

# **EXCERPTS FROM AN EXCLUSIVE ARCHIVE OF U.S. MILITARY DOCUMENTS COMPILED BY THE INTERCEPT**

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**Response from the Historical  
Office of the Office of the Secretary  
of Defense to Henry Kissinger's  
request for information regarding  
civilian casualties in Cambodia**

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### FAX COVER SHEET

Historical Office  
Office of the Secretary of Defense

Suite 5000, Rosslyn Plaza North  
1777 N. Kent Street  
Arlington, VA 22209-2165

TO: DR. HENRY A. KISSINGER

FAX NUMBER: (b)(6)

PHONE NUMBER: Washington Office (b)(6)

MESSAGE: THIS IS IN RESPONSE TO YOUR  
REQUEST FOR INFORMATION ON  
BOMBING TARGETS IN LAOS.

ALFRED GOLDBERG

FROM: Alfred Goldberg

DATE: 1/7/2002

PHONE: (b)(6)

PAGES: 3  
(including cover sheet)

FAX: (b)(6)

E-MAIL: (b)(6)

FILE NO. = 144

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165

TO: *Dr. Henry H. ...*

FAX NUMBER: (b)(6)

PHONE NUMBER: (b)(6)

MESSAGE: *Attn: Teresa Camino*

*Information supplied in response to your  
request*

FROM: Alfred Goldberg

DATE: *12/17/01*

PHONE: (b)(6)

PAGES:                       
(including cover sheet)

FAX: (b)(6)

E-MAIL: (b)(6)

13 Dec 01

Memo for A. Goldberg

Subject: Civilian Casualties in Cambodia

I am not aware of any official estimate of civilian casualties produced by US air operations in Cambodia 1969-73. Thomas Thayer estimated 65,000 civilians killed in North Vietnam by about 800,000 tons of air munitions 1965-73. Since about 600,000 tons of air munitions were expended in Cambodia, an estimate of 50,000 civilians killed there might not be too far off.

Cambodia and North Vietnam were comparable in size, but the population of North Vietnam was more than twice that of Cambodia even before Pol Pot's genocidal regime--18 million in North Vietnam versus 7 million in Cambodia. While North Vietnam was sending its troops to South Vietnam, a civil war like the one in Cambodia was not raging within the borders of North Vietnam. On the other hand, B-52 area bombers accounted for a much higher proportion of bomb tonnage in Cambodia than in North Vietnam--two-thirds in Cambodia versus a quarter in North Vietnam.

During 1969-73 in Cambodia, it was difficult for reporters in Phnom Penh to estimate the proportion of civilian casualties caused by air operations. There is no doubt that most of those casualties occurred in 1973. Pol Pot's forces laid siege to Phnom Penh while cease-fire agreements in Vietnam and Cambodia permitted American air power to focus on Cambodia. Reporters in Phnom Penh could see that many nearby villages had been destroyed by bombing. According to the American air commander, General Vogt, those villages had already been vacated by civilians fleeing into the city. His forces were using a range of intelligence sources (including infrared sensors) to determine which villages were occupied. The worst error occurred at Neak Luong, where more than a hundred civilians were killed when a B-52 crew failed to calculate an offset and dropped on a beacon in the town.

The attached CHECO report describes the command and control arrangements for bombing Cambodia in 1973. For arrangements used during covert bombing 1969-70, see the attached book by Bernard Nalty, especially pages 129-133.

Wayne Thompson

AFHSO

202-404-2191

**U.S. Army Report of Inquiry into  
reports of civilian casualties due  
to B-52 strikes in Base Area 740,  
Cambodia, May 16–20, 1970**

**CONFIDENTIAL**

INVESTIGATION CASE FILE SUMMARY

1. HQ CONDUCTING INVESTIGATION: US Army Advisory Group - II CTZ
2. COMPLETE TITLE OF CASE: Report of Inquiry - B-52 Strikes in Base Area 740
3. CLASSIFICATION: CONFIDENTIAL/NOFORN
4. DATE (S) OF INCIDENT INVESTIGATED: 16 - 20 May 1970
5. UNIT CONCERNED: II CTZ Advisory Group
6. PLACE OF INCIDENT: XXXXXXXX Cambodia  
CTZ
7. SUMMARY OF INVESTIGATION/INQUIRY: Inquiry into reports of civilians killed/wounded by B-52 strikes in Cambodia.

Conclusions: A unknown number of civilians were wounded/killed by B-52 strikes in Base area 740. Montagnards were mobile and their hamlets were not accurately reflected on commonly used maps. Solatium payments have been made to survivors of known dead and to identified wounded.

**CONFIDENTIAL / NOFORN**

**U.S. Army Report of Investigation,  
attack on the village of Doun Rath,  
Cambodia, August 1969**



CONFIDENTIAL  
DEPARTMENT OF THE ARMY  
HEADQUARTERS 1ST CAVALRY DIVISION (AIRMOBILE)  
OFFICE OF THE INSPECTOR GENERAL  
APO San Francisco 96490

AVDAIG

2 September 1969

SUBJECT: Report of Investigation (U)

Commanding General  
1st Cavalry Division (Airmobile)  
APO San Francisco 96490

I. Authority

A. (U) The investigation of this incident of alleged Cambodian border violation was conducted by authority of II FFV Confidential Message Cite Number AVFBC #89571, dated 29 August 1969. (See Exhibit 1).

B. (U) The investigation was assigned to LTC Hubert Morris, Inspector General, 1st Cavalry Division (Airmobile), by verbal direction of the Commanding General through the Chief of Staff.

II. Matters Investigated

A. (C) Matters investigated were two separate but related incidents of alleged border violation in which US/ARVN helicopters allegedly attacked the village of Doun Rath, Hounng Commune, Mimot District, Kompong Cham Province, Cambodia. (See Exhibit 1).

III. Background

A. (U) The village of Doun Rath is reported to be located at coordinates XT 267985. This location places it in the near vicinity of the Cambodian/South Vietnamese border.

B. (U) The South Vietnam area contiguous to this segment of the Cambodian border lies in the area of operations of the 1st Brigade of the 1st Cavalry Division (Airmobile). (See Exhibit 2).

C. (C) Recent contact with enemy forces in this area of operation and known infiltration of North Vietnamese and Viet Cong forces have necessitated tactics to negate these activities. One such action is the use of "Nighthawk". This is a team of two helicopters. One is a UH-1 utility helicopter with standard M-60 machine guns mounted in the door firing tracer ammunition. Also on board is a Xenon high intensity light aligned to a night observation device.

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AFDAIG

2 September 1969

SUBJECT: Report of Investigation

The other aircraft of the team is an AH-1G (Cobra) armed helicopter mounting a 7.62 caliber machine gun, rocket pods, and a 40 millimeter grenade launcher. The night employment of these teams is common to this division. Before takeoff, the team members are briefed at the Brigade Tactical Operations Center and are assigned an area or areas to search. These are defined by geometric plots on standard military maps outlining the area to be searched. The particular area in which the "Nighthawk" Team was operating during the evening of 9 August and the morning of 10 August was a Free Fire Zone. Targets in this area may be engaged after determination that no Friendly Forces are in the area. The mission was monitored by radar from Landing Zone Grant. (See Exhibit 2). On 9 August, the "Nighthawk" Team was briefed as to the areas to be searched. No record of the precise areas is available. The northern boundary of the search area was approximately one mile south of the Cambodian border. This is supported by the statement of PFC Breche, the Radar Operator at LZ Grant. (See Exhibit 3). The boxes or areas to be searched had been transmitted to this radar site and were plotted on the radar scope. The radar operator monitored the flight and provided headings, also referred to as vectors, to the "Nighthawk" Team. The radar also provided guidance from one point to another to position the aircraft within the "box" and to provide advisory information as to the location of the aircraft in map references, and also issued advisories when the aircraft was in the proximity of the Cambodian border. The 1st Brigade Intelligence Summary (Exhibit 4) shows that at 2200 hours Nighthawk observed six (6) lights and ten (10) living structures, received sporadic unknown type of ground to air fire, and then engaged the area with 7.62mm machine gun and 2.75 inch rockets. The report noted 3 structures destroyed and the lights extinguished. The statements of the crew (Exhibits 5, 6, 7, & 8) very somewhat in their description of the first action at approximately 2200 hours. They essentially agree that lights were seen and they went to investigate. Warrant Officer Tanngeotes, operator of the night vision device, states (Exhibit 6) that upon seeing the lights they proceeded to investigate. The general direction was northward toward the border. At this time they had positive radar control. Upon arriving at the location of the lights he switched on the xenon high intensity searchlight, in an attempt to identify structures, and/or draw fire. The armed helicopter (Cobra) then made a firing run but the 7.62 caliber machine gun malfunctioned. Fuel was low at this time and both aircraft returned to Da Nang to refuel and rearm. Warrant Officer Tanngeotes further states that between 0100 to 0200 hours they were again airborne and began to search the "box". Finding no targets, they returned to the area where they had previously seen the lights. At this time, the lights were again burning. The xenon light was used and buildings were identified. The Cobra engaged with rockets and machine guns. There was no return fire. Fuel and ammunition were low and the aircraft returned to home station. There are contradictions in the statements of the crew of the "Nighthawk" when compared to the statements of the radar operators. The crew of the "Nighthawk" aircraft states that radar advised them that they were within the borders of South Vietnam. (See Exhibits 6, 7, & 8). The two radar operators state that the aircraft was in

