

VERBATIM
 RECORD OF TRIAL
 (Proper)

of

McKEON, Matthew C. 668581 Staff Sergeant
 (Last Name, first name, (Service number) (Rank or grade)
 middle initial)

Headquarters Company, Marine Corps Recruit Depot,
Headquarters & Service Battalion Parris Island, South Carolina
 (Organization and armed force) (Station or ship)

By

GENERAL COURT-MARTIAL

Appointed by Secretary of the Navy
 (Title of convening authority)

 (Command of convening authority)

Tried at

Marine Corps Recruit Depot, on July 16-August 4, 1956
Parris Island, South Carolina (Date or dates of trial)
 (Place or places of trial)

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TESTIMONY

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(1)

Proceedings of a general court-martial which met at Marine Corps Recruit Depot, Parris Island, South Carolina, at 0900 hours, 16 July 1956, pursuant to the following orders:

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON 25, D.C.

4 May 1956

From: Secretary of the Navy
To: Colonel Edward L. Hutchinson, U. S. Marine Corps, Second Marine Division, Camp Lejeune, North Carolina
Via: Commanding General, Second Marine Division, Camp Lejeune, North Carolina

Subj: Appointing Order for General Court-Martial

1. Pursuant to authority contained in Article 22(a)(2), Uniform Code of Military Justice, a general court-martial is hereby ordered to convene at Marine Corps Recruit Depot, Parris Island, South Carolina, at 0900 hours on 14 May 1956, or as soon thereafter as practicable, for the trial of Staff Sergeant Matthew C. McKeon, 668581, U. S. Marine Corps, only. The court will be constituted as follows:

LAW OFFICER

Captain Irving N. Klein, U. S. Navy,
certified in accordance with Article 26a, UCMJ

MEMBERS

Colonel Edward L. Hutchinson, U. S. Marine Corps
Lieutenant Colonel Nicholas A. Sisak, U. S. Marine Corps
Lieutenant Colonel Robert D. Shaffer, U. S. Marine Corps
Lieutenant Colonel Walter Gall, U. S. Marine Corps
Major Edwin T. Carlton, U. S. Marine Corps
Major John G. Demas, U. S. Marine Corps
Lieutenant Commander Hampton Hubbard, Medical Corps,
U. S. Navy

COUNSEL

Major Charles K. Sevier, U. S. Marine Corps, TRIAL
COUNSEL, certified in accordance with Article 27b, UCMJ
Captain Frederick M. Haden, U. S. Marine Corps, ASSIST-
ANT TRIAL COUNSEL, certified in accordance with Article
27b, UCMJ
Lieutenant Colonel Alaric W. Valentin, U. S. Marine
Corps, DEFENSE COUNSEL, certified in accordance with
Article 27b, UCMJ
Major John R. DeBarr, U. S. Marine Corps, ASSISTANT
DEFENSE COUNSEL, certified in accordance with Article
27b, UCMJ

Copy to:
CG MarCor Base, Camp Lejeune
Members

/s/ Charles S. Thomas
CHARLES S. THOMAS
SECRETARY OF THE NAVY

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CERTIFIED A TRUE COPY:
Charles B. Sevier
CHARLES B. SEVIER
MAJOR, USMC
TRIAL COUNSEL

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON 25, D.C.

9 Jul 1956

From: Secretary of the Navy
To: Colonel Edward L. Hutchinson, U. S. Marine Corps, Marine
Corps Recruit Depot, Parris Island, South Carolina
Via: Commanding General, Marine Corps Recruit Depot, Parris
Island, South Carolina
Subj: Modification Number One of Appointing Order for General
Court-Martial Dated 4 May 1956

1. Lieutenant Colonel Duane Fultz, U. S. Marine Corps, Lieutenant Colonel Daniel J. Regan, U. S. Marine Corps and Lieutenant Bentley A. Nelson, Medical Corps, U. S. Navy, are hereby appointed members of the general court-martial convened by my appointing order of 4 May 1956, vice Lieutenant Colonel Robert D. Shaffer, U. S. Marine Corps, Lieutenant Colonel Walter Gall, U. S. Marine Corps, and Lieutenant Commander Hampton Hubbard, Medical Corps, U. S. Navy, relieved.

2. Captain William L. Otten, Jr., U. S. Marine Corps Reserve, certified in accordance with Article 27b, UCMJ, is hereby appointed Assistant Trial Counsel of the general court-martial convened by my appointing order of 4 May 1956.

/s/ Charles S. Thomas
CHARLES S. THOMAS
Secretary of the Navy

Copy to:
CG MarCorps Base, Camp Lejeune
Members

CERTIFIED A TRUE COPY

Charles B. Sevier

CHARLES B. SEVIER
MAJOR, USMC
TRIAL COUNSEL

la

Charge I: Violation of the Uniform Code of Military Justice,
Article 92.

