

# The My Lai Massacre: A Case Study.

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## Administrative Notes.

The following outline is intended to provide the instructor with enough (factual) information, analysis, and points of discussion for a conference that motivates meaningful student participation. The instructor should use this outline to prepare a case study of three different lengths -- one hour, three hours, and five hours. The length of the case study selected for presentation will depend on, and be proportionate to, the length of the Human Rights Block of Instruction of which it is a part. For example, if the Human Rights Block of Instruction is eight hours in length, then the My Lai Case Study should be one hour long; if the former is 24 hours in duration, then the latter should be three hours long; and, if 40 hours, then five hours, respectfully. Because we train to standard and not time, these time-lengths are goals and not requirements. The case study lengths are negotiable with the lead instructor (i.e., the principal instructor for the Human Rights Block of Instruction). The idea is to be flexible, with the ultimate goal of rendering the case study meaningful and educational for the student.

The following does not provide the instructor with slide outlines; for slides, which primarily serve to trigger the memory of the instructor as to what issues or points (s)he wants to address or cover, are personal to the instructor's way of thinking. The instructor is required to prepare slides which incorporate at a minimum most of the maps attached herewith; diagrams, pictures, photographs and the like are extremely desirable and useful in presenting this case study, and are easily accessible through the internet. One useful web site is <http://www.law.umkc.edu/faculty/projects/trials/mylai/mylai.htm>. The instructor can access other links on My Lai through this and other web sites. Again, the slides will need to be sufficient for a case study that has three different lengths -- one hour, three hours, and five hours. The instructor should also bear in mind that meeting these time goals is much easier than it sounds, because time has a tendency to fly when a group of students is meaningfully engaged in group discussion.

The following lessons or teaching points must not only be covered, but highlighted or emphasized, by the instructor.

### A. What were the causes of the My Lai Massacre?

The various causes for the Massacre at My Lai are discussed in detail at the end of this case study. The instructor can discuss the immediate or direct causes, like poor command and control and lack of clear orders, at several junctures during the presentation of (the facts) in **The My Lai Timeline**. The more removed or indirect causes, like dehumanizing the enemy and racism, can be discussed after the presentation of the facts.

### B. How could the My Lai Massacre have been prevented?

This part must have questions for discussion that place the individual student under the same circumstances/predicament, of the soldiers and officers who participated in the My Lai Operation, and require the student to analyze it and then answer what (s)he would have done?

The above two lessons or teaching points will be imparted in the following manner.

1. Students will be introduced to the events that transpired during the My Lai Massacre.
2. Students will critically evaluate the actions of the officers that participated in the My Lai Operation.
3. Students will recognize and discuss the ethical dilemmas presented during the My Lai Massacre.

## Provisos.

The instructor should be aware that My Lai had many heroes as well as antiheroes. Many soldiers showed incredible amounts of both moral and physical courage, as well as compassion and humanity, in their attempts to intervene in behalf of the victims. Their incredible feats of courage are regrettably outside the scope or purview of this case study.

Additionally, this case study is for the benefit of future commanders and staff officers, and is not intended as a CLE (continuing legal education) for trial and defense counsels. This point should be kept in mind, because it is anticipated that both instructor and students will eventually reach a point, in their analysis, where they will question why certain antagonists at My Lai (in particular, CPT Medina) were acquitted at a court-martial, or not prosecuted, considering the weight of the facts presented in this outline. The facts included in this case study are those purposely selected for their relevance in studying the command and operational failures at My Lai, and the lessons learned from such failures. This case study should not be taken as a balanced journalistic account or legal analysis of what occurred at My Lai.

I have included much information in this outline by way of notes, not because it is expected that all such material be covered, but so that the instructor will be able to answer questions. Although much of this information does not contribute to the lessons or teaching points of this case study, it nevertheless contributes to student satisfaction and the overall quality of the case study. For example, I have covered in detail the post-trial action taken on 1LT Calley's case because, although unrelated to the lessons or teaching points of My Lai, students will undoubtedly inquire into this topic.

Finally, for the sake of minimizing student distraction, I have attempted to reconcile several apparent contradictions, in the detailed accounts of My Lai that were my sources of information, and still remain factually accurate. The instructor and students may notice some additional inconsistencies. These are undoubtedly minor, and are unavoidable in a complex account pieced together from testimony provided by a large number of witnesses. I have also refrained from repeating myself; however, some repetition is necessary to explain issues as they arise (this also avoids having to search for information previously presented so as to refresh one's memory).

### **Introduction.**

**Why is the study of My Lai relevant today?** Military operations today, much more than in the past, require a deep interaction between armed forces and the civilian populace. Current military operations span the full gamut from war to peacekeeping. Our doctrinal manual (FM 100-5) alone lists thirteen separate operations other than war. These operations often, if not always, necessitate a close involvement, or entanglement even, with civilians in general and noncombatants in particular. For example, the armed forces of the Americas are participating in counterdrug operations that take them into hostile territory manned by both gun-toting drug traffickers, and poor "campesinos" trying to earn a living and feed their families. Therefore, it is absolutely crucial for today's military to know the difference between (civilian) noncombatants and combatants, or unlawful targets and lawful targets. In Vietnam, the distinction between the two groups became blurred; in My Lai, the distinction was nonexistent.

Why is the study of My Lai relevant today? Because it teaches us when and how that distinction starts to dissipate and disappear. It manifests the symptoms so that, like good physicians, we can take appropriate measures to treat it, if not altogether prevent it. Ultimately, it teaches us how we can successfully carry out military missions at the operational level within the expectations, standards, and demands of today's societies, governments, and armed forces; and to avoid the collective and painful soul-searching caused by a My Lai.

### **The My Lai Massacre.**

**Mission.** Task Force Barker was to engage and destroy elements of the 48th Local Force Bn located at Son My Village over the course of three days, during Operation Muscatine. My Lai is one of three hamlets in this village (the other two are Co Luy and My Khe).

[NOTE. My Lai is the name given to several sub-hamlets falling within a certain proximity of each other. The hamlet of My Lai was marked on American maps as consisting of My Lai 1 through My Lai 6, Binh Tay, and Trung An. The massacres at My Lai actually occurred at Tu Cung, one of these sub-hamlets. Tu Cung, Truong Dinh, and other sub-hamlets, were collectively marked on American maps as My Lai 4 (SEE MAPS). To further complicate matters, Tu Cung had a number of sub-sub-hamlets (two of which are Binh Tay and Binh Dong). The

Vietnamese concept of political divisions and subdivisions is altogether different from, if not alien to, the Western concept. (This cultural difference would initially hamper American investigators working under the auspices of the Peers Commission -- i.e., it is very difficult to investigate a crime whose locations are called by different names by different people.) For the sake of expediency, instructors should continue using the universally familiar designation of My Lai.]

**Task Force.** Task Force Barker consisted of three companies:

A Co., B Co., and C Co., of the 1st Bn, 20th Infantry (1/20th), Americal Division.

It also had an artillery battery carved out of the 11th Infantry Bde -- D Co., 6/11th Artillery Bn. (1/20th was attached to 11th Infantry Bde.)

Nine (9) liftships ("Dolphins") and gunships ("Sharks") from the 174th Helicopter Assault Co., along with B Co., 23rd Avn Bn, were to provide support.

### **The Commanders.**

Americal Division = MG Sam Koster

Asst Div. Cdr = BG George H. Young

11th Infantry Bde = COL Oran K. Henderson

Task Force cmdr = LTC Frank Barker

C Co. commander = CPT Ernest "Mad Dog" Medina

Plt ldr for 1st Plt = 1LT William "Rusty" Laws Calley

The Americal Division had the distinction of being "the first US Army unit to conduct an offensive operation against the enemy in any theater during World War II." The task force was named after its commander, LTC Frank Barker.

### **Area of Operations.**

Codenamed "Muscatine" (SEE MAPS).

(A name chosen by General Sam Koster, the Americal Division's commander, after a town of the same name near his home in Iowa.)

### **Intelligence.**

The latest intelligence suggested that although the 48th Local Force (LF) Bn, a National Liberation Front unit, was dispersed throughout the area of operations, its headquarters and two companies -- totaling approximately 200 fighting men -- were located in My Lai. Additionally, it suggested that the civilian population in the village were all "active sympathizers" of the Viet Cong, and that by 7:30 a.m. (when the operation was about to commence) most non-combatants would have left the village for the market and elsewhere.

[NOTE. American soldiers in Vietnam faced two separate armies fighting two different kinds of wars: the North Vietnamese Army (NVA) which threatened frontier regions and the demilitarized zone; and, the National Liberation Front (NLF), commonly referred to as Viet Cong or VC, composed of irregular units fighting a guerrilla war in the countryside.]

The 48th LF Bn was activated in August 1965, and began as an outfit of about 500 fighting men. This unit was

believed by some to be approximately 400 strong during Operation Muscatine. The 48th LF Bn proved astonishingly resilient, in spite of heavy losses suffered during the Tet offensive. They fought a series of small scale operations in and around the Son Tinh District, of which My Lai was a part (SEE MAPS), and which became the responsibility of Task Force Barker. The 48th LF Bn was the constant leader in enemy initiated incidents in the area, and continued to be a thorn in the side of American forces.

[NOTE. The intelligence information for Operation Muscatine came from "Phuoung Hoang" (the Phoenix Program) -- a controversial new intelligence offensive designed to identify and eliminate the Viet Cong infrastructure (i.e., political leaders and bureaucrats who formed the skeleton of the enemy's effective clandestine 70,000-strong organization in the countryside). The CIA provided advisors, funds, and equipment. The program was reputed to encourage widespread use of assassination, torture, and extra-judicial imprisonment.]