AVDAIG  
SUBJECT: Report of Investigation

2 September 1969

the immediate proximity of, and at times drifted over, the border. (See Exhibits 3 & 9). The actual coordinates of the strike as reported on the 1st Brigade Intelligence Summary gives the coordinates as XT 275975. The II FFV message quotes the reported location of the village to be at XT 267983. These locations plot approximately 1,000 meters apart. (See Exhibit 2).

IV. Conclusions

- A. (U) The Nighthawk aircraft did engage a target in the vicinity of the Cambodian border which could have been the village of Doun Rath.
- B. (U) There is no conclusive proof that the Nighthawk crew knowingly engaged a target in Cambodia.
- C. (U) The definition of the border in the proximity of the incident is impossible to ascertain with accuracy by visual reference during the hours of darkness.
- D. (U) The Nighthawk was under radar surveillance during the mission.
- E. (U) The aircraft commander exercised poor judgment in engaging a target under these circumstances.

V. Recommendations.

- A. (U) No disciplinary action be taken.
- B. (U) A system of checks over known land marks visible at night be conducted by Nighthawk and radar prior to operating in the proximity of the Cambodian border.
- C. (C) 1st Cavalry Division secret message, cite number 9F22110, dated 9 Aug 69, which restricts operation of aircraft to 1 Km stand off distance from the border be given continuous command attention to prevent future incidents.

9 Incl  
25

*H. Morris*  
 HUBERT MORRIS  
 LTC, FA  
 Inspector General

WITHDRAWN: 09/02/97 BY: [unclear]

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On the night of Aug 9th 1969 I picked up Night Hawk between Tay Ninh and LZ Grant. I vectored him around LZ Grant to keep him clear of artillery. Then I vectored him to a box north-west of LZ Grant.

While vectoring him around the edge of the box (eastern boundry) I gave Night Hawk a left turn from  $360^{\circ}$  to  $270^{\circ}$ . The turn took him north of the northern bound-ary, close to the Cambodian border. While trying to get him back to the box, he told his Tiger bird (the cobra accompanying him) that he thought he saw a light. At this time I advised him that he was close to the Cambodian border, and he rogered my transmission. Night Hawk and Tiger started circling. I was receiving a bad target on the two aircraft, about the same time I advised him that he appeared to be over the border. I don't remember if he rogered my transmission, but I beleive he did. At one time I told him he was over the border. A few minutes later Night Hawk asked me for the grid he was circling. I advised him I couldnt give an exact grid as he was flying too large a circle. I gave what I thought to be the center grid. I beleive he flew around a few minutes more, then went back to the box.

I don't remember either aircraft fireing. The 2 aircraft (Night Hawk and his gun ship) usually talked to each other over our frequency, so that Night Hawk would be in constant contact with GCA.

I do remember that the grid I gave Night Hawk was on the 25 vertical grid line.

*ROG DEN K. PALMER*

SP5 ROG DEN K. PALMER  
GCA Watch Supervisor, LZ Grant  
ATC Platoon HHC, 11th Avn Co  
1st Cav Div (AM)  
30 Aug 69

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EXHIBIT #5

Extract of 1st Bde INTSUM #222

11 August 1969

C & D Co 229

09 2200 XT 275975: Obs 10 x hooches, 6 x lights, received speradic unk  
type fire. Eng with 7.62mm and 75 x 2.75" rocket flechettes. Dest 3 x  
hooches and lights went out.

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## SUMMARY OF INVESTIGATION/INQUIRY/INSPECTION

1. UNIT: 229th Assault Helicopter Battalion and 11th Combat Aviation Group.
2. LOCATION: Village of Doun Rath, Rong Commune, Miuvot District, Kompong Cham Province, Cambodia.
3. DATES: 9-10 August 1969.
4. (C) ALLEGATION/PURPOSE: Two separate but related incidents of alleged border violation in which US/ARVN helicopters allegedly attacked a Cambodian village.
5. (U) SOURCE: 11 Field Forces message 080571Z Aug 69 (U).
6. (U) FINDINGS:
  - a. The Nighthawk aircraft did engage a target in the vicinity of the Cambodian border which could have been the village of Doun Rath.
  - b. There is no conclusive proof that the Nighthawk crew knowingly engaged a target in Cambodia.
  - c. The definition of the border in the proximity of the incident is impossible to ascertain with accuracy by visual reference during the hours of darkness.
  - d. The Nighthawk was under radar surveillance during the mission.
  - e. The aircraft commander exercised poor judgement in engaging a target under the prevailing circumstances.
7. (C) IG ACTION: The Inspector General recommended that:
  - a. (U) No disciplinary action be taken.
  - b. (U) A system of checks over known landmarks visible at night be conducted by Nighthawk and radar prior to operating in the proximity of the Cambodian border.
  - c. (C) 1st Cavalry Division SECRET message, cite number 9F22110, dated 9 Aug 69, which restricts operation of aircraft to 1 km stand off distance from the border be given continuous command attention to prevent future incidents.

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**U.S. Army memorandum on “Alleged  
Helicopter Shootings” in the villages  
of Sre Kandal and “Moroan” [Mroan],  
May 1970**

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DEPARTMENT OF THE ARMY  
Headquarters, 1st Squadron 11th ACR

SUBJECT: Alleged Helicopter Shootings

20 May 1970

**SUBJECT: Alleged Helicopter Shootings**  
The remaining villagers have not seen the 5 wounded since they were evacuated. The remaining villagers reported that they attempted to return to their village on 18 May, but were turned back by US soldiers. They Commanding Officer Hilltop to receive permission to return to their 1st Brigade, 25th Infantry Division could return on 21 May. The majority ATTN: S5 information came from Keine Sourens, Village Chief of Ph Moroon APO SF 96385

The 1/11th ACR has not been able to determine the validity of either of these 2 allegations.

1. The following 2 incidents were brought to the attention of the 1st Sqdn, 11th ACR while it was OPCON to 1st Bde, 25th Inf Div.

2. On 18 May 1970 at 1102 hrs, MAJ Abrahamson, S3, 1/11th ACR, spotted approximately 30 civilians at XU 287212 traveling south on a N-S trail. CO, C Troop, 1/11th ACR stopped the refugees and interrogated them. They were Cambodian civilians from the village of Ph Sre Kandal, vic XU 2525. They had left their village on 17 May and were traveling to Memut, vic XU 2907. They reported that on 3 May 1970 at 1700 hrs a helicopter of unknown type circled their village several times. They became frightened and started to run, at which time the helicopter allegedly fired. Three people were allegedly burned in a hooch set on fire by the helicopter and 1 person allegedly received shrapnel wounds. They stated that 1 burn victim later died. CPT Burch, surgeon, 1/11th ACR, treated 2 persons in the refugee group for burns. He also treated one man for an infected wound, which could have been caused by shrapnel.

The refugees were given further medical aid as required for injuries unrelated to the alleged shooting. After they were treated, they were allowed to continue to Memut.

