs which had confirmed that Bravo Company's 1st Platoon had operated in My Hoi on 16 March was that Michles, now dead, had led the company and the best that a search of the Army's records had produced was a roster showing the company's strength in October 1968. When Interview Team C began its work at the Pentagon, therefore, one of its priorities was to establish the identity of those who had landed in Son My on 16 March and to ask witnesses if they knew of the whereabouts of others who might have information about the operation.

The first four men to appear before Interview Team C were career soldiers who had postings in the United States in January 1970. Listed on the October 1968 roster as 'Regular Army', they were easy to track down and Staff Sergeant Roy Lee Lias, who testified on Tuesday 13 January, might have become the first witness simply because he was stationed at Fort Benning, Georgia and had a shorter journey to make than the others: Dahner and two sergeants named Bogear and Vann.²⁵ Lias, however, had been the leader of one of the rifle squads in Willingham's platoon and his testimony was to have an unexpected impact.

When Wilson had questioned Willingham and the other witnesses during the Inspector General's investigation, it had been decided that 'pre-interrogation warnings' would not be given because, as he explained later, it 'was not a criminal investigation

²⁴ Testimony of Wilhelm Dahner to Peers Inquiry, 14 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook18.pdf.

²⁵ Dahner was stationed in California, Bogear in Illinois and Vann in Texas.

but one designed to determine the facts' and 'Warning a witness at the beginning of the questioning that anything he said might be held against him would defeat the effort.'²⁶ Peers had adopted a different procedure and Wilson was required to inform Lias of the purpose of the inquiry and the sort of questions that he would be asked before advising him that 'at any time you want legal counsel, it will be provided'.²⁷ Lias, who turned down the offer of legal counsel, was also told: 'If you do state anything that would tend to incriminate you, or place your position in jeopardy, this board will so inform you at the time and will at that time ask you again if you want legal counsel'.²⁸ This advice, it transpired, was unnecessary because of the determination with which Lias evaded discussion of the details of the operation in Son My and Walsh and Wilson seem to have decided that the witness might have been intimidated by the pre-interrogation warning he had received. Subsequently, the men who appeared before Interview Team C were not advised of their rights unless they were suspected of an offence.

²⁶ Wilson, 'I Had Prayed to God That This Thing Would Be Fiction'.

²⁷ Testimony of Roy L. Lias to Peers Inquiry, 13 January 1970.

Lias was first told that:

This inquiry was directed jointly by the Secretary of the Army and Chief of Staff of the Army for the purpose of determining facts and making recommendations concerning the My Lai [4] incident of 16 March 1968.

In conducting his investigation, General Peers determined that it was necessary to have a complete insight into the overall ground and air operations in the Son My Village area during the period of 16 to 18 March 1968. He, therefore, appointed this board referred to as Interview Team C, to question personnel of B/4/3, to prepare a complete description of the unit operations of the company. You may expect, possibly, General Peers or other members of his board to join this group at any time during the interrogation.

Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes being taken by the reporter.

Although the general classification of the report will be confidential, it is possible that the testimony or parts of it may later become a matter of public knowledge.

During this interview, the board will follow a chronological sequence of questioning. The first series of questions will be concerned with training just prior to and after arrival in the Republic of Vietnam. The second series will inquire into the briefing prior to the combat assault which would probably have taken place on 15 March. And the third series will concern prior investigations or inquiries which may have been made into the task force operations during that period.

All the witnesses who appeared before Interview Team C were similarly informed. Some were asked to read a document containing the information before they testified. A copy of the document was presented as Exhibit M-81 in Book 4, Volume III of the Peers Report, http://www.loc.gov/frd/Military_Law/pdf/RDAR-Vol-IIIBook4.pdf.

The procedures established for the interrogation of witnesses during the inquiry are explained in Peers, pp. 48-49.

²⁸ Testimony of Roy L. Lias to Peers Inquiry, 13 January 1970.

Confronted by Walsh, Colonel Wilson and three other senior officers, Lias repeatedly stated that he could not recall what had happened in My Khe 4.²⁹ Wilson, who usually led the questioning of the witnesses appearing before Interview Team C, began by asking Lias what his assignment had been on 16 March. Lias replied, 'Faintly remembering, sir, just another operation for us'. When Wilson moved on to questions about the training he had received in the handling of non-combatants and about the briefing he had received before the operation in Son My, Lias answered that he could not remember or that he was not sure. The question of the orders which had been given to the men who had assaulted My Khe 4 was an important one and Lias indicated that the platoon had usually been briefed by the platoon leader but, as he was not prepared to say with any certainty who his platoon leader was on 16 March or what the orders had been, this was not particularly helpful.³⁰

In later interviews Wilson was able to persuade witnesses to remember the events of 16 March by reminding them of the casualties which the task force had suffered during the operation in Son My: especially memorable figures for most of the men in Willingham's platoon were Cochran and Milus, who had been killed, and Taylor, who had been wounded. At first, this strategy seemed to have failed because when he was asked to remember the occasion of Cochran's death, Lias responded 'I can't recall it, sir' but mention of Milus drew a different response. Lias told Wilson that he recalled the occasion of Milus' death because he had been the last person to talk to him.³¹

²⁹ The other officers were Lieutenant Colonel Noll, Major Thomas, who recorded the interviews, and Major Zychowski, the CID representative. Zychowski was present during some of the earlier interviews conducted by Interview Team C.

³⁰ Testimony of Roy L. Lias to Peers Inquiry, 13 January 1970.

³¹ Ibid. According to Michener, the next member of Willingham's platoon to be questioned, Lias and Milus had been close friends. Michener recalled that the day after Milus had been killed in a mortar attack, Lias assaulted a prisoner:

Having coaxed Lias into this admission, Wilson returned to the question of the briefing and elicited from the witness the statement that 'I thought we was going into a sure death, but it wasn't that way at all. It wasn't what I built up in my mind.' How it was, however, Lias was unwilling to explain in any detail. He could not remember crossing a bridge or receiving any fire and, when he referred on several occasions to travelling across a beach, he was describing the events of the following day. Taking over from Wilson, Walsh challenged Lias with a persistence which might have suggested to the witness that his questioner had already arrived at some conclusions about what had happened at My Khe 4. First, he told Lias:

I'd like you to focus your memory as much as you can on the operation of the first day where we understand that the first platoon moved over to the peninsula by itself while the rest of the platoon, rest of the company, was sweeping this area here, and your platoon moved in this area, not all the way down to the tip the first day, but covered a couple of villages in this area. And I'd like you to see what you can recall about that first day in your platoon. And you don't recall receiving any hostile fire? Do you remember killing any VC that day?

When Lias replied 'I know we had some captive personnel', Walsh questioned him about the stages of the platoon's progress through the sub-hamlet: 'Now when you moved in, how did your platoon perform this? Did they move up to the village firing?' Having agreed that 'There was some firing as the first ones moved through', Lias was asked 'Did they toss grenades into hootches and clear them out as they went through?' His response, delivered with some hesitation, did not contradict the NLF's allegation that the Americans had 'tossed grenades into civilian shelters': 'I can't recall that they

(Milus) was negro and him and Lias were real close. We were using (the prisoners) for human mine detectors again and we took these men down and we started searching the area. We got to the first row of hootches and evidently he had been brooding about it all night and he just calmly - I can't say it was calm, but he lost his head and he switched his rifle around and starting hitting him over the head and he had to be forcibly restrained.

Testimony of Morris G. Michener to Peers Inquiry, 22 January 1970. On the following day, Larry Holmes corroborated this aspect of Michener's testimony. Testimony of Larry G. Holmes to Peers Inquiry, 23 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook19.pdf.

tossed - I know there was some bunker complexes ... I know they were destroyed.'

Asked 'How were they destroyed?', Lias replied, 'Hand grenades I believe.'³²

Walsh was able to extract the admission that Lias had seen a couple of dead bodies in My Khe 4 and the information that the point squad had led the platoon through the sub-hamlet. Pressed for details about the bodies, Lias claimed that, because he had not 'moved off the road', he had been unable to tell if the dead were men, women and children and, although My Khe 4 had not been the target of artillery fire on 16 March, he suggested that the deaths were a result of 'one of the artillery preps'.³³

Walsh's attempt to find further corroboration of Bay's statement that she had been questioned about a booby trap evoked a denial but, usually, Lias pleaded the weakness of his memory. To Walsh's questions 'Do you recall seeing any VC killed that day?' and 'You don't recall if your platoon killed any VC on that day at all?', Lias replied, 'I can't recall, sir.' Asked 'Did you see any soldiers in your platoon shoot any VC civilians that were in those villages?', he replied, 'No, sir, I couldn't recall.' He remained unmoved when, at last, he was confronted with Walsh's disbelief:

Sergeant, your testimony is a little puzzling to me in that it would appear that your platoon encountered some opposition and reported killing some VC in that area on the first morning that you landed. But you recall - no opposition or seeing any bodies. Do you have any particular explanation about why you wouldn't have seen this?

'No, no explanation', Lias responded and when Walsh added 'Is it possible that you could have seen it and just forgotten it?', Lias repeated, 'No, I can't recall any incidents, what happened, sir.'³⁴

³² Testimony of Roy L. Lias to Peers Inquiry, 13 January 1970.

³³ Ibid. Walsh and Wilson might have been uncertain about whether artillery had been fired at My Khe 4 or not when Lias testified.

³⁴ Ibid. At the end of the hearing on 13 January, Lias was asked by Wilson 'to go with Major Thomas (to) see if you can recall, using the B Company roster, personnel that were in your platoon or in your unit.' Lias could not have been particularly helpful because when Michener was interviewed over a week later Walsh and Wilson were no clearer about who had been in Willingham's platoon. Whilst Lias was testifying, indeed, Wilson had read to him the names of fourteen men and asked him which of them had been in 1st Platoon. That only four of them were in Willingham's platoon on 16 March suggests the

Lias' intransigence requires some explanation, if only because the men of Charlie Company seem to have been much more amenable when they were initially questioned. In Wilson's account of the Inspector General's investigation, for example, there is no indication that he found it difficult to persuade witnesses to recall the events at My Lai 4 and CID agent André Feher explained to Michael Bilton that he could not:

remember any of the men of Charlie Company being hostile when I interviewed them. They all were cooperative and none of them refused to give me a statement ... notwithstanding the fact that each one I interviewed was made aware of his constitutional right to remain silent.³⁵

Lias was not the only member of Willingham's platoon to claim that the events of 16 March were beyond recall but he was particularly obdurate under interrogation, probably because he appreciated that his situation was especially difficult. As he began his testimony he could have had little idea of what the Peers Inquiry knew about the massacre at My Khe 4 but, like Calley, he was stationed at Fort Benning and it cannot have been lost upon him that all four of the men in Charlie Company who had been charged with murder were still in the Army. Reports of the charges against Charles E. Hutto and Gerald Smith had appeared a few days before and there was no sign that the

unhelpfulness of the records which the inquiry had found but Lias told Wilson that he recognised 'quite a few of the names' and asserted, wrongly, that Cantu and Wilburn had been in his platoon.

Wilson also directed Lias to return on the following morning to make a second appearance before the inquiry but it was not until 14.55 on 14 January that he was questioned again. The wait did not improve Lias' memory. When Wilson read the extracts from Task Force Barker's log which described 1st Platoon's actions in My Khe 4, Lias responded: 'I don't recall.' Testimony of Roy L. Lias to Peers Inquiry, 14 January 1970.

³⁵ Wilson, 'I Had Prayed to God That This Thing Was Fiction'; Feher's undated letter to Michael Bilton. Greiner arrived at the similar conclusion that:

In contrast to their officers, most of the GIs (in Charlie Company) had not worked out stories of defence or denial in advance ... most of them were willing to give information and around a dozen of them even gave the impression of having waited for an opportunity to make a statement.

Greiner, p. 217.

Army's investigations were losing their impetus.³⁶ The consequences of co-operation, therefore, had become clear by 13 January.³⁷

There was probably another force at work. The news that charges had been made against Calley and the others elicited a surprising reaction from the American people. A poll reported in a January 1970 issue of *Time* showed that 65 per cent of respondents thought that incidents like My Lai were 'bound to happen in a war' and the magazine noted that 'Americans are not particularly disturbed by the disclosure that U.S. troops apparently massacred several hundred South Vietnamese civilians at My Lai.'³⁸ William Eckhart, recalling the public mood in early 1970, has gone further, arguing that the announcement of the charges relating to the massacre at My Lai reversed the usual attitude of many Americans:

Under normal circumstances, a prosecutor's strongest ally is the civic virtue that witnesses have a duty to come forward and tell the truth. Unfortunately, such was not the case in My Lai. Most citizens simply wanted the problem to go away. Witnesses soon learned that all they had to do was to say that they 'could not remember' and they would avoid embarrassment and controversy. In fact, public peer pressure seemed to be on the side of non-co-operation.³⁹

This, Eckhardt has suggested, affected the investigation into the massacre at My Khe 4 because:

³⁶ '2 More G.I.'s Face Songmy Charges: Army Sergeant and Private Are Accused of Murder and Sexual Offenses'. *The New York Times*, 9 January 1970. The other member of Charlie Company to have been charged was Sergeant David Mitchell.

³⁷ If Lias and others in Willingham's platoon were unaware of the exact nature of the testimony which had led to the charges against Calley, Mitchell, Hutto and Smith, they could not have failed to notice the confessions which members of Charlie Company had made to the media or the impact of Haeberle's photographs.

³⁸ 'The War: New Support for Nixon', *Time*, 12 January 1970. Calley, especially, found himself an object of sympathy, even veneration. Audie Murphy, Hollywood star and the most decorated American of World War II made speeches on his behalf and in April 1970 a song celebrating his bravery entitled 'The Battle of Lt. Calley' was written. Re-release of the song in 1971 coincided with Calley's conviction for murder and a million copies were sold in four days. Murphy's support of Calley is described in Julian Smith, *Looking Away: Hollywood and Vietnam* (New York: Scribner's, 1975), p. 76; http://en.wikipedia.org/wiki/The_Battle_Hymn_of_Lt._Calley. Accessed 7 October 2009.

³⁹ Eckhardt, 'My Lai: An American Tragedy'. In conversation with the writer, Eckhardt made this point in stronger terms: 'Let's not forget that the American public was horrified that the United States ... would prosecute people who did what they thought they were supposed to do: go kill the enemy. They didn't understand the distinction.'

When Company C's ... crimes were discovered ... the public's attitude was, 'Well, you don't have to lie ... all you have to do is say you don't remember ... they can't do anything to you then.' And what happened in the midst of that you ... began to have the investigation of My Khe 4 and it's no accident that all the witnesses just dried up.⁴⁰

It is likely that the course taken by Lias and some of the others in the platoon – to present the events which had occurred nearly two years before in My Khe 4 as so unexceptional that they had faded from the memory – was encouraged by their recognition of the mood which Eckhardt has described. Another reason to keep quiet was identified by Larry Holmes when, towards the end of his testimony on 23 January, he asked Wilson:

Something I wanted to ask. Like when you go into the service, you're taught to be quiet about what you do, right? That's what I was taught. Things that you do or supposed to do - quiet. Why did this all come about? A lot of these guys can get away - somebody started all of this. They weren't supposed to open their mouth to begin with, right?⁴¹

Within the platoon, too, loyalties had developed which reinforced the idea that the code of the Army required silence. 'I don't mind talking', Holmes told Wilson, 'but I don't want to get a bunch of guys in trouble over something ... These are guys I was over there with.'⁴²

Peers was to observe that 'the personnel composition of Company B contained no significant deviation from the Army-wide average and there was little to distinguish it from other rifle companies' but Willingham's platoon was untypical in several respects and a particularly strong set of loyalties seems to have evolved.⁴³ There were only twenty-seven men in the platoon which was organised into a point team, a command group and two rifle squads, to each of which a machine gun team was attached. Ray

⁴⁰ Eckhardt in conversation with the writer.

⁴¹ Testimony of Larry G. Holmes to Peers Inquiry.

⁴² Ibid.

⁴³ Goldstein et al., p. 84.

Tittle led the point team which was completed by Donald Hooton, Beverly Larche and Larry Taylor. With Willingham in the command group were Earl Rushin, the platoon sergeant; Peter Bretenstein, a Forward Observer for the Weapons Platoon who was attached to 1st Platoon; Henry Cardines, the leader of the machine gun teams; Richard Silva, the medic and the Radio Telephone Operators (RTOs), Mario Fernandez and Jimmy Jenkins. Lias and Rodney Linkous were the leaders of the riflemen: Cresencio Garcia; Homer Hall; Larry Holmes; Marvin Jones; Morris Michener; David Millsaps; Gregory Mossford; James Placek; Terry Reid and Amos Williams.⁴⁴ The machine gunners were Joe Madison and Edward Milus, their assistants Jerry Warner and Leo Strachan Jr.⁴⁵

The men in the point team were unusual. Walsh noted in the report that four men had 'voluntered to act as the platoon's permanent point element', a duty which was rotated in other units because it was so dangerous.⁴⁶ As Homer Hall told Walsh and Wilson, 'you just didn't find men who volunteered to be point that way. We were proud of them.' Elsewhere in his testimony Hall explained:

Those four men were real good. They would go into those foxholes or a hole there. You never knew if there was going to be booby traps there or not. It took a lot of courage to go into a place like that, and these four people did things like that.⁴⁷

⁴⁴ How the men had been divided into squads and how they had been deployed on 16 March proved difficult to establish. In March, Homer Hall agreed to Wilson's suggestion that he, Garcia, Jones and Michener had been in Lias' squad and that Milus and Strachan had been attached to the squad as a machine gun team but other witnesses remembered differently. Testimony of Homer C. Hall to Peers Inquiry, 2 March 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook19.pdf. Walsh concluded that, ordered to guard the bridge which the platoon had crossed in its approach to My Khe 4, Michener and Williams had been on the outskirts of My Khe 4 during the attack.

⁴⁵ Machine gun teams usually consisted of three men but it became clear that the machine gunners had worked in pairs on 16 March.

⁴⁶ Goldstein et al., p. 171.

⁴⁷ Testimony of Homer C. Hall to Peers Inquiry, 26 January 1970.

Within the platoon, as Walsh observed, the four men were 'widely respected ... for their courage and their ability to locate mines and boobytraps'.⁴⁸ Amongst the soldiers in Bravo Company's other units, however, Tittle's point team was perceived rather differently.

Robert Holmes was to tell a CID agent that 'It was common knowledge with all the men of the company that ... the point team for the 1st Platoon ... had shot many people indiscriminately' and James Braddock, another member of Bravo Company's 3rd Platoon, told Walsh and Wilson that 'They had a reputation of being really wild, they didn't like taking orders from the NCOs and officers.'⁴⁹ Pressed by Wilson to explain the 'kind of odd' phenomenon of a team that always walked point, Braddock responded: 'They liked it, sir. They didn't like the platoon leader and they didn't like the platoon sergeant they had.'⁵⁰

Several witnesses indicated that Larry Taylor had a particularly strong personality and he and the machine gunner Milus, who operated alongside the point team in My Khe 4, seem to have achieved almost mythic status. According to Larry Holmes:

Taylor was idolized. He was like Milus to the soul brothers; Taylor was like this to us. Milus was their idol and he was ours. Maybe not our idol but we respected him a lot. Taylor was a good soldier and so was Milus. Both of them were very, very good soldiers. They knew what they was doing. Milus was the best

⁴⁸ Goldstein et al., p. 171. Samuel E. Long, Jr. testified that he had served in the point team with Hooton, Taylor and Tittle until the beginning of March 1968. There was testimony to suggest that Larche, his replacement, might have been on his second tour. Testimony of Samuel E. Long, Jr. to Peers Inquiry, 4 March 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook19.pdf; Testimony of Homer C. Hall to Peers Inquiry, 26 January 1970. How many of Willingham's men thought of Larche as the fourth member of the point team is unclear. Most of them recalled that the point team had consisted of Hooton, Taylor, Tittle and another man.

⁴⁹ Testimony of James A. Braddock to Peers Inquiry, 23 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook21.pdf. Captain Kenneth Boatman, who was attached to Bravo Company, described the point team as 'kind of a rough bunch.' He also recalled that when Michles confiscated some marijuana belonging to Tittle, another member of the point team recovered it. Testimony of Kenneth W. Boatman to Peers Inquiry, 19 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook17.pdf.

⁵⁰ Testimony of James A. Braddock to Peers Inquiry.

machinegunner we had. Taylor walked point constantly. That's all he ever did is walk point, him and Hooton.⁵¹

Only hours before they heard Holmes' testimony, Walsh and Wilson had also been told by Braddock of the impact upon the platoon of the loss of Taylor, who was wounded the day after the assault on My Khe 4, and Milus, who was killed on 19 March:

Taylor was a very popular man and so was Milus and I know the group that Milus used to hang around with all the time - as soon as we went back they started going on sick call - didn't want to go to the field anymore. And the point team disbanded after Taylor lost his foot.⁵²

An indication of the esteem in which the two men had been held appeared when Jerry Warner, one of the assistant machine gunners, testified before the inquiry on 6 February. Warner told Wilson of having heard that Taylor had shot a baby and Milus had cut a woman in two with machine gun fire at My Khe 4 prompting Wilson to ask, 'What was the sentiment of the platoon towards this act? Was it the feeling that that was the way the operation was supposed to be conducted?' Warner replied: 'Well, some guys didn't like it. Me, the way I feel about it I mean, I didn't have no opinion about these things. I didn't form an opinion of it at all.' As Wilson tried to persuade Warner to condemn the actions attributed to Milus and Taylor, it became clear that the witness felt such loyalty towards the two men that he was prepared to argue that they had done nothing wrong:

Warner: Well, sir, it wasn't any civilians, sir.

Wilson: Well what was it?

⁵¹ Testimony of Larry G. Holmes to Peers Inquiry.

⁵² Testimony of James A. Braddock to Peers Inquiry. Homer Hall was another member of 1st Platoon who admired Taylor: 'he was always a morale builder to me. I use the word crazy because he was just a likeable fellow to be around. He was always saying something funny. He had more nerve.' Prompted by Walsh, Hall also commented on the way that Taylor's departure affected the platoon:

Tittle ... took it pretty hard because, like I say, Taylor was kind of a - he was bold. He had a lot of courage, and there seemed to be - well, after he - after this happened to him we just didn't, what you say, have a real good point team after that. I'm not trying to be prejudiced, you know, because they were all real good men, but, yes, even I felt pretty bad after that.

Testimony of Homer C. Hall to Peers Inquiry, 26 January 1970.

Whilst the platoon's morale was damaged by the loss of Milus and Taylor, Willingham might have found it easier to exercise his authority over the men who remained.

Warner: In my idea - my point of view was this area was just enemy and their families, sir. This was one of our areas that we were supposed to clear.

Wilson: But this isn't -

Warner: (Interposing) Civilians, I wouldn't call them civilians, sir. I mean especially, you know, since they are all messed up with the communists, sir.

Wilson: How about these about this big (indicating a small child) ? (Witness gives no response.) Well that's part of a family?

Warner: Yes, sir. But in this same area, sir, I've had these little boys - from little boys, women - I've seen women on machineguns firing at us. I've seen little boys steal hand grenades. One of them tried to set a hand grenade off on my side. I've seen them steal hand grenades and stuff like that ... Even down to babies.

Wilson: But I'm talking about the babies and I'm talking about this statement in here that a baby was shot in the head.⁵³

Willingham and, as Walsh and Wilson eventually concluded, the twenty-six men he had commanded on 16 March were the only American eye-witnesses to the events in My Khe 4. There were no photographs, what had been said by the Vietnamese could be dismissed as the accusations of the enemy and, although men from Bravo Company's other units were to testify that they had heard shooting from 1st Platoon's area on 16 March, that members of 1st Platoon had talked afterwards of the number of Vietnamese killed in My Khe 4 and that the platoon, especially its point team, had a reputation for killing non-combatants, this was not proof of a massacre. After Lias, however, Walsh and Wilson were able to interrogate only fifteen of the other men in Willingham's platoon because Garcia, Milus and Mossford had been killed in Vietnam; Williams was in prison in Florida; Larche, Tittle, Millsaps, Reid and Strachan were not prepared to appear and, on the advice of their lawyers, Willingham and Taylor refused to answer questions. It was from the remaining fifteen that the inquiry had to find out what had

⁵³ Testimony of Jerry Warner to Peers Inquiry, 6 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook20.pdf.

On the day after the massacre at My Lai 4, a booby trap cost Charlie Company's Paul Meadlo his foot and Meadlo seems to have interpreted this as a sign that he and his comrades had committed a terrible sin. As he waited for the rescue helicopter, he howled at Calley: 'God will punish you for what you made me do.' Cited in Hersh, *My Lai 4*, p. 84. On the same day, on the bridge leading to My Khe 4, Larry Taylor suffered a similar fate but his reaction merely underlined his perception of the inhabitants of Son My as his enemies. According to Homer Hall, Taylor was hollering, 'Kill'em, kill'em, kill'em' as he was taken aboard a helicopter. Testimony of Homer C. Hall to Peers Inquiry, 26 January 1970.

happened in My Khe 4 and to persuade them to identify as murderers men with whom they had served and for whom, perhaps, they continued to feel admiration. Even those who felt that what had happened at My Khe 4 was wrong found this a difficult step to take.

The other witnesses who appeared on 14 and 15 January denied any knowledge of the events in My Khe 4 but Dahner, the company sergeant in March 1968, was of some help.⁵⁴ He produced various documents containing information about the personnel in Bravo Company during the Son My operation, recalled that Silva and Taylor had been in Willingham's platoon and suggested that Walsh and Wilson should question Kenneth Boatman, who was attached to Bravo Company as a Forward Observer for an artillery unit, and Lawrence Congleton, Michles' RTO. In one respect, Dahner's testimony about Michles was important. He was the first to explain that it had been Michles' habit to brief his platoon leaders rather than the whole of the company and, as this was corroborated by other witnesses, it became a priority to establish the nature of the orders which Willingham had given to the men in his platoon.⁵⁵

⁵⁴ Bogear had not taken part in the operation and Dahner was uncertain about whether or not he had joined the company while it was in the village.

⁵⁵ Testimony of Wilhelm Dahner to Peers Inquiry. Vann, who had led the Weapons Platoon during the operation in Son My, agreed that Michles had usually briefed his platoon leaders. Testimony of Edward O. Vann to Peers Inquiry, 14 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook23.pdf.

Another line of inquiry which Walsh and Wilson explored with Dahner and Bogear concerned an investigation conducted by the Inspector General's Office in August 1968 that had been prompted by a letter written to President Johnson in July 1968 by John C. Ebinger, a member of Bravo Company. Ebinger had made a variety of allegations, the most serious of which involved the torture of a Vietnamese prisoner and forcing a Vietnamese farmer to walk point in a mined area. He also implied that he knew of at least one Vietnamese woman who had been raped by a soldier. Dahner and Bogear agreed that the Inspector General's Office had been right to conclude that Ebinger's allegations were without foundation. When Ebinger, who had not taken part in the operation in Son My, appeared before the inquiry on 30 January, he was unable or unwilling to recall in detail the episodes which he had complained about but he did stand by his allegation that a Vietnamese man had been forced to lead the way through a mine field. By this time, several witnesses had confirmed to Walsh and Wilson that a Vietnamese woman had been forced by members of 1st Platoon to walk point during the Son My operation and that this was a common practice. Ebinger also offered the opinion that Bravo Company's 1st Platoon was 'a little more violent' than the other units in the company. Testimony of Wilhelm Dahner to Peers Inquiry; Testimony of Gerald A. Bogear to Peers Inquiry, 14 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook17.pdf; Letter from John Ebinger Jr. to President Johnson, 30 July 1968 and Memorandum to Commanding General, United States Army, Vietnam from Lieutenant Colonel Carroll E. Swain, Office of

On Friday 16 January David Carter became the first civilian to testify before Walsh and Wilson. Carter had been the leader of Bravo Company's 3rd Platoon but an injury had prevented his involvement in the operation in Son My and he seems to have become the next witness because Dahner had been able to provide his address.⁵⁶ Nevertheless, his comments about Bravo Company's 1st Platoon, Captain Michles and Lieutenant Willingham were instructive. Like some of those who testified later, Carter identified the force of Milus' personality, describing him as 'a black ... in the 1st Platoon (who) was like the spirit leader of all the blacks in the company ... a mean son of a bitch. Big, ugly and mean.' He spoke, too, of hearing rumours that 1st Platoon had 'killed civilians unnecessarily' before Willingham had taken over the platoon. These rumours were 'in connection with (an) operation ... in which Lieutenant Ross was wounded' and 'in reference to when Specialist Gleghorn was killed.' When Wilson observed that this sounded 'like a reprisal of some sort', Carter agreed.⁵⁷ He made it clear, however, that Michles had frequently reminded the men in his company of the rules of engagement.

Carter's portrayal of Michles as an officer who wanted his men to follow the rules was reinforced when Captain Kenneth Boatman appeared before the inquiry three

the Inspector General, 30 August 1968 in Box 2, Folder 7, Inspector General's Office: My Lai [4] Investigation, RG 472, NARA; Testimony of John C. Ebinger to Peers Inquiry, 30 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook20.pdf.

Greiner implies that Ebinger might have been referring to events in My Khe 4 in his letter, noting that 'Ebinger was serving with B Company at the time of their operation in My Khe [4]'. Ebinger was not a member of Willingham's platoon, however, and Greiner's assertion that 'it is not clear whether (Ebinger) had actually taken part in the attack or for whatever reason was not in action that day' is contradicted by the testimonies of Bogear, Dahner and Ebinger. Greiner, p. 240.

In the same chapter, Greiner (or his translator) does not make it entirely clear that 'the GIs from B Company' who told the Peers Inquiry that they had complained in writing to senior officers about the killings in and around My Lai 4 were members of Company B, 123d Aviation Battalion. Ibid., pp. 239-240.

⁵⁶ Wilson, who asked Carter for a list of those who had served in his platoon, admitted that 'We're having a very difficult time locating people.' It was easier to find the officers, he explained, because 'We have so many addresses for the enlisted men once they are discharged.' Testimony of David S. Carter to Peers Inquiry.

⁵⁷ Ibid.

days later. Boatman had been present when the platoon leaders had been briefed and had remained with Michles throughout the operation in Son My. Although he remembered that Michles had said that it was necessary to 'clean the place out', he declared that 'Captain Michles ... did not believe in killing people. I mean down-right, out-right killing. To me he was quite a scrupulous man.'⁵⁸ Asked if there had been 'any mention about the inhabitants of the area', Boatman replied, 'Yes, sir. They were VC sympathizers' but to Wilson's next question, 'When he said "Clean the place out" was he talking about the noncombatant inhabitants?', Boatman's response was unambiguous, 'I don't believe he was talking about them, no, sir.'⁵⁹ So important was this point that Wilson returned to it, asking: 'Did ... Michles at any time say anything about killing everybody in that area?' to which Boatman repeated his conviction that 'Captain Michles, I don't believe would say that' adding that he did not think Michles 'could ... have passed that meaning on in his briefing.'⁶⁰

By 19 January, therefore, Walsh and Wilson had heard nothing to suggest that Michles had, either directly or indirectly, ordered the killing of civilians in Son My and Carter and Boatman seemed to agree that Willingham would not have allowed his men to kill civilians. According to Carter, Willingham exercised 'complete control of his unit' and when Wilson revealed the allegation that ninety civilians had been killed in My Khe 4, Boatman replied: 'I don't think that Lieutenant Willingham would allow that ... he would have known if that many people had been killed.'⁶¹ It could be argued that Carter's impression of Willingham had been formed after the operation in Son My, by which time Willingham was leading a platoon no longer built around the core of the

⁵⁸ Testimony of Kenneth W. Boatman to Peers Inquiry. Boatman explained that he had attended the briefing with the platoon leaders, the platoon sergeants and those ranked at E6 or E7. The only members of 1st Platoon present, therefore, would have been Willingham and Rushin.

⁵⁹ Ibid. It cannot be said with certainty whether the 'place' to which Michles referred was My Lai 1, his company's primary objective on 16 March, or a wider area.

⁶⁰ Ibid.

⁶¹ Testimony of David S. Carter to Peers Inquiry; Testimony of Kenneth W. Boatman to Peers Inquiry.

point team and Milus, and that Boatman was protecting his 'close friend' Willingham but after questioning six members of Bravo Company the inquiry had made little progress.⁶² The only support for Walsh's conviction that there had been a massacre in My Khe 4 was Carter's reference to the rumours about 1st Platoon before Willingham had taken over and a statement by Boatman that, when he passed through My Khe 4 on 17 March, the sub-hamlet 'had been fully destroyed.'⁶³ What the next witness had to say, however, was dramatic enough to persuade Walsh and Wilson to send for General Peers.

On 22 January Morris Michener acknowledged that eighty-five civilians might have been killed by Willingham's platoon in Son My. His testimony corroborated much of Bay's account of the massacre in My Khe 4: he spoke of civilians being fired upon by some of the men in the platoon; of Taylor finding a booby trap; of hootches and bunkers being destroyed with explosives and of the point team shooting down anyone who tried to escape. He even suggested that rape had been attempted.⁶⁴ Although nearly two years had elapsed since the operation in Son My, he remembered many of the men who had been in his platoon and identified Tittle, Hooton and Taylor as members of the point

⁶² Carter also described Willingham as a 'lousy' platoon leader because he was 'very, very rigid', an approach which the events in Son My might have persuaded Willingham to adopt. Testimony of David S. Carter to Peers Inquiry; Testimony of Kenneth W. Boatman to Peers Inquiry.

⁶³ Boatman thought that Willingham's platoon had been credited with twenty-nine kills on 16 March, one more than Willingham had claimed when he testified to Wilson. Passing through My Khe 4 on the following day, however, Boatman had seen only one body. Willingham had explained to him that the enemy had removed the bodies during the night or buried them but Boatman believed that the number of kills had been exaggerated.

Boatman concurred with aspects of the account which Willingham had given to Wilson. He testified that Willingham had requested the support of gunships before his platoon crossed the bridge into My Khe 4, that there had been a report of sniper fire being received (although there was no record of this in the logs of the operation) and, prompted by Wilson, that a mortar had fired across the river. Testimony of Kenneth W. Boatman to Peers Inquiry.

⁶⁴ Testimony of Morris G. Michener to Peers Inquiry, 22 January 1970. Michener was asked if he had heard that any of the men had committed rape. He answered:

I heard of one instance. One of the machine-gunners named Madison saw a naked woman run out of a hootch and tried to get her to stop. He wanted to capture her or something, I don't know, but he yelled at Joe to stop, and not to shoot, her. This was all hearsay. I didn't see it.

Like much of Michener's testimony, this needed clarification. Apparently, it was another soldier who had yelled at Joe Madison, the machine gunner, to 'stop' but Michener was not asked if he knew who it was.

team.⁶⁵ It was also demonstrated that he objected to the killing of civilians and that he did not perceive them as hostiles. When he was asked if the platoon had killed any of the enemy during the action, he replied: 'Not to my knowledge, no, sir. Other than the people in the bunkers, sir ... It's not clear in my mind that they were enemy.' He added later: 'I heard about this woman getting killed and her just running out of the hootch. Nobody said whether she had a weapon or not. I don't know. I just didn't go for killing women and kids.'⁶⁶

There were two problems with Michener's testimony. The first was that he was confused about the chronology of the period, believing that it was after Taylor had been wounded on 17 March, the second day of the operation, that civilians had been killed. A consequence of this was that he located some of the the killings along a trail to the south of My Khe 4.⁶⁷ The second was that he maintained that he had not seen anyone killed or any bodies during the operation and that he could only report what he had heard others talking about. Thus, when he was asked how he knew that eighty-five people had been killed, he responded: 'I didn't say I knew that. I said that is what I heard. I don't believe at any time during this discussion I said that I saw 85 people killed. That is just what I heard.'⁶⁸

⁶⁵ Ibid. He was not always accurate: some of the men he named had not been under Willingham's command in Son My.

⁶⁶ Ibid.

⁶⁷ Michener recalled that he had been briefed by Lias, his squad leader, and Willingham on the evening of 15 March and that there was no resistance as the men were landed on the following morning. Although he thought it possible that a sniper might have fired one or two shots at the point team, he was not fired upon as he walked across the bridge towards My Khe 4. The hootches across the bridge were empty on 16 March, according to Michener, whose testimony compressed all the significant events of the first two days of the operation into the second day. Thus, the attack on My Khe 4, finding a booby trap, the destruction of the bunkers, the call for more explosives, the appearance of the gunships after Taylor was wounded and the move south all featured in Michener's account of 17 March. His errors do not seem to have been deliberate. He might have wanted to admit that civilians had been killed in My Khe 4 without implicating his 'very good friend' Taylor but he was a particularly devious witness if he manipulated his evidence to that end. Ibid.

⁶⁸ Ibid.

Neither Walsh nor Wilson challenged Michener's insistence that he had not seen the shooting of the villagers or the destruction of the bunkers because he had been guarding the bridge near My Khe 4 and, later, leading the platoon to the south with a mine-sweeper.⁶⁹ Walsh seems to have concluded that whilst Michener had made up his mind not to give evidence that could be used against any of the men in his platoon, he was prepared to tell the inquiry about his platoon's actions. Walsh's willingness to accept Michener's testimony on these terms was demonstrated when he reminded the witness that they were not in a courtroom and encouraged him to include hearsay in his testimony.⁷⁰ Michener's response suggested that this was a reassurance he had been waiting for. He immediately told Walsh that he had:

heard the fact that the point team, which as I said did all the demolition work, would go up to a bunker with their bombs and demolitions and throw it in and then if anybody came out they were shot to a man.⁷¹

Michener's testimony confirmed that the actions of Willingham's platoon required investigation. Walsh had asked him 'Were you talking to people about it? Did any of them say that that was not true or they didn't believe they were killed or did people pretty generally believe this?' and Michener had replied, 'It was pretty well taken for a fact. Yes, sir.' Before Larry Holmes appeared on the following day, Braddock had given Walsh and Wilson his opinions about the men in the point team who, he had heard, had been responsible for blowing up the bunkers during the operation but Holmes

⁶⁹ When Michener was called to testify again in March, Wilson was more sceptical. Testimony of Morris G. Michener to Peers Inquiry, 6 March 1970.

⁷⁰ Testimony of Morris G. Michener to Peers Inquiry, 22 January 1970. Walsh told Michener:

I have the impression that you are reluctant to tell us that except which you actually saw with your own eyes. This is a good practice for anybody, but things that you heard may also be helpful to us, even though it may be rumor. Don't be reluctant to tell us about it because it might just be enough for us to follow-up on it with someone who actually saw it. We are not here in a courtroom where you have to tell only that which you actually saw. This is an investigation in which we are trying to find out exactly what happened. I'd like to ask you again if you can recall and tell us what you did hear regarding the people that were killed in the bunkers and whether you actually saw it or not?

Ibid.

⁷¹ Ibid.

was to assert that others had been involved.⁷² He told the inquiry that the majority of the men in the platoon had fired at the people in My Khe 4 and that some of the men in Lias' squad had helped to destroy the bunkers. The importance of Holmes' testimony was that, unlike Michener's, it concerned an attack in which he had participated.

Holmes did not tell Walsh and Wilson of his belief that he had shot a woman at My Khe 4, a confession which he later made to a CID agent, but he described the way that the inhabitants of the sub-hamlet were 'running around like crazy people' as they were fired upon and he painted a vivid picture of the violence with which the attack was concluded: 'they brought in TNT. A chopper brought in TNT, a hundred sticks of it, a whole case of TNT, and it was thrown in bunkers and stuff, and blowing everything up and burning.'⁷³ On several occasions, he corrected himself or corrected the interpretation which had been put upon his words and it could be argued that his willingness to admit uncertainty contributed to his credibility as a witness. Initially, for example, he testified that the men in his platoon were told, either by Michles or Willingham, that because 'leaflets and stuff' had been dropped in My Khe 4, 'Nobody was supposed to be there. If anybody is there, shoot them.' However, asked if he 'remember(ed) the words, "Kill all the people that were there. They're all VC"', Holmes accepted that: 'I can't say he said

⁷² Testimony of James A. Braddock to Peers Inquiry. Braddock also testified that the company had reported a body count of forty-two during the operation in Son My and that he had been told by Hooton that, before destroying the bunkers, the point team had shouted a warning and that the explosives had only been used if the bunkers seemed to be empty. Wilson's questioning of Braddock makes it clear that he had been temporarily persuaded by Michener's testimony that the largest number of people had been killed on the second day of the operation.

⁷³ Testimony of Larry G. Holmes to Peers Inquiry. Primarily interested in understanding what had happened at My Khe 4, Walsh and Wilson reminded Holmes on more than one occasion that it was not the inquiry's intention to extract any sort of confession from him:

Wilson: Let me say this: we have no intentions of letting you continue without warning you that you do not have to say anything that would incriminate you. As I say, we're trying to find out what happened.

Walsh: I think it's fair to say that you're not suspected of having committed any crime, having done anything wrong, but in the investigation we're trying to find out what happened in all aspects of it. I suggest that we go along and you tell us what you want to tell us. Don't tell us anything wrong, but if there is something you don't want to tell us, then don't.

Later Wilson added: 'If there are questions we ask and you don't want to answer, don't answer. Then we will go on to other things, but it is important for General Peers to get the whole story on this thing.' Ibid.

kill all the people.⁷⁴ When he was pressed on the crucial question of enemy fire, he refused to commit himself, first reminding Wilson that 'I didn't say we received the fire' and later that 'I never said that we didn't receive fire, all I said was a lot of shooting going on before we got up there'. He also explained that 'because everything was mixed up', he did not know why the men had been ordered to stop shooting.⁷⁵ Neither did he know whether the platoon 'was out of control' during the assault.⁷⁶

As the platoon approached the bridge, Holmes testified, some of the men fired across it. Having reached the bridge, 'everybody tore their ass in gear' and began firing 'pretty heavily' at My Khe 4. When the shooting died down Willingham ordered the machine gunners to 'spray the area' and afterwards the men walked in single file into the sub-hamlet. According to Holmes, Madison set up his machine gun and then:

we started shooting ... I don't know how many got killed. People were running around. I remember one incident: it seemed like people running even toward us on top of the hill and back towards the top of the hill. Maybe they were all mixed up too, didn't know where they were going. I remember several times people coming up over the hill too.⁷⁷

Having confirmed that people were shot 'when they would come up over the top of the hill', Holmes became reluctant to talk about the fate of the villagers: 'I don't know if we hit anybody, you know. I didn't - go up to look to see if anybody was lying up there.'

Asked how many bodies he had seen he would only say 'I may have seen one or two. I don't know' and he would not admit that he had seen what had happened when the

⁷⁴ Ibid. The leaflets would have contained a warning to evacuate the area and such leaflets were mentioned when Barker briefed his company commanders on 15 March. He does not seem to have had much faith in their efficacy because he also passed on his intelligence officer's opinion that the innocent civilians in Son My would have gone to market on the morning of 16 March, an opinion which Medina conveyed to his men but Michles, apparently, did not. Interview Team C heard no references to the market as the convenient destination of the village's innocent civilians, a feature of the Bravo Company testimony which has not been explained by those, like Hodierna, who have argued that the men of the task force received the same briefing. Bilton and Sim, pp. 95-98.

⁷⁵ Either the order had come from 'higher up', Holmes believed, or Willingham had ordered a cease fire so that 'the other guys could go in and start blowing things up'. Testimony of Larry G. Holmes to Peers Inquiry.

⁷⁶ Ibid.

⁷⁷ Ibid. Michener had also referred to Madison's use of a machine gun in My Khe 4 but most of the other witnesses recalled the firing of Milus' gun.

bunkers were destroyed although he had heard, like Michener, that anyone coming out of a bunker was shot.⁷⁸

By 23 January, therefore, it was becoming plain that Bay's account of the assault on My Khe 4 was fundamentally accurate. Heavy fire had been aimed at the inhabitants of the sub-hamlet, the hootches and bunkers had been destroyed and, it seemed likely, anyone trying to escape had been shot. This emphasised the importance of two questions: had Willingham's platoon been attacked and to what extent were the men responding to orders?⁷⁹

On 26 January Walsh and Wilson questioned two more of the men who had been in Willingham's platoon. Homer Hall and Earl Rushin, the platoon sergeant, had travelled to Washington on the same plane and the two men had shared a hotel room on the night of 25 January. According to Hall, he and Rushin had discussed the operation 'some' but 'We didn't go into any details, because like I say, I was just depending on you to refresh my memory. Like I say, a lot of things I just wanted to forget.'⁸⁰ It transpired, however, that Hall remembered the attack on My Khe 4 very well and this probably

⁷⁸ Ibid. Holmes' testimony was useful in other respects. He confirmed that Taylor had tied a rope around a Vietnamese woman and forced her to walk point during the operation and his reference to B.J. or Beverly was the first clue that Beverly Larche had been the fourth man in the point team. He was also the first witness to comment on Terry Reid's attitude towards the platoon's actions, complaining that Reid 'ran off at the mouth about anything we did.'

⁷⁹ Had Gary Hiddie, Leon Mercer or Freddy Wilkens, the men who served as Michles' RTOs during the operation in Son My, been able to remember the detail of the communications which had passed between Willingham and his company commander on 16 March, these questions might have been answered. Mercer recollected that when Willingham reported that his platoon had killed some Viet Cong, Michles called back to tell Willingham 'Don't be killing innocent people' and that, when Willingham reported further kills, Michles asked who the victims were. Mercer, however, found it difficult to separate the events of 16 and 17 March. The other RTOs were less helpful. Hiddie stated on 24 January that Michles had 'once' asked Willingham if his men had killed any women or children but he was not sure that this had been during the operation in Son My. When he was asked how Willingham had replied, Hiddie indicated that he could not recall. Wilkens testified on 27 January that he could only remember reports from Willingham's platoon that about twenty Viet Cong had been killed in My Khe 4. (Later Wilkens changed his mind. Interviewed by a CID investigator in April 1970, Wilkens declared that he had no memory of these reports.) Testimony of Leon R. Mercer to Peers Inquiry; Testimony of Gary L. Hiddie to Peers Inquiry, 24 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook18.pdf; Testimony of Freddy J. Wilkens to Peers Inquiry, 27 January 1970 at *ibid*; Mercer, Investigator's Activity Report, 8 April 1970 in Box 8, Folder 36, Papers of *Four Hours in My Lai*, LHCMA, KCL.

⁸⁰ Testimony of Homer C. Hall to Peers Inquiry, 26 January 1970.

explains why he was, as he admitted to Wilson, 'very tensed up' and worried that the questions of the Peers Inquiry might be the prelude to interrogation by another agency.⁸¹ In his anxiety, Hall's response to questions about the orders which the men had received before the operation was less than clear, a response which was misinterpreted in the summary of his testimony provided in the Peers Report. Hall indicated that he had probably been briefed by Lias, his squad leader, by Willingham and by Michles, because this was the usual procedure before an operation, and then he testified that 'we were to leave nothing standing, because we were pretty sure that this was a confirmed VC village'. This was summarised in the Peers Report as 'They were told to leave nothing standing' but, as Hall's testimony reveals, he was referring to what 'some of the guys in the company (had) said' rather than the briefings he had received.⁸² Significantly, Hall also stated that, whilst waiting for the helicopters to take them to Son My, 'We were instructed by Captain Michles not to, what you might say, shoot down anybody.'⁸³ His description of the platoon's assault on My Khe 4 demonstrated that this instruction had been ignored.

Hall recalled that as the men walked down the trail towards the sub-hamlet they learned of the death of Lieutenant Cochran and then, according to the men in the point team, a grenade was thrown at them which failed to explode. Having crossed the bridge without incident, the platoon approached My Khe 4 in which 'roughly a dozen people (were) going about their business.' Rather than suggesting that what followed was a reaction to the news of Cochran's death, Hall testified that it was the platoon's habit to 'clear the area with a machinegun' before entering a village. He described how, as Milus

⁸¹ Ibid.