Specification: In that Matthew C. Mc Keon, staff sergeant, U. S. Marine Corps, Third Recruit Training Battalion, Marine Corps Recruit Depot, Parris Island, South Carolina, did, at Weapons Training Battalion, said Depot, at or about 1230 hours, on or about 8 April 1956, violate a lawful general order, to wit: paragraph 19-5, Depot Order 5000.1, dated 30 October 1950, reading in part as follows, "The possession and/or use of alcoholic beverages for beverage purposes is prohibited in barracks housing single enlisted personnel," by possessing and using an alcoholic beverage for beverage purposes in building 761, a barracks housing single enlisted personnel.

Charge II: Violation of the Uniform Code of Military Justice,
Article 93.

Specification: In that Matthew C. Mc Keon, staff sergeant, U. S. Marine Corps, Third Recruit Training Battalion, Marine Corps Recruit Depot, Parris Island, South Carolina, at or near Weapons Training Battalion, said Depot, on or about 8 April 1956, did oppress seventy-four members of platoon number seventy-one of the Third Recruit Training Battalion, persons subject to his orders, by leading them into the mud and water of Ribbon Creek, and by leading them around in said water thus subjecting them to depths of water up to and over their heads, for a period of about twenty minutes.

Charge III: Violation of the Uniform Code of Military Justice,
Article 119.

Specification 1: In that Matthew C. Mc Keon, staff sergeant, U. S. Marine Corps, Third Recruit Training Battalion, Marine Corps Recruit Depot, Parris Island, South Carolina, did, at or near Weapons Training Battalion, said Depot, on or about 8 April 1956, by culpable negligence unlawfully kill Thomas C. Hardeman, private, U. S. Marine Corps, Donald F. O'Shea, private first class, U. S. Marine Corps, Charles F. Reilly, private, U. S. Marine Corps, Jerry L. Thomas, private, U. S. Marine Corps, Leroy Thompson, private, U. S. Marine Corps, and Norman A. Wood, private, U. S. Marine Corps, by leading them into the waters of Ribbon Creek in the dark, without proper precautions for their safety and without first familiarizing himself with the hazardous condition of that creek.

Specification 2: In that Matthew C. Mc Keon, staff sergeant, U. S. Marine Corps, Third Recruit Training Battalion, Marine Corps Recruit Depot, Parris Island, South Carolina, did, at or near Weapons Training Battalion, said Depot, on or about 8 April 1956, while perpetrating an offense directly affecting the persons of seventy-four members of platoon number seventy-one of the Third Recruit Training Battalion, persons subject to his orders, to wit: oppression in violation of Article 93 of the Uniform Code of Military Justice, unlawfully kill

Thomas C. Hardeman, private, U. S. Marine Corps, Donald F. O'Shea, private first class, U. S. Marine Corps, Charles F. Reilly, private, U. S. Marine Corps, Jerry L. Thomas, private, U. S. Marine Corps, Leroy Thompson, private, U. S. Marine Corps, and Norman A. Wood, private, U. S. Marine Corps, all members of said platoon, by causing the members of said platoon to enter the water in Ribbon Creek, thus subjecting them to depths of water up to and over their heads and as a result thereof they, the aforementioned men, drowned.

Charge IV: Violation of the Uniform Code of Military Justice, Article 134.

Specification: In that Matthew C. Mc Keon, Staff Sergeant, U. S. Marine Corps, Third Recruit Training Battalion, Marine Corps Recruit Depot, Parris Island, South Carolina, while assigned as a junior drill instructor over, and while on duty with, recruit platoon seventy-one of said battalion, as the duty drill instructor, did, at Weapons Training Battalion, said Depot, on or about 8 April 1956, unlawfully drink intoxicating liquor in the presence of David H. McPherson, private, U. S. Marine Corps, a recruit of said platoon.

SIGNATURE OF ACCUSER

Wallace M. Greene, Jr.
WALLACE M. GREENE, JR.

RANK

Brig.Gen.

ORGANIZATION

MCRD, Parris Island,
S. C.

AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 20th day of April, 1956, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice, and that he either has personal knowledge of or has investigated the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

D. E. Holben
D. E. HOLBEN

SIGNATURE

Major, USMC - HqCo., H&S Bn.
MCRD, Parris Island, S. C.

RANK AND ORGANIZATION OF OFFICER
ADMINISTERING OATH

Major, USMC

OFFICIAL CHARACTER, AS ADJUTANT, SUMMARY COURT, ETC.
SEE PARAGRAPH 29e, MCM, 1951, AND ARTICLES 30a
AND 136.

Officer administering oath must be a commissioned officer.

25 April 1956

DATE

I have this date informed the accused of the charges against him.

D. E. Holben
D. E. HOLBEN

SIGNATURE

Major, USMC - HqCo., H&S Bn.
MCRD, Parris Island, S. C.

