

we start this? This will be almost the last, but it may be a lengthy one. Do you think this is a good time for a brief break or I don't want to interrupt this phase of the testimony once I start.

PRES: Suppose you continue and finish that up.

DC: Fine.

Q All right, now, you tell us in your own words, after this platoon fell out, just what you did, what you observed, where you went and what happened?

A Yes, sir. The platoon fell out on the sidewalk in front of building 761. I came out that door, you know, that door, the front door.

Q Yes.

A And I went diagonally, I didn't walk up the sidewalk, I went diagonally. Before that I told the big end -- what I mean, the first and second squad, and I sent the big end up the road. When they fell out, as they were falling out I told them I wanted the big end up the road and I went diagonally, I went diagonally across when I came down the steps. I guess it's a lawn in front of the barracks, towards the head of the platoon. I didn't walk straight up the sidewalk, and then go down, I walked diagonally across. When I got about 15 or 20 feet from them I gave them a right face, right face, forward march, column half right. It was two parked cars there, I remember, it was only room enough to have a column half right in order to maneuver through there. I gave column half right and across the road we went, onto the Baker range, and the platoon --

Q Tell you what to do, if it's permissible, and agreeable for this part of your testimony. If the court will permit it, I'll put the mike here, you stand up and use this pointer and as you talk try to illustrate what you are talking about. Think you can do that?

A Yes, sir.

Q And before you start talking look this over. You have seen it before, have you not?

A Yes, sir.

Q Look it over again so that you are completely oriented to it and then come down here and tell us everything that happened and illustrate it as well as you can after the platoon fell out that evening at 8:20.

DC: Is that agreeable to you?



PRES: Yes, sir.

DC: Mr. Law Officer?

LO: Any objections?

TC: I want to ask Mr. Berman to ask the witness if he could, while he was doing it, to describe a little so we will have a word picture in the record.

DC: I want you to talk about it, not just do the movements, but as you were saying, what you did do.

LO: The way you were talking.

DC: The way you were talking about it, remember?

WITNESS: Yes, sir.

DC: Talk in this thing, don't worry about it. Talk in this and they can hear you.

The witness took his position at the microphone before the plat or mock-up.

WITNESS: This is building 761 where Platoon 71 was billeted, this building right here. (indicating). We fell out, the big end up the road to the Administration Building, the building here, No. 700. (indicating)

Q How far up did you go? Did you go to the building?

A No, building 700 is to state where the big end was pointing to.

Q That direction?

A That direction. I walked out this door right here, went diagonally across to the front of the platoon. I gave right face, forward march and there were some cars parked along in here some place, a little in here (indicating). I gave a column half right, went across the road onto the Baker butts. We walked down the Baker butts diagonally now, we're going diagonally here some place (indicating). I remember going between two --

Q Go ahead, do what you're doing.

A -- going between these school sheds here. There are some school sheds here the coaches have for the platoon on the range, went across -- across the 500-yard line diagonally, and I remember there was a water sprinkler here around here. (indicating). I gave the order not to go around it but to go through it. They were in a column of two's, route step. I went across the 500-yard



line here, remember going down out of this --

Q Hold it, is that little raised mound shown across there, is that the 500-yard mark?

A This is the 500 yard -- 200, 300, to 500. (indicating)

Q Measured from where, from the targets?

A From the targets.

Q All right, okay.

A 500-yard line -- I remember going off this little knoll here where they had it built up there, I lost my footing momentarily. I regained my footing, I walked down by this head here --

Q Where were you with respect to the platoon?

A I was in front of it, sir.

Q Go ahead.

A I went down across on the left at Baker butts. There was talking, I gave them route step, it was permissible to talk while in route step. I came down along here (indicating), I straightened out around in here, got down to this ditch. Going down I could see the silhouettes of the butts, could see the silhouettes of the butts in the dark. I got down in here (indicating). There's a drainage ditch -- I guess this indicates a drainage ditch.

Q Hurry up -- you haven't got the mike.

A This indicates a drainage ditch. We went across it and while we went across it I told the platoon to be careful of the ditch. When the first two or three squads got across it I held them up until the rest of the platoon caught up with them. I stood by the ditch there and told them to watch the ditch as they came across. I did not stand there for the whole entire platoon. I told them to pass the word back as regarding there's a ditch there. I went back down, took up my position, took up my position in front of the platoon, went down behind Baker butts, down this road here (indicating), across this little ditch, onto Charlie range. When I got to the front part of that target shed there I took a left.

