

# FOR OFFICIAL USE ONLY

(As of 6 Jan 72)

## 190. SHEPARD ALLEGATION (VVAW-WSI)

ALLEGATION: Mutilation of enemy dead and unidentified VN.

SUBJECT/SUSPECTS: Unidentified members of 5/60th Inf, 9th Inf Div.

COMPLAINANT: Mr. Franklin N. Shepard, former SSG, 5/60th Inf, 9th Inf Div, Mar 68 - Aug 69.

BACKGROUND: Between 31 Jan and 2 Feb 71, at Detroit, MI, Mr. Shepard testified at the "Winter Soldier Investigation" (WSI) as a member of an organization, identified as the Vietnam Veterans Against the War (VVAW). Mr. Shepard alleged that his unit encouraged the killing of the enemy by offering a reward for each verified kill in the form of a locally produced badge with the words "Sat Cong" (Kill Cong) sewn on it. Mr. Shepard said the cost of the badge was eleven cents, and was borne by the US Government. Its authority for manufacture and conditions for control and issue was a DF (DA Form 2496) dated 28 Jun 69, signed by an undisclosed CPT of his unit. Also, if an undetermined number of badges was accumulated by an individual, his reward would be a pass or a rest and recuperation leave. It appears from Mr. Shepard's testimony that his unit produced and distributed locally produced Chieu Hoi leaflets designed to strike terror in the enemy forces and to encourage the unit to kill the enemy. Further, Mr. Shepard opined that, because of the incentive and the Chieu Hoi leaflets, members of his unit removed the ears from dead VN, regardless of their friendly or enemy status, in an effort to prove a kill. Mr. Shepard did state in his testimony that he never witnessed anyone cutting off an ear.

STATUS/PROGNOSIS: Investigation completed; unsubstantiated.

In a CID interview on 2 Sep 71, Mr. Shepard provided a written, sworn statement in which he stated that on 28 Jun 69, he observed CPT [Redacted] [Redacted] (Bn Adjutant) sign an order authorizing the men of 5/60th Inf, 9th Inf Div to be rewarded with "Sat Cong" badges for killing VC. Mr. Shepard provided CID with a copy of the subject order (DF), and a copy of the leaflet distributed by Mr. Shepard's former battalion, entitled "VC and NVA - Beware." Mr. Shepard stated he saw a string of ears (supposedly VC) turned in to HQ, 5/60th Inf, for "Sat Cong" badges, but had no personal knowledge of their origin, nor did he ever see ears being removed from bodies. CPT [Redacted] and MAJ [Redacted], former XO, 5/60th Inf, were interviewed by CID. Both stated that [Redacted], former CO, 5/60th Inf, established the "Sat Cong" badge program, but could not be reached for interview because he was deceased. Both also denied the requirement of proof of a kill beyond a verbal account for receipt of the "Sat Cong" badge. Both CPT [Redacted] and MAJ [Redacted] denied any knowledge of war crimes in RVN. Other former members of 5/60th Inf interviewed by CID also denied any knowledge of information concerning Mr. Shepard's allegations, nor did further investigation support his statements.

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190. SHEPARD ALLEGATION (VVAW-WSI) (continued)

WITNESSES: Not identified.

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

RESPONSE TO INITIATOR: AGC notified of review and evaluation.

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