RANK AND ORGANIZATION

Headquarters, Marine Corps Recruit Depot,
Parris Island, South Carolina

DESIGNATION OF COMMAND OF OFFICER EXERCISING
SUMMARY COURT-MARTIAL JURISDICTION

PLACE

20 April 1956

DATE

The sworn charges above were received at 1000 hours, this date.

C. R. Weddel

FOR THE COMMANDING ¹ GENERAL

C. R. WEDDEL, Capt., USMC, Depot Adjutant, MCRD, PISC

SIGNATURE, RANK, AND OFFICIAL CAPACITY OF OFFICER SIGNING

1ST INDORSEMENT

Department of the Navy

DESIGNATION OF COMMAND OF CONVENING AUTHORITY

Washington 25, D. C.

PLACE

4 May 1956

DATE

Referred for trial to the general court-martial appointed by my appointing
order dated

4 May 1956, subject to the following instruc-

tions: 1. Amend the specification under Charge II so that as amended the specification will read as follows:

"In that Matthew C. McKeon, staff sergeant, U. S. Marine Corps, Third Recruit Training Battalion, Marine Corps Recruit Depot, Parris Island, South Carolina, at or near Weapons Training Battalion, said Depot, on or about 8 April 1956, did oppress seventy-four members of platoon number seventy-one of the Third Recruit Training Battalion, persons subject to his orders, by wrongfully and without proper authority leading them into the mud and water of Ribbon Creek, and leading them around in said water thus subjecting them to depths of water up to and over their heads, for a period of about twenty minutes, for purposes of punishment, knowing that some members of the said platoon were unable to swim."

C. S. Thomas

C. S. THOMAS
Secretary of the Navy

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The trial counsel distributed copies of the charges and specifications to all members of the court, the law officer and the accused.

TC: The charges were served on the accused by me on the 10th day of May, 1956. Staff Sergeant Matthew C. McKeon, U. S. Marine Corps, how do you plead?

TC: Before receiving your plea I advise you that any motions to dismiss any charges or to grant other relief should be made at this time.

DC: We have no further motions to make other than those that have already been addressed to the court.

TC: We are ready to receive the plea. Staff Sergeant Matthew C. McKeon, U. S. Marine Corps, how do you plead?

DC: With regard to Charge I and the Specification thereunder the accused stands mute. With regard to Charge II and the Specification thereunder the accused pleads: Not Guilty. With regard to Charge III, Specification 1 thereunder, the accused pleads: Not Guilty. With regard to Charge III, Specification 2 thereunder, the accused pleads: Not Guilty. With respect to Charge IV and the Specification thereunder the accused stands mute.

TC: It is the understanding of trial counsel that the pleas to Charge I and Charge IV are to be accepted as pleas of Not Guilty and the prosecution will proceed on all charges and specifications before the court as if a not guilty plea was entered to each charge and each specification.

LO: The court will so proceed, trial counsel will so proceed as if a plea of not guilty had been entered to Specification 1, rather the Specification of the Charge and as if a plea of not guilty had been entered to the Specification of Charge IV. The trial counsel will proceed.

TC: There are several preliminary matters I would like to take care of here now sir.

LO: Would you like to call a brief recess?

TC: No, sir.

DC: Pardon me, but I thought he said he would like to call a slight recess right now.

LO: I wish to call a recess for the purpose of checking the procedure we have followed. We have been confronted with something that is at the moment, that is, it is considered by me to be a very uncommon practice. Of course it is a proper one under certain circumstances, it is one that can be made. I just want to verify it for the purpose of being technically correct and for this reason I recess the court.

TC: The next order of the business or procedure is that the prosecution has no legal authorities to present to the court at this time. Does the defense desire to present legal authorities at this time?

DC: None other than have already been presented.

TC: The prosecution has but a very few remarks in the way of an opening argument to the court. Gentlemen of the Court: We now come down to the point in the proceeding when the direct testimony and evidence of witnesses is about to be presented for the court's consideration. It is the duty of trial counsel to present those facts which they consider are relevant and material in order that the court may arrive at a fair, a just and impartial decision. The presentation of evidence in this case will be lengthy, but I'm certain that each member of this court will give his concentrated attention to the testimony and evidence here presented. It is the intention of the trial counsel to reconstruct in as much detail as the rules of evidence will permit, the events and occurrences which are the subject matter of the charges and specifications now before this court. Along this line, and for the reason that trial counsel considers that it will be essentially helpful to members of the court, I shall make a request of the law officer, that permission be granted for the members of the court, the law officer, counsel and the accused to view the area where the occurrences alleged in Charges II and III are actually supposed to have happened. You will be instructed by the law officer what the applicable evidence will be in this case. That is not one of the duties of counsel. You will be instructed by the law officer as to what questions you may ask. Since what counsel states cannot be considered as evidence, the prosecution is ready to produce direct testimony bearing on the facts and issues of this case. Thank you, gentlemen.