Although the most important concerns on the intelligence agenda were that of strength and location of the 48th LF Bn, the intelligence views derived from, and advanced by, the Phoenix Program were accepted uncritically by Task Force Barker. Many Army intelligence officers, including those from the 11th Bde and the Americal Division, believed the 48th LF Bn was nowhere near My Lai. According to these assessments, the unit which had lost two of four companies, and its battalion commander, during Tet, was reconstituting in the mountains to the west of the province, far from the coastal plain where Son My Village was located.)

### **The Operational Plan: LTC Barker.**

[NOTE. There is no documentary record of the operational plan for Operation Muscatine. If written orders, maps, or other documentation of the operation were ever made, they no longer exist. Furthermore, LTC Barker was killed in a helicopter crash in June 1968, prior to providing an account of his version of the events. The operational plan was pieced together through testimonial accounts.]

The three-day search and destroy operation was to begin at 0730 hours on 16 March 1968. An artillery battery of four 105-mm howitzers located at LZ Uptight was to fire at an area just to the west of My Lai 4 (SEE MAPS) to clear a landing field for incoming helicopters.

[NOTE. The landing field is placed approximately 500 meters directly west of My Lai (assuming the top of the page is north) on one map, and slightly southwest of My Lai on another.]

LTC Barker's operational plan was deemed tactically shrewd. A Co. was to remain in its blocking position north of the Diem Diem River. Both B Co. and C Co. were to move due south pushing the 48th LF Bn toward the mouth of the Tra Khuc River, where they would be trapped (the South China Sea would block egress to the east). B Co.'s area of operations was the hamlet of Co Luy, whereas C Co.'s area of operations was My Lai 4. The two companies were to keep a distance of approximately 1,000 meters as they advanced due south.

LTC Barker was extremely concerned that the Viet Cong would hide in the extensive tunnel complex, that were prevalent in the area, and launch a rear attack after allowing his two "push" companies to pass by. As a precaution, he planned for a platoon to move to the summit of a nearby hill labeled on maps as Hill 85, and known to soldiers as Elephant Hill. The platoon on Elephant Hill would be in a position to control the rear of the two maneuver companies. This mission would later fall on 1LT Calley's 1st PLT after they had negotiated My Lai.

According to most accounts, LTC Barker also ordered artillery and helicopter gunship fire to be directed also at the western edge of the My Lai hamlet to knock out anticipated enemy positions. No warning was to be given to the inhabitants, although during one briefing a reference was made to leaflets, that warned of an impending attack, as having been dropped on the village. However, this was never followed through because of the belief, again based on the intelligence received from the Phoenix Program, that most civilians would have gone to the local market, or be outside the hamlet. According to many accounts, no plans were discussed, nor procedures established, relative to civilians who remained in the village.

C Co. was to land by helicopter at 0730 hours and begin to move east through the hamlet of My Lai. Later B Co. would be ferried to another landing field on the coast, south of My Lai 1, near the River My Khe. Again, the whole of Son My Village was the target for Task Force Barker over a period of three days. (SEE MAPS).

LTC Barker's plan initially provided for two platoons to sweep through the hamlet, quickly taking out any enemy

opposition they encountered. 3rd PLT was to come in behind the others half an hour later, for the purpose of mopping up, killing the livestock, and burning hootches. CPT Medina and his command group would direct operations from the rear.

What was to happen to the village of My Lai? Task Force officers left the command briefing with the clear impression that LTC Barker had ordered the destruction of all the "houses, dwellings, and livestock" in the My Lai area. There is serious doubt as to whether this was a direct order or something that had been assumed. Nevertheless, CPT Eugene Kotouc, Task Force Barker's intelligence officer, and one of the few intelligence officers who subscribed to the intelligence views (as to the strength and location of the 48th LF Bn) advanced by the Phoenix Program, recalled LTC Barker saying that the village was to be destroyed. CPT Kotouc stated: "He wanted the area cleaned out, he wanted it neutralized, and he wanted the buildings knocked down. He wanted the hootches burned, he wanted the tunnels filled in, and then he wanted the livestock and chickens run off, killed or destroyed. He wanted to neutralize the area."

What was to happen to the civilians at My Lai? There is absolutely nothing to suggest that LTC Barker explicitly ordered the murder of the ordinary people of My Lai, nor that he intended for it to happen. Nevertheless, given the previous failures and casualties suffered by the task force, the demand that American soldiers be more aggressive, the intelligence picture of a community entirely controlled by (if not sympathetic/loyal to) Viet Cong, the unsupported assumptions that civilians would be "gone to market," the totally unsubstantiated belief that innocent people had been previously warned to get out of the area, the concept of an operation planned to "neutralize" the area, drove irresistibly to the conclusion that here was a **free-fire zone** in which everyone was a lawful target and to be eliminated. In the words of the Peers Commission Report: "it seems reasonable to conclude that LTC Barker's minimal or nonexistent instructions concerning the handling of noncombatants created the potential for grave misunderstandings as to his intentions and for the interpretation of his orders as authority to fire, without restriction, on all persons found in the target area."

[NOTE. The Peers Commission was created in response to the strongly voiced, if not strong, accusations that the Army had covered up the massacre at My Lai. Then Secretary of the Army, Stanley Resor appointed LTG William R. Peers to head a small team with the limited mandate of examining the adequacy of the original investigation (s).]

[NOTE. Son My Village, where My Lai was located, was **not** a free-fire zone. Free-fire zones were geographic areas designated by the South Vietnamese government as pre-approved areas for the employment of military fire and maneuver, because they were ostensibly free of Vietnamese civilians. Since the VC lived among the rural civilian population, the theory was that if that population was relocated or removed, then whoever remained must be VC. However, contrary to the approach many service members took, this did not mean that everyone found within a free-fire zone was a lawful target. Areas often were cleared by forcibly removing civilians, allowing them to take only what they could carry to refugee camps. This was known as the Strategic Hamlet Program.

Free-fire zones allowed the American military to fire and maneuver without the need for prior permission from South Vietnamese authorities. In the resulting free-fire zones, the enemy could be engaged as soon as detected. Otherwise, permission to fire was first required from a military coordinator and the Vietnamese province chief, via time-consuming radio relays. This prerequisite procedure for non-free-fire zones was cumbersome and at times even debilitating. On 1 February 1968, Task Force Barker actually managed to trap the 48th LF Bn around Quang Ngai City (after the 48th LF Bn, while attempting to overrun the area north of the city, had succumbed to an armored counterattack). However, because the area was not designated a free-fire zone, American forces were required to coordinate with the South Vietnamese Army. American soldiers watched powerless as the 48th LF Bn slipped out of the Quang Ngai area while CPT Medina frantically negotiated through the red tape over the radio. When permission was finally granted and the artillery strike ordered, few VC remained in the area.]

[NOTE. According to its intelligence officer, CPT Eugene Kotouc, command briefings at Task Force Barker were usually disorganized and haphazard, and can even be described (based on his version of the events) as bordering on the comical. LTC Barker had the tendency to be unfocused during these briefings. He would address the briefings for a short period of time and then leave the command post abruptly to attend to other matters (sometimes even for the purpose of answering a radio call). He would resume the briefing, upon his return, with general questions such as "What about this?" and "What's up here?", and while the answers were being given, he would once again jump-up, and disappear just as suddenly as he had reappeared. Additionally, the intelligence officer stated that there was little real dialogue or exchange of ideas during these briefings, and that very little was written down. (This is the intelligence officer who subscribed to the intelligence derived from the Phoenix

Program, and who would later be acquitted at a court-martial for his role in the My Lai Massacre.))

[NOTE. Livestock, furniture, farm implements and rice paddies, which usually represented all of a family's wealth, had to be left behind when Vietnamese villagers were subjected to resettlement. The rural Vietnamese, some of whom had never traveled more than a few miles from the hamlets where they were born and their ancestors buried, disliked the refugee camps. Many returned to their former homes out of concern for what the VC would do to them in the refugee camps. They had very little faith in what the Americans and the South Vietnamese could do to protect them. It is also true that sometimes the villagers evaded resettlement or drifted back into cleared areas out of sympathy or familial loyalty to the VC. One way or another, noncombatants were often in harm's way during combat operations.]

[NOTE. The resettlement of entire villages was part of the Strategic Hamlet Program, which was launched in 1962 by the Saigon government. Villagers were forced out of their homes, often at gunpoint, and resettled either in other villages, that were fortified, or in the cities. The purpose of this program was to separate the people from the NLF and its organizers -- remove support. This resettlement policy, which often entailed the burning of homes and fields, increased resentment and hostility against the South Vietnamese and their cause. Ironically, the measures employed often created the support that it was meant to eradicate.]

### **The Operational Plan: CPT Medina.**

CPT Medina briefed his officers by drawing a map of My Lai 4 on the ground with a shovel. He described the coming engagement by telling them that it was Charlie Company's chance to settle the score. CPT Medina relayed what he had learned at LTC Barker's briefing earlier in the afternoon. The 48th Viet Cong Battalion were in My Lai 4 with a strength of between 250 to 280. He explained that C Co. would be outnumbered more than two to one, but that helicopter gunships would be supporting the operation. He also explained to them that all innocent civilians would be gone to market, and to expect "a hell of a good fight."

