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(As of 19 Aug 71)

REPRODUCED AT THE NATIONAL ARCHIVES

176. MACKAY ALLEGATION (VVAW-WSI)

ALLEGATION: 1. Murder of VN civilians.  
2. Maltreatment of enemy dead.  
3. Destruction of private property.

PERPETRATOR/SUSPECTS: Unknown MAJ and members of A Trp, 1/9th Cav, 1st Air Cav Div.

PERPETRANT: Mr. James MacKay, former SGT, HHT, 3d Bde, 9th Cav, 1st Air Cav Div, Oct 68 - Aug 69.

BACKGROUND: Between 31 Jan and 2 Feb 71, at Detroit, MI, MacKay testified at the "Winter Soldier Investigation" (WSI) as a member of an organization identified as Vietnam Veterans Against the War (VVAW). Mr. MacKay testified that in An Province (near Can Gio) around the second week in Feb 68, he observed the burning of a village from a helicopter. He said that Harassing and Interdiction (H&I) fires were completed every day into free fire zones which were to include civilians. As commo chief, MacKay correlated reports from the Squadron SOP was to recon by fire with rockets, miniguns, and grenade launchers every hootch or stack of crops and anyone who ran, with or without military equipment. Men, women, and children were included in body count. A 1/9th Cav was not getting confirmed body counts so the MAJ (CO) let it be known that the next KIA's would be dropped at BDE Tactical Operations Center (TOC). They were dropped from a helicopter hovering at 100 feet above the TOC. There were no repercussions toward this officer. MacKay further stated that many explosives were deliberately thrown into the landfill (garbage dump) in hopes of blowing away some of the kids who dug around in it. A good friend was killed in such an incident.

PROGNOSIS: Investigation completed; insufficient evidence.

Efforts by the CID to locate and interview Mr. MacKay were unsuccessful.

PERPETRATES: Not identified.

REPORTED 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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