Does the defense desire to make an opening statement at this time?

DC: The defense does. If it please you, Mr. President, Gentlemen of the Court, with your permission, Mr. Law Officer, not knowing what particular experience any of you men having had, officers have had with courts-martial, it might be helpful if I suggested to you that when lawyers in a tribunal such as this rise to talk to you before you have heard any evidence, if it has any useful purpose at all, it is because it can give you a synoptic view, a run-down of the evidence that will follow. In so far as I am concerned, not for the purpose of persuading you, and certainly not for the purpose of inculcating in you any hostility towards anyone in this case, but with the general view if you have in mind what the main issues and circumstances are, and the evidence which supports them, it will make it more simple for you to follow the evidence in its proper content. More than all, it will make it easier for you to exercise your combined intelligence to the evidence as it comes from the witness stand,

so that you may then analyze it in connection with what each lawyer says and then accept it or reject it. There is much publicity in a case such as this, and so I propose to outline for you, briefly, I hope, the facts of this situation as we understand it. I think it has already been stated to you that I am not a witness to any of the events or evidence of this tragic day, but what I tell you are things I have been told by others. Primarily, Mr. President and Gentlemen, I would ask your indulgence for myself for I have not learned all the idiomatics, technical expressions of the Marine Corps, although I have studied mightily and will continue to study mightily so that I may speak to you in a language that is not more unfamiliar to you than Marine Corps language to me. So I hope you will excuse any technical terms I do not have and charge it only to unfamiliarity with this language. It seems to me that I ought to first call your attention, because it will in my view follow, to the proof that nowhere in the charges and specifications thereunder which have been submitted to you and which form the foundation upon which this trial is to proceed, is there one word, one claim, one charge, even one suggestion that the accused, Staff Sergeant Matthew C. McKeon, no matter what were the events of April 8, was either drunk, intoxicated or under the influence of liquor in the slightest, affecting the performance of his duty in the slightest, and that all you will have to do, it seems to me, except from hearing the evidence given for yourself, relative to the charges and specifications which you have before you -- I bring that up because it is so easy in a case where there will be evidence of, in Charges I and IV, of the use and consumption of small quantities of alcohol or intoxicating beverages, to equate that drinking with the general notion that there must have been something wrong about it, that perhaps it affected this man in the performance of his duties, using the old idiom -- there shouldn't be smoke unless there was some kind of fire. In all of this, I call your attention to the evidence, and particularly the portion in the charges you have before you, in which no suggestion is made at all.

Now, I think it is important as this case goes along, and what will be the proof in this case, to know something about who is the accused, who is Staff Sergeant Matthew C. McKeon, who stands on two charges of a serious nature, accused of oppressing a body of troops. He is accused of manslaughter by virtue of oppression and culpable negligence. It is not for me, necessarily, to define legal concepts. That is the duty and function of the law officer, and I have no desire, sir, to trespass upon your function in that regard, except that it helps to make clear to you members of the court what it is that I am speaking of so far as culpable negligence is concerned. As we understand the meaning, it's a reckless disregard for life and limb, a reckless and complete indifference to the consequences of one's conduct, and so far as oppression is concerned, I doubt if you will find anywhere anywhere in any branch of the maritime service, going back to that time where it was lifted bodily from the laws of the Royal British Navy, where there is such a term. But in its common usage, oppression is the tyrannical use of power for one's own advantage. Who then was Sergeant McKeon? Here is a man

The court recessed at 1443 hours, 18 July 1956.

The court opened at 1505 hours, 18 June 1956.

TC: All parties present when the court closed are again present.

TC: Call Major McLeod.

Major Stanley N. McLeod, U. S. Marine Corps, was called as a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

- Q. State your name, rank, organization and armed force.
A. Stanley N. McLeod, Major, United States Marine Corps, attached to H&S Battalion, Marine Corps Recruit Depot, Parris Island, South Carolina.
- Q. Do you know the accused?
A. I know Staff Sergeant McKeon.
- Q. Is he present in the courtroom?
A. Yes, he is.
- Q. What are your duties, sir?
A. I am the Provost Marshal at the Marine Corps Recruit Depot.
- Q. How long have you held that position?
A. Since I arrived on the Depot, approximately 10 months.
- Q. As Provost Marshal at Marine Corps Recruit Depot is it a part of your duty to be familiar with the general area of the Depot?
A. Yes, it is.
- Q. And are you so familiar with the area surrounding the Marine Corps Recruit Depot?
A. Yes, I am.
- Q. Are you familiar with that area which is know as the Ribbon Creek area?
A. I am.
- Q. Could you, in general, describe that area?
A. Yes, I could. The area known as Ribbon Creek area lies to the rear of the rifle range butts located at the Weapons Battalion area at the rifle range. The creek itself borders a marshy area, or rather a marshy area borders the creek and has its exit on the creek to the left as you are facing the river. Behind the butts a distance of approximately fifty yards between the butts and the Ribbon Creek area, is generally a marshy terrain.
- Q. Major, directing your attention to the period of 8, 9 and 10 April, 1956, were you the Provost Marshal at that time?