What was to happen to the village of My Lai? According to CPT Medina's testimony: "I told them we had permission, Colonel Barker had received permission from the ARVNs, [Army Republic of Vietnam, or South Vietnamese Army] that the village could be destroyed since it was a VC stronghold, to burn the houses down, to kill all the livestock, to cut any of the crops that might feed the VC, to cave the wells, and destroy the village."

What was to happen to the civilians at My Lai? Somebody at the briefing specifically asked CPT Medina the question "Do we kill women and children?" According to CPT Medina's testimony: "My reply to that question was - no, you do not kill women and children. You must use common sense. If they have a weapon and are trying to engage you, then you can shoot back, but you must use your common sense."

[NOTE. CPT Medina was court-martialed for his role in the My Lai massacre. He was represented by F. Lee Bailey. CPT Medina was originally accused of taking part in the cover-up. This charge was later dropped. Dereliction charges against him were also dropped, because of the statute of limitations. He was instead charged with murdering 102 Vietnamese civilians. An important principle of military justice was at the foundation of the prosecution's case against Medina: command responsibility. As the man in charge of Charlie Company, should he be held accountable for the actions of his soldiers? If he knew a massacre was taking place, or about to take place, he had a duty to prevent it. The instructor should be familiar with the Medina Standard and the Yamashita Standard, and their difference -- SEE ENCLOSURES.]

[NOTE. The instructor should peruse the following enclosures concerning the case against CPT Medina: "Judge Howard's Summary of the Evidence," "The Results of Ernest Medina's Lie Detector Test," and "The Portion of the Prosecution Brief on the Law of Principals in U.S. vs CPT Medina."]

[NOTE. International Humanitarian Law permits the destruction of such objects -- i.e., crops, livestock, and dwellings -- if such are **intended solely** for consumption and/or use by enemy armed forces. The difficult part is in determining that fact. (Para. 37 of FM 27-10, July 1956; Art. 53 of The Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949; Art. 23 of the Annex to Hague Convention No. IV Respecting the Laws and Customs of War on Land, 18 October 1907; and, pp. 6-32 & 6-33 of The Law of War Workshop, 1998.) Clearly this was not the case at My Lai. The objects in question were for the benefit and subsistence of the villagers. Arguably, the villagers supported the VC war effort through a form of VC imposed taxation which was paid in-kind (crops and livestock, but mostly rice) to VC representatives that would, from time

to time, enter the villages for the purpose of collection. Even so, this fails to meet the strict requirement. The voluntariness of, or enthusiasm behind, such payments by the villagers remained questionable.]

Contrary to CPT Medina's position at his court-martial, the orders given by him to his officers during the briefing were interpreted in three distinct ways, that can be categorized as "BLACK," "WHITE," and "GRAY."

"BLACK."

SGT Hodge's recollection of the briefing: "This was a time for us to get even. A time for us to settle the score. A time for revenge -- when we can get revenge for our fallen comrades. The order we were given was to kill and destroy everything that was in the village. It was to kill the pigs, drop them in the well; pollute the water supply; kill, cut down the banana trees; burn the village; burn the hootches as we went through it. It was clearly explained that there were to be no prisoners. The order that was given was to kill everyone in the village. Someone asked if that meant the women and children. And the order was: everyone in the village. Because those people that were in the village -- the women, the kids, the old men -- were VC. They were Viet Cong themselves or they were sympathetic to the Viet Cong. They were not sympathetic to the Americans. It was quite clear that no one was to be spared in the village."

SGT Hodges was not alone in his interpretation of CPT Medina's briefing. Many of the NCOs left the meeting with the same impression -- convinced that the order was to kill everyone.

SSG L.A. Bacon: "We were to kill all the Viet Cong and Viet Cong sympathizers in the village."

SGT Charles West: "It was a search and destroy mission, we were to kill everything."

SSG Martin Fagan: "Kill everyone."

SGT Isaiah Cowan: "To kill everything that was in the village."

A soldier even remembered the question: "Someone asked, 'Are we supposed to kill women and children?' and Medina replied, 'Kill everything that moves.'"

Needless to say (but will be said anyway), 1LT Calley was in this camp or school of thought. 1LT Calley testified at his court-martial: "We were going to start at My Lai 4 and would have to neutralize My Lai 4 completely and not let anyone get behind us. Then we would move to My Lai 5, and so on until we got into the Pinkville area. Then we would completely neutralize My Lai 1, which is Pinkville. He said it was completely essential that at no time [should] we lose our momentum of attack, because the two other companies that had assaulted the time in there before, had let the enemy get behind him, or had passed through the enemy, allowing him to get behind him and set up behind him, which would disorganize when he made his final assault on Pinkville. It would disorganize him, they would lose their momentum of attack, take heavy casualties, and would be more worried about their casualties than they would their mission, and that that was their downfall. So it was our job this time to go through, neutralize these villages by destroying everything in them, not letting anyone or anything get in behind us, and move on to Pinkville."

1LT Calley added: "Someone had asked if that meant women and children, and CPT Medina had said 'that meant everything.'"

"WHITE."

One soldier recollected: "There clearly, absolutely, wasn't an order to go in and slaughter everybody in that village and anybody that says so is a liar. Medina said that any villagers were to be rounded up and airlifted to refugee camps. That was specifically addressed in the meeting. If I thought I was going to get on a helicopter that morning with clear orders that I was going to slaughter every living breathing human being in that village, I'm sure to God, it would have been so appalling and unthinkable. I mean, I'm not stupid. I know they couldn't have forced me to do something like that." Many others agreed with this rendition.

"GRAY."

Another soldier stated: "It was like Medina's benediction. He didn't actually say to kill every man, woman, and child in My Lai. He stopped just short of saying that. He gave every other indication that that's what he expected." Many others held the same position.

After the briefing, the men drifted back to their bunkers, and had dinner. Some watched adult movies, and others got a little drunk.

### **The My Lai Timeline.**

16 March 1968

0530 The soldiers of C Co. are instructed to gather their gear, and prepare for boarding the aircrafts. More than a hundred soldiers and several tons of equipment were to be transported from LZ Dottie to the landing field, a trip of approximately 11 miles.

Nine (9) liftships (radio callsign "Dolphins") and gunships (radio callsign "Sharks") from the 174th Helicopter Assault Co. were to provide support.

The "Slicks," the troop-carrying helicopters, were to move C Co. in two lifts. First, they would take CPT Medina's command group, the 1st PLT, and as many soldiers from 2nd PLT as possible (a total of approximately fifty troops). The plan called for this element to secure the landing field for the remainder of the company. The remainder of 2nd PLT, and 3rd PLT, along with a few additional elements from other brigade units temporarily assigned to C Co. for the Pinkville operation, were to be transported on the second lift.

[NOTE. "Pinkville" was the term used by American forces in Vietnam to designate a certain part of Son My Village. The word originated from the fact that that particular area on military maps appeared in pink. It was not intended as a racial slur, or otherwise used deprecatingly; at least not originally.]

0730 An artillery barrage from four 105-mm guns began. It lasted approximately three minutes, and landed about 120 rounds around the landing area near the My Lai hamlet. The purpose was to clear it of enemy presence/prepare it for landing. Eventually some of the rounds strayed over into the inhabited part of the hamlet itself, creating flying shrapnel and causing terror and panic amongst the civilian population. The artillery barrage degenerated to blind firing since no spotter was close enough to adjust the fire away from the village. Nevertheless, only one villager was killed by it.

XXX The first lift (again, carrying CPT Medina's command group, 1st PLT, and some members of 2nd PLT), took a circuitous route to keep the element of surprise. The VC may have known that an attack was imminent because of the leaflets, but they did not know where the attack would originate. The aircrafts, as they drew near the landing field, poured down a heavy fusillade of machine gun fire, with tracer rounds, on the landing area. These approximately 50 troops, once on the ground, immediately spread out to take defensive positions at the bank of a near-by irrigation ditch. They held their defensive positions, and provided covering fire while waiting for the rest of the 2nd and 3rd PLTs to join them. These soldiers, and the aircrafts that transported them, received no enemy fire.

XXX The "Dolphins" took off again and the leadship announced over the air that the landing field was "cold" -- i.e., that there had been absolutely no enemy fire. Nevertheless, the "Sharks" continued pouring all kinds of fire on the outskirts of the hamlet with machine guns, grenade launchers, and rockets. LTC Barker acknowledged the message from "Dolphin Lead," and relayed it back to the operations center at LZ Dottie. LTC Barker was in his command-and-control aircraft, the "Charlie Charlie" ship, manning a console of radios that allowed him to be in contact with his ground troops and the several aircrafts, the gunships in particular. Task Force Barker's tactical operations center was located at LZ Dottie; whereas, operations for brigade headquarters were located at Duc Pho, in the southernmost part of Quang Ngai Province, to the south of LZ Dottie (SEE MAPS).

XXX There was intense aerial activity for the next twenty minutes, as the aircrafts continued searching for signs of enemy positions. None were found. A farmer standing in one of the many paddy fields surrounding the hamlet, frantically raised his hands so as to show that he had no weapons. Nevertheless, he was immediately struck by a burst of machine gun fire. This may very well have been the first casualty and unlawful killing of the day.

XXX The second lift did not require a circuitous route, since the element of surprise was no longer a factor (after the first lift), and therefore had a much shorter journey cross country to the landing field. These soldiers as well, shortly after the second lift reached the landing field, quickly spread out to take up defensive positions with the others. They too engaged in covering fire even in the continued absence of enemy fire.