3. At 1345 hrs on 20 May 1970 a group of approximately 20 civilians approached FSB Hilltop, vic XU 3409. They desired to return to their village of Ph Moroon, vic XU 4408. They have been living in the village of Kantat, vic XU 3611, since the time of an alleged attack on their village. They reported that on the morning of 1 May 1970, 4 or 5 helicopters of an unknown type circled their village of Ph Moroon. The helicopters allegedly began firing for an unknown reason. The villagers reported that 12 persons were killed and 5 wounded in the attack.

Handwritten notes in left margin: "E 6/25/70", "KAT", "2/26", "Amp"

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22 May 1970

SUBJECT: Alleged Helicopter Shootings

Shortly after the attack another helicopter, described as having 4 wheels, landed and evacuated the 5 wounded villagers to an unknown location. The remainder of the villagers have not seen the 5 wounded since they were evacuated. The remaining villagers reported that they attempted to return to their village on 18 May, but were turned back by US soldiers. They therefore came to FSB Hilltop to receive permission to return to their village. They were told that they could return on 21 May. The majority of this information came from Kaing Souerng, Village Chief of Ph Moran.

4. The 1/11th ACR has not been able to determine the veracity of either of these 2 allegations.

Report prepared by  
THOMAS H. SIMMONS  
1LT, S5, 1/11th ACR

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# **U.S. Army Summary Report of Investigation into an attack on the village of Tralok Bek, March 1969**

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SUMMARY OF INVESTIGATION/INQUIRY/INSPECTION  
(Investigation was conducted by HQ, 25th Infantry Division)

1. (U) UNIT: 269th Combat Aviation Battalion, 3d Squadron, 17th Cavalry, 7th Battalion, 11th Artillery and 1st Battalion, 27th Artillery.
2. (U) LOCATION: Tralok Bek Village, Daung Commune, Romeas Hek District, Svay Bieng Province, Cambodia.
3. (U) DATES: 13-15 March 1969.
4. (C) ALLEGATION/PURPOSE: To determine the facts and circumstances concerned with Cambodian protests to the US that at 0930 and 1130 hours, 21 Feb 69, twenty-two helicopters landed troops around Tralok Bek Village, Cambodia, and that four helicopters and two observation aircraft, supported by mortars, then overflew and fired rockets at the village resulting in two women being wounded.
5. (U) SOURCE: Message, CG, II F Force V, LBN, AVFB-RE 030254, DTG 011040 Mar 69, subject: Cambodian Border Incidents.
6. (C) FINDINGS:
  - a. The allegation was not substantiated.
  - b. The helicopters landed troops at an LZ well with the RVN.
  - c. All firing done during the morning of 21 Feb 69 was directed against targets within the RVN.
  - d. All firing in the afternoon was within RVN except at 1315 hours when artillery fired into Cambodia in response to enemy initiated small arms fire and at 1452 hours when the artillery fired in response to enemy initiated mortar fire from Cambodia.
7. (U) IG ACTION: Recommended that findings be approved and that copies of ROI be forwarded to II F FORCE, V.
8. (U) UNIT ACTION: None indicated.
9. (U) ADDITIONAL ACTION: None indicated.
10. (U) FOLLOW UP: None indicated.

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**“Brooks Incident,” Report of  
Investigation into “firing incident” —  
the killing of civilians and looting  
of a village — by U.S. and South  
Vietnamese military personnel in  
Cambodia, May 18, 1971**

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HEADQUARTERS  
THIRD REGIONAL ASSISTANCE COMMAND  
APO SAN FRANCISCO 96266  
OFFICE OF THE INSPECTOR GENERAL

MACTR-IG

SUBJECT: Report of Investigation Concerning Firing Incident/Accident of A Troop,  
1st Squadron, 9th Cavalry, in the Republic of Cambodia (U)

Commanding General  
Third Regional Assistance Command  
ATTN: MACTR-SJA  
APO 96266

I.(U) AUTHORITY.

1. This investigation was conducted during the period 10 June 1971 to 4 September 1971 by LTC John W. Mantooth, Deputy Inspector General, at Headquarters Third Regional Assistance Command (TRAC), Long Binh, Vietnam, pursuant to a directive from the Acting Deputy Commander, TRAC, 10 June 1971 (EXHIBIT RED TAB A).

II(C). MATTERS INVESTIGATED.

2. This investigation was concerned with an alleged firing incident/accident reported to have occurred during an aerial reconnaissance mission of A Troop, 1st Squadron, 9th Cavalry, (A/1-9 Cavalry), in the vicinity grid coordinates WU 521048, Republic of Cambodia, on 18 May 1971 (EXHIBIT RED TAB H-1).

III(C). BACKGROUND.

3. On or about 18 May 1971, A/1-9 Cavalry, while conducting an aerial reconnaissance mission in Cambodia, became engaged in a firing incident in a Cambodian village or hamlet which possibly was being used as an enemy resupply or transfer point. During the course of ensuing events; approximately 6 adult males were killed; approximately 2 Cambodian children were killed; 15 to 20 Cambodian civilians were wounded; 3 or 4 buildings destroyed; 15 or 20 bicycles and motorcycles were destroyed; one unidentified individual taken into custody for interrogation; a US Army Captain accompanied an ARVN Ranger Platoon into the area and removed a motorcycle; and the ARVN team members looted the area. A contact report was submitted on 18 May 1971 to the TRAC, tactical operation center. However, subsequent debriefings and inquiries, by a series of investigating officers, indicated that numerous facts concerning the incident had been omitted, thus culminating in the requirement for a formal investigation of the incident.

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Group 4  
Down graded at  
3 year intervals  
Declassified after

MACTR-IG

SUBJECT: Report of Investigation Concerning Firing Incident/Accident of A Troop, 1st Squadron, 9th Cavalry, in the Republic of Cambodia (U)

IV(C). EVIDENCE.

- 4. Journal, G3, HQ TRAC, 0001 hours 19 May 1971 to 2400 hours 19 May 1971 items 7, 10, and 11 reflect reports submitted at the time of alleged firing incident and establish the approximate time and location (EXHIBIT RED TAB D).
- 5. USARV Regulation 525-7, dated 7 May 1970, prescribes the procedures to be followed when combat actions of US Army units/elements cause death, injury or property damage to civilian personnel. This regulation defines a firing incident as an occurrence caused by any type weapons fire which occurs in the course of military operations resulting in civilian casualties or property damage. A major accident/incident is an occurrence which results in loss of life, crippling injuries to personnel or property damage in the amount of \$500.00 or more. The regulation requires that all US Army Commands, Units, Elements, Detachments, or Agencies stationed in Vietnam will transmit spot reports of firing incidents/accidents by electrical means within 12 hours of occurrence (EXHIBIT RED TAB E).
- 6. Msg. MACTR-G3OP, HQ TRAC, 110615Z June 1971, Subject, Spot Reports, forwarded information contained in Journal entries referenced in para 4 above to MACV COC Saigon Vietnam (EXHIBIT RED TAB F).
- 7. MACV Directive 335-12, dated 30 September 1970, prescribes the responsibilities and procedures for expeditious reporting of significant information to the MACV Command Center. Significant events include all incidents, accidents resulting in a major property destruction or loss, or the killing, wounding, or mistreating of a friendly personnel by US or Republic of Vietnam Armed Forces (EXHIBIT RED TAB G).
- 8. Photograph, FYJ3120, HQ 460th Tactical Reconnaissance Wing, 17 June 1971, shows the area taken under attack on south side of road. The destroyed buildings are visible (EXHIBIT RED TAB H).
- 9. Photograph of Suzuki motorcycle, SN KIO 52-3984, removed from area of the alleged firing incident/accident (EXHIBIT RED TAB I).
- 10. MACV Directive 381-24, dated 1 August 1969 establishes procedures for the proper handling, reporting, and disposition of captured enemy material. This directive defines captured material as any article of supply or equipment taken from the enemy forces in any manner. It defines the responsibility for recovery and evacuation of captured enemy material as a command responsibility at all levels. The prescribed method of evacuation is through normal logistic channels, this directive defines exploitation as the examination, analysis, evaluation, intelligence production, and use of captured material for intelligence purposes. Exploitation of captured enemy material by US units, below the level of division and separate brigade, is limited. Their primary responsibility is

MACTR-IG

SUBJECT: Report of Investigation Concerning Firing Incident/Accident of  
A Troop, 1st Squadron, 9th Cavalry, in the Republic of Cambodia (U)

the recovery and initial evacuation of enemy material from the capture location to the nearest maintenance collecting point (EXHIBIT RED TAB J).

