

FOR IMMEDIATE DISTRIBUTION TO _____

DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY VIETNAM
APO San Francisco 96375

AVHAG-A
LETTER ORDERS NUMBER 378

4 November 1968

SUBJECT: Board Appointment

Individuals Concerned

TC 351. Pol Bd is apt subj to call of the Pres thereof and will consist of mbr as fol in position indic.

Name: Board of Inquiry

Mbr: KENNEDY, JOSEPH C JR 05305810	DATA	MAJ ARTY 131ST SAC
APO 96308 (Pres).		
STRANGE, GLENN P 05332410	DATA	CPT MP 220TH RAC APO
96308 (Mbr)		
FERNANDEZ-SILVA, MANUEL 05341052	DATA	1LT INF CORPS
AVN CO (PROV) 212TH CSAB APO 96308 (Recorder)		

Eff date: 31 Oct 68, WOOD date cfm

Purpose: To determine all facts and circumstances concerning the missing status of NAME. 05334396 1LT (SSAN NVAL) 220TH AVN CO APO 96308 and BEZOLD, STEVEN N 05427948 1LT (SSAN NVAL) HHS, 2ND BN, 94TH ARTY, 108TH ARTY GP APO 96289

Auth: AR 600-10

Sp instr: Board will be guided by AR 15-6, para 3-29, AR 600-10, and para 5, USARV Reg 600-1. Report of Board proceedings will be furnished to this HQ, ATTN: AVHAG-CC, in four (4) complete copies ASAP, but NLT 3 Dec 68.

FOR THE COMMANDER:


A. R. GUENTHER

CPT, AGC
Assistant Adjutant General

DISTRIBUTION:

5-Ea off
2-AVHAG-A
15-CG, 1st Avn Bde
15-CO, 108th Arty Gp
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AVGM-B (29 Nov 68) 1st Ind
SUBJECT: Report of Board of Inquiry

DA, Headquarters 212th Combat Support Aviation Battalion, APO 96337 30 Nov 1968

TO: Commanding Officer, 16th Combat Aviation Group, APO 96337

1. References:

- a. Punch report 29156, 1LT NAME 05334396
- b. Punch report 29162, 1LT Steven A. Bezold, 05427942

2. Concur with findings of the Board of Inquiry.

3. Recommend that 1LT NAME 05334396, and 1LT Steven A. Bezold, continue to be listed as missing as a result of hostile action.



BERNARD W. BRUNS
LTC, EW
Commanding

10 Incl

Added 8 incls

- 3. Copy of SF 88
- 4. Copy of SF 89
- 5. Copy of SF 603
- 6. Photograph of LT Harrison
- 7. Copy of most recent assignment orders
- 8. Copy of DA Form 66
- 9. SGLI Election Form
- 10. Statement of Non-availability of 201
file data on 1LT Bezold

DEPARTMENT OF THE ARMY
131st Surveillance Airplane Company
APO San Francisco 96308

29 November 1968

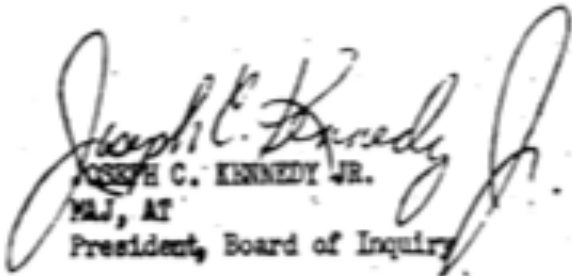
SUBJECT: Report of Board of Inquiry

Commanding Officer
212th CSAB
ATTN: AVGM-BA
APO SF 96337

The attached Board of Inquiry proceedings is forwarded to your headquarters for appropriate action.

2 Incl

1. Report of Proceedings of Board of Inquiry
2. Article 31 UCMJ acknowledgment



JOSEPH C. KENNEDY JR.

MAJ, AT

President, Board of Inquiry

AVHAG-C (29 Nov 68) 4th Ind
SUBJECT: Report of Board of Inquiry

Headquarters, United States Army, Vietnam, APO San Francisco
4 Dec 68

TO: Chief, Casualty Division, TAGO, DA, Washington, D.C.