XXX A squad from 3rd PLT was tasked to retrieve a VC weapon spotted, and marked with a smoke canister, by one of the aero scouts. A woman carrying a small child in the brush some distance away was shot at by a soldier from 3rd PLT, with his weapon on full automatic, shortly after being spotted. His squad leader angrily reprimanded him for firing in the direction of the soldiers searching for the VC weapon. The rampage was about to begin.

XXX At this time, while still having received no enemy fire whatsoever, almost everyone in the 1st, 2nd, and 3rd PLTs was firing their weapons, along with the gunships. The moment a Vietnamese was spotted, and regardless of status, volleys of fire were sprayed off, and the "enemy" felled either wounded or dead.

0750 1st and 2nd PLTs started moving into the hamlet in separate groups. Spread out "on line" (a then typical infantry formation under such circumstances), they moved forward, over a dike, through another rice paddy, and entered the village firing methodically from the hip. Again, many soldiers had their M-16s on full automatic. CPT Medina's command group, along with 3rd PLT, in accordance with the operational plan, remained behind in a defensive perimeter on the western edge of the hamlet, approximately 150 meters from the tree line that separated the hamlet from the rice paddies..

0800 CPT Medina radioed the operations center via the "Charlie Charlie" ship of the task force commander and reported that they had fifteen confirmed "VC" kills. Apparently, the soldiers of C Co. viewed every single Vietnamese villager in My Lai as a VC combatant and therefore a lawful target, regardless of their actions or behavior on the field.

[NOTE. The military operation, once inside the hamlet, soon took-on an atmosphere of chaos. Probably partly due to the fact that C Co. had expected and were prepared to meet heavy enemy engagement, which failed to materialize. As they assaulted the village each PLT split into separate squads and soon these too broke down even further. Numerous groups of soldiers, of varying sizes, sometimes as little as two or even one, moved through the hamlet. Occasionally they crossed each other's paths; squads and soldiers from different platoons intermingled. At the end of the day a number of soldiers observed that "it had been a miracle none of them was caught in any crossfire." Not one single soldier had the opportunity to see what everyone else was doing; however, they all heard long bursts of automatic fire from M-16s and machine guns, as well as the explosions from hand grenades, and bomblets hurled from M-79 launchers. The latter would fly 100 meters or more through the air with a distinctive whistling sound.]

XXX 1LT Calley's 1st PLT entered the southern portion of My Lai 4 in three separate squads, line abreast. Part of the plan was for prisoners or Viet Cong suspects to be sent back to the PLT commanders, including 1LT Calley, for screening.

[NOTE. The instructor can discuss at this juncture the failures caused by an operational plan that is not specific and/or unclear. It appears that there existed a contradiction, or at the very least an inconsistency, between that part of the operational plan calling (whether explicitly or implicitly) for the total destruction of the enemy and the village, and that part calling for prisoners and Viet Cong suspects to be sent back. Compounding the problem further was the lack of guidance on when and how to differentiate between the two parts. This is why many soldiers rounded-up some civilians while killing others, with no apparent reason as to why the former were rounded-up and the latter killed. For the soldier, the decision of choosing one option over the other, as can be anticipated under the circumstances, quickly entered the realm of the capricious and arbitrary.]

[NOTE. Soldiers soon began firing on anything that moved (including farm animals, such as pigs, chickens, ducks, and cows). Troops yelled inside small dwellings for its inhabitants to come out, using hand signals to direct them if they appeared outside. If there was no answer, they threw grenades into the shelters and bunkers. Many soldiers did not bother to use this procedure and threw hand grenades inside the hootches regardless of human presence. Small clusters of people were being gathered, in one part of the hamlet, into one larger group of fifty or sixty old men, women, children. Some were mothers with babies in their arms, and some so badly wounded they could hardly walk. This group of Vietnamese villagers is the same group discussed later in this outline under the heading THE FIRST LARGE SCALE ATROCITY -- "ON THE MAIN TRAIL LEADING INTO THE VILLAGE."]

XXX Minutes after entering My Lai, a soldier came across a hut which had been strafed with bullets. Inside, he discovered three children, a woman with a flesh wound in her side, and an old man squatting down, hardly able to move because of serious injuries he had sustained to both legs. The soldier aimed his .45 pistol at the old man's head and pulled the trigger, causing the top of his skull to be severed. The soldier later claimed to have shot the old man as an act of mercy.

[NOTE. The instructor has the option at this juncture to discuss the issue of mercy killings, and the circumstances (extreme) under which they are permitted. Generally, it's ill-advised; however, it may be justifiable under **extreme** and **clear-cut** circumstances -- i.e., the wounded soldier is sure to die, is suffering a painful death, no medical help is in sight, and the actor has just intent or just cause. Bear in mind that the actor will be held to an objective standard (the frame of mind of a reasonable person under the same circumstances) and not a subjective standard (the actor's frame of mind). Mercy killings are done at the perpetrator's own risk for misjudgment. If wrong, it's homicide.]

XXX Two soldiers were taken by surprise when a woman, carrying an infant in her arms and with a toddler barely able to walk not far behind, came running out of a bamboo hut. One of them fired and injured her. An elderly woman, with an unexploded M-79 grenade lodged inside her open stomach, was spotted staggering down the path.

[NOTE. The instructor can discuss at this juncture two of the four targeting principles (on the use of weapons) found in the Hague Conventions -- proportionality and unnecessary suffering.]

XXX An old man with a straw coolie hat and no shirt (making it obvious that he was unarmed) was with a water buffalo in a paddy 50 meters away. He was shot, immediately after placing his arms up, by members of 1st PLT as 1LT Calley watched.

XXX One soldier stabbed a middle aged Vietnamese farmer with his bayonet for no apparent reason. Then, while the victim was on the ground gasping for breath, the soldier killed him. This same soldier then grabbed another man that was being detained, shot him in the neck, threw him inside a well, and lobbed an M-26 grenade after him.

[NOTE. The shooting, once it began, created almost a chain reaction. Inside the hamlet, soldiers appeared out of control. Families who had huddled together for safety inside houses, in their yards, and in bunkers, were mercilessly mowed down with automatic weapon fire or blown apart by fragmentation grenades. Some women along with their children were forced inside bunkers and grenades thrown in after them.]

XXX One soldier who had wandered off on his own, found a woman about age 20 with a four-year-old child. He forced her to perform oral sex on him while he held a gun at the child's head, threatening to kill the child. When 1LT Calley happened along, he angrily told this soldier to pull up his pants and get over to where he was supposed to be.

[NOTE. Sigmund Freud once remarked that man is driven by two instincts, the erotic and the destructive.]

XXX At one point, amid all the mayhem, the 1st and 2nd PLTs overlapped when the right flank of 2nd PLT crossed paths with the left flank of 1st PLT. Troops from 1st PLT who were walking back a small group of villagers for screening were accosted by a soldier from 2nd PLT who angrily insisted that the villagers be killed on the spot. He solicited an M-16 in exchange for his M-79 so that he could initiate the executions. When this was refused, he grabbed an M-16 from a soldier and shot a Vietnamese farmer in the head. He was later calmed down.

[NOTE. The instructor can discuss poor command and control at this juncture. As may have been noted earlier, the instructor could have introduced the topic of poor command and control, which was pervasive throughout the operation, at several past junctures in this outline. The instructor will undoubtedly also discover several upcoming junctures where it would also be appropriate to discuss the same topic.]

0830 COL Henderson and LTC Barker flew back to the area of operation briefly in their respective helicopters. LTC Barker checked once more with CPT Medina to find out how the operation was going. CPT Medina reports 84 enemy killed, and LTC Barker then relayed the additional 69 KIA to the tactical operations center (SEE ENTRY AT 0800 ABOVE.) The death toll turned out to be far higher. Bear in mind that still no shots had been fired at any

member of C Co., and they had yet to kill a single enemy soldier.

[NOTE. Apparently, LTC Barker was flying back and forth amongst his three companies. B Co. was conducting operations in Co Luy (SEE MAPS). The Peers Commission would later discover that B Co. massacred approximately ninety to one hundred civilians in the hamlet of Co Luy. The Massacre at Co Luy has been overshadowed by the My Lai Massacre because the latter posted a much higher number of victims, between 400 to 500. To this day we do not have an accurate total because of the inadequate initial investigations into the massacres.]

XXX Three squads of 2nd PLT soldiers approached line abreast emptying dwellings and then tossing fragmentation grenades inside. Homes were also sprayed with automatic fire. A group of children aged only 6 or 7 who came towards them were quickly mowed down. Another group of Vietnamese was killed (by machine gun fire, and M-16s on full automatic) in front of a hut, after they had huddled together for safety. One squad leader told his men that he didn't like what they were doing, but that he had to follow orders.

[NOTE. The instructor has the option at this juncture to discuss lawful and unlawful orders; a soldier's duty to disobey unlawful orders with the concomitant legal consequences if (s)he fails to do so; &c.]

XXX A soldier shot at a woman with a baby at a distance of approximately 25 meters. Her right arm almost came off. A fragile piece of flesh was all that held it. She ran into a hootch while still clutching her baby; someone yelled for both of them to be killed.

XXX A middle aged woman while attempting to climb out of a tunnel using both hands (thereby clearly revealing that she was unarmed), was shot by a machine gun team. This same machine gun team opened fire on any Vietnamese they came across. The scene continued to be one of chaos and confusion, with people running and screaming. Some of the troops became concerned that they would be shot by their fellow soldiers.