11. MACV Directive 525-13<sup>(2)</sup> 1 May 1971, defines the rules of engagement - Annex C applies specifically to Armed Helicopters (EXHIBIT RED TAB K).

12. LTC Carl A Putnam, Squadron Commander, 1-9 Cavalry, testified that on 19 May 1971, Major Richard A. Chilcoat, Troop Commander, A/1-9 Cavalry submitted a written report to him (EXHIBIT BLUE TAB B) of a firing incident in Cambodia that occurred on 18 May 1971. He further testified that during subsequent debriefings that additional unreported disturbing facts came to his attention causing him to desire increasingly more thorough investigations, culminating in his request on 27 May 1971, to COL Albert J. Fern Jr., Commanding Officer, 12th Combat Aviation Group (CAG), to appoint an investigating officer from outside the 1-9 Cavalry Squadron. He further stated COL Fern appointed MAJ James R. Rafferty, Executive Officer 3rd Squadron, 17 Cavalry. LTC COL Putnam readily admitted accepting a motorcycle at the 1-9 Cavalry stand-down party on 23 May 1971, and operating it on Di An Post. He testified that at the time of acceptance he did not know it was connected with this incident, and that he had considered the vehicle as a war trophy (EXHIBITS BLUE TAB D and TAB B-1).

13. LTC Harbin A. Constance, Deputy Commander, 12th CAG, testified that on 27 May 1971 that he relayed instructions from COL Fern to MAJ Rafferty to investigate an alleged firing incident in Cambodia, involving A/1-9 Cavalry and prepare a fact sheet with supporting statements on which COL Fern could base a decision of the need to initiate a formal investigation. He further testified that he gave the instructions to MAJ Rafferty and that he and COL Fern forgot these exact instructions during the interim period from the start to completion of the report. He further stated that COL Fern and he were initially dissatisfied with MAJ Rafferty's efforts, but that viewed in retrospect, MAJ Rafferty had satisfactorily accomplished his assigned mission (EXHIBIT RED TAB B-2).

14. MAJ James R. Rafferty, Executive Officer, 3-17 Cavalry testified that, LTC Constance informed him on 27 May 1971, that COL Fern desired him to conduct an informal investigation of a firing incident in Cambodia involving A/1-9 Cavalry and to prepare a fact sheet on which COL Fern could base a decision for a requirement for a formal investigation. He further testified that when he arrived at the 1-9 Cavalry, on 29 May 1971, he found MAJ Chole had already taken statements from all personnel concerned, so he re-swore the personnel to their statements and questioned the respondents about them, but did not record verbatim testimony as he saw no reason to do so in light of the instructions he had received. MAJ Rafferty stated he was thoroughly familiar with Air Cavalry Operations in Cambodia, the rules of engagement, and etc., and that he detected nothing unusual about this mission, with the exception of CPT Arnold H. Books having accompanied the ARVN Rangers on their ground surveillance portion of the mission. He further stated that since CPT Brooks

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MACTR-IG

SUBJECT: Report of Investigation Concerning Firing Incident/Accident of  
A Troop, 1st Squadron, 9th Cavalry, in the Republic of Cambodia (U)

✓ had been reprimanded, that he saw no value in pursuing the matter further and recommended that the case be closed (EXHIBIT RED TAB B-3).

✓ 15. CPT Clifford L. Knight, A/1-9 Cavalry, the pilot of the "low bird" on 18 May 1971, made a statement to MAJ Rafferty on 29 May 1971, to the effect <sup>that</sup> he was flying in his Visual Reconnaissance (VR) sector when he spotted numerous bicycles and motorcycles, a few of which had packs, around some buildings and attempted to investigate their presence in this area. When the personnel in the area refused to cooperate, he requested rocket fire be placed in an open field to attempt to draw out any enemy that might be in the area. He further stated that the personnel started leaving the area acting suspiciously, and as he returned to the area he received ground to air fire (GAF) from his right rear and reported this to the "high bird" who dived in and rocketed the area. He stated he again returned and spotted 5 bodies, 18 bicycles and 4 motor bikes destroyed, <sup>and</sup> 2 straw and 2 tin buildings destroyed. He further stated his gunner shot <sup>and</sup> another military age male, who was wearing a white shirt and khaki shorts, who was trying to run away. On 13 May 1971, when the TRAC Investigating Officer warned CPT Knight of his rights under Article 31, UCMJ, and advised him of his rights to counsel, CPT Knight requested counsel, and refused to make any further statement. On advice from his counsel he refused to make any further statement (EXHIBIT BLUE TAB I and EXHIBIT RED TAB B-4).

✓ 16. SP4 Vernon J. Gregory Jr., A/1-9 Cavalry, testified that he was an observer on the "low bird" flown by CPT Knight, and that they spotted numerous bicycles in the area under question. He stated that when they attempted to determine what was in the packs, in accordance with practices they had previously used, that the personnel in the area were uncooperative and that CPT Knight requested the "high bird" to place fire near the area, which he did. He further stated that the "high bird" then rocketed the area and that when they returned to the area he only personally observed one body. He stated he observed nothing unusual about this mission (EXHIBIT BLUE TAB H and RED TAB B-5).

✓ 17. SP4 John A. Nicholes, A/1-9 Cavalry, was a gunner on the "low bird" flown by CPT Knight. He testified he heard GAF and that the appearance of the area lead him to believe they had spotted a VC bicycle convoy. SP4 Nicholes, in addition, testified that he shot one military age male wearing khaki pants and a long sleeve khaki shirt, with his M-60 machine gun that was mounted in the "low bird", while they were making their assessment of damage, after the "high bird" had rocketed the area (EXHIBIT BLUE TAB K and RED TAB B-6).

✓ 18. CPT David P. Schweitzer, A/1-9, the aircraft commander of the "high bird", testified that at approximately 1230 hours 18 May 1971, the "low bird" reported sighting several bicycles and motorcycles with packs in an area he had reconnoitred for several days previously. He further testified that he checked with the Vietnamese LNO when he received a request to fire and received permission to place fire in an adjacent open area near the sighting in an attempt to draw out any enemy that might be present and to cause any civilians present to

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take cover. After placing the fire in the open area, the "low bird" working with him returned to the area and reported receiving ground to air fire (GAF). CPT Schweitzer testified he then rocketed and strafed the area, opening up the buildings so his "low bird" could see inside. He further stated that he requested insertion of an ARVN Ranger team to attempt to find two individuals reported to be hiding in the area, and that when the ARVN Rangers arrived in the area, he fired preparation fire for them immediately prior to their insertion. He stated that a misalignment of his rocket tubes caused him to fire so close to one of UH 1 helicopters carrying the ARVN Rangers that the helicopter was forced to go around again before landing. He stated he was unaware that the ARVN Rangers did not have ground to air communications when they were inserted (EXHIBIT BLUE TAB L and RED TAB B-7).

19. CPT Bentley C. Humphrey, A/1-9 Cavalry, testified that he was flying the "high bird" with CPT Schweitzer. His testimony concerning the events up to the point of insertion of the ARVN Rangers was essentially the same as CPT Schweitzer's testimony. CPT Humphrey testified that he was in Tay Ninh when the ARVN Rangers returned and that they brought back civilian radios, ducks, chickens, pocket combs, wallets, civilian clothing, and numerous items of non-war material. He further stated that it was a common occurrence for the ARVN Rangers to loot an area when they were inserted (EXHIBIT BLUE TAB M and RED TAB B-8).

20. CPT Thomas C. Uzanski, A/1-9 Cavalry, testified that he was the mission commander for this mission and was on board the "C and C", UH 1 helicopter, being furnished by the 229th Assault Helicopter Company and that he cleared the area with the ARVN liaison officer and granted CPT Schweitzer permission to place the initial fire near the area. CPT Uzanski also testified that he saw muzzle flashes from weapons in a dike line firing at the "low bird". He further testified that all rules of engagement were observed and that none of his team unnecessarily expended ordnance (EXHIBIT BLUE TAB G and RED TAB B-9).