A. Yes, I was.

Q. Was there any unusual occurrence at that time?

A. On the evening of 8 April, yes.

Q. Would you describe that occurrence with what you yourself, how you participated?

A. I received a call while I was at my quarters and proceeded to the range area to the rear of "C" Range. Approximately "C" Range. I organized a search, or rather a group to look for a group of recruits that had been reported missing. That search and rescue effort consisted of foot patrols, obtaining and setting up portable lighting units, getting boats, manning the boats and patrolling the river. That commenced at approximately a quarter of ten in the evening and lasted out throughout the period of about two and a half days.

Q. And where was this area?

A. Directly behind "C" Range, the butts of "C" Range.

Q. Was that the Ribbon Creek area?

A. The Ribbon Creek area, yes, sir.

Q. What were the results of this search which you conducted?

A. Shortly after the search was started, we heard a call of someone apparently on the other side of Ribbon Creek. We directed the lights in the direction and cautioned the man to stay where he was, however, he persisted in crossing the river. We dispatched a patrol to intercept him and to bring him back to the area. The man appeared to be shocked and we sent him to the dispensary. The next morning after obtaining grappling hooks and aircraft, we commenced dragging operations. At about five minutes past twelve that afternoon, the first body was recovered from Ribbon Creek. Between that time and 1600, four other bodies were recovered. We were forced to stop dragging operations because of the tidal conditions at that time. We resumed again during the night and throughout the next morning until the following afternoon at approximately 1517 when the sixth and last body was recovered.

Q. Do you recall the weather conditions that night?

A. Yes, I do. It was rather cold.

Q. Do you recall the light conditions?

A. To the best of my recollection it was extremely dark, I don't believe there was a moon, I don't believe there were any stars at the time.

Q. Were the only people who were out there, were they your searching parties?

A. I brought part of the searching party out with me, however, a group of men already were out there at the time I arrived.

Q. At the time you arrived, were there any recruits in the area at the time you arrived?

A. No there were no recruits there at the time I arrived.

Q. Are you acquainted with the accused in this case?
A. Yes, sir, I am.

Q. Is he present in court?
A. Yes, sir, he is.

Q. How long have you known the accused?
A. Since approximately the first of January of this year, sir.

Q. What was the occasion?
A. I met him at Drill Instructors School.

Q. You and he were both in Drill Instructors School?
A. Yes.

Q. The same class?
A. Yes, sir.

Q. Directing your attention to the period of February-March 1956, did you have any contact with the accused?
A. Yes, sir, I did.

Q. What was that?
A. As drill instructor in the same platoon.

Q. What platoon?
A. Platoon 71, sir.

Q. Who was the senior drill instructor?
A. Sergeant Huff.

Q. And you were a junior drill instructor?
A. Yes, sir.

Q. As was the accused.
A. Yes, sir.

Q. Directing your attention to the day, Sunday, 8 April 1956, were you in a duty status?
A. No, sir, I wasn't.

Q. Where were you the morning of that day?
A. I was in Barracks 761 at the Rifle Range.

Q. What is Barracks 761?
A. That is a recruit barracks, also a barracks for unmarried drill instructors who live aboard the base.

Q. A recruit barracks and a drill instructors' barracks for unmarried personnel who live aboard the base?
A. Yes, sir.

Q. Did you see the accused that morning?

A. Yes, sir, I did.

Q. Will you state in your own words and in as much detail as you can recall what happened during the morning and the noon hours of that day?

A. I'm not positive of the time I got up but after I awakened I showered and shaved and got some uniforms out and went in the recruits' squad bay to get them ready to wear when we got back to mainside. I was in the squadbay for a short time when Sergeant McKeon came in and ordered a field day be held.

After Sergeant McKeon came in and ordered the field day I came back and picked up all my gear and went in the drill instructors' room after I got back in there Sergeant McKeon came back in there and Sergeant Scarborough was in the room when I got there.

Q. Who was Sergeant Scarborough?

A. He was the Range Instructor at the Rifle Range at that time.

Q. When I got back in Sergeant Scarborough was there and shortly after that Sergeant McKeon came back in. There was a small bit of conversation being held, I didn't pay too much attention to it, I was worried about my gear more than anything else. There was a bottle of Vodka sitting on the table when I walked into the room. I sat down, not paying any attention to it. After Sergeant McKeon came in Sergeant Scarborough and himself, Sergeant McKeon, had a drink, maybe two, I'm not positive of the exact amount, and after that someone offered me a drink and I took it and then there was more conversation and Sergeant McKeon said that he was going to take Sergeant Scarborough to mainside and I told him that I would stand by while he was gone, I would take the troops to chow.