XXX In a clearing near a small hootch, a group of fifteen Vietnamese had been gathered, four women in their thirties, three in their fifties, three girls in their late teens, and five children with ages of 3 to 14. A soldier yelled out a warning for anyone behind the group of Vietnamese to take cover because they were going to open fire. The very first shot that was fired at this group penetrated the head of a young child being carried by its mother, blowing out the back of the skull. Others then began firing as well; no one stopped until the entire group was dead.

XXX One soldier fired two grenades, from his M-79 grenade launcher, at a number of Vietnamese sitting on the ground. The first bomblet missed, the second landed among them with devastating impact. Nevertheless, some of them managed to survive the blast. Another soldier finished off those left alive. A third soldier stooped over a tunnel and yelled for its occupants to come out. The people were about to comply when he threw in a grenade anyway.

XXX Behind the 1st and 2nd PLTs, CPT Medina's command group had formed a security line out in the paddy fields beyond the western perimeter of My Lai 4. Some forty-five minutes had elapsed since the first troops entered the village and CPT Medina was waiting to send in 3rd PLT.

[NOTE. CPT Medina's intent, in keeping with LTC Barker's operational plan, was to clear the hamlet by sending in a sweep team through very rapidly, "clearing" people out of the hootches as quickly as possible. The search teams would then go from hootch to hootch, checking bunkers and tunnels looking for any enemy who might be hiding. Then the soldiers of 3rd PLT were to act as "Zippo" squads and burn the village. What was meant by "clearing" was the part that caused problems during the operation. ]

XXX THE FIRST LARGE SCALE ATROCITY -- "ON THE MAIN TRAIL LEADING INTO THE VILLAGE."

1st PLT collected a large group of about fifty to sixty Vietnamese. Among the squatting Vietnamese were ten to fifteen men with beards and ten women, as well as a handful of very elderly, gray-haired women who could hardly walk. The rest were children of all ages -- from babies up to early teens.

By this time (from the time his PLT entered the hamlet), 1LT Calley had already received two radio calls from an

anxious CPT Medina, who demanded to know what was happening with his platoon and challenging their slow progress through the hamlet. 1LT Calley replied that a large group of Vietnamese they had gathered was slowing down the platoon. CPT Medina instructed him to "get rid of them." 1LT Calley approached the two soldiers guarding the group of civilians and told them to "take care of them." The two soldiers responded "OK."

When 1LT Calley returned, several minutes later, he said to the two soldiers: "I thought I told you to take care of them." One of them responded: "We are. We're watching over them." 1LT Calley retorted that that was not what he had meant, and that he wanted them killed. "We'll get on line and fire into them. Fire when I say fire." One of the soldiers refused by offering the excuse that he was carrying a grenade launcher and did not want to waste ammunition. (By the way, this is the same soldier that 1LT Calley had caught with his pants down; the same one that had earlier threatened the life of a child at gun point if the mother did not perform oral sex on him.)

The other soldier participated in the killing with 1LT Calley, but could not take any more and stopped shooting towards the end, with tears streaming down his face. At this point the soldier who had not participated saw that only a few children remained alive. Mothers had thrown themselves on top of the young children in a last desperate attempt to shield them with their own bodies from the constant shower of bullets. The young children were trying to stand up. 1LT Calley opened fire killing them one by one. 1LT Calley then said "OK, let's go."

### XXX THE SECOND LARGE SCALE ATROCITY -- "AT THE IRRIGATION DITCH."

Ten members of 1st PLT were guarding forty to fifty Vietnamese at an irrigation ditch. While 1LT Calley was questioning a Buddhist monk through an interpreter, a child approximately two years of age somehow managed to crawl out of the ditch unnoticed by the soldiers. 1LT Calley walked over, picked up the child, shoved the child back into the ditch, and then fired at the child, before returning to question the monk. Tired of questioning the monk, 1LT Calley pulled him round, hurled him into the paddy, and opened fire with an M-16.

In the meantime soldiers continued to escort and force the Vietnamese villagers into the irrigation ditch. Some were pushed, while others were butted; some Vietnamese jumped in by themselves; and yet others remained sitting at the edge, wailing because it was clear to them that, once inside the ditch, disaster was imminent. After 1LT Calley shoved a wounded woman into the ditch, he turned to one soldier and ordered: "Load your machine gun and shoot these people." When the soldier responded "I'm not going to do that," 1LT Calley pointed his M-16 on the soldier as if threatening to shoot him on the spot. The standstill came to an end when 1LT Calley backed off after some other soldiers intervened.

1LT Calley and other soldiers, one of whom was the same soldier that had earlier broken down and cried, after participating in the first large scale atrocity in the village, fired into the irrigation ditch. The Vietnamese tried frantically to hide under one another, mothers once again desperately attempted to protect their young children (and babies) by covering or shielding them with their bodies. The remnants of shredded human flesh and pieces of broken bone flew through the air, as magazine after magazine was emptied into the shallow ravine.

0845 CPT Medina heard all the shooting and was briefly concerned that his soldiers had encountered heavy enemy resistance. However, this was not the case, it had never been the case, and was never to be the case, in the hamlet of My Lai. Again, members of C Co. never received any enemy fire whatsoever. The 3rd PLT was sent in, according to plan, to mop up. They killed every animal they found -- sometimes deliberately wounding pigs and water buffaloes, for the pleasure of watching them writhe in agony. Hootches were set on fire, and grenades thrown into holes in the ground.

XXX Two wounded children, with an estimated age of five and eight, were seen running while crying. One soldier shot them both in the chest and shoulders. When asked why he had killed them, the soldier replied: "Because they were already half-dead." A man and woman were also shot dead while running down the trail from the village. Some soldiers went around finishing off the wounded; it took three shots to kill one wounded victim with two bullet holes in her back.

XXX After 3rd PLT moved out of their defensive positions around the landing zone, CPT Medina's command group moved across a paddy field and an irrigation gully toward the southernmost portion of the village. At one point CPT Medina fired twice and wounded a woman holding a small wicker basket in a paddy. CPT Medina approached the injured woman, searched the wicker basket, found syringes and other medical supplies, and then proceeded to shoot her twice in the head.

XXX CPT Medina entered the hamlet and shortly thereafter was confronted, near a pile of bodies, by a Vietnamese SGT (an interpreter). The Vietnamese SGT confronted CPT Medina as to why so many civilians had been killed. CPT Medina replied: "Sergeant Minh, don't ask anything -- those were the orders." It was evident that CPT Medina's control over his soldiers had been negligible from the time he first landed.

1100 LTC Barker was notified by his tactical operations center that several pilots had reported to their company commander that innocent civilians were being murdered. LTC Barker quickly notified by radio his executive officer, who had been flying over the battle zone, with instructions to find out what was happening, and that if the reports were true to get it stopped immediately. LTC Barker wanted assurances from CPT Medina that nothing of the kind had happened. Shortly thereafter, the cease-fire order was issued to C Co.

XXX The dead and dying were seen everywhere. The vast majority of the bodies presented extremely gruesome scenes. In one such scene, a group of seven women aged between 18 and 35, were found lying naked with tiny dark holes dotted all over their bodies.

**CONCLUSION OF TIMELINE.** The My Lai Massacre occurred over a span of four hours. There were from 400 to 500 Vietnamese victims. To this day we do not have an exact figure because of the inadequate investigation(s) initially conducted by the chain of command. Official KIA reported by C Co. = 128. Absolutely no enemy fire had been taken by the soldiers of C Co. The only casualty suffered by C Co. was a self-inflicted accidental wound to the foot (a soldier was attempting to fix a jammed pistol, belonging to another soldier, when it went off). Only three enemy weapons were recovered during the entire operation. The heavy radio traffic that always accompanied a heavy firefight was nowhere to be heard that day.

### **The Investigations.**

Sometime during the beginning of Operation Muscatine, a helicopter pilot observed what were apparent atrocities. He intervened at several points. On one occasion, he landed in front of a group of fleeing villagers, and ordered the gunner to point his weapon at the pursuing American soldiers. The pilot then requested assistance over the radio, by relaying what was happening and of his intentions to order fire on American soldiers. Alarmed by this, several pilots responded immediately. This radio exchange was also picked-up by personnel monitoring radio traffic that morning. The pilots, upon their return from the operation, reported what they had seen and done to their commander and two chaplains.

After he had landed at LZ Dottie to refuel, and while Operation Muscatine was still underway, COL Henderson had casually mentioned to the division commander, MG Koster, that there had been some civilian casualties, at the hamlet of My Lai, from artillery fire.

All sorts of reports and information began trickling back to LZ Dottie. Of particular concern, was the report that an American helicopter pilot had ordered the gunner to point his weapon on American soldiers, to prevent them from massacring a group of villagers.

During a briefing at the Americal Division headquarters, at approximately 5:00 p.m., 16 March 1968, MG Koster and BG Young, his deputy commander, received information that only three enemy weapons were recovered during the entire operation, that there were 128 KIA, and that many of them were women and children. The following morning, BG Young is told of the occurrence involving the pilot who threatened to kill American troops. The observation is made that BG Young appeared more concerned about the threatening behavior of the pilot than anything else.

The conclusions that were drawn from the evidence thus far is that the Americal Division Commander (MG Koster), the Americal Division Assistant Commander (BG Young), the 11th Brigade Commander (COL Henderson), and the Commander for Task Force Barker (LTC Barker) became aware of the serious allegations, although not their full extent, within 24 hours of C Co. leaving the hamlet of My Lai.

