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WITNESS STATEMENT
(AR 195-10 - TB PMG 3)

PLACE Sherman Oaks, California	DATE 28 Feb 70	TIME 1300	FILE NUMBER [REDACTED]
LAST NAME, FIRST NAME, MIDDLE NAME HENRY, James Daniel (M-4 Apr 47)	SOCIAL SECURITY ACCOUNT NO. [REDACTED]		GRADE Civilian
ORGANIZATION OR ADDRESS [REDACTED]			

SWORN STATEMENT

James D. HENRY

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

First of all I would like to make it clear that the purpose of this interview and the purpose for divulging the names of the persons who were involved in the incidents which will be described in this tape is not to "get" any of the individuals who were involved in any of these incidents; that the purpose is not to embarrass any of the families or any of the persons who were involved in these incidents, but solely to make sure that these kinds of incidents do not occur again; second, that there is no defamatory intent on my part, nor is there any intent to injure any individual or their reputation or their standing in the community; third, that the conditions attached to this interview under which names will be given are as follows: First, that I understand that the individuals to whom I am speaking are licensed investigators of the Criminal Investigation Division of the US Army and that the information which will be given here is for official use only and will not be released except at a trial; that in fact permission is expressly denied to use this material in any other way except in a criminal investigation for the purpose of bringing other persons to trial or at a trial itself; and finally that all of the information that follows and all of the names which will be given of individuals who were involved in any particular acts are given on information and belief.

My name is James D. HENRY. I was inducted into the US Army on March 12, 1967. I went to Ft Polk for basic training, and I was later transferred to Ft Sam Houston, Texas, for the rest of basic training and AIT. From there I got 12 days leave and following that, I was sent to Vietnam. I arrived in Vietnam the last of September or August 1967. I was assigned to HHC, 1/35th Inf, 3d Bde. I spent a couple of weeks in base camp with Hq Co and then I was assigned to B Company, 1/35th Inf. This was in Duc Pho, Vietnam. From there we went up to Chu Lai. We operated west of Chu Lai, and on the 8th of October 1967, we got into a fire fight. It was my first fire fight and at that time I witnessed a 12 year old boy executed for no reason by a medic. I didn't actually see the boy executed. Somebody caught him up on a hill and they brought him down and the Lieutenant asked who wanted to kill him, who wanted to shoot him. Two guys, an RTO and a medic said that they did. The RTO kicked the boy in the stomach and the medic took him around behind a rock and I heard one magazine go off complete on automatic. This took place during a rainstorm. At that point the Captain called up and asked what happened. The shooting was reported as a KIA. The Captain asked where the body was and they said it was going down the river. Nobody told the Captain it was a 12 year old boy who was unarmed and didn't have anything on but shorts. After that we stayed in the field a couple more weeks and we went into base camp on Hill 488 I think. I'm not sure about that hill number. 1st Platoon went out on a night ambush from there. I was told by men of the 1st Platoon that they raped and executed five women which they caught in their ambush. Men of the other platoons later went down and saw the bodies. From there we went to LZ Baldy which was made our base camp. Of course, the company spent almost all this

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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [NAME] TAKEN AT [PLACE] DATED [DATE] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [NUMBER] OF [TOTAL] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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STATEMENT OF JAMES D. HENRY, TAKEN AT SHERMAN OAKS, CALIFORNIA, DATED 28 FEB 70
(CONTINUED):

come in the field. We'd come in about once a month for two or three days stand down, sometimes for five days if we were lucky. Prior to Baldy I saw a man executed in a cave. 2d Platoon had found him sleeping in his hooch. I heard the Lieutenant in charge of 2d Platoon ask the Captain for permission to test fire a weapon which I thought was normal procedure. I was relatively new in the country. I heard the firing as I walked and I heard small arms firing, M-60 and .45 caliber fire. As I walked through the bamboo, I saw this man sitting upright against the wall of a little cave and everybody was taking pot shots at him seeing how accurate they were. The next incident that I witnessed personally was a man on February 8th. We found him in a spider hole. I was one of the men that found him, and after we found him I walked away from him. Some other people were asking him questions - if he were VC and of course he said "no VC". I don't know if he understood English. I suppose they suspected him of being VC or NVA. He was held down on the ground and the APC ran over him twice. They drove over him forward which didn't kill him because he was squirming around, so the APC backed over him again. This was witnessed by the Captain and myself and a number of other GI's. Later we moved on into a small hamlet, village, whatever. I sat down in a hooch, started smoking a cigarette - it was a break - and over the horn came a statement by the Lieutenant of 3d Platoon saying that the 3d Platoon had rounded up 19 civilians which were women and children. The Lieutenant asked the Captain what should be done with them. The Captain asked the Lieutenant if he remembered the Op Order (Operation Order) that came down that morning and he repeated the order which was "kill anything that moves". He repeated the order which was to kill anything that moves. The Lieutenant with that signed off. I was a little shook at the statement because I thought the Lieutenant might do it. I got out of the hooch and started walking over to the Captain. As I was walking over to him a young girl about 19 was pulled out of a hooch. She was naked, so I made the assumption that she had been raped or molested or some such thing which was very common. She was brought out to where the civilians were squatting which was approximately 15 meters from the hooch. She was thrown to the ground. The men around the civilians opened fire and all on automatic or at least it seemed all on automatic. It was over in a few seconds. There was a lot of blood and flesh and stuff flying around from the velocity of the M-16's at that close a range. In the meantime the Captain had been trying to get back in contact with the 3d Platoon Lieutenant, apparently trying to countermand what he had told him prior because I think he realized what might happen or what could happen. That was the last incident that I saw. We got in a fire fight, rather a horrendous fire fight, the next day which was one reason I believe it was never reported - the incident I just described. We lost quite a few men, our company, C Company, lost a lot of men and had an NVA body count of somewhere around 300. I don't know how much it was blown up - there was at least 200 killed, NVA's that is. The Lieutenant of the 4th Platoon said he was going to report the incident I described. Whether he did or not I don't know. I heard that he did. The Lieutenant of the APC's said he was going to report the incident - now whether he did or not I don't know. I reported the incident to [REDACTED] when I returned from Vietnam and the lawyer whom I saw. I related it to an attorney, [REDACTED], I related it to a JAG attorney for the Army at Ft Hood which was in confidence

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