21. Aspirant Do Huu Cong, S-3 section, 25th ARVN Division, testified that he was accompanying CPT Uzanski in the "C and C" helicopter on 18 May 1971. He identified the aerial photograph (EXHIBIT TAB H) as being the correct area and stated he did not clear the area as a free fire zone or authorize reconnaissance by fire, but granted permission to "fire" when attacked by the enemy. He corroborated testimony received from CPT Uzanski concerning radio transmissions received from the "low bird" and stated his primary reason for being in that area was to observe the area since his unit planned operations in that area in the near future (EXHIBIT RED TAB B-10).

22. WO Richard F. Smail, 229th Assault Helicopter Company, Pilot of the "C and C" helicopter gave testimony essentially the same as CPT Uzanski. He stated, that although he did not personally see any GAF, that the evasive actions of the "low bird" and the rise in the inflections of the voice during commun-

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indicated the "low bird" was receiving GAF. WO Smail further stated that he flew approximately 135 to 140 hours each month on similar missions and that he saw nothing unusual occur during this mission (EXHIBIT RED TAB B-11).

23. CW2 Roger R. Santo, 229th Assault Helicopter Company, Co-pilot on the "C and C" helicopter testified he could not identify the area from the aerial photograph, because he constantly flew missions in that area. He related that his only knowledge of the events was from radio transmissions. He further stated, that since the helicopter was making left turns, he was unable to observe anything of value, that would assist in the investigation (EXHIBIT RED TAB B-12).

24. SP4 Donald I. Morehouse, 229th Assault Helicopter Company, the crew chief on the "C and C" helicopter testified he could not identify the area from the aerial photograph of the area and stated he was unable to make any contribution toward the investigation because he participated in so many missions he could not recall any particulars of this mission (EXHIBIT RED TAB B-13).

25. SP4 Dale L. Howell, 229th Assault Helicopter Company, was the gunner on the "C and C" helicopter and was unable to recall any of the particulars of the incident. (EXHIBIT RED TAB B-14)

26. CW2 Davin G. McLaughlin, A/1-9 Cavalry, had departed the command, however, he furnished a statement to MAJ Rafferty on 29 May 1971, in which he stated that he received a briefing on station and replaced "white" which was the "low bird" flown by CPT Knight that originally reported taking GAF. CW2 McLaughlin stated he informed his "high bird" to hold fire as the ARVN Rangers were on the station ready to be inserted. He stated, that the ARVN <sup>Rangers</sup> were inserted and reconnoitering, by fire, but that he stopped them before they reached the main area of interest. He further stated that the ARVN Rangers met no resistance, grabbed what they could, and were extracted. He reported seeing wounded civilians and landing at one point with the intention of picking up one wounded girl, but that she was already dead (EXHIBIT BLUE TAB J).

27. SP4 Len J. Shattuck, A/1-9 Cavalry, was the gunner on the "low bird" piloted by CW2 McLaughlin. He testified the ARVN Rangers appeared melodramatic when they were inserted and in his opinion fired excessively in the area; however, he did not observe anyone engaged by their small arms fire. He stated that there were approximately 15 wounded personnel in the area and that he observed 2 males 50-60 years of age, and one female 8-10 years of age, <sup>who</sup> that appeared to be dead. He refused to answer when questioned if the aircraft he was in landed to attempt to evacuate the wounded. SP4 Harrington, A/1-9 Cavalry, the other member of the aircraft crew, had departed the command <sup>and</sup> was not available for questioning (EXHIBIT BLUE TAB Q and RED TAB B-15).

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28. CPT Thomas S. Agness, A/1-9 Cavalry, testified that on 18 May 1971, he was the pilot and CW2 George Bullis, who has departed the command, was the co-pilot on a UH1 carrying a portion of the ARVN Ranger Team that was inserted in the area, and that the team was accompanied on the ground by CPT Arnold H. Brooks, A/1-9. He further testified that the team had originally been on a "snatch" mission in the nearby area to obtain an individual for questioning by the 25th ARVN Division, however, they were diverted to this area and decided to perform the "snatch" in the contact area. CPT Agness stated the ARVN Rangers captured a POW and placed him on board the UH1 with his hands tied and then the team proceeded through the area. He stated the team met no resistance. CPT Agness stated he did not observe any dead or wounded personnel, but did receive a radio request to evacuate a wounded girl, which he denied on instructions of CPT Brooks <sup>because</sup> since he was fully loaded with the ARVN Ranger Team, and a motorcycle, and he was low on fuel. He also testified that the ARVN Rangers captured, but abandoned, one old type unidentified small arm (EXHIBIT BLUE TAB R and RED TAB B-16). This request

29. SP4 Gary T. Grawey, A/1-9 Cavalry, testified he was the crew chief on the UH1 helicopter, flown by CPT Agness, that carried Captain Arnold H. Brooks and the ARVN Ranger Team into the area. He further testified that CPT Brooks and the ARVN Rangers acted "hog wild" when they deplaned shooting up the area although they received no return fire. SP4 Grawey stated he did not see CPT Brooks or the ARVN Rangers engage personnel with their small arms, but that in the course of events, he did observe 5 to 10 Cambodian personnel that appeared to be wounded, but that he did not know if they were wounded from air or ground fire. SP4 Grawey further testified that the ARVN Rangers, accompanied by CPT Brooks, brought back a motorcycle which was later given to LTC Putnam, and that he had observed LTC Putnam operating the motorcycle on Di An Post (EXHIBIT BLUE TAB S and RED TAB B-17).

30. SP4 Howard M. Dunn, A/1-9 Cavalry testified he was the gunner on the UH1, flown by CPT Agness, that inserted the ARVN Ranger team, and that he saw CPT Brooks accompany the team into the area. He also testified to the capture of the detainee, his observing some 10-15 wounded Cambodians, and the extraction and disposition of the motorcycle (EXHIBIT BLUE TAB T and RED TAB B-18).

31. CPT John E. Liberg, an AHIG pilot, A/1-9 Cavalry, testified that he replaced CPT Schweitzer on station as the "high bird" for the hunter-killer team. He stated that he saw nothing out of the ordinary about this mission and did not expend any ordnance in the area. CPT Liberg testified that the area had been cleared as a free fire area. He did not see any wounded individuals in the area, but did witness the ARVN "Brown Team" leaving the area with ducks, chickens, cigarettes, and a large quantity of combs. He also saw CPT Brooks bring the motorcycle back to the aircraft. Since that time he has seen this motorcycle in the possession of LTC Putnam. (EXHIBIT BLUE TAB O and RED TAB B-19)

32. CPT Thomas T. Cappone, was the co-pilot for the AHIG Cobra aircraft piloted by CPT Liberg, A/1-9 Cavalry. CPT Cappone substantiated the testimony of CPT Liberg, but did not add anything of significance to it. (EXHIBIT BLUE TAB P and RED TAB B-20).

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33. SP4 Rudolph Kocis Jr., crew chief, A/1-9 Cavalry, testified that his door gunner, SP Koelle, who was located on the right hand side of the aircraft, had fired his M-60, either because he had seen something, or the pilot had told him that he could fire. SP Kocis did not notice anything unusual about the ARVN "Brown Team" insertion; however, he did note that upon extraction the team was carrying chickens, hair combs, tobacco, writing paper, and a civilian radio. He also saw a blue motorcycle at Tay Ninh and later witnessed LTC Putnam riding this same motorcycle (EXHIBIT BLUE TAB U and RED TAB B-21).

