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(As of 30 Mar 72)

48. LIVINGSTON-JOHNSON-NOETZEL ALLEGATION (CCI)

- ALLEGATION:
1. Murder of unidentified PW's/detainees.
 2. Inhumane treatment of -PW's.

- SUBJECT/SUSPECTS:
1. [REDACTED] CO, 11th Armd Cav Regt.
 2. [REDACTED] then acting CO, 11th Armd Cav Regt.
 3. Unidentified US servicemen, RVN.

- COMPLAINANTS:
1. Dr. Gordon S. Livingston, former MAJ, Regt Surgeon, 11th Armd Cav Regt.
 2. Mr. Robert B. Johnson, former CPT, MACV Adv Tm 1, Hoi An.
 3. Mr. Stephen S. Noetzel, former SP4, 5th Spec Forces Gp.

BACKGROUND: During a meeting of the National Citizens' Commission of Inquiry on US War Crimes in Vietnam (CCI) on 27 May 70, and a meeting of the Maryland Veterans for Peace (MVP) on 28 May 70, Dr. Livingston, Mr. Johnson, and Mr. Noetzel (Mr. Noetzel appeared only at the former meeting) related various allegations of war crimes they had witnessed in RVN.

Livingston alleged at the CCI meeting that on one occasion his CO told him, while he (Livingston) was treating a wounded PW, "We just need to keep him (PW) alive for a few minutes so we can question him; after that he can die, it does not matter to me."

Johnson alleged at the CCI meeting that during his tour in 1968 and 1969, in the "free fire zones," "If we found a village, we would destroy it. We went into 30 - 40 villages and destroyed everything - 100%." At the MVP meeting, Johnson alleged that he witnessed a PW beaten and then shot to death by South Vietnamese Army (ARVN) soldiers.

Noetzel alleged that in 1963, American helicopters flew 16 PW's, guarded by ARVN personnel, from the delta region to Saigon. Only four of the PW's were delivered; 12 were pushed out.

STATUS/PROGNOSIS: Investigation completed; unfounded/insufficient evidence.

In a 19 Sep 70 CID interview, Livingston alleged that a wounded PW was brought to his aid station. Knowing the PW would soon die, Livingston so advised his CO, [REDACTED] who allegedly replied (see BACKGROUND). Livingston also released two photographs to CID. He said one depicted the inhumane treatment of a VC suspect who, after being maltreated, led COL [REDACTED] to a tunnel. The other depicted a water well and three persons dressed in cameo battle dress standing over a partially clothed male tied to a board. Investigation by CID, including interviews with [REDACTED] COL [REDACTED], and other former members of 11th Armd Cav Regt disclosed no evidence to substantiate Livingston's allegation that VC were denied medical treatment prior to questioning. However, investiga-

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tion disclosed that on 31 Dec 68, in Hoi Loi (1), NE of Bien Hoa, an unidentified female detainee and an unidentified VC PW were maltreated during interrogations by RVN civil police from Binh Duong Province.

Johnson was interviewed on 23 and 26 Jun 70 by CID. On both occasions he declined to make a statement. Because insufficient evidence is available on which to base further investigation into Johnson's allegations, none is contemplated.

Noetzel was interviewed by CID on 17 Aug 70, at which time he reiterated the statements he made at the CCI meeting. A draft statement was prepared and sent to Noetzel for review and editing prior to signing, but the statement was returned unsigned in Sep 70 which contained no change in context from the original statement. (The unsigned draft statement edited by Noetzel is probably the same eight-page statement he claimed to have furnished the CID in unsworn testimony given at the ad hoc hearings in Apr 71 chaired by Congressman Dellums.) Extensive investigation disclosed insufficient evidence to substantiate Noetzel's allegations.

WITNESSES: See COMPLAINANTS.

INITIATED BY WHOM: ODSGS(CAR).

RESPONSE TO INITIATOR: N/A.