⁸² When he was interviewed by a CID investigator on 13 March 1970, Hall testified differently. He identified Lias, his squad leader, as the source of the order to 'leave nothing standing'. 'Fact Sheet: Son My Investigation', 2 April 1970.

⁸³ Testimony of Homer C. Hall to Peers Inquiry, 26 January 1970. It would have been helpful if Wilson had pressed the witness to explain whether the 'confirmed VC village' was Son My, My Lai 1 (Bravo Company's main objective) or My Khe 4.

fired at 'Just anything that moved', the other men in the platoon joined in the attack. Wilson asked, 'Well, what happened when people came running out? Did they keep firing at them?' and Hall replied, 'Well, they were - yes, they were fired upon also.'⁸⁴ The shooting stopped, Hall stated, when Michles reminded Willingham, by radio, that civilians should not be killed but, by then, 'it was just - well, we had already pretty much shot the village up.'⁸⁵

Although Hall 'couldn't say whether the lieutenant ... told (Milus) directly to bring the machinegun', he was of the opinion that the order had emanated from Willingham.⁸⁶ He also felt, however, that a lot of 'boys did get carried away' and he remembered that Milus, who had gone 'kind of crazy there', had been told by the lieutenant to calm down. Hall, who admitted that he had seen the bodies of women and children, perhaps three of them, in My Khe 4; that he had watched about a dozen people shot down as they tried to escape the hail of bullets from the machine gun and that the sub-hamlet had been 'flattened' with explosives, seemed torn between a desire to justify the assault and bewilderment at the the actions of his platoon.⁸⁷ He repeated that a

⁸⁴ Ibid. Hall's attempt to justify the shooting presented a chilling picture of the platoon's mode of operation:

you see, as I said, ... there were trees, shrubbery, hootches. Maybe if one would run to another or something like that, you couldn't always tell what it was. You knew it was an individual running, but you couldn't tell if it was a man or a woman. And, of course, we engaged upon them whenever they would run like that.

Ibid.

⁸⁵ Ibid. The testimony of Mario Fernandez, Willingham's RTO, about the message from Michles did not confirm this. At first Fernandez stated that Michles had ordered Willingham to stop the killing. Later, he told Wilson that Michles might merely have ordered a cease fire. He did not remember a message from Michles asking if any women and children had been killed. Testimony of Mario Fernandez to Peers Inquiry, 3 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook18.pdf.

⁸⁶ A summary of Hall's testimony to CID states: 'Willingham personally directed machine gun and rifle fire into the village.' By 13 March, therefore, Hall was prepared to be definite about Willingham's role during this part of the operation. CID Report of Investigation on Thomas Willingham, 70-CID011-00039, HTA, LC, UMSCL, AA.

⁸⁷ Testimony of Homer C. Hall to Peers Inquiry, 26 January 1970. When he was recalled for a second appearance before the inquiry on 2 March, Hall stated that he had seen two bodies and heard of a woman who had been trapped when a bunker was blown up. Testimony of Homer C. Hall to Peers Inquiry, 2 March 1970.

grenade had been thrown and commented on how 'We were anticipating just about anything' but he also testified:

I don't know. Just to stand there and see a machinegun, I don't know, just repeatedly fire in to a village like that. In other words, anything that moves, you were to kill it, and we knew we were going to destroy or burn the hootches and everything. Of course, we had done that before, but never - well, this was a little bit larger than before.⁸⁸

Hall recalled that he had helped to search some of the bunkers and that the platoon had been re-supplied with ammunition and explosives in order to destroy them but he claimed that the bunkers which he searched were empty and he made no direct reference to the killing of those who tried to leave their bunkers. He accepted, however, that he could still hear Milus firing 'at anything that moved' as he searched and he mentioned that a woman had been trapped when a bunker was blown up.⁸⁹ Hall's testimony indicated, therefore, that women and children had been among the dead, that Milus had played a major role in the assault and that the platoon's actions at My Khe 4 were uncharacteristic only in their scale.⁹⁰ About Willingham's role in the killings and the presence of an enemy in or near My Khe 4, Hall's testimony was more equivocal but Walsh and Wilson might have anticipated that Earl Rushin would be able to fill in some of the gaps.

The platoon sergeant could have been expected to recall the operation with some clarity because he had been promoted to the position only twelve days before. Rushin, however, turned out to be the first of a trio of witnesses from Willingham's platoon whose testimony added little to the inquiry's understanding of what had occurred in My

⁸⁸ Testimony of Homer C. Hall to Peers Inquiry, 26 January 1970. The question of the platoon's previous actions was not pursued by the inquiry. Hall, who thought that Taylor had probably used a woman to walk point during the operation, also testified that the point team had used Vietnamese 'a lot'. Ibid.

⁸⁹ Ibid. Either Milus paid no attention to Willingham or it was not until later that he was told to calm down.

⁹⁰ The testimonies of Holmes and Hall seem to have convinced the inquiry that Michener had been mistaken about the chronology of the operation.

Khe 4. Rushin was stationed at Fort Benning and, like Lias, he maintained that he could remember little of significance about the operation. He agreed that Willingham had briefed the squad leaders before the operation and recollected that the lieutenant had said that there were 'only VC' in the area but the inquiry was unable to learn from him what else had been said or if Willingham or Michles had spoken to the men as they assembled at the landing zone. Rushin also thought that he might have received by radio the news of Cochran's death and asserted that there was some sniper fire after the men left the landing zone but, because his position was at the rear of the platoon, he did not see what occurred as the men entered My Khe 4 and, although he had heard firing, it had stopped before he reached the sub-hamlet. Michles, Rushin asserted, had told Willingham by radio not to 'hurt the women and kids' and he speculated that Michles might have been responding to a report by Willingham that the platoon had found only women and children.⁹¹ Having reiterated that he could remember seeing no bodies when he entered the sub-hamlet, he was pressed by Wilson to explain the reports that the platoon had killed thirty-eight Viet Cong at My Khe 4: 'What if at that time somebody asked you how many Vietnamese the 1st Platoon had killed? At the time, do you think your answer would have been none?' As Lias had done, however, Rushin simply replied that he could not remember: 'It's funny, something that's back a while, something happened a while back, it's funny the things you can remember. I can remember a chopper coming in and them putting out chow ... I don't remember it, I really don't.'⁹²

⁹¹ Testimony of Earl Rushin to Peers Inquiry, 26 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook20.pdf. Rushin also recalled that a mortar had been fired in support of the men's approach to My Khe 4, that the hootches in My Khe 4 had been searched and that, during the operation, a woman had been used to walk point.

The inquiry was unable to establish the process which led to the confirmation in the task force log that none of the casualties at My Khe 4 had been women and children. It is significant that Jimmie Jenkins, the RTO, corroborated Rushin's statement that Michles had told Willingham not to kill women and children and that this version of events was supported by Leon Mercer's testimony. There was no evidence to indicate that Willingham had replied to a question about the nature of the victims and it is possible, therefore, that Michles, having been asked about the reports from Willingham's platoon, chose to warn Willingham and to reassure his superiors that there was nothing to worry about.

⁹² Ibid. Wilson's view of Rushin's testimony was revealed when he responded sarcastically, 'But you remember the important things.'

When Walsh and Wilson questioned Joe Madison, the other machine gunner, and Peter Bretenstein, the Forward Observer, on 27 and 28 January, they encountered similar difficulties. Although Madison clarified the deployment of the machine guns during the 'Search and Destroy' mission on 16 March, he claimed that he had only a vague memory of being briefed by Cardines, the leader of the weapons squad, that he had been at the bridge, protecting the platoon's rear, when the shooting began and covering one of the approaches to the sub-hamlet when the hootches were searched.⁹³ He acknowledged that he had fired at some Vietnamese who were behind the dunes which separated My Khe 4 from the beach and that some of the hootches had been destroyed but, like Rushin, Madison told the inquiry that he could not 'recall seeing any bodies' and he rejected invitations to share what he had heard about the attack or offer an opinion about the reports that the platoon had killed thirty-eight Viet Cong. Asked by Walsh if he had heard 'any conversations ... among the men about how many VC were killed that day', Madison replied, 'We never did talk too much about that in our platoon' and when Wilson asked him to express an opinion, Madison told him, 'Your opinion's as good as mine.'⁹⁴

Although Bretenstein admitted that he had seen five bodies on the hill to the east of My Khe 4 and accepted that there had been shooting in the sub-hamlet and some

⁹³ Madison's explanation of the way that the machine gun teams had been organised on 16 March was largely accurate. Milus, assisted by Strachan, had supported Lias' squad and Madison, assisted by Warner, had been attached to the second squad. He was wrong to suggest that there had been a third man in each team. In other respects, Madison's testimony corroborated what the inquiry had already heard: he remembered the arrival of a helicopter (a detail which was recalled by other witnesses, like Rushin and Bretenstein, who claimed to have poor memories) and a woman who had been used to walk point during the operation. He disclaimed any memory of a grenade being thrown at the point squad or of sniper fire being received. Testimony of Joe Madison to Peers Inquiry, 27 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook20.pdf.

⁹⁴ Ibid. The witness underlined his determination to give nothing away when Walsh appealed to him to 'try as hard as you can to remember what anybody might have told you at that time.' Madison answered: 'I can't really say, because I wasn't paying any attention anyway. So if they would have told me, I've forgotten.'

blowing up and burning of the hootches, his account of the operation suggested, as Walsh pointed out to him, that it had been 'extremely uneventful.' Bretenstein, who had initially asserted that he did not 'remember the particular combat assault', continued to plead ignorance when he was confronted with a summary of the information which the inquiry had gleaned from previous witnesses and reminded that Willingham had 'reported 38 VC killed'.⁹⁵ He testified that he could not remember the men shooting as they approached My Khe 4, the use of a machine gun in the sub-hamlet or anyone shot as they left a bunker. Whilst he suggested that the platoon might have been fired upon before they crossed the bridge, he did not remember a grenade being thrown, Willingham ordering a cease-fire or any subsequent discussion of the operation.⁹⁶ Only in one respect did Bretenstein influence the inquiry's ideas. He explained that, before the men had crossed the bridge, he had directed mortar fire on to the eastern bank of the river and that, because three of the five mortar rounds had failed to explode, Michles had transmitted an order to use a machine gun to fire across the river.⁹⁷

None of the eleven men who appeared before Interview Team C between 28 January and 2 February had been in Willingham's platoon and their testimonies revealed little that Walsh and Wilson had not already learnt about the events in My Khe 4. It became clear, however, that Milus and others had talked with some freedom about what they had done on 16 March. At least three of the men who had served in Bravo's 3rd Platoon had heard that 'a lot of people' had been killed there and Ronald Esterling alleged that the 'whole company' was aware of what had been done. The stories which the three men had heard were not inconsistent: Walter Askew testified that 'about 60

⁹⁵ 'I certainly didn't see any 38 anybody', Bretenstein replied. Testimony of Peter Bretenstein to Peers Inquiry, 28 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook18.pdf.

⁹⁶ Bretenstein apparently remembered even less than his comrades. He testified that he could not identify any of the men in the point group because its members 'kept changing' and he was only prepared to acknowledge the possibility that the point group had held someone captive during the operation. Ibid.

⁹⁷ Ibid. Bretenstein was one of those present at the briefing which the squad leaders received from Willingham and he might have clarified the nature of the instructions which passed along the chain of command. Unsurprisingly, however, he maintained that he could not remember what had been said.

people' were killed with explosives and machine guns; Esterling recalled that Milus and others in his platoon had boasted of shooting 'about 40 people' and Alfred Fields thought that Willingham's platoon had 'destroyed instead of searched', using rifles, machine guns and grenades to kill 'kids and stuff.' There was agreement that those who had told them about the killings had shown no remorse although Fields also suggested that Milus had been ordered 'to kill anything that moved'.⁹⁸ On the other hand, Lawrence Congleton, who was present when Michles briefed his platoon leaders, testified that there had been no 'direct order' to kill civilians.⁹⁹

More important than the testimony of these men about what had happened in My Khe 4 was the information, provided by Askew on 28 January, that Amos Williams was in Florida. Williams proved easy to find - he was in Putnam County Jail - and when he was interviewed by the Military Police on 29 January he gave the inquiry a new direction. Williams stated that he had heard that Donald Hooton had shot a baby in the face with a pistol at My Khe 4.¹⁰⁰

On 3 February Mario Fernandez became the eighth member of 1st Platoon to testify. Peers was to note in *The My Lai Inquiry* that Fernandez was one of the two men who had provided 'the best information' about the assault on My Khe 4 and before

⁹⁸ According to Fields, most of the talk about the events in My Khe 4 had focused upon Milus' actions. Testimonies of Walter A. Askew to Peers Inquiry, 28 January 1970; Ronald J. Esterling, 29 January 1970 and Alfred Fields, 30 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook21.pdf.

⁹⁹ Congleton, one of Michles' RTOs, remembered the reports that Willingham's platoon had killed thirty-eight Viet Cong and his feeling that the number probably included a lot of civilians because it had seemed to him 'it was sort of a general impression that that might be what was going to happen.' If there was such a general impression, the conduct of the other platoons in Bravo Company on 16 March requires explanation: the civilians they encountered were collected and screened. Testimony of Lawrence L. Congleton to Peers Inquiry, 29 January 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook18.pdf; Goldstein et al., p. 172. The other witnesses during this period were Tommy L. Brooks; Edward E. Duff; Richard Harlow; Jimmie W. Guthrie and George C. Navarre, all of whom had served in Bravo Company's 3rd Platoon; John Mundy, the company's Executive Officer and John Ebinger.

¹⁰⁰ Testimony of Walter A. Askew to Peers Inquiry. Dated 4 February 1970, the Military Police Report of the interview with Amos Williams is in CID Report of Investigation on Donald Hooton, 70-CID011-00049, US Army Crime Records Center. Although the document has been redacted, a list of exhibits in the CID Report makes it clear that it is a record of an interview with Williams on 29 January 1970.

Wilson asked him if he knew 'anything about Hooton shooting a baby in the head, or anything like that', Fernandez had admitted that he had seen the bodies of fifteen to twenty people in the sub-hamlet and that most of them had been women and children.¹⁰¹ He had described people being killed as they ran out of the hootches, identified Milus, Hooton, Taylor, Tittle and Lias as the men who were shooting at them and recalled that Hooton had talked about the Vietnamese who had been killed when the bunkers were dynamited.¹⁰² Later he asserted that the point team had destroyed the bunkers. Fernandez was, therefore, a key witness. He seemed to vacillate, however, between a desire to assist the inquiry and an unwillingness to testify against men with whom he had served. He claimed initially that he could not remember 'too well' who had been responsible for the destruction of the hootches and, although he was to tell a CID investigator in April 1970 that he had watched Hooton shoot a baby, he told Wilson on this occasion, 'No, sir. I didn't see it, but I heard it.' The disturbing exchange which followed suggested that Fernandez might only have taken this step because he thought that Hooton had not survived the war:

Wilson: You did hear it? What did you hear?

Fernandez: That he killed a baby.

Wilson: Under what conditions?

Fernandez: Well, just for fun I guess.

Wilson: Do you know where Hooton is now?

Fernandez: Right now? He didn't get killed or anything?¹⁰³

¹⁰¹ Peers, p. 190. Peers' identification of Linkous as the other witness from whom 'the best information' was received is puzzling because, aside from his account of the platoon's approach to the sub-hamlet, much of Linkous' testimony was vague. Perhaps it was his suggestion that Cochran's death had triggered the killings in My Khe 4 which Peers found convincing; Testimony of Mario Fernandez to Peers Inquiry. In conversation with the writer, Walsh agreed that 'Fernandez was the guy who gave us the most information.'

¹⁰² Fernandez also agreed that at least some of the men in the platoon had been untroubled by the killings, identifying Hall and Reid as men who had objected. He denied any recall of a woman being taken prisoner at My Khe 4. Testimony of Mario Fernandez to Peers Inquiry.

¹⁰³ Fernandez was questioned twice by a CID investigator. On 24 February he stated that he thought he had seen Hooton shoot the child. When he was re-interviewed on 8 April, Fernandez confirmed that he had watched the shooting. Witness Statements, 24 February 1970 and 8 April 1970 in CID Report of Investigation on Donald Hooton, 70-CID011-00049, US Army Crime Records Center; Testimony of Mario Fernandez to Peers Inquiry.

In other respects Fernandez's testimony was inconclusive. As Willingham's RTO, he had been present when the squad leaders were briefed and, during the assault, he and the lieutenant had usually been together. Despite this, his responses were contradictory when he was questioned about the orders which the men had been given. Asked what the men had been told 'to do with the people in the area that lived there', he replied: 'I'm not sure, but I think they said to kill them, you know? And that's what they did, but I'm not sure about it', adding that he did not remember such an order being passed on during the briefing. Later, however, he stated that the men had been told to 'Kill everybody' and that 'Maybe (Willingham) gave the order. I think he gave the order. They gave the order to him, to kill and destroy everything.' Ambivalent about whether the men had been attacked as they approached the bridge and whether it had been Willingham or Lias who had ordered Milus to open fire, Fernandez was also reluctant to agree that Willingham had seen the bodies in My Khe 4.¹⁰⁴ His answers suggest that he was trying to pick his way through what he perceived as a maze of conflicting moral imperatives: he wanted to reveal what had happened because he believed it to have been wrong; he wanted to protect his comrades by suggesting that they had been responding to orders and he wanted to protect the lieutenant who bore the responsibility if he had passed illegal orders to his men.¹⁰⁵

¹⁰⁴ Testimony of Mario Fernandez to Peers Inquiry. Others had testified that grenades had been thrown at the men as they approached the bridge but Fernandez was the only witness to claim that they had exploded. Later he indicated that he was not sure what had happened. According to the testimony of Barry Marshall, a member of Michles' command group, however, Fernandez had mentioned a grenade which had failed to explode when he talked to Marshall on 17 March. Testimony of Barry P. Marshall to Peers Inquiry, 5 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook18.pdf.

¹⁰⁵ Other explanations of Fernandez's testimony are that he could not clearly remember some of the details of the operation or, because his first language was Spanish, he did not fully understand the nature of the orders at the time. He seemed to find it difficult, sometimes, to comprehend Wilson's questions and Linkous, who was to tell the inquiry that Fernandez had 'a bad Spanish accent', added that he would sometimes 'rely on Spanish when he got excited.' The CID agent who interviewed him on 24 February, however, observed that Fernandez spoke English 'only with a slight accent' and that he appeared to understand all the questions which he was asked. According to the agent, the difficulty was Fernandez's extreme reluctance to provide 'definitive' answers. Testimony of Rodney V. Linkous to Peers Inquiry, 16 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook19.pdf. Witness Statement of Mario Fernandez, 24 February 1970 in CID Report of Investigation on Donald Hooton, 70-CID011-00049, US Army Crime Records Center.

It is clear, nevertheless, that it was Fernandez's testimony which led to Willingham being charged, seven days later, with the 'unpremeditated murder of 20 Vietnamese individuals'. Before Walsh and Wilson had an opportunity to build a stronger case by questioning more of the men who had been at My Khe 4, there were another twelve members of Bravo Company to be interviewed. Of the twelve, only Luther Myers of the Weapons Platoon admitted to hearing any talk about the killings on 16 March. Appearing on the same day as Fernandez, Myers agreed that there had been 'rumors going around' about a lot of people, including women and children, being shot by Milus and the point team. He had also been told, however, that they had been responding to enemy fire and this must have underlined the importance, now that the inquiry had obtained solid evidence of the killing of women and children in My Khe 4, of establishing whether or not Willingham's platoon had been attacked.¹⁰⁶ This and the question of the orders which the platoon had received had evoked contradictory testimony and the appearance of Jerry Warner on 6 February emphasised how difficult it was going to be to find answers to these questions.

Warner was Madison's assistant on the machine gun attached to Linkous' squad and he confirmed that he and Madison had been covering the bridge as the point team and Lias' squad entered My Khe 4. He was, with some difficulty, persuaded to record

¹⁰⁶ Testimony of Luther C. Myers to Peers Inquiry, 3 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook19.pdf. Daniel R. Houghton and Stephen M. Miller were the other members of the Weapons Platoon to testify on 3 February 1970. The witnesses who appeared on 4 February were Cecil W. Huffman and David L. Kingsby of the Weapons Platoon, Samuel E. Long and Johnny J. Shifley of 2nd Platoon. Shifley opined that 'The 1st Platoon was always good at shooting at ghosts' and he also recalled that some of the men in 1st Platoon had, on one occasion, forced four Vietnamese to walk point for them with the result that they had detonated a mine. Testimony of Johnny J. Shifley to Peers Inquiry, 4 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook21.pdf. In addition to Marshall, Harry E. Parker and Michael B. Mahr of 3rd Platoon and Willie J. McKenney of 2nd Platoon appeared on 5 February. McKenney testified that he had seen members of 1st Platoon mistreating prisoners after the death of Milus. Testimony of Willie J. McKenney to Peers Inquiry, 5 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook21.pdf. Arthur M. Moreno appeared, before Warner, on 6 February.

what he had heard from his position at the bridge and what he had been told later. It had been rumoured, he told the inquiry, that as many as 300 people had been killed in My Khe 4, a number which he claimed to be impossible because, when he walked down the trail towards the sub-hamlet, he had seen no bodies. He had heard, he admitted, a lot of shooting and explosions and been told that Milus had cut a woman in half with machine gun fire, Taylor had shot a baby and there had been people inside the bunkers when they were destroyed.¹⁰⁷ Although he intimated to Walsh that he would not have obeyed an order to fire upon women and children, Warner's contention that there had not been any 'civilians' in My Khe 4 revealed that he was not prepared to condemn the actions of some of his comrades and his insistence that 'I didn't actually see it ... I couldn't say that anybody actually did this or anything like this' ensured that he would not be asked to testify against anyone.¹⁰⁸ When he tried to recall the circumstances which led to the killings in My Khe 4, however, he seems to have been sincerely puzzled.

Warner asserted that 'we weren't fired on but once' and that this had been as the platoon moved away from the landing zone but he also testified that when he was at the bridge, he 'heard some firing ... I'm not sure whether we were getting fire or what.' When he was asked if he had been given 'orders from anybody to go and kill everybody in the village', he replied that although he had not, he did not know if others in the platoon had received such an order and he referred to a rumour that Michles had ordered the killings 'over the radio' to avenge the death of Cochran who had been Michles' close friend. He explained that there had been orders to 'recon by fire' before and after the bridge had been crossed which raised the possibility that civilians might have been hit by accident but he affirmed that the killings by Milus and Taylor had been

¹⁰⁷ Testimony of Jerry Warner to Peers Inquiry. He also agreed that a woman had been forced to walk point, that Taylor had found a booby trap and that the platoon had been re-supplied by helicopter. Warner's explanation that Madison and he had formed one machine gun team and Milus and Strachan the other clarified this aspect of the platoon's organisation.

¹⁰⁸ Ibid.

'deliberate'.¹⁰⁹ He was not sure of where Willingham had been during the attack or to what extent Willingham had directed the assault. The extent of his confusion was demonstrated when it was suggested that 'maybe some of the men thought that they were supposed to kill everybody that was in the area.' He responded, 'I don't think a - I think it came - maybe they had orders to do it - I don't think they - cause usually they don't do that.'¹¹⁰

Anthony Anderson, who appeared after Warner on 6 February, was someone else who had heard about Milus and his machine gun. A member of the Weapons Platoon, Anderson had fired the mortar rounds, some of which were 'dud', to cover Willingham and his men as they crossed the bridge. Subsequently he asked Milus about the shooting in My Khe 4 and, Anderson alleged, Milus had boasted of how he had killed a pregnant woman at a range of 150 metres. Anderson had also heard a rumour that a baby had been shot with a pistol, either by Hooton or Taylor.¹¹¹ Robert Holmes, who testified on the following morning, seems to have anticipated the rumours. He told Wilson that 'The first thing that came to my mind' when he heard Willingham reporting the platoon's kills over the radio 'was whether they were civilian or whether they were

¹⁰⁹ Ibid. The tactic of 'reconning by fire' was mentioned by several of those in Willingham's platoon. They apparently interpreted it as a licence to fire in any direction at any time. How the use of this tactic in inhabited areas was consistent with the need to prevent accidental killings was not explained. Franklin McCloud, the leader of Bravo's 3rd Platoon, told Wilson that this procedure was not permitted 'if there was a village or anything nearby' but Willingham's men seem to have made a habit of ignoring this prohibition. Testimony of Franklin A. McCloud to Peers Inquiry, 11 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook22.pdf.

¹¹⁰ Testimony of Jerry Warner to Peers Inquiry.

¹¹¹ Testimony of Anthony Anderson to Peers Inquiry, 6 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook22.pdf.

VC.¹¹² According to Marvin Jones, the next witness from Willingham's platoon, however, the rumours had no foundation.¹¹³

Jones testified that 'nothing sticks in my mind' about the briefing or the operation and expressed the opinion that the reports of his platoon killing thirty-eight Viet Cong were 'exaggerated' because he had only seen one body.¹¹⁴ He had heard that a grenade had been thrown as the men approached the bridge but he did not think the platoon was fired upon as the bridge was crossed and he maintained that he had little idea of what had happened in My Khe 4 because, once he had crossed the bridge, he and other members of Lias' squad had been told to guard an area near the bridge. The shooting that he had heard was, he believed, some of the men 'reconning by fire' and when Wilson asked him what he had been told about the events in the sub-hamlet, he answered 'There was nothing unusual, nothing that I would try to remember. I can't remember nothing exceptional that they would say that I wouldn't know.'¹¹⁵

Leon Mercer, one of Michles' RTOs, and Jimmie Jenkins, Rushin's RTO, testified on 9 February, the day before Willingham was charged with murder. Although Mercer found it hard to distinguish between the first two days of the operation in Son My and Jenkins was an initially reluctant witness, their recollections of the communications between Michles and Willingham indicated that, whilst Michles' message to the task force that there had been no women and children killed at My Khe 4

¹¹² Testimony of Robert D. Holmes to Peers Inquiry. Holmes, Larry L. Hatch and Brice E. Whittaker, who also testified on 7 March, had served in Bravo's 3rd Platoon. Hatch thought that, before one of the operations in Son My, the order had been to kill everyone because only the enemy would be in the village. He could not remember, however, who had said this. Testimony of Larry L. Hatch to Peers Inquiry, 7 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook22.pdf.

¹¹³ Walsh was not present at the questioning of any of the witnesses on 7 February and, thereafter, he took part less frequently in the interviews of the men from Bravo Company.

¹¹⁴ The body was that of a woman, who Jones speculated, had been killed by artillery fire. He also testified that he had seen a child whose arm had been shot off at the shoulder. Testimony of Marvin B. Jones to Peers Inquiry. Vo Thi Lien's account of the massacre included a reference to a boy called Thanh whose arm had been 'sliced off by a bullet.' 'Son My Survivor's First-hand Account of Massacre'.

¹¹⁵ Ibid.

might have been a fabrication, he had warned Willingham on at least two occasions that women and children were not to be hurt. Indeed, according to Mercer, Michles 'time and time again ... told his (men) to make sure you know what you're shooting. Be careful. We don't want to hurt innocent people.'¹¹⁶ Such testimony suggested that, if the men in My Khe 4 had been ordered to kill anyone they found, the responsibility was Willingham's.¹¹⁷

His recall of the radio messages which had passed between Michles and Willingham was not the most significant aspect of Jenkins' testimony, however. As Wilson explained to Peers, who was asked for the second time to hear the testimony of a member of Willingham's platoon, it was also Jenkins' contention that:

a boy named Larry Holmes and two other men whom Jenkins cannot recall opened fire, at 25 to 30 meters, on a woman and two children. He had told Holmes before this happened that he had gotten a communication from Captain

¹¹⁶ Testimony of Leon R. Mercer to Peers Inquiry. Franklin McCloud, the leader of Bravo's 3rd Platoon, testified on 11 February that Michles had ordered his platoon leaders to destroy buildings and seal off bunkers and tunnels. He also recalled, however, that Michles had instructed his platoon leaders to collect the inhabitants of 'Pinkville' and to consider them, irrespective of age or gender, as Viet Cong suspects. He explained that the inhabitants had been repeatedly warned that this would be the outcome if they stayed in their homes. McCloud added that he had not expected to find a substantial enemy force because previous operations had found only 'a bunch of old women and little-bitty kids' in the area. He did not suggest that there had been orders to kill everyone and, when his platoon searched My Lai 6 on 16 March, the inhabitants were collected and screened. McCloud's testimony and the conduct of his platoon suggest that the massacre in My Khe 4 was not a consequence of Michles' briefing to his platoon leaders. Testimony of Franklin A. McCloud to Peers Inquiry.

Jenkins, who had attended the briefing, did not think that Willingham had given an order to his squad leaders to kill anyone. He even felt that the lieutenant had said that the 'villages' they passed through should not be destroyed. Testimony of Jimmie L. Jenkins to Peers Inquiry.

¹¹⁷ Jenkins, as Warner had done, described how rifle fire had been received as Willingham's men passed to the south of My Lai 1 on their way to the bridge. The summary of Jenkins' testimony states that 'a request for gunship support' was denied but this mis-represents what he said. Jenkins could not recall the request for gunships or the mortar fire. His suggestion that the rifle shots had not come from My Khe 4 was reasonable. They coincided with the detonation of the mine which killed Cochran on the outskirts of My Lai 1 and it might have been there that a sniper was hiding.

Mercer remembered that Willingham had requested gun ships because his men had come under fire from a sniper but he could not confirm that this had happened on 16 March. In the account which Willingham had given to Wilson, sniper fire had prompted him to request gunship support. When that was refused, mortars had been fired which failed to explode and Michles had then recommended the use of a machine gun to clear the approach to the bridge.

Jenkins agreed with Mercer that Michles had told Willingham to take care of the sniper and that, later, Michles had warned Willingham on two occasions not to kill women and children. Again the summary of Jenkins' testimony is somewhat misleading. It states that Michles warned Willingham not to kill women and children before the platoon crossed the bridge. Jenkins, however, testified that Michles repeated the warning after there had been some shooting in My Khe 4. Testimony of Jimmie L. Jenkins to Peers Inquiry; Testimony of Leon R. Mercer to Peers Inquiry.

Michles, the company commander, not to fire on civilians unless they were combatants. And second is the point that Lieutenant Willingham was told that morning that the VC KIA body count was mostly noncombatants.¹¹⁸

These revelations were not obtained without difficulty. Wilson, in Walsh's absence, conducted almost all the questioning and, at first, his attempts to persuade Jenkins to talk about the events in My Khe 4 were frustrated by the witness' insistence that he could not remember them, a loss of memory which he attributed to a wound he had suffered in Vietnam.¹¹⁹ Apparently Wilson sensed that Jenkins, whose anxiety during the interview seemed to affect him physically, was susceptible to pressure and the determination with which he interrogated the RTO contradicts the assertion made by Greiner that 'the questioning of those involved (in the massacre at My Khe 4) was not carried out with the necessary vigour'.¹²⁰ 'You were right there', Wilson told Jenkins, and:

If there has been anybody that has been in here that has been right on that spot with the type of equipment that would know what is going on, it's you. If there is a key man in this particular - as to what happened in that particular location, it's you. You're the radio man, you have the radio equipment, you know the communications that are going on, and you're there. And we've had other people who weren't as well off as you are as far as communications and position go that saw bodies.¹²¹

¹¹⁸ Jenkins' testimony on the first of these points was unambiguous. Having identified Larry Holmes as one of the men who had opened fire, the witness and Wilson had the following exchange:

Wilson: No question of identification?

Jenkins: No, sir, it wasn't. I could tell it was a woman and two little kids.

Wilson: No hostile action?

Jenkins: No, sir. All they was doing is came over to use the latrine. That was it. Just about all the firing had stopped at that time after I spread the word to hold fire. When they came over, they seen them and fired at them, cut them down.

When Jenkins was asked if he thought that Willingham knew that women and children had been killed in My Khe 4, he replied, 'Yes, sir, he did' and explained that he had heard the point men reporting a body count to Willingham and informing him that 'the biggest part of them was women and children.' Wilson's summary of this, that Willingham knew that a majority of the dead reported by the point team were noncombatants, presupposed that women and children could not be considered as enemies. Testimony of Jimmie L. Jenkins to Peers Inquiry.

¹¹⁹ Ibid. Jenkins stated: 'We were supposed to search the village out and everything and wait for further orders. As far as I know, I don't remember finding anything. That's about all I can remember as far as that was' and later he pleaded, 'I can't remember there being any fire or not, sir. As soon as I got hit, I can't remember nothing that far back.'

¹²⁰ Greiner, p. 217.

¹²¹ Testimony of Jimmie L. Jenkins to Peers Inquiry.

Eventually, Jenkins admitted that his platoon had a record of indiscriminate killing and that, although Tittle had heard Michles' warning that women and children should not be harmed, the point team had begun shooting before crossing the bridge and destroying the bunkers. When Wilson asked 'Did they call them out first, or did they just throw the demo in there?', Jenkins explained that 'They just threw it in there without calling them out ... They didn't want them still alive.' Jenkins also testified that the platoon had not been fired upon at the landing zone, as the bridge was crossed or in My Khe 4.¹²² Having implicated Hooton, Tittle and Taylor as well as Larry Holmes, Jenkins had become, like Fernandez, a crucial witness. Had Holmes still been in uniform, it is likely that he would have been charged and when Hooton and Taylor made subsequent appearances before the inquiry, each was warned that he was suspected of the murder of Vietnamese civilians. Jenkins' testimony was unlikely to result in the conviction of anyone in the point team, however. He had no offered no direct evidence of civilian deaths when explosives were thrown into the bunkers and his testimony was vulnerable because of his admission that his memory had been affected by the wound he had suffered in Vietnam

In the light of Jenkins' testimony, it might seem strange that, two days later, Wilson recommended to Peers that Interview Team C should curtail its activities on 13 February. Perhaps Wilson anticipated that the announcement of the charges against Willingham would make later witnesses even less likely to co-operate with the inquiry. If so, he would have had grounds for arguing that he was proved correct. Of the ten witnesses who appeared between 14 February and 24 February, seven were members of 1st Platoon but the testimony of only one of them contributed significantly to the

¹²² Ibid. Jenkins also recalled the landing of the helicopter, a woman who had been forced to walk point and an admission by one of the men, whose name he maintained he could not remember, that he had killed an old man and a baby.

inquiry's understanding of the operation in My Khe 4 and there was little that would help to build a case against any of those suspected of offences there.

On the weekend of 14 and 15 February, Wilson was in the mid-west interviewing James Placek and Larry Taylor. As he returned he might have wondered whether he should repeat his recommendation that further investigation of the events in My Khe 4 should be left to CID. Placek, who testified that he had spent most of the day patrolling the beach to the east of My Khe 4, had presented an unconvincing account of an assault on a fortified bunker by Milus and the point team which ended with the killing of a Vietnamese male and Taylor, who was warned that he was suspected of 'Wrongful destruction of a village and the murder of Vietnamese civilians', refused to answer questions on the advice of a military lawyer.¹²³ Back in Washington six days later, Willingham took a similar course. Confronted by Peers, MacCrate, Walsh, Wilson and Colonel Miller and informed that he was 'suspected of the offense of murder of 20 unnamed Vietnamese civilians in the area of Son My', Willingham made, on the advice of his lawyers, only the single statement that: 'subsequent to the completion of the operation 16-18 March, I was never interrogated by any superior officer in Task Force Barker or any other member of an echelon of command, other than Colonel Wilson on 8 May, 1969.'¹²⁴

¹²³ Testimony of James E. Placek to Peers Inquiry, 14 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook20.pdf and Testimony of Larry H. Taylor to Peers Inquiry, 15 February at *ibid.* Placek also testified that he had heard sniper fire at the landing zone, remembered a Vietnamese woman with Taylor and seen the body of a dead woman in the sub-hamlet. He also recalled that ammunition had been found in one of the bunkers and flown out by helicopter.

¹²⁴ It had become Colonel Miller's responsibility to study the evidence gathered by the Peers Inquiry in order to 'identify everyone whom he felt had been derelict in the areas of reporting, investigations, and other military types of offenses.' Peers, p. 214.

Robert A. McKinley, Willingham's civilian attorney explained that:

We have had no opportunity to examine the transcript of any testimony of witnesses who have appeared here, or who have appeared before Colonel Wilson at a prior investigation when he was investigating this matter I believe as a member of the Inspector General's Office. At 0910, approximately, this morning, Colonel Miller was kind enough to lend us a transcript of Captain Willingham's testimony of 8 May 1969 before Colonel Wilson. I only mention this sir, because I don't want this inquiry or board to have any thoughts that would indicate any lack of

The day before Willingham's brief appearance, Wilson had interviewed Henry Cardines and Richard Silva. Each had claimed that they found it difficult to separate the events of 16 and 17 March and that they could not remember any Vietnamese being killed in My Khe 4. Wilson repeatedly pressed Cardines, who had been the leader of the platoon's weapons squad, telling him that 'this would have been one of the biggest days in combat of your career' and reminding him that:

this is a village where there wasn't anybody but the platoon there. This is the day when you walked across that concrete bridge. Because there was a hell of a lot of firing going on over there and there was a lot of demolition going on ... Lieutenant Cochran was killed that morning ... Lieutenant Willingham reported large amounts of KIAs there.

None of this had any impact. Asked if he remembered, Cardines replied, 'No, sir, to tell you the truth.'¹²⁵

Rodney Linkous had been more forthcoming when he appeared on 16 February. He had given a detailed account of the platoon's approach to My Khe 4, recalling the sound of the explosions from My Lai 1, the firing of the mortar and the crossing of the bridge. It was his impression that 'It was pretty quiet with us' until the point team and Lias' squad moved into My Khe 4. His testimony about what happened afterwards, predictably, was less helpful. The inquiry had found that those who had not taken part in

cooperation. We have not. It is a question of timing. I would like to state that I have advised Captain Willingham as his attorney, as has Captain Allen, that we would suggest that he not testify or answer questions.

Testimony of Thomas K. Willingham to Peers Inquiry, 20 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook20.pdf.

¹²⁵ Testimony of Henry D. Cardines to Peers Inquiry, 19 February 1970 at *ibid*. Cardines recalled no more than the bridge and hearing talk of a grenade that failed to explode.

Silva testified that Willingham had been told by Michles, by radio, 'If there is any resistance, wipe it out'. Otherwise, as the summary of his testimony demonstrates, he provided no information about the operation in My Khe 4:

The witness knew of no Vietnamese being killed, of no firing or explosions, or of no captured equipment. He did not recall any incoming mortar rounds, or any hand grenades being thrown at the unit. He did not remember seeing any bodies that day.

Testimony of Richard Silva to Peers Inquiry, 19 February 1970 at *ibid*.

the destruction of My Khe 4 were unable or unwilling to describe the actions of the men who had. Thus Linkous told Wilson that, whilst he and his squad stayed near the bridge, the remainder of the platoon moved out of sight. As they did so Linkous heard an intense burst of firing and then, during the next ninety minutes, occasional shots. He and his squad were asked to send their grenades forward and when, eventually, he moved towards the sub-hamlet, he saw that hootches were burning and that bunkers were still being destroyed with blocks of TNT. Later, he heard that between 150 and 175 people had been killed but he only saw two or three bodies on the rise leading towards the beach and when Wilson asked him if he believed that anybody was in the bunkers, he replied, 'I couldn't tell you about that, sir. I didn't hear anything, and I didn't see anything.'¹²⁶

At first Linkous was prepared to justify the platoon's actions. To Wilson's question, 'What do you believe happened in that village?', he responded, 'I believe if they did kill any women and children, it's probably because they didn't see the children and sometimes they do use women for combat.' He also testified to hearing what he assumed was enemy fire while he was on the eastern side of the bridge and recalled that 'the men (who) had been in the village' had described how fire had been received from the slope where he had seen the bodies. Apparently Wilson sensed that Linkous was not entirely convinced by this explanation and he managed to find an approach which persuaded Linkous to offer an alternative:

¹²⁶ Testimony of Rodney V. Linkous to Peers Inquiry, 16 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook19.pdf. Linkous testified that he had not moved into the centre of My Khe 4 but he thought that it consisted of forty to fifty hootches. Others had indicated that it was smaller and in another respect his testimony differed from that of most of the other witnesses. He recalled that Willingham had briefed the whole platoon and that the mission had been to 'Search and Clear' rather than 'Search and Destroy'. He also denied any knowledge of the rumours that Milus had cut a woman in half with machine gun fire and that a child had been shot 'in its mother's arms'. He agreed that Taylor had held a woman captive until the next day and that a helicopter had arrived as he and his squad had moved away from the bridge.

Wilson: Do you believe that the 1st Platoon or elements of the 1st Platoon were mad enough or angry enough at this particular area or this particular group to go over here and bring noncombatants under fire?

Linkous: I think they could have, because Lieutenant Cochran was killed and he was well liked. He had gotten along with the company from the very beginning, and it was almost a year and a half then, and very possibly they could have.

Wilson: Now, Lieutenant Cochran was not around the 1st Platoon.

Linkous: He had charge of the one platoon.

Wilson: I am talking about when he was killed.

Linkous: I still think they could have taken it out on somebody else.

Wilson: How did they know about it?

Linkous: It came across the radio.

Wilson: The whole platoon knew about it?

Linkous: Yes.

Wilson: Everybody got mad about that?

Linkous: Definitely. In Hawaii he was the 1st Platoon leader.¹²⁷

The inquiry had not previously received such a clear expression of the idea that Cochran's death had been the trigger for the killings in My Khe 4, a version of events in which the platoon leader was no more than a bystander. When Wilson asked if there was any indication that the men's reaction might have been based upon an order issued by Willingham, Linkous denied this and, having described how, on the following day, the platoon had burned the dwellings they found as they moved southwards, he added: 'I don't think anybody got any instructions at all. I think we went through and somebody started doing it and everybody took it up.'¹²⁸

Although this was not how the assault on My Khe 4 was portrayed by Donald Hooton when he testified the next day, he did imply that Cochran's death had changed the nature of the operation. He asserted that the platoon's original objective had been to destroy a bunker complex in My Khe 4 and that an additional order to destroy the sub-

¹²⁷ Ibid.

¹²⁸ Towards the end of his testimony, Linkous was asked for his opinion of Fernandez. His response was unambiguous:

Wilson: Do you think he is an honest man?

Linkous: I think he is fairly honest, yes, sir.

Wilson: He is the one that described seeing these 15 to 20 women and children -

Linkous: (Interposing) I'd say if he saw them, he saw them, sir.

Ibid.

hamlet had been passed to the point team after the news was received that Cochran had been killed. He went on to describe a firefight which began after the bridge had been crossed and continued while the point team advanced with Milus' assistance, destroying bunkers with explosives as they did so. According to Hooton, it was probably Willingham who eventually called a cease fire and Michles who, during the afternoon, issued an instruction in the afternoon to burn the hootches. Significantly, however, he did not know who had ordered the destruction of My Khe 4 and he was uncertain about the source of the enemy fire.¹²⁹

Hooton, who was warned that he was suspected of the murder of Vietnamese civilians and provided with an Army lawyer, was the only one in the point team to answer any of the inquiry's questions and like the others in the team, he refused to make a statement to a CID investigator. It seems unlikely that Wilson was convinced by Hooton's description of the firefight in My Khe 4, a description which was not supported by the preponderance of the evidence that the inquiry had gathered.¹³⁰ The dubious nature of Hooton's testimony was confirmed in May 1971 when he gave an entirely different account of the operation to Seymour Hersh.¹³¹ What he told the inquiry was limited anyway: either of his own volition or on the advice of a lawyer who seemed increasingly determined to silence his client, he refused to answer questions about what had happened after the initial burst of firing; the way that a bodycount was arrived at; the use of a Vietnamese woman as point; Michles' anxiety about the killing of non-combatants or rumours within the platoon about the unnecessary killing of

¹²⁹ As the point team moved towards the bridge, Hooton testified, Tittle saw a grenade which had been thrown in their direction. It failed to explode and, until the bridge was crossed, the platoon did not receive any fire. He recalled that mortar shells had been fired across the river immediately before the news of Cochran's death reached the platoon. He rejected the suggestion that an RTO had crossed the bridge with the point team. Testimony of Donald R. Hooton to Peers Inquiry, 17 February 1970 at *ibid*.

¹³⁰ Walsh arrived after Hooton had begun his testimony and left before it was over.

¹³¹ Elements of the account which Hooton had given Hersh appeared in 'Coverup-I' and *Cover-Up*.

civilians. Probably the most useful piece of information he provided was his identification of Beverly Larche as the fourth member of the point team.¹³²

Homer Hall and Morris Michener were questioned again in March as the inquiry sought to clarify the movements of the different elements of the platoon in My Khe 4 and to elicit testimony that might confirm Willingham's role in an operation in which at least twenty Vietnamese, most of them women and children, had died. Perhaps there was also a feeling that Hall and Michener had seen more of what had happened than they had admitted and, because each had expressed disquiet about the actions of the platoon, they might be persuaded to add to the accounts which they had given in January. Neither Hall nor Michener, however, were able to resolve the contradictions which had emerged in the statements made by fifty-eight members of Bravo Company. The task of developing a record of the events in My Khe 4 from these statements and some of those which had been made by Vietnamese witnesses fell to Walsh who, in his chapter on Bravo Company's actions in Son My between 16 and 19 March, affirmed that there was 'considerable evidence' of the killing of 'a number of Vietnamese women and children' and that 'testimony and circumstantial evidence strongly suggest(ed) that a large number of non-combatants were killed during the search' of My Khe 4.¹³³ He also admitted that uncertainty remained about some aspects of the operation: when, if at all, the platoon had been fired upon and what had caused some of the men to open fire upon

¹³² Testimony of Donald R. Hooton to Peers Inquiry. Uncertainty about the identity of the men who had been in Willingham's platoon persisted. The day before Wilson had questioned Linkous about the identity of the men in his squad. Testimony of Rodney V. Linkous to Peers Inquiry.

Three more witnesses had appeared in the second half of February: James Sweeney, Bravo Company's senior medic, who testified that he had passed through My Khe 4 on 17 March and that the bunkers had not been destroyed; King Little and Robert Caballero, both of whom had been in 2nd Platoon. Little was interviewed because the inquiry had wrongly concluded that he had been a member of Willingham's platoon on 16 March. Neither Little nor Caballero had any information about My Khe 4. Testimony of James Sweeney to Peers Inquiry, 18 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook18.pdf; Testimony of King D. Little to Peers Inquiry, 24 February 1970 at http://www.loc.gov/rr/frd/Military_Law/pdf/RDAR-Vol-IIBook20.pdf and Testimony of Robert Caballero to Peers Inquiry, 27 February 1970 at *ibid*.

¹³³ Goldstein et al., p. 168. In conversation with the writer, Walsh observed that 'writing wasn't (Wilson's) strong point.'

the sub-hamlet. The broader question of why civilians had been killed in My Khe 4 he left unanswered.

In *The My Lai Inquiry* Peers recalled that others had advised him that he should not include in his report a chapter which he had planned to call 'Why My Lai?' because it was such a complicated question to answer. There was no 'single reason' for what had happened and 'what may have influenced one man to commit atrocities had had no effect on another'.¹³⁴ Because he was determined to provide 'some kind of explanation', Peers decided to identify the 'principal causes' and he listed thirteen 'significant factors' in the report, with the qualification that 'there were (other) facts and circumstances which could be said to have had a major influence upon the event' and an acceptance that the attempt to explain 'why Son My happened' was 'not intended to be exhaustive, nor ... definitive'.¹³⁵ The title of the chapter became 'Significant Factors Which Contributed to the Son My Tragedy' in the final report but, as its original title anticipated, it concentrated upon the relevance of the thirteen factors to the massacre at My Lai 4 and did not develop a separate explanation of the behaviour of Willingham's platoon.