Q Hold it a minute, that target shed there that you are referring to is the first target shed that you come to when going from Baker range to Charlie range, is that correct?

A Yes, sir, it is.

Q What's that other little building shown there along --

A That one, sir? (indicating)

Q Yes.

A That's the head, I believe, sir, that's the head.



Q Go ahead.

A We took a left here (indicating), we took a left, went straight down, down through this field, which I estimate must be fifty or seventy-five yards. Right in there (indicating) I remember going down the edge of the bank in the river, the creek.

Q Now hold it right there. Were you to the right of the shrubbery which is shown right there?

A Yes, sir, I was about in here (indicating).

Q And how far do you estimate you were from that ditch which is shown?

A Right here (indicating)?

Q Yes, sir.

A I'd say I was about twenty or twenty-five feet away from it.

Q Now where did you go off the bank?

A I went off the bank right about this vicinity; I wouldn't say exactly, but right around in here (indicating).

Q And you say your best estimation is it was some twenty or twenty-five feet from that --

A This ditch.

Q That drainage ditch?

A Yes, sir.

Q When you went off that bank did you say anything to anybody?

A Yes, sir. When I went off the bank first I didn't immediately hit water, but I turned around and told the people to follow me and everyone get in the water. I told Private Langone, which is a section leader, to make sure everyone got in the water.

Q All right, go ahead and tell us what you did.

A This area here was flooded, it was all water in this area. As I remember, going off the bank, it's a step maybe as high as the table, I estimate maybe two feet, maybe two and a half feet. I went off that bank and I didn't immediately step in water.

Q Go ahead.

A I took a couple of steps and then I stepped in water. I stepped in water; I can't recall just what the first step was, but I stepped in water and took two or three steps out toward the center of the creek. I remember at that time the water was up about my knees and the mud maybe above my ankles.

Q You mean the mud came up over your ankles?

A Yes, sir, and water about to my knees.

Q You mean, being in mud up to your ankles, the water came up to around your knees; is that what you are saying?

A Yes, sir, it is.

Q All right, go ahead.

A I'd say it was about two or three steps we went toward the center of the creek and we took a right, went up parallel to the bank, went up parallel to the bank. I'll say we may have been, oh, five or six feet from the bank, I'll say it was roughly that. Parallel to the bank, we went up, oh, approximately twenty-five or thirty feet up --



Q That is upstream?

A That is upstream, sir.

Q All right; then what happened?

A I got up about twenty-five or thirty feet and I veered left. Now I can't say how many steps I took out, because I don't recall, I don't recall taking it, but it was more or less a curve; it wasn't a square; it was more or less like a curve.

Q Go ahead.

A I started back downstream --

Q Now let me ask you something. As you started back downstream was some of the column still coming upstream?

A Yes, sir, they were.

Q And, as nearly as you can estimate, how much room was there separating the downstream line from the upstream line?

A I will say there must have been ten, maybe fifteen, feet.

Q All right, go ahead.

A When we started down, I remember when we started down the water gradually got higher; as I made that turn the water got up to about there (indicating on body).

Q There -- pointing to your belt?

A Right about there, about waist high, and as I started down the water gradually got higher.

Q What is the highest the water ever got on you at any time until something happened?

A The water never got any higher than just about there (indicating on body).

Q Hold that; don't move your hand for a minute, will you, please?

You are pointing to a spot directly over the second button; is that correct?

A Yes, sir, approximately there, sir.

DC: What has happened to the tape measure, may I ask, Major Sevier?

TC: We don't have one here, sir.

DC: I thought we had one one day when we were measuring some distances. I think it might be important for the record and for the court to see what that height is in measurement. I wouldn't vouch for my accuracy in using a straight edge; would rather have a tape measure, if we can get it.

TC: We would have to go outside of the building to get it.

LO: Hereafter see that there is a tape measure in the courtroom, or some kind of measuring wire of some sort.



DC: Perhaps, Mr. President, since we have the place fixed, we can measure that when the material arrives.

PRES: Yes, sir.

DC: Suppose we continue on with the testimony without delaying it for that simple point.

PRES: All right, sir.

DC: With your permission, may the sergeant come down?

PRES: Yes, sir.

The witness left the witness chair and stood by Defense Exhibit 8.

Q Go ahead in your own way and tell us everything that happened.

A When I made this turn, like a curve turn, I started back downstream, with the water gradually getting higher. At that time I asked if everybody was all right. The word came back that everybody was all right. There was a little -- there was some fooling going on, I suppose when they were making that turn behind me. I told them to knock off the fooling.

Q How did you say that; what did you say?

A Well, that wasn't the words I used.

Q Well, in that case, we will just leave it that way, that you told them to knock it off.

All right, go ahead; continue on with what you are telling us.

A We started downstream, as I said before, we were going downstream, and I asked where the non-swimmers were, I turned around and asked where the non-swimmers were, and the word came back spottily, here and there, "Here, sir."

Q What did you ask about that for -- I withdraw that. Did you know that there were non-qualified swimmers?

A Well, I knew there was non-qualified swimmers in the platoon, which is only common sense. Every platoon has a certain amount of them, I believe. I don't believe our platoon is an exception. Even though I didn't see the records about who could swim and who couldn't swim, I knew there were non-qualifieds in there.

Q What did you ask about where they were for?

A The reason I asked where the non-swimmers were was for the simple reason I didn't want those people wandering out or getting in any trouble. I didn't know that there were swimmers around them, but I supposed there were swimmers around them.

Q At any rate, you found they were in ranks, with people around them?

A Yes, sir, they were in more or less a column of 2's. They wouldn't have been covered down in column of 2's in water; they were maybe six inches out of line; they wasn't covered down, if you know what I mean.

LO: I didn't get that word.



PRES: "Covered."

Q You mean they were not in exactly a straight line; is that what you mean?

A They wasn't one behind the other.

Q All right.

A We started coming down and kept on coming down. A few of the men -- I don't know who said it, but they wanted to swim across. I told them "This is no swimming lesson." I said they would ignore going across.

Q Go ahead.

A At this time there was a group behind me -- there was a moon on the water, I looked out and there was light on the water -- I remember there was a moon, but there was real clouds, big, black clouds up there and rolling, and every now and then the moon went behind those clouds. I told the men "If you are ever running a problem or ever in combat regarding crossing a body of water, always keep out of the light, keep close to the shore line, into the shadows." We were still coming down and I asked again, I asked where the non-swimmers were and if everybody was all right. At that time I asked where Private Leake was. I said "Where is Leake?"

Q What did you ask for him for?

A Well, old Leake, he was my problem boy --

Q Talk up. We can't hear you. He was what?

A He was more or less the problem boy; he just couldn't do anything right at times. He really tried, he was a good kid and trying all the time and I think he will make a terrific Marine, but at times he didn't do anything right.

Q So you asked "Where is old Leake"?

A I asked where Leake was, and back in the platoon someone said "Here's Leake," and I said "Bring him up here." At that time the platoon was going down like this (indicating) and the end of that platoon was going around making that circle. Leake -- the rear end of that platoon, I seen them coming across this way (indicating) with Leake.

Q Who was coming across with Leake?

A There was two kids with their arms under his arms, two men had him. I left the front of the column and I went back --

Q Did you hold up the column?

A Yes, sir, the column held up there.

Q In other words, you went back partially to meet where Leake was being brought to you?

A Yes, sir.

Q Go ahead.

A At that time I recall the water, and I recall the water for the simple reason I met Leake with these two guys standing next to him in water up to their hips, just over their hips, about to their waists. I asked Leake if he was scared. I told him he



needn't be scared -- I knew he was petrified, he was scared -- and Leake said he was scared and I told the two guys that had him to take Leake in the back and watch Leake. I left Leake --

Q Do you remember -- yes or no -- do you remember whether you picked anything up out of the water and said anything in that connection?

A Yes, sir, I do.

Q All right, what was that?

A At that time that Leake came up I told Leake there was nothing to be scared about. Before I asked him if he was scared I broke off that grass, swamp grass, I call it -- I don't know what you call it --

Q Well, that's all right. We call it marsh grass.

A There was marsh grass about up to my thigh and it was rubbing alongside of my leg --

Q In the water?

A Yes, sir.

Q Go ahead.

A I reached down and broke off a piece of it and said "These aren't snakes, Leake; this is only grass, Leake." I guess he didn't believe me. He didn't say anything. I could see his eyes. He was scared. I told them to take Leake back, take care of Leake, watch Leake. I went back and took up my position in front of the platoon. At that time we took maybe five feet and the water tapered off, the water was up about there (indicating), never got any deeper or any lower, as I recall, about the second button, up there at the chest some place.

LO: Do you want to measure it?

DC: Instead of interrupting him, we will measure it later.

Q Go ahead.

A When I got back about opposite the place we come in -- I figured it was about opposite the place we come in; I didn't have any marker to measure it -- I was heading for that ditch -- I could see the slope of the ditch and the bank always visible. I would say we were out no more than twenty-five feet, possibly thirty -- give it the benefit of the doubt and say possibly thirty. That's a rough estimate.

Q What were you heading for the ditch for?

A It's there where I was figuring on coming out, going up this ditch and going back in there behind Charlie Range.

Q In other words, that is what you were going to take them through and out; is that correct?

A Yes, sir.

Q You say at this point, the point you are going to tell us about, you figured you were just about at the place you went off



the bank and into the water; is that correct -- I mean opposite or on a line with it?

A Yes, sir.

Q Where did you say that was?

A Right about here, in this position here, right about here (indicating on Exhibit).

Q You told us before that you estimated it was about twenty-five or thirty feet from that ditch?

A From this ditch here (indicating)?

Q Yes, sir.

A No; I mean from the bank.

Q I mean when you went in.

A When we went in, yes, about twenty-five feet; I estimated that.

Q We understand that. Now what happened at this point. Had you gotten back in the front of the column?

A Yes, sir, I was.

Q Had you taken some additional steps?

A Yes, sir, I took approximately five, maybe six, steps.

Q Then what happened?

A I can't just say what happened, but something did happen.

Q Well, try to explain it the best you can, what it was.

A Well, they started to yell, there was yelling; a big, mad commotion is all I can say it was. I couldn't actually distinguish one word from the other, to be frank with you.

Q Where, with respect to where you were, did this noise and commotion come from?

A It was in rear and off to my right.

Q Can you point out there, generally speaking?

A Generally speaking, I would say they were out maybe thirty feet when I turned around, about thirty feet to my right rear and maybe twenty feet behind me. This is just an estimate.

Q Let me understand you. You think they were thirty feet further to the right than you were and twenty feet behind you, on an oblique of that kind?

A Yes, sir. I was out in this area somewhere; around in here is where it happened (indicating on Exhibit) -- I saw it happen, that's what I seen --

Q What did you see? You haven't told us what you saw.

A I turned around when all this yelling started -- I didn't know what happened -- and I seen this group out there splashing in the water. I couldn't actually determine if the men were calling for help or what, but I seen them thrashing in the water and it looked like they were reaching for something. The next



command I gave, I told everybody to get out of the water; I told them to get out of the water, and I started swimming out toward this area here (indicating on exhibit).

Q You say you were standing in water which was no more than chest high. Why did you swim?

A I knew it was the quickest way out; it was kind of tough walking there.

Q Go ahead.

A I started swimming out toward this area here where they were, and there was a kid looked like he was going the wrong way; he had his back toward me. I latched onto his dungaree jacket and pulled him approximately, oh, maybe ten feet in toward the ditch, and I stood up and asked him if he could stand up, and he said he was all right. He said he was all right and I left him there and I started back out toward this group, which at that time it was almost parallel with me; in other words, instead of back there (indicating), it was back here (indicating) now. I started out and I seen this boy coming in, I seen this boy coming in. I thought he was going out all right and I was ignoring him, for the simple reason that out there maybe five yards further there was a kid I could see the top of his head and I thought he was floating. That's the kid I was going for, but around this kid was possibly three or four splashing, wasn't screaming or yelling or nothing, but they was splashing. I headed out toward that kid and, as I went by this other boy, this other man, he latched onto me -- well, I can't just say -- it surprised me -- and when I did realize what happened the man had hold of my neck. I tried to break his hold, and every time I started treading water the both of us went down. We went down, and as we come up I told the guy to keep his head and I'd get him in. He was a colored boy. I don't know who it was, but I think it was Private Wood, because I'd get hold of him and try to bring him around in front of me, and he wouldn't leave go, and I was looking at him more or less like this and he wasn't saying anything, wasn't saying a thing. He went down a second time, and the second time he went down it seemed to me like he went down further than the first time. While down there all I was thinking of was getting to the top. I was pulling toward the top and this kid let go; this kid let go, and that's the last I seen of him.

LO: Perhaps this would be a good time for a recess.

PRES: Yes, sir. The court will recess for ten minutes.

The witness was duly warned, excused and withdrew from the court-room.

Court closed at 1450 hours, 31 July 1956.