Q. Whereabouts at mainside?

A. To the Staff N.C.O. Club. They left shortly before noon chow then, which was about somewhere around twelve or twelve-thirty, I'm not positive of the time. After that I took the platoon to chow and after chow I walked back and the platoon came back. I gave them a smoke. I went into the drill instructors' room and just carried on where I left off with my gear. Sergeant McKeon came back about one-thirty, somewhere around one-thirty, I guess it was. We had a few words, conversation, and he laid down on his rack, said he was going to sleep for a while. Just prior to evening chow I woke Sergeant McKeon up, told him it was time to take the platoon to chow. Just before he took the platoon to chow I left.

Q. You left the area, Barracks 761, then and left the vicinity of the platoon?

A. Yes, sir.

Q. Now you state there was a field day held on Sunday morning?

A. Yes, sir, there was.

Q. You know whether there was a field day scheduled for Sunday morning?

A. I don't know whether there was one or not.

Q. Was it usual to have field days on Sunday?

DC: I object upon the grounds there is no relevancy to the question as to whether it is usual, moreover there is no complaint made here that the field day violated any practices which is the subject of these charges.

LO: He said he didn't know whether or not there was one held. Your question goes as to whether it was the usual practice. You might ask him.

DC: I will withdraw.

Q. You don't know whether there was a field day scheduled on Sunday or not?

A. No, sir, I don't know there was.

LO: Your other question was was it the usual practice on a Sunday, which he hasn't answered.

TC: I withdraw the question.

LO: I thought the objection was withdrawn. That's all right, if you withdraw the question too. That's all right.

Q. Now did Sergeant McKeon give any reason for holding that field day on Sunday morning?

A. Yes, sir, he did. He said that one of the other drill instructors from another platoon had seen some of the men in our platoon out in back of the barracks laying around on the grass smoking cigarettes.

Q. Was there anyone else in that room when you went in there besides Sergeant Scarborough and Sergeant McKeon?

A. No, sir.

Q. Who offered you the drink of Vodka?

A. I don't recall, sir.

Q. Did you ever recall?

A. No, sir.

Q. Did you ever know?

A. No, sir, I don't believe I did.

Q. At one time you may have known who the person was?

DC: I object to the question stated in that form.

TC: Strike that.

LO: You withdraw your question?

TC: Yes, sir.

Q. Did you at any time ever know who offered you the drink of Vodka?

A. I don't recall, no, sir.

Q. That's not my question--you have stated you did not recall at this time, today, here, but did you at any time?

A. Not to my knowledge, no, sir.

Q. On that day do you think you knew who offered you the drink of Vodka?

A. I might have then, yes, sir.

Q. How many drinks did you see Sergeant McKeon take?

A. Two or three.

Q. How long did you say that Sergeant McKeon was away from the platoon during the noon hour?

A. Approximately an hour and a half, I'm not positive of the time there.

Q. Now did you see the bottle?

A. Yes, sir, I did.

Q. Can you recall any description of that?

A. Well, the label it had a white background with a black lettering on it.

Q. What did it say?

A. The word, "Vodka," was written across it.

Q. What size bottle was it, do you recall?

A. No, sir, not exactly the size. It could have been a fifth or possibly a quart bottle.

Q. About how much Vodka was in the bottle at the time you saw it?

A. It was approximately half full, sir.

Q. Were you at any time offered any more Vodka?

A. No, sir.

Q. Were you offered more than one drink at the time you had that?

A. No, sir, I wasn't.

Q. Now you say you had one drink?

A. Yes, sir.

Q. And you stated that was a drink of?

A. Vodka, sir.

Q. You had had Vodka before?

A. Yes, sir.

Q. And you recognized it?

A. Yes, sir.

Q. Now did the platoon or did the drill instructors have a schedule prepared for them?

A. Yes, sir, they did.

Q. Was this at the Rifle Range?

A. Well, they had a training schedule that they had to fulfill each day.

Q. Did they have a schedule prepared and issued on Sundays?

A. Yes, sir, they did.

Q. Was Sunday a work day?

A. No, sir, it wasn't.

Q. Was Sunday considered the recruits' day off?

A. I wouldn't call it a day off, it is more or less a day of rest.

TC: You may inquire, sir.

CROSS-EXAMINATION

Questions by the defense:

Q. Corporal King, can you hear me from where you now sit?

A. Yes, sir, I can.

Q. One of the things reserved for Sunday is to permit the recruits of a platoon to attend church services, isn't that so?