1. The recommendation of the board to continue the status
NAME and 1LT Steven N. Bezold as missing as a result
action is approved.
2. The U.S. Army Mortuaries, RVN, have no remains believed
above individuals, and intelligence sources indicate they
information.

FOR THE COMMANDER:

- 12 Incl
- Added 2 incl
- 11. Ltr of sympathy
- 12. Bd apt orders


H. B. MCEVILY
LTC, AGC
Asst Adjutant General

CF:
USMACV J2 (wd incl 3-11)
USARV G2 (wd incl 3-11)
CG, 1st Avn Bde, ATTN:
AVEA-AG-PA (wd board)

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER (BOARD OF OFFICERS)
(AR 15-6)

Appointed pursuant to 17th Order Number 378, HQ USAF, Dated 4 November 1968

copy of which is attached as exhibit A.

Convened at 11th Aviation Company Officer's Club, APO SF 96308, Elm Pk Rd, HST

14 November

(Date or dates of hearing)

68

The investigating officer opened his investigation. The board met pursuant to the foregoing order at 11th Aviation

Company Officer's Club

1300 hours

14 November

(Date)

(If meetings held on subsequent occasions, indicate in Item 21, Remarks, and designate persons then present and absent.)

Persons present:

BRADY, Joseph G. Jr.

MAJ

0530280

AT

PROB.

STANLEY, Glen T.

CPT

0533540

TC

NOVOR

FORBES, Alfred, Marshal

1LT

0534052

IA

REC'D.

Persons absent:

None

(Check appropriate answer)

YES NO

1 Each individual whose conduct, status, efficiency, fitness, character, rights or pecuniary liability was investigated was notified at a reasonable time in advance of the opening of the initial session (warning of the board)?

N/A

2 Each notification was in the form of a written communication delivered or dispatched by messenger or mail to each person investigated?

N/A

3 Each notification stated the date, hour, and exact place of the initial session (warning of the board)?

N/A

4 Each notification stated the specific allegations or questions to be investigated?

N/A

5 Each notification stated the names of probable witnesses to be called?

N/A

6 Each notification stated that the investigating officer (the recorder or a junior member of the board) would endeavor to arrange for the presence of any available witnesses desired by each person being investigated, upon timely written request for such action?

N/A

7 Copies of the written notifications bearing certification of the investigating officer (the recorder or the junior member of the board) that they are true copies and that the originals were delivered or dispatched by messenger or mailed to the individuals listed below are attached as Exhibits _____

N/A

A.

B.

C.

D.

(List additional names in Item 21, Remarks, and so indicate in Item 74, above.)

8 Individuals concerned listed above were present during all open sessions, were afforded full opportunity to cross-examine adverse witnesses, to present evidence in their own behalf, to testify in person or submit a written statement, and to submit a brief. (If there were exceptions, the facts should be stated in Item 21, Remarks).

N/A

9 The appointing order and the substance of pertinent regulations were read to all individuals under investigation?

N/A

10 Individuals under investigation were advised of the specific allegations and evidence against them?

N/A

11 Individuals under investigation were extended the privilege of having counsel?

N/A

12 If requested, counsel was provided?

N/A

13 Counsel listed below were present throughout the investigation (If an individual made a party waive the right to have counsel present throughout all or a part of the investigation after having requested counsel, state in Item 21, Remarks, the circumstances and the particular proceedings conducted in the absence of such counsel).

N/A

14 If the investigating officer (the board) is required to be sworn by the specific law or regulation under which appointed, the investigating officer (the board) was sworn?

N/A

15 Individuals under investigation (individuals against whom prejudicial matters were alleged or arose and because as (accused) were afforded the privilege of challenging the cause the investigating officer (members of the board)?