On 18 March 1968, BG Young ordered COL Henderson to conduct an inquiry, and submit a report, within 72 hours. COL Henderson started his inquiry by interviewing the helicopter pilot that had radioed for help and threatened the American soldiers.

[NOTE. BG Young would later be criticized for allowing COL Henderson to conduct an inquiry on his own unit,

and an informal one at that, when he should have followed Army regulations, and General Westmoreland's policy, and turned to the Adjutant General or Inspector General's staff immediately. Army regulations concerning incidents that involved civilian casualties called for formal investigations. General Westmoreland, who had been extremely concerned about the high rate of civilian casualties since the beginning of the conflict, had laid down instructions to his senior officers during a series of meetings as to the procedures to be followed.

During one of these meetings, the commander-in-chief stated that "upon the occasion of an accident, the chain of command should endorse the report all the way to MAC level" -- i.e., MAC Headquarters in Saigon. General Westmoreland had always attempted to maximize efforts to reduce unnecessary civilian casualties. He believed that an enforced reporting system would hold the chain of command accountable for the actions of their subordinates, and force them to behave accordingly.

MACV directives, which established that "a war crime is the business of the United States, regardless of the nationality . . . of the victim," required every service member in Vietnam to report incidents which might constitute war crimes. Several relevant MACV Directives were: MACV Directive 20-4, 18 May 1968, "Inspections and Investigations: War Crimes;" MACV Directive 27-5, 17 May 1966, "Inspections and Investigations: PoWs -- Determination of Eligibility;" MACV Directive 27-5 (same number as that which preceded it), 2 November 1967, "Legal Services: War Crimes and Other Prohibited Acts;" MACV Directive 335-1, 5 January 1966, "Reports of Serious Crimes or Other Incidents;" and, MACV Directive 20-5, 15 March 1966, "Untitled," which directed that POW status and its protections be extended to "persons who when detained were not openly engaged in combat and whose status may be: innocent civilian, returnee, prisoner of war, or civil defendant."

MAC = U.S. Military Assistance Command; MACV = U.S. Military Assistance Command Vietnam.]

[NOTE. The instructor can discuss at this juncture the actions that soldiers are obligated to take when confronted with illegal orders: request a clarification of the order (if unclear); request that the order be withdrawn or rescinded; refuse to obey or carry out the illegal order; and, report the occurrence to other officers within the chain of command. Other appropriate channels are Inspector General, Adjutant General, Military Police, Staff Judge Advocate, Chaplains.]

[NOTE. The instructor can also discuss the actions that soldiers are obligated to take when confronted with war crimes: issue orders, or "appeals," to cease and desist immediately in the criminal behavior; circumstances permitting, use the absolute minimum force necessary to protect life and limb; and, report the occurrence to other officers within the chain of command. Other appropriate channels are Inspector General, Adjutant General, Military Police, Staff Judge Advocate, Chaplains. (Since a subordinate cannot issue an order to a superior except in specially recognized circumstances dealing with military judges and military police, in such a circumstance it would be more appropriate to describe it as an "appeal." This is not to say that "appeals" are only exhortative -- e.g., "SGT, you're not doing the right thing by beating that prisoner!" "Appeals" can also be firm -- e.g., "SGT, you are not to cut off that prisoner's fingers; I won't let you!"]

COL Henderson continued with his inquiry by questioning the soldiers of Task Force Barker about any unusual or unnecessary killings. He did so as the soldiers were being transported back to LZ Dottie, at the conclusion of the operation. There were only a pair of troop-carrying helicopters, so it required more than two hours to transport the entire company back to LZ Dottie.

Shortly after his arrival at LZ Dottie, CPT Medina learned from LTC Barker, that COL Henderson had been questioning his soldiers. COL Henderson had questioned CPT Medina earlier while (the latter was) still out on patrol with his soldiers. Rumors started flying that CPT Medina and several soldiers "would be hanged" for their part in the massacre, and that the rest would surely go to jail. CPT Medina called his troops together and told them to stop the bullshit. COL Henderson's informal inquiry concluded that some civilian deaths had occurred, but that they had been unavoidable.

He presented these conclusions to BG Young, who accepted them uncritically.

Within days of the massacre, five separate internal reports began to circulate among South Vietnamese officials in the cities of Son Tinh and Quang Ngai. One such report, alleging that 500 people were massacred in Son My Village, was brought to the attention of the two general officers, MG Koster and BG Young, and the brigade commander, COL Henderson. The North Vietnamese soon started to publicize the My Lai Massacre in a

propaganda campaign. Intelligence picked up that VC soldiers were seen wearing red armbands with the slogan "Resolve to avenge the atrocity at Son Tinh."

On 28 March 1968, LTC Barker submits an after action report to COL Henderson that makes no mention of civilian casualties.

On 8 April 1968, Task Force Barker's mission was declared finished and the unit officially disbanded

The conclusions that were drawn from the evidence, up to this point, is that by mid-April 1968, the Americal Division Commander (MG Koster), the Americal Division Assistant Commander (BG Young), the 11th Brigade Commander (COL Henderson), and the Commander for Task Force Barker (LTC Barker) were aware of not only the serious allegations (that innocent civilians had been killed), but their extent as well (500).

On 24 April 1968, COL Henderson submits a report of investigation, that he had been ordered to conduct by MG Koster, that concluded: "Twenty noncombatants were inadvertently killed when caught in the area of preparatory fire and in the crossfire of the US and VC forces on March 16, 1968. It is further concluded that no civilians were gathered together and shot by US soldiers. The allegation that US Forces shot and killed 450 -- 500 civilians is obviously a Viet Cong propaganda move to discredit the United States in the eyes of the Vietnamese people."

[NOTE. COL Henderson's written report to MG Koster, in its entirety, is located in the enclosures section of this case study.]

On 9 June 1968, LTC Barker and five others were killed when his helicopter collided in midair with a light observation plane.

On 1 December 1968, original members of C Co. returned to the United States.

On 2 April 1969, a soldier, who had been posted to the brigade's aviation section as a door gunner, mailed a letter detailing the My Lai Massacre to his Congressman, Arizona Senator Morris Udall, whose antiwar views had received widespread publicity, and thirty other prominent men in Washington, D.C. -- including President Nixon, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, Senators Edward Kennedy, Barry Goldwater, Eugene McCarthy, and William Fulbright. Newspaper accounts began to appear. The proverbial object "really hits the fan."

On 24 November 1969, LTG William Peers was appointed, by the Secretary of the Army, Stanley Resor, to head the Army inquiry on the scope of the original investigation into massacre.

### **The Causes of the My Lai Massacre.**

There is no one cause for the Massacre at My Lai, nor can it be said that one cause in particular dominated the others or stands out. Rather the My Lai Massacre occurred from an amalgam of several factors that contributed effectively, and in their own specific way, to the whole. The following list is not in any particular order.

#### **The Dehumanization of The Enemy, and Racism.**

The Vietnamese, whether friend or foe, were referred to as "gooks," a disparaging term on a par with "niggers, spics, kikes, &c." The use of "gooks," "dinks," "dopes," "slants," "slant-eyes," and "slopes" was not only systemic but endemic. US forces of all ranks in Vietnam reflected this casual and unthinking racism. The recorded use of the word "gook," the word most commonly used in the Vietnam conflict, can be traced all the way back to our involvement in Nicaragua in 1912. It may have derived from "gugu," a term used disparagingly by soldiers and marines, for Filipinos, during the Philippine Insurrection at the turn of the century. It was widely used in the Pacific during World War II, and again in Korea.

These terms categorized and depersonalized the enemy, and soon they were thought of as something not quite human. The "Mere Gook Rule" soon developed to rationalize unsoldierly behavior: "It was no crime to kill or torture or rob or maim a Vietnamese because he was a mere gook." One soldier captured the pervasive view: "They're lost. The trouble is, no one sees the Vietnamese as people. They're not people. Therefore it doesn't

matter what you do to them." The psychiatric report indicated that 1LT Calley felt he was not killing human beings but "rather that they were animals with whom one could not speak or reason." Ironically, 1LT Calley's Charge Sheet, which expressed our collective values in the form of law, spoke not of the murder of "people," "persons," or "human beings," but of "*Oriental* human beings." [Emphasis added.] Racism in Vietnam, along with hatred, fear, and revenge, quickly turned into beatings, torture, rape, and murder.

The Peers Commission reported: "The most disturbing factor we encountered was the low regard in which some of the men held the Vietnamese . . . considering them subhuman, on the level of dogs. . . .Some of the men never referred to Vietnamese as anything but 'gooks.'" Two sociologists wrote: "When victims are dehumanized . . . the moral restraints against killing or harming them become less effective. Groups of people who are systematically demonized, assigned to inferior or dangerous categories, and identified by derogatory labels are readily excluded from the bonds of human empathy and the protection of moral and legal precepts."

CPT Medina's dislike for the Vietnamese was obvious, and many times openly displayed. He openly rebuked soldiers who showed any form of kindness. Several soldiers witnessed him beat suspects during interrogations. One soldier reported that CPT Medina once told 1st PLT that they would have to guard and share their food with any prisoner that they captured and failed to kill. The intent was clear. 1LT Calley, who never pretended to like the Vietnamese, absorbed his commander's sentiments like a sponge.

