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(As of 9 Jul 71)

189. HARTNER ALLEGATION (VVAW-WSI)

ALLEGATION:

1. Murder of a VN baby.
2. Wounding of three VN women.
3. Suppression of the above information.

SUBJECT/SUSPECTS: Unidentified S-3 and members of 3d Bde, 4th Inf Div, RVN.

COMPLAINANT: Mr. John T. Hartner, former E-5, HHD, 3d Bde and HHD, 2d Bde, 4th Inf Div, Nov 69 - Aug 70.

BACKGROUND: Between 31 Jan and 2 Feb 71, at Detroit, MT, Mr. Hartner testified at the "Winter Soldier Investigation" (WSI) as a member of an organization identified as Vietnam Veterans Against the War (VVAW). Mr. Hartner testified that in his capacity in Bde TOC, he was able to examine and correlate field reports. He specifically related, as an example of Bde SOP on search and destroy, recon by fire, etc., that on 1 Feb 70, three women were wounded and one baby killed by a gunship at coordinates AR941691 (Le Trung District, Pleiku Province). The Bde S-2 refused to report until the incident was deleted (dead VN could not be listed as civilians).

STATUS/PROGNOSIS: Investigation completed; insufficient evidence.

Mr. Hartner was interviewed by CID on 24 Jun 71. In a sworn statement, he stated that it was not his intention to have anyone charged with some sort of crime, therefore he would not reveal any factual information concerning his allegations. He felt that an investigation into the allegations would not benefit anyone. Investigation will be reopened upon receipt of substantive information.

WITNESSES: Not identified.

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

RESPONSE TO INITIATOR: AGC notified of review and evaluation.

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