N/A

(Check appropriate answer)		YES	NO
24	The premises, or property involved in the subject matter of the investigation, were visited and inspected by the investigating officer (the board) as follows:		
			N/A
25	The investigating officer (the board) fully apprised the following individuals not previously notified of all allegations of evidence prejudicial to them:		
	N/A		
	(List additional names in Item 31, Remarks, and so indicate.)		
26	The investigating officer (the board) permitted each such person to examine all allegations and evidence prejudicial to him and afforded him the opportunity to request or secure counsel, and to answer such matters by the testimony of witnesses he desired and by written statements, sworn to if practicable, of himself and others that he desired to submit.		N/A
27	If the privileges mentioned above were not afforded to individuals concerned, a full explanation as to why it was impossible or impracticable to afford such opportunities is at exhibit:		N/A
28	FINDINGS: The investigating officer (the board) having carefully considered the evidence of record finds - 1. That 1LT NAME (Pilot) and 1LT Donald (Observer) while flying a C-1 aircraft from the 220th SAC, were shot down due to hostile ground fire on the evening of 29 October 1968 between the hours of 1800 and 1900 hours. 2. That due to the testimony of an eye witness of the incident (See testimony of 1LT Berkley) the aircraft after being hit went into a slow right turn with the turn becoming tighter as the aircraft made contact with the ground. No explosions or fire was seen at impact to indicate the aircraft was destroyed. 3. A transmission was heard by a witness (See testimony CPT Edwards) at the time of the incident that 1LT Donald was still alive as the aircraft was going down. 4. Subsequent Search and Rescue efforts were initiated and an aircraft (C-1 Bird Dog) was spotted the next morning in the same vicinity where the 220th SAC's aircraft piloted by 1LT Harrison had gone down the evening before. (If more space is required, attach additional sheets. Are additional sheets attached? ☒ Yes ☐ No)		
29	If an individual was found pecuniarily responsible for the loss of funds or loss, damaged, or destroyed property, and the investigating officer (the board) recommended that he be held pecuniarily responsible therefor, such individual found pecuniarily responsible was afforded an opportunity to examine all evidence submitted to the investigating officer (the board) and to present evidence, including affidavits of other parties, in his own behalf? See exhibits		N/A
30	RECOMMENDATIONS: In view of the above findings, the investigating officer (the board) recommends - 1. That 1LT NAME be listed as missing due to a result of hostile action. (MIA) 2. That 1LT Steven M. Donald, be listed as missing due to a result of hostile action. (MIA). 3. 4. 5. 6. (If more space is required, attach additional sheets. Are additional sheets attached? ☐ Yes ☒ No)		

(Check appropriate answer)		YES	NO
16	Individuals under investigation affirmatively stated that they had no challenge for cause to the investigating officer (any members constituting the board)?	N/A	
17	In case of challenge, proper final action was taken on the objection?	N/A	
18	Members, to whom a challenge was sustained, withdrew?	N/A	
19	If, through challenge, the number of members of the board was reduced below the minimum required, were additional members detailed to the board prior to its resumption of the proceedings?	N/A	
20	In the presence of all parties, all available witnesses testified under oath or affirmation and all documentary evidence on both sides was examined.	I	
21	The testimony given by each witness under direct and cross-examination has been recorded verbatim or reduced to a sworn or affirmed written statement. The verbatim or summarized statements of witnesses are appended hereto as indicated.	I	
NAME AND GRADE OF WITNESSES WHO WERE PRESENT		ORGANIZATION OR ADDRESS	EXHIBIT NUMBER
STEWART, Roderick A. 1LT		220th Reconnaissance Airplane Company	
BOSLEY, Robert D. 2LT		100th Artillery Group	
KIMMICK, McKinley C. Jr. CPT		100th Artillery Group	
(List additional witnesses in Item II, Remarks, and so indicate.)			
22. The expected testimony of each of the following absent witnesses whose presence was not requested by the individual concerned or who, having been requested, was not available, or for whom the request was withdrawn, was obtained from each witness in the form of a written statement or affidavit or was stipulated to by the individual concerned in writing. Such statements or affidavits or stipulations were shown to each individual concerned and are appended hereto as indicated:			
NAME AND GRADE OF WITNESSES WHO WERE ABSENT		ORGANIZATION OR ADDRESS	EXHIBIT NUMBER
None			
(List additional absent witnesses in Item II, Remarks, and so indicate.)			
If an absent witness is requested by the individual concerned but is not available, enter a proper explanation. N/A			
23. The following documents have been examined, shown to all parties, and are appended as indicated (describe documents)			
N/A		EXHIBIT NUMBER	
(List additional documents in Item II, Remarks, and so indicate.)			