Under the heading 'Plans and Orders', the first of the thirteen factors, Peers declared that 'There is substantial evidence that the events at Son My resulted primarily from the nature of the orders issued on 15 March to the soldiers of (the) task force', that these orders were 'embellished and ... misdirected' and that an understanding was 'conveyed ... to a significant number of soldiers in C Company that only the enemy remained in the operational area and that the enemy was to be destroyed.' The evidence does not encourage the application of such an explanation to the massacre at My Khe 4.

¹³⁴ Peers, p. 229.

¹³⁵ *Ibid.*; Goldstein et al., p. 192.

If Michles' briefing was responsible for what had happened there, why had the inhabitants of My Lai 6 not been killed by Bravo Company's 3rd Platoon? Whilst Medina had gathered the men of Charlie Company together before the operation to stress that there would be no civilians in My Lai 4 and, some testified, to point out that this was an opportunity for revenge, it was clear that Michles had not. Instead, he had briefed his platoon leaders and rather than demonstrating that he had 'embellished and ... misdirected' the orders he had received, the testimony suggested that his men were aware that Michles was firmly against the mistreatment of non-combatants.¹³⁶

Walsh and Wilson had been unable to establish what Willingham had told his men before or during the operation or the extent to which the actions of his platoon in My Khe 4 had been a response to his orders. Most of the testimony indicated that there had been nothing unusual about Willingham's instructions to his squad leaders before the operation. What had happened after the men had landed in Son My was less clear. Some had testified that an order had been received to destroy My Khe 4 but whether Willingham had been the source of such an order and when it had been issued remained a mystery. It was also possible that those who had testified to hearing such an order were trying to shift the responsibility for the killings to their superiors.¹³⁷ More certain was that, by the time they arrived at the outskirts of My Khe 4, at least some of the men in Willingham's platoon were accustomed to ignoring the rules of engagement.¹³⁸

¹³⁶ Goldstein et al., pp. 193-194.

¹³⁷ According to a survey of public opinion in December 1969, a significant number of Americans would have understood if the men had killed Vietnamese civilians because they had been ordered to. The survey found that 'One of the principal justifications' of the killings at My Lai 4 'was the idea that orders must be followed' and that only 27% of the men who were interviewed would have refused such an order. Edward M. Opton, Jr., 'It Never Happened and Besides They Deserved It' printed in Nevitt Sanford and Craig Comstock (eds), *Sanctions for Evil: Sources of Social Destructiveness* (San Francisco: Jossey-Bass, Inc., 1971), pp. 63-64.

¹³⁸ Peers' list of significant factors included a 'Lack of Affirmative Command and Control' and a 'Permissive Attitude'. Under the first heading the general expressed surprise that 'not a single commander under company level' arrived in Son My on 16 March to take control of what had apparently turned into a major action but he did not comment on the possibility that Willingham's men had been allowed to operate without proper restraint. Under the second heading, he referred to a history of criminal activity by members of Charlie Company which had gone unchecked but asserted that 'There was no evidence

Several of them had told the inquiry about how there had been 'reconning by fire' in the sub-hamlet but Hall had gone further in January, indicating that it had become the platoon's habit to 'clear the area' with a machine gun before entering a village. When Fernandez was interviewed by a CID agent in February, he explained that 'As the point team neared the village, they opened fire on the village, just spraying generally in that direction, with no specific targets' and that he did not 'believe that any orders to open fire were ever given, since it was standard practice for the point team to fire on a target as they neared it.'¹³⁹ A more surreal example of the freedom with which the men opened fire was provided during Michener's second appearance before the inquiry as he told Wilson what he and Williams had been doing while they guarded the bridge:

Michener: We were target practicing at the ducks out in the river.

Wilson: Target practicing at ducks?

Michener: Yes.

Wilson: With M-16s?

Michener: Yes ... shooting about 6 inches away from them, making them fly.

Wilson: Was this before or after the firing in the village?

Michener: After.

Wilson: After the majority of this firing in the village stopped, did you hear sporadic, or intermittent firing, or was it all just one big volume, mad minute of fire, and then everything stopped?

Michener: I can't recall whether I did or not.

Wilson: Well, you were probably pretty well occupied with those ducks?

Michener: Possibly, yes, sir. We just fired maybe, oh, four or five rounds apiece.

Wilson: I was just wondering if the boys in the village down there were a little edgy about that firing back there at the river?

...

Michener: No. They knew that we were back there. They probably figured that we were just, you know, reconning by fire or something. Sergeant Rushin did come over and ask us what we were shooting at, and we told him ducks, and he made us stop it.¹⁴⁰

developed to indicate the existence of a permissive attitude among key members of B Company.' Goldstein et al., pp. 203-204.

¹³⁹ Witness Statement of Mario Fernandez, 24 February 1970 in CID Report of Investigation on Donald Hooton, 70-CID011-00049, US Army Crime Records Center.

¹⁴⁰ Testimony of Morris G. Michener to Peers Inquiry, 6 March 1970. Michener's absorption with the ducks suggests that he thought an enemy presence unlikely.

It did not require an order from an officer, therefore, to persuade the men in Willingham's platoon to fire their weapons.¹⁴¹ There was evidence, moreover, that anger or anxiety might have provided them with an additional stimulus on 16 March.¹⁴² Linkous had agreed that the men might have been affected by the news that Cochran, their former platoon leader, had been killed and others had admitted that they had been so nervous about what they would find in Son My that, as Hall told Wilson, 'any type of fire, anything we seen we would have to shoot it or it would get us.'¹⁴³ Re-interviewed in March, Hall testified that a 'footprint' would be enough to convince the men that they were surrounded by the enemy, a comment which suggests that, lacking effective leadership, there were men in the platoon for whom rules of engagement had become an irrelevance.¹⁴⁴ That the men also fed each other's fears about what might be found in Son My was illustrated by an exchange between Wilson and Placek:

¹⁴¹ This would not have been unusual. Greiner has pointed out that American units were given 'unparalleled freedom of action' after the Tet Offensive. Greiner, p. 196.

¹⁴² In his testimony to the inquiry, Jenkins had stressed that revenge had become, for some of the men, a primary objective. He described men who: 'After they was done killing ... usually talked about what they done. They'd sit up at night.' When Wilson doubted that there would have been 'much talk about killing women and children', Jenkins replied, 'Well, among them there was. They'd see all their buddies messed up. They'd just want to take revenge.' Testimony of Jimmie L. Jenkins to Peers Inquiry.

¹⁴³ Testimony of Homer C. Hall to Peers Inquiry, 26 January 1970.

Peers recognised under the heading 'Psychological Buildup' that Cochran's death might have affected Willingham's men but he did not explore the idea in any detail and although, under the separate heading, 'Casualties from Mines and Boobytraps', he referred to the 'considerable effect' of such casualties upon the men of Charlie Company, he did not suggest that the nature of the casualties suffered by Bravo Company on the outskirts of My Lai 1 might have enraged the men of Willingham's platoon. Charlie Company had, however, suffered casualties from mines and booby traps on a number of occasions. Goldstein et al., pp. 205-206; p. 195.

¹⁴⁴ When he was re-interviewed Hall gave a more detailed account of his thinking as he approached My Khe 4:

We never did see the one that threw the grenade. I never did see him. The point man may have. Tittle or somebody saw it, but anyway ...when all this happened, I guess in a way, it kind of gets you uneasy ... The movements that were going on in the village, we just perceived that it was a VC village. There seemed to be different types of tracks. Like I said, when you're over there a while you feel like you develop an ability to read a VC footprint or something like that. They always seemed to wear a type of a tennis shoe or something. It just looked like a VC village to us, I mean entirely ...

Testimony of Homer C. Hall to Peers Inquiry, 3 March 1970.

Greiner has observed that the rules of engagement which the US Army adopted in Vietnam were 'open to interpretation'. He also noted that, in a war in which small units had a major role, it was the

Placek: They said everybody in the area was considered VC.
Wilson: Everybody in the area was VC?
Placek: Right.
Wilson: Now, was this in the briefing or was this general talk?
Placek: This was general talk.¹⁴⁵

Such 'talk' was important. Peers concluded that the attitude of the soldiers in Task Force Barker towards the area of Son My and its inhabitants had contributed in different ways to what had occurred.¹⁴⁶ The report noted that 'The Son My area was populated principally by VC, their sympathizers and supporters, and their respective families' and that the men in the task force thought of the 'area and its population ... as belonging to the enemy.'¹⁴⁷ For at least some of the men, suspicion of the inhabitants of Son My was supplemented by a perception of the Vietnamese people as 'dinks', 'gooks' or 'slopes' who lived a lower order of existence and, paradoxically, any hostility towards the Vietnamese who lived in Son My might have been reinforced by the attitude of a South Vietnamese government which believed the area to be 'long-standing VC-controlled territory' and treated it as a free fire zone.¹⁴⁸ The testimony of the men in Willingham's platoon demonstrates that most of them shared the feeling that the people in My Khe 4 were 'Viet Cong' and that, like others in the task force, they 'had little apparent understanding of the probability that a significant part of Son My's unarmed

commanders of platoons and companies who had to interpret the rules and ensure that their men followed their orders. Greiner, p. 19 and p. 99.

¹⁴⁵ Testimony of James E. Placek to Peers Inquiry. The summary of Placek's testimony does not reflect that his convictions about the area were a consequence of 'general talk'. Jerry Warner was another who appeared to have picked up his ideas about the operation in Son My indirectly:

From what I understand of the mission we were to a - since we were getting in all this heavy enemy traffic in there. We were to clear this out so this wouldn't happen again, you know, so that we wouldn't have this problem.

Testimony of Jerry Warner to Peers Inquiry.

¹⁴⁶ Three of the 'significant factors' were related to the attitudes of the men in the task force towards the area of Son My and its inhabitants: 'Attitudes Towards the Vietnamese'; 'Nature of the Enemy' and 'Attitude of Government of Vietnam [GVN] Officials'. Goldstein et al., pp. 194-195 and pp. 198-199.

¹⁴⁷ Ibid., pp. 198-199.

¹⁴⁸ Ibid., p. 194. Members of Charlie Company who testified to the inquiry were frequently racist in their references to the Vietnamese. The men in Bravo Company were not, a difference which is hard to explain.

Ibid., p. 198.

population were(sic) dominated by the VC'.¹⁴⁹ Some, like Michener and Reid, seem to have shared the view of their company commander that a distinction ought to be drawn between combatants and non-combatants but, as Peers observed, it was not clear that 'the various commanders in TF Barker had detected (the) general feeling of mistrust and ... attempted to prevent it from developing into a dangerous tendency to categorize all Vietnamese, not specifically identified otherwise, as being the "enemy".¹⁵⁰

Whilst Peers complained in his report about the 'failures in leadership' which appeared to 'have had a direct bearing on the events of Son My', his assessment of Michles was generally positive.¹⁵¹ He noted that Michles had a reputation as a 'scrupulous' man and concluded that Bravo's leader was 'a conscientious career officer who enjoyed the respect and esteem of most of his men.'¹⁵² In Charlie Company, according to Peers, the abuse of Vietnamese civilians had not been challenged but 'the evidence indicate(d) that ... Michles neither condoned nor tolerated mistreatment of

¹⁴⁹ Ibid., p. 199. One member of Charlie Company testified that some in his company held the view that 'if we kill the mothers, the women, they will not produce any more VC. And if we kill the kids then they won't become VC'. James H. Raynor cited in Greiner, p. 223.

¹⁵⁰ Goldstein et al., pp. 194-195. With some assistance from Wilson, Fernandez had expressed the opinion that the identification of the people in My Khe 4 as 'VC or VC sympathizers' had led to the killings:

Wilson: Did they say anything, for example, about the people having been warned to leave the area and that anybody left there would be a VC or a VC sympathizer?

Fernandez: Yes, sir, I remember that.

Wilson: One more question. Did you think that some of the men, as a result of the briefing, might have concluded that since there were only VC or VC sympathizers there, that they were supposed to kill anybody that they found there?

Fernandez: I think so.

Testimony of Mario J. Fernandez to the Peers Inquiry.

¹⁵¹ Most of the thirteen 'significant factors' could be explained as failures of leadership. Leadership at platoon and company level was particularly considered under the headings 'Leadership', 'Permissive Attitude' and 'Psychological Buildup'. Ibid., pp. 199-203 and pp. 205-206.

The inadequacy of the training that the men of the task force had received with regard to the provisions of the Geneva convention, the safeguarding of non-combatants and the rules of engagement was dealt with in 'Lack of Emphasis in Training' although, as Peers observed in *The My Lai Inquiry*, 'there were some things a soldier did not have to be told were wrong' like 'shooting babies out of mothers' arms and raping.' Ibid., p. 204-205; Peers, p. 230. The report also noted that the 'Organizational Problems' attending the formation of the task force had resulted in hasty planning of the Son My operation and a lack of supervision at brigade and division level. Goldstein et al., pp. 196-197. Associated with this was a 'Lack of Command Rapport within TF Barker'. Ibid., pp. 197-198.

¹⁵² Ibid., p. 201.

Vietnamese.¹⁵³ Although there was, indeed, convincing testimony to this effect, it was not entirely consistent with the rumour that members of Bravo Company's 1st Platoon had killed non-combatants in previous operations, a rumour which Peers did not mention. If Michles was aware of the platoon's reputation, it might explain the repetition of his message to Willingham that women and children should not be harmed, a message which would have become urgent when he heard heavy gunfire in My Khe 4.¹⁵⁴ Whether he was aware of the rumour or not, it is apparent that there were a number of men in Willingham's platoon who remained unaffected by any attempts which Michles had made to impress upon them the importance of distinguishing between combatants and non-combatants.¹⁵⁵

Of Willingham's responsibility for the killings in My Khe 4, either because he ordered them or because he failed to prevent them, Peers had little to say. Elsewhere in the Peers Report, he described Willingham as 'quiet, intelligent, but basically not motivated towards a career as an Army officer.'¹⁵⁶ His more general observations that there was no 'evidence to suggest that any of the B Company platoon leaders were particularly weak or strong as combat leaders' and that they 'apparently commanded a reasonable degree of respect from their men and had the fortitude to discipline them when required' were not obviously true of Willingham.¹⁵⁷ In command of a platoon in which another set of leaders and loyalties was already well established, the

¹⁵³ Ibid., p. 203.

¹⁵⁴ Alternatively, as Walsh explained, the message 'may have originated with TF Barker, which was issuing similar instructions to C Company about this time.' Ibid., p. 174.

¹⁵⁵ Peers refers to the 'high degree of competitiveness' which apparently existed between Michles and Medina and it is possible that Bravo's commander found it difficult to question the conduct of a platoon which had a record of success. It had been reported that seventy-eight Viet Cong were killed on 13 February when Bravo's 1st Platoon played a leading role in an operation in Son My. Ibid., p. 202.

¹⁵⁶ Ibid., p. 83.

¹⁵⁷ Ibid., p. 202.

inexperienced Willingham apparently found life difficult.¹⁵⁸ According to Braddock, the lieutenant was unprepared for the challenges of leadership and uncomfortable with his men:

Willingham came in and he didn't have any confidence to trust himself. And he stayed away from the 1st Platoon as much as possible ... he posed the image of the type of man that you wouldn't want to go in to combat with. Whether he had 2 years or 2 weeks ... we thought he was sort of a flop.¹⁵⁹

Willingham's decision to delegate the briefing of the men to the squad leaders, a decision which seems to have ensured that a clear set of orders was not given, offers some support for Braddock's assertion that the lieutenant lacked confidence. Furthermore, the men's apparent uncertainty about Willingham's role in My Khe 4 and about his attitude to what happened there suggest that he was not a commanding presence.¹⁶⁰ As Larry Holmes explained to Walsh, Willingham must have made some decisions but to what extent he was in control was hard to judge:

Walsh: In your opinion, that thing that happened the first day, was that just something where the platoon just kind of went out of control, or was that something that they were just following orders from the platoon leader?

Holmes: Well, I don't know if you can say it was out of control or not.

Walsh: Well, was the platoon leader trying to stop the people from firing at the people on the hill, or was he directing them to do it or what?

Holmes: I didn't see nobody wave to me or anybody else, and I was in the back. The guys out front - the lieutenant, he had to give the word calling for the ammo and the TNT. He had to give the word, so he must not have been rejecting it too much.

Walsh: You don't have any impression that he was real angry at everybody after that first day, do you?

Holmes: No, I wouldn't say he was angry with them. Maybe he was, but he didn't show he was angry.¹⁶¹

¹⁵⁸ Having served as a squad leader in the platoon before he became its sergeant, Rushin ought to have been a source of support. His instruction to Michener and Williams apart, however, Rushin's role in the operation seems to have been insignificant.

¹⁵⁹ Testimony of James A. Braddock to Peers Inquiry. In *The My Lai Inquiry* Peers pointed out that the platoon leaders had little experience of combat. Peers, p. 233.

¹⁶⁰ Another indication that discipline was lax can be found in the account of the massacre which Terry Reid gave to Seymour Hersh in May 1971. Reid's account implied that the men were free to wander around as they wished: 'As soon as they started opening up, it hit me that it was insanity ... I walked to the rear ... One of the guys walked back.' Hersh, 'Coverup-I'.

¹⁶¹ Testimony of Larry G. Holmes to Peers Inquiry. Holmes revealed a view of the lieutenant as a leader who might be influenced when he testified that he had asked Willingham if he could 'go up and help a little bit', apparently intending to move towards the beach in search of more victims. Willingham's

Hall had indicated that Willingham was not in complete command of the initial assault in which a lot of 'boys did get carried away' and Milus went 'kind of crazy' but Fernandez felt, like Holmes, that the lieutenant had exercised some control over the next stage of the operation, ordering the men to stop firing in order to search the bunkers and making the call to request a re-supply of explosives.¹⁶² It is possible, therefore, that Willingham was initially overtaken by events and that later he sought to re-assert his authority by organising what, he perhaps sensed, was going to happen anyway: the destruction of My Khe 4.¹⁶³

The testimony of the men in Bravo Company's 1st Platoon is sufficiently contradictory to allow a variety of explanations of their conduct on 16 March but it is highly unlikely that the men were simply following the orders of the company commander. Probably the most 'significant factor', unmentioned by Peers, was the

response - he told Holmes to 'shut up and stay where I was at' - demonstrates that he was trying to maintain discipline.

¹⁶² Testimony of Mario J. Fernandez to Peers Inquiry. When he made his second appearance before the inquiry, Hall depicted Willingham as a more assertive leader. Asked if he believed 'that the point was called out of the village before the machinegun started firing', he answered 'I believe they were' and that 'It may have been the lieutenant' who called them back:

because the point was pretty well forward. I believe I'm correct when I say that they were being called back, because they were getting ahead of the platoon. Lieutenant Willingham was trying to keep the platoon together in kind of a coordinated movement here.

Hall also thought it likely that Willingham had watched the point team destroying the bunkers. Testimony of Homer C. Hall to Peers Inquiry, 2 March 1970. By the time that he was interviewed by CID, eleven days later, Hall was portraying Willingham as the source of the order to open fire upon My Khe 4. Whether the changes in Hall's testimony reflect an improving memory, a greater readiness to tell the truth or an increasing willingness to shift the responsibility for the attack on My Khe 4 to his lieutenant is difficult to decide.

¹⁶³ In Charlie Company, Greiner has speculated, 'Chumminess with the troops meant keeping them happy by giving them a free rein' and it is possible that Willingham was pursuing a similar strategy. It does not appear amongst the explanations of the massacre at My Khe 4 which Greiner offers, however:

The order radioed by the company commander Michles was unambiguous: 'Don't hurt the women and kids!' The order was not obeyed - for reasons which to this day remain a mystery. Some of those taking part claimed that the unit was fired on by snipers ... It is highly improbable that Captain Michles revoked his order; possibly Lieutenant Willingham ignored his superior and countermanded it himself. Mutiny with murderous intent is even a possibility: neither platoon leader Willingham ... nor the sergeant assigned to him had control over their unit.

Greiner, p. 198 and p. 214.

platoon's internal dynamic: some of the men under Willingham's command had become a law unto themselves, determined to exact retribution for Cochran's death and, perhaps, to live up to their reputation as killers.¹⁶⁴ Whether he was a bystander, a participant or a leader who directed the destruction of My Khe 4 and its inhabitants, however, Willingham was responsible for his men if he knew or should have known what they were doing and whilst stronger cases might have been made against Hooton, Taylor or Holmes, the lieutenant had still been in the Army on 10 February and they had not.¹⁶⁵ Despite the inconsistency of the testimony elicited by the inquiry, the Judge Advocate General, the Provost Marshal and the Army General Counsel were persuaded that enough evidence had been gathered to charge Willingham with unpremeditated

¹⁶⁴ Peers noted in his report that 'TF Barker had some men who had been law violators and hoodlums in civilian life and who continued to exercise those traits ... after entering the Army.' In *The My Lai Inquiry* he described these men as 'almost gangsters' and observed that 'In the absence of effective leadership by junior officers and NCOs some of the lower ranking enlisted men probably followed along with these hoodlums.' None of these men are identified in the report but it is possible that he was referring to members of Willingham's platoon. Goldstein et al., p. 194; Peers, p. 231.

Charlie Company's 'Prior Failure to Close with the Enemy' had been a source of frustration which, Peers believed, some of its men had sought to relieve during the assault on My Lai 4. He did not point out the obverse of this, that Bravo Company's 1st Platoon had a reputation, possibly undeserved, for finding and killing the enemy and that it was to maintain this reputation that My Khe 4 was attacked with such violence. Goldstein et al., pp. 195.

It is also interesting that Cochran's death and the other losses suffered by 2nd Platoon during the attempt to enter My Lai had, according to Walsh, 'a demoralizing effect not only upon the remainder of the 2nd Platoon but also upon the members of (Bravo's) 3rd Platoon, Weapons Platoon, and command group'. Rather than 'demoralizing' them, the news of the losses seems to have inspired some of the men in Willingham's platoon to seek revenge. *Ibid.*, p.172.

¹⁶⁵ Prompted by the charges against Medina, the leader of Charlie Company, the nature of an officer's responsibility for the actions of his men was to become the source of much debate in 1971. As Eckhardt explained in 'My Lai: An American Tragedy', the Department of the Army's Field Manual made it clear that:

a military commander may be responsible for war crimes committed by subordinates ... "if he has actual knowledge, or should have knowledge ... that troops ... are about to commit or have committed a war crime and he fails to take ... reasonable steps to insure compliance with the law of war".

This standard of command criminal responsibility was 'legislatively uncodified' in 1970, however, and the judge in the Medina case instructed the jury that the defendant could only be found guilty if it was proved that he had 'actual' knowledge of what was happening in My Lai 4. Belknap, p. 232. Willingham was only in command of twenty-six men but it would have added significantly to the prosecution's difficulties if it had been necessary to prove his 'actual' knowledge of what was happening in My Khe 4. Eckhardt considered the implications of the Medina case in more detail in 'Command Criminal Responsibility: A Plea for a Workable Standard'.

Hooton and Taylor had been warned that they were suspected of murder and Larry Holmes might have been charged with, at least, attempted murder on the strength of Jenkins' testimony. Had he survived the war and remained in the Army, it seems likely that Milus would have been charged although his comrades might have testified rather differently had he still been alive.

murder.¹⁶⁶ Having studied the evidence collected by the Peers Inquiry, Colonel Miller concluded in March that Willingham should also be charged with misprision of a felony and submitting false reports.¹⁶⁷

Walsh and Wilson's investigative effort was not well-received by everyone: 'Later', Walsh has recalled, 'it came to my attention that there were people in the Army that thought (the investigation) was a mistake'.¹⁶⁸ The conclusions of the Peers Report which, Oliver has observed, 'proved profoundly discomfiting to an army leadership which was otherwise endeavouring to present the massacre at My Lai [4] as an event almost entirely inexplicable in terms of its own institutional culture', were harrowing enough but the evidence of a second massacre undermined the defence that Charlie Company had been a rogue unit and was especially disturbing because it suggested that a different sort of atrocity had taken place.¹⁶⁹ The 'full story' of the massacre at My Khe 4 might not have been told but the consequence of the charges against Willingham and the testimony which indicated that women and children had been killed by men in his platoon was a criminal investigation that might bring one or more of those responsible into a court room, an outcome which would have ensured that the actions of Willingham's platoon, like those of Charlie Company, were subjected to detailed analysis.

¹⁶⁶ Peers' observation in *The My Lai Inquiry* that 'it was highly unlikely that (Willingham) would have been prosecuted at all' had the charges not been laid before he left the Army implies a recognition that the evidence collected by Walsh and Wilson was not conclusive.

¹⁶⁷ According to Miller, there was evidence to show that Willingham had knowingly made false reports about the killing of enemy soldiers in My Khe 4 and also that, aware of the presence of women and children amongst the dead, he had lied to Michles about this. If he had deliberately submitted false reports to conceal the crimes of his men, he was guilty of the misprision of a felony. Memorandum: 'Review of Evidence Obtained by the Peers Inquiry, 11 March 1970' in 'Col. H. Miller's Report to TJAG on Offenses', Box 27, Peers Inquiry Administrative and Background Materials Files (Closed Inventory), RAS, RG319, NARA.

¹⁶⁸ Walsh in conversation with the writer.

¹⁶⁹ Oliver, *The My Lai massacre in American history and memory*, p. 72. Hébert's sub-committee was to report in July 1970 that what had happened at My Lai 'was so wrong and so foreign to the normal character and actions of our military forces as to immediately raise a question as to the legal sanity at the time of those men involved.' *Investigation of the My Lai Incident: Report ... Under Authority of H. Res. 105*, p. 53. If this conclusion were to be convincing, it could only be applied to one unit of men.

CHAPTER II: CID INVESTIGATION OF THE MASSACRE AT MY KHE 4

William Eckhardt observed in 'My Lai: An American Tragedy' that 'Passage of time is the enemy of justice.' Willingham was charged with murder nearly two years after he and his men had landed in Son My and those who conducted the criminal investigation of the massacre at My Khe 4 would probably have shared Eckhardt's view that 'reconstructing a battlefield incident some two years after the fact was extremely difficult.' Without a forensic examination of the crime scene, the bodies of the victims or the weapons which might have been used, the CID reports which provided what Eckhart described as the 'factual basis for prosecution' had to be based upon the statements of the men in Willingham's platoon, the evidence of others in Bravo Company and the testimony of survivors of the massacre.¹ A further handicap was that investigators could not insist that civilians subjected themselves to questioning. They cannot have been encouraged either by an awareness that, even if overwhelming evidence of guilt was found, the prosecution of Hooton, Larry Holmes or anyone else who had left the service was unlikely.²

Nevertheless, once Tufts' hand was forced by the charges against Willingham, the CID ground into action. By 13 February the testimony of those members of Bravo Company who had appeared before Walsh and Wilson had persuaded CID that it was necessary to investigate allegations that 'criminal acts were committed' by Willingham, Larry Holmes and Hooton and a statement had been taken by a CID agent from Robert Holmes which contained an assertion that Hooton had spoken of how 'he had killed

¹ Eckhardt, 'My Lai: An American Tragedy'.

² Peers noted in *The My Lai Inquiry* that CID had 'no power to question civilians except on a voluntary basis'. Peers, p. 19.

women and children, cut off a few ears and cut off some fingers during (the) operation' in Son My.³ By 11 February, most of the men who had been in Willingham's platoon had been identified by Walsh and Wilson but, unlike those working under Peers, CID was not able to arrange for witnesses to be brought to the Pentagon and agents had to conduct the majority of interviews in the homes of the witnesses. The logistic problems associated with this were increased by a departure from CID's usual practice of having witnesses interviewed by investigators from the nearest army base.⁴ The questioning of those who might have detailed information about the massacre at My Khe 4 became primarily the responsibility of a single agent, Thomas J. Porter, a strategy intended to ensure that witnesses were confronted with an investigator who had a clear understanding of the evidence which had already been collected.⁵ Porter's efforts were supplemented by the work of those agents who traced others who had served in Bravo Company and took statements from them. According to a 'Talking Paper' sent by Tufts to the Army's Deputy Chief of Staff for Personnel in July 1971, CID's investigation into Bravo Company's activities became a major enterprise: a total of 158 interviews were conducted, ninety-three with men who had served with Bravo Company and thirty-eight with Vietnamese nationals.⁶

³ 'Talking Paper', 13 February 1970. Subject: Son My in CIP 180 XI-1-5: Captain Thomas K. Willingham, RPI, NARA; Robert Holmes, Witness Statement, 11 February 1970.

⁴ Interviewing the witness at home was not always the best arrangement. When Agent Byers interviewed Thomas Trujillo, Jr., for example, he was not able to take a written statement from the former member of Bravo Company's 2nd Platoon, 'due to the presence of dogs and lack of a table on which to place a typewriter.' Byers, Investigator's Activity Report, 8 April 1970 in in Box 8, Folder 36, Papers of *Four Hours in My Lai*, LHCMA, KCL; the difficulties resulting from the practice of having witnesses interviewed by investigators from the nearest army base are noted in Nelson, p. 27.

⁵ That interviews with those who had information about the actions of Willingham's platoon was left to Porter is demonstrated in the record of his activities in early April 1970. Porter wrote in his Report File: 'Discussed lead with (Agent) Buglio. Buglio had made initial contact with Raysor but, since Raysor had information relative to 1st Plt, B/4/3, of which Buglio was uninformed, Buglio had deferred the interview until Raysor could be interviewed by Porter.' CID Report File: Raysor, Thaddeus E. in Box 8, Folder 36, Papers of *Four Hours in My Lai*, LHCMA, KCL.

⁶ Memorandum for Deputy Chief of Staff for Personnel: 'The CID Investigation Concerning the Conduct of B/4/3rd Infantry and A/3/1st Infantry at Son My', 6 July 1971 in Box 7, Folder: Release of Peers Report to the Public, 13 November 1974, RAS, RG 319, NARA. Which of the Vietnamese witnesses constituted the thirty-eight referred to in this memorandum is something of a mystery. According to a list dated 2 April 1970, CID agents had conducted thirty-three interviews with Vietnamese civilians formerly resident at My Hoi. 'Fact Sheet: Son My Investigation', 2 April 1970. The witness statements recording the outcomes of thirty-two of them are in Box 02, Folders 6-8, MLC, TVA, TTU. (There is no record of the

Such activity is in sharp contrast to CID's earlier response to Bay's allegations of a massacre in My Hoi. The requirements of the My Lai 4 investigation were so overwhelming in December 1969 that agents had not even been able to keep track of Bay.⁷ She had remained in hospital until 30 December but when an agent tried to re-interview her in March 1970, he found that the authorities had no idea of where she had gone. 'All efforts', the agent reported, 'failed to disclose the whereabouts of Bay'.⁸ This is not the only sign that agents' attention was elsewhere. The instruction, issued on 20 December, that they should take 'separate statements whenever individuals have information about events at My Lai [4] and Co Lay [2]', was not always adhered to, as the statement made by Tran Dau on 2 January 1970 to Agent Arvil J. Kirk, Jr. illustrates.⁹ More significant, is Feher's inability, twenty years later, to remember 'having pointed the way to a second massacre' by taking Bay's testimony.¹⁰ Although he recalled 'vaguely that it was mentioned by some of the survivors during the interviews', Feher's memory of such talk was that it was no more than 'a rumor'.¹¹ Whilst the passage of time might have blunted Feher's memory, it is hard to imagine that he would have forgotten the impact of Bay's testimony had he known about it in any detail.¹² Feher's ignorance of the steps which the Peers Inquiry took so rapidly, it seems, was a consequence of his absorption with the My Lai 4 investigation and, perhaps, of the inquiry's failure to keep CID apprised of the progress it was making in its investigation of the massacre at My Khe 4.¹³ According to

interview with Tran Thi Mien.) At least eight other Vietnamese witnesses told CID investigators of hearing rumours of a massacre in My Hoi or Co Luy, however, and the list of thirty-three names does not include the women interviewed by Feher in December 1969: Bay, Nguyen Thi Hong or Nguyen Thi Hien.

⁷ The agency's response to the allegations in Kamm's story might be further evidence of this.

⁸ Investigator's Statement by Arvil J. Kirk, Jr., 16 March 1970 in Box 02, Folder 08, MLC, TVA, TTU.

⁹ Witness Statement of Tran Dau. This contained information about the massacres in My Lai 4 and My Hoi.

¹⁰ Feher's undated letter to Michael Bilton.

¹¹ Ibid.

¹² As Feher's thirty page letter to Bilton demonstrates, he was able to recall aspects of his contribution to the investigation of the massacre at My Lai 4 in some detail. Ibid.

¹³ Feher's ignorance extended to a feeling that the second massacre was not 'ever thorough(sic) investigated', a surprising notion in the light of the CID's subsequent investigation of the massacre at My Khe 4. This is another reminder of the extent to which the massacre at My Lai 4 could monopolise the

Tufts, the CID maintained 'a cooperative stance with the ... Peers Inquiry' but, as the process by which the inquiry heard about Bay's allegations suggests, the relationship was not always a close one.¹⁴

That there had been a massacre at My Hoi had been repeatedly asserted by the Vietnamese. The allegations in the Census Grievance Report, the complaint which Tan had conveyed and the accounts of the operation which had been disseminated in NLF 'propaganda' had been corroborated by the statements which Feher had taken. On 18 January 1970 a CID agent had spoken to six Vietnamese from Co Luy who, like Tran Dau and Nguyen The, had heard rumours that people had been killed there.¹⁵ After Tufts had made the investigation of the massacre at My Khe 4 a priority, however, CID

attention. Ibid. Peers might have based his conviction that Feher 'strongly suspected that more had taken place in the Bravo Company area than had thus far been brought to light' on his reading of Feher's summary of Bay's testimony.

¹⁴ 'The CID Investigation of the Son My Incidents', 31 December 1970. On 17 December 1969 Tufts had initiated two memoranda: one agreed to provide the Peers Inquiry with copies of CID Fact Sheets and Talking Papers and the other clarified the channel of communication between the CID and the staff group established by the Army to monitor the progress of the Son My investigations. It is possible, therefore, that there had been criticism that the CID was not sufficiently forthcoming. Memorandum for Record, Subject: Compliance with and Intent of C/S Referral Slip #48692 - Daily Situation Report, 17 December 1969 and Memorandum for Record, Subject: Fact Sheet and Talking Paper Distribution, 17 December 1969 in Folder 2, Box 2, HTA, LC, UMSCL, AA. There are some signs of co-operation. The Daily Journal of the CID's task force in Vietnam recorded on 6 January that Peers had 'furnished copies of proposed questions for Co Lay [2] inhabitants if interviewed'. Daily Journal of the CID Task Force in Vietnam, 6 January 1970.

Even if the Peers Inquiry did not share what Walsh had learned about the location of My Hoi and the distinction between Co Lay and Co Luy, it is remarkable that it took at least some members of CID so long to grasp the geography of the area. In February, Kamm's article was still being treated with scepticism because 'There is no Coluy west of My Lai [4] and Co. B, 4th Bn, 3d Inf operated east of My Lai [4] near the hamlets of My Khe [4] of Co Lay.' 'Reid Allegation (Co Lay/Co Luy)', 12 February 1970 in War Crimes Allegations - 9; Reid Allegation (Co Lay/Co Luy).

¹⁵ Witness Statement by Juel M. Moses. Rather than recording the statements of the six witnesses separately, Moses produced one statement which indicated that Pham An, Vo Binh, Duong Thi My, Ngo Bac, Le Thi Thong and Nguyen That were former residents of Co Luy who 'had heard rumours that some of the people living in the area were killed' and that they had no other information. When he was interviewed again on 10 March by Coy Wells, however, Ngo Bac stated that he had lived in My Hoi and that, having spent the day fishing, he had returned to find that the sub-hamlet had been burned and that five members of his family had been killed by grenades as they hid in a bunker. Witness Statement of Ngo Bac, 12 March 1970 in Box 02, Folder 07, MLC, TVA, TTU. (As the testimony of the Vietnamese was interpreted by an American soldier, notes were taken by the CID agent conducting the interview. Later, a witness statement was prepared by the agent. Thus, the date of the interview was often earlier than the date of the statement.)

Bac's failure to volunteer this information in January might have been because he was not questioned with sufficient care and Moses' decision to produce a single statement to record the testimony of six witnesses might reflect CID's lack of interest. CID was still concentrating its efforts on the investigation of the killings at My Lai 4 in January. There are other possibilities: in January Bac might have been scared to talk about what had happened in My Hoi or in March he might have fabricated his testimony.

turned its attention to finding Vietnamese who had lived in My Hoi and during a period of five days in March, CID investigators Arvil Kirk and Coy Wells took statements from thirty-three Vietnamese who had information about the attack there.¹⁶ As a CID Fact Sheet noted in April 1970, 'Most of the persons interviewed alleged relatives had been killed by American soldiers (and) a majority stated their relatives had been killed in their family bunkers.'¹⁷

Nine of those interviewed by Kirk and Wells testified that they had been in My Hoi when it was attacked. Seven of the survivors were female, most of the males having been at their work as fishermen on the morning of 16 March 1968, and their testimony, which was consistent, was corroborated by seventeen witnesses who, absent during the massacre, saw some of the victims and the devastated sub-hamlet later. A seventy-two year old survivor called Le Thi Hien. for example, told Wells that she had hidden in a bunker with three children near the beach when she saw American soldiers crossing the bridge towards My Hoi.¹⁸ She had watched the soldiers burning the houses and, after they left, she had seen over twenty corpses. Amongst the dead were her daughter-in-law and four grand-children and she explained that they had been killed in a bunker by a grenade and by rifle fire. According to Hien and seven other witnesses, ninety-seven bodies were counted in My Hoi.¹⁹ Similar testimony was given by Nguyen Thi Roi, a forty-year old woman who had seen many bodies in My Hoi after the assault. Roi had

¹⁶ It is possible that CID was prodded into action by NBC which, on 18 February, had broadcast a news item about the massacre at My Khe 4 which featured interviews with survivors. NBC's story is considered in Chapter IV.

¹⁷ 'Fact Sheet: Son My Investigation', 2 April 1970. The summary relates to allegations of killings in My Hoi, Binh Dong and Binh Tay.

¹⁸ Witness Statement of Le Thi Hien, 15 March 1970 in Box 02, Folder 07, MLC, TVA, TTU. The word 'bunker' appeared frequently in the translation of the statements by the Vietnamese and the testimony of the men in Willingham's platoon. Whilst the women and children at My Hoi seem to have perceived a 'bunker' as a place to shelter, it is clear that American soldiers thought, with some justification, that a 'bunker' was somewhere that an attacker might hide.

¹⁹ Amongst those who agreed that a count of ninety-seven had been made were Nguyen Thi Roi, Pham Thi Chut and Nguyen Thi Huu. Their witness statements, all dated 15 March 1970, are in *ibid*. Pham Thi Mai testified to an estimate of ninety-eight and Do Thi Sanh thought that she had seen between seventy-five and one hundred bodies scattered around in My Hoi. Witness Statement of Pham Thi Mai, 15 March 1970 in *ibid*; Witness Statement of Do Thi Sanh, 16 March 1970 in Box 02, Folder 08, MLC, TVA, TTU.

hidden in the brush when she saw about twelve soldiers crossing the bridge and watched as soldiers threw grenades into the bunkers, sometimes dragging the wounded out to execute them.²⁰ Another survivor, forty-eight year old Nguyen Thi Huu, described how several who tried to leave the bunkers were shot and grenades were thrown into the bunkers to kill those who remained inside. She also testified that 'the story was all over the village' that Bay, who Huu knew as Nguyen Thi Ty, had been 'raped by Negro soldiers.'²¹ This was verified by three witnesses, amongst them Bay's mother, who told Wells that they had heard about the rape.²² Two of the survivors, sixteen year old Le Thi Hot and thirteen year old Nguyen Thi Tiec, told Jackson that they had been wounded when grenades were thrown into the bunkers where they had sought refuge and both exhibited scars.²³

Several witnesses offered an accurate estimate of the number of soldiers in the unit which had carried out the attack and eleven of those interviewed by Kirk either stated that there had been no Viet Cong in My Hoi or that they did not know anything about them.²⁴ Only Pham Hang and Pham Thi Mai, who was interviewed by Wells, acknowledged that Viet Cong cadre had been in the sub-hamlet. Hang thought that there had been two cadre who had left three days before the beginning of the operation in Son

²⁰ Witness Statement of Nguyen Thi Roi.

²¹ Witness Statement of Nguyen Thi Huu. A photograph of Bay, taken during the operation in Son My, was identified by Nguyen Thi Chi who explained that Bay, which means seven in Vietnamese, was a nickname given to Nguyen Thi Ty because she was her parents' seventh child. Witness Statement of Nguyen Thi Chi, 15 March 1970 in Box 02, Folder 07, MLC, TVA, TTU.

²² Bay's mother, Pham Thi Mong, confirmed that Bay was her daughter's nickname. Although she had not been in My Hoi on the day of the massacre and had never returned there, she had heard that Bay had been raped. Neither Mong nor any of the other witnesses had seen Bay since 16 March 1968. Witness statement of Pham Thi Mong, 15 March 1970 in *ibid*.

²³ Witness Statements of Le Thi Hot and Nguyen Thi Tiec, 15 March 1970 in *ibid*.

²⁴ Nguyen Thi Cuong testified that she had watched between twenty and thirty soldiers cross the bridge, Nguyen Lung claimed that he had seen, from his fishing boat, thirty soldiers making the crossing and Nguyen Thi Chanh had heard that about thirty American soldiers had come to My Hoi. Witness Statement of Nguyen Thi Cuong, 15 March 1970 in *ibid*; Witness Statements of Nguyen Lung and Nguyen Thi Chanh, 16 March 1970 in Box 02, Folder 08, MLC, TVA, TTU. Lung's testimony evoked Kirk's scepticism. He noted that Lung was almost blind but admitted that the witness' eyesight might have deteriorated since March 1968.

My and Wells recorded a statement by Mai that 'A Viet Cong cadre had been operating in the area and had killed several persons.'²⁵ The testimony of the former residents of My Hoi, therefore, confirmed much of what had been said by some of those in Willingham's platoon: there had not been a battle with the Viet Cong; the dead were mainly women and children; grenades had been used to destroy the bunkers; those who tried to escape had been shot and the sub-hamlet had been destroyed.²⁶ The testimony also offered an explanation of the soldiers' claims that they had not seen many bodies in My Hoi. It was because many of the victims had died in the bunkers.

Like the Peers Inquiry, CID concluded that there had been a second massacre in Son My although it was more conservative in estimating its extent, reporting that 'approximately 20 noncombatants were killed by members of the 1st Platoon at ... My Khe 4'.²⁷ The difference between the two estimates reflected different attitudes towards the testimony of the Vietnamese. Walsh did not dismiss the Vietnamese testimony indicating that approximately ninety non-combatants had been killed at My Khe 4 but the CID's conclusion was based upon the testimony of members of Willingham's platoon, one of whom had spoken of seeing up to twenty bodies in My Khe 4.²⁸ Tufts had sent a memorandum to the Provost Marshal General on 17 February 1970 in which

²⁵ Witness Statement of Pham Hang, 16 March 1970 in Box 02, Folder 08, MLC, TVA, TTU; Witness Statement of Pham Thi Mai. It seems likely that Kirk routinely questioned those he interviewed about the presence of the Viet Cong in My Hoi and that Wells did not. The only reference to the Viet Cong in the statements which were recorded by Wells was made by Pham Thi Mai who might have volunteered the information that she had.

²⁶ My Hoi was apparently perceived by most of the men in Willingham's platoon as smaller than is suggested by the testimony of the Vietnamese, some of whom estimated that it had 200 inhabitants. Witness Statement of Pham Thi Mai and Witness Statement of Le Tich, 15 March 1970 in Box 02, Folder 07, MLC, TVA, TTU. This is not a significant inconsistency because, as their testimony to the Peers Inquiry indicated, most of the Americans saw only parts of the sub-hamlet.

It might be argued that there was another discrepancy. Most of the Vietnamese witnesses described the destruction of the bunkers but not the initial volley of rifle and machine gun fire. As those who were in the open and able to see what was happening were probably killed, however, it is unsurprising that there were only occasional references to the firing which occurred before the destruction of the bunkers began. Amongst those who did make such a reference were Bay and Pham Thi Mai. Witness Statement of Nguyen Thi Bay, 17 December 1969; Witness Statement of Pham Thi Mai.

²⁷ Memorandum for Deputy Chief of Staff for Personnel: 'The CID Investigation Concerning the Conduct of B/4/3rd Infantry and A/3/1st Infantry at Son My', 6 July 1971.

²⁸ Bay had told Feher that ninety civilians had been killed at My Hoi and Mario Fernandez had testified that he had seen 'About 15 or 20 people killed' there.

he warned that Vietnamese testimony about the massacre at My Lai 4 might have been 'exaggerated or fabricated ... possibly for personal gain, sympathy, or political purposes' and he pointed out that intelligence sources had 'classified some of the interviewees as Viet Cong, Viet Cong sympathizers, and civil defendants.'²⁹ He and his investigators seem to have harboured similar suspicions about the Vietnamese who provided information about the events at My Hoi, perhaps interpreting the consistency of their stories as evidence of a conspiracy.³⁰

Feher, who took statements from many who said that they were survivors of the massacre at My Lai 4, was another sceptic. He pointed out to Bilton that the witnesses were paid to make the journey to Quang Ngai and that 'They all had the same story.'³¹ Neither Feher nor others who doubted the evidence of the Vietnamese have explained why the similarity of the witnesses' stories should be interpreted as evidence of conspiracy rather than evidence that the witnesses were telling the truth but it should be noted that those who made statements about the events in My Hoi did not tell exactly the same story. With the exception of the four women who told Wells that they had known Bay, one of whom was Bay's mother, the witnesses who identified the victims of the attack named entirely different people, never corroborating another's statement that a particular individual had been killed.³² This is less surprising than it may appear and, indeed, it suggests the veracity of the testimony. Thomas McGreevy, CID's Chief Investigator in Vietnam between December 1969 and March 1970, produced a statement on his return to America at the beginning of April 1970 in which he explained that:

²⁹ Col. Henry H. Tufts, 'Memorandum: Census of Civilian Casualties - My Lai 4', 17 February 1970 in Box 8, Folder 63, Papers of *Four Hours in My Lai*, LHCMA, KCL.

³⁰ General Abrams, Westmoreland's successor as the Army's Chief of Staff in 1972, was similarly suspicious. According to Walsh, Abrams 'made no secret of the fact that he thought the whole investigation (by Peers) was a terrible mistake' and that 'too much credit had been given to testimony by the Viet Cong people.' Walsh in conversation with the writer.

³¹ Feher's undated letter to Michael Bilton.

³² This was also a feature of the testimony offered by survivors of the massacre at My Lai 4.

The inability of many Vietnamese interviewees from Son My to identify other residents of their own sub-hamlets or to evidence any familiarity with sectors of their sub-hamlets more than 50-60 meters from their own homes was difficult to understand until repeated experience ... provided convincing evidence that the degree of family insularity was of such a nature as to make it unusual for the interviewees to provide reliable data except in respect to their own families and near-by neighbours.³³

American investigators did not find it easy to interview the inhabitants of Son My. As McGreevy observed: 'the people speak the Vietnamese language, but a corrupted version, that is comprehensible by other Son My residents, but was very difficult for the interpreters of the CID team to understand' and 'The investigators and interpreters were sometimes uncertain as to whether the Vietnamese ... clearly understood the difference between statements of fact based on personal knowledge and statements of fact based on what the interviewees had heard from other persons.'³⁴ Nevertheless, the stories which the investigators were able to elicit, with the aid of the interpreters, from those who had lived in My Hoi matched the testimony of those like Fernandez, Jenkins, Hall, Holmes and Michener who had acknowledged that civilians had been killed by Willingham's platoon.