A. Yes, sir.

Q. Do you know as a fact that both morning and evening services were attended by the recruits of Platoon 71 insofar as those recruits who desired to attend any service or any particular denominational service?

A. Some of them did, some of them didn't.

The court opened at 1330 hours, 20 July 1956.

PRES: The court will come to order.

TC: Let the record show that all parties to the trial who were present when the court closed are again present in court.

DC: Counselor, will you please let the record show that Lieutenant Colonel Valentin, appointed counsel for the accused, will not be in session this afternoon and Major DeBarr will be in attendance.

TC: Call Captain Patrick.

Captain _____, U.S. Marine Corps, was called as a witness for the prosecution, was duly sworn and testified as follows:

LO: Unless they are required to be present for other reasons all persons expecting to be called as witnesses in the case of Staff Sergeant Matthew C. McKeon will withdraw from the courtroom.

DC: I should like the record to show that this witness' name is not on the list of witnesses furnished to the defense counsel pursuant to a request made therefor under the authority of the Manual of the Courts Martial.

LO: The record will so note.

TC: I would also like the record to show that this witness' name is on the list of witnesses to the court of inquiry of which the defense has been furnished three, if not four, copies.

LO: The record will so show.

DIRECT EXAMINATION

Questions by the Prosecution:

Q Will you state your name, rank, organization and Armed Force?

A _____, Captain, United States Marine Corps, Marine Corps Recruit Depot, Parris Island, South Carolina.

Q You know the accused in this case?

A I do.

Q Is he present in the courtroom?

A Yes, sir.

Q Captain, I direct your attention to the evening of 8 April 1956. Were you aboard the Recruit Depot at that time?

A I was.

Q Did you have any duties at that time?

A Yes, sir.

Q What was it?

A I was the Officer of the Day at the Weapons Training Battalion.

Q During your tour of duty did anything unusual occur?

A Yes, sir, it did.

Q Will you state for the court what that unusual occurrence was?

A There was a platoon, Platoon 71, of recruits that went into the swamp in which six Marines were drowned.

Q When did you first learn of this?

A At approximately 2100 on 8 April, in that vicinity of time.

Q What did you do?

A I hastened to the scene when I learned that -- what was going on, I hastened. I was called by the Commander of the Guard and I hastened to the scene.

Q Will you describe to the court in your own words, in as much detail as you recall, what you found when you arrived at the scene?

A I arrived at the ammunition shed on the road between Able -- between Baker and Charlie range at 600-yard line of Charlie range and my headlights were shining down the road. Upon arriving on the scene I saw the Commander of the Guard and I saw bunches of recruits coming up the road. They weren't in any particular formation, some of them were half undressed, some had on -- some were barefooted. They were wet, muddy, bedraggled, and sort of a formation of that type. A couple or three of them --

DC: Excuse me, sir, will you advise the witness he has a tendency to drop his voice on the last few words each time?

TC: Will you repeat the last few words there, please?

THE WITNESS: I say they were arriving in bunches and they were bedraggled and wet, muddy, and in partial undress. Two or three of them were being carried. I don't recall just exactly how many were being carried but I know of two that were being carried. I asked the Commander of the Guard what happened. He said, "This platoon --"

DC: I object to any conversations with the Commander of the Guard.

LO: Sustained.

TC: I have no argument on that.

Q Just what you saw there, not what someone else told you.

A After seeing these people being carried I took one in my car to the dispensary. The Commander of the Guard took another one in his car to the dispensary. I saw Staff Sergeant McKeon, I asked him if all of them were out of the water, if there was anyone left down there, his reply was that he thought there was three or four left back down in the water.

Q Do you know of your own knowledge how many of the men from this platoon were taken to sick bay?

A I know of my own knowledge of two.

Q Were those the two that were being carried or do you know?

A They were the two that were being carried. I took one personally and the Commander of the Guard took another one in his car.

Q Why did you take this man to sick bay?

A Well, he looked like he needed some medical help at the time.

Q What was the temperature that night, do you recall?

A I couldn't state the temperature that night at all, as far as the --

Q Now, as Officer of the Day, Weapons Training Battalion, do you know of your own knowledge whether any platoon was scheduled for any type of field work?

A I know of my own knowledge that there wasn't -- was not any platoon scheduled for any type of field work.

Q Do you know of your own knowledge if Platoon 71 had any schedule for any activity that night?

A I know of no schedule that Platoon 71 had for any activity that night.

Q Did any Drill Instructor from Platoon 71 request from you permission to engage in any activity that night?

A They did not.

Q Could you describe the weather conditions in general that night?

A The weather was, as I remember, was mild, sort of cool. However, later on in the night, throughout the course of the night,

it got fairly cold before daylight the next morning.

Q Did you note when you observed this platoon if any of them had flashlights?

A I saw no flashlights.

