

173 STEPHENS ALLEGATION (VVAW-WSI)

ALLEGATION:

1. Murder of VN civilians and PW's.
2. Mutilation of enemy dead.
3. Indiscriminate use of fire power.
4. Refusing to render medical aid.

SUBJECT/SUSPECTS:

1. Unidentified LT, SGT, and SP4, 1st Bde, 3/27, 101st Abn Div.
2. Unidentified WO's of an unidentified helicopter unit.
3. Unidentified members of 1st Bde, 3/27, 101st Abn Div.

COMPLAINANT: Mr. Charles Stephens, former PFC, 1st Bde, 3/27, 101st Abn Div,
Dec '65 - Feb 67.

BACKGROUND: Between 31 Jan and 2 Feb 71, at Detroit, MI, Mr. Stephens testified at the "Winter Soldier Investigation" (WSI) as a member of an organization identified as Vietnam Veterans Against the War (VVAW). Mr. Stephens alleged that in the Tui Hoa area, RVN, he observed an unidentified SGT and SP4 shoot and kill two small VN children. He also observed the shooting of PW's by members of his unit and on two occasions he observed PW's being dropped from helicopters under the control of unidentified WO's. Mr. Stephens alleged that after a field operation, referred to as "Happy Valley," it became more or less unit policy to cut off the right ear of each enemy dead in order to verify body counts. The enemy dead were further mutilated by chopping off their heads and putting them on a stake. On the last day of a field operation, PW's were normally not taken, because if taken, the unit would remain in the field for several days longer. Also on field operations, prior to entering a village, the village would be fired upon resulting in the wounding of VN women and children. On one occasion in the Tui Hoa area, an unidentified LT in his unit ordered Stephens and an unidentified medic to stop rendering medical treatment to a wounded female and two children. In the 9 Jul 71 issue of Life magazine, in an article by Donald Jackson entitled "Confessions of the Winter Soldiers," Mr. Stephens further alleged that his unit, after sustaining a high casualty rate, conducted reconnaissance by fire upon entering the village of Tuy Hoa, resulting in many dead and wounded. The following morning, while the villagers were having a burial ceremony, a SGT and SP4 fired their machine guns at the group, striking a male civilian. The villagers rolled him over and put him in the hole with the others and covered him up.

STATUS/PROGNOSIS: Investigation completed; insufficient evidence.

In a 17 Jun 71 CID interview, Mr. Stephens stated that he would not make a statement until he had consulted his lawyer. Mr. Donald Smart, a VVAW member, informed CID that he had advised Mr. Stephens not to make any statement. Mr. Stephens was reinterviewed by CID on 29 Jul 71 concerning the allegations he had made in the 9 Jul 71 issue of Life magazine. Mr. Stephens declined to make any further comment.

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.