CID's reluctance to accept what had been said by Vietnamese witnesses about the extent of the killing at My Hoi was not crucial to the outcome of its investigations because none of them were able to identify the killers or to establish Willingham's role in what had happened. Nearly two years had passed and the survivors, some of whom were still children, had been terrified by an assault on their homes which had driven most of them into hiding. Bay, who had given the most detailed account of the massacre before she disappeared, had offered only a very general description of the men who had

³³ Investigator's Statement by Thomas J. McGreevy, 3 April 1970 in Box 8, Folder 55, Papers of *Four Hours in My Lai*, LHCMA, KCL.

³⁴ *Ibid.*

captured and assaulted her.³⁵ Recognition that the testimony of the Vietnamese was not going to assist the prosecutors is to be found in the CID's Report of Investigation on Hooton. It was recorded that agents had interviewed 'About 38 Vietnamese Nationals, reportedly knowledgeable of the My Khe [4] incident', during the investigation but that this 'extensive ... activity' had 'disclosed nothing of value.'³⁶ What had been underlined, however, was the nature of the operation which had been conducted in My Hoi. There might be disagreement about the number of victims but it was clear that Willingham's men had fired upon the sub-hamlet and that grenades had been thrown into the bunkers in which women and children were sheltering. Whether it could be proved that Willingham had ordered the killing or that, in the absence of the enemy, he was aware that elements of his platoon were murdering unresisting civilians depended upon the testimony of his men.

Like Walsh and Wilson, CID found that some of the men in Bravo Company's 1st Platoon refused to talk about what had happened at My Khe 4. Neither Willingham nor anyone in the point team was prepared to make a statement. David Millsaps and Leo Strachan, Jr., neither of whom had appeared before the inquiry, were interviewed but their testimony was not decisive. Millsaps stated that he had seen a few bodies in the sub-hamlet and agreed that bunkers had been blown up and houses burned. Strachan, who was interviewed twice, agreed that there had been some bodies, four or five of

³⁵ If Bay or any of the other survivors had been able to make such an identification and a trial had ensued, prosecutors would have faced the prospect of trying to secure the conviction of an American veteran with evidence offered, in translation, by a Vietnamese who would probably be depicted by the defence as a member of the NLF.

³⁶ CID Report of Investigation on Donald Hooton, 70-CID011-00049, HTA, LC, UMSCL, AA. The statements made by Vietnamese to CID agents on 14 March 1970 had demonstrated the nature of the assault conducted by Willingham's platoon. Even if these statements had been available for inclusion in the report, however, it seems unlikely that Peers would have used them. In the preface to Volume IV Peers explained that whilst 'the Vietnamese testimony was of some value to this investigation, the inclusion of their statements in this report was not considered essential.' *Peers Inquiry of the Massacre at My Lai*, Vol. IV: CID Statements, p. i. The testimony of some of the Vietnamese witnesses to the Peers Inquiry was included in the Peers Report and Walsh referred in some detail to Bay's testimony in the chapter about My Khe 4 in Volume I.

them, near the bunkers in My Hoi and that the bunkers had been destroyed. He added that Willingham had ordered the point squad to destroy a bunker from which a man 'kept popping up'. They both maintained that they had not seen any indiscriminate killing.³⁷ Others, like Cardines and Rushin, continued to declare that they could not remember much about the operation. With one exception the statements of those who appeared willing to co-operate remained contradictory, the effect of the 'passage of time' upon their memories or a desire to keep themselves or someone else out of trouble leading to crucial gaps in their testimony.³⁸ Eckhardt, who supervised the prosecution of those charged with offences at Son My, commented fourteen years later that:

I spent tens of thousands of dollars trying to trace down everything that we could trace (about the massacre at My Khe 4). I looked at all the information that came out of that particular thing. The investigators went after every particular source we knew that would talk about it.³⁹

These efforts led only to CID's conclusion on 23 April 1970 that Donald Hooton had murdered a child at My Khe 4, a conclusion which, because Hooton was a civilian, ended the matter.

The critical evidence against Hooton was provided by Mario Fernandez who, during a second interview with Porter, acknowledged that he had 'witnessed Hooton shoot and kill an unidentified Vietnamese boy at My Khe [4] on 16 Mar 68 ... with either a .45 caliber pistol or M-16 rifle', an eye-witness account which was supported by the hearsay testimony of Robert Holmes, Amos Williams and Larry Holmes who also stated that Hooton had been armed with a .45 calibre pistol in My Khe 4.⁴⁰ On 21 April, the day after CID discussed the evidence against Hooton with a representative of the

³⁷ Summary of testimony by David Millsaps and Leo Strachan, Jr. in CID Report of Investigation on Thomas Willingham, 70-CID011-00039, HTA, LC, UMSCL, AA.

³⁸ The men in Bravo Company's other units could contribute only hearsay or context. Statements about Milus, the point team and the rumours which had circulated after the attack on My Khe 4 had helped Walsh and Wilson to understand what had happened there but such statements were not going to secure a conviction in a court room.

³⁹ Anderson, p. 58.

⁴⁰ CID Report of Investigation on Donald Hooton, 70-CID011-00049, HTA, LC, UMSCL, AA. Fernandez was interviewed by Porter on 24 February 1970 and 8 April 1970.

Judge Advocate General, the case against Larry Holmes was 'administratively closed' because of 'insufficient evidence', a coincidence which suggests that there had also been some discussion of the evidence against Holmes.⁴¹ It is possible that Holmes' status as a civilian played some part in the discussion. Despite CID's conclusion that Hooton had committed a murder, he would not be charged because he was a civilian and it might have been suggested that there was little point in pursuing an investigation against Holmes which, irrespective of CID's conclusion, would not result in criminal proceedings. Holmes had admitted shooting a woman and Jenkins had testified to the Peers Inquiry that Holmes and two other men had shot at a woman and two children while they were defecating but Jenkins' allegation was denied by Holmes and no one had testified that Holmes' actions had resulted in murder.⁴² The evidence against him was considered inconclusive and the case against Holmes became one of those listed under the heading 'Unfounded/Failed to Prove or Disprove' in CID documentation.⁴³

The charges against Willingham which had triggered the CID investigation were dismissed by General Connor on 9 June for lack of sufficient evidence, a decision which Peers found 'difficult to understand' and others have found suspicious. In *War Without Fronts* Greiner has maintained that there are grounds for suspecting that 'the investigations into My Khe [4] fell victim to a concerted intervention by the military leadership and the White House', supporting a notion originally floated by Hersh in his articles in *The New Yorker* in January 1972 by pointing out 'the speed with which ... Connor hastened to exonerate Thomas Willingham' and adding that 'While no evidence in his favour had been produced in the interim, all charges against him were lifted (in

⁴¹ Ibid.

⁴² Witness Statement of Larry Holmes, 6 March 1970 in *ibid*.

⁴³ 'Weekly Son My Talking Paper', 19 June 1970 in Folder 2AA, Box 2, HTA, LC, UMSCL, AA.

June 1970.⁴⁴ Whilst the refusal of the Nixon administration to support military lawyers who sought to recover jurisdiction over ex-servicemen prevented action against Hooton and might have discouraged further investigation of the complaint against Larry Holmes, it was the testimony of the men in his platoon, rather than external pressure, which led to the dropping of the charges against Willingham.⁴⁵ CID had indicated at the beginning of April that it was unlikely to find evidence of Willingham's guilt and Connor's decision was in line with CID's eventual conclusion that it had been unable:

to prove or disprove that ... Willingham, allegedly with no apparent provocation, ordered (his men) to indiscriminately fire their weapons on the village of My Hoi killing an undetermined number of Vietnamese noncombatants (and) that ... Willingham ordered members of his command to destroy approximately 8-10 bunkers with grenades and demolitions, resulting in the deaths of an undetermined number of unidentified Vietnamese noncombatants.⁴⁶

Greiner's acceptance that Army investigators 'could not ... rely on either forensic evidence, ballistics expertise or clues left behind at the scene of the crime' and his identification of the unhelpfulness of witnesses who 'either maintained that they could no longer remember anything, gave monosyllabic answers which could only be taken to mean that they were not going to provide any information (or) refused to make statements out of consideration for their comrades' reveals an awareness of the

⁴⁴ Greiner, pp. 321-322. Elsewhere Greiner maintains that 'instances of manipulation of the criminal justice process were by no means limited to My Khe [4]'. Ibid., p. 324. Greiner is wrong to attribute the decision to drop the charges against Willingham to General Seaman and General Connor. His statement that the charges against Willingham were dropped on 8 June is also mistaken.

According to Greiner, by 17 March 1970 'the charges made against (Willingham) had by no means been cleared up – quite the reverse' and he adduces the memorandum, dated 11 March 1970, in which Miller reported to the Judge Advocate General the results of his review of the evidence obtained by the Peers Inquiry as proof of this. Although Miller recommended that Willingham face additional charges relating to his failure to report crimes committed by his men, he merely commented that 'The alleged murder of noncombatants in My Khe [4] is already adequately charged.' Ibid., p. 320; Memorandum: 'Review of Evidence Obtained by the Peers Inquiry, 11 March 1970'.

⁴⁵ Asked by the writer if, as the chief prosecutor of the Son My cases, he was aware of an attempt by his superiors to influence the outcome of any of the investigations arising out of the operation in Son My, Eckhardt replied: 'No one ever pressured me.'

⁴⁶ On 6 April 1970 CID reported to the Army's Staff Monitor Section that the case against Willingham had an estimated conclusion of 'Unfounded'. Rather than hastening to exonerate Willingham, Connor waited until CID had interviewed the eighteen men in his platoon from whom statements, sometimes more than one, were obtained.

difficulties confronting those who were trying to build a case against Willingham. He also recognised that 'even comparatively fruitful examinations ... failed to do justice to legal requirements ... because statements contradicted each other.' As the administrative review of the lieutenant's conduct in My Khe 4 reveals, it was this feature of the testimony provided by the men in Willingham's platoon which afforded their leader a defence, not only against the original charges of murder but also against the subsequent charges that he had lied about the outcome of the operation and failed to report the crimes committed by his men.⁴⁷

The administrative review of Willingham's case was one of thirteen carried out in 1971 by the Office of the Judge Advocate General at Westmoreland's request. Intended to determine whether those cleared of offences arising out of the operation in Son My had, nevertheless, fallen short of the desired professional standards, the reviews recommended whether or not administrative action should be taken against those who were either in the Army or in the Army Reserve. In arriving at the conclusion that administrative action against Willingham, who was an officer in the Reserves, could not be justified, Lieutenant Colonel Matthew B. O'Donnell considered the evidence relating to each of the charges which Willingham had faced and noted its weaknesses.⁴⁸

O'Donnell began his discussion of the charges by observing that 'Investigation of the incident at My Khe [4] was hampered by the fact that apparently only ten men directly participated in the search and destruction of the subhamlet' and that the eight

⁴⁷ Greiner, pp. 298-299. Greiner's claim that 'no evidence in (Willingham's) favour had been produced in the interim' ignores the testimony of those like Lias who stated that the men had come under fire at My Khe 4. Lias' statement on 19 February that 'just another routine mission' had taken place in My Khe 4 was interpreted by the Army Staff Monitor Section as an indication 'that there may not have been indiscriminate killings' by Willingham's platoon. Son My Army Staff Monitor Summary, 5 March 1970 in Box 1, My Lai: Army Staff Monitor Summaries, Feb. - May 1970, RAS, RG319, NARA.

⁴⁸ It is possible that O'Donnell's argument was informed by a document, probably written in late 1970, in which Colonel Eckhardt, the chief prosecutor, explained the decision to drop the charges against Willingham. Eckhardt has attempted, without success, to find a copy of this document on the writer's behalf.

who had survived 'either refused to testify or disclaimed any recollection.'⁴⁹ It was the inconsistency of the testimony made by those who claimed that they were able to recall what had happened in My Khe 4 which made it impossible to sustain the charges against Willingham, however. The lieutenant would have been guilty of murder if he had 'ordered an act inherently dangerous with wanton disregard for human life' but, as O'Donnell noted, there was 'little evidence that Willingham in fact ordered the firing' because, whilst those witnesses who alleged that Willingham had given the order did so 'on the basis of surmise', other witnesses thought that Milus or Lias had initiated the firing.⁵⁰ He might also have been found guilty of murder if the evidence showed that he had failed to control his men but, although this was a conclusion to which much of the testimony pointed, others had stated that the platoon had 'received fire from the village and opened up in response'.⁵¹ This testimony complicated the task of proving that Willingham had failed to report felonies committed by his men because, although there was 'evidence of isolated crimes and a suspicion of large-scale killing', there was also the possibility that there had been an enemy presence which justified an aggressive response. In such a context, the lieutenant might have been unaware that crimes had been committed.⁵² Even more difficult to prove was the nature of the reports which Willingham had made to Michles. The testimony of the RTOs about the communications between Willingham and Michles was imprecise and, in the absence of any evidence from Michles, it could not be established that Willingham had denied the killing of any women and children by his platoon or exactly how he had reported the

⁴⁹ 'Administrative Review of Son My Cases: JAG 1969/8751', 26 April 1971. The review does not identify the eight survivors. The four members of the point team were those who had refused to testify to a CID agent, however.

⁵⁰ Ibid. It had not been alleged that Willingham had personally killed anyone at My Khe 4. Fernandez and Larry Holmes had suggested that Willingham had supervised the destruction of the bunkers but prosecutors would have found it hard to prove that Willingham knew that there were non-combatants inside them even if they had used the testimony of the Vietnamese who survived the attack.

⁵¹ Ibid.

⁵² In the light of the judge's instructions to the jury in the Medina case, it is likely that, had Willingham been court-martialled, the prosecutors would have had to prove that he had actual knowledge of what his men were doing.

platoon's successes. Although Fernandez had testified to Willingham's awareness that most of the dead had been women and children, it could be argued that 'Viet Cong combatants could include women, and possibly children'.⁵³

Greiner has complained that 'One searches the files in vain for any balanced analysis of the findings ... put forward by the Peers Commission' and cited the approach to be found in Willingham's administrative review as evidence that the Army was determined to find a way to exculpate Willingham.⁵⁴ O'Donnell, whose argument was based on the criminal investigation conducted by CID rather than Walsh and Wilson's work, was not seeking to provide a 'balanced analysis' of what had been discovered about the operation in My Khe 4, however. He was required to explain in purely legal terms why the charges against Willingham were not supported by the evidence and, elsewhere in *War Without Fronts*, Greiner seems to accept that there was no need for the Army's leaders to intervene in the Willingham case because the 'refusal ... to give evidence' of some of the men in Willingham's platoon ensured that the Army had 'nothing to fear'.⁵⁵

To reject the notion that the investigation into what had occurred at My Khe 4 was deliberately subverted is not to claim that Army leaders were unhappy with the outcome of the Willingham case.⁵⁶ Although there was some disagreement about its

⁵³ Ibid.

⁵⁴ Greiner, p. 316; p. 321. Greiner and many others have erred in referring to the Peers Inquiry as the work of a commission. Peers was 'solely responsible' as he pointed out in *The My Lai Inquiry*. Peers, p. 14.

⁵⁵ Greiner, p. 322. Greiner's protest that 'As long as people were prepared to accept this refusal to give evidence and to forgo the examination of further South Vietnamese witnesses (the Army had) nothing to fear' suggests that he was unaware of the efforts made by Walsh and CID to trace Vietnamese survivors of the massacre at My Khe 4. He also seems to have been unappreciative of how difficult it was to obtain evidence from the Vietnamese which would be useful to prosecutors.

⁵⁶ Documents reporting testimony which denied that crimes had been committed at My Khe 4 reveal the enthusiasm with which some in the Army conveyed such information. Lias' testimony that 'just another routine mission' had taken place in My Khe 4 was described as a 'highlight' in the Son My Army Staff Monitor Summary dated 5 March 1970 and on 11 April 1970 a memorandum to the Deputy Secretary of the General Staff from the Office of the Provost Marshal General contained the reassuring but erroneous

extent, the Peers Inquiry, CID and the Vietnamese agreed that there had been a massacre at My Khe 4 and a trial would have revealed not only that there had been a second massacre but that the killings carried out by members of Willingham's platoon could not be explained in the same way as the killings at My Lai 4.⁵⁷ Many Americans had persuaded themselves that the soldiers at My Lai 4 had behaved as they did because they were following orders but at My Khe 4 the killing might have begun despite the orders of the company commander. Worse, perhaps, was the suggestion that Willingham's platoon had not acted uncharacteristically at My Khe 4: there was testimony which suggested that firing at inhabited areas, killing civilians and forcing villagers to act as mine-sweepers were common practices. Without a trial, it was less likely that the platoon's conduct would become a topic of interest and analysis.

Eckhardt has argued in 'My Lai: An American Tragedy' that the function of the prosecutor is not only to bring the guilty to account but to deter others from committing similar crimes and that 'Publicity, flowing from the very act of prosecution, fuels the engines of prevention that is the chief goal of prosecution.'⁵⁸ In the absence of a court case arising from the killing of non-combatants at My Khe 4 and with the Army reluctant to publicise what had occurred there, it was left to America's reporters to ferret out the story and bring it to the attention of the American people.

news that 'only the point team, four individuals, actually went into the village to search it ... All have been interviewed; none has admitted to indiscriminate killing or implicated other team members.' 'Fact Sheet: Son My Investigation', 11 April 1970.

⁵⁷ Oliver has pointed out that with the prospect of an end to the draft, the Army's 'long-term survival depended upon the consonance of its own reputation with the aspirations and values of the nation's young male citizens and - at least as pertinently - those of their parents' and that this was one of several reasons why 'the army command was anxious to maintain the distinction between the norms of military conduct and the actions of Calley and his men.' News items about a second massacre threatened such a distinction. Oliver, *The My Lai massacre in American history and memory*, p. 70.

⁵⁸ Eckhardt, 'My Lai: An American Tragedy'.

TELLING THE STORY

CHAPTER III

THE MASSACRE AT MY KHE 4 IN THE PRINT MEDIA

The American media did not identify My Khe 4 as the site of an alleged massacre until February 1970 although references to Willingham and his platoon appeared in print within hours of their attack on the sub-hamlet in March 1968 and, in military newspapers, versions of their action continued to be celebrated for several months. That action was usually presented in the context of Task Force Barker's assault on Son My but a cursory glance at the accounts in the military press would have revealed that there was something out of the ordinary about the activities in which Willingham and his men had engaged. As the story of the massacre at My Lai 4 began to unfold in November 1969 amidst considerable confusion about the geography of the area, the suggestion that a massacre had taken place in the hamlet of Co Luy surfaced in the English newspaper *The Times* and press reports in America indicated that the killings in Son My had occurred in several different places including one called My Hoi. By the end of November, Terry Reid had told a reporter in Wisconsin that, whilst serving in the same brigade as Lieutenant Calley during the first half of 1968, he had witnessed a massacre although the ensuing story, which was picked up by AP, asserted that the massacre had occurred to the north-west of Chu Lai, a town miles to the north of Son My. Further references to Co Luy in December alerted the Army to the possibility that a massacre had occurred there. In February 1970 newspapers covered the Army's decision to charge Willingham but it was a televised news report on NBC which established that the Army suspected a massacre had occurred at My Khe 4.¹ The dropping of the charges against Willingham in June 1970 seemed to end a story which had never quite been told, one that was not to receive detailed treatment in print until Seymour Hersh published the

¹ NBC's report, which included interviews with Vietnamese witnesses to the massacre at My Khe 4, was screened on 18 February 1970. It is explored in detail in Chapter IV.

lengthy articles entitled 'Coverup-I' and 'Coverup-II' in *The New Yorker* in January 1972.

Hersh's articles were written after he had secured 'a complete transcript of the testimony given to the Peers Inquiry' and 'volumes of other materials' gathered by Peers, including a copy of the final report in its entirety. He had seen various CID documents and, in May 1971, he interviewed two members of Willingham's platoon: Terry Reid and Donald Hooton. 'Coverup-I' provided much of the substance of the chapter entitled 'The Other Massacre' in Hersh's *Cover-Up: The Army's Secret Investigation of the Massacre at My Lai 4* which was published in March 1972. By then four years had elapsed since the massacres in Son My.

In *The Republic of Mass Culture*, Baughman complained that 'Without the limitation of time and the imperative for the visual that so handicapped television, newspapers should have better served Americans in covering the Vietnam War'.² Only *The New York Times*, America's 'newspaper of record' and one of the few to run a bureau in Saigon, was excepted from Baughman's criticism.³ Most of the others, he noted, 'relied on the major wire services' for copy, a strategy leading to the printing of stories that 'lacked coherence or context', a charge Baughman also levelled at the television networks which, like the wire services, 'merely described individual encounters and posted body counts of the enemy'.⁴ That the stories relating to the massacre at My Khe 4 which appeared in America's newspapers and news magazines between November 1969 and June 1970 seem to have been written without reference to each other might not, therefore, be a source of surprise although Baughman might have expected *The New York Times* to perform more effectively. There were plenty of

² Baughman, *The Republic of Mass Culture*, p. 118.

³ Ibid., p. 126; *ibid.*, p. 118.

⁴ Ibid., p. 118.

indications that civilians had been killed at My Khe 4, especially if note was taken of what the Vietnamese had to say, and readers of America's newspapers and news magazines were presented with a good number of them between November 1969 and February 1970. Nevertheless, the only sustained account of the massacre at My Khe 4 to emerge before 1972 was the televised report by NBC in February 1970. Constrained by factors which had hampered journalism in Vietnam throughout the war, focused upon what Calley and the soldiers of Charlie Company had done at My Lai 4 and encouraged by the Army to ignore the distinction between the two massacres, reporters failed to write the stories which would have provided a context for the clues that appeared.

In *Big Story*, an analysis of the American media's coverage of the Tet Offensive and its aftermath which was published in 1977, Braestrup challenged the idea that so many American reporters were roaming around in South Vietnam in 1968 that the American public received an abundance of information about events there. He pointed out that 'American newspapers are primarily locally oriented businesses, and resources are allocated accordingly' and that in Vietnam, 'all but a handful of newspapers and broadcast organizations left foreign news coverage to the tightly budgeted AP, UPI, or Reuters - or to the *New York Times*, *Los Angeles Times*, or *Washington Post* news services.'⁵ This meant that 'in terms of resident representatives of "major media" - those news publications, news agencies, and TV networks with national U.S. audiences - there were perhaps 60 newsmen in all' in South Vietnam in early 1968. As an indicator of what Braestrup describes as the "'fact-finding" manpower' available in Vietnam, even this was misleading. The impact achieved by this group was limited because, rather than sharing out the workload, reporters worked in competition with each other.

⁵ Braestrup, *Big Story*, p. 9.

Fearful of missing out on a story carried by a rival, they tended to pursue the same stories.⁶

As reporters concentrated upon what was happening at Khe Sanh and the effects of the Tet Offensive in March 1968, those stories did not include the activities of Task Force Barker, 'off the beaten track' in Quang Ngai and an element of the Americal, a division which, according to Braestrup, was 'neither "glamorous" nor conveniently accessible to newsmen.'⁷ For coverage of those events which had not secured the personal attention of journalists, the news media continued to use the reports issued by the military as the basis of their stories, despite the increasing scepticism with which such reports were viewed. Military sources provided the substance of the accounts about the operation in Son My which were carried by the wire services and *The New York Times* in March 1968.⁸ Features of these accounts which ought to have evoked suspicion went unremarked and, consequently, the Army's version of events had a potential audience of millions: AP serviced 1,262 American newspapers and 3,221 television or radio stations; UPI material was used by 1,200 newspapers and 3,200 broadcasters and, although *The New York Times* had a circulation of less than 900,000, its news service had 320 clients.⁹

⁶ Ibid., pp. 12-13. During the Tet Offensive the US military listed 637 men and women with reporting credentials in South Vietnam but few of them were there as investigative journalists. Malcolm Browne, who spent fourteen years reporting the war, estimated that:

There was always a very hard core of perhaps no more than fifteen or twenty reporters who furnished 99 percent of the important news and photography. The rest were groupies and intelligence types and religious fanatics and god knows what.

The statistic and Browne's comment upon it are cited in Moeller, p. 358.

⁷ Braestrup, pp. 328-329.

⁸ The story in *The New York Times*, entitled 'G.I.'s, in Pincer Move, Kill 128 in a Daylong Battle', and the stories carried by the wire services are considered in more detail later in this chapter.

⁹ These figures are cited in Braestrup, p. 12.

Official South Vietnamese sources were unlikely to contradict the US Army, especially with a story which was to the discredit of the Americans. The daily communiqué issued by the South Vietnamese military, which Braestrup described as 'a highly laundered version of reality', and the bulletins issued by *Vietnam Press*, the news agency run by the South Vietnamese government, provided most of the material for stories about the war in those Saigon newspapers which were printed in English: the *Saigon Post*, the *Vietnam Guardian* and the *Saigon Daily News*.¹⁰ Braestrup noted that ARVN spokesmen were 'cautious and non-committal' and that there was little prospect of benefiting from unofficial contact with men in the lower ranks of the South Vietnamese military because of the 'language barrier'.¹¹ Thus, it took 'a lot more time, risk and effort to get the Vietnamese story from the Vietnamese.'¹²

When American reporters arrived in Son My in November 1969, aware at last that there was a major story to be pursued, they entered a world of which they had little direct experience. Braestrup's observation that 'No American reporter spoke Vietnamese in early 1968' reveals the conviction of the nation's news media that the important stories in Vietnam had people who spoke English at their centre, a conviction based upon the preferences of their audiences.¹³ A report by David Hoffman which appeared in *The Washington Post* in November 1969 introduced the statements of 'former Vietcong guerrillas' who had assisted with the burying of the dead at My Lai 4 with the qualification: 'The quotations are inexact because of translation difficulties', an inexactitude which continued to impede the attempts to discover what had happened in Son My and one which made the task of identifying the location of the killings carried

¹⁰ Ibid., pp. 21-22.

¹¹ Ibid., p. 22.

¹² Ibid., p. 21.

¹³ Braestrup, pp. 12-13. In a description of the media's initial attempts to pursue the story of the massacre at My Lai 4, Seymour Hersh noted the 'remarkable ... fact that only *The New York Times* chose to pursue the story at its most logical point - South Vietnam.' Hersh, *My Lai 4*, p. 135.

out by Willingham's platoon especially difficult, as the Army had discovered.¹⁴ The conversion into English spelling of the place name or names used orally in a Vietnamese dialect might vary according to the translator and the American reporters who arrived in Son My lacked the means to overcome such confusions: local knowledge or local contacts. Even a skilled translator faced the additional difficulty of communicating the perspective of a Vietnamese villager to an American. Uncertainties relating to time, distance and direction compounded misunderstandings. On those occasions when communication was established, reporters tended to react with scepticism to allegations of American abuses: few of them were prepared to be accused of having been taken in by enemy propaganda.

By the time that articles began to appear in American newspapers about the charges which had been made against Willingham, the story of the My Lai Massacre had been running for three months. There was little likelihood that the Willingham story was going to supplant the Calley story in the American press, if only because Calley was accused of killing a lot more people.¹⁵ There were no photographs of what had happened in My Khe 4 to compare with those which Ronald Haerberle had taken at My Lai 4 and no confessions that women and children had been murdered to match those made by Paul Meadlo and other members of Charlie Company.¹⁶ And, perhaps because

¹⁴ David Hoffman, 'Ex-Vietcong Tell of Helping Survivors Bury My Lai Dead', *The Washington Post*, 30 November, 1969.

¹⁵ Calley had originally been charged with the premeditated murder of 109 'Oriental human beings'. Goldstein et al., pp. 497-498. Overturning Calley's conviction in 1974, District Judge Elliott expressed the opinion that 'Calley was originally painted as a "mass murderer" involved in the unlawful killing of some 567 Orientals' by the media. The judge's opinion is reprinted in *ibid.*, p. 538. Willingham was charged with the unpremeditated murder of twenty civilians.

¹⁶ The following members of Charlie Company had been shown talking about the massacre at My Lai 4 on network news programmes: Michael Bernhardt, *CBS Evening News* and *Huntley-Brinkley Report*, 20 November 1969; Michael Terry, *Huntley-Brinkley Report*, 20 November 1969; Paul Meadlo, *CBS Evening News*, 24 November 1969 and Captain Ernest Medina, *CBS Evening News*, 5 December 1969. Vanderbilt Television News Archive (VTNA). A transcript of Mike Wallace's interview with Meadlo on *CBS Evening News* appeared in *The New York Times*, 25 November 1969. William Doherty, Varnado Simpson and Sergeant Charles West also gave interviews to print journalists. The interview with Doherty appeared in *The New York Times*, 22 November 1969; Simpson's descriptions of his own crimes were

they were exhausted by the story of what Americans had done in and around My Lai 4 or because they felt that many of their readers would not welcome the recital of another catalogue of the horrors perpetrated by the nation's soldiers, many reporters were less than enthusiastic in their pursuit of the story of the massacre at My Khe 4: a story which had been waiting to be told since March 1968.

Nigel Nicolson has written that 'War ... is the activity of man about which more lies are told than about any other' and the earliest reports of Task Force Barker's assault on Son My, because they relied upon information provided by the Army, offer little to contradict this claim.¹⁷ The wire services in Saigon and *The New York Times* led the way, putting out stories which described, in different degrees of detail, the actions of the two companies involved in what appeared to be a significant American victory. According to Braestrup, the basis for an AP story about the killing of '128 Vietcong guerrillas' in a coastal area six miles to the north-east of Quang Ngai was a 'completely misleading' communiqué issued by Military Assistance Command, Vietnam (MACV) on the evening of 16 March 1968.¹⁸ The two companies were not named in the communiqué which referred only to 'elements of the Americal Division's Light Infantry Brigade' but equal importance was accorded to the role played by Bravo and Charlie companies. The company which was 'involved in the search-and-destroy mission' and 'inserted into the area at 0910 ... east-northeast of the point of original contact' and which, like the other company in action, 'engaged the enemy in sporadic contacts throughout the day', was Bravo.¹⁹ Like the communiqué, AP identified Bravo's contribution without naming the companies: 'A second company was dropped by

featured in the *The New York Times*, 27 November 1969 and *Life*, 5 December 1969; the same issue of *Life* included West's account of the massacre and some of Haeberle's pictures.

¹⁷ Nigel Nicolson cited in Paul Fussell, *Doing Battle: The Making of a Sceptic* (Boston: Little, Brown and Company, 1996), p. 160.

¹⁸ The AP story, which is dated 16 March 1968, is reprinted in Braestrup, p. 331; Braestrup's opinion of the communiqué is in *ibid.*, p. 329. Obvious textual errors in military and wire service copy have been corrected here and elsewhere.

¹⁹ The MACV communiqué is reprinted in *ibid.*, p. 329.

helicopters two miles to the north an hour later and heavy fighting broke out as the guerrillas tried to escape the tightening vise.²⁰

The communiqué also triggered a story entitled 'G.I.'s, in Pincer Move, Kill 128 in a Daylong Battle' on the front page of *The New York Times* on 17 March. Although there was no specific reference to Willingham's platoon, the story noted that a second company had been involved and that the fighting took place in an area of 'sand dunes and scrub brush', a detail which was used elsewhere to describe the location in which Willingham's platoon had been in action.²¹ Other newspapers were less impressed by Task Force Barker's operation. Neither the *Chicago Tribune* nor the *Los Angeles Times* picked it up and, as Braestrup pointed out, the 'desk-edited version of the AP My Lai story' which appeared in *The Washington Post* was 'used inside the paper'.²²

More detailed accounts of the action were provided by UPI. In these, Bravo, or more particularly Willingham's 1st Platoon, became the focus, a shift of emphasis which prompts the question: where did these accounts originate? UPI distributed a lead by Thomas Cheatham during the evening of 16 March which, Braestrup suggests, was written 'after a telephone call' to the American's Public Information Office (PIO).²³ The companies were still not named but two paragraphs provided a version of what had happened at My Khe 4:

A platoon led by 2nd Lt. Thomas K. Willingham of Clark, New Jersey, came under almost immediate guerrilla fire when it landed on the sand dunes just outside My Lai.

²⁰ Ibid., p. 331.

²¹ 'G.I.'s, in Pincer Move, Kill 128 in a Daylong Battle', *The New York Times*, 17 March 1968. This account identified the enemy force as North Vietnamese rather than Viet Cong.

²² Braestrup, p. 334. The story which appeared in *The Washington Post* on 17 March 1968 was headlined 'U.S. Infantrymen Kill 128 in Attack Near Coast'.

²³ Braestrup, p. 331.

Willingham asked for and received support from helicopter gunships, and he said the firepower from his men and the choppers killed 30 guerrillas by body count before the Vietcong broke and ran for tunneled hiding places.²⁴

Later that night UPI put out a more sensational description of the events in 'Pink Village' which, once again, presented Willingham and his platoon as the central figures in the action:

On the northern coast, units of the Army's 11th Light Infantry Brigade scrambled from helicopters that pounced on the sand dunes just outside 'Pink Village', My Lai. U.S. artillery gave them covering fire.

But 2nd Lt. Thomas K. Willingham of Clark, New Jersey, leader of one of the first assault platoons, reported his men came under almost immediate guerrilla fire from the fortified village. American helicopter gunships swung in low and peppered the communists.

Willingham's platoon charged. The Vietcong broke and ran for their hide-out tunnels. Six-and-a-half hours later, 'Pink Village' had become 'Red, White and Blue Village.'²⁵

Braestrup's concluded that this, like the earlier UPI story, was based on information received from sources at the Americal, in this case a handout which emanated from the division's Public Information Office in Chu Lai.²⁶

Convinced that the UPI stories were a misrepresentation of the massacre at My Lai 4, Braestrup noted that there were 'In fact ... no sand dunes and no resistance at My Lai itself.'²⁷ His failure to notice that UPI had focused upon the actions of Bravo Company's 1st Platoon rather than what had happened in My Lai 4 is characteristic of

²⁴ The UPI story, which is dated 16 March 1968 (NX Night Lead), is reprinted in *ibid.*, pp. 331-332.

²⁵ The later UPI story, which is dated 16 March 1968 (2nd Add. 1st Night Lead), is reprinted in *ibid.*, p. 332. Braestrup's emphasis of the final sentence in the story has been omitted.

²⁶ Braestrup, p. 332. There was support for Braestrup's conclusion in the US Army's daily summary of events in Vietnam dated 17 March 1968 which he had cited earlier. Based upon reports received from the divisions, the summary contained seven paragraphs about the assault. The fifth and sixth paragraphs bear a close resemblance to the material which had appeared in the UPI stories:

A platoon from the 4th Battalion, 3rd Infantry was then airlifted into a position south of My Lai. The infantrymen, led by 2nd Lt. Thomas K. Willingham, Clark, New Jersey, made contact with an enemy force along the beach one-half mile south of the village. The U.S. soldiers killed 30 Vietcong in the ensuing fighting.

In the afternoon the platoon members observed Vietcong soldiers attempting to hide in a tunnel complex. The enemy were engaged and eight were killed. The Americans also captured a quantity of enemy equipment and ammunition.

Cited in *ibid.*, p. 330.

²⁷ Braestrup, p. 332.

the way that reporters often missed the distinction between the massacres in Son My although Braestrup's work was published in 1974, three years after the release of those sections of the Peers Report which ought to have clarified the matter for him: the UPI stories were actually misrepresentations of the massacre at My Khe 4; where there were sand dunes and where, just as in My Lai 4, unresisting Vietnamese civilians had been killed.²⁸

Braestrup was content to trace the source of the UPI stories to the Americal's PIO but he might have gone further. When the story about Calley broke in November 1969 it stimulated some interest in the ways that the attack on Son My had been originally reported in March 1968. On 26 November *The New York Times*, which had originally portrayed the operation as an important victory, defended itself with a UPI piece entitled 'Army Reported Killing 128 of Enemy at Song My'. This emphasised that its front page story in March 1968 had been based entirely on information provided by the Army.²⁹ The *Chicago Tribune*, meanwhile, found that it had an exclusive on its hands. Employed on the editorial staff of the *Tribune* was an ex-soldier called Arthur Dunn who, in his capacity as an Army information officer in the 11th Light Infantry Brigade, had written a press release about the assault on Son My which he had conveyed by telephone to Americal's headquarters on the evening of 16 March. Slightly altered, Dunn's release appeared in the Americal's daily news letters and in its weekly newspaper *The Southern Cross*. The release was also the basis for the UPI stories which focused upon the actions of Willingham's platoon.

Interviewed for the front page by two of his colleagues at the *Tribune*, Dunn recalled that his report had been based 'on information supplied him thru(sic) routine

²⁸ My Khe 4 was not a 'fortified village' and 'helicopter gunships' played no part in the assault on the sub-hamlet on 16 March.

²⁹ 'Army Reported Killing 128 of Enemy at Song My', *The New York Times*, 26 November 1969.

channels' although he did not 'remember specifically who gave him the version of the battle he used', that he 'wrote one or two pages, because it was the biggest action we'd had' and that what he had written and communicated to divisional headquarters at Chu Lai by telephone had appeared in 'somewhat edited form' in the divisional newsletter on the following day.³⁰ The section of the report in the newsletter which deals with Willingham's platoon makes it clear that the UPI stories had their origin in Dunn's work:

A platoon of 'Barker's Bastards' from the 4th Battalion, 3rd Infantry was airlifted into a position south of My Lai. The unit, led by 2LT Thomas K. Willingham ... engaged an unknown number of enemy along the beach one half mile south of the village. When contact was broken 30 Viet Cong lay dead.

Early in the afternoon the platoon observed enemy soldiers escaping into a tunnel complex. Eight of the enemy were killed and web gear, hand grenades, and small arms ammunition was recovered.³¹

That the texts of the newsletter and the UPI stories were based upon Dunn's release is a comparatively minor point although his explanation that he had used 'information (which) had been forwarded thru channels' and conveyed to him by officers in the operations center suggests that, at some point in the chain of communication which connected Willingham, Michles and Barker, the meagre details reported in the Army logs were elaborated upon.³² More interesting is Dunn's recall of his feelings about the release after he had written it.

Dunn told his colleagues at the *Tribune* that he knew the release 'was fishy as soon as I wrote it ... One-hundred and twenty-eight killed, and only three weapons confiscated - that doesn't jibe'.³³ He expressed the opinion that 'civilian reporters ... would have wanted to know why there were so few weapons captured with such a high

³⁰ William Currie and Joseph McLaughlin, 'Army's Story of Pinkville "Fishy": Ex-GI', *Chicago Tribune*, 28 November 1969.

³¹ *Americal News Sheet*, Vol.1 Number 332, 17 March 1968.

³² 'Army's Story of Pinkville "Fishy": Ex-GI'. In one detail, at least, the information Dunn received was accurate. My Khe 4 was on 'the beach one half mile south' of My Lai 1, a geographical indicator which, had they noticed it, would have aided Peers and his investigators as they tried to identify the location of the 'other' massacre in December 1969.

³³ *Ibid.*

body count' and that 'a good reporter would have uncovered the story.'³⁴ The newsletter based upon Dunn's release credited Willingham's platoon with the killing of 38 Viet Cong and the recovery of 'web gear, hand grenades, and small arms ammunition'; but not a single gun. It is surprising, therefore, that Dunn recalled only Calley and his men as objects of suspicion: 'I don't remember if I used Calley's name in the release, but I probably did ... I tried to get as many names into my releases as possible. And everybody in the operations center knew that it was Calley's platoon up there.'³⁵ The newsletter distributed by the Americal on 17 March, however, names not Calley but Willingham and it is the actions of Willingham's platoon which are described in detail.³⁶

A similar pattern can be observed elsewhere. The actions of Willingham's platoon are highlighted in much of the reportage which appeared in the military press, an ingredient in the Army's version of events duly cited in newspaper articles which investigated the original reporting of the attack on Son My. The unusual nature of those actions seems, however, to have aroused little interest. *The New York Times* noted that Willingham and his platoon had been referred to in a story entitled 'US Troops Surround Reds, Kill 128' in the Pacific edition of *Stars and Stripes* on 18 March 1968 and there might have been a trace of scepticism in the paraphrase of the reference offered by the *Times*: 'Another platoon under Second Lieut. Thomas Willingham *was said* to have run into enemy fire when airlifted into a southern beach area and to have killed 30 there and

³⁴ William Currie and Joseph Mc Laughlin, 'Army's Side of Pinkville Incident Told', *Chicago Tribune*, 1 December 1969.

³⁵ 'Army's Story of Pinkville "Fishy": Ex-GI'.

³⁶ In *The New York Times* on 26 November 1969 it was stated that the report of the assault on Son My in the Americal's newsletter on 17 March 'did not mention names'. It is possible that the *Times* obtained an edition of the newsletter in which Willingham's name did not appear but it is more likely that the *Times* ignored Willingham's name because he was not a member of Charlie Company. 'Army Reported Killing 128 of Enemy at Songmy', *The New York Times*, 26 November 1969.

Similarly, it is possible but unlikely that Dunn included Calley's name in the original release and that it had been edited out at the Americal's Public Information Office. This is an edit which Dunn would probably have remembered. The text of Dunn's original release does not seem to have survived.

eight more in "an enemy underground complex."³⁷ Elsewhere, the persistent and often detailed references to Willingham and his men in the military's original reports were cited without comment by those newspapers which looked at them.

An example of this is to be found in a reference in the *Chicago Tribune* to a story credited to Jay Roberts, who was under Dunn's command at 11th Brigade's headquarters in Duc Pho. Accompanied by the photographer Haeberle, Roberts had spent most of the morning with Charlie Company in My Lai 4 on 16 March. Before mid-day the two men flew to My Lai 6 where they found Michles and Bravo Company's other platoons. Michles might have told Roberts about 1st Platoon's successes at this point and Roberts might have conveyed what he had heard to Dunn in time for his superior to write that evening's release. According to Dunn, however, when Roberts and Haeberle 'came back from the operation late that afternoon ... they were reluctant to talk about it.'³⁸ Nevertheless, Roberts was required to produce a story for *Trident*, the weekly brigade newspaper and six days later 'TF Barker Crushes Enemy Stronghold' appeared on its front page.³⁹

Parts of the story were written by Roberts but the opening paragraphs and the section about Willingham and his platoon were lifted from the divisional newsletter which Dunn had prepared. Pursuing the investigation of the military's original reporting of the 'Pinkville Incident' on its front page, the *Tribune* noted that the account in *Trident* had 'listed no enemy or civilian deaths' in My Lai 4 and that of 128 enemy deaths, 'only 15 ... are attributed to C Company'. Willingham's men, on the other hand, had killed

³⁷ Peter Kihss, 'A "Real Tight" Company and Its Test at Songmy', *The New York Times*, 30 November 1969. The emphasis is mine.

³⁸ 'Army's Story of Pinkville "Fishy": Ex-GI'.

³⁹ Jay A. Roberts, 'TF Barker Crushes Enemy Stronghold', *Trident*, Vol.1 No. 7, 22 March 1968.

thirty-eight Viet Cong and the *Tribune* quoted or paraphrased almost everything in the *Trident* about their action:

A platoon from the 4th Battalion, 3rd Infantry, which was supporting C Company's sweep thru the hamlet, 'was airlifted into a position south of My Lai. The unit, led by 2LT Tom Willingham, engaged an unknown number of enemy along the beach one half mile south of the village. When contact was broken 30 Viet Cong lay dead.'

The story said Willingham's platoon later killed eight Viet Cong while searching tunnels in the area and web gear, grenades, and small arms ammunition were recovered.⁴⁰

Having established that the report in the *Trident* had misrepresented the actions of C Company, that Willingham's platoon had claimed to have killed thirty-eight Viet Cong although not a single gun had been recovered and that, according to Dunn, 'if civilian reporters had been in the area that day they would have been as skeptical of the figures as I was', the *Tribune* ignored the obvious conclusion: that there were questions to be asked about what Willingham's platoon had done 'along the beach' in Son My.⁴¹ How many of its 800,000 readers drew this conclusion for themselves it is impossible to say.⁴²

Roberts provided other versions of the story for publication in the *USARV Reporter*. Like the report in *Trident*, these versions emphasised the part played by Charlie Company but there was sufficient detail to suggest that Willingham's platoon had been involved in a fight of some magnitude. On 27 April a report headlined 'Men Of Task Force Barker Kill 128 VC In Running Battle' included these paragraphs:

Another platoon of infantry-men was airlifted to an area south of the village along the beach and immediately ran into enemy fire. The enemy fled, leaving 30 dead.

⁴⁰ 'Army's Side of Pinkville Incident Told'. Dunn told his interviewers that Roberts had copied the first two paragraphs of 'TF Barker Crushes Enemy Stronghold' from his release. There is no indication that the origin of the section about Willingham's platoon was discussed. Peers apparently missed Dunn's contribution to the *Trident* story. He identified Roberts as its author in *The My Lai Inquiry*. Peers, p. 103.

⁴¹ 'Army's Side of Pinkville Incident Told'.

⁴² Braestrup indicated that the *Tribune* had a circulation of 805,000 in 1968. Braestrup, p. 10.

The platoon continued to move up the beach, where they saw enemy soldiers slipping into tunnels. Eight VC were killed and the tunnel complex was found to be a hospital and storage area.⁴³

And at the beginning of June the story appeared again with a little more detail:

Another platoon was airlifted to an area south of the village along the beach. This unit, under 2nd Lt. Thomas Willingham, immediately ran into enemy fire. When the VC fled, they left 30 dead.

The platoon then continued to move up the beach, where they saw an enemy soldier slipping into a tunnel. The tunnel turned out to be an enemy underground complex, where the platoon killed eight VC.⁴⁴

This was not the first time that the men of Bravo Company's 1st Platoon had attracted the attention of the military press. The 11th Brigade's PIO had celebrated their performance in Son My during the operation which had taken place on 23 February, before Willingham's arrival in the field. A press release had recorded that seven members of Bravo Company were awarded medals for acts of bravery during the operation and 1st Platoon's involvement was highlighted:

Later in the day the 1st Platoon of B Company began receiving heavy automatic weapon and mortar fire. Unable to manouver or withdraw because of the intense fire, platoon leader 1LT John Spraggins asked for volunteers to charge the entrenched enemy position. When eleven had responded, the now famous 'Dirty Dozen' made its historic assault, penetrating the enemy perimeter and scattering its defenders.

During the assault, machinegunner SP/4 Edward Milus and assistant gunner SP/4 Joe Madison rushed to the front of the advancing dozen and set up a base of fire which forced the enemy down and allowed the others to secure the position.

For their bravery, LT Spraggins was awarded the Silver Star and Specialists Milus and Madison Bronze Star Medals for valor.⁴⁵

⁴³ Jay A. Roberts, 'Men Of Task Force Barker Kill 128 VC In Running Battle', *USARV Reporter*, 27 April 1968.

⁴⁴ Jay A. Roberts, 'Americal Brigade Hits VC 3 Times In Same Village', *USARV Reporter*, 1 June 1968. There was a marked shift of focus towards what had happened in and around My Lai 4 after the UPI stories. It may be that Americal's PIO had encouraged UPI to foreground the exploits of Willingham's platoon rather than the actions of Charlie Company because the majority of the killings in and around My Lai 4 had been attributed to artillery fire and thus the story of Willingham's platoon might have seemed more exciting. Once Roberts' 'eye-witness' account of what had occurred in and around My Lai 4 became available, Charlie Company became the more important story. There is no evidence to suggest that there was an initial effort to deflect attention from the killing of civilians at My Lai 4.

⁴⁵ An undated copy of the press release is in Folder 32, Inspector General's Office: My Lai [4] Investigation, RG 472, NARA.

In November 1969 *The New York Times* made a brief reference to Bravo's involvement in this operation and to a claim made in the Pacific edition of *Stars and Stripes* that the company had killed 80 Viet Cong on this occasion.⁴⁶ The *Times* did not suggest that the military's version of the action might be unreliable.

