

Chapter 12

FINDINGS AND RECOMMENDATIONS

B. Concerning The Adequacy Of Reports, Investigations And Reviews

(11) The commanders of TF Barker and the 11th Brigade had substantial knowledge as to the extent of the killing of non-combatants but only a portion of their information was ever reported to the Commanding General of the Americal Division.

(12) Based on his observations, WO1 Thompson made a specific complaint through his command channels that serious war crimes had been committed but through a series of inadequate responses at each level of command, action on his complaint was delayed and the severity of his charges considerably diluted by the time it reached the Division Commander.

(13) Sufficient information concerning the highly irregular nature of the operations of TF Barker on 16 March 1968 reached the Commanding General of the Americal Division to require that a thorough investigation be conducted.

(14) An investigation by the Commander of the 11th Brigade, conducted at the direction of the Commanding General of the Americal Division, was little more than a pretense and was subsequently misrepresented as a thorough investigation to the CG, Americal Division in order to conceal from him the true enormity of the atrocities.

(15) Patently inadequate reports of investigation submitted by the commander of the 11th Brigade were accepted at face value and without an effective review by the CG, Americal Division.

(16) Reports of alleged war crimes, noncombatant casualties, and serious incidents concerning the Son My operation of 16 March were received at the headquarters of the Americal Division but were not reported to higher headquarters despite the existence of directives requiring such action.

(17) Reports of alleged war crimes relating to the Son My operation of 16 March reached Vietnamese government officials, but those officials did not take effective action to ascertain the true facts.

(18) Efforts of the ARVN/GVN officials discreetly to inform the US commanders of the magnitude of the war crimes committed on 16 March 1968 met with no affirmative response.

C. Concerning Attempts To Suppress Information

(19) At every command level within the Americal Division, actions were taken, both wittingly and unwittingly, which effectively suppressed information concerning the war crimes committed at Son My Village.

(20) At the company level there was a failure to report the war crimes which had been committed. This, combined with instructions to members of one unit not to discuss the events of 16 March, contributed significantly to the suppression of information.

(21) The task force commander and at least one, and probably more, staff officers of TF Barker may have conspired to suppress information and to mislead higher headquarters concerning the events of 16 - 19 March 1968.

(22) At the 11th Brigade level, the commander and at least one principal staff officer may have conspired to suppress information to deceive the division commander concerning the true facts of the Son My operation of 16-19 March.

(23) A reporter and a photographer from the 11th Brigade observed many war crimes committed by C/1-20 Inf on 16 March. Both failed to report what they had seen; the reporter submitted a misleading account of the operation; and the photographer withheld and suppressed (and wrongfully misappropriated upon his discharge from the service) photographic evidence of such war crimes.

(24) Efforts within the 11th Brigade to suppress information concerning the Son My operation were aided in varying degrees by members of US Advisory teams working with ARVN and GVN officials.

(25) Within the Americal Division headquarters, actions taken to suppress information concerning what was purportedly believed to be the inadvertent killing of 20 to 28 noncombatants effectively served to conceal the true nature and scope of the events which had taken place in Son My Village on 16-19 March 68.

(26) Failure of the Americal Division headquarters to act on reports and information received from GVN/ARVN officials in mid-April served effectively to suppress the true nature and scope of the events which had taken place in Son My Village on 16-19 March 1968.

(27) Despite an exhaustive search of the files of the 11th Brigade, Americal Division, GVN/ARVN advisory team files, and records holding centers, with few exceptions, none of the documents relating to the so-called investigation of the events of 16-19 March were located.

D. With Respect To Individuals

(1) During the period March-June 1968 a number of persons assigned to the Americal Division and to US Advisory elements located in Quang Ngai Province had information as to the killing of noncombatants and other serious offenses committed by members of TF Barker during the Son My operation in March 1968 and did one or more of the following:

a. Failed to make such official report thereof as their duty required them to make;

b. Suppressed information concerning the occurrence of such offenses acting singly or in concert with others;

c. Failed to order a thorough investigation and to insure that such was made, or failed to conduct an adequate investigation, or failed to submit an adequate report of investigation, or failed to make an adequate review of a report of investigation, as applicable;

or committed other derelictions related to the events of the Son My operation, some constituting criminal offenses.