

(As of 16 February 1

32. HENRY ALLEGATION (CCI)

ALLEGATION: 1. Murder
2. Rape
3. Maltreatment of unidentified Vietnamese

SUBJECT/SUSPECTS: 1. MAJ [REDACTED], (then CPT), former Co B/1/35th Inf, 4th Inf Div.
2. Mr. [REDACTED], former Plt Ldr, same unit.
3. Mr. [REDACTED], former medic, same unit.
4. SP5 [REDACTED], former medic, same unit.
5. Mr. [REDACTED], former LT, same unit.
6. Unidentified members, same unit.

COMPLAINANT: Mr. James D. Henry, former SP5, Co B/1/35th Inf, 4th Inf Div.

BACKGROUND: Mr. Steve Rowan, CBS-TV, informed OCINFO on 20 Feb 70 that he had information regarding an atrocity. The allegation first appeared in the Mar 70 issue of Scanlan magazine as a sworn story written by Henry on 11 Jan 70. Henry reiterated his allegations in a 27 Feb 70 press statement at a L.A. Press Conference sponsored by the Citizens' Commission of Inquiry on US War Crimes in Vietnam (CCI). Henry, former medic, alleged that on 9 Feb 68, near Highway QL 1, Cau Lau, Quang Nam Province, members of 3d Plt, B/1/35th, led by then LT [REDACTED], killed 19 women and children collected for interrogation. The killings allegedly took place after the order to "kill anything that moves" was received from the CO, B/1/35th. Henry further alleged that other crimes committed by members of Co B were: (a) deliberate killing of a VC PW under the tracks of an APC; (b) gang-rape and murder of five VN women; (c) killing of a 12-year-old VN boy; and (d) massacre of a large, uniformed, logistical enemy unit. Henry claimed to know of at least 50 civilians "executed" by B/1/35th.

STATUS/PROGNOSIS: Investigation completed; supplemental investigation in progress.

In a sworn statement to CID on 28 Feb 70, Henry confirmed the contents of the Scanlan article. On 1 Mar 70, MAJ [REDACTED] was interviewed by CID and declined to make a statement. On 3 and 24 Mar 70, [REDACTED] and [REDACTED] respectively were interviewed by CID. Both denied any knowledge of the crimes described by Henry. CID also interviewed other former members of Co B, 1/35th Inf, with negative results. Although an extensive investigation did not reveal sufficient evidence to prove or disprove Mr. Henry's allegations, subsequent supplementary investigative efforts have revealed information which indicates a group (19) of unarmed civilians including women and children may have been killed by members of Co B, 1/35th Inf on 8 Feb 68. At this time, the evidence gained does not indicate that information concerning the incident was known outside of the company. Investigative efforts are continuing.

WITNESSES: 1. Mr. Henry (See COMPLAINANT).
2. Former members of Co B/1/35th Inf, 4th Inf Div.

INITIATED BY WHOM: OCINFO.

RESPONSE TO INITIATOR: N/A