Amidst the welter of information and supposition about the killings in Son My printed in America during November and December of 1969, South Vietnamese sources provided some direct indications that a second massacre had occurred. The first hint of this in the American press appeared in *The New York Times* on 17 November in a report by Henry Kamm. Charged by his newspaper to pursue the Calley story in South Vietnam, Kamm was one of the first American journalists permitted to visit the village of Son My and, because he was prepared to take seriously what the Vietnamese from the village had to say, his account was accurate in several respects. Basing his story upon information he had received from a farmer named Do Hoai which had been corroborated by other villagers, Kamm reported that 'Americans forced the villagers to gather in one place in each of the three clusters of houses that formed part of the village of Songmy. The settlements bore the names of Tucong, Dinhhong and Myhoi.' The reference to Myhoi was confused because, in the next paragraph, Kamm noted that 'The three death sites were about 200 yards apart' and there is further evidence in his report of the geographical uncertainty which plagued American attempts to establish what had happened in Son My. Headlined 'Vietnamese Say G.I.'s Slew 567 in Town' on the front page, the story's continuation on page two was headed 'Vietnamese Assert G. I.'s Killed 567 Unarmed Civilians in Village' whilst the opening sentence read: 'A group of South Vietnamese villagers reported today that a small American infantry unit killed 567 unarmed men, women and children as it swept through their hamlet on March 16,

⁴⁶ 'A "Real Tight" Company and Its Test at Songmy'.

1968.⁴⁷ In November 1969 the Americans had not appreciated that Son My was a village, rather than a town, that it was divided into four hamlets and that the inhabitants had their own names, sometimes different ones, for the smaller communities within each of the hamlets.⁴⁸ Nevertheless, what Kamm had been told was important.

A story entitled 'Thieu Weighing Statement on Charge' published four days later suggests that Kamm had found at least one source in the South Vietnamese army who had seen the letter written by Lieutenant Tan in April 1969 in which Tan complained about American soldiers who had killed 490 civilians in Son My, 400 in Tu Cung and 90 in Co Luy. Kamm cited a 'responsible South Vietnamese official' who claimed that 'the number of victims was between 450 and 500' rather than 567 and 'reliable sources' who had seen a letter of complaint by Tan.⁴⁹ It was, however, an English newspaper which first alleged that a massacre had taken place at Co Luy. Unfortunately, a mistake was to undermine the seriousness of the allegation.

In 'On-the-spot record of 'massacre' is found', published in *The Times* on 24 November, Fred Emery revealed that, like Kamm, he had become aware of the existence in South Vietnam of documents which showed that in March and April of 1968 the Americans had been accused of killing hundreds of civilians in Son My. Emery either saw a copy of the statement signed by Rodriguez or he was told about it because he was aware of the complaints made by Lieutenant Tan, Son Tinh's district chief, and he knew that Rodriguez had prepared the American response to those complaints, an important detail which Peers did not learn until he visited South Vietnam

⁴⁷ Henry Kamm, 'Vietnamese Say G.I.'s Slew 567 in Town', *The New York Times*, 17 November 1969.

⁴⁸ How these names appeared after translation into English provided a further difficulty. In Kamm's story there is a reference to the hamlet of 'Mylair'. It may be that translation difficulties resulted in misunderstanding about the distances between the various communities within Son My.

⁴⁹ Henry Kamm, 'Thieu Weighing Statement on Charge', *The New York Times*, 21 November 1969.

in late December.⁵⁰ It is hard, therefore, to understand the error in Emery's paraphrase of Rodriguez's statement. Emery reported that Rodriguez:

relates that the Son Tinh district chief received a letter from the Son My village chief reporting people's complaints that 400 persons had been killed by Americans in Tu Cung ... and 900 people killed in Co Luy hamlet near by.

Why did 90 become 900? Whether Emery misunderstood what he was told by a Vietnamese source, the figure was misprinted or there was some other explanation, the effect of the mistake was to make the allegation easier to dismiss as enemy propaganda. Even so, Emery's report offered a further suggestion that a second set of killings had occurred, killings which had been concealed more effectively than those perpetrated at My Lai 4:

As for the killings in the hamlet of Co Luy, razed like many others in the plain of rice paddies north of Quang Ngai, there has been no mention of them since, though several officials, who fear to be identified, said they believed they had happened.⁵¹

Whilst newspapers on either side of the Atlantic began to pick up clues that there had been a second massacre, the North Vietnamese were pressing the point that American policy in Vietnam was to blame for the killings and that the 'massacre of civilians ... was not merely the result of criminal acts by one American unit'.⁵² A communiqué released from Hanoi on 29 November described the 'extremely disgusting act' in Son My as a 'premeditated crime committed under the policy of the commanders' and argued that it was 'not an isolated act of some irresponsible individuals'.⁵³ This was a direct challenge to the position which the Nixon administration and the US Army were taking. Ronald Ziegler, Nixon's press secretary, and Stanley Resor, Secretary of

⁵⁰ Peers, p. 140. Khien, the Province Chief who provided Peers with a copy of the statement signed by Rodriguez, was probably Emery's source. Emery seems to have been unaware that a copy of Rodriguez's statement, minus his signature, had formed part of Henderson's 'Report of Investigation'.

⁵¹ Fred Emery, 'On-the-spot record of "massacre" is found', *The Times*, 24 November 1969.

⁵² This is how *The New York Times* paraphrased a statement issued by the North Vietnamese Foreign Ministry on 24 November 1969. Charles Mohr, 'Hanoi Charges Genocide by the U.S.', *The New York Times*, 26 November 1969.

⁵³ 'From Antipersecution Committee', Hanoi VNA International Service in English, 29 November 1969 in Folder 16, Box 38, Douglas Pike Collection, Unit 03 - War Atrocities, TVA, TTU.

the Army, had made statements on 26 November which emphasised that what had happened in Son My was a single incident and Resor had commented:

I have reviewed what we know of the incident at Mylai with a number of officers who have served in Vietnam. It is their judgment - a judgment which I personally endorse and share - that what apparently occurred at Mylai is wholly unrepresentative of the manner in which our forces conduct military operations in Vietnam.⁵⁴

It is surprising, therefore, that America's enemies seemed uninterested in establishing that there had been two massacres in Son My, especially because the story of the killings most widely disseminated by the North Vietnamese was told by Vo Thi Lien, the girl who had survived the massacre at My Khe 4. Instead of demonstrating that a second massacre had taken place, the communiqué described Lien as a witness of 'the massacre' at Son My.

Lien was only eleven in March 1968 but, having been taken to the north later in the year, she proved so eloquent that in December 1969 she was sent to the Soviet Union to talk about what had happened to her. In 1970 she spoke in Scandinavia and East and West Germany. How she was presented is demonstrated by the report which appeared in Hanoi's *Vietnam Courier* on 1 December 1969. Although Lien's account dealt exclusively with what happened at My Hoi, the report was headlined 'Son My: Survivor's First-hand Account of Massacre' and the implication was, again, that a single massacre had occurred in the village.⁵⁵ The example set by the North Vietnamese was followed by the American press when it noted Lien's travels. She was described as a survivor of the massacre at My Lai when *The Washington Post* devoted eighty words to a story entitled 'Women Go on Tour, Tell of Massacres' on 14 January 1970 and when

⁵⁴ 'Statements by Ziegler, Resor and Stennis', *The New York Times*, 27 November 1969.

⁵⁵ 'Son My: Survivor's First-hand Account of Massacre'.

UPI covered Lien's visit to Moscow in December and her appearance at a press conference in Stockholm at the end of January.⁵⁶

Even those on the American left who were convinced that the massacre at My Lai 4 was not an isolated act seem to have missed the significance of Lien's story. Anti-war activist Cora Weiss, who had met Lien in North Vietnam, returned to America with a letter from Lien which the defence lawyers in the trial of the Chicago Seven wanted Weiss to read to the jury in its English translation. The judge in the trial sustained the objection of the prosecution to the letter but did allow the translation to be read into the trial record in the absence of the jury. The letter began:

I am Vo Thi Lien, twelve years old, a native of My Hoi Block, Song My Village, Quang Ngai province. I have survived the murder by GI's of 502 inhabitants of my village early last year. My Hoi alone lost 87 people ...⁵⁷

The rest of Lien's letter, which was also released in South Vietnam by the Liberation Press Agency on 3 January 1970, provided a detailed account of her experiences during and after the massacre at My Khe 4 but the importance of what she had to say was obscured by its presentation and reception as an account of what had happened at My Lai.⁵⁸

Despite the willingness of the North Vietnamese to accept that what had happened in Son My constituted a single incident, by the beginning of December 1969 it was being suggested to more and more Americans that the killing of civilians in Son

⁵⁶ 'Women Go on Tour, Tell of Massacres', *The Washington Post*, 14 January 1970. The allegations made by Lien's companion, Pham Thi Lien, which were mentioned in this report, did not relate to the massacres in Son My. The UPI stories can be found in the Japanese English language newspaper *Mainichi Shimbun*: 'Girl My Lai Survivor Interviewed in Moscow', 28 December 1969 and 'Two Witnesses Tell Story of My Lai Case', 30 January 1970.

⁵⁷ 'Testimony of Cora Weiss in the Chicago Seven Trial', undated, <http://www.law.umkc.edu/faculty/projects/ftrials/Chicago7/weiss.html>. Accessed on 10 January 2008.

⁵⁸ The translation of Lien's letter issued by the press agency identifies her as 'a native of My Hoi block, Co Luy hamlet, Son My village'. In 1988, when AP filed a story about the 20th anniversary of the massacre at My Lai, Lien was presented once more as a survivor of the massacre at My Lai 4. George Esper, 'My Lai Massacre 20 Years Ago Shocked a Nation', AP, 13 March 1988. A report in the *Sunday Times Magazine* in April 1989 finally established that Lien had survived the massacre at My Khe 4.

My had not been restricted to the inhabitants of My Lai 4 or Tu Cung. On 30 November *The Washington Post*, which had almost half a million readers, quoted a former Vietcong named Nguyen Bat who thought that the total of dead in Son My was 517, only 370 of whom had been killed in Tu Cung.⁵⁹ In the issue of *Newsweek* dated 1 December, Paul Brinkley-Rogers reported an encounter with Do Hoai, the farmer who had spoken to Henry Kamm, and informed the news magazine's two and a half million readers of Hoai's claim that 567 had died in Son My: 370 in Tu Cung; 22 in Dinh Hong and 175 in My Hoi.⁶⁰ On 3 December a story by Henry Kamm in *The New York Times* cited a witness of the massacre in Tu Cung named Mr Cha who estimated that only 100 civilians had died there. However, the newspaper's readers were told that Cha had heard that a further 117 people had been killed elsewhere in Son My.⁶¹

President Nixon's first public statement about the killings at My Lai 4 might have been intended as a counter to these reports. In a news conference on 8 December he asserted that 'so far everything indicates' the massacre to have been 'an isolated incident'.⁶² This was a line of argument which the president could scarcely avoid because, as Oliver has noted:

if the massacre was cast as anything other than the aberrant act of a rogue company, it would neutralize one of the principal justifications advanced by the president for staying the course in Vietnam, a justification forcefully reiterated in his recent 'silent majority' address: that a communist victory would result in a bloodbath.⁶³

Nixon made his appearance at the news conference, however, with the knowledge that the position which he and the Army had adopted was under threat. Less than twenty-four hours after Resor's statement that what had 'apparently occurred at Mylai' was

⁵⁹ 'Ex-Vietcong Tell of Helping Survivors Bury My Lai Dead'. The circulation of *The Washington Post* in 1968 was 480,000. Braestrup, p. 12.

⁶⁰ 'Song My: A US Atrocity?', *Newsweek*, 1 December 1969. The circulation of *Newsweek* in 1970 was 2.61 million. Baughman, p. 191.

⁶¹ Henry Kamm, 'Saigon Senators Hear About Son My', *The New York Times*, 3 December 1969.

⁶² 'The President's news conference of December 8, 1969', *Public Papers of the Presidents of the United States: Richard Nixon, 1969* (Washington, D.C.: US Government Printing Office, 1971), pp. 1003-1005.

⁶³ Oliver, *The My Lai massacre in American history and memory*, p.74.

‘wholly unrepresentative of the manner in which our forces conduct military operations’, Terry Reid had walked into the offices of *The Paper* in Oshkosh, Wisconsin. Reid wanted to talk about what he had seen during his tour in Vietnam and the operation which he wanted to describe in detail was the massacre at My Khe 4.

Reid told *The Paper* that he had often witnessed the deliberate killing of Vietnamese civilians by soldiers in his unit. He had been prompted to come forward, he said, by media reports of the Calley case. Based on the interview he gave, a front page story headlined 'Fond du Lac GI says Viet slaughter "common"' appeared in *The Paper* on 28 November 1969, only four days after Paul Meadlo had confessed to killing women and children at My Lai 4 on national television and three days before the issue of *Life* which included Ronald Haeberle's photographs of the massacre went on sale.⁶⁴

The story cited Reid's claims that he 'witnessed many civilians being shot down like clay pigeons', that the actions of his comrades had 'turned my stomach' and that he and others had 'seen at least 100 Vietnamese lying in rice paddies shot - women taken for intercourse and then shot' during his tour of duty with the 11th Brigade. He alleged that 'In the first firefight our company encountered my platoon alone accounted for 40 kills. Yet no one in my platoon saw a body', possibly a reference to the operation in which Spraggins, Milus and Madison had received decorations for valor. The story's focus, however, was provided by Reid's description of another operation:

We landed in choppers in a minefield. Two or three of our fellows touched land mines and were blown up. Our platoons went in different directions.

Ours was nearest a village, about 200 yards away. We shot into the village at people walking around. There you are with machine guns and they have none.

We counted 60 bodies - women, children, and maybe a few old and decrepit men.

⁶⁴ 'Fond du Lac GI says Viet slaughter "common"'. Ekvall recorded that 'News stories about Calley's case' had persuaded Reid to tell his story. Although the issue of *Life* in which Haeberle's photograph appeared was dated 5 December 1969, it was on sale from 1 December.

I couldn't take it so I went back to the rear with my grenade launcher. Afterward some of my platoon buddies said, 'You should have seen Jug with that machine gun.'

Jug, Reid reported, was killed later in an engagement.

After all this was done, word came up from the captain at the rear that no women were to be shot.⁶⁵

Thus, the first American account to challenge the official version of Bravo Company's activities in Son My, the version generated by the Americal's PIO in March 1968 on the basis of the reports made by Willingham, was available to Peers only two days after he began his inquiry. Reid accurately recalled the casualties inflicted upon members of the company by the mines which exploded in the vicinity of My Lai 1, 1st Platoon's separation from the remainder of the company, the approach to My Khe 4 and the initial shooting into the sub-hamlet by men in his platoon. He estimated the extent of the killing, identified the dead as consisting mainly of women and children and revealed the conviction of some of the men that 'Jug', a nickname given to the machine gunner Milus, had played a leading role in the shooting of the villagers. Finally, he indicated that his captain had passed word that women were not to be shot.

That no one connected Reid's story to the massacre at My Khe 4 until later can be partially explained. Important details were missing. Apparently Reid was not specific about the date of the operation, although he made it clear that it had occurred during 1968 before his discharge in August of that year. There was also confusion about its location.⁶⁶ The story in *The Paper* pointed out that Reid and Calley had served in the same brigade but it added the qualification that 'Reid's outfit ... was serving in another area northwest of Chu Lai'. This placed the assault described by Reid in a different province, miles away from Son My.

⁶⁵ 'Fond du Lac GI says Viet slaughter "common"'.
⁶⁶ Reid does not seem to have appreciated at the time that Bravo Company had been involved in the same operation as Calley. Reid told Hersh in 1971 that 'he didn't realize until months later that what had happened in his outfit was directly connected with Task Force Barker's mission.' Hersh, 'Coverup-I'.

It seems that Reid, who was willing enough to recall other details about the action with accuracy, was either confused about where the helicopters had taken his company on 16 March or misunderstood by his interviewer.⁶⁷ Nevertheless, *The Paper* identified Reid as a member of 'Company B, 4th Battalion(sic), 3rd Infantry' and the connection that this was the unit which had accompanied Charlie Company into Son My on 16 March should not have been difficult to make.⁶⁸ Army investigators had been aware of Bravo's participation in the operation in May 1969 and newspaper stories were naming the unit as one which had taken part in the assault on Son My as Reid's story was published around the country.⁶⁹

Perhaps Reid's visit to the newspaper office in Oshkosh had rather more impact than he had anticipated. A description of the article which had appeared in *The Paper* was distributed by AP and the story was taken up by a number of newspapers including *The Washington Post* which on 29 November printed a five paragraph summary of the interview which Reid had given to *The Paper*.⁷⁰ The *Post* placed the killings 'about 50 miles north of Mylai' but, like *The Paper*, identified Reid as a member of 'Bravo Company, 4th Battalion, 3rd Infantry'.⁷¹

Subsequently, details of Reid's allegations were included in a news summary prepared for President Nixon. A White House memo, dated 2 December 1969 and signed by John R. Brown III, was sent to Dr. Kissinger citing some of Reid's allegations

⁶⁷ 'Fond du Lac GI says Viet slaughter "common"'. Chu Lai is in the south-east corner of the province of Quang Tin which lies to the north of the province of Quang Ngai. It is not difficult to believe that Reid may have been misunderstood. The language he apparently used in his interview was often clumsy as the following example demonstrates: 'I soon discovered what power orders from above could do to young men. Killing of innocent unarmed women and children seemed to express and clarify the slogan "war is hell".'

⁶⁸ Ibid. Seymour Hersh was amongst those who did not make the connection. See below.

⁶⁹ Wilson had interviewed Willingham on 8 May 1969 and see, for example, 'Army's Side of Pinkville Incident Told' in *Chicago Tribune*, 1 December 1969.

⁷⁰ Oliver, *The My Lai massacre in American history and memory*, p. 83.

⁷¹ 'Veteran Tells of Vietnam Killings', *The Washington Post*, 29 November 1969.

and concluding with the President's request for a report 'on whether the Department of Defense expects more of these exposes(sic).'⁷² Kissinger passed the matter on to Secretary of Defense Melvin Laird who replied to him on 11 December that: 'The Department of Defense has no knowledge of the incident described by Mr Reid'. Laird added: 'I am informed by the Department of the Army that the Office of the Provost Marshal General has been receiving similar allegations from a variety of sources since the My Lai story broke in the press' and that 'these allegations are being investigated.' Indeed, on the same day, Laird wrote to the secretaries of the Army, Navy and Air Force requesting that his department be provided 'with all pertinent facts pertaining to each investigation as it begins, progresses and is completed.'⁷³ In the Army, this task was to become the responsibility of the Vietnam War Crimes Working Group which collected information about war-crime allegations for the next five years.⁷⁴

On 5 December 1969, a lengthy article about the My Lai Massacre entitled 'An American Tragedy' appeared in *Time* in which Reid's allegation received a further airing. Puzzlingly, the location had altered but the substance of the accusation remained:

⁷² Brown to Kissinger, 2 December 1969. Folder 9: 'Possible My Lai Commission', Alexander M. Haig Special File, Box 1004, NSC Files, Nixon Presidential Materials, NARA. The AP dispatch included material which *The Paper* had not used in its own article. Brown's letter cited an allegation made by Reid that: 'A private cannot get up and say what he thinks. You are a puppet on a string, especially in a war zone.' Neither *The Paper* nor *The Washington Post* had printed this particular allegation but it was included in a version of the story entitled 'Former GI Charges New Atrocity' which appeared in the *Baltimore Sun* on 29 November 1969. Apparently it was the article in the *Baltimore Sun*, a copy of which is in the CID's Report of Investigation on Willingham, that stimulated the interest at the White House. CID Report of Investigation on Thomas Willingham, 70-CID011-00039, US Army Crime Records Center.

⁷³ Laird to Kissinger, 11 December 1969. Folder 1 of 2: Vietnam - Lt. Calley Case (The My Lai Atrocity), Box 118, NSC Files, Nixon Presidential Materials, NARA; Laird to The Secretary of the Army etc., 11 December 1969. Box 8, Folder 11, Papers of *Four Hours in My Lai*, Liddell Hart Centre for Military Archives, LHCMA, KCL.

⁷⁴ Nelson has suggested that the Vietnam War Crimes Working Group had its origin in Nixon's anxiety about the appearance in *Life* of Haeberle's photographs of the massacre at My Lai 4. Nelson, p. 168. It seems just as likely that its origin was Nixon's anxiety about Reid's allegations and others which might follow. Reid's story might also have prompted Nixon to explore another possibility. Sallah and Weiss cite a letter written in mid-December 1969 by Major General Hodgson, the Judge Advocate General, in which he explained that the government's power to 'enjoin the news media from disseminating certain news depends upon the facts of any given case' but that 'The Department of Justice is considering the possibility of seeking ... an injunction' to prevent the release of war crimes allegations by the media. Sallah and Weiss, p. 363.

Terry Reid, 22, a former infantryman in the same Americal Division (as the men of Charlie Company) claimed last week that he counted '60 dead bodies - women, children and maybe a few old and decrepit men' after US troops had shot up a village 130 miles south of My Lai in early 1968.⁷⁵

Thus, Reid's account of the massacre at My Khe 4 reached Nixon, Kissinger and Laird and details of the interview he had given were distributed nationally by AP and to four million readers of *Time*.⁷⁶ However, because of his failure to date the operation, the confusion over its location and the missed clue of his unit designation, the connection with the killings in Son My was obscured. It was not until 21 January that Reid was interviewed by a CID agent, by which time he had decided that he was not prepared to talk to the Army.⁷⁷

Had Peers and his assistants had more time to study the newspapers and news magazines, they might have realised the relevance of Reid's story at the beginning of their investigation. Instead, it was a story which appeared in *The New York Times* on 7 December which persuaded the Army that Bravo Company's role in the operation in Son My required attention. The story suggested that 'the largest number of killings' in Son My had 'occurred not in the hamlet of Tucung but in a section of (the) village known as Coluy'.⁷⁸

⁷⁵ 'An American Tragedy', *Time*, 5 December 1969.

⁷⁶ The circulation of *Time* in 1970 was 4.26 million. Baughman, p. 129.

⁷⁷ At what point it was decided that Reid had described the assault on My Khe 4 when he talked to *The Paper* is questionable; although his allegations had been linked with Kamm's article in *The New York Times* by the end of December 1969, it is possible that investigators were uncertain about the date and precise location of the operation in which he had participated. Greiner is wrong to assert that Reid's story had been published in *The New York Times* and that it was because of the 'wide dissemination of the Reid interview' that 'Peers was instructed on 10 December 1969 to follow up the accusations.' Peers and the Provost Marshal General were instructed on 10 December to 'investigate New York Times allegation of atrocities in Co Lay Hamlet' and it was the allegation which had appeared in Kamm's article that pointed investigators towards the massacre at My Khe 4. Greiner, p. 312; Memorandum: Information for Members of Congress, 16 October 1970.

⁷⁸ Kamm, 'Study Finds High Songmy Toll'.

Written by Henry Kamm, 'Study Finds High Songmy Toll' was based upon information gathered by a 'fact-finding committee of the South Vietnamese House of Representatives'. Either the committee's information was flawed or something was lost in translation because there are errors in Kamm's story: he calculated that over 300 killings might have taken place in Co Luy and located these killings 'about two miles west of Tucung' rather than to the east. Nevertheless, Kamm was on the right track. Civilians had been killed in Co Luy, which was 'near the South China Sea', and he was correct in his assertion that Tan had written a report alleging that the Americans had killed up to 500 villagers in Son My.⁷⁹ The reporter's observation that 'four of the five representatives on the committee' which had carried out the investigation 'come from Quangnai Province and have access to the best information available to the most knowledgeable people in the region' added to the impact of his story.⁸⁰ Directed to investigate, Peers responded with a cable requesting urgent enquiries which reached General Abrams, commander of MACV, on 11 December:

Considerable concern being expressed about a recent news article which stated that the largest number of killings did not occur in Tu Cung [My Lai 4 - spelled Tucung in news article] but in Co Luy [spelled Coluy in news article]. Further, article states that 145 dead may be accurate for Tu Cung but the total reaches the figure 450 to 500 if Co Luy is added. Co Luy is identified in article as two miles west of Tu Cung. Colay is approx two miles east of Tu Cung.

... The commander of the 11th Inf Bde, Col Oran Henderson, prepared a report dated 24 April 68 ... which contained a copy of an unsigned statement dated 14 Apr 68. This statement alleges that on 16 Mar 68, 400 civilians were killed in Tu Cung hamlet and 90 more were killed in Co Lay.

Bravo Company, 4th Battalion 3d Infantry was operating on the Co Lay Peninsula during this period under the operational control of Task Force Barker. The casualties officially reported by Bravo Company were 38 VC KIA on 16 Mar ... There was no mention of civilian casualties.

... Request all information concerning the allegations made in news article and referenced report be provided this investigating group at earliest date.⁸¹

⁷⁹ Kamm was wrong about the date of the report.

⁸⁰ Kamm, 'Study Finds High Songmy Toll'.

⁸¹ Message DA to COMUSMACV, 11 December 1969. The text of the original is in capitals.

Kamm's story and the 'considerable concern' relating to the actions of Bravo Company which it prompted are not mentioned in the explanations which Peers later provided of how the massacre at My Khe 4 had come to his attention. In a de-briefing interview at the end of his career in 1977 he recalled that 'on the 9th of December' he had been required to make a report to members of the Armed Services Committee of the House of Representatives and that:

By that time we had been a little over a week in taking testimony, so I was able to give them quite a bit of the story as to what I knew up to that time of the incident itself. We only knew ... that Charlie(sic) Company had been involved in something - we didn't have any reason to suspect that Bravo Company, further to the east, was in any way involved.⁸²

It is conceivable that Peers was alerted to Kamm's story after his appearance before the congressional members but in *The My Lai Inquiry*, which was published in 1979, he added that:

About the only indication we had before we went to South Vietnam (on 26 December) that something irregular might have occurred during the Bravo Company operation was a reference in the statement appended to Colonel Henderson's report of April 24, 1968. It was tenuous at best, alluding to the fact that civilians had been gathered together and killed in Tu Cong and in another hamlet called Co Luy.⁸³

One cannot be certain about the reasons behind the general's reluctance to acknowledge the importance of Kamm's story but it may be that he was unwilling to draw attention to the determination with which the Army had clung to the idea that references to Co Luy, a name used by the Vietnamese, were references to Co Lay, a name used by the Americans for a number of sub-hamlets in the south of Co Luy. The cable sent to Abrams and passed on, in slightly different form, to others including the commander of the Americal and senior American advisors in Quang Ngai and Son Tinh

⁸² De-Briefing Interview with Peers, Section 4, pp. 35-36.

⁸³ Peers, p. 184. A copy of Henderson's report and its attachments had been found during the earlier investigation conducted by the Office of the Inspector General. Peers did not learn that Rodriguez was the writer of the statement until he visited South Vietnam at the end of December although Emery had revealed Rodriguez as the writer in 'On-the-spot record of 'massacre' is found', which had appeared in *The Times* in November. Once again, therefore, a newspaper story could have helped the general.

demonstrates this determination. There was an assumption that Kamm or his sources had mis-named the location and that, in the unsigned statement by Rodriguez, the reference to the killing of 90 civilians in Co Luy was a mis-spelling of Co Lay.⁸⁴

Why did the Army dismiss the references to Co Luy? Kamm's location of Co Luy to the west of Tu Cung, perhaps as a result of an error of translation, had not helped and the process of translating Vietnamese place names into the Roman alphabet might have led to different spellings of those names in English. That a community might be referred to by its name as a sub-hamlet or by the name of the hamlet of which it was a part added to the confusion. In December 1969 the Americans had not grasped that those Vietnamese alleging that killings had occurred in My Hoi were corroborating the allegations that killings had occurred in Co Luy. It was, however, the American solution to these problems which made matters worse.

The policy of renaming and numbering Vietnamese communities for ease of identification and the use of maps which bore these names might have helped American soldiers to orient themselves but the Army apparently persuaded itself that the Vietnamese would adopt the same custom. This is demonstrated by Peers' account of the difficulty of tracing the whereabouts of Co Luy. On American maps Xuan Duong, Xam Tuan and Xam Cua, all of which were sub-hamlets in Co Luy, appeared as Co Lay 1, Co Lay 2 and Co Lay 3 and Peers admits in *The My Lai Inquiry* that before he left for South Vietnam he and his assistants had:

studied several maps and charts of U.S. origin trying to locate a Co Luy but there was none to be found in the Bravo Company area. There were three hamlets of Co Lay - 1,2, and 3 - but none of these seemed to fit.⁸⁵

⁸⁴ Message 68355 COMUSMACV to CG Americal et al., 12 December, 1969, subject: Alleged Killings in Quang Ngai, Record Group 472, Inspector General, My Lai [4] Investigation. Box 3 Folder 12. NARA.

⁸⁵ Peers, p. 185.

Peers, therefore, was attempting to find a place referred to by its Vietnamese name, Co Luy, on 'maps and charts of U.S. origin', apparently convinced that the Vietnamese who had alleged that a massacre had occurred at Co Luy would have identified it by its American name. This is the mind-set evident in the cables triggered by Kamm's story which assumed that Kamm or his Vietnamese sources had mis-pronounced Co Lay and that Rodriguez had mis-spelt it.⁸⁶

In the weeks between the publication of Kamm's story and the announcement of the charges against Willingham in February, the suggestion that a second massacre might have occurred in Son My was obscured by the reporting of other developments: Peers' visit to South Vietnam and the charging of a further three members of Charlie Company with offences committed at My Lai 4. Journalists did not learn of the detailed testimony that Feher had taken from Bay on 17 December, that the location of Co Luy was established whilst Peers was in South Vietnam or that Jerry Walsh, who had been assigned to obtain testimony from former residents of Co Luy, became 'certain that some atrocities had been committed by Bravo Company'. No hint of this reached the media until February.

There was some justification for the Army's reluctance to share what its investigators had discovered about the massacre at My Khe 4: it was necessary to protect the rights of anyone who had been or was going to be accused. On the other hand, the Army was anxious to protect itself. Major General Winant Sidle, who had

⁸⁶ In *The My Lai Inquiry* Peers perpetuated the confusion about the geography of Son My by asserting that My Khe 4 was in the hamlet of My Lai and that it was a local mistake to assume that it was in Co Luy. Peers, p. 184. This was not the conclusion that he had reached in his report in which My Khe 4 is located in Co Luy on a map of Son My (a copy of which Peers included in *The My Lai Inquiry*) and in the text. Goldstein et al., p. 70 and p. 167; Peers, p. 42. The source of his error was probably the memo in which Jerry Walsh had written that My Khe 4 was in the hamlet of My Lai. One confusion leads to another: on the strength of what Peers had written in *The My Lai Inquiry*, Oliver noted that 'the Peers commission' had concluded that My Khe 4 'belonged to My Lai hamlet.' Oliver, *The My Lai massacre in American history and memory*, p. 192.

been brought back from South Vietnam late in October 1969 to become the Army's Chief of Information, has admitted that: 'The atrocities (in Son My) ... created a huge public relations problem for the army and the Department of Defense'.⁸⁷ To acknowledge that there was evidence of a second massacre at a different place, perpetrated by men from a different company, was to invite a fresh round of media interest, to undermine the defence that what had happened at My Lai 4 was 'an isolated incident', and to paint the US Army in an even bleaker light. On the other hand, if the Army was found to be 'covering-up' another massacre the damage to its reputation might be even graver. What should be done? By early February there was an urgent need for a decision about how to manage the story because at least one reporter had registered Peers' interest in Bravo Company and speculated about its significance.

Ted Sell's story, which appeared in the *Los Angeles Times* on 3 February, was mainly concerned with the possibility that members of Charlie Company had committed crimes on other occasions but he also noted that Peers had 'summoned 21 members of Bravo Company, 4th Battalion, 3rd Infantry to testify', that in the last few days 'more men of that unit have been witnesses than from any other single outfit' and that Bravo Company had been positioned 'outside the village when Charlie Company moved into My Lai.' This was significant, Sell argued, because Peers could be in the process of establishing that 'My Lai was less an isolated incident than part of a pattern of misbehavior by at least some American units', exactly the sort of conclusion which the Army wished to avoid.⁸⁸

⁸⁷ Winant Sidle, Major General (Ret.), 'Massacre at My Lai' in Jack A. Gottschalk and Connors, Martin (eds), *Inside Stories on Managing Crisis Response: Image under Siege* (New York: Gale Group, 1993), p. 326.

⁸⁸ Ted Sell, 'My Lai Company Faces Earlier Crime Charges', *Los Angeles Times*, 3 February 1970. Sell was mistaken about the number of men from Bravo Company to have been summoned by Peers. Twenty-four had appeared before Monday 2 February. Two more appeared on that day.

The implications of Sell's story produced anxiety in another quarter. Slightly edited, it had appeared in *The Washington Post* on 3 February and in this form it was seen by L. Mendel Rivers, the chair of the House's Armed Services Committee, and Hébert, the chair of the sub-committee set up to investigate 'the My Lai Incident'. They complained to a representative of the Army's OCLL (Office, Chief of Legislative Liaison) that Sell's story was one of several which might have been based upon information leaked by someone in the Army. Chief of Information Sidle, who was asked to identify the source of the leaks, responded on 4 March that the stories had 'been the result of journalistic enterprise and not "leaks"' from the Army.⁸⁹ Whether the congressmen were satisfied by Sidle's conclusion is less important than what triggered their concern: Sell's attempt to widen the story and the effects which this might have upon the Army's reputation.

On the day after Sell's story was printed, the Department of Defense announced that it would henceforth refer to the area of investigation as Son My rather than My Lai.⁹⁰ The change had been prompted by Peers who, on 21 January, had sent a memorandum to Resor and Westmoreland recommending that 'the geographic scope of the final report be extended to include the entire Son My Village'. Peers' justification was that this would 'permit better definition within the report of the actions which took place in some of the sub-hamlets.'⁹¹ It was not until 2 February that Resor and

⁸⁹ Memorandum for Chief of Legislative Liaison, 4 March 1970, subject: Origin of Recent News Articles in Newspapers Concerning Son My, Box 1: My Lai, Army Staff Monitor Summaries, February - May 1970.

⁹⁰ The announcement is reported in Peter Braestrup, 'Captain Charged in Viet Slayings', *The Washington Post*, 13 February 1970.

⁹¹ The memorandum is reprinted in the first chapter of Volume I of the Peers Report. See Goldstein et al., pp. 42-43. In conversation with the writer, Walsh recalled that, having returned from South Vietnam, 'Peers began worrying ... about whether the scope of the orders ... was broad enough to cover what we were doing so he recommended ... an amendment of our orders ... to confirm that the scope of our investigation was to cover the entire village of Son My.'

Somewhat misleadingly, Hersh noted in 'Coverup-II' that this memo was 'the first time since the day of the tragedy that even an intimation of Bravo Company's misdeeds at My Khe 4 had come to official light'. Hersh, 'Coverup-II'. His explanation in *Cover-Up* of the memo's significance is more accurate. He wrote

Westmoreland sent their approval, with the qualification that: 'The exploration of matters within Son My Village is considered to be within the scope of your original directive for investigation.'⁹² This hardly clarified matters. The original directive, dated 26 November 1969, required Peers 'to explore the nature and the scope of the original U.S. Army investigation[s] of the alleged My Lai [4] incident'.⁹³ This is not evidence that Resor and Westmoreland conspired to conceal the massacre at My Khe 4 but the retention of the reference to My Lai [4] in the wording of the original directive ensured that the media remained focused upon Charlie Company and the decision to refer to the area of investigation as Son My helped the Army's spokesmen to avoid the distinction between the massacres: a tactic which was to be used so frequently in the following weeks that it is hard to resist the conclusion that the Army had decided upon a public relations strategy.

The news that Willingham had been charged was broken on the networks' evening news programmes on 12 February but coverage of the story in the newspapers on the following day was limited. On page twelve of *The New York Times* a report entitled '2d Officer faces Songmy Charges', began: 'The Army has charged Capt. Thomas K. Willingham, a 25-year-old infantry officer, with the unpremeditated murder of Vietnamese civilians in the village of Songmy on March 16, 1968', an explanation which offered no suggestion that the charges related to a separate action. It was not until later in the story that readers were told that Willingham was a member of Bravo Company and that he and his platoon were positioned 'two miles east' of Charlie Company and although the *Times* acknowledged the importance of an announcement

that the sending of the memo to Resor and Westmoreland 'officially changed the scope of his inquiry'. Hersh, *Cover-Up*, p. 244.

⁹² The memorandum is reprinted in the first chapter of Volume I of the Peers Report. See Goldstein et al., p. 43.

⁹³ The 'Directive for Investigation' is reprinted in the first chapter of Volume I of the Peers Report. See *ibid.*, p. 33.

which 'marked the first time that officials had confirmed that another infantry unit might have committed crimes in (the) area', it first cited 'Defense Department officials' who 'linked the incident to earlier charges of mass murder in the same village and on the same day'.⁹⁴

The linkage between the charges against Willingham and the charges which had already been laid against members of Charlie Company was even more marked in 'Captain Charged in Viet Slayings', a story by Peter Braestrup which appeared on page six of *The Washington Post*. The opening paragraph explained that the charges against Willingham were significant because a second Army company was now involved 'in the alleged March 16, 1968, "Pinkville massacre" in Quangngai Province.' Willingham's company was described as 'a blocking force about two kilometres east of Mylai (4).' Because the Army had not specified the number of alleged victims, the *Post* was forced to rely on 'qualified sources' who 'said that the allegations against Willingham involved the deaths of several Vietnamese but less than a dozen'.⁹⁵ One cannot help wondering about the identity of the 'qualified sources' who led Braestrup to under-estimate the extent of the crime with which Willingham had been charged. The *Post*, like the *Times*, devoted space to detailing the charges which had been made against members of Charlie Company and to providing some background information about Willingham.

Like their colleagues in television, print journalists were unable to clarify the story because, as the *Times* noted, 'The details of the charges were not made public'.⁹⁶ An explanation of the Army's reticence was offered by Braestrup in the *Post*. The Army had indicated that publication of the specific charges 'might prejudice the rights of the accused' and according to Jerry Friedheim, a Pentagon spokesman quoted by Braestrup,

⁹⁴ '2nd Officer Faces Songmy Charges', *The New York Times*, 13 February 1970.

⁹⁵ 'Captain Charged in Viet Slayings'.

⁹⁶ '2d Officer Faces Songmy Charges'.

the Army would not be discussing the detail of the charges because 'our lawyers told us not to'.⁹⁷

The Army, however, had already travelled this path in the Calley case and it had been pilloried for doing so. An original announcement, on 5 September 1969, which indicated that Calley had been 'charged with violation of Article 118, murder, for offenses allegedly committed against civilians while serving in Vietnam in 1968', had been restrained to the point of mis-representation. Developed by Seymour Hersh, the Calley story was carried by more than thirty newspapers on 13 November and by all three of the networks on 17 November. Some of Haeberle's photographs of the massacre were published in the *Cleveland Plain Dealer* on 20 November.⁹⁸ Surrendering, the Army released a 'Memorandum for Correspondents' on 24 November which included the wording of the charges and confirmed the date, the location and the extent of the crimes of which Calley was accused.⁹⁹ Reporters remained resentful. *Newsweek* noted in its 8 December issue that 'Many observers ... believed that the Army's main interest had been to play down the case' and Lloyd Norman, the magazine's Pentagon correspondent, complained that:

The Army has hidden behind every possible legal bush to avoid adding any more drama to the story. When I asked Pentagon officials two weeks ago for the details of the charges, I was rebuffed with the reminder that the Army could not prejudice the case by prematurely releasing evidence. It is obvious, in fact, that the military dragged their feet and their law books as long as they could ... I don't believe we can actually accuse the Army of trying to cover up the story, but it came very close.¹⁰⁰

⁹⁷ 'Captain Charged in Viet Slayings'.

⁹⁸ *Cleveland Plain Dealer*, 20 November 1969. The photograph on the front page showed a group of twenty dead villagers, some of whom were children.

⁹⁹ The text of the original announcement and details relating to the 'Memorandum for Correspondents' are in Everett, Johnson and Rosenthal, pp. 96-101.

¹⁰⁰ 'The Killings at Song My', *Newsweek*, 8 December 1969.

Evidence of the care with which the Army continued to handle its announcements that soldiers had been charged with offences committed at Son My can be found in the record of the Son My Army Staff Monitoring Group for 7 January 1970 which noted that: 'OTJAG (Office of the Judge Advocate General) reports that in an effort to reduce publicity on the My Lai incident, (it was) decided late yesterday 6 Jan ... to delay an announcement of the charges' against Private Gerald Smith.¹⁰¹ In Willingham's case the Army risked the antagonism of the media by sticking to the policy of withholding the details of any charges until it was decided to refer the accused to trial by court-martial. A desire to avoid the pre-trial publicity which, according to Calley's defence lawyers, had denied their client the possibility of a fair trial might have been one reason for the Army's refusal to announce the detail of the charges but another seems to have been the Army's wish to present the actions of the two companies as elements of an 'isolated' incident.

The announcement of the charges against Willingham was apparently handled with this in mind. The date of the alleged offences was provided and thus a link to the charges against members of Charlie Company was established but there was no indication of the number of victims and beyond the statement that Willingham was charged with offences 'allegedly committed ... while serving in Vietnam' with Bravo Company, there was no reference to location. It would not have disappointed the Army to find that the bareness of the information it had provided led the media to make the sort of erroneous assumptions which were a feature of the television and newspaper reporting of the charges against Willingham. It must also have been a welcome surprise that the nature of the announcement did not provoke charges of a 'cover-up' from

¹⁰¹ Cited in White House File: Box 8, Folder 80, Papers of *Four Hours in My Lai*, LHCMA, KCL.

reporters who, perhaps, had been sated by the volume of information which had become available about the massacre at My Lai 4.¹⁰²

More compelling evidence of the Army's determination to obscure the distinction between the two massacres is provided by a comparison of earlier drafts of the charges against Willingham with their final wording. In draft, the first charge was that in violation of Section 118 of the Uniform Code of Military Justice: 'Captain Thomas K. Willingham ... did, at My Hoi subhamlet, Co Luy ... hamlet, Son My ... on or about 16 March 1968, with premeditation, murder 15 human beings, occupants of the subhamlet of My Hoi, whose names and sexes are unknown.' This followed the model set by earlier charges by identifying the sub-hamlet in which the killings had allegedly occurred. The charges which had been made against Calley and Sergeant David Mitchell, for example, accused them of crimes which had been committed at My Lai 4.¹⁰³ However, in its final form, dated 10 February, the charge against Willingham read that:

Captain Thomas K. Willingham, US Army ... did at Son My Village, Son Tinh District, Quang Ngai ... on or about 16 March 1968, murder twenty Vietnamese civilians whose names are unknown, by means of shooting them with a machine gun and rifles.¹⁰⁴

By placing the killings of which Willingham was accused in Son My rather than in My Hoi, the Army did its best to ensure that, if the wording of the charges was released, the

¹⁰² The text of the Army's announcement of the charges against Willingham, entitled 'Memo for the Press', and an information sheet for members of Congress, dated 12 February, which contained exactly the same material are in CIP 180 XI -1-5: Captain Thomas K. Willingham.

¹⁰³ See Goldstein at al., pp. 497-498. The wording of the original charge against Mitchell appears in the second inclosure to a Fact Sheet produced by the Office of the Provost Marshal General (OTPMG), Subject: My Lai, 23 November 1969 in Folder 2, Box 2, HTA, LC, UMSCL, AA. The wording of a later charge against Mitchell is in Robert M. Smith, '2d trial Is Ordered In Songmy Incident', *The New York Times*, 1 January 1970.

¹⁰⁴ The text of the charge in its draft and final form are in CIP 180 XI -1-5: Captain Thomas K. Willingham. This folder also contains a draft of another charge against Willingham alleging that he failed to 'make known to his commanding officer ... knowledge and reports concerning ... a war crime' which had occurred 'in or near My Hoi'. The reference to My Hoi was eliminated in the final version of this charge.

distinction between the massacres carried out by Charlie Company and by Bravo Company's 1st Platoon would remain blurred.

To guard against the possibility that an Army spokesman might give too much away, a script was produced which listed the appropriate responses to twenty queries which might be raised by reporters. One of the queries was: 'Where was Company B at the time of the alleged incident?' In order to protect the notion of the 'isolated' incident, the official answer was: 'Both units were members of Task Force Barker. On 16 March 1968, Company B was located in Son My Village approximately two miles east of Company C.'¹⁰⁵ This wording was apparently intended to persuade reporters that there was no crucial distinction to be drawn between the activities of the two companies.

The Army was fortunate that its attempts to contain the Willingham story coincided with the media's focus upon the Calley case. Journalists displayed little interest, for example, in connecting the charges against Willingham with the allegations of a second massacre which had been reported in November and December 1969. Even so, events in the days which followed the announcement of the charges against Willingham might have wrecked the Army's management of the story. First, Robert McKinley, the civilian attorney whom Willingham had added to his defence team, gave journalists some important details about the charges against his client and then, on 18 February, NBC broadcast a report about the massacre at My Khe 4 which included interviews with Vietnamese who had witnessed what had happened. These developments were picked up by the newspapers but the resulting stories did not make the front pages and the Army's fiction of an isolated incident was not significantly damaged.

¹⁰⁵ The script, entitled 'Response to Query', is in CIP 180 XI -1-5: Captain Thomas K. Willingham.

On the day that the charges against Willingham were reported in the newspapers, McKinley gave several telephone interviews. He told *The Washington Post* that Willingham had been charged with the killing of twenty Vietnamese civilians 'with rifles and machine gun' and that he and his client, who denied killing anyone, believed that the charges had been laid because it was thought that Willingham had ordered or allowed others in his platoon to carry out the killings. As the *Post* observed, this raised the 'possibility of criminal proceedings against more U.S. servicemen'. A similar report appeared in the *Chicago Tribune* and both newspapers noted that the charges related to 'a second, separate ... massacre' alleged 'to have happened two miles from My Lai 4'.¹⁰⁶ The implications of this, that Charlie Company could no longer be dismissed as a rogue unit and that what had happened in and around My Lai 4 was not an isolated incident, were not explored. Neither of the reports bore a headline suggesting that a second massacre had occurred and neither was given prominence. The report in the *Post* appeared on page four and the report in the *Tribune*, which was headlined 'Captain's Lawyer Tells My Lai Case', appeared on page eighteen.

A report entitled 'New Massacre?' which appeared on 15 February in the *Los Angeles Times* did highlight the Army's belief that 'a second massacre' had taken place and predicted 'that other members of Willingham's unit ... would be charged'. Like the *Tribune* and the *Post*, however, the *Times* did not make much of the story, less than 250 words appearing on page four.¹⁰⁷

¹⁰⁶ Bob Horton, 'U.S. Captain Denies Killings in Vietnam', *The Washington Post*, 14 February 1970; 'Captain's Lawyer Tells My Lai Case', *Chicago Tribune*, 14 February 1970. Similar points were made in a short report in *Newsweek*, the headline of which assumed a connection between Willingham and those who had been charged with offences committed at My Lai 4. See 'Defendant No. 5', *Newsweek*, 23 February 1970.

¹⁰⁷ 'New Massacre?', *Los Angeles Times*, 15 February 1970.