34. Major Richard A. Chilcoat, Troop Commander, A/1-9 Cavalry testified that his troop always carried an ARVN liaison officer aboard the "C and C" aircraft each time they went on an ARVN support mission into Cambodia. It was the job of this ARVN LNO to define the area that was to be worked and obtain the necessary clearances to fire. Major Chilcoat stated that it was common knowledge to everyone that US personnel were not allowed on the ground in Cambodia unless going into extract a downed aircraft's crew, medical evacuation, or some such thing. He stated this had been emphasized innumerable times at briefings. Major Chilcoat was at Tay Ninh when the ARVN Brown Team deplaned the aircraft and noticed that they had chickens, a radio, combs, and tobacco. He also testified that he took possession of a motorcycle from CPT Brooks at the airfield and later presented this motorcycle to LTC Putnam at a hail and farewell party. Major Chilcoat got the crews together when they had returned from this particular mission and discussed it with them. At that time it was almost unanimously agreed upon that there was a lot of indiscriminate firing by the ARVN "Brown Team" upon their insertion and that this firing had caused the civilian casualties. Later on that same evening, Major Chilcoat conducted another meeting with the pilots involved, and received another impression at this time, it was brought out that the initial suppressive fire put down by the "high bird" after the "low bird" had taken fire, could have caused the civilian casualties. No one saw the ARVN "Brown Team" members engaging civilians. Major Chilcoat stated that the normal procedure for handling captured material was followed in all cases, with the exception of the motorcycle. It was not followed in this particular case because it was "an effort to build some, not build, but maintain some esprit, just more or less as a presentation to the Squadron Commander since this was the last day of operations for the Squadron". Major Chilcoat testified that he had told the officers of his troop, at an officers call about three days prior to this mission, that he would like to get a motorcycle for the Squadron Commander. At this time he made it clear that it had to be enemy equipment or taken as a result of a contact. Major Chilcoat stated that he believed that the motorcycle was taken from the building where all the other bicycles were located in the area of contact (EXHIBIT BLUE TAB B, BLUE TAB C and RED TAB B-22).

35. SP5 Michael L. Williams (EXHIBIT BLUE TAB E), and SP5 Dennis E. Holzen (EXHIBIT BLUE TAB F) and SP Steven C. Koelle (EXHIBIT BLUE TAB V), all from A Troop, 1st Sqd, 9th Cav., were not present when the incident took place and could not contribute to this investigation.

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36. MSG Doung Van Van, the ARVN "Brown Team" platoon leader, 84th ARVN Ranger Platoon, identified the aerial photograph (EXHIBIT RED TAB H) as being the area of the firing incident/accident, and <sup>he</sup> stated <sup>that</sup> he saw 5 dead men in the area around the bunkers and connecting trenches, <sup>but</sup> he did not see any civilian casualties. He further stated there was much abandoned equipment and that he was sure the bicycles were of communist make because <sup>they had</sup> of the reinforced <sup>that</sup> carrying racks. He denied that his personnel participated in any looting, but <sup>he</sup> did assist the US Army Captain that lead them on the assault, in removing a blue motorcycle from the battle field (EXHIBIT RED TAB B-23).

37. CPT Arnold H. Brooks, A/1-9 Cavalry had been subsequently transferred to Fort Knox, Kentucky. In response to the investigation officer's request <sup>to</sup> the Inspector General, Fort Knox, <sup>to</sup> assist in the investigation, <sup>CPT</sup> interviewed Cpt. Brooks, <sup>he</sup> testified that he and Major Chilcoat had discussed obtaining a war vehicle for a trophy, but ~~that~~ he did not consider this to have the force of an order. CPT Brooks further testified that he accompanied the ARVN Brown Team on the ground in Cambodia, although he knew it was against orders. He stated he did not see any dead NVA or VC soldiers, but ~~that~~ he did observe some Cambodians civilians with superficial flesh wounds, and some destroyed motorcycles, and bicycles. He stated he did not see the ARVN Brown Team transport any property away from the area. He stated ~~they~~ assisted him in removing the motorcycle <sup>which</sup> and ~~that~~ the motorcycle was later presented to LTC Putnam. CPT Brooks further stated he considered the motorcycle a war trophy and did not consider he was stealing it. He further stated he reported the motorcycle among the captured and destroyed material (EXHIBIT RED TAB B-24 and EXHIBIT BLUE TAB N).

38. 2LT Nguyen Van Hay, an observer from the ARVN 25th Infantry Division, testified that he accompanied CPT Arnold H. Brooks on the ground in Cambodia in the vicinity of WU 521048 on 18 May 1971. He stated <sup>that</sup> <sup>although</sup> <sup>the</sup> the area was devastated but ~~that~~ he <sup>had</sup> only observed 2 men about 40 years old, <sup>who</sup> that were lightly wounded. He ~~stated~~ he did not observe any dead or wounded NVA/VC soldiers. He further stated they detained one individual and took him to the 49th ARVN Regimental Headquarters. ~~2LT Nguyen Van Hay stated that~~ This individual revealed that about 200 NVA/VC had been in this area. "LT Hay stated the ARVN Brown Team found 2 wooden rifles used for training, and ~~that~~ they destroyed 1 Honda motorcycle by shooting it up and ~~that~~ the ARVN Brown Team removed the Blue Suzuki for CPT Brooks. 2LT Hay stated he did not see the ARVN Brown Team loot any civilian property. <sup>He</sup> stated, because of the number of people versus the amount of food in the area that he believed that this was a VC/NVA supply point (EXHIBIT RED TAB B-25).

V.(C). DISCUSSION.

39. On 18 May 1971, LTC Carl M. Putnam, Commanding Officer, 1-9 Cavalry, received some information that disturbed him, concerning an alleged firing incident/accident involving A/1-9 Cavalry. The incident/accident was reported as occurring on or about 1200 hours 18 May 1971 in the vicinity of UTM grid coordinates WU 521048, Republic of Cambodia. As a result of this information, ~~1st~~ Putnam directed Major

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Richard A. Chilcoat, Commanding Officer, A/1-9 Cavalry to submit him a written report of the incident. Major Chilcoat submitted the written report on 19 May 1971 (EXHIBIT BLUE TAB B).

40. During subsequent interviews and debriefings, unreported, pertinent, and suspicious facts continued to emerge, which caused LTC Putnam to desire an investigation to be conducted by an officer from outside of A/1-9 Cavalry. LTC Putnam appointed MAJ Hilbert H. Chole, Executive Officer, 1-9 Cavalry, to conduct an investigation of the alleged firing incident/accident on 27 May 1971 (BLUE TAB A). Later that same morning, as MAJ Chole began the investigation and presented additional information to LTC Putnam, the Commanding Officer, 1-9 Cavalry, realized the extent of the involvement of the members of the 1st Squadron Cavalry and requested that COL Albert J. Fern Jr., Commanding Officer, 12th Combat Aviation Group, (CAG) appoint an investigating officer from another unit. COL Fern instructed LTC Harbin A. Constance, Deputy Commanding Officer, 12th CAG, to "get in touch" with MAJ James R. Rafferty, Executive Officer, 3-17 Cavalry, to have him informally investigate the matter and prepare a fact sheet with supporting statements on which COL Fern could base a decision of whether a formal investigation should be conducted, or not. LTC Constance relayed these instructions to MAJ Rafferty, whose date estimated return from overseas (DEROS) was 11 June 1971.

41. When MAJ Rafferty arrived at A/1-9 Cavalry and began his investigation on 29 May 1971, he found MAJ Chole had already taken statements from the witnesses. MAJ Rafferty accepted these statements, again swore the witnesses, and questioned them concerning their testimony, but did not record verbatim testimony. Major Rafferty submitted his completed report, dated 5 June 1971, to COL Fern (EXHIBIT RED TAB C).

42. On receiving MAJ Rafferty's report on 7 June 1971, COL Fern, whose DEROS was 11 June 1971, did not approve MAJ Rafferty's recommendations. COL Fern then brought the alleged firing incident/accident to the attention of the Commanding General, Third Regional Assistance Command (TRAC) during the evening of 7 June 1971. He stated he was not satisfied with the investigation, or words to that effect. The Chief of Staff instructed LTC Robert B. Clark, Staff Judge Advocate, TRAC, to review the report of investigation, which had been submitted to COL Fern. LTC Clark reviewed the report and concurred with COL Fern's opinion that the investigation was not sufficient. LTC Clark recommended to the Chief of Staff, TRAC, that the incident be further investigated, preferably by an officer from Headquarters TRAC.

43. The Chief of Staff, TRAC, designated LTC John W. Mantooth, Deputy Inspector General, TRAC, as the investigating officer on 10 June 1971, and personally informed the TRAC investigating officer, that the Commanding General, TRAC desired a thorough investigation of this incident, and that the investigating officer had the full backing of the Commander to accomplish his investigative mission.