Q Did you note when you observed the members of this Platoon 71 whether any of them had towels around their necks?

A I saw no towels as I recall. I do not remember seeing any.

TC: You may inquire, sir.

DC: I have no cross.

TC: Does the Law Officer have any questions?

LO: No questions.

TC: Members of the court?

PRES: No questions by the court.

DC: May I just ask -- do I have your permission to put one question, sir?

PRES: Yes.

DC: Captain Patrick, isn't it a fact that the only time the area behind the charlie butts is out of bounds is when there is firing on the range?

THE WITNESS: To my knowledge that's true.

LO: Do you have any further questions?

TC: No.

The witness was duly warned, excused and withdrew from the courtroom.

TC: Call Sergeant Taylor.

Sergeant . U. S. Marine Corps, was called as a witness for the prosecution, was duly sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q State your name, rank, organization and Armed Force?

A Taylor, Tech Sergeant 381746, Weapons Training Battalion, Parris Island, South Carolina.

Q Do you know the accused in this case?

A Yes, sir.

Q Is he present in the courtroom?

A He is, sir.

Q Sergeant, directing your attention to the date 8 April 1956, were you aboard the base?

A Yes, sir.

Q Did you have any duty at that time?

A I was Commander of the Guard of Weapons Training Battalion, sir.

Q During your tour of duty, did anything unusual occur?

A Yes, sir, it did, sir.

Q What was that?

A Approximately 8:45 the night of June 8 -- or April 8, as you were, one of my sentries on Post 4 called a Corporal of the Guard-- called him that he heard a lot of noise, shouting and hollering down back of the range pits. My Corporal of the Guard come over and informed me of this noise down there, so I got in my car and drove down to dog range pits and I stopped and got out, turned my lights off, cut the motor off so I could hear. I could hear a noise but it was way on further down the road, maybe 100 yards or so, so I got back in the car and I drove on down behind C range pits, and I turned my motor off and lights off again and got out and I could hear talking going on out in the boondocks, out in the area in there, so I turned, cranked my car, backed up and turned it around where the lights would shine out towards the area of this water out there, so I got out of my car and started to walk down that way and I heard somebody holler to turn the lights off, "they're blinding us," so I walked back to my car and cut the bright lights down on parking lights, then I walked back down towards this creek, water area there, and two boys first come to me -- there was two little white boys carrying a colored boy. They were partly dressed, and I tried to talk to them, asked them what was going on and they wouldn't talk or anything so they did walk up to my car where the lights were, so I kept standing around there and the boys kept coming by me and I kept asking them what was going on and who was in charge. Nobody would say anything, so, I thought about the last ones come out of the creek out there, out of the woods or grass, I turned around and walked up to my car and I got up there and Staff Sergeant McKeon come along about that time and I asked him, I said, "Who's in charge

here?" And he said, "Sergeant, I am, I'm responsible for this." I said, "Well, are you missing any men?" At that time he said he thought he was missing about three. I said, "Well, get a count on your men, get a check on them and get them to the barracks quickly, get them in some dry clothes." In the meantime, before I left, I got the little colored boy and the two white boys in my car and started towards sick bay with them. Up the road at Post 3, which is C ammunition shed, C ammunition shed, we have a telephone there in the sentry; my sentry stopped me, challenged me there which he's supposed to do and I got out, told him who I was and I wanted to use the telephone, so I did. I dialed the Corporal of the Guard, Weapons Training Battalion, and informed him to go over to the duty area and get Captain Patrick, Officer of the Day, and report down to C ammo shed immediately and I wanted to call Colonel McKean but my cigarette lighter give out of fluid about that time and I couldn't see how to dial the number, so I was backing my car around to try to get the lights in on the telephone, which it's in a kind of a little cubby hole inside the bulkhead there and while I was getting my car in there Captain Patrick, Officer of the Day, drove up. I told him what had happened so he give me instructions to get the people in my car to sick bay. I did, took them on to Weapons Training Battalion infirmary, got out. The two white boys was -- they was navigatable, they could move around, so I told them, "get this little colored boy in," so I went on in. I informed the corpsmen what was going on and what to expect, that there would be more men coming in, to be ready for them. So I went on to the telephone and I was dialing Colonel McKean and by the time his phone was ringing Captain Patrick walked in and I handed him the phone at that time.

Q How many men did you take to sick bay?

A Three.

Q Do you know of any others that were taken?

A Not to my knowledge -- no, sir, I wouldn't say.

Q You only saw three?

A Yes, sir.

Q What was the over-all general condition of that platoon when you saw them straggling back up?

A At that time they looked like they was pretty cold, they were wet and we had about a fifteen-mile an hour wind that night and it was pretty cool.

Q Now, do you of your own knowledge know whether there were any night activities scheduled for any of the platoons out at the rifle range that night?

A To my knowledge there was not any, sir.