In *The New York Times* there was no reference to the possibility that Willingham had been charged because of offences committed by those under his command and no attempt was made to establish that the charges related to a separate massacre. Instead, the *Times* dwelt on the significance of the charge that Willingham had acted 'in violation of the Laws and Customs of War', citing a 'ranking Pentagon officer' who said 'that such a charge might be easier to prove in a military trial than the charge of unpremeditated murder'. It also picked up a claim by McKinley that Willingham's company had 'sustained heavy fire from numerous rifles that day' adding, however, that 'Army records disclosed that one soldier in the company had been killed in action and seven others wounded' on the day in question but that 'None were in the platoon commanded by ... Lieutenant Willingham.'¹⁰⁸

A clearer account of what Willingham's platoon had done at My Khe 4 was provided by NBC less than a week later and newspapers summarised the network's report in stories which appeared on 19 February. In 'Vietnamese Says G. I.'s Killed Children', *The New York Times* reported Vietnamese allegations that about 100 civilians, including children, had been killed at a 'hamlet ... designated Mykhe 4', which 'according to the N.B.C. News correspondent Robert Goralski' was where Willingham's company was serving 'as a blocking force'.¹⁰⁹ A UPI story carried by the *Los Angeles Times* and *The Washington Post* also linked the charges against Willingham with the allegation that almost 100 civilians had been killed at the hamlet of My Khe, adding that a survivor of the massacre named Nguyen Thong had told interpreters that 'American soldiers opened fire on ... children, then went through the hamlet throwing hand grenades into bunkers.' The *Los Angeles* paper reported that the Pentagon 'had no immediate comment on the NBC report' but the *Post* cited unofficial Pentagon sources

¹⁰⁸ 'Accused Captain Linked to 20 Killings', *The New York Times*, 14 February 1970.

¹⁰⁹ 'Vietnamese Says G. I.'s Killed Children', *The New York Times*, 19 February 1970.

who 'were not discounting the possibility the NBC story was accurate.'¹¹⁰ None of this, however, reached the front pages. The story in *The New York Times* was on page six and those in the *Los Angeles Times* and *The Washington Post* were on pages seventeen and twenty-four. In the *Chicago Tribune*, NBC's report drew less than 125 words on page twenty.¹¹¹

Willingham's refusal to answer questions during his appearance before the Peers Inquiry on 20 February did not stimulate much newspaper coverage either, despite NBC's continuing interest in the story that evening. The network reported that Willingham had been 'accused of murder in a second alleged massacre at My Khe 4' and emphasised the view that he had ordered the shooting which led to the deaths of twenty civilians.¹¹² Newspapers, on the other hand, briefly recorded Willingham's appearance at the Pentagon and repeated his lawyer's assertion that 'The captain killed no one.'¹¹³ *The New York Times* noted that Willingham had refused to answer questions but the report, entitled 'Captain Appears at Inquiry', followed a story about a meeting between Calley and George C. Wallace, the former governor of Alabama, which began on the front page and ended on page nine.¹¹⁴ The *Times*, it seems, had concluded that Willingham was a footnote to the story of William Calley.

The *Chicago Tribune* concentrated on McKinley's defence of Willingham who, the lawyer said, 'categorically denies' the charges. 'Army Captain Will Deny Guilt in

¹¹⁰ 'Second Massacre Story Told by Viet Civilians', *Los Angeles Times*, 19 February 1970; 'NBC Report Says 100 Murdered Near My Lai', *The Washington Post*, 19 February 1970.

¹¹¹ '90 Civilians Killed Near My Lai: NBC', *Chicago Tribune*, 19 February 1970.

¹¹² *Huntley-Brinkley Report*, 20 February 1970, VTNA. The television coverage arising from Willingham's appearance before the Peers Inquiry is considered in more detail in the following chapter.

¹¹³ 'Press Statement of Robert McKinley, Counsel for Capt. Thomas K. Willingham, following appearance before Peers Inquiry. The Pentagon, 20 February 1970' in CIP 180 XI -1-5: Captain Thomas K. Willingham. McKinley's assertion that Willingham had 'killed no one' was quoted in 'Calley Meets With Wallace and Receives Sympathy', *The New York Times*, 21 February 1970 and 'Army Captain Will Deny Guilt in Viet Case, His Lawyer Says', *Chicago Tribune*, 21 February 1970.

¹¹⁴ 'Calley Meets With Wallace and Receives Sympathy'.

Viet Case, His Lawyer Says', which appeared on page seven of the *Tribune*, mentioned the allegations of a massacre of 'up to 100 civilians' which had been aired by NBC and noted that McKinley had refused to comment on the suggestion that Willingham had ordered the killings.¹¹⁵ It did not, however, pursue McKinley's reluctance at the press conference to discuss the precise location of the killings with which his client had been charged. Asked if the statement his client had made to Peers referred 'to action in any other areas than My Lai 4', the lawyer replied:

I can only refer you to the charges which state the Son My village. I interpret this to mean the whole Batagan Peninsula which comprises Son My village and a number of hamlets including My Lai, My Khe and Co Lay.¹¹⁶

McKinley had apparently decided that the Army's refusal to identify My Khe 4 as the location of the killings might be in his client's interests.

References in the newspapers to the massacre at My Khe 4 became even scarcer in the months which followed. The newspapers found little to add to the story about Willingham until the dropping of the charges against him was reported in June 1970 and, when his name was mentioned, it was usually in the context of the massacre at Son My: an indication that reporters were no longer pursuing the idea of a second massacre. Early in March, for example, the *Chicago Tribune* noted that McKinley was planning to go to federal court to demand his client's release from the Army on the grounds that Willingham had received his release papers before he was charged 'in connection with the alleged massacre at Song My'.¹¹⁷ More significant was the reporting of the news conference on 17 March at which the Army announced the findings of the Peers Inquiry, an occasion on which the Army's strategy of avoiding the distinction between the two massacres might have been undone. Instead, the announcement that fourteen

¹¹⁵ 'Army Captain Will Deny Guilt in Viet Case, His Lawyer Says'.

¹¹⁶ 'Press Statement of Robert McKinley, Counsel for Capt. Thomas K. Willingham, following appearance before Peers Inquiry. The Pentagon, 20 February 1970'. Once again Co Luy was represented as Co Lay. This might have been a misprint, a mistake or, possibly, a deliberate attempt to confuse.

¹¹⁷ 'Viet Massacre Suspect Seeks Army Release', *Chicago Tribune*, 2 March 1970.

officers, two of them generals, had been charged with various offences relating to the suppression of information about the killings in Son My moved the story in an entirely different direction.

The heavily censored version of the first volume of the Peers Report which was made public on that day did not contain chapters six or seven, the chapters which described the two massacres that had occurred in Son My, and during the news conference, as William Beecher noted in *The New York Times* on 18 March, Peers 'repeatedly ... declined to discuss specifics of the cases for fear of prejudicing possible trial of the men involved'.¹¹⁸ Consequently, accounts of the news conference, which were front page news, were focused upon the new charges relating to what Peers characterised as 'a tragedy of major proportions', a phrase which encouraged reporters towards the idea of a single incident: in the *Times*, Beecher referred to the Army's investigation 'to determine if there had been mass killings ... at the My Lai 4 hamlet'; in *The Washington Post* Peter Braestrup wrote of the 'Pinkville massacre' and quoted Peers' assurance that the 'Sonmy affair (was) an "isolated instance"' and in the *Chicago Tribune* a story by Fred Farrar headlined 'Generals Face My Lai Charge' connected the charges 'with the alleged My Lai massacre'.¹¹⁹ There was no mention in any of these stories of the massacre at My Khe 4. Indeed, in the *Times*, a summary entitled 'Events in the Songmy Case' which claimed to list 'the major events leading up to yesterday's action by the Army in connection with the alleged massacre at Songmy' contained no reference to what had happened at My Khe 4. The entry for 16 March 1968 read: 'Company C ... sweeps through a hamlet called My Lai 4 in the village of Songmy'.¹²⁰

¹¹⁸ William Beecher, 'Army Inquiry Charges 14 Officers in Suppression of Songmy Facts; West Point's Head, Accused, Quits', *The New York Times*, 18 March 1970.

¹¹⁹ Ibid.; Peter Braestrup, '2 Generals, 12 Others Charged in Mylai Case', *The Washington Post*, 18 March 1970; Fred Farrar, 'Generals Face My Lai Charge', *Chicago Tribune*, 18 March 1970. Peers' description of the events in Son My as 'a tragedy of major proportions' was quoted in each of these stories.

¹²⁰ 'Events in the Songmy Case', *The New York Times*, 18 March 1968.

Elsewhere, the brief references to Willingham as one of the fourteen officers to be charged with the suppression of information were marked by inaccuracy. In its lead story the *Times* mistakenly indicated that Willingham would remain at Fort McPherson in Georgia 'pending the outcome of the charges' against him and the *Tribune* stated that Willingham had previously 'been charged with the unpremeditated murder of a Vietnamese civilian'.¹²¹

The extent to which the Army orchestrated the release of the Peers Report in order to conceal what had been learnt about the massacre at My Khe 4 has been the subject of some speculation. Peers admitted in *The My Lai Inquiry* that he was subjected to pressure by his superiors as he completed his report and prepared for the news conference but he offered no indication that he was encouraged to keep silent about the massacre at My Khe 4. He explained that:

It was an unwritten rule that we would not talk with anyone outside the Inquiry about our findings ... when I talked with Secretary Resor or General Westmoreland it was only of organization and procedural matters, nothing about what we had uncovered. But as we became aware of the enormity of the My Lai incident and the failures within the command to investigate and report it, I became concerned that our report would come as a horrendous shock to both Secretary Resor and General Westmoreland.

In mid-February 1970, therefore, Peers sent Resor and Westmoreland 'a short preliminary report' which 'told, in abrupt and brutal terms, of the actions at My Lai-4 and My Khe-4.' Resor responded to the preliminary report, according to Peers, by

¹²¹ 'Army Inquiry Charges 14 Officers in Suppression of Songmy Facts'; 'Generals Face My Lai Charge'. Willingham had been at Fort Meade when the original charges were made and he remained there until all the charges against him were dropped in June 1970. The confusion over his whereabouts, which was also a feature of the story in the *Tribune*, had its source in a news release from the Department of Defense. This stated that Willingham had been assigned to Fort McPherson and that he would remain there. The decision in June to drop the charges against Willingham was taken at Fort McPherson. Carelessness rather than conspiracy probably explains the error in the release. 'Army Announces Peers-MacCrate Inquiry Findings', Office of Assistant Secretary of Defense (Public Affairs), 17 March 1970 in Folder 39, Box 5, Douglas Pike Collection, Unit 03 - War Atrocities, TVA, TTU.

requesting a meeting at which he requested that Peers avoid 'over-emotionalism' in the wording of the final report.¹²²

Peers went on to tell of a later attempt to influence him by Major General Sidle, whose 'instructions seemed as though they had come from the General Counsel and the Office of the Secretary'. Sidle objected to Peers' use of the word 'massacre' in the statement to be read at the news conference. Peers recorded that the dispute was resolved by replacing the word 'massacre' with the phrase 'a tragedy of major proportions' but he added that: 'Perhaps because of the restraint, I did not feel that all of my answers (at the news conference) were as clear and responsive as I would have liked'.¹²³

Hersh noted in *Cover-Up* that Peers' preparation for the news conference included 'a three-hour session with Daniel Henkin, the Pentagon's chief spokesman, and others' and that the general later described this as 'three hours of hell'.¹²⁴ The suggestion that pressure from his superiors led Peers to avoid any mention of the massacre at My Khe 4 is borne out by those aspects of his performance at the news conference which Hersh recorded. Peers was asked whether there was any evidence that 'the type of behaviour that the charges ... are based on was more widespread than what happened at My Lai on March 16? In other words, other days or other places?' and that the general replied: 'If there is, I have no knowledge of it.' The following question focused on the charge of unpremeditated murder which had been made against Willingham. 'What about in the Son My area in that day? You have charges placed against a member of Company B who was not in My Lai village.' Peers' response was described, understandably, by Hersh as 'a classic example of obfuscation':

¹²² Peers, p. 211.

¹²³ Ibid., pp. 216-217.

¹²⁴ Hersh, *Cover-Up*, p. 247.

This is the reason why, if you will read that [the censored version of Volume I of his report] very carefully, it was expanded to include Son My village, as compared to My Lai 4 actually, because when we got to South Vietnam, we found that My Lai 4, when we say My Lai 4, they [the Vietnamese] didn't know what we were talking about ... What really is involved, what you might say in My Lai 4, encompassed several of the subhamlets, of which My Lai 4 is one of them ... But Bravo Company was not in that area, they were in another area further to the east. But it's all encompassed within the greater area of Son My village, and that is why we refer to it now as Son My village rather than try to delineate it to that one piece of terrain, My Lai 4.¹²⁵

Despite, or perhaps because of, Peers' refusal to clarify the distinction between the actions in My Lai 4 and My Khe 4, reporters did not pursue the question of a second massacre.

Hersh's attempts to probe the question of the Army's unwillingness to reveal the existence and extent of a separate investigation into the massacre at My Khe 4 were unsuccessful. A lawyer involved with the writing of the press release which accompanied the publication of the censored report told Hersh that he did not know why the killings at My Khe 4, the efforts already devoted to finding those responsible and the continuing CID investigation into Bravo Company's activities were not made public: 'It's a good question. I can't help you because I don't remember anything about it.' The lawyer added that in the final, frantic days of the inquiry as the report was being prepared for transmission to Resor and Westmoreland there was no discussion of what had happened at My Khe 4.¹²⁶

Another of Hersh's sources, a 'senior Pentagon official, who also was involved with the report', told him that 'One of the problems with that action [Bravo Company's] was that, although we had some information, it was really a fringe benefit of the Peers investigation.' Although Peers was prepared to answer questions about My Khe 4 at the news conference, Hersh's source maintained, it was agreed that it would be beneficial to

¹²⁵ Cited in *ibid.*, pp. 250-251. The ellipses, like the parentheses, are in Hersh's original.

¹²⁶ *Ibid.*, pp. 249-250.

keep the matter quiet 'because we were very much afraid of scaring off some of the B Company witnesses.'¹²⁷

According to Jerry Walsh, however, Peers decided that he would not volunteer information about the events at My Khe 4 in order to avoid further damage to the Army's reputation. Asked in August 2009 if there was any substance to Hersh's claim that the Army was determined to reveal as little as possible of what had been discovered about the second massacre, Walsh replied:

we had a lot of discussion the day before the press conference ... about what Peers should say or shouldn't say ... Peers ... was concerned about two things and Resor was concerned about two things ... One was that they didn't want to say anything that would prejudice upcoming criminal charges. They were very concerned about this ... Peers wrote out a statement that he was going to read ... the day before and gave it to Resor and Westmoreland to review and they accepted it with one exception. He said, 'I've been asked whether a massacre took place and I have to tell the American people, yes, it did' and Resor said, 'No, no, you can't say that. You can't use the word "massacre" ... You're pre-judging Calley.' ... It could be used by defendants later to say, 'I didn't get a fair trial because they already pre-judged this.' That was one thing.

Second thing was ... this was bad enough for the Army. Let's don't try to make it worse for the Army ... If there's anything to what Hersh said about that and it's not much but I guess you could say ... was it wrong for the Army to try to ... if not to put its best foot forward at least not to put its worst foot forward? ... Don't try to paint it as black as you can.¹²⁸

In *Four Hours in My Lai*, Bilton and Sim offered a different explanation of Peers' reticence, arguing that he 'had been placed in an awkward position. Though his report gave a very full account of what happened during Bravo Company's assault on Co Luy, the testimony was mostly hearsay evidence and the Army decided to keep it top secret.'¹²⁹ Unfortunately, the idea that Peers was persuaded to keep quiet about My Khe 4 for legal reasons is used by Bilton and Sim as a stepping stone to the more

¹²⁷ Ibid., p. 250.

¹²⁸ Walsh in conversation with the writer. In *The My Lai Inquiry* Peers asserted that 'It was not *our* job to ... be concerned about what effects the Inquiry might have on the Army's image or about the press or public's reaction to our proceedings' but Walsh's account of the discussions before the news conference demonstrates that Peers could be persuaded that 'the Army's image' required protection. Peers, p. 10.

¹²⁹ Bilton and Sim, p. 309.

dramatic suggestion that 'Peers ... delicately sidestepped awkward questions about a second massacre' at the news conference because the 'shocking revelation' of the massacre at My Khe 4 was 'one that the Army brass were desperate to keep the lid on', a desperation borne of Army leaders' consciousness that the news of a second massacre would destroy 'the argument that My Lai had been something completely out of the ordinary.'¹³⁰ Actually, Army leaders were conscious that the news of a second massacre, which had already appeared on NBC and in the newspapers, had not destroyed the argument that My Lai was an isolated incident. Thus, what Peers might have said about the massacre at My Khe 4 would not have been a 'shocking revelation' although it would have been an unwelcome reminder and reinforcement of the allegations which had already been made.

The enthusiasm with which Bilton and Sim pursued the idea that the Army had classified the massacre at My Khe 4 as 'top secret' led them into a further error. They claimed in *Four Hours in My Lai* that, on the same day of the news conference, briefers at the Pentagon lied about the events at My Khe 4, parrying journalists' questions about the charges levelled at Willingham by accusing South Vietnamese forces of having killed civilians in Son My while Charlie Company was at work in My Lai. Thus 'reporters learned nothing of Bravo Company's involvement. Instead South Vietnamese troops were blamed for what had happened to the civilians living in the coastal village of Co Luy.' The source for this allegation was given as a story on page 17 of *The New York Times* on 18 March 1970.¹³¹ None of the stories in the *Times* on that day, however, reported that South Vietnamese forces were believed to have killed civilians in Son My. Instead, Bilton and Sim seem to have based their claim on a story by William Beecher which appeared in the *Times* on the following day. It included the paragraph:

¹³⁰ Ibid., p. 309. As Hersh's record of Peers' responses at the news conference demonstrates, the general's side-stepping was hardly delicate.

¹³¹ Bilton and Sim, pp. 309-310. The source is noted in *ibid.*, p. 405.

In addition, Peers ... also turned up assertions of a previously unknown atrocity, involving only South Vietnamese, knowledgeable sources say. Reportedly witnessed by an American officer, the incident allegedly took place the same day ... in the Songmy area but was not reported as required by Army regulations.

As Beecher went on to explain later in his story, this was a reference to a charge against Kenneth Boatman who, it was alleged, had failed to report an incident in which suspected Vietcong guerrillas had been shot by 'Vietnamese believed to be members of the national police force.'¹³² Boatman, an artillery officer attached to Bravo Company, had not been at My Khe 4 on the day of the massacre and the information provided by the briefers at the Pentagon was, on this occasion, accurate.¹³³

Although Bilton and Sim exaggerated the extent to which the Army misrepresented the massacre at My Khe 4, there can be no doubt that one of the reasons that the media failed to develop the story of what had happened there was because so many reporters were persuaded that the events in Son My could be presented as elements of a single story. Thus, the explanation that a rogue unit had spun out of control gained currency and, as Kendrick Oliver has noted, the Army did not have to deal with a more difficult set of questions:

If correspondents had secured a more confident knowledge of what Willingham and his platoon had effected in (My Khe 4), then their attributions of guilt with respect to My Lai might well have been revised, exposing to a harsher interrogative light the culture of command existing within Task Force Barker itself and the wider army beyond.¹³⁴

By the time that the charges against Willingham were dropped in June 1970, the story of what had happened in and around My Lai 4 had been told in considerable detail. Having interviewed members of Charlie Company and seen the transcripts of

¹³² William Beecher, 'Songmy Data Lag Laid to 2 Groups', *The New York Times*, 19 March 1970.

¹³³ Relying upon *Four Hours in My Lai* as his source, Greiner has perpetuated this error with the assertion that: 'Pentagon spokesmen ... shifted the blame for the murders at My Khe [4] onto a South Vietnamese unit.' Greiner, p. 320.

¹³⁴ Oliver, *The My Lai massacre in American history and memory*, p. 84.

some of the interviews conducted by the CID and the Inspector General's Office, Hersh had completed *My Lai 4* by the end of February 1970. Much of what he had written appeared in *Harper's Magazine* in May and, before that, journalists had begun to track down some of the details in those sections of the Peers Report which had been withheld.¹³⁵ My Khe 4 did not feature in these stories although Hersh quoted at length from the story about Terry Reid in *The Paper* to illustrate the military culture prevailing in Quang Ngai in early 1968, not realising that Terry Reid's unit had been in Son My on 16 March.¹³⁶

The inaccuracy with which the dropping of the charges against Willingham was reported was probably a consequence of the media's absorption with the My Lai story, one strand of which seemed to have ended; a conclusion encouraged by headlines like 'One Freed in My Lai Army Case' and 'Army Exonerates Mylai Suspect'.¹³⁷ The lead paragraph of David Hoffman's report in *The Washington Post* struck this note, recording that 'The Army today exonerated one of four officers charged with the unpremeditated murder of South Vietnamese civilians during the alleged massacre at hamlet Mylai 4' although, later in the report, Hoffman indicated that Willingham and his platoon had been two miles away from My Lai 4.¹³⁸ In the *Chicago Tribune*, Fred Farrar confused matters further by explaining that Willingham and his platoon had been operating two

¹³⁵ See, for example, 'Panel Finds Songmy Data Diluted at Each Echelon', *The New York Times*, 27 March 1970.

¹³⁶ Hersh described Reid as a member of 11th Brigade who had spoken out about murders committed by his company in Quang Ngai. See Hersh, *My Lai 4*, pp. 13-14 and Seymour Hersh, 'My Lai 4: A Report on the Massacre and its Aftermath', *Harper's Magazine*, May 1970. Absent from the excerpts published in *Harper's Magazine* were the suggestions in *My Lai 4* that there had been a second massacre in Son My. In his book Hersh referred to the members of the Vietnamese House of Representatives who believed that the killings had occurred in two hamlets (the story that Henry Kamm had picked up in December 1969) and to Emery's claim in *The Times* that 900 had been killed in Co Luy. Hersh, *My Lai 4*, p. 148. Hersh also mentioned the charges against Willingham in his penultimate chapter and identified Bravo Company's location on 16 March as 'two miles to the east of My Lai 4'. He was wrong, however, to assert that Peers had begun hearing testimony from members of Bravo Company in December 1969. *Ibid.*, pp. 176-178.

¹³⁷ Fred Farrar, as 'One Freed in My Lai Army Case', *Chicago Tribune*, 10 June 1970; David Hoffman, 'Army Exonerates Mylai Suspect', *The Washington Post*, 10 June 1970.

¹³⁸ 'Army Exonerates Mylai Suspect'.

miles away from My Lai in 'the coastal hamlet of My Kag'.¹³⁹ *The New York Times*, which based its front page report on an AP release, reminded its readers that 'The incident in which (Willingham) was charged represented a second episode separate from that alleged to have occurred at Mylai' but it was not able to challenge the account of the operation which Willingham, accompanied by McKinley, gave to reporters after the dropping of the charges on 9 June.¹⁴⁰

Asked if there had been a massacre at My Khe 4, Willingham had replied 'None whatsoever' and explained that 'We landed under fire and moved east toward the village and hit some land mines and sniper and grenade fire along the way ... We made contact with the enemy as we approached the village. The official body count was about 28.'¹⁴¹ Peers and his investigators had concluded that Bravo Company had not landed under fire, that Willingham's platoon had not encountered mines or 'significant resistance' in the approach to My Khe 4 and that the platoon, which claimed to have killed 38 of the enemy there, had instead been responsible for the killing of Vietnamese women and children.¹⁴² Willingham, who told reporters that 'he knew of no civilians being killed' at My Khe 4, had in May 1969 testified to Colonel Wilson of the Inspector General's Office that 'innocent civilians' had been killed there.¹⁴³

Indeed, the media was so determined to connect the charges against Willingham with the assault on My Lai that his lawyer was prompted to reverse the position he had adopted when the charges were first announced. In February McKinley had found it

¹³⁹ 'One Freed in My Lai Army Case'.

¹⁴⁰ 'Officer is Freed in Songmy Deaths', *The New York Times*, 10 June 1970. There was an error in this story too: it indicated that the charges against Willingham had been filed on 20 February.

¹⁴¹ *Ibid.*

¹⁴² Goldstein et al., pp. 168-171.

¹⁴³ 'Officer is Freed in Songmy Deaths'; Testimony of Thomas K. Willingham, Inspector General's Investigation. *The Washington Post* and the *Los Angeles Times*, which ran a version of the Hoffman report entitled 'Officer Cleared in Alleged Massacre' on 10 June, also devoted several paragraphs to what Willingham had said. Like *The New York Times*, these newspapers offered no challenge to the version of events which Willingham gave to reporters.

expedient to present the charges against his client in the context of the assault on Son My. Now he found it necessary to remind them that Willingham and his platoon had been operating independently. *The Washington Post* noted that 'On several occasions', during the informal press conference, 'McKinley cautioned that legally and factually his client should not be associated with what happened at My Lai 4'.¹⁴⁴

By March 1971 even the possibility that a massacre had occurred at My Khe 4 seemed to have been forgotten. A report headlined 'Mylai History: From Rumor to Verdict' in *The New York Times* listed the various charges which had been laid against twenty-five officers and enlisted men in connection with the massacres in Son My and detailed the outcomes.¹⁴⁵ Although the dropping of the charges that Willingham had made false official statements and failed to report a felony was recorded, there was no indication that he had ever been charged with murder.

When Hersh resurrected the story of My Khe 4 in *The New Yorker* in 1972 he was able to draw upon the work of the Peers Inquiry and at least some of the testimonies secured by the CID. He had also interviewed Hooton and Reid and in 'Coverup-I', which appeared on 22 January, he devoted several pages to a synthesis of the information he had gathered. Ironically, however, Hersh chose to present his account of the massacre at My Khe 4, the most detailed and accurate published at that time, in the context of the argument that the killings in Son My had been a consequence of policy and of attitudes encouraged throughout the chain of command in the Americal, an argument which stressed, as the Army had sought to do, the relationship between the massacres at My Lai 4 and My Khe 4.

¹⁴⁴ 'Army Exonerates Mylai Suspect'.

¹⁴⁵ Robert D. McFadden, 'Mylai History: From Rumor to Verdict', *The New York Times*, 30 March 1971.

Readers of *The New Yorker*, who numbered almost half a million, were informed that after the men of Bravo Company had reached their landing zone near My Lai 1, Willingham and his platoon moved off to the east.¹⁴⁶ After a few hundred yards they reached the narrow bridge which led to My Khe 4, 'a scraggly much harassed collection of straw-and-mud houses, inhabited by perhaps a hundred women, children, and old men.' There was disagreement, Hersh acknowledged, about what occurred as the platoon approached My Khe 4. Some members of the platoon testified that a hand grenade had been thrown at them, although no one recalled an explosion, and others claimed that they received sniper fire as they crossed the bridge. There were no casualties, however, and once across the bridge 'some of the G.I.s ... could see the unsuspecting villagers through heavy brush and trees.' At this point, 'according to many witnesses', Willingham 'ordered two machine gunners ... to set up their weapons ... then, inexplicably, one of the gun crews began to spray bullets into My Khe 4, shooting at the people and their homes.'¹⁴⁷ After the shooting stopped, the point team led the platoon into My Khe 4, firing at the inhabitants and into the houses.¹⁴⁸

Terry Reid told Hersh that he was a few hundred feet away when the shooting into My Khe 4 began but that:

As soon as they started opening up, it hit me that it was insanity. I walked to the rear. Pandemonium broke loose. It sounded insane - machine guns, grenades. One of the guys walked back, and I remember him saying, 'We got sixty women, kids, and some old men.'¹⁴⁹

More killings occurred as some members of the platoon used explosives to destroy the bunkers and tunnels in the sub-hamlet. Hersh cited 'an ex-G.I.' who told him that: 'You

¹⁴⁶ According to *Time*, *The New Yorker* had a monthly audience of 474,788 in 1971. It slightly increased its audience in 1972. 'New Politics, New *New Yorker*', *Time*, 1 May 1972. In *Cover-Up*, Hersh stated that Willingham's platoon had moved to the south. Hersh, *Cover-Up*, p. 13. As Walsh had established, My Khe 4 was to the east of Bravo Company's landing zone. Goldstein et al., p. 184.

¹⁴⁷ In *Cover-Up*, Hersh altered these lines to indicate that both the machine guns were fired into My Khe 4. Hersh, *Cover-Up*, p. 14. In the report, Walsh asserted that only one machine gun was involved in the initial burst of firing at the inhabitants of My Khe 4. Goldstein et al., p. 174.

¹⁴⁸ Hersh, 'Coverup-I'.

¹⁴⁹ Reid's account is in *ibid*.

didn't know for sure there were people in them until you threw in the TNT, and then you'd hear scurrying around in there. There wasn't much place for them to go.'

Identification of Hersh's sources in *Cover-Up* makes it clear that the ex-G.I. was Donald Hooton.¹⁵⁰ In order to continue the destruction, Hersh reported, more explosives were delivered by helicopter but 'at some point that morning ... word was passed along to stop the killing, and many of the surviving residents were allowed to flee'.¹⁵¹

Some of the survivors, Hersh noted, told military investigators that 'from ninety to a hundred women, children, and old men were slain' and in 'Coverup-II', published seven days later, he mentioned that in February 1970 NBC had broadcast interviews with survivors who had given similar estimates of the number of dead at My Khe 4.¹⁵² This rather contradicted his claim that the importance of the massacre lay in part in 'the American public's ignorance of it' but Hersh's agreement that as many as one hundred people had been killed at My Khe 4 was important in the context of his revelation that, according to the Peers Report, Calley's platoon had been responsible for 'ninety to a hundred and thirty murders' at My Lai 4.¹⁵³ If these figures were correct, the platoons led by Willingham and Calley had committed atrocities of similar magnitude.

Hersh concluded that there was a 'vital connection' between the massacres at My Khe 4 and My Lai 4 because they had proceeded not only from the same culture of command but from the same set of orders. He did not address, however, the awkward question of why, if the two companies had received the same orders, the men in Bravo Company's other platoons had not responded in the same way as Willingham's platoon

¹⁵⁰ Ibid.; Hersh, *Cover-Up*, p. 271. The chapter note indicates that the only members of Willingham's platoon who spoke to Hersh were Hooton and Reid. When quoting Reid, Hersh identified him by name but, in his articles and in his book, he did not always follow the same practice when quoting Hooton, sometimes identifying him instead as 'an ex-G.I.'

¹⁵¹ Hersh, 'Coverup-I'.

¹⁵² Ibid.; Hersh, 'Coverup-II'.

¹⁵³ Hersh, 'Coverup-I'. In *Cover-Up*, Hersh wrote of the American public's 'total ignorance' of the massacre at My Khe 4. Hersh, *Cover-Up*, p. 25.

and Charlie Company. Neither did he refer in the articles in *The New Yorker* to the possibility that some of the men in 1st Platoon might have been reacting to the news of Cochran's death although when *Cover-Up* was published in March 1972 Hersh offered support for the idea that the killing of Lieutenant Cochran 'served as a literal trigger' for the massacre in My Khe 4 by quoting Terry Reid's memory that 'When Cochran got killed, I sort of giggled ... but other guys started to cry. This was just before we crossed a bridge ... Then the word came that we're going to go down and wipe them out.'¹⁵⁴

Another difficulty with Hersh's argument that the massacres proceeded from a common set of orders is the testimony provided by the men of Willingham's platoon about the briefings which they received: who spoke to them, in what order and to what effect? Hersh admitted that 'precisely what information Michles and his platoon leaders gave their men is impossible to determine' but this did not prevent him from introducing his account of the massacre at My Khe 4 with the claim that 'The men of Task Force Barker were called together' on the night before the assault on Son My and told: 'This is what you've been waiting for – search and destroy – and you got it.'¹⁵⁵

This had been Larry Holmes' testimony to the Peers Inquiry although Hersh did not identify Holmes as the source. What Holmes went on to say demonstrates that, at best, Hersh was mistaken as to its significance. Holmes explained initially:

Well, we were called together. One of the officers said, 'This is what you've been waiting for, search and destroy, and you got it,' but I can't remember who said it, whether it was one of the lieutenants or what it was. But I remember them saying this is what we have been waiting for.

¹⁵⁴ Hersh, *Cover-Up*, pp. 13-14. Hersh offered no explanation of why Reid might have 'giggled' when he heard of Cochran's death. In 'Coverup-I' Hersh merely observed that 'the men of Bravo Company heard screams' after the explosion which killed Cochran. His argument that the killings in My Khe 4 were a response to orders is also undermined by his description of the decision to open fire upon My Khe 4 as 'inexplicable'. That this was Willingham's first major operation with 1st Platoon is not mentioned by Hersh.

¹⁵⁵ Hersh, 'Coverup-I'; Testimony of Larry G. Holmes to Peers Inquiry. Neither in the articles in *The New Yorker* or in *Cover-Up* does Hersh indicate any knowledge of the CID's suspicion that Holmes had committed a murder at My Khe 4.

Pressed on the question of who had conducted the briefing, Holmes replied: 'It was either the platoon leader or Captain Michles. I don't know which.' He was then asked if he remembered 'how many people were there?' He responded: 'It wasn't the whole company ... more or less a platoon of them.'¹⁵⁶ Whilst Holmes testified that the platoon was briefed by Michles or Willingham, those who testified that they were briefed by their squad leaders were, as Peers noted, in the majority and this testimony suggested that the squad leaders provided 'details on the essentials of getting to the objective area' rather than instructions about 'the methods of accomplishing the mission.'¹⁵⁷ Thus Hersh's suggestion that Holmes 'summed up the recollections of many G.I.'s when he told the commission ... "They told us ... nobody was supposed to be there. If anybody is there, shoot them"' was mistaken.¹⁵⁸ According to Peers, only two of the other men in the company who gave testimony recalled such an order.¹⁵⁹

Hersh's presentation of the evidence gathered by Peers about the nature of the orders received by the men of 1st Platoon is misleading in another respect. He used the testimony of Homer Hall to support the impression that, like Charlie Company, Bravo had been prepared to act collectively. Hall, Hersh declared, had testified to a belief that 'we were to leave nothing standing, because we were pretty sure that this was a confirmed V.C. village'. Although the summary of Hall's testimony implied that an order had been given to this effect, what he had said was that 'some of the guys in the company (had) said you don't leave anything standing there.' Hersh might also have pointed out Hall's testimony that, whilst waiting for the helicopters to take them to Son

¹⁵⁶ Testimony of Larry G. Holmes to Peers Inquiry. It was not Holmes who testified that the briefing had taken place at night. He thought that the men in his platoon had received their orders at mid-day on 15 March.

¹⁵⁷ Goldstein et al., p. 96.

¹⁵⁸ Hersh, 'Coverup-I'.

¹⁵⁹ Goldstein et al., p. 97.

My, 'We were instructed by Captain Michles not to, what you might say, shoot down anybody.'¹⁶⁰

The impossibility of establishing exactly what the men of Willingham's platoon were told before they entered My Khe 4 makes the task of explaining the massacre rather more complex than Hersh admitted. Two points are clear: firstly, there is little evidence that the men of the two companies were collectively prepared for a slaughter and secondly, what happened in My Khe 4 was not simply the result of whatever orders the men received.

Hersh was on firmer ground in his identification, later in 'Coverup-I', of one factor common to the two massacres. Peers had referred in his report to the development of 'a permissive attitude towards the treatment and safeguarding of noncombatants' in 'certain elements of the 11th Brigade' early in 1968.¹⁶¹ There were suggestions that, like Calley's platoon, Bravo's 1st Platoon had taken advantage of that permissiveness.

¹⁶⁰ Hersh, 'Coverup-I'; Hersh's selective use of quotation from the transcripts of the testimony heard by the inquiry has led others into error. See Myra McPherson, *Long Time Passing: Vietnam and the Haunted Generation* (London: Sceptre Books, [1984] 1988), pp. 581-582. Hersh's work is probably the source of some of the errors in Philip Beidler's account of Bravo Company's actions in Son My:

But even now the larger massacre story is incompletely told. There was also another full company of infantry on the ground elsewhere in the My Lai complex that morning, getting off helicopters within sound of Charlie Company's rampage already in progress. B Company of the 1/20th, it was the second main component that day of Task Force Barker, commanded by a lieutenant colonel of that name who had been running it as an independent unit for several weeks. It too had gotten a briefing the night before similar to Medina's from its commander, a captain named Michles, with the basic message that any Vietnamese encountered the next day could be considered the enemy; and it too, once on the ground, quickly began murdering large numbers of Vietnamese civilians. Claims have been made that its part of the massacre began with shooting at Vietnamese under the impression that the Charlie Company gunfire was part of an enemy attack. More certain is the fact that one of its platoons, after witnessing the death of a nearby platoon leader and several of his men in a booby trap explosion, shortly undertook under the active direction of its own lieutenant, an additional campaign of murder, adding at least 100 more civilians to the day's total.

Philip D. Beidler, *The Virginia Quarterly Review*, Winter 2003.

Bravo Company had not come from the same battalion as Charlie Company and there is no evidence to suggest that Michles' company 'began murdering large numbers of Vietnamese civilians' as soon as it landed.

¹⁶¹ Goldstein et al., p. 314.

Congleton had told the Peers Inquiry that 'There was quite a bit (of firing) when our 1st Platoon opened up. They had a reputation for really firing heavy', and that this was a reputation which Bravo's second and third platoons did not share.¹⁶² Carter had testified to hearing rumours that 1st Platoon had killed civilians unnecessarily during two earlier operations. Although he was referring to the actions of the task force, rather than his own platoon, Hooton admitted something similar when he explained to Hersh the high body counts that had made Task Force Barker the envy of other officers in the 11th Brigade: 'Everybody said, "(Barker's) got the most phenomenal luck" ... what they meant is that we'd go out and gun down a lot of people.'¹⁶³

Having written of the 'Significant Factors Which Contributed to the Son My Tragedy', Peers had given the impression that it was not necessary to distinguish between the two massacres in order to understand what had caused them and, in 'Coverup-I', Hersh reinforced this impression. The massacre at My Khe 4, however, was an event distinct in nature and cause and, rather than seeking to define it by its connection with the 'My Lai 4 tragedy', Hersh might have achieved a greater impact upon his readers by emphasising that what had happened at My Khe 4 required a different explanation. Unfortunately, this was not the only weak point in the arguments that he used to seize his audience's attention.

Hersh wrote in 'Coverup-I' that the massacre at My Khe 4 was important because of 'the total, detailed knowledge of it among the Peers investigators, the Department of the Army, and higher Pentagon officials; and the failure of any of these agencies to see that the men involved were prosecuted' but the suggestion that Walsh and Wilson were able to provide Peers with 'total, detailed knowledge' of the massacre

¹⁶² Testimony of Lawrence L. Congleton to Peers Inquiry.

¹⁶³ Hersh, 'Coverup-I'.

at My Khe 4 is to underestimate the difficulties that they and the CID encountered when they conducted their investigations.¹⁶⁴ As Hersh pointed out in 'Coverup-II', Wilson had encountered 'guilt-ridden ex-G.I.s anxious to tell what they knew and why they had done what they did' when he questioned the men of Charlie Company during the Inspector General's investigation but Michener's testimony, noted by Hersh, that 'most of the people (in his platoon) were a little ashamed of themselves - and I was very ashamed of even being a part of the group' does not reflect the feelings of the majority of the men in Willingham's platoon.¹⁶⁵ Indeed, Ronald Esterling testified to conversations with members of 1st Platoon who told him that 'they went through and killed about - well, they killed a lot of people in the village they went through that day. It seems like they said they killed about 40 people over there. They said shooting a lot of people. ... some of them were bragging about it that day; some of them seemed to enjoy it.'¹⁶⁶ The reluctance of the men in Willingham's platoon to talk about what had happened in My Khe 4, a reluctance which is palpable as one reads the testimony which they gave to the inquiry, frustrated Peers' attempts to 'establish either the full circumstances or the number of victims of this incident.'¹⁶⁷

With the exceptions of the interview Reid gave to *The Paper* in November 1969 and Willingham's appearances before the press in 1970, the men of 1st Platoon also kept their silence in the media until Hersh tracked down Hooton and Reid. Significantly, three years after the massacre, Hersh's sources remained extremely careful. Hooton, for example, seems to have insisted that some of what he told Hersh should not be directly attributed to him. Neither, unsurprisingly, did Hooton admit to the killing of a small child at My Khe 4, a crime which the CID had concluded he was responsible for.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ Testimony of Ronald J. Esterling to Peers Inquiry.

¹⁶⁷ Goldstein et al., p. 168.

Instead he told of how another soldier had killed a small child at My Khe 4 and Hersh included a description of this episode in *Cover-Up* although Hooton was not directly identified as the source. If Hersh knew of the CID's conclusion that Hooton was the killer, he gave no indication of this.¹⁶⁸

Hersh's meeting with Reid in May 1971 seems to have elicited little more than what Reid had said when he was interviewed by Ekvall in November 1969. Indeed, in one respect Reid backtracked. In 1969 he had stated that 'We counted 60 bodies - women, children, and maybe a few old and decrepit men.' By the time that he spoke to Hersh, Reid had removed himself from the scene of the killing, recalling that, 'One of the guys walked back, and I remember him saying, 'We got sixty women, kids, and some old men.' One of the conclusions that Hersh might have drawn from his own encounters with the men of 1st Platoon, therefore, was that 'total, detailed knowledge' of what had happened in My Khe 4 was hard to find.

In 'Coverup-II', which focused upon Peers' inquiry into the Americal's failure to respond to the clearest of indications that a massacre had occurred at My Lai 4, Hersh returned to the argument that Peers had not fulfilled his responsibilities as an investigator because he 'apparently did not do all he could to insure that those men and officers who were involved in the killings at My Khe 4 were punished or reprimanded.'¹⁶⁹ Hersh supported this allegation, which is somewhat contradicted by his assertions elsewhere in the same article that 'No serious critic questioned the integrity of General Peers' and that 'the Peers Inquiry was a model of integrity and industry,' by pointing to Peers' conduct at the news conference on 17 March.¹⁷⁰ By the time that *Cover-Up* appeared, however, Hersh had qualified his position to the extent that he was

¹⁶⁸ Hersh, *Cover-Up*, p. 15.

¹⁶⁹ Hersh, 'Coverup-II'. The only officer in My Khe 4 during the massacre was Willingham.

¹⁷⁰ Ibid.

prepared to offer alternative explanations for Peers' clumsy attempts to avoid discussion of the massacre at My Khe 4. And as Peers pointed out in *The My Lai Inquiry*, he was not responsible for the decision which allowed Willingham to escape court-martial because 'The charges against ... Willingham were dismissed for lack of sufficient evidence by the commanding general ... after (his) own evaluation and upon the advice of (his) Staff Judge Advocate'.¹⁷¹ Neither could Peers be blamed for the legislative mess which prevented the Army from pressing charges against those, like Hooton, who had left the service.¹⁷²

One thread in Hersh's explanation of the American's response to complaints that a massacre had occurred at My Lai 4 revealed reports from the Vietnamese had indicated, almost immediately, that there had been another massacre in Son My. Late in 1969, Fred Emery and Henry Kamm had become aware that, in March or April of 1968, at least one South Vietnamese report had complained that the Americans had killed hundreds of civilians in Son My and that the killings had occurred in different locations. Hersh's access to the Peers Report enabled him to tell his readers that, within six days of the massacres, the District Chief, Lieutenant Tan, had been informed by the chief of Son My that 570 civilians had been killed in Son My, 90 of them at My Khe 4.¹⁷³ More importantly, Hersh was able to cite in its entirety the report that Lieutenant Tan had sent to Colonel Khien, the province chief, on 11 April. Having received from the village chief a list of the names of hundreds of the dead, Tan complained bitterly about the killing of over 400 people at Tu Cung and ninety more at Co Luy. He concluded with the suggestion that this might be categorised as 'an act of insane violence' and the

¹⁷¹ Peers, p. 222. Peers was also referring to the dismissal of charges against other soldiers.

¹⁷² Indeed, in *Cover-Up*, Hersh seems to suggest that Peers' pursuit of those who had left the Army was naive. In a footnote, Hersh observed: 'The final Peers report also cited seven former military officers as suspects, although the Defense Department had no possible jurisdiction over the men.' Hersh, *Cover-Up*, pp. 246-247.

¹⁷³ Hersh, 'Coverup-II'. The information received by Tan was, in fact, less specific. The report written by the village chief identified Tu Cung and Co Luy as the sites of the killings. A translation of the report is printed in Peers, p. 277.

request that Khien 'intervene on behalf of the people,' a request which Khien and his superiors failed to meet.¹⁷⁴ The significance of this, as Hersh pointed out, was that a copy of Tan's report was received by the American advisory team in Quang Ngai and that it triggered the writing of the statement signed by Rodriguez which downplayed Tan's allegations: one of which was that there had been two massacres in Son My.¹⁷⁵ Hersh was also able to identify the Rodriguez statement as the unsigned statement which Henderson had appended to his Report of Investigation.¹⁷⁶

Another document of interest tracked down by Hersh was an 'eyes-only' message sent by Peers to Resor and Westmoreland shortly after his arrival in South Vietnam on 26 December. It reported that the interrogation of two Vietnamese women in a hospital in Quang Ngai had elicited allegations of a second massacre in Son My. It began: 'You will recall that you had asked me to include Co Luy in our investigation.'¹⁷⁷ Hersh attempted no explanation of what might have prompted Resor and Westmoreland to require Peers to investigate events in Co Luy but it is clear that Peers was referring to the instruction he had received after the publication of Kamm's story in *The New York Times* alleging that a massacre had occurred in Co Luy. In *Cover-Up*, which included an extract from Nguyen Thi Bay's statement to the CID describing how she had been raped

¹⁷⁴ Hersh, 'Coverup-II'. The Army's investigators were unable to find the list of names sent by the village chief.

¹⁷⁵ In *Cover-Up*, Hersh referred to the Census Grievance Report, dated 15 March 1968, which alleged that 427 people were killed in Son My, including 'eighty people young and old' at Co Luy. His comments on the significance of this report are misleading. 'The Peers Panel', Hersh wrote, 'found that most senior Vietnamese officials working at province headquarters in Quang Ngai quickly learned of the census grievance report.' He added that it was also seen by Lieutenant Colonel William Guinn, an American adviser. Hersh, *Cover-Up*, pp. 182-183. Peers had concluded, however, that 'there were no indications that (the Census Grievance Report) had been forwarded to Province Headquarters' and that the report seen by Guinn might have been an entirely different one. Goldstein et al., p. 271; p. 277. A translation of the Census Grievance Report dated 15 March is printed in Peers, pp. 276-277.

¹⁷⁶ Hersh, 'Coverup-II'. Hersh had touched on these matters in the article about My Lai 4 which he had published in *Harper's Magazine* in May 1970. Relying upon what other journalists had discovered in South Vietnam, he referred to the list of names which Tan received, Tan's criticisms and the failure of his superiors to mount a proper investigation, Hersh, 'My Lai 4'. In *My Lai 4*, Hersh referred to the statement signed by Rodriguez which dismissed Tan's claims without connecting it to the statement appended to Henderson's 'Report of Investigation'. Hersh, *My Lai 4*, p. 100.

¹⁷⁷ Hersh did not provide a source for this message although he noted in *Cover-Up* that it 'was seen by only four offices in the Pentagon: those of the Chief of Staff, secretary of the general staff, Army Provost Marshal, and Peers' own investigating unit'. Hersh, 'Coverup-II' and *Cover-Up*, pp. 243-244 and p. 293.

and beaten during the massacre at My Khe 4, Hersh suggested that Bay had provided 'the first hint of Bravo Company's actions', a suggestion which reveals that Hersh had missed the significance of Kamm's story and the Army's response to it.¹⁷⁸

The description of the massacre at My Khe 4 in *Cover-Up* featured material which had not appeared in the articles in *The New Yorker* including a particularly chilling version of some of the killings which Hersh had received from Hooton:

'We were out there ... having a good time,' the ex-GI said. 'It was sort of like being in a shooting gallery.' He told of a machine gunner who with a blaze of bullets methodically tore one woman in half at the waist. And he told of a tiny infant, barely of crawling age, who became the object of a marksmanship contest. A rifleman had taken careful aim at the infant with a .45-caliber pistol ... 'He missed. We all laughed. He got up three or four feet closer and missed again. We laughed again. Then he got up right on top of him and plugged him.'¹⁷⁹ Retelling the story prompted the ex-soldier to begin laughing again.¹⁷⁹

Hersh also used some of the testimony heard by the Peers Inquiry to offer a disturbing picture of the attitudes of some of the men in Willingham's platoon. He cited Marvin Jones' testimony that Silva, the platoon's medic, had declared his refusal to 'patch them gooks up' and the testimony of another, described erroneously by Hersh as one of the 'radio operators', who had wanted to 'go up and help a little bit' during the massacre. Asked if there were 'women and children up there that might need some help', the man had replied, 'It wasn't that kind of help'.¹⁸⁰

Although they might have been a little less shocking, Hersh's articles in *The New Yorker* provoked a reaction. He was the reporter who had brought the massacre at My Lai 4 to the nation's attention and, despite their flaws, the articles contained many new details about the massacres in Son My and the cover-up which followed. Many

¹⁷⁸ Hersh, *Cover-Up*, p. 243. The extract from Bay's statement is on p. 18. Hersh translates her name as Nguyen Dhi Bay.