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44. The previous informal investigation performed by Major James R. Rafferty, Executive Officer, 3-17 Cavalry, was so brief and unprofessional that the TRAC Investigating Officer immediately contacted MAJ Rafferty, who was out processing for DEROS, and questioned him under oath to determine if perhaps Major Rafferty was involved in an attempt to conceal information pertaining to the investigation. Questioning revealed that MAJ Rafferty had received instructions relayed by LTC Constance, which viewed in retrospect, were confusing. Although MAJ Rafferty used AR 15-6 as a guide, he did not attempt to perform an investigation of the thoroughness required by the regulation, nor did he anticipate, in view of his instructions, that COL Fern would later interpret it as being a complete investigation. LTC Constance later corroborated MAJ Rafferty's assertion that he had not been apprised that a thorough formal investigation was desired. LTC Constance also agreed that the instructions, when viewed in retrospect, were confusing, and stated that in the rush of activity of getting COL Fern cleared for DEROS etc., that they had forgotten the exact instructions passed to Major Rafferty.

45. Beginning on 11 June 1971, the TRAC investigating officer had all known witnesses that still remained in Vietnam recalled and initiated a complete investigation of the alleged firing incident/accident, questioning them on previously submitted statements, collecting additional evidence, and taking <sup>ed</sup> ~~took~~ verbatim testimony. ~~Throughout the investigation~~ the investigating officer's activities were closely coordinated with the SJA, TRAC. Because of the involved nature of the incident, ~~throughout the investigation.~~

46. Questioning of the witnesses revealed that on or about 1230 hours, 18 May 1971, in the vicinity of UTM Grid Coordinates WU 521048, Republic of Cambodia, members of A/1-9 Cavalry, working as a hunter-killer team, were conducting a visual reconnaissance mission in an alternate area that had been cleared, to the best of their knowledge, as a "Free Fire Zone" or an area in which reconnaissance by fire was permitted. According to testimony of US personnel, the area had been cleared by the ARVN 25th Division LNO, Aspirant Do Hau Cong, Aspirant Cong denied clearing the area as a "Free Fire Zone" and stated that the Americans automatically returned fire when they received GAF. Aspirant Cong's command of the English language was very limited. Although he was responsible for interpreting, granting clearances, and working with the US personnel supporting and coordinating the mission of the 25th ARVN Division, Aspirant Cong's command of the English language was very limited.

47. The A/1-9 Cavalry, hunter-killer team was composed of a "low bird", OH6A, Light Observation Helicopter, flown by CPT Clifford L. Knight, and carried 2 crew members: SP4 Vernon J. Gregory, the observer, and SP4 John S. Nicholes, the gunner. The "high bird", AH1G, Attack Helicopter, commonly known as a Cobra, was flown by CPT Bentley C. Humphrey and was commanded by CPT David P. Schweitzer. Also assisting in the mission was a UH1 utility helicopter, known as the Command and Control, "Command C", flown by WO1 Richard

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F. Smail, <sup>and</sup> co-piloted by CW2 Rodger R. Santo. The crew chief was SP4 Donald I. Morehouse, and the gunner was SP4 Dale L. Howell. All were members of the 229th Assault Helicopter Company. The mission commander, CPT Thomas C. Uznanski, A/1-9 Cavalry, was a passenger on board the "C and C" as was the 25th ARVN Division Liaison Officer, Aspirant Cong.

48. During reconnaissance of a road that passes through a small group of buildings, <sup>a</sup>village, or hamlet, UTM grid coordinates WU 521048, crew members of the "low bird" spotted, numerous partially concealed bicycles and motorcycles, <sup>some of</sup> which <sup>had</sup> trailers and packs. The appearance of the items aroused the "low bird" crew's suspicion and they motioned, from the helicopter, for the individuals in the area to open up the packs on these vehicles. This is a commonly employed procedure. (According to testimony) The individuals on the ground in the area did not comply and started moving away from the area, and looking back toward the buildings in a suspicious manner. CPT Knight, from the "low bird" called CPT Schweitzer, in the "high bird", and requested he place probing fire near the area in an attempt to force into action any enemy personnel that might be in the area, and to cause any civilians in the area to move out. The "high bird" made a pass and placed 2 white phosphorous rockets in an open field about 50 yards south of the buildings. The "low bird" proceeded back into the area, <sup>and</sup> reported receiving ground to air fire (GAF), and then requested the area be attacked. Armed helicopters are required to defend their members in accordance with annex C paragraph 2f(5) MACV Directive 525-13, 1 May 1971 (EXHIBIT RED TAB K). The "low bird" took evasive action, departing the area while simultaneously reporting <sup>that</sup> it had taken GAF, although it did not receive any hits. The "high bird" then came in and rocketed and strafed the buildings and surrounding area with approximately 15 ~~to~~ 18 rounds of high explosive rockets and machine gun fire, <sup>this blew</sup> blowing the roof off one large building, and setting it on fire, along with some other thatched roof structures in the area. In the process several bicycles and motorcycles were destroyed and more were revealed in the buildings. Approximately 6 adult males, and 1 female and 1 male sub teenage children, were either killed or very seriously wounded, and 15-20 other personnel were wounded or gave the appearance of being wounded, by the aerial rocket attack. The "low bird" then returned to the area for Battle Damage Assessment (BDA), reported the above results, and spotted one additionally military age male attempting to seek cover by fleeing into a building. The "low <sup>bird</sup> ~~gunner~~" gunner, SP4 Nicholes, machine-gunned the building to <sup>which</sup> he was fleeing, apparently killing the individual, as he fell part out and part in the building he had reached. Shortly after this, the "low bird" departed the station because of low fuel and was replaced by another OH6A, "low bird", flown by CW2 Davin G. McLaughlin, <sup>which</sup> the crew chief, was SP4 Odell Harrington, and SP4 Len J. Shattuck, the gunner. All were members of A/1-9 Cavalry.

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49. CPT Schweitzer, in the "high bird", then requested the insertion of an ARVN Brown Team, consisting of approximately 20 ARVN Rangers from the ARVN, 84th Ranger Co, Katum, who were helicopter borne in the vicinity of the contact, but on a different mission at the time. One UH1 helicopter, carrying part of the ARVN Brown Team, was commanded by CPT Thomas S. Agness, and piloted by CW2 George Bullis. The crew chief was SP4 Gary T. Grawey, and the gunner was SP4 Howard M. Dunn. All members of A/1-9 Cavalry. The second UH1 helicopter was piloted by WO Delbert Jackson, the crew chief was SP4 Rudolf Kocis and the gunner was SP4 Steven C. Koelle. Both crews were members of A/1-9 Cavalry. The ARVN Brown Team, which was accompanied by a US Army Captain, Arnold H. Brooks, Troop Operations Officer, A/1-9 Cavalry, was originally on an "Eagle Flight" with the mission to snatch an individual for questioning. This team was diverted to the contact area and inserted after the landing zone was prepared with suppression fire by CPT Schweitzer in the "high bird". In the process, CPT Schweitzer fired so close to one of the UH1A helicopters, carrying part of the ARVN Brown Team, that the helicopter was forced to go around again before landing. CPT Schweitzer stated his rocket tubes were not correctly bore sighted. At this point CPT Schweitzer returned to Tay Ninh for fuel and was replaced on station by another AH1G "high bird" commanded by CPT John E. Liberg, and CPT Theodore T. Cappone, the Co-pilot, both of A/1-9 Cavalry. They expended no ordnance.

50. When the ARVN Brown Team members deplaned from their helicopters they engaged to the maximum capability of their individual weapons, all objects on or near the landing zone that could afford cover or concealment to an enemy. This tactical procedure gave the appearance of reckless firing and melodramatics to some of the US personnel, especially since no return fire was received. No person questioned, concerning this incident, at any time saw an ARVN Brown Team member, or the US Army Captain, Arnold H. Brooks, who accompanied the ARVN Brown Team and was firing a machine gun, actually shooting any civilian or military personnel. The remaining civilians that were in the rocketed area that were ambulatory, had moved out of the immediate area before or during the rocket attack by the "high bird", but were observed by some of the replacement helicopter crews on the "low bird", and the UH1 helicopters that inserted the ARVN Rangers. SP4 Len J. Shattuck estimated approximately 15 to 20 appeared to have been wounded. CW2 Davin G. McLaughlin landed in the area to attempt to evacuate a wounded small girl, but she was already dead. The ARVN Brown Team made a quick sweep of the area, encountered no resistance, and departed with the items they had looted.

