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(As of 28 Feb 72)

194. BERNATH ALLEGATION (VVAW-WSI)

ALLEGATION: 1. Electrical torture of PW's/detainees.
2. Gassing of civilians.

SUBJECT/SUSPECTS: 1. Unidentified members of an unidentified MI unit.
2. Unidentified members, 101st MP Co, 101st Abn Div.

COMPLAINANT: Mr. Fred R. Bernath, former 1LT, 101st MP Co, 101st Abn Div, Dec 68 - Oct 69.

BACKGROUND: Between 31 Jan and 2 Feb 71, at Detroit, MI, Mr. Bernath testified at the "Winter Soldier Investigation" (WSI) as a member of an organization identified as the Vietnam Veterans Against the War (VVAW). Mr. Bernath testified to the use of electrical torture by field telephones, and the gassing of civilians at a garbage dump near LZ Sally. He said both these practices were "unofficial standard procedure."

STATUS/PROGNOSIS: Investigation completed; insufficient evidence.

In a written, sworn statement to CID on 13 Jul 71, Mr. Bernath stated he personally observed one occasion when a detainee was tortured by the use of a field telephone. Mr. Bernath said this incident occurred at LZ Sally during Mar - Oct 69, but was unable to identify any of the individuals involved or specific date of the incident. Mr. Bernath said he never personally observed the gassing of civilians, but identified SFC [REDACTED] as a possible witness. On 24 Aug 71, SFC [REDACTED], in a written, sworn statement, denied knowledge of electrical torture, nor did he witness the gassing of VN civilians as alleged by Mr. Bernath.

WITNESSES: SFC [REDACTED], 82d MP Co, 82d Abn Div, Ft. Bragg, NC, formerly a platoon sergeant with the 101st MP Co.

INITIATED BY WHOM: AGC; WSI material is contained in the Congressional Records of 6 and 7 Apr 71.

RESPONSE TO INITIATOR: AGC has been notified of review and evaluation.

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