¹⁷⁹ Hooton's account is in *ibid.*, p. 15.

¹⁸⁰ Jones' testimony is cited in *ibid.*, p. 19; the testimony which Hersh wrongly attributed to one of the radio operators is cited in *ibid.*, p. 16. It was Larry Holmes who 'wanted to go up and help a little bit' rather than Fernandez or Jenkins, the platoon's radio operators.

responded to his account of the massacre at My Khe 4 as if it was breaking news. The *Chicago Tribune*, for example, picked up a UPI report which credited Hersh with the discovery that 'about 100 ... civilians were massacred' at My Khe 4. The report, which appeared in the *Tribune* on 19 January 1972, was headed 'Reporter Discloses 2d Viet Civilian Massacre'. It quoted from Hersh's description of the massacre and cited Reid's allegation that 'women, kids' and some old men' had been killed.¹⁸¹ A look through its archives would have indicated to the *Tribune* that this was, in its essentials, a story which it had already told. On successive days in February 1970 the *Tribune* had referred to the NBC report which alleged that a second massacre had occurred at My Khe 4 and that up to one hundred civilians had been killed there. During the same period it had run several pieces about Willingham.¹⁸² Once again, however, readers were not provided with an appropriate context for the story, one which might have demonstrated that, for almost two and a half years, there had been many indications that a separate massacre had occurred in Son My.¹⁸³

Late in February, in the *Pacific Stars and Stripes*, retired Brigadier-General S. L. A. Marshall was sharper in his response to what Hersh had written. Marshall pointed out that 'Though all of this is being treated as shocking revelation, it is not new' and he challenged Hersh's theory that the same set of orders had caused the two massacres:

The sweeps at My Lai and at My Khe 4 were linked only in that they were of a common operation. There had been major atrocities at both hamlets. Yet nothing (has) been found by way of an order, instruction or common incitement that would explain why these two convulsions of madness coincided.¹⁸⁴

¹⁸¹ 'Reporter Discloses 2d Viet Civilian Massacre', *Chicago Tribune*, 19 January 1972.

¹⁸² '90 Civilians Killed Near My Lai: NBC'; '2d Officer Faces Inquiry on Massacre', *Chicago Tribune*, 20 February 1970. The Willingham case was the subject of 'Captain's Lawyer Tells My Lai Case', for example.

¹⁸³ When Hersh wrote another story about the massacre at My Khe 4 in June for *The New York Times*, the *Chicago Tribune* printed it under the title 'Secret Army Report Reveals Second Massacre the Same Day as My Lai'. To the *Tribune*, apparently, it was a story which was forever new. See Seymour M. Hersh, 'A 2d Massacre, Involving 90 Civilians, Described in the Army's Secret Inquiry', *The New York Times*, 5 June 1972 and *Chicago Tribune*, 5 June 1972.

¹⁸⁴ Brig. Gen. S. L. A. Marshall (Ret.), 'Fruitless Search for Missing Link on My Lai Affair', *Pacific Stars and Stripes*, 26 February 1972.

It had occurred to General Westmoreland, the Army's Chief of Staff, that the publication of Hersh's work about the massacre at My Khe 4 could prove damaging to the Army's already battered reputation. Alerted to Hersh's intentions more than six months before the articles were published, Westmoreland ordered the Judge Advocate General to 'review prior investigations of the incident at My Khe 4.' On 21 July 1971 the Judge Advocate General reported to Westmoreland that 'although there is evidence that possibly 90 Vietnamese people were dead as a result of this ... incident, there was just not sufficient evidence of criminality to bring charges against anyone subject to military law.'¹⁸⁵ By January 1972 the Army had concluded, perhaps with a sigh of relief, that there was nothing in Hersh's articles to justify 'a reopening of the investigation.'¹⁸⁶ Nevertheless, a position paper was prepared which, having accepted that the Peers Inquiry had 'determined that ...members of B/4/3 ... killed between 60 and 90 unarmed noncombatants at My Khe 4', defended its decision to drop the charges against Willingham on the grounds that 'there was insufficient admissible evidence'. It also asserted that the CID had 'conducted a thorough investigation' which was hindered because 'some of the participants had left the Army and others refused to talk to investigators' and offered a reminder that the press had reported the incident at My Khe 4 during the Peers Inquiry as well as 'the referral and the dismissal of charges against ... Willingham.' There was no mention of the CID's conclusion that Hooton had killed a child at My Khe 4.¹⁸⁷

¹⁸⁵'Talking Paper', 29 January 1972. Subject: "'Coverup", the Seymour Hersh articles in The New Yorker, Concerning Son My' in Box 6. Folder: Congressional Back up Sheets - My Lai Case, 1970-1972, VWCWG, RAS, RG 319, NARA.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

Whilst it is significant that the Army was sufficiently concerned to prepare a defence against the criticism which Hersh's work was likely to generate, more significant still is the use to which that defence was eventually put. Hersh's articles in *The New Yorker* moved Professor Telford Taylor, who had been America's chief prosecutor at the Nuremberg trials, to make a scathing attack on the Army in *The New York Times* on 2 February. Taylor declared that 'the Army's procedures for the prevention, detection and punishment of war crimes have failed abysmally' and that the government had breached the Geneva Convention by failing to enact legislation which enabled the prosecution of civilians who had committed crimes whilst in military service. He also complained that, although 'the killings at Mylai were not confined to the men of Calley's platoon, or even of Medina's company ... the Army has never brought charges in connection with these other units, or even acknowledged that they occurred.'¹⁸⁸ That the Army had brought charges against Willingham did not detract significantly from the force of the professor's criticism although his error probably reflected the way that the Willingham case had been subsumed into the My Lai story.

Criticism of the government's failure to close the loophole which seemed to render civilians immune to prosecution for crimes which they had committed whilst in uniform was not welcome. Neither was criticism of the Army's failure to bring anyone to account for the killings in My Khe 4, killings which, it might be suggested, could not be explained by their connection to the massacre at My Lai 4. The Army's anxiety is demonstrated by its reaction to Taylor's criticisms. Five major-generals, including Chief of Information Sidle and Acting Judge Advocate General Harold Parker, gathered to decide what to do. The outcome, however, was an agreement to do nothing because 'of

¹⁸⁸ Professor Telford Taylor, 'The Course of Military Justice', *The New York Times*, 2 February 1972.

the propensity for any reaction by the Army on "My Lai" to be newsworthy'.¹⁸⁹ Or to put it another way, why not trust that, despite Hersh's best efforts to drum up interest in the story, it would be allowed to die by a media and a nation with little appetite for more bad news from Vietnam?

Hersh concluded 'Coverup-II' with the observation that 'By the fall of 1971, the massacre by Bravo Company was forgotten ... just another atrocity'.¹⁹⁰ In his attempts to drag the massacre at My Khe 4 to the nation's attention once again he made appearances on national television news programmes and followed up his articles in *The New Yorker* and the publication of *Cover-Up* with another story in *The New York Times* in June.¹⁹¹ His frustration at his failure to prevent the story from being forgotten again became evident more than twenty years later. Whilst writing in *The New Yorker* in November 2003 about war crimes committed in Vietnam in 1967 by an American unit known as the Tiger Force, Hersh revived his charge that Peers had covered up the massacre at My Khe 4:

In fact, while the Army was conducting its internal investigation of My Lai, it discovered that a second large massacre had taken place on the same day in the same area, in a hamlet known as My Khe 4, but Lieutenant General William R. Peers, who had served for more than two years in Vietnam and who led the investigation, publicly denied that there were any other incidents. 'It was not brought out to me in the evidence,' Peers told reporters at the close of the inquiry, and he was not challenged on that assertion, even though two Army officers who had been present at My Khe had already been charged with war crimes. Twenty years later, the Army declassified an April, 1970, memorandum to the General responding to an article I had written about My Lai. It noted that I did not appear to 'possess any substantive information concerning the suppression or cover-up aspects of the [My Khe 4] incident,' but that I was being aided in my reporting by someone with access to the official records. It concluded, 'The need to terminate such assistance to Mr. Hersh becomes increasingly important when consideration is given to the use Mr. Hersh would

¹⁸⁹ Memorandum for Assistant Deputy Chief of Staff for Personnel (ADCSPER), 11 February 1972, Subject: New York Times Article by Telford Taylor, folder: My Lai 8/30, Papers of *Four Hours in My Lai*, LHCMA, KCL.

¹⁹⁰ Hersh, 'Coverup-II'.

¹⁹¹ 'A 2d Massacre, Involving 90 Civilians, Described in the Army's Secret Inquiry'.

make of any information he obtained concerning command reaction and efforts of suppression.¹⁹²

Unfortunately, Hersh's determination to build a case against Peers led him to misrepresent the significance of the memorandum which he referred to. Rather than demonstrating the Army's anxiety about what Hersh might do with 'information' relating to a conspiracy to keep the massacre at My Khe 4 out of the news, it reflected the Army's concern about what Hersh had written in *My Lai 4*, excerpts of which were published in *Harper's Magazine* in May of that year, and what else he might learn about the cover-up of the massacre at My Lai 4. Thus the reference to My Khe 4 in Hersh's parenthesis is highly misleading. Indeed, according to Kendrick Oliver, Hersh did not begin to investigate the massacre at My Khe 4 until the spring of 1971.¹⁹³

Occasional references to the massacre at My Khe 4 have continued to appear in the print media. Like the first allegation that a massacre had taken place at Co Luy, the first demonstration that Vo Thi Lien had not been at My Lai 4 appeared in the English press. In April 1989 *The Sunday Times Magazine* carried a lengthy report entitled 'My Lai: A Half-Told Story', in anticipation of the broadcast of Kevin Sim's film *Four Hours in My Lai* on British television. The report, by Michael Bilton and Kevin Sim, included a paragraph about 1st Platoon's assault on 'My Khe'. Apparently drawn from accounts of the massacre which had been distributed by the NLF, it provided some horrifying details:

As they mopped up, the GIs went from house to house, tunnel to tunnel, lobbing in grenades, bayonetting old men, women and children as they tried to escape. Pregnant women had their stomachs slashed open and were left dying in the hot sun ... Women and young girls were stripped naked, some ... raped, others ... stabbed in the vagina.¹⁹⁴

¹⁹² Seymour M. Hersh, 'Uncovered', *The New Yorker*, 10 November 2003.

¹⁹³ Oliver, *The My Lai massacre in American history and memory*, p. 83.

¹⁹⁴ Michael Bilton and Kevin Sim, 'My Lai: A Half-Told Story', *The Sunday Times Magazine*, 23 April 1989. 'Concerning the Crimes Committed by US Imperialists and Their Lackeys', an NLF notice dated 28 March 1968, includes many of the details used by Bilton and Sim. A translated text of the notice is in Peers, pp. 283-286.

Lien's contribution to the report, which repeated in outline the account she had given as she travelled around Europe in 1970, was on this occasion given a more precise context:

Lien was 11-years-old when her village of My Khe, a mile-and-a-half from My Lai(,) was entered by US soldiers ... Thirty-three members of her immediate and extended family were among the 97 innocent civilians who were killed in the village in a second massacre.¹⁹⁵

In 2006, the massacre at My Khe 4 was featured in a story in the *Los Angeles Times* about atrocities which had occurred during the Vietnam War. *The Times*, sourcing its story from the archives of the Vietnam War Crimes Working Group, devoted five paragraphs to the massacre at My Khe 4 in 'Verified Civilian Slayings', a description of three of the incidents which the working group had documented. Once again, a look at its own archives would have reminded the newspaper that this was not an entirely new story. The final paragraph, however, with its revelation that 'A separate inquiry found a soldier had executed a boy during the assault on My Khe. The soldier, who had left the service, was not charged', was a step forward.¹⁹⁶ It was the first time that a newspaper had referred to the CID's finding that Hooton had committed a murder or to the reason that he had not been charged.

Americans were not able to read the story of the massacre at My Khe 4 until Seymour Hersh published 'Coverup-I' in *The New Yorker* in January 1972. Hersh's account, accurate in much of its substance, was undermined by his commitment to the argument that the massacres in Son My had been caused by a single set of orders, an argument that sought to make the senior officers who had planned the operation responsible for the deaths of over 500 civilians. Distinct in nature and cause, the

¹⁹⁵ Ibid.

¹⁹⁶ Nick Turse, Deborah Nelson and Janet Lundblad, 'Verified Civilian Slayings', *Los Angeles Times*, 6 August 2006.

massacre at My Khe 4 required an explanation which America's print journalists were unable to supply.

CHAPTER IV

THE MASSACRE AT MY KHE 4 ON SCREEN

The story of the massacre at My Khe 4 was not to compel the attention of America's television audiences. There are a variety of reasons for this: some relating to the nature of the story; some to the nature of the coverage and some to the nature of the audience. Therefore, it is somewhat surprising that NBC's *Huntley-Brinkley Report* did, in February 1970, contain a lengthy report about My Khe 4 which included accounts by survivors, a description in some detail of what had happened there and an attempt to explain the context in which the massacre had occurred.¹ Otherwise, the events at My Khe 4 were presented, usually briefly, as a strand in the story of the My Lai Massacre with Thomas Willingham as the focus. After the charges against Willingham were dropped, television lost interest until January 1972 when Seymour Hersh tried, without much success, to persuade Americans that a massacre had taken place at My Khe 4 and that it had been deliberately obscured by military leaders. Nevertheless, examination of the coverage of the story of My Khe 4 by the national networks' news programmes is illuminating. It brings into relief the differences between the massacre there and the massacre at My Lai and it indicates that, like America's newspapers, the networks failed to make the most of the story. It also highlights factors which influenced the medium's response to the actions of American soldiers in Vietnam and leads to the interesting question: why did so many Americans apparently fail to respond to those parts of the story of the massacre at My Khe 4 which did make their way on to the nation's television screens?

¹ NBC's evening news programme was, until July 1970, called the *Huntley-Brinkley Report*.

Like their colleagues in the print media, America's television news reporters found that the story of My Khe 4 was hard to tell. There were no images of the dead and whilst some of the men in Charlie Company had appeared on television or given interviews to newspapers to describe what they had done or seen in My Lai 4, nobody in Bravo Company's 1st Platoon was so forthcoming. Unlike Ronald Ridenhour who had persisted in his attempts to expose what had happened in 'Pinkville', Terry Reid had given his cryptic interview in Oshkosh and then retreated, refusing to assist the Army with its inquiries. Only the Vietnamese who had survived the massacre at My Khe 4 wanted to talk about it.

As well as the difficulties of showing what had happened at My Khe 4 and of identifying the soldiers who might have committed murder there, the television networks had to consider the context in which any stories about My Khe 4 would appear. In a wider sense, the volume of Vietnam-related news shown by the networks - more than ten thousand pieces between 1965 and 1975 - might have become overwhelming or simply boring to some viewers.² More particularly, by the time the charges against Willingham were announced in February 1970, the My Lai story had been running for several months. All three of the networks had picked it up on 17 November.³ In eight of the remaining nine days of the month on which evening news programmes were aired it was featured by at least one of the nightly news programmes. Thirty-four news items were devoted to the massacre during November and in the first half of December the story attracted even more of the networks' attention. By the end of the year a further seventy-six items had been broadcast, all but nine of them before 17

² This figure is provided by Lawrence Lichty in Harrison E. Salisbury, *Vietnam Reconsidered: Lessons From A War* (New York: Harper and Row, 1984), p. 86.

³ There had been brief references to the story before this. On 10 September 1969 a short item on the *Huntley-Brinkley Report* revealed that Calley had been charged with the murder of Vietnamese civilians and, the day before Hersh's story appeared, *CBS Evening News* noted that the Army was investigating the deaths of over a hundred Vietnamese civilians at the hands of Calley and his platoon. *Huntley-Brinkley Report*, 10 September, 1969; *CBS Evening News*, 12 November, 1969, VTNA.

December. Although the story slowed in the second half of December and this trend continued into January, there were a further thirty-three references to it in a forty-six day period.

When Calley's pre-trial hearings began on 9 February, the story's profile was raised again. All three of the networks covered the first and second days of the hearings and only ABC failed to report the latest on the hearings on the 11th, material which provided *CBS Evening News* with its lead item.⁴ On the following day the networks were able to tell their viewers that the judge had set a tentative date for Calley's court-martial. On the same day, 12 February, the media had been informed by the Army that there was a further development to report: a soldier called Thomas Willingham had been charged.

Encouraged to believe that the charges against Willingham related to the My Lai Massacre by the way the Army had presented them, the networks had to decide how he should be fitted into a story which had already found in Calley its central character. With the realisation, later, that there might be another massacre to present to their viewers, the networks were confronted by a further problem. Reactions to the story of Charlie Company's crimes in and around My Lai 4 had not been straightforward. The breaking of that news had climaxed with the appearance in print and on the television screen of Ronald Haeberle's photographs of the dead at My Lai 4 and Paul Meadlo's confession that he had killed women, children and babies. Marvin Barrett observed in the *Survey of Broadcast Journalism* for 1969-1970 that 'Mike Wallace's pitiless

⁴ The data for this analysis has been taken from the catalogue of the VTNA. Evening news programmes were not broadcast at the weekends. The following broadcasts are missing from the archive: CBS and NBC for 27 November; ABC, CBS and NBC for 25 December; NBC for 1 January. As ABC carried a report on 27 November it seems likely that the other networks will have done so. The figures provided above do not include this assumption, however. CBS and NBC screened a presidential press conference instead of their news programmes on 30 January.

interrogation of former Army Private Paul Meadlo - the better part of one edition of the *CBS Evening News* in November - was given credit for finally convincing the public that something terrible had happened ... in My Lai.⁵ However, Barrett went on to explain that the impact of Wallace's encounter with Meadlo was significant in another way. Appearing on *60 Minutes* the next day, Wallace revealed that the Meadlo interview had prompted 'hundreds of messages' and that 'the overwhelming majority condemn CBS News for putting the interview on the air.' As Barrett observed: 'What was becoming distressingly clear was that people sometimes not only did not value their right to know, they frequently deeply resented being told the unpleasant truth.'⁶

There was, perhaps, another factor for the networks to ponder. Vice President Spiro Agnew had given a speech in Des Moines, Iowa on 13 November 1969 in which he accused the networks of bias in their presentation of the news. The speech provoked a national debate about the power of the networks, who defended themselves with varying degrees of vigour against Agnew's charges. Although it is hard to assess the extent to which the speech affected news presentation in the following weeks, it might have reduced the networks' enthusiasm for the exposure of a second massacre by American soldiers in South Vietnam.⁷

Indeed, the networks were initially reluctant to respond to the news that a massacre might have occurred at My Lai 4. The story by Hersh which had appeared in more than thirty newspapers on 13 November (the day, ironically, on which Agnew had delivered his attack against the networks) had asserted that 'In terms of numbers ...

⁵ Barrett, p. 12.

⁶ Ibid., p. 38. A similar message was received by the *Cleveland Plain Dealer* after its publication of Haerberle's photographs. See 'Callers Say PD Shouldn't Have Used Pictures of Civilian Slaughter in Viet', *Cleveland Plain Dealer*, 21 November 1969.

⁷ For the transcripts of the speeches given by the presidents of the three networks in response to Agnew, see *ibid.*, p. 139. Barrett demonstrated the inconsistency of the evidence with regard to the impact of the vice-president's attack in *ibid.*, pp. 32-45.

“Pinkville” is by far the worst known US atrocity case of the Vietnam War’ and revealed that Calley had been charged with 109 killings.⁸ Despite its content, Hersh’s story received no mention on America’s national television news programmes that night. As Oliver has noted in *The My Lai massacre in American history and memory*, before the appearance of Haeberle’s photographs and the screening of Meadlo’s confession ‘the national media seemed unable to resolve its doubts about the news status of the massacre’.⁹

There might have been, then, a number of reasons why the networks were reluctant to pursue the story of another massacre. Nevertheless, stories about the massacre at My Khe 4 did feature on national news programmes broadcast by ABC, CBS and NBC during February and June of 1970. The coverage, which can be separated into four stages, began on 12 February when each of the networks reported that Willingham had been charged. On 18 February NBC changed the focus of the story with an investigative piece filmed in South Vietnam which contained interviews with civilians who claimed to have survived the massacre at My Khe 4. Willingham’s appearance before the Peers Inquiry on 20 February was covered by CBS and NBC and all three of the networks returned to the story in June when the Army announced that the charges against Willingham had been dropped.

Significantly, however, the distinction between the massacre at My Khe 4 and the massacre perpetrated by Charlie Company in and around My Lai 4 was not clearly established on television news programmes until NBC’s investigative report on 18 February. By June, when the networks reported the dropping of the charges, the distinction had nearly disappeared.

⁸ Hersh’s story is cited in Oliver, *The My Lai massacre in American history and memory*, p. 44.

⁹ Oliver, *The My Lai massacre in American history and memory*, p. 45.

On Thursday, 12 February 1970 when network news programmes carried the first television reportage related to the killings at My Khe 4 their interest had been prompted by the Army's brief announcement that Willingham had been charged with murder. Not one of the networks identified My Khe 4 as the location of the alleged killings and only ABC's coverage might have led viewers to suppose that a separate massacre could have been taking place as Calley and his comrades killed Vietnamese civilians in and around My Lai 4 on 16 March, 1968.

ABC's viewers were told in the fourth item of the network's news programme that:

There are indications this evening that the Army has uncovered a second My Lai incident. Charges of unpremeditated murder were filed against Captain Thomas Willingham of Allenhurst, New Jersey. On the day of the original My Lai incident he was a platoon leader of a unit fighting two miles away.¹⁰

The claim that the charges against Willingham indicated a 'second My Lai incident' involving 'a unit fighting two miles away' was less explicit than it may appear in transcription. The appellation 'My Lai' was apparently intended as a description of a geographical area rather than as a synonym for 'a massacre carried out by American troops'. Thus, the impression was given that, although this 'second' incident had taken place 'two miles away' from the massacre conducted by Charlie Company, it had occurred within the boundaries of My Lai. Such an impression was reinforced by the introduction to the following news item which explained that Calley 'was the *first* man to be charged in connection with My Lai' and by the use of the background graphic 'My Lai' throughout the report about Willingham.¹¹ This was characteristic of the media's confusion about the geography of Son My, a confusion which the Army had little desire to resolve.

¹⁰ *ABC News*, 12 February 1970, VTNA.

¹¹ The italics indicate the emphasis put on the word 'first' by the newsreader.

The relative importance ABC accorded to the news of the charges against Willingham is demonstrated by the placing of the item ahead of the latest news about the forthcoming Calley trial. CBS, on the other hand, made the charges against Willingham an addendum to its coverage of the Calley trial in the fifth story of its nightly news programme on 12 February. After a detailed account of the pre-trial arguments in the Calley case, newsreader Walter Cronkite informed viewers that, as the preparations for the Calley trial continued, 'the Army charged an Army officer in a unit other than Calley's with murder in that 1968 operation. In the case against Captain Thomas Willingham of Allenhurst, New Jersey, the number of civilians allegedly killed was not specified.'¹² Such a formulation presented the fact that a separate unit had been involved in the killing of civilians but the reference to 'that 1968 operation' contained no suggestion that a separate massacre might have taken place.

A similarly limited version of the story was presented by NBC. The second of its news stories on the evening of 12 February had focused on the Calley trial but, at its end, newsreader Chet Huntley announced that:

A fifth man was accused by the Army today of crimes against civilians during the alleged My Lai Massacre. He is Captain Thomas Willingham of Allenhurst, New Jersey who is now stationed at Fort Meade, Maryland. He was accused of the unpremeditated murder of an unspecified number of civilians. Willingham was a member of a different company from the other four. His attorney said he was charged just one day before he was to be released from the Army.¹³

Once again, the wording of the story failed to distinguish the killings at My Khe 4 and the massacre at My Lai 4. The first sentence of the report conveyed the idea that Willingham had been charged with 'crimes against civilians' which had been committed in the context of the My Lai Massacre. Although it was noted that he was a member of a different company, the impression was created that the crimes he was alleged to have

¹² *CBS Evening News*, 12 February 1970, VTNA.

¹³ *Huntley-Brinkley Report*, 12 February 1970, VTNA.

committed had occurred at the same time and in the same place as the massacre perpetrated by Charlie Company.

Like the newspapers, the networks were unable to clarify the story because the details of the charges had not been made public and the Army's presentation of the story encouraged them to believe that there was no crucial distinction to be drawn between the activities of the two companies.

On the following day CBS and NBC returned to the story. As Hallin observed in *'The Uncensored War'*: 'In general, television places high value on its ability to bring the audience 'close' to events, something which it usually accomplishes by bringing the people of the story to life so that the audience can empathize with them.'¹⁴ Thus, the attention of the two networks was drawn to the accused American officer, who could be filmed, rather than the victims of the alleged crime, who could not. Willingham's lawyers were apparently eager for such attention. His civilian lawyer, McKinley, had contacted reporters to tell them about the charges which his client faced and his military counsel, Captain Jerold Allen, gave an interview to NBC. The lead that the lawyers gave was followed by the networks and Willingham's reactions to the charges became the focus of their stories. Although NBC indicated some awareness of the significance of Willingham's location on 16 March, this significance seemed to escape CBS.

In the eleventh of sixteen items on the *CBS Evening News*, Cronkite repeated the network's assumption that the crimes with which Willingham was charged had occurred in My Lai :

¹⁴ Hallin, p. 196.

The latest serviceman to be charged in the My Lai mass killings is Captain Thomas Willingham and his civilian attorney said today that the Army has accused him of killing twenty Vietnamese civilians in March 1968.

Following the example set by ABC on the previous evening, CBS used the words 'My Lai' in a background graphic to reinforce this message. More detail was provided in a report by Steve Rowan which was accompanied by film showing Willingham at Fort Meade with his military lawyer:

Twenty-five year old Captain Thomas Willingham, described as 'a personable young man' is said to be 'deeply shocked' by the charges of unpremeditated murder and violating the rules of war. He'll be defended by Captain Jerold Allen and a civilian lawyer from his home state of New Jersey. At the time of the alleged killings Willingham was a lieutenant with Bravo Company, 4th Battalion, 3rd Infantry, one of the companies in Task Force Barker which went out that day to engage a Viet Cong force believed to be making its headquarters in Song My Village of which My Lai 4 was one of several hamlets. Willingham's company was about two miles outside that hamlet acting as a blocking force while the company of which Calley was a member swept through. The charges do not spell out exactly when or how the alleged killings occurred.¹⁵

Although Rowan's report made it clear that Willingham's company had been acting separately in 'Song My', the emphasis of the piece was upon Willingham rather than the operation; an emphasis encouraged by his lawyers and the Army's failure to provide any details about the events at My Khe 4. The sympathetic portrayal of the 'personable young' officer presented in the opening sentence of the report was reinforced by the visual images. Willingham, his uniform bearing military decorations, was shown walking alongside his military lawyer; the lawyer's overcoat obscuring any decorations which he might have worn.¹⁶

NBC gave the story a higher priority, making it the fourth of seventeen items and including film of the interview which Allen had given. Like CBS, NBC focused its

¹⁵ *CBS Evening News*, 13 February 1970, VTNA.

¹⁶ CBS had provided Calley and his lawyers with a similar opportunity. Footage of a uniformed Calley walking alongside his military lawyer had been shown on *CBS Evening News*, 17 November 1970, VTNA.

coverage upon the American in the story but more alert viewers might have noticed that, unlike Cronkite, NBC's anchor John Chancellor introduced the item with a reference to the 'alleged massacres at My Lai'. There was a hint, therefore, that the connection between the killings with which Willingham had been charged and the killings at My Lai 4 was not necessarily straightforward:

More details on the newest charges in the alleged massacres at My Lai: the latest man to be charged is Captain Thomas Willingham who was about to have left the Army. His lawyer said today in Washington that Willingham very definitely denies he killed anyone.

NBC had stated in its report of the previous day that Willingham had been due to leave the Army on 11 February. This aspect of the story was pursued at some length in the interview with Captain Allen, although no parallel was drawn with Calley whose release from active duty had also been delayed because charges had been laid against him. First, however, Allen confirmed the number of killings which his client had been accused of and agreed that he did not know if the victims included women and children. He was not asked about the location of the alleged killings nor about the additional charge that Willingham had violated the law of war:

Allen: Captain Willingham is charged with one charge of a violation of Article 118 of the Uniform Code of Military Justice, that being the unpremeditated murder of twenty Vietnamese civilians.

Interviewer: You don't know if the civilians were men, women or children, do you?

Allen: No, I do not.

Interviewer: What was his reaction to having these charges preferred against him?

Allen: He was quite shocked.

Interviewer: He was supposed to have gotten out of the Army on the 10th. Would you describe the whole historical sequence of his date of exit and when he was notified and his reaction?

Allen: Captain Willingham was scheduled to be released from the Army on the 10th. However, he received notification on the evening of the 10th that the orders releasing him were, in fact, revoked and he was to remain here at Fort Meade.

Interviewer: Then the charges were not read to him until yesterday morning, the 12th?

Allen: That is correct.

Interviewer: So, are you saying that all of Wednesday, the 11th, he had no idea why he had been kept in the Army?

Allen: That's correct.¹⁷

Within forty-eight hours of the charges having been read to him, therefore, Willingham was already being depicted as something of a victim. NBC presented him as bewildered by the Army's last minute decision to revoke the orders releasing him from active duty, kept in ignorance of the reason throughout the 11th and then 'shocked' at the nature of the charges. In fact, the reading of the charges had been delayed at Willingham's request in order that he 'could be informed of the charges in the presence of his civilian counsel' and it is hard to believe that Willingham 'had no idea why he had been kept in the Army'.¹⁸ In May of the previous year he had testified to Wilson about the 'Pinkville operation' and he could scarcely have been unaware of the continuing investigations into the activities of Task Force Barker and the charges against Calley, Mitchell, Hutto and Smith.

By the middle of the following week, however, NBC had adopted a radically different perspective on the story. On Wednesday 18 February, with ABC and CBS silent about the killings in Son My, the fourth of sixteen stories on NBC's evening news programme revealed in a report from South Vietnam that the charges against Willingham related to a massacre in a place called My Khe 4, a massacre which Vietnamese witnesses described in some detail. The story, which ran for nearly five and a half minutes, is surprising in several respects.¹⁹

¹⁷ *Huntley-Brinkley Report*, 13 February, 1970, VTNA. Allen's interviewer is not named.

¹⁸ The Army had anticipated this question: it was one of twenty to which an answer had been prepared. See 'Response to Query', CIP 180 XI-1-5: Captain Thomas K. Willingham.

¹⁹ *Huntley-Brinkley Report*, 18 February, 1970, VTNA. All three of the networks led their news programmes with stories about the ending of the Chicago Conspiracy Trial on the 18th. Whilst NBC explored the massacre at My Khe 4, CBS devoted the penultimate of seventeen stories to the suffering of the family of an American soldier killed in Vietnam. 'War Effects', *CBS Evening News*, 18 February, 1970, VTNA.

The item began with a brief introduction from anchor David Brinkley which reminded viewers of the charges against Willingham and informed them of the location of the alleged murders: 'Last week the Army charged another officer, Captain Thomas Willingham, with the murder of Vietnamese civilians at My Khe, some distance from My Lai.' Significantly, any notion of Willingham as a victim had disappeared: the introduction was delivered against a black backdrop which featured at top left a headshot of the accused and the title Willingham. The report from South Vietnam followed.

Narrated by Kenley Jones, the report lasted for three minutes and twenty seconds. Viewers were shown two Vietnamese women and two Vietnamese men speaking to an interpreter amidst images of the refugee camp at Son My, the fishing village of Co Luy and aerial views of a coastal area indicated as My Khe:

The survivors of the alleged massacre at My Lai 4 live today in the Son My Refugee Village. The village is also the home of hundreds of other people who have been forced to leave their hamlets because of the war.

One of them is Mrs Ngo Thi De who says she witnessed an American massacre on March 16th, 1968, not at My Lai 4 but at a small coastal hamlet one and a half miles away. The name of the hamlet on Army maps is My Khe 4. Mrs De described to an NBC interpreter how American soldiers landed by helicopters early in the morning and crossed a wooden footbridge into the hamlet.

No one lives in My Khe now but the remains of the bridge are still there. Mrs De said the Americans had been to the hamlet several times in the past but this time when children ran out to greet them the soldiers shot them dead. Mrs De said she fled for her life. She said she returned in the evening and found about 100 people dead including her daughter and grandchild who had been killed while hiding in a bunker. She remembers the date very well because on the same morning her mother and sister were killed at My Lai.

Mrs De said other survivors of the attack at My Khe had moved to a fishing village about three miles down the coast. The village is Co Luy. Two men there told the same story as Mrs De. Eighty-seven year old Nguyen Thong said American soldiers opened fire on children who ran to meet them, then went through the hamlet throwing hand grenades into bunkers. He said when the soldiers saw him they did not shoot. Instead they forced him to walk around the hamlet with them. He does not know why. Later they let him go and for the next three days he said he watched as relatives came to claim the bodies of the dead, about ninety in all, according to Mr Thong.

Fisherman Nguyen Tan Thanh was in his boat just off the shore of My Khe on the morning of the attack. He drew a map in the sand to show where the American helicopters landed and used a small stick to mark the bridge where the soldiers entered the hamlet. He said he heard a lot of firing and explosions after the soldiers entered.

But he and the others said there were no Viet Cong in the village that morning although there is general agreement that the area was controlled by the Viet Cong. Thanh said his family was one of the few in My Khe to survive the attack. His wife and four children were hiding in a bunker which escaped being hit with hand grenades. Mrs Thanh said after noon she and her children had to leave the bunker for air. She said they yelled, 'No VC. No VC' when they came out so the American soldiers still in the hamlet would not shoot.

The US infantry company that was operating in the vicinity of My Khe on March 16th, 1968 was part of Task Force Barker. So was the company that swept through My Lai.²⁰

The description of the assault on My Khe 4 which NBC's witnesses gave to the interpreter anticipated, therefore, the testimony that CID investigators were to hear from other Vietnamese in March and the soldiers' crossing of the bridge, the firing upon the inhabitants of the sub-hamlet who were in the open, the throwing of grenades into the bunkers and the approximate number of fatalities were consistent with the account of the massacre which was to appear in the Peers Report.²¹

Other features of Jones' report require comment. In an essay entitled 'And That's the Way It Was: The Vietnam War on the Nightly Network News', published in 1994, Chester J. Pach Jr. has observed that:

With just twenty-two minutes each weekday night to present the news - commercials took up the rest of the half-hour program - television functioned as an electronic front page, covering little more than the day's most important occurrences, often in spare summaries. Correspondents' reports almost never ran more than three minutes and often considerably less.²²

²⁰ *Huntley-Brinkley Report*, 18 February, 1970. Confusion about the geography of Son My persisted. Some of the survivors of the attack on My Khe 4 had apparently moved to the southern part of Co Luy and this is where Thong, Thanh and his wife were interviewed.

²¹ NBC's witnesses did not provide testimony to the investigators working for Peers or the CID unless they did so under different names. As McGreevy observed 'Many Vietnamese who lived in Son My Village in March 1968 were called by different names by different people' and because of the dialect spoken by the inhabitants of Son My, names 'were sometimes recorded differently by the interpreters and investigators'. Investigator's Statement by Thomas J. McGreevy, 3 April 1970.

²² Chester J. Pach Jr., 'And That's the Way It Was: The Vietnam War on the Nightly Network News' in David Farber (ed.), *The Sixties: From Memory to History* (Chapel Hill: University of North Carolina Press, 1994), p. 97.

Thus, Jones' report was exceptional in its length. It was also unusual to find Vietnamese civilians at the heart of a story. As Hallin commented in *'The Uncensored War'*: 'Almost all television coverage after mid-1965 was about Americans "in action" ... Television people assumed ... that this was what would most interest the American public.'²³ Each of the networks had broadcast interviews with survivors of My Lai 4 during their evening news programmes on 18 November but on this occasion NBC acted independently and Jones' report sought, much as Hersh's newspaper article had, to bring the story of a massacre perpetrated by American soldiers to the nation's attention.²⁴ Unlike Hersh, who had relied upon American sources, NBC built its story upon what had been learned from the Vietnamese.

That details of the massacre at My Khe 4 were revealed in this manner is surprising on two counts. According to Braestrup in *Big Story*, the role of the network correspondent in Vietnam 'was not to produce news in the sense of "fact-finding" and interviewing' but 'to obtain and produce film vignettes' which were 'presented as "typical", or a "microcosm"' of the war.²⁵ And Oliver has argued of the My Lai Massacre that:

the same asymmetries of language, culture and political allegiance that left Charlie Company confused ... worked in the wake of the massacre disclosures to confound and discourage the efforts of investigators and news reporters ... to learn from the survivors what had happened.²⁶

²³ Hallin, pp. 134-135. Ron Steinman, who had served as NBC's Bureau Chief in Saigon, made the same point: 'We understood that with more than half a million American troops in and around South Vietnam, our stories had to center on their lives.' Ron Steinman, *Inside Television's First War: A Saigon Journal* (Columbia: University of Missouri Press, 2002), p. 35.

²⁴ *ABC News, CBS Evening News, Huntley-Brinkley Report*, 18 November 1969, VTNA; in early December NBC had shown film of other survivors pointing at the mass graves in My Lai 4. *Huntley-Brinkley Report*, 5 December 1969, VTNA.

²⁵ Braestrup, *Big Story*, p. 42. According to NBC reporter Robert MacNeil, the network relied upon the wire services for most of its news. Baughman also observed that 'the nightly network newscasts ... remained marginal instruments when compared with the nation's best dailies' during the 1970s. Baughman, p. 98; p. 162.

²⁶ Oliver, *The My Lai massacre in American history and memory*, p. 9.

Kenley Jones and his colleagues were apparently willing to do some 'fact-finding' and able to overcome the difficulties of obtaining information from the Vietnamese.²⁷

Jones' report from Vietnam did not conclude NBC's item on the killings at My Khe 4, however. The final segment was delivered by Robert Goralski. In 1969, Goralski had pursued a story about the killing of a Vietnamese spy by members of America's Special Forces with such energy that Barrett was to single his work out for praise in the annual *Survey of Broadcast Journalism*, noting that his efforts were 'an example of reportorial persistence too rarely seen on television.' Goralski, said Barrett, had opened 'new and dank vistas on the alleged murder of a Vietnamese double or triple agent by the Green Berets' to such effect that 'the print media were hard-pressed to keep up with him.'²⁸ Now, Goralski spoke from the studio to explain the context of the charges against Willingham:

The Pentagon first learned about My Khe while investigating My Lai. The Special Investigating Committee headed by Lieutenant-General William Peers began getting reports about another alleged atrocity involving Bravo Company. Captain Thomas Willingham who is newly accused was a member of that unit. While in Vietnam the Peers group heard the testimony of a Sergeant Martin Brunelle and soon began questioning other former members of the company. Fifty-one men from the unit have now appeared before the Peers panel. All testimony relating to the alleged massacres is classified but some information has come to light.

The overall operation code-named Muscatine was centred near Quang Ngai city about 75 miles south of Da Nang. Americal Division units were to ferret out enemy forces between the hills and the coast line. Three companies were involved as part of Task Force Barker around My Lai and My Khe on March 16th 1968. A or Alpha Company moved in to seal off My Lai 1, the largest of the hamlets. B or Bravo Company was to serve as a blocking force at My Khe 4. Captain Willingham was the leader of one of the four platoons attached to the company. C or Charlie Company, commanded by Captain Ernest Medina with Lieutenant William Calley at the head of a platoon, swept through My Lai 4. The major action took place several miles to the west. Senior commanders were preoccupied with what was happening there and not at My Lai and My Khe where the junior officers were virtually on their own. Scores of

²⁷ According to the Office of the Judge Advocate General, Jones' report from Son My was made with the help of the Americal Division. See undated draft of letter to Mr Arthur W. Boatman in Box 6, Folder: Correspondence - Office of the Judge Advocate General: War Crimes Allegations, 1971-72, VWCWG, RAS, RG 319, NARA.

²⁸ Barrett, p. 12.

witnesses have testified that massacres took place in both places on the same day. Did unnecessary killings in fact occur? Were they isolated incidents in the Vietnamese War? It appears that only the Army can answer these questions.²⁹

This attempt to explain the relationship between the actions of the three companies on the day of Task Force Barker's assault on Son My made it clear that the Army was now investigating separate massacres, a point which was reinforced by a map graphic indicating My Lai 4 and My Khe 4 as separate communities. Goralski's statement that the whole of Bravo Company had been at My Khe 4 and his implication that Brunelle's testimony triggered Peers' decision to question other members of the company were in error but, in other respects, he provided a detailed context that, once again, was atypical of television reports.³⁰ As Ron Steinman, who had served as NBC's Bureau Chief in Saigon, noted, 'limited time on the air ... meant ... complexity became a casualty of war.'³¹ Pach has made a similar point with an important qualification:

Because of the shortness of time, (television) reports condense and simplify the news. And because of journalists' preoccupation with immediacy, the reports usually focus only on today's news, with little, if any, analysis of how recent events fit into larger patterns. Anchors may try to provide some context for the reports, but they usually must do so in a few sentences. Some studies have shown, however, that viewers often fail to make the intended connection between an anchor's introduction or conclusion and a correspondent's story.³²

Whether viewers who watched NBC's report on My Khe 4 in its entirety made the necessary connections is no longer a testable proposition but it is useful to be reminded that an analysis of the content of a news story is not the same as an assessment of the impact of the story upon its viewers.

²⁹ *Huntley-Brinkley Report*, 18 February, 1970.

³⁰ Brunelle was interviewed in South Vietnam on 7 January 1970. He had not taken part in the Son My operation and his testimony was not included in the Peers Report. Goralski's suggestions that Alpha Company was responsible for sealing off My Lai 1 and that senior commanders had been focused upon a more important action to the west were also mistaken.

³¹ Steinman., p. 101.

³² Pach, p. 107.

The unusual features of NBC's story about My Khe 4, the features which make it in retrospect an admirable piece of reportage, probably limited its impact. The more conventional items screened on network news programmes were intended to suit the tastes of the majority, to persuade viewers to keep watching. Again, it is not possible to assess the particular impact of the My Khe 4 story upon those who watched it but its length, its detail, the complexity of its context and its focus upon the Vietnamese did not impress its competitors: ABC and CBS ignored the story.

In a brief consideration of the media's treatment of the massacre at My Khe 4 in *The My Lai massacre in American history and memory*, Oliver cites Goralski's concluding comment that it was up to the Army to establish what had happened at My Lai 4 and My Khe 4 and to ascertain whether other massacres had been committed by American soldiers in Vietnam. Observing that 'In the end news reporters did not force the Army to do so', Oliver describes the reports of Terry Reid's interview in Oshkosh, Richard Hammer's brief account of the massacre in *One Morning in the War* and NBC's story on 18 February as 'pretty much the only significant examples of media interest in the massacre at My Khe 4' before the publication of Hersh's articles in *The New Yorker* in January 1972.³³ As the previous chapter has demonstrated, America's print media had only nibbled at the edges of the My Khe 4 story until Hersh took it up and although NBC's attempt to break the story spawned reports in a number of newspapers including the *Chicago Tribune*, the *Los Angeles Times*, *The New York Times* and *The Washington Post*, the attempt did not constitute front page news.

³³ Oliver, *The My Lai massacre in American history and memory*, p. 82. Hammer's book, which was published in June 1970, was apparently completed without reference to NBC's report. The errors in his description of the events at My Khe 4 have been considered in the introductory chapter. Hammer, *One Morning in the War*.

That NBC's report from South Vietnam, which had offered its viewers the opportunity to appreciate that separate massacres had occurred in Son My, apparently had little impact might seem hard to accept in the context of research which suggests that the three television networks were the most popular sources of national news in America during the 1960s and 70s. From a population of slightly over 200 million Americans in 1970, the news programmes broadcast nightly by ABC, CBS, and NBC drew at least fifty-one million viewers, according to figures cited in 2004 by James Landers in *The Weekly War*. According to Landers, about half of these viewers watched at least three programmes each week. In contrast, only nine million listened to news programmes on the radio each day and on Sundays little more than 80,000 copies of the national edition of *The New York Times* were purchased outside of metropolitan New York.³⁴ Surveys conducted by the Roper Organization found that the number of people who stated that they 'got most of their news' from television increased between 1964 and 1972.³⁵ In 1969 Roper reported that 59% of Americans relied upon the television for their news.³⁶ When Vice President Spiro Agnew accused the networks of bias in Des Moines, he cited the estimate that 'At least forty million Americans, every night ... watch the network news. Seven million of them view ABC, the remainder being divided between NBC and CBS.' He also referred to 'Harris polls and other studies' which showed that 'for millions of Americans the networks are the sole source of national and

³⁴ James Landers, *The Weekly War* (Columbia, Mo.: University of Missouri Press, 1994), p. 2; Landers does not provide a source for his figures. However, data for 1969 produced by the A.C. Nielsen Company offer a similar picture of the number of Americans tuning into evening news programmes: of 57 million households possessing televisions in 1969, an average of 24.3 million were tuned into the news. Nielsen made the assumption that two people per household were watching. These figures are cited in Hammond, p. 106. According to the Census Bureau, the population of the United States was 203,302,031 on 1 April, 1970. <http://www.census.gov/population/censusdata/table-2.pdf>. Accessed on 26 February 2007. In his speech in Des Moines on 13 November 1969 Vice President Agnew asserted that *The New York Times* reached 800,000 people each day. Cited in Barrett, p. 135. A transcript of Agnew's entire speech appears in Barrett, pp. 131-138. Agnew's estimate of the circulation of *The New York Times* is roughly in line with a figure of 895,000 for 1969 provided in Braestrup, p. 12.

³⁵ Cited in Hallin, p. 106.

³⁶ The Roper Report for 1969 is cited in John P. Robinson, 'The Audience for National TV News Programs', *Public Opinion Quarterly* 35 (1971).

world news.³⁷ At the Annual Convention of the American Newspaper Publishers Association held early in 1971, the President of Omaha's *World-Herald* admitted that 'the public is depending more heavily than ever on television as its primary source of news.'³⁸

Other research, however, contradicts this picture. The W.R. Simmons organization collected data in October and November of 1969 which indicated that less than 25% of adults watched a network news programme on an average weekday and that more than 52% of adults failed to report seeing one programme during a two week period: a figure which, as John P. Robinson commented in an article entitled 'The Audience for National Television Programs' published in 1971, 'is difficult to comprehend' alongside the findings of the Roper Report in 1969.³⁹

The Simmons data is especially interesting because it was in November 1969 that the networks took up the story of the massacre at My Lai. All three featured it on 17 November and 18 November. CBS showed Haeberle's photographs on 20 November and ran the interview with Paul Meadlo on 24 November. All the networks led their news programmes with the story on 26 November.⁴⁰ Despite the extent and character of this coverage, polls taken in the days and weeks which followed did not indicate that the great majority of Americans were either convinced that a massacre had taken place or certain that it had been unjustified: a scepticism partly due, perhaps, to the number of

³⁷ Agnew is cited in Barrett, p. 133.

³⁸ Harold A. Anderson, the President of Omaha's *World-Herald* is cited in Marvin Barrett (ed.), *The Alfred I. du Pont-Columbia University Survey of Broadcast Journalism 1970-1971: A State of Siege* (New York: Grosset & Dunlap, Inc., 1971), p. 7.

³⁹ Robinson, 'The Audience for National TV News Programs'.

⁴⁰ *ABC News, CBS Evening News, Huntley-Brinkley Report*, 17 November 1969 and 18 November 1969; *CBS Evening News* 20 November 1969 and 24 November 1969; *ABC News, CBS Evening News, Huntley-Brinkley Report*, 26 November 1969, VTNA.

Americans who failed to watch any of the television coverage.⁴¹ NBC's single report on the massacre at My Khe 4 might have suffered in a similar way.

Any qualms the nation's leaders might have felt about the difficulty of approximating the number of Americans who tuned into the networks' news programmes during the sixties and seventies did not prevent them from seizing upon the idea that television could sway public opinion about the war. When CBS anchor Walter Cronkite told his viewers in February 1968 that, in his opinion, America was 'mired in stalemate' in Vietnam, President Johnson is reputed to have moaned: 'If I've lost Cronkite, I've lost Middle America.'⁴² In his memoirs Richard Nixon observed that, during the Vietnam War, American 'television showed the terrible human suffering and sacrifice of war' and that 'the result was a serious demoralization of the home front'.⁴³ In Des Moines, Agnew had complained that 'A raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy.'⁴⁴ Bob Haldeman, Nixon's chief of staff, noted in his diary on 16 December 1969 that 'enormous television emphasis' could be brought to bear upon the story of the massacre at My Lai 4 and such ideas received more formal expression in 1975 when Samuel Huntington argued that:

The most notable new source of national power in 1970, as compared to 1950, was the national media There is ... considerable evidence to suggest that the development of television journalism contributed to the undermining of governmental authority. The advent of the half-hour nightly news broadcast in 1963 led to greatly increased popular dependence on television as a source of news. At the same time the themes which were stressed, the focus on controversy and violence, and, conceivably, the values and outlook of the

⁴¹ See, for example, *Wall Street Journal*, 1 December 1969; *Minneapolis Tribune*, 21 December 1969; Opton in Sanford, Comstock et al, pp. 49-70 and *Time*, 12 January 1970.

⁴² Cronkite's opinion and Johnson's reaction are cited in Robert Dallek, *Flawed Giant: Lyndon Johnson and His Times* (New York: Oxford University Press, 1998), p. 506.

⁴³ Richard Nixon, *The Memoirs* (New York: Grosset & Dunlap, 1978), p. 350.

⁴⁴ Agnew is cited in Barrett, *Year of Challenge, Year of Crisis*, p. 134.

journalists, tended to arouse unfavorable attitudes toward established institutions.⁴⁵

Therefore, the notion that the networks' news programmes had the power to 'arouse unfavorable attitudes' towards the US government and its armed forces, amongst others, rests upon assumptions about the scale of the programmes' audience, their primacy as a source of news, the emphasis upon particular 'themes', the capacity of television to present material in a memorable and affecting manner and the charisma of the anchormen. That the networks devoted a significant proportion of their evening news programmes to stories about the Vietnam War in 1970 has been demonstrated by Oscar Patterson III in an article entitled 'An Analysis of Television Coverage of the Vietnam War'. A sampling exercise conducted by Patterson showed that, in a twelve month period beginning August 1969, 27% of the stories which appeared on the networks' news programmes concerned the war in Vietnam, significantly more than any other category.⁴⁶ Nevertheless, it is one thing to indicate by an analysis of their content and presentation (or in Johnson's case, perhaps, by gut reaction) the potential of television news programmes to influence their viewers. It is entirely another to demonstrate the quality of the viewers' attention and understanding.

Pach has pointed out that what Americans:

learned from nightly newscasts is by no means clear. Studies have revealed that most viewers have trouble remembering anything from news programs that they just finished watching. Perhaps that is because, as one scholar has observed, television 'is designed to be watched intermittently, casually, and without full concentration.'⁴⁷

⁴⁵ The extract from Haldeman's diary entry for 16 December 1969 is cited in Oliver, *The My Lai massacre in American history and memory*, p. 79; Huntington is cited in Hallin, p. 4.

⁴⁶ Oscar Patterson III, 'An Analysis of Television Coverage of the Vietnam War', *Journal of Broadcasting* 28:4 (Fall 1984). This was higher than the figure of 21% for the previous twelve months but in line with the figure of 27% for the following twelve months.

⁴⁷ Pach, pp. 111-112. Pach does not identify the studies to which he refers but in 1976 W. Russell Neuman reported the results of a study which found that about half of viewers could not recall any of the stories in a news broadcast which they had just watched. W. Russell Neuman, 'Patterns of Recall Among Television News Viewers', *Public Opinion Quarterly* 40:1 (Spring 1976).

Whilst it is possible that viewers might have been affected at a sub-conscious level by an item on the news, such a theory is hard to test. What has been demonstrated is that news stories about the Vietnam War stimulated contrasting responses in terms of viewers' ability to recall what they had watched. According to the results of a study by W. Russell Neuman which was published in 1976, people were more likely to recall a story about the war without prompting but, having been prompted, they were less likely to recall the details of the story.⁴⁸ This suggests that whilst stories about the war made an impact, viewers tended to ignore the details which accompanied them. And in order to distinguish between the massacres which took place in Son My, a grasp of detail was crucial.

On 20 February, Willingham made his appearance before Peers at the Pentagon. The treatment accorded to this event by the networks' evening news programmes underlines the degree of importance each attached to NBC's claim, forty-eight hours previously, that a massacre might have occurred in My Khe 4. ABC did not pick up the story and, although CBS ran film of Willingham and his attorneys entering the Pentagon whilst Cronkite gave a brief commentary, the story was the seventeenth of twenty-three on *CBS Evening News*. Cronkite's explanation established that two massacres were alleged to have occurred but it lacked most of the detail of NBC's earlier piece from South Vietnam and, in one of the details Cronkite did provide, it was mistaken. Viewers were told that:

Captain Thomas Willingham, accused in a second alleged Vietnam massacre, appeared before a Special Army Inquiry in Washington today. His attorney said afterwards that the officer would plead innocent to Army charges of

⁴⁸ Neuman, 'Patterns of Recall Among Television News Viewers'. Surveys conducted by Louis Harris offer compelling evidence that televised speeches by President Nixon had a considerable impact on public opinion during this period. For example, only 7% of respondents were favourable to the decision to send American troops into Cambodia in 1970 before the president appeared on television on 30 April to explain his decision. After his appearance 50% were favourable. These figures and others like them are cited in Barrett, *Year of Challenge, Year of Crisis*, p. 46.

unpremeditated murder. He's accused of killing 20 Vietnamese civilians at My Khe Village in 1968 on the same day as the massacre in nearby My Lai.⁴⁹

Already, if unwittingly, Cronkite had contributed to the confusion surrounding the whereabouts of the second massacre. My Khe 4 was not a village, nor was it even in the hamlet of My Khe.

Unsurprisingly, NBC gave the Willingham story the highest priority and the fullest treatment. In the third of the stories on the *Huntley-Brinkley Report* that evening, David Brinkley informed viewers that 'The Army Board of Inquiry looking into the alleged massacre at My Lai met again today and took testimony from Captain Thomas Willingham, the fifth to be charged. He is accused of killing South Vietnamese civilians near My Lai.' Whilst Willingham and his lawyers were shown arriving at the Pentagon, Goralski continued the story: 'Captain Willingham, who is accused of murder in a second alleged massacre at My Khe, arrived at the Pentagon flanked by his military and civilian attorneys. He testified before the Special Panel which first developed the charges against him.' Willingham's lawyer was then shown responding to questions put by Goralski, amongst others, after the hearing:

McKinley: The Captain was before the committee approximately thirty-five minutes.

Questioner: Did he answer questions?

McKinley: The Captain made a statement to the committee.

Questioner: Will the Captain plead innocent to these charges?

McKinley: Oh, most certainly.

Questioner: Why's that, sir?

McKinley: Because the Captain is completely innocent of these charges. The Captain killed no-one.

Questioner: There's a question whether or not he gave orders for others to be killed.

McKinley: There are ... there's no comment.

Finally, the camera cut to Goralski who delivered the observation that:

The Army has charged Captain Willingham with unpremeditated as opposed to premeditated murder. This may mean that the Army believes that Captain

⁴⁹ *CBS Evening News*, 20 February 1970, VTNA.

Willingham did not fire weapons himself but gave orders which resulted in the deaths of Vietnamese civilians.⁵⁰

Thus, NBC's account of Willingham's case on the day of his appearance before Peers was marked by a concluding emphasis on the suggestion that Willingham had ordered the killings of Vietnamese civilians, a suggestion which Willingham's lawyer was apparently not prepared to deny.

At this point, having made such efforts to raise the profile of the story of the killings at My Khe 4, NBC apparently lost interest. In reporting the Peers news conference more than three weeks later, the network, like ABC and CBS, failed to note that the Willingham case had been subsumed into the My Lai massacre. Like its competitors, NBC led its news programme on 17 March with a report on the news conference. Anchor Huntley began the story with the announcement that:

The Army today accused fourteen officers, probably the highest ranking officers ever involved in a single case, of failing to look into the incident at My Lai, two years ago yesterday, or failing to report or lying about what they did find. A Special Army Board which investigated the case said there had been a major tragedy at My Lai although it did not use the word 'massacre'.

Subsequently film of General Peers speaking to the assembled reporters was shown:

On several occasions I have been asked about what happened in Son My Village on 16 March 1968. I am not going to try to characterise what occurred there. I can say, however, and I feel that the public is entitled to know that our inquiry clearly established that a tragedy of major proportions occurred there on that day. In order not to prejudice the rights of individuals concerned I am not able to further discuss the events which transpired in Son My on 16 March of 1968.

Asked if he was disturbed 'by the fact that fourteen officers ... were engaged in the suppression of information', Peers replied: 'Well, certainly, I'm greatly concerned. I would look upon this, from what I know of the situation, as being quite an isolated incident.'⁵¹

⁵⁰*Huntley-Brinkley Report*, 20 February 1970, VTNA. NBC's story might have referred to McKinley's evasiveness on the question of the location of the killings with which Willingham had been charged.

⁵¹*Huntley-Brinkley Report*, 17 March 1970, VTNA.

Having apparently been persuaded to avoid discussion of the second massacre at the news conference, Peers' reference to 'an isolated incident' ensured that reporters remained focused upon My Lai 4. He might have been justified in referring to the suppression of information within the American as 'quite an isolated incident' but it seems likely that his words would have been interpreted as a reassurance that there had only been one massacre in Son My. Yet, having demonstrated in its report on 18 February that what had occurred in Son My on 16 March 1968 constituted two incidents rather than one, NBC chose not to challenge the Army's pretext that the massacre at My Lai 4 was 'an isolated incident' and Peers' uncomfortable response to the question about the charges against Willingham was not included in NBC's coverage.⁵²

When the Army announced on 9 June that the charges against Willingham had been dropped, each of the networks returned to the story. The tone of their treatments varied from the celebratory to the suspicious. A common feature, however, was that the crimes with which Willingham had been charged were presented in the context of the crimes which had allegedly been committed at 'My Lai'. Thus, NBC's suggestion in its February stories that massacres might have taken place in different places and that, if so, they had been perpetrated by men in different companies was effectively refuted by being ignored.

ABC's piece, the eighth of twelve items, made no reference to the location of the killings with which Willingham had been charged and its brevity was characteristic of its previous treatment of the events at My Khe 4. Frank Reynolds told viewers:

The Army announced today that it is dropping charges against Captain Thomas Willingham, one of thirteen men accused of committing atrocities in Vietnam. He had originally been charged with unpremeditated murder. Willingham,

⁵² Later in the item, two cadets at West Point were interviewed. The first cadet referred to 'the alleged incidents in 1968' whilst the second spoke of the 'incident'. *Huntley-Brinkley Report*, 17 March 1970, VTNA.

whose tour of duty expired last February, had been kept on duty pending disposition of the charges. He will now be released from the Army.⁵³

In the eighth of twenty-four items CBS made rather more of the story, focusing, as it had when the story broke, on Willingham. In February, its portrayal of the accused Captain had been cautiously sympathetic. Now, it celebrated his absolution. Cronkite introduced the piece with the explanation that:

The Army, for lack of evidence, has dropped all charges against one of the officers accused in connection with the 1968 My Lai Massacre. He's twenty-five year old Captain Thomas Willingham of Allenhurst, New Jersey who had been charged with the murder of twenty Vietnamese.

By connecting the charges against Willingham 'with the 1968 My Lai Massacre', Cronkite (probably unwittingly) was rendering unnecessary any further explanation of the events at My Khe 4. Neil Strasser picked up the story as film of Willingham and his lawyers at Fort Meade was shown:

The months of uncertainty ended, Captain Willingham with his Army and civilian attorneys headed for a news conference after receiving the word by telephone at Fort Meade, Maryland. The charges had been filed last February, just as Willingham was to leave the Army. He was held over but now with his discharge again in sight, the Captain looked back on his military service ...

Significantly, CBS chose to offer Willingham's thoughts on his more recent military service rather than his memories of the assault on My Khe 4 and the tone was upbeat as the Captain expressed his admiration for the service which he was about to leave:

Well, I've had the privilege of dealing with probably the finest people. I'm with the 6th Cavalry Regiment right now and they have to be some of the most outstanding officers and men there. They treated me with no prejudice, nor ... nor malice. They're fine people to work for. And I don't have anything against the service. I've always had a good career. I worked here for the 1st Army and they were pleasant people. I worked in intelligence. I don't hold anything against them whatsoever.

While the camera showed Willingham and his wife, hand in hand, Strasser observed:

He is looking forward to a civilian job in the personnel field perhaps in San Francisco. The Captain said he is very happy about the outcome. His wife of

⁵³ *ABC News*, 9 June 1970, VTNA.

half a year said she is too ... and looked it. Willingham's platoon had been operating about two miles outside My Lai. The Army today indicates charges against several men involved in the operations inside the hamlet will stand. But in Washington the House Armed Services Subcommittee is winding up its own investigation into the killings at My Lai ...⁵⁴

Thus, having buried in the story's conclusion the detail that 'Willingham's platoon had been operating about two miles outside My Lai' and, with it, any hint that a separate massacre might have occurred, CBS moved on to an account of the congressional investigation into 'the My Lai incident'.⁵⁵

Like CBS, NBC covered the story in some detail but, perhaps because it had previously made an effort to establish exactly what Willingham had been accused of, the celebratory tone adopted by its rival network was missing. Introducing the sixth of the evening's stories Brinkley announced that:

One of the officers charged in the massacre at My Lai was Captain Thomas Willingham of Allenhurst, New Jersey. Today all the charges against him were dismissed. Twelve other soldiers are still charged with murder, rape and other crimes but the charges against Willingham have been dropped.

The emphasis, therefore was already different. Viewers were reminded that twelve other soldiers had been charged (rather than 'several') and that the crimes with which they had been charged included rape as well as murder. In the report from Fort Meade which followed, there was even an implication that two 'incidents' had occurred in Son My. As film of Willingham with his wife and lawyers was shown, Goralski explained:

Captain Thomas Willingham had been accused of murder. The incident allegedly took place near and on the same day as My Lai. Today at Fort Meade, Maryland, Captain Willingham was told by the Army it didn't have enough evidence to court-martial him.

⁵⁴ *CBS Evening News*, 9 June 1970, VTNA.

⁵⁵ Although the Armed Services Investigating Subcommittee displayed no interest in the events at My Khe 4, Willingham's name was brought up during its proceedings on the day after it was announced that the charges against him had been dropped. Whilst taking testimony from General Westmoreland, Hébert, who chaired the subcommittee, complained that Willingham had been treated unfairly because 'This man was publicly charged with something which later you all dismiss and say we don't have enough evidence ... and (Willingham and others in his position) are damned, they are gone. They have been tried in the public press.' *Investigation of the My Lai Incident: Hearings ... Under Authority of H. Res. 105*, p. 841. Perhaps Hébert had missed the previous evening's news on CBS.

In the next segment of the report Willingham was shown talking about 'the incident' rather than the less controversial question of his more recent postings. Seated between his attorneys, Willingham explained:

Our company had about nineteen casualties through sniper fire and command-detonated mines. We ... we performed as an infantry platoon would under ... the conditions ... as cautious as possible and for the protection of our men and that's really the mission of a platoon leader.

At least one of the reporters present was not satisfied, however. As the camera rested on McKinley, the question was posed: 'How could the charges of unpremeditated murder of twenty persons come about then?' Panning to the right, the camera showed Willingham who looked to his left at Allen. Before the military lawyer could respond, McKinley came up with an answer:

Well, I think that's something you'll have to ask the Army. You must realize that the charges were preferred against the Captain at the last minute before the Army had any opportunity to make a detailed investigation and the reason the charges were preferred I assume is because the Army was apprehensive they were going to lose jurisdiction over the Captain: he was being discharged.

The contention that the Army had not had the opportunity to make a detailed investigation before the charges against Willingham were made ignored the work that Walsh and Wilson had done. By 12 February, the day that Willingham was charged, testimony had been taken from forty-seven men who had been in Bravo Company: eleven of whom had been in Willingham's platoon. If there was any challenge to McKinley on this point, however, NBC opted not to include it in its report and, in Goralski's conclusion to the Willingham case, it was implied that the Captain had, after all, been a strand in the story of the My Lai Massacre:

Captain Willingham is the only one of those accused who has been exonerated by the Army. There are still a dozen officers and enlisted men who face court-martial or possible court-martial for murder at My Lai. The first of the military trials, involving Lieutenant William Calley is now scheduled to begin in late August.⁵⁶

⁵⁶*Huntley-Brinkley Report*, 9 June 1970, VTNA.

Like their colleagues in the print media, television's journalists failed to pursue the story of the massacre at My Khe 4 to a satisfactory conclusion and the failure of the Army's charges against Willingham was allowed to imply that a massacre had not taken place at My Khe 4. As the investigations by Peers and the CID had demonstrated and as Vietnamese survivors of the massacre continued to maintain, a second massacre had occurred. Like America's newspapers, its network news programmes did not register that Vo Thi Lien had been at My Khe 4 and that she had been repeating her account of the massacre as she toured Europe. Ironically, NBC's archives contain film, apparently shot on 12 December 1969, which shows Lien telling her story in North Vietnam. During the footage, which NBC entitled 'Witnesses to My Lai Massacre Tell Their Story', Lien points at a map to identify the hamlet of Co Luy.⁵⁷ Thus the film, which was not used on the *Huntley-Brinkley Report*, contained a clue to the site of the second massacre which might have been useful to Peers who remained uncertain of the location of the second massacre until the end of 1969. Had the film been studied more closely before it was consigned to the archive, it could have provided NBC with another thread in the story which it, alone amongst the networks, had made some attempt to unravel.

In January 1972, prompted by the imminent publication in *The New Yorker* of Seymour Hersh's articles about the massacres in Son My and the cover-up which ensued, the name of My Khe 4 featured once more on American television. On 18 January items about Hersh appeared on each of the networks' nightly news programmes. ABC focused on Hersh's claim that the Army had obscured the true number of victims

⁵⁷ NBC News Archives, 'Witnesses to My Lai Massacre Tell Their Story', 12 December 1969 (Media Id.: 0039995). NBC's archives also contain 'Family & Friends Form Committee to Defend Willingham', 28 February, 1970 (Media Id.: 0043679) and 'Capt. Willingham's Mother Says She is the Happiest Mother in the World', 9 June 1970 (Media Id. 0049112). Like the film of Vo Thi Lien, neither of these pieces were shown on the *Huntley-Brinkley Report*.

in Son My but NBC and CBS referred to Hersh's allegation that a massacre had occurred in My Khe 4.⁵⁸ Whilst being interviewed on *CBS Morning News* on the following day, according to the 'Talking Paper' dated 29 January 1972 which was circulated within the Army's Military Justice Division, Hersh 'charged that the decision not to proceed further with the My Khe 4 investigation or to court-martial those involved was made at the highest level of the Army or even the White House.'⁵⁹ The 'Talking Paper', which was attached to a summary of the articles in *The New Yorker* and the position paper detailing the Army's refutation of Hersh's charges, carries no suggestion that the Army was unduly concerned by the resurfacing of the My Khe 4 story on television.⁶⁰

And, at least on screen, the story of the massacre at My Khe 4 died with Hersh's attempt to revive it. Calley's conviction in March 1971 had triggered extended coverage by each of the networks but it included no mention of the massacre at My Khe 4.⁶¹ There are no references either in Joseph Strick's short documentary *Interviews with My Lai Veterans* which was released in 1970 or in Kevin Sim's *Four Hours in My Lai* which appeared in 1989.⁶² Interestingly, Sim's decision to exclude the story of the massacre at My Khe 4 was a conscious one. An extended interview with Vo Thi Lien was conducted during the preparations for the film and then omitted from the final cut.⁶³

⁵⁸ *ABC News, CBS Evening News, NBC Nightly News*, 18 January 1972, VTNA.

⁵⁹ 'Talking Paper', 29 January 1972. Subject: "'Coverup", the Seymour Hersh Articles in The New Yorker, Concerning Son My' in Box 6, Folder: Congressional Back up Sheets - My Lai Case, 1970-72, VWCWG, RAS, RG 319, NARA, College Park.

⁶⁰ Ibid.

⁶¹ Four extended reports were produced after the announcement of Calley's conviction: *NBC News Special Report: The My Lai Case*, 29 March 1971; *CBS Special Report: The Court-Martial of William Calley*, 29 March 1971; *CBS Special Report: The Court-Martial of William Calley - The Mind of a Juror*, 1 April 1971 and ABC's *The Calley Case: A Nation's Agony*, 23 May 1971. The networks probably delayed the screening of extended coverage of the Calley case until after his conviction for legal reasons but Barrett has suggested that there was 'a continuing decline ... in both the quantity and courage of network documentaries' during 1970. Barrett, *Year of Challenge, Year of Crisis*, p. 92.

⁶² *Interviews with My Lai Veterans* (Dir. Joseph Strick, 1970); *Four Hours in My Lai* (Dir. Kevin Sim, 1989). Sim's film was released in America under the title *Remember My Lai*.

⁶³ A transcript of the interview with Vo Thi Lien is in Box 3, Folder 1, Papers of *Four Hours in My Lai*, LHCMA, KCL.

More recently, a film called *Pinkville* was planned by United Artists and director Oliver Stone visited Son My in September 2007 'to survey the field'.⁶⁴ According to Michael Fleming in *Variety* the film was to be about 'the Army's investigation of the My Lai massacre'.⁶⁵ By the end of November 2007, however, the film company had cancelled the film, citing problems with the script although there was 'widespread speculation' that United Artists was eager to drop the film because of the failure of *Lions for Lambs*, a 'war-themed' movie which it had released a few weeks before.⁶⁶ Whether the script, by Mikko Alanne, contained any references to the events at My Khe 4 has not been reported.⁶⁷

Oliver has written of the massacre at My Lai 4 that:

Even as the massacre dominated public discourse, the ordeals of its victims became neutralized as a source of national anxiety and remorse and their presence ... reduced to half-remembered images of what the first newspaper to print them called 'A clump of bodies on a road in South Vietnam'.⁶⁸

Of the dead at My Khe 4 there were no pictures and the consequence in America's newspapers and on America's screens has been that the other massacre has been even easier to forget.

⁶⁴ 'Oliver Stone Visits My Lai for New Film', *The New York Times*, 6 September 2007.

⁶⁵ Michael Fleming, 'Oliver Stone Votes for "Bush" Project', *Variety*, 21 January 2008.

⁶⁶ David M. Halbfinger, 'For Film Companies, a State of Flux', *The New York Times*, 24 November 2007; 'Oliver Stone Votes for "Bush" Project'.

⁶⁷ According to the *Los Angeles Times*, Alanne was inspired by Stone's *JFK* which:

really reshaped my thinking about what kind of films could be made and what they could do ... The whole idea that you could, through film, illuminate a hidden side of history and uncover the forgotten heroes and villains of the story ...

Jay A. Fernandez, 'Writer Influenced by Oliver Stone tapped for "Pinkville"', *Los Angeles Times*, 5 September 2007.

Stone has expressed a desire to return to the project in the future. Historians must wait to see what he and his scriptwriter can make of the massacres in Son My.

⁶⁸ Oliver, *The My Lai massacre in American history and memory*, p. 10.

CONCLUSIONS

In a rare moment of optimism, Hamlet told himself that 'Foul deeds will rise, Though all the earth o'erwhelm them, to men's eyes' but it is unlikely that Fortinbras, the soldier in the play, would have agreed with him.¹ Fortinbras would have known that in a war 'foul deeds' often go unremarked and this would probably have been the fate of the events at My Khe 4 had it not been for CID's investigation into the massacre at My Lai 4 and Peers' insistence that every lead was followed up. In the weeks following the Son My operation, the reports which Willingham had made on 16 March, the complaints of the South Vietnamese and the propaganda of the enemy did not persuade the commanders of the 11th Brigade and the Americal that they should make inquiries about the attack on My Khe 4. It might be argued that this is unsurprising because Henderson and Koster made no serious attempt to find out what had happened at My Lai 4 but the evidence suggests that it did not occur to them that there might be a second massacre to worry about. Like Westmoreland, they were happy to accept reports which indicated success and they were not alone in their failure to understand the geography of Son My and their conviction that what the Vietnamese had to say was of little value. In January 1970 investigators were still puzzled by references to Co Luy and convinced that the Vietnamese had adopted the American names for the places in which they lived. CID investigators were also unimpressed by the consistency of the accounts provided by the Vietnamese, a consistency which was eventually rationalised as evidence of their unreliability. It was only Peers' determination to leave no 'single stone unturned' which led to the charges against Willingham and Walsh's account of the assault on My Khe 4 in the Peers Report.

¹ William Shakespeare, *Hamlet* Act I Scene ii, Lines 255-256 (London: Longman, 1987).

The discovery that there had been a massacre at My Khe 4 did not lead to a conviction or even a trial but, rather than proving that the Army undermined the work of its investigators, this outcome underlines the obstacles faced by its prosecutors. All but four of the surviving members of Bravo Company's 1st Platoon were out of uniform and safe from prosecution.² Even those who agreed to testify were unwilling to give evidence against their former comrades and the prosecutors' task was complicated by the testimony which indicated that there might have been enemy activity in or near My Khe 4 and the difficulty of establishing the extent to which Willingham had controlled the operation.³ The Vietnamese could assert that civilians had been killed in My Khe 4 but they could not identify any of the killers. What was demonstrated by the massacre at My Khe 4, therefore, was that American soldiers in Vietnam could get away with murder despite the Army's efforts to find the guilty and bring them to justice.

It is one of history's ironies that, having been revealed because of the massacre at My Lai, the massacre at My Khe 4 has been mis-represented as a sub-plot to Charlie Company's exploits or, more usually, dismissed as an unimportant thread in that narrative. One of the reasons that the story of My Khe 4 made little impression upon the American people in 1970 was that the scant information which the Army released about the actions of Willingham's platoon encouraged reporters to ignore the distinction between the two massacres. This, as Walsh has indicated, was primarily to protect the Army's reputation but there was also a justifiable concern that prosecutors would be hindered by excessive pre-trial publicity. The extent to which the Army was able to

² Out of uniform or not, the men who took part in the operation in Son My seem to have had the support of the chairman of the House Armed Services Committee. In March 1970 Mendel Rivers promised:

We are not going to sit idly by and see men indicted for crimes of war when you have no Rules of Engagement, when the enemy is savage in treatment of prisoners of war, and where men, women, children – everybody is attacking their benefactors with hand grenades.

Rivers cited in Greiner, p. 335.

³ Whether there was a grenade which failed to explode or not, the references to it were enough to suggest to a sympathetic jury that the platoon had come under attack.

control the story has been exaggerated, however.⁴ The charges against Willingham were reported on television and in the newspapers and it was possible, as NBC demonstrated, to find sources of information in South Vietnam. The events at My Khe 4 did not seize the attention of Americans because there were no photographs, no confessions and, finally, no court case. Most of the reporters who stumbled across clues to what had happened at My Khe 4 lacked the enthusiasm to follow a story which seemed more complicated and less dramatic than Calley's. Reaction to that story, moreover, suggested that the detailed exposure of another massacre would not be well received.⁵ Those, like Hersh, who have been able to draw upon sources unavailable to reporters in 1970 have portrayed the nature of the attack on My Khe 4 more clearly but explanation of the actions of Willingham's platoon has often been driven, not by the evidence, but by a desire to identify a common set of orders as the trigger for the killings in Son My. Others, dipping into the documentation of the Army's investigations into the events at My Khe 4, have been unable to produce an accurate account of the process which led to the discovery that there had been a second massacre.

What happened at My Khe 4 was different to what happened at My Lai 4. In each sub-hamlet unresisting non-combatants were killed but there is no evidence to indicate that groups of Vietnamese were gathered together for execution at My Khe 4 and, whereas the orders received by the men of Charlie Company were at least susceptible to misinterpretation, the actions of Willingham's platoon were in defiance of the orders of the company commander. The attack on My Khe 4 was not, as Homer Hall

⁴ Peers has been accused of 'suppressing evidence of another massacre' in Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire-Building* (Norman: University of Oklahoma Press, 1997), p. 454. Drinnon's accusation makes little sense in the light of Peers' role in ensuring that Willingham was charged with murder.

⁵ A survey conducted on behalf of the *Chicago Tribune* in 1971 found that only 30% of those questioned disagreed with the statement that 'The press and TV should never have reported statements by soldiers about My Lai because they only hurt our cause in Vietnam.' This was despite the conviction of 81% of the respondents that 'there were other incidents like My Lai involving U.S. troops that have been hidden.' Harris Survey, date of release 5 April 1971, in Papers of *Four Hours in My Lai*, LHCMA, KCL.

admitted, uncharacteristic of the platoon, however, and it is interesting to note how it resembles a series of attacks carried out in 1967 by 'Tiger Force'. In each unit there were those who assumed that the Vietnamese, irrespective of age or gender, were the enemy. 'Tiger Force' sprayed huts with gunfire and destroyed bunkers with explosives in the knowledge that there were people inside them. On at least one occasion they responded to the death of a comrade by turning their guns on nearby villagers.⁶ There were men in each platoon who acted, at times, without waiting for orders and, in this respect, it seems that they would not have had the support of the American people. When Calley was found guilty of murder in 1971, a survey of public opinion concluded that 'the public's doubts about the justice of the Calley conviction (rested upon) the belief, voiced by a lopsided margin of 76 to 6 percent, that "soldiers at My Lai were only following orders from their higher ups."⁷

The indiscipline of Willingham's platoon was, nevertheless, a consequence of policies adopted by the US Army in Vietnam. In a war in which much of the fighting took place in and around inhabited areas, units were judged according to the number of kills which they reported and soldiers received the order to 'search and destroy', only the strongest leadership could prevent some from crossing the line to murder. When Willingham's platoon approached My Khe 4, the tactic of 'recon by fire' had become a justification for opening fire upon anyone, anywhere and some of his men were accustomed to making up their own orders. To what extent Willingham tried to control what followed remains unclear but, with or without his approval, his platoon carried out a different sort of massacre in Son My.

⁶ Sallah and Weiss, p. 290; p. 153; p. 269; p. 275 and pp. 149-150.

⁷ Harris Survey, date of release 5 April 1971.

BIBLIOGRAPHY

ARCHIVES

Henry Tufts Archive, Labadie Collection, University of Michigan Special Collections, Library, Ann Arbor:

CID Report of Investigation on Donald Hooton, 70-CID011-00049

CID Report of Investigation on Thomas Willingham, 70-CID011-00039

Liddell Hart Centre for Military Archives, King's College, London:

Papers of *Four Hours in My Lai*

National Archives and Records Administration:

NSC Files, Nixon Presidential Materials

Records of the Peers Inquiry including the four volumes of *The Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident* (Volumes I-III of the report were also accessed online at http://www.loc.gov/rr/frd/Military_law/Peers_inquiry.html)

Records of the Peers Inquiry: Closed Inventory

Peers Inquiry Administrative and Background Materials Files (1967-1970)

Peers Inquiry Records Created after the Completion of the Peers Inquiry (1969-1975)

Record Group 319 (Records of the Army Staff and Records of the Vietnam War Crimes Working Group)

Record Group 472 (MACV Inspector General)

US Army Crime Records Center, Fort Belvoir, Virginia:

CID Report of Investigation on Donald Hooton, 70-CID011-00049

CID Report of Investigation on Thomas Willingham, 70-CID011-00039

Vanderbilt Television News Archive

The Vietnam Archive, Texas Tech University:

Douglas Pike Collection: Unit 03 - War Atrocities

My Lai Collection

William R. Peers Papers, US Army Military History Institute, Carlisle, Pennsylvania:

De-Briefing Interview with Lt. Gen. William R. Peers by Lt. Col. Breen and Lt. Col. Moore, 14 April 1977

INTERVIEWS

Colonel William G. Eckhardt (Ret.) was interviewed in Kansas City, Missouri on 3 August 2009.

Jerome K. Walsh was interviewed in New York on 5 August 2009.

Recordings of the interviews are in the writer's possession.

WORKS

Addington, Larry H., *America's War in Vietnam: A Short Narrative History* (Bloomington: Indiana University Press, 2000).

Allison, William Thomas, *Military Justice in Vietnam: The Role of Law in an American War* (Lawrence: University Press of Kansas, 2007).

Anderson, David L. (ed.), *Facing My Lai: Moving Beyond the Massacre* (Lawrence: University Press of Kansas, 1998).

Angers, Trent, *The Forgotten Hero of My Lai: The Hugh Thompson Story* (Lafayette, La.: Acadian House, 1999).

Appy, Christian G., *Working-Class War: American Combat Soldiers and Vietnam* (Chapel Hill: The University of North Carolina Press, 1993).

Arlen, Michael, *Living-Room War* (New York: Viking, 1969).

Baritz, Loren, *Backfire: A History of How American Culture Led Us into Vietnam and Made Us Fight the Way We Did* (Baltimore: The John Hopkins University Press, 1998).

Barrett, Marvin (ed.), *The Alfred I. du Pont-Columbia University Survey of Broadcast Journalism 1969-1970: Year of Challenge, Year of Crisis* (New York: Grosset & Dunlap, Inc., 1970).

_____, *The Alfred I. du Pont-Columbia University Survey of Broadcast Journalism 1970-1971: A State of Siege* (New York: Grosset & Dunlap, Inc., 1971).

Baughman, James L., *The Republic of Mass Culture: Journalism, Filmmaking and Broadcasting in America since 1941* (Baltimore: The John Hopkins University Press, [1992] 1997).

Belknap, Michal R., *The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley* (Lawrence: University Press of Kansas, 2002).

Bilton, Michael and Kevin Sim, *Four Hours in My Lai* (New York: Viking, 1992).

Bourke, Joanna, *An Intimate History of Killing: Face-to-Face Killing in Twentieth-Century Warfare* (London: Granta Books, 1999).

Braestrup, Peter, *Big Story: How the American Press and Television Reported and Interpreted the Crisis of Tet 1968 in Vietnam and Washington Vol. 1* (Boulder, Co.: Westview Press, 1977).

Browning, Christopher R., *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (London: Penguin, 2001).

Dallek, Robert, *Flawed Giant: Lyndon Johnson and His Times* (New York: Oxford University Press, 1998).

Drinnon, Richard, *Facing West: The Metaphysics of Indian-Hating and Empire-Building* (Norman: University of Oklahoma Press, 1997).

Einstein, D., *Special Edition: A Guide to Network Television Documentary Series and Special News Reports, 1955-1979* (Metuchen, N.J.: The Scarecrow Press, Inc., 1987).

- Engelhardt, Tom, *The End of Victory Culture: Cold War America and the Disillusioning of a Generation* (New York: Basic Books, 1995).
- Everett, Arthur, Kathryn Johnson and Harry F. Rosenthal, *Calley* (New York: Dell, 1971).
- Falk, Richard A., Gabriel Kolko and Robert Jay Lifton (eds), *Crimes of War* (New York: Random House, 1971).
- Farber, David (ed.), *The Sixties: From Memory to History* (Chapel Hill: University of North Carolina Press, 1994).
- FitzGerald, Frances, *Fire in the Lake: The Vietnamese and the Americans in Vietnam* (New York: Vintage Books, 1972).
- Fussell, Paul, *Doing Battle: The Making of a Sceptic* (Boston: Little, Brown and Company, 1996).
- Gans, H. J., *Deciding What's News* (New York: Vintage, 1979).
- Gershen, Martin, *Destroy or Die: The True Story of My Lai* (New Rochelle, NY.: Arlington House, 1971).
- Gibson, James William, *The Perfect War: Technowar in Vietnam* (New York: The Atlantic Monthly Press, 2000).
- Goldstein, Joseph, Burke Marshall and Jack Schwartz (eds), *The My Lai Massacre and Its Cover-up: Beyond the Reach of Law?* (New York: The Free Press, 1976).
- Gottschalk, Jack A. and Connors, Martin (eds), *Inside Stories on Managing Crisis Response: Image under Siege* (New York: Gale Group, 1993).
- Gray, J. Glenn, *The Warriors: Reflections on Men in Battle* (Lincoln: University of Nebraska Press, 1970).
- Greenshaw, Wayne, *The Making of a Hero: The Story of Lieut. William Calley Jr.* (Louisville, Ky.: Touchstone, 1971).
- Greiner, Bernd, *War Without Fronts: The USA in Vietnam* (London: The Bodley Head, [original in German 2007] 2009).
- Grossman, Lt. Col. Dave, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (Boston: Little, Brown and Co., 1995).
- Hallin, Daniel C., *The 'Uncensored War': The Media and Vietnam* (New York: Oxford University Press, 1986).
- Hammer, Richard, *One Morning in the War: The Tragedy at Son My* (New York: Coward-McCann, Inc., 1970).

_____, *The Court-martial of Lt. Calley* (New York: Coward, McCann and Geoghegan, Inc., 1971).

Hammond, William M., *Vietnam, Public Affairs: The Military and the Media, 1968-1973* (Washington, DC: Center of Military History, US Army, 1996).

Herring, George C., *America's Longest War: The United States and Vietnam, 1950-1975*, 3rd edn. (New York: McGraw-Hill, Inc., 1996).

Hersh, Seymour, *My Lai 4: A Report on the Massacre and its Aftermath* (New York: Random House, 1970).

_____, *Cover-Up: The Army's Secret Investigation of the Massacre at My Lai 4* (New York: Random House, 1972).

Holmes, Richard, *Acts of War: The Behaviour of Men in Battle* (London: Weidenfeld and Nicolson, 1985).

Kamm, Henry, *Dragon Ascending: Vietnam and the Vietnamese* (New York: Arcade Publishing, 1996).

Karnow, Stanley, *Vietnam: A History* (London: Guild Publishing, 1983).

Kolko, Gabriel, *Anatomy of a War: Vietnam, The United States, and the Modern Historical Experience* (New York: The New Press, 1985).

Kwon, Henrik, *After the Massacre: Commemoration and Consolation in Ha My and My Lai* (London: University of California Press, 2006).

Kutler, Stanley I. (ed.), *Encyclopedia of the Vietnam War* (New York: Charles Scribner's Sons, 1996).

Landers, James, *The Weekly War* (Columbia, Mo.: University of Missouri Press, 1994).

Lewy, Guenter, *America in Vietnam* (New York: Oxford University Press, 1978).

Lifton, Robert Jay, *Home From The War: Learning From Vietnam Veterans* (Boston: Beacon Press, 1992).

Marshall, Col. S. L. A., *Men Against Fire: The Problem of Battle Command in Future War* (Gloucester, Mass.: Peter Smith, 1978).

McCarthy, Mary *Medina* (London: Wildwood House, 1973).

McPherson, Myra, *Long Time Passing: Vietnam and the Haunted Generation* (London: Sceptre Books, [1984] 1988).

Moeller, Susan D., *Shooting War: Photography and the American Experience of Combat* (New York: Basic Books, 1989).

Nelson, Deborah, *The War Behind Me: Vietnam Veterans Confront The Truth About US War Crimes* (New York: Perseus Books, 2008).

- Nixon, Richard, *The Memoirs* (New York: Grosset & Dunlap, 1978).
- Oberdorfer, Don, *Tet! The Turning Point in the Vietnam War* (New York: Da Capo Press, 1984).
- Oliver, Kendrick, *The My Lai massacre in American history and memory* (Manchester: Manchester University Press, 2006).
- Olson, James S. and Randy Roberts, *My Lai: A Brief History with Documents* (Boston: Bedford Books, 1998).
- Peers, Lt. Gen. William R., *The My Lai Inquiry* (New York: W.W. Norton, 1979).
- Public Papers of the Presidents of the United States: Richard Nixon, 1969* (Washington, D.C.: US Government Printing Office, 1971).
- Sack, John, *Lieutenant Calley: His Own Story* (New York: The Viking Press, 1971).
- Sallah, Michael and Mitch Weiss, *Tiger Force* (London: Hodder and Stoughton, 2006).
- Salisbury, Harrison E., *Vietnam Reconsidered: Lessons From A War* (New York: Harper and Row, 1984).
- Sanford, Nevitt and Craig Comstock (eds), *Sanctions for Evil: Sources of Social Destructiveness* (San Francisco: Jossey-Bass, Inc., 1971).
- Schulzinger, Robert D., *A Time for War: The United States and Vietnam, 1941-1975* (New York: Oxford University Press, 1997).
- Sheehan, Neil, *A Bright Shining Lie: John Paul Vann and America in Vietnam* (New York: Vintage Books, 1989).
- Sigal, Leon V., *Reporters and Officials: The Organization and Politics of Newsmaking* (Lexington: D.C. Heath, 1973).
- Slotkin, Richard, *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (Norman: University of Oklahoma Press, 1992).
- Smith, Julian, *Looking Away: Hollywood and Vietnam* (New York: Scribner's, 1975).
- Solis, Gary D., *Son Thang: An American War Crime* (New York: Bantam Books, 1998).
- Spector, Ronald H., *After Tet: The Bloodiest Year in Vietnam* (New York: The Free Press, 1993).
- Steinman, Ron, *Inside Television's First War: A Saigon Journal* (Columbia: University of Missouri Press, 2002).
- Taylor, Mark, *The Vietnam War in History, Literature and Film* (Edinburgh: Edinburgh University Press, 2003).

TeCube, Leroy, *Year in Nam: A Native American Soldier's Story* (Lincoln: University of Nebraska Press, 1999).

Tiede, Tom, *Calley: Soldier or Killer?* (New York: Pinnacle Books, 1971).

U.S. Army, *The Peers Inquiry of the Massacre at My Lai*, Vol. IV: CID Statements, Microfilm (Bethesda, MD: University Publications of America, 1996).

U.S. Congress, House, Investigating Subcommittee of the House Committee on the Armed Services, *Investigation of the My Lai Incident: Hearings ... Under Authority of H. Res. 105*, 91st Cong., 2nd sess., 1970 (Washington D.C.: Government Printing Office, 1970).

_____, *Investigation of the My Lai Incident: Report ... Under Authority of H. Res. 105*, 91st Cong., 2nd sess., 1970 (Washington D.C.: Government Printing Office, 1970).

Westmoreland, Gen. William C., *A Soldier Reports* (Garden City, N.Y.: Doubleday and Co., Inc., 1976).

Young, Marilyn B., *The Vietnam Wars, 1945-1990* (New York: Harper Collins, 1991).

ARTICLES

Bailey, G. A., 'Interpretive Reporting of the Vietnam War by Anchormen', *Journalism Quarterly* 53 (Summer 1976).

_____, 'Television War: Trends in Network Coverage of Vietnam, 1965-1970', *Journal of Broadcasting* 20-2 (Spring 1976).

Beidler, Philip D., 'Calley's Ghost', *The Virginia Quarterly Review* (Winter 2003).

Carson, M. D., 'F. Edward Hébert and the Congressional Investigation of the My Lai Massacre', *Louisiana History* 37 (1996).

Carter, R. F. and B. Greenberg, 'Newspapers or Television: Which Do You Believe?', *Journalism Quarterly* 47:3 (Autumn 1970).

Cooper, Cpt. N. G., 'My Lai and Military Justice - To What Effect?', *Military Law Review* 59 (1973).

Eckhardt, Col. William G., 'Command Criminal Responsibility: A Plea for a Workable Standard', *Military Law Review* 97 (1982).

_____, 'My Lai: An American Tragedy', (2000) Accessed via internet on 9 April 2007 at http://religion.rutgers.edu/courses/347/readings/my_lai.html

Fleming, Michael, 'Oliver Stone Votes for "Bush" Project', *Variety*, 21 January 2008.

Hersh, Seymour, 'My Lai 4: A Report on the Massacre and its Aftermath', *Harper's Magazine* (May 1970).

_____, 'Coverup-I', *The New Yorker*, 22 January 1972.

_____, 'Coverup-II', *The New Yorker*, 29 January 1972.

_____, 'Uncovered', *The New Yorker*, 10 November 2003.

Marshall, Brig. Gen. S. L. A. (Ret.), 'Fruitless Search for Missing Link on My Lai Affair', *Pacific Stars and Stripes*, 26 February 1972.

Neuman, W. Russell, 'Patterns of Recall Among Television News Viewers', *Public Opinion Quarterly* 40:1 (Spring 1976).

Oliver, Kendrick, 'Coming to Terms With the Past: My Lai', *History Today* (February 2006).

Patterson III, Oscar, 'An Analysis of Television Coverage of the Vietnam War', *Journal of Broadcasting* 28:4 (Fall 1984).

Paust, J. J., 'After My Lai: The Case for War Crime Jurisdiction Over Civilians in Federal District Courts', *Texas Law Review* 50 (1971).

Robinson, John P., 'The Audience for National TV News Programs', *Public Opinion Quarterly* 35 (1971).

Unger, Jon, 'The Press: NLF Radio Scooped the American Press By a Year and a Half on Son My. That Makes It News', *Scanlan's* 1 (1970).

Wilson, William, 'I Had Prayed to God That This Thing Was Fiction', *American Heritage* (February 1990).

NEWSPAPERS, WIRE SERVICES AND NEWS MAGAZINES

Associated Press

Baltimore Sun

Chicago Tribune

Cleveland Plain Dealer

The Economist

Life

Los Angeles Times

Mainichi Shimbun (Japan)

Minneapolis Tribune

Newsweek

The New York Times

The Paper (Oshkosh)

Sunday Times Magazine (London)

Time

The Times (London)

Wall Street Journal

The Washington Post
United Press International

ARMY NEWSPAPERS

Americal News Sheet
Pacific Stars and Stripes
Trident
USARV Reporter

TELEVISION

ABC News
CBS Evening News
Huntley-Brinkley Report
NBC Nightly News
CBS Special Report: The Court-Martial of William Calley, 29 March 1971.
NBC News Special Report: The My Lai Case, 29 March 1971.
CBS Special Report: The Court-Martial of William Calley - The Mind of a Juror, 1 April 1971.
The Calley Case: A Nation's Agony, (ABC) 23 May 1971.
NBC News Archives

FILM

Interviews with My Lai Veterans (Dir. Joseph Strick, 1970)
Four Hours in My Lai (Dir. Kevin Sim, 1989). Sim's film was released in America under the title *Remember My Lai*.

RADIO

All American Boys by Paul Brodrick. Broadcast on BBC Radio 4, 6 July 2007.
The Archive Hour: The My Lai Tapes, Broadcast on BBC Radio 4, 15 March 2008.
Presented by Robert Hodierno.