On or about 15 May 1971,

51. MAJ Richard A. Chilcoat, Commanding Officer, A/1-9 Cavalry, had expressed a desire to the officers of A/1-9 Cavalry on or about 15 May 1971, to obtain a captured motorcycle, or motor bike, for presentation to LTC Carl M. Putnam, Squadron Commander, 1-9 Cavalry, during a party that was being planned to fete the officers of the 1-9 Cavalry, as the unit was standing down. This

at a stand-down party

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This expressed desire of MAJ Chilcoat, undoubtedly influenced CPT Brooks, who was depicted as being a young, aggressive, and highly motivated officer, intentionally to violate a standing order prohibiting US ground troops in Cambodia, and to accompany the ARVN Brown Team which looted the buildings and grounds of the rocketed area. The ARVN Brown Team took chickens, ducks, civilian radios, civilian clothing from the area, and a quantity of combs, tobacco, and wallets, from a sales stand that had been damaged. CPT Brooks brought back a blue Suzuki Motorcycle, SN KIO 52-3984, in a good state of repair, with approximately 15,909 kilometers registered on the odometer. MAJ Chilcoat took possession of the motorcycle, with knowledge of how it was obtained, and subsequently presented it to LTC Putnam at the stand down party.

52. LTC Putnam accepted the motorcycle, and operated the unregistered vehicle for a few days on Di An Post. <sup>During this time he was</sup> while making inquiries about the procedure for registering the vehicle as a privately owned conveyance, or a war trophy. In the course of events that followed, LTC Putnam realized that his position in the incident was vulnerable to criticism, and also learned that he could not register the vehicle. The motorcycle was then turned into the S-2, 12th CAG, on 12 June 1971, where it was processed as captured war material, and disposed of under the provision of MACV Directive 381-24.

53. Operational reports of this incident were submitted 181305H May 1971, to the Tactical Operations Center, TRAC, and a delayed report submitted on 11 June 1971, to the Combined Operations Center, Military Assistance Command Vietnam, under the provision of MACV Directive 335-12, dated 20 September 1970.

VI.(C). CONCLUSIONS.

54. On 18 May 1971, members of A/1-9 Cavalry, while on an authorized aerial reconnaissance mission in support of the ARVN 25th Infantry Division in the vicinity of UTM Grid Coordinates WU 521048, Republic of Cambodia, killed approximately 6 military age males, 2 sub-teenage children, and wounded 15-20 Cambodian civilian personnel by aerial rocket and machine gun fire.

55. The OH6A helicopter, flown by CPT Clifford L. Knight, the "low bird" of A/1-9 Cavalry, "Hunter-Killer" team, received ground to air fire from one or more locations within the area of the firing incident/accident and requested that fire to be placed on the location.

56. The ARVN Rangers used standard suppressive fire techniques during insertion in the area that may have been excessive, considering the conditions at the time, but did not cause casualties with their individual weapons.

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✓ 57. The ARVN Rangers looted the area of the firing incident/accident of non-military material, of an undetermined value, for their personal use.

58. A US Army Captain, Arnold H. Brooks, A/1-9 Cavalry, accompanied the ARVN Rangers on the ground in Cambodia in violation of standing orders of which he had knowledge.

59. CPT Arnold H. Brooks looted a blue Suzuki motorcycle, SN KIO 52-3984, from the area of the firing incident/accident.

✓ 60. CPT Arnold H. Brooks' actions were probably due to an expressed desire made by his commanding officer, MAJ Richard A. Chilcoat, to obtain a motorbike for presentation to the Squadron Commander during the unit's stand down.

61. MAJ Richard A. Chilcoat took possession of the looted motorcycle and subsequently presented it to LTC Carl M. Putnam.

62. LTC Carl M. Putnam accepted the looted motorcycle, retaining and operating it on Di An Post while attempting to register it as a privately owned conveyance or a war trophy.

VIII.(U) RECOMMENDATION.

63. It is recommended that:

a. This report be approved and forwarded through channels to Headquarters, Military Assistance Command Vietnam, in accordance with MACV Regulation 20-4.

b. That consideration be given to informing the Commanding General, III ARVN Corps, of the conduct of members of the ARVN "Brown Team".

c. A copy of this investigation be furnished to the Commanding General, 3d Brigade, 1st Cavalry Division (Airmobile), for appropriate action and a reply to the Commanding General, HQ TRAC, as to the action taken.

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**“Brooks Incident,” Final Summary  
by the Vietnam War Crimes Working  
Group, May 1, 1972**

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(As of 1 May 1972)

219. BROOKS INCIDENT

ALLEGATION:

1. Excessive bombardment.
2. Pillage of a Cambodian village.
3. Violation of the rules of engagement (ROE).

SUBJECT/SUSPECTS:

1. LTC Carl C. Putnam, CO, 1/9th Cav, 1st Cav Div.
2. MAJ Richard Chilcoat, Trp A/1/9th Cav, 1st Cav Div.
3. CPT Arnold H. Brooks, same unit.
4. CPT Clifford L. Knight, same unit.
5. CPT David P. Schweitzer, same unit.
6. CPT Thomas C. Uzanski, same unit.
7. SP4 John S. Nicholes, same unit.

COMPLAINANT: CO, 1/9th Cav, 1st Cav Div.

BACKGROUND (C): A US helicopter "hunter-killer" team, while on a visual reconnaissance mission over Cambodia on 18 May 71, engaged a built-up area with excessive fire power. A ground reconnaissance conducted by an ARVN platoon which was inserted by helicopters followed the aerial attack. The aerial attack and ground recon resulted in several Cambodians being killed and wounded, and one male being detained for interrogation. Members of the ARVN platoon and a US CPT, who accompanied the platoon, retained property removed from the village when they were extracted.

STATUS/PROGNOSIS (C): Investigation completed; substantiated.

An investigation UP MACV Dir 20-4 was conducted and the results forwarded to HQ, DA. The investigation revealed that on 18 May 71, a helicopter hunter-killer team from Trp A/1/9th Cav was on a visual recon mission in Cambodia. Crew members of the LOH helicopter observed a number of motorcycles and bicycles with packs near a small village which they suspected was an enemy convoy. Visual indicators were given to the villagers to open the packs for inspection. Ordnance was fired near the village to draw fire and force the inhabitants into the open for observation after they did not comply with the request. On a subsequent pass the pilot of the LOH heard gunfire behind him and notified the gunship that he was taking fire. The mission CO in the command and control (C&C) helicopter saw muzzle flashes of automatic fire from a dike 100 meters south of the village and so advised the cobra gunship, which fired rockets at the dike and at buildings near it. The gunner aboard the observation helicopter engaged various targets in the village with machine gun fire. Gunship preparatory fire preceded the landing of an ARVN platoon, which had been diverted from another mission. A US CPT accompanied the platoon on the ground in violations of standing orders. The troops, reconnoitering by fire, did not search bunkers for enemy forces, nor were enemy weapons or other war materiel found. One wounded Cambodian male was taken aboard an aircraft for interrogation at the base camp. Civilian casualties were estimated at eight dead, including two children, 15 wounded, and three or four structures destroyed. There is no evidence that the wounded were

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(As of 1 May 72)

219. BROOKS INCIDENT (continued)

provided medical treatment by either US or ARVN forces. There were no reported friendly casualties. Other than the possible ground to air fire heard by the pilot of the LOH, there appears to have been no other offensive fire toward the helicopter team. Members of the ARVN platoon returned to the aircraft with large quantities of civilian property, including tobacco, poultry, and radios, and the US CPT returned to the aircraft with a motorcycle. The ground forces were extracted with their booty after being on the ground approximately 30 minutes. The motorcycle was presented to the Sqdn CO who, after several days, requested an investigation of the incident and turned in the motorcycle to a maintenance collecting point. The incident was neither properly investigated nor reported initially. Letters of reprimand were issued to LTC Putnam and MAJ Chilcoat for their actions and/or inactions concerning this incident. Court-martial charges preferred against CPT Brooks were dismissed by CG US Army Armor and Training Center Fort Knox, KY on 21 April 1972. The CG, Ft Knox, however, gave CPT Brooks an administrative letter of reprimand for his actions. No action was taken against the other subjects.

WITNESSES: Members of Trp A/1/9th Cav, 1st Cav Div.

INITIATED BY WHOM: CO, 1/9th Cav.

RESPONSE TO INITIATOR: CO, 1/9th Cav was interviewed.

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