(Check appropriate answer)		YES	NO
24	The premises, in, or property involved in the subject matter of the investigation were visited and inspected by the investigating officer (the board) as follows:		N/A
25	The investigating officer (the board) fully apprised the following individuals not previously notified of all allegations of evidence prejudicial to them:		
	a. N/A		
	b.		
	c.		
	d.		
	(List additional names in lines 26, 27, 28, and so indicate.)		
26	The investigating officer (the board) permitted each such person to examine all allegations and evidence prejudicial to him and afforded him the opportunity to request or secure counsel, and to answer such matters by the testimony of witnesses he desired and by written statements, sworn to if practicable, of himself and others that he desired to submit.		N/A
27	If the privileges mentioned above were not afforded to individuals concerned, a full explanation as to why it was impossible or impracticable to afford such opportunities is at exhibit		N/A
28	FINDINGS: The investigating officer (the board) having carefully considered the evidence of record finds - 1. That 1LT NAME (Pilot) and 1LT Harold (Observer) while flying a C-1 aircraft from the 220th SAC, were shot down due to hostile ground fire on the evening of 29 October 1968 between the hours of 1800 and 1900 hours. 2. That due to the testimony of an eye witness of the incident (See testimony of 1LT Berkley) the aircraft after being hit went into a slow right turn with the turn becoming tighter as the aircraft made contact with the ground. No explosions or fire was seen at impact to indicate the aircraft was destroyed. 3. A transmission was heard by a witness (See testimony CPT Edwards) at the time of the incident that 1LT Harold was still alive as the aircraft was going down. 4. Subsequent Search and Rescue efforts were initiated and an aircraft (C-1 Bird Dog) was spotted the next morning in the same vicinity where the 220th SAC's aircraft piloted by 1LT Harrison had gone down the evening before. (If more space is required, attach additional sheets. Are additional sheets attached? ☒ Yes ☐ No)		
29	If an individual was found personally responsible for the loss of funds or lost, damaged, or destroyed property, and the investigating officer (the board) recommended that he be held personally responsible therefor, such individual found personally responsible was afforded an opportunity to examine all evidence submitted to the investigating officer (the board) and to present evidence, including affidavits of other parties, in his own behalf. See exhibits		N/A
30	RECOMMENDATIONS: In view of the above findings, the investigating officer (the board) recommends - a. That 1LT NAME be listed as missing due to a result of hostile action. (N/A) b. That 1LT Steven K. Harold, be listed as missing due to a result of hostile action. (N/A). c. d. e. f. (If more space is required, attach additional sheets. Are additional sheets attached? ☐ Yes ☒ No)		

Item 21 (Cont) An additional sheet attached? ☒ Yes ☐ No

DOLAN, Dennis L.	1LT	220th Reconnaissance Airplane	very
FINCH, Richard	1LT	106th Artillery Group	
FINCH, Charles S.	CPT	220th Reconnaissance Airplane Company	
DAVIS, Grayson L.	CPT	220th Reconnaissance Airplane Company	

The following is a verbatim copy of the Investigation Board's proceedings:

PRE: This hearing will come to order. This is a board of officers called to determine the status of 1LT NAME and 1LT Steven H. Beauld.

MEM: The board is appointed (This investigation is directed) by paragraph 351, Letter Order J70, Headquarters, USARV, dated 4 November 1968.

MEM: The following members of the board were present:

PRESENT: KENNEDY, Joseph G. Jr., MAJ, AF, 05305810, President
 STRANGE, Glen F., CPT, TC, 05312510, Member
 FERNANDEZ-SILVA, Manuel, 1LT, IN, 05310552, Recorder

The investigating officer concluded his investigation (The board adjourned).

1630 hours

14 November

1968

Glen F. Strange
 Glen F. Strange

(Member)

Joseph G. Kennedy Jr.
 Joseph G. Kennedy Jr.