### **The American Way of War in Vietnam; or "Expend Shells Not Men."**

This approach caused a lack of proportionality, as well as violate other targeting principles of the Hague Convention (i.e., unnecessary suffering and military necessity). From the beginning of our involvement in the Vietnam conflict, it had become common practice for patrols, whenever they received sniper fire, to call in artillery strike, or air strikes if available, regardless of the proximity of civilians. More bombs were dropped on Vietnam than on the entire continent of Europe during World War II. Fighter bombers, who were making 400 sorties a day by the end of 1966, along with B-52 raids in the country, dropped around 825 tons of explosives everyday.

General DePuy explained to a visiting emissary from the Pentagon that "the solution in Vietnam is more bombs, more shells, more napalm . . . till the other side cracks and gives up." Then Secretary of Defense Robert McNamara is reputed to have claimed that Vietnam was costly in dollars but cheap in American lives. In 1967, an article in *Life* magazine reported that killing a single Viet Cong guerrilla cost the American taxpayer \$400,000 (this amount included the price for 75 bombs and 150 artillery shells).

Our lavish use of immense firepower, especially from aerial and artillery bombardment, caused indiscriminate killing of civilians. This created an atmosphere where civilian casualties, because deemed inevitable and necessary from the conditions of modern warfare, were placed outside moral consideration. Richard Falk, professor of international law at Princeton, stated that My Lai was the logical culmination of the policy that was being pursued: "It was perhaps an exaggeration and an extreme case, but not discontinuous with the way war was being waged and the climate that was created in the minds of the soldiers as to what was permissible and what was not permissible."

One journalist reported that "there can be no doubt that such an atrocity was possible only because a number of other methods of killing civilians and destroying their villages had come to be the rule, and not the exception, in our conduct of the war."

### **Rules of Engagement (ROEs).**

Detailed directives delineating the conditions and limitations under which US forces may initiate and continue combat engagement with opposing forces. A commander's tool to control the use of force. The effectiveness of Vietnam ROEs has been questioned by both historians and those who had to abide by them. The lengths and complexity of the many Vietnam ROEs varied. One service member, obviously exaggerating in making his point, remarked: "I remember some officer gave me some publication about a thousand pages long, so I didn't get through it." A marine officer stated bitterly: "[I] was told to read and sign a copy of the rules of engagement. The document ran seven pages. Some of it made sense, but a lot of it seemed an exercise in politics, micromanagement, and preemptive ass covering, a script for fighting a war without pissing anybody off." An Army survey revealed that at least fourteen ROEs were "in effect and available" to US troops in Vietnam at the time of the My Lai Massacre.

Compounding the confusion, and perhaps because of it, was the lack of wide dissemination to troops at the combat level. Those ROEs that were disseminated eventually were flouted or simply ignored. Every soldier was issued two pocket-sized cards of ROEs from MACV, which were to be carried at all times -- "Nine Rules" and "The Enemy in Your Hands." Commanders were issued one also, "Guidance for Commanders in Vietnam." [Copies of these ROEs are located in the enclosures part of this Case Study.] These particular ROEs, due in part to the phraseology they contained, metamorphosed from directives into chivalric aspirations. Additionally, another US Army survey revealed that there were also fourteen MACV directives available to units, serving in Vietnam during the period of the My Lai Massacre, on the topic of prevention and reporting of war crimes.

**General Westmoreland's "Strategy of Attrition." Search and Destroy Missions. The mind-set that "a high body count = victory; low kill ratio = defeat."**

The goal of American strategy in Vietnam was to kill the Viet Cong in such large numbers that they could no longer be replaced. An author-veteran of the Vietnam conflict wrote: "General Westmoreland's strategy of attrition also had an important effect on our behavior. Our mission was not to win terrain or seize positions, but simply to kill: to kill Communists and kill as many of them as possible. Stack 'em up like cordwood. Victory was a high body count, defeat a low kill ratio, war a matter of arithmetic. The pressure on unit commanders to produce enemy corpses was intense, and they in turn communicated it to their troops . . . It is not surprising, therefore, that some men acquired a contempt for human life and a predilection for taking it." General Westmoreland's war of attrition was referred to as the "meatgrinder" in the Pentagon.

The logic this policy of attrition required that Viet Cong be flushed out into the open, and in large numbers, so that they could be engaged by American troops. Essentially, the tactical solution to this requirement was the traditional attack mission of the infantry -- "search and destroy." As outlined in the Pentagon Papers, the idea was "to take the war to the enemy, denying him freedom of movement anywhere in the country . . . and deal him the heaviest possible blows." Given the environment of Vietnam, this often pitted the US armed forces against the Vietnamese civilians.

1LT Calley, along with every other officer, quickly grasped "the protocol of body count culture." When asked how he arrived at a body count, 1LT Calley replied: "You just make an estimate off the top of your head. There is no way to really figure out exact body count . . . As long as it was high, that was all they wanted . . . I generally knew that if I lost a troop, I'd better come back with a body count of ten, say I shot at least ten of the enemy, which was pretty hard when you are only fighting one sniper."

Some units maintained "kill boards," some even prominently displayed.

**Rotations; Group Dynamics; and, "Soldiers learn from other soldiers."**

The normal tour of duty in Vietnam was one year. This sensible policy had its disadvantages, one of which was that soldiers were being sent back home just as they were beginning to acquire experience. The result of this rotation policy was that inexperienced soldiers were prevalent, and many times represented the majority in units. Soldiers learn what is acceptable behavior, or what actions are appropriate, from other soldiers. Very few had the experience to set the example that others could follow, or to induce others to follow a certain type of behavior. Because soldiers did not know each other, group identification was lacking, and behavioral norms broke down more easily and rapidly.

In every type of environment, including combat, group dynamic overshadows individual judgment and causes the individual members of a group to conform to behavior that is deemed acceptable by the group. Individual behavior then mirrors group behavior. Group's standards of behavior become those of the individual. An individual soldier can better influence the group, and limit what is their acceptable behavior, if he or she has the credibility of experience. This was normally not the case in Vietnam. Units became a collection of troops experiencing constant departures and arrivals. Morale and cohesion suffered because bonding decreased. This rotation policy challenged the universally truism that soldiers fight and die for each other. One author-veteran of Vietnam wrote: "Personnel were rotated into and out of Vietnam like so many shift workers."

**Enemy Tactics.**

The Viet Cong conducted a guerrilla war that can best be described as "clutching the people to their breast." They disguised themselves as civilians, hid amongst civilians, often fortified villages (with noncombatants being the vast majority of the population), and even used civilians of all ages and both sexes (little children, women, and old men, included) for logistical support, intelligence, and to plant mines and booby traps. There was widespread belief among American soldiers that the Viet Cong would use the type of civilians mentioned above to throw grenades. An expert on the Vietnamese army remarked that "the Vietnamese communists erased entirely the line between military and civilian by ruling out the notion of noncombatant."

A member of the Viet Cong would later confirm that: "Children were trained to throw grenades, not only for the terror factor, but so the government or American soldiers would have to shoot them. Then the Americans feel very ashamed. And they blame themselves and call their soldiers war criminals." It was not rare for small children to wave an American patrol into a booby trap or minefield. Additionally, the Viet Cong would use women and children as lethal ploys or ruses to lead Americans into deadly ambushes. Female Viet Congs were just as effective as their male counterparts, especially in sniper fire. In other words, the civilians were not exactly sitting out the war. American servicemen soon grew wary and suspicious of all Vietnamese.

The NVA, supposedly professionals, were not any better at abiding by the laws of war than their Viet Cong counterparts. The NVA, after an engagement with American troops, would send in execution squads to murder American wounded. Some would be tied to trees, tortured, and then murdered. Members of the NVA would be heard laughing while this was going on. Those critical of American behavior at My Lai, and the subsequent handling of the courts-martial, must temper their opinions with the way the enemy conducted warfare.

[NOTE. 1LT Calley was the only participant at My Lai found guilty at a court-martial. COL Henderson was court-martialed, for covering up evidence of the massacre and making false statements to the Peers Commission, and acquitted. CPT Kotouc, Task Force Barker's intelligence officer, was court-martialed for aggravated assault (cutting off the little finger of a Viet Cong suspect during an interrogation that occurred at C Co.'s bivouac on the afternoon of the massacre) and acquitted. As previously introduced in this case study (and covered in detail under **The Operational Plan: CPT Medina**), CPT Medina was court-martialed and acquitted as well.

Charges, of dereliction of duty and failure to obey lawful regulations, against BG Young, the assistant commander of the Americal Division, COL Nels Parson, the Americal Division Chief of Staff, COL Robert B. Luper, the artillery battalion commander, and Major Robert W. McKnight, Task Force Barker's executive officer, were dismissed for lack of evidence. MG Koster was subjected to an Article 32 Pre-trial Investigation. The investigating officer, BG B.L. Evans, recommended that the charges, concerning the failure to report the death of twenty civilians and not ordering a proper investigation, be dismissed. MG Koster would later be demoted to Brigadier General. LTG Peers was passed over for what many felt was the impact of his brutally honest report.

Charges against the platoon leader involved in the Co Luy Massacre of 90 to 100 victims, earlier mentioned in **The My Lai Timeline**, were also dropped (ironically, "in the interest of justice").

1LT Calley was sentenced, on 31 March 1971, at his court-martial to confinement at hard labor for the length of his natural life. He was escorted to the stockade at Fort Benning immediately after the court-martial, to await transfer to Fort Leavenworth. After three days, while still at Fort Benning's stockade, President Nixon ordered that 1LT Calley was to be placed under house arrest pending action on his appeal (he further stated that he would personally review the case after all appeals had been heard). 1LT Calley was returned to the quarters, at Fort Benning, where he was housed during the course of his court-martial. On 20 August 1971, the commanding general, 3rd Army, reduced 1LT Calley's confinement to twenty years. On 7 December 1972, the Army and Air Force Clemency Board and Parole Board recommended further clemency for 1LT Calley. Nevertheless, on 14 May 1973, Secretary of the Army, Howard Calloway, denied further clemency.

Both the US Army Court of Military Review (2 April 1973) and US Court of Military Appeals (21 December 1973) affirmed 1LT Calley's sentence, and denied his request for a new trial. (The opinion of the US Court of Military Appeals, in English and Spanish, is enclosed with this case study.) On 27 February 1974, while preparations were being made to transfer 1LT Calley to Fort Leavenworth, a federal district court judge in Georgia granted bail of \$1,000 pending the resolution of the petition for a writ of habeas corpus, that had been filed by 1LT Calley's attorney on 11 February 1974. 1LT Calley is immediately released from his house arrest. On 15 April 1974, the Secretary of the Army decided to reduce 1LT Calley's confinement to ten years. Shortly thereafter, on 3 May 1974, President Nixon announced that he would take no further action on the case.

The Fifth US Court of Appeals, acting on the appeal filed by the US Government after the federal district court judge rejected its motion for revocation of bail, reversed on 13 June 1974 the bail order from the US District Court. 1LT Calley was then placed in the stockade at Fort Benning, and shortly thereafter transferred to the US Disciplinary Barracks at Fort Leavenworth, where he served approximately four and one-half months of his sentence (as clerk-typist). The Army Secretary then announced, on 9 November 1974, that 1LT Calley would be paroled.]

### **Project 100,000 or McNamara's 100,000.**

A program that conscripted service members that scored poorly in the General Classification Test (GCT). The GCT measured the intelligence of a potential service member, and were patterned after IQ scores. A GCT score of 100 was considered average. Officer candidates were required to score a minimum of 120. Potential service members were required to take the GCT, and would be divided into five Mental Categories depending on their scores. Those whose scores fell within the first three categories, "cat one through three," would automatically be accepted; those who fell in the last category, "cat five," would automatically be rejected; whereas those who were categorized as "cat four" would be selected on a case by case basis, with the vast majority being rejected. Those selected were the "optional cat four."

In October, 1966 the Department of Defense, responding to the demand for increased manpower caused by Vietnam, and taking into account the conclusion of a 1964 federal task force, that many of the 600,000 men rejected (because they failed to meet the intelligence standards) were in fact suitable for military duty, instituted Project 100,000 that required for 40,000 "cat four" enlistments during the first year, and 100,000 "cat four" enlistments each year thereafter. These were the "mandatory cat four."

[NOTE. "Project 100,000" was coined by then Secretary of Defense Robert McNamara, hence it is sometimes referred to as "McNamara's 100,000."]

Ironically, because the "mandatory cat four" was a required quota under Project 100,000, recruiters at times had to turn away better qualified potential service members. The program was described as ill-conceived, and "an unmitigated disaster." General Westmoreland made it clear that he was no fan of this program: "Category four is a dummy. . . . That [program] introduced a weak-minded, criminal, untrained element. . . . When those people came to Vietnam . . . that's when disciplinary problems began on the battlefield."

The rate of desertions and courts-martial for "mandatory cat four" service members was double that of the other categories. Also their promotion rates were significantly lower. When a Pentagon study revealed that their "attrition-by-death" rate was also almost twice that of the other categories, discrimination started to develop as an issue. General Colin Powell wrote: "I can never forgive a [political] leadership that said, in effect: These young men -- poor, less educated, less privileged -- are expendable . . . but the rest are too good to risk. . . . Of the many tragedies of Vietnam, this raw class discrimination strikes me as the most damaging to the ideal that all Americans are created equal."

[NOTE. The Roman biographer Plutarch once observed that "The poor go to war, to fight and die for the delights, riches, and superfluities of others."]

The role that Project 100,000 played as a cause of the My Lai Massacre is unknown because we do not know whether the soldiers, who committed atrocities at My Lai, were mandatory or optional "cat four." The Peers Commission Report stated that in regard to C Co.: "About 8 percent of the enlisted personnel, less noncommissioned officers, fell into the Project One Hundred Thousand category and were in the lowest mental group. The percentage of this group was lower than the Army-wide accession figure of 12 percent."

### **Training on The Law of Land Warfare and "Unlawful Orders."**

Although members of the armed forces were instructed on the Law of Land Warfare, virtually no one received instruction on unlawful or illegal orders, or on when not to obey orders. The instruction on the Hague and Geneva Conventions was minimal, and was about one hour in length. Every soldier received such instruction stateside as part of basic/advanced training. This was supplemented in Vietnam through the inclusion of the more important provisions of the Geneva Conventions in the ROEs, distributed by MACV in pocket-sized cards, which the Peers Commission ruled as "nothing short of ludicrous."

### **Lax Discipline and Some Poor Leadership Qualities.**

Both the commissioned and noncommissioned officers of C Co., with the exception of CPT Medina, did not always insist that their orders be carried out. But although CPT Medina insisted that his orders be obeyed, many times he acted like one of the boys. Outsiders noticed that relations between officers and soldiers were much more informal and personal than in other companies. CPT Medina did not like 1LT Calley and made no effort to hide it; on the contrary, he would at times openly ridicule 1LT Calley in front of the soldiers, and regularly called him "Lieutenant Shithead." When 1LT Calley's point of view was contrary to his, or suggested a different course of action, CPT Medina would sarcastically retort with "Listen, sweetheart . . ." Many soldiers in C Co. regarded 1LT Calley as a joke, and in particular resented his barking and shouting one minute, and contrived feelings of concern (for them) the next.

### **Poor Command and Control, and Ambiguous Orders.**

During Operation Muscatine, CPT Medina was conducting the efforts of his company from the rear (his command post was located just outside the hamlet). LTC Barker was flying all over the extensive area of operations in his aircraft. COL Henderson was also monitoring the operations from inside an aircraft, but was not flying as much as LTC Barker. Refer to **The My Lai Timeline** for all the factual details on poor command and control and ambiguous orders.

### **Soldiers with disciplinary problems.**

Some soldiers in C Co. had disciplinary problems; however, there is more of a correlation between soldiers with disciplinary problems (whether they occurred prior to entering service, or while in service) and (susceptibility to committing) war crimes in cases other than My Lai. For example, such as the massacre committed by US marines at the village of Son Thang, where four of the five marines involved had serious prior disciplinary problems. Son Thang, the worst massacre in Vietnam committed by US marines, and which draws on the lessons of My Lai, is a matter for another case study.

### **Heavy losses/casualties.**

C Co. was fully deployed in Vietnam by the second week of December 1967. Task Force Barker was activated on 1 January 1968 to take over military operations in the Quang Ngai Province (a province that is overwhelmingly sympathetic to the Viet Cong). C Co.'s first casualty comes from a booby trap on 28 January 1968. The following month, on 25 February 1968, C Co. walked into a minefield. CPT Medina kept his head and, after three died and twelve suffered serious injuries, managed to lead his soldiers out. The soldiers of C Co. blamed the Vietnamese villagers nearby who failed to warn them of the minefield and booby traps.

1LT Calley, who had just returned from leave, saw the helicopters transporting the dead and wounded. 1LT Calley also noticed that, from that point on, the attitude of his soldiers toward Vietnamese children had changed -- they no longer gave them candy, and kicked them away. According to one account, 1LT Calley could hardly restrain his satisfaction when he said "Well, I told you so." Prior to the minefield incident, Task Force Barker had failed on two separate attempts to trap the 48th LF Bn in the Quang Ngai Province. During the second attempt, A Co. came under heavy automatic and mortar fire coming from My Lai 4., the second time in a month that Task Force Barker had encountered resistance from around the hamlet of My Lai. Its company commander is among the fifteen wounded, five other soldiers died.

After the minefield incident, C Co.'s esprit de corps and morale sagged and eventually vanished. They went down to 105 soldiers. To make matters even worse, on 14 March 1968, SGT George Cox, an NCO well liked and respected by the soldiers of C Co., an NCO with a reputation for looking after his soldiers, was killed by a booby trap while on patrol. Since arriving in Vietnam three months earlier, C Co. had suffered twenty-eight casualties, including five killed. All the casualties were caused by mines, booby traps, and snipers.

[NOTE. Task Force Oregon had recently conducted Operation Benton in the Quang Ngai Province, a two-week search and destroy mission. The following figures were reported by a journalist: "Into an area of ten by twenty kilometers they had dropped 282 tons of 'general purpose' bombs and 116 tons of napalm; fired 1,005 rockets (not counting rockets fired from helicopters), 132,820 rounds of 20-mm explosive strafing shells, and 119,350 7.62-mm rounds. By the end of the operation, the Civil Affairs office had supervised the evacuation of six hundred

and forty of the area's seventeen thousand people to the vicinity of government camps." Task Force Oregon reported an enemy body count of 397.]

### **Free-fire Zones.**

Free-fire Zones, discussed in detail under **The Operational Plan: LTC Barker** of this case study, were part of the problem in so far as soldiers did not have a clear idea as to what these Free-fire Zones meant on their (operational) level -- i.e., what were the Rules of Engagement (for soldiers) inside a Free-fire Zone? One of the problem with ROEs was that they failed to delineate the use of force inside a Free-fire Zone.