(Investigating Officer) (President)

Manuel Fernandez-Silva
 Manuel Fernandez-Silva

(Recorder)

II. MINORITY REPORT:

I (We) concur in all the FINDINGS and RECOMMENDATIONS of the board, except the following (additional findings and recommendations attached) ☐ Yes at Exh/51 ☐ No

FINDINGS:

a. _____

b. _____

RECOMMENDATIONS:

a. _____

b. _____

In lieu thereof, I (We) substitute the following:

FINDINGS:

a. _____

b. _____

RECOMMENDATIONS:

a. _____

b. _____

III.

ACTION BY THE CONVENING AUTHORITY:

1. Concur with findings of the Board of Inquiry.

2. Recommend that 1LT Donald L. Harrison, 05314796, and 1LT Steven H. Beauld, continue to be listed as missing as a result of hostile action.

Richard W. Hume
 RICHARD W. HUME, 1LT, EM, Commanding

II. MISSING/MISSING IN ACTION IN SOUTHEAST ASIA

FINLEY, Dickie W. SGT HHC, 2d Bde, 4th Inf Div
21 Oct 68. He was a member of a reconnaissance team which made contact with
MLA hostile forces. Team was being extracted from area and it is be-
lieved that he fell from a ladder lowered from helicopter during
evacuation procedure.
Coord/Province: ZV 207 135 Darlac

BEZOLD, Steven M. <u>NAME</u>	CPT CPT	DATA	HBB, 2d Bn, 94th Arty, 108th Arty Gp 220th Avn Co, 212th Avn Bn, 16th Avn Gp, 1st Avn Bde
29 Oct 68. MIA		Pilot and artillery observer aboard an Ol military aircraft which, with another aircraft, was on an artillery firing mission in northern half of Demilitarized Zone. Aircraft was struck by hostile weapons fire and crashed. Aircraft did not catch fire, and from all indications, fuselage of aircraft was intact. Other aircraft was unable to make closer observation because of enemy fire. Missing in N. Vietnam.	
Coord/Province: YD 600 270 Vinh Linh Special Zone			

SWANSON, Roger W.	SGT	DATA	Co B, 1st Bn, 2d Inf
31 Oct 68.	Member of a reconnaissance patrol which was ambushed by a hostile force. He was wounded and last seen crawling through tall grass to evacuation helicopters. It was believed that he boarded the helicopter, but was later discovered that he had not. Area was searched, but no evidence of his whereabouts was found.		
MIA			
Coord/Province: XT 518 894 Tay Ninh			

COPLEY, William M. SGT DATA FOB 2, C&C North, 5th SFG
16 Nov 68. He was last seen on a long-range reconnaissance patrol when unit
MIA encountered hostile forces. He was wounded seriously and was left
behind during hasty withdrawal of other team members.

<u>TOOMEY, Samuel K., Jr.</u>	MAJ	DATA DATA	HQ, MACV, SOG, CCN, 5th SFG
<u>STACKS, Raymond C.</u>	CPT		" " " " "
<u>SCHOLZ, Klaus D.</u>	SSG		" " " " "
<u>BADER, Arthur E., Jr.</u>	SSG		" " " " "
<u>FITTS, Richard A.</u>	SSG		" " " " "
<u>MEIN, Michael H.</u>	SGT		" " " " "
<u>LeBOHN, Gary R.</u>	SSG	" " " " "	

30 Nov 68. Passengers aboard a VNAF CH-34 helicopter in a flight of four aircraft on a combat mission in a denied area, when aircraft was hit by hostile weapons fire, crashed and burned. Coord: Classified.

MIA

ITEM 31 REMARKS (Cont'd)

ABSENT: NONE

RCDR: Request the appointing order be attached to these proceedings and marked "Exhibit A."

PRES: The appointing order will be attached to the board proceedings and marked as requested.

RCDR: The board will be sworn.

RCDR: Do you Major Kennedy and Cpt Strange, swear that you will faithfully perform all the duties incumbent upon you as a member of this board; that you will faithfully and impartially examine and inquire, according to the evidence, your conscience, and the laws and regulations provided, into the matter now before you without partiality, favor, affection, prejudice, or hope of reward; that, in determination of those facts which are in dispute or are difficult of proof, you will use your professional knowledge and best judgment and common sense in weighing the evidence, considering the probability or improbability thereof, and with this in mind will regard as established facts those which are supported by evidence deemed most worthy of belief; and recommendations as are appropriate to, warranted by, and consistent with your findings, according to the best of your understanding of the rules and regulations for the government of the Army, Department of the Army policies, and the customs of the service, guided by your concept of justice, both to the government and to individuals concerned. So help you God.

MAJ KENNEDY PRES: I do.

CPT STRANGE MEMBER: I do.

PRES: Do you, Lt. Fernandez-Silva, swear that you will faithfully perform the duties and function of recorder of this board. So help you God.

RCDR: I do.

PRES: The first witness to be called is Lt. Stewart, who was Lt. NAME wing man at the time of the alleged incident.

RCDR: You Lt. Stewart, do swear that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Lt. Stewart: I do.

ITEM 31 REMARKS (Cont'd)

Lt. Stewart: Roderick Allen Stewart, First Lieutenant, Infantry, 051368-53, 220th Reconnaissance Airplane Company, APO 96308.

PRES: Lt. Stewart, we are here to determine the present status of Lt. NAME and Lt. Steven N. Besold. We would like you to tell in your own words and to the best of your ability what happened on the day in question.

Lt. Stewart: Sir, Lt. NAME and I took off on our scheduled mission that afternoon, I was to be flying high ship, cover ship for him. We went over and took over an artillery mission, just in the Northern half of the Demilitarized Zone, away from two other Catkiller aircraft that were in the area at that time. The two other aircraft went back to base and Lt. NAME continued to fire their artillery mission on some NVA artillery pieces that had been firing into friendly positions. As we came on station we were told that the aircraft that had been up there had been taking flak from NVA pieces that they assumed to be up further North in a region that we call Finger Lakes. While Lt. NAME was firing this mission down close to the border, I told him that I would proceed up further North and see if I could locate the source of the fire. During all the time that Lt. NAME and I were in communication with each other, talking back and forth, he informed me, after I had located a flak piece, that he was at two thousand feet, South of the river adjusting the artillery. At this time I called in an air strike on the flak piece that I had discovered up in the vicinity of Finger Lakes and I ran one flight of tactical aircraft on it. I had another flight on station when I discovered I had a malfunction in my marking rockets; I wasn't able to mark the targets for the second flight of fixed wing. I called Lt. NAME and he said he would come up to my position and mark target for the jets. I proceeded then South to pick him up as he crossed the river, and at that time I was flying approximately South. When I first saw him, he was flying North up toward Finger Lakes from the position he was firing, and his altitude I would estimate was between 3500 and 4000 feet. I was between 5000 and 5500 feet. At this time we were taking no fire although both of us had been receiving fire while he was shooting his artillery mission and while I was running my air strike. As I turned back to parallel Lt. NAME course toward the flak position, I observed one round, of what I judged to be a point detonated anti-aircraft round, hit his aircraft in the left rear cockpit between the pilot and the observer. It gave off a puff of white smoke. My observer and I both saw the plane get hit and we saw the gun position that fired on him. Lt. NAME plane just flew ahead for about three or four hun-

ITEM 31 REMARKS (Cont'd)

dred feet then it started a slow turn to the right. By this time I realized that he wasn't doing an evasive maneuver but he had definitely been hit. By the time he had done a complete 360° turn, losing altitude all the time, I called "Mayday" and figured that he wasn't going to pull out. I called Lt. NAME (I was actually talking to him when the round struck) but I never got any response from him. As I was calling the "Mayday" I didn't actually see the aircraft hit the ground. I was working with my radios. The weather was closing in, there was a broken ceiling at about 2000 feet, and an overcast ceiling up much higher, and we were working in-between the two layers, firing through the holes, when I was running my air strikes. The ground was clear all the way and he did not go through any clouds as he was going down. My observer told me that he saw him hit the ground. So I immediately started down to see if I could find the aircraft, but we received a heavy volume of flak, tracers and automatic weapons fire, so I came back up. By this time Waterboy had told me to come up their frequency, which I did, and they took over as far as controlling all the aircraft who called, and the controlling agencies who called to answer the "Mayday".

PRES: Do you have any further thing to add that you think would be of any help.

Lt. Stewart: No sir, the only thing that I can think of is in my opinion, if the round did not kill Lt. NAME as it hit the aircraft, I feel that he had a good chance to survive any crash that the aircraft could have gone into. It was not in a spin or in an uncontrolled attitude as it was going down, it was just a right turn and just got lower and steeper, until he hit.

PRES: You made a comment in the initial part of your statement that must be clarified; you were talking about yourself and Lt. NAME and who was Lt. NAME observer?

Lt. Stewart: Beg your pardon sir?

PRES: Who was Lt. NAME observer?

Lt. Stewart: It was Lt. Besold sir.

PRES: When you saw the aircraft, or when you observed Lt. NAME aircraft supposedly being hit, can you say for sure that it was a flak burst that hit his aircraft?

Lt. Stewart: Well I would judge, just by my limited experience of the rounds that I have seen up there, I've never seen one hit an aircraft

ITEM 31 REMARKS (Cont'd).

before, that it was either what has been described to us as a point detonating round, in other words it explodes when it hits the aircraft, or it was a flak round that had not burst into flak.

PRES: Can you say that, in other words, you make this observation because at the time you were in the area, both of you were taking automatic weapons fire or flak bursts being shot at the aircraft. Is this correct?

Lt. Stewart: Yes sir, it was a one round shot, I saw no other rounds. As I said, I saw the position it was fired from and it was just the first round.

PRES: And you at no time, after you saw the aircraft supposedly being hit and it went into it's tight turn spiral, or what ever namever it went into, you had no radio transmissions from Lt. NAME Jr Bezold what so ever?

Lt. Stewart: No sir, I sure didn't. Although the radio we were communicating on was UHF, and when I saw he was going down, this was the radio that I changed to make my Mayday on, so if he was trying to contact me on UHF I would not have heard him.

PRES: And you do have in your aircraft FM's and one UHF.

Lt. Stewart: Yes sir.

RCDR: Did you actually call him on the UHF radio before you started making the Mayday, or did you just go ahead and do it without trying to give him a call or contact him?

Lt. Stewart: I called and said "you're getting fired at". First I thought he'd shot a rocket from the white puff of smoke and then I saw the smoke on the ground from the gun position and I figured that he was getting fired on. So I called and I said "you're getting fired on", and I saw him turn and I said something to the effect of "Jesus, he's hit", or something like that. And then the back seat, my observer exclaimed "he's going in", and at that time I realized that something was drastically wrong, and I made my Mayday call.

RCDR: So, when you told him "you're getting hit", or something like this, he did not answer.

Lt. Stewart: No, it was pretty hectic at this point and I remember making a lot of exclamations and whether I was saying them to my observer or to Lt. NAME I don't remember. Usually our reaction in this case, when an aircraft is fired on, is to

ITEM 31 REMARKS (Cont'd)

warn the aircraft and then look for the position of the NVA weapon, which was our secondary job up there. To keep the flak off each other. So I made many comments both exclamatory and otherwise but whether I was talking to Lt. NAME or to my observer, or just to myself, screaming out loud, I really can't say.

RCDR: So in any case, you did not hear him answer you?

Lt. Stewart: No he did not answer me.

RCDR: OK. That is all I have.

Cpt Strange: Any time after the aircraft was hit, or when you observed (Member) what you considered to be a hit, and it began it's turn to the right and it's decent, in your professional opinion as a pilot, as an aviator, could the aircraft have been at that time under control of a pilot or possibly the observer in the back seat? Or was it completely out of control?

Lt. Stewart: Well, the first thing that seemed wrong was that the aircraft was not thrown into an unusual attitude, which is the case if you are fired on by flak. You usually do an extreme evasive maneuver. This was my first inclination that something was wrong, that the aircraft did not turn itself upside down and turn away. I believe that. As a matter of fact when I was looking for the aircraft the next day I went out to the approximate position and just let my airplane go and let it start a slow turn to the right and that's how we found the aircraft. So I don't really feel that the aircraft was being controlled by anyone inside it at that time.

Cpt Strange: Now, you say you lost sight of the aircraft and did not actually see it impact. Would you explain please the conditions, circumstances, and reasons you didn't exactly see it impact?

Lt. Stewart: The main reason was I was changing my radios. I had come on guard and broadcast. Then I looked back out of the aircraft and saw Lt. NAME plane still turning. Then Waterboy came on and told me to switch to their frequency, at which time I reached up and dialed my UHF radio to their frequency and that was when he hit because when I looked back down I could not see any more movement.

Cpt Strange: Now you say Waterboy, after you had changed to their frequency.

ITEM 31 REMARKS (Cont'd)

- Lt. Stewart: Well, as I said before my first concern was trying to find the crash because my observer said he could no longer see it and I could not see it. So I started a dive down over the approximate area where I judged he would have hit from the way his plane was going when I last saw it. At this time we were fired on very heavily, so I made no other attempt to do a low pass over the area. I just kept flying back and forth, back and forth, while my observer put his binoculars on the area trying to pick up the site. At this time two or three flights of tactical fighters checked in and the flight that I had on station came up. Jolly Green came up, Sandy's Crown came up, then there were people all the way down from Chu Lai calling in asking if they could help. It got to the point where Waterboy was telling them to stay off the air, and due to the weather, they were having to keep everybody on radar control and directing everybody in. The gunfighter flight was in the area and I asked if there was any fast moving reconnaissance aircraft that might be able to go down there and get through the flak. But at this time they were just having, the NVA, were having a field day firing at everybody that was flying in there and myself included. It was getting dark, I turned off my lights and after that I didn't receive as near the volume of fire that I had before I turned off my lights. The gunfighter flight had already expended their ordnance and they went through the area approximately 2000 feet. I was at 3000 feet. They received heavy fire, both automatic weapons, flak and heavy tracers which were quite visible in the dark. They used their 20 MM cannons on a few positions that they had spotted that were firing to their front as they came in.
- Opt Strange: How much time did you spend over the crash site or in the area where Lt. NAME aircraft went down before you returned to base.
- Lt. Stewart: I stayed in the air for 3 hours from my take off time. I would estimate I spent an hour over the crash site.
- Opt Strange: And during this time did you receive any beeper signals, or emergency radio transmissions, or anything that you could have conceived as such, or did you sight anything on the ground which could be determined to be the downed aircraft.
- Lt. Stewart: That's a negative. Several times I called on "Guard" using Lt. NAME call sign and the call sign of his observer seeing if I could get any response at all. Waterboy and Crown were all calling on Guard and there was no response.

ITEM 31 REMARKS (Cont'd)

Opt Strange: To the best of your recollection can you give us the dates and as close as you can to the exact time of the accident's occurrence?

Lt. Stewart: I would say it would be after 1800 on the 29th of October 1968.

PRES: At the time of the aircraft being shot down you made the comment that you never saw it hit the ground. At this time, when you gave the Mayday call, Waterboy came on, and they started trying to direct aircraft to the crash site. Did you monitor Waterboy's transmissions; in other words, did he actually send anybody into the area other than yourself who was already there?

Lt. Stewart: No sir, he didn't. They had some gunships and I believe one chopper, I haven't heard his call sign before, but it was not a rescue chopper. They came up actually into the IMZ. I told Waterboy then that any slow moving aircraft that came into the area would be shot down. In spite of my wishes to get Lt. NAME out, dead or alive whichever the case, it would have been completely useless to send any helicopter or slow moving aircraft in that area low enough to see the ground affectively or to land at a crash site.

PRES: In other words, by this time it was dark.

Lt. Stewart: It was not dark due to the sun more than it was the cloud cover; the haze, and there was a high ceiling which made everything real gray.

PRES: I see. But you could not distinguish any objects very visibly on the ground. Is this correct?

Lt. Stewart: If the aircraft had been sitting out in the open, I would have been able to see it, because I had narrowed my search down to quite a small area. But the tracers were very visible, and it was dark enough to see the tracers. Sort of a twilight.

PRES: Did you at any time the next day come back out to the crash site?

Lt. Stewart: Yes sir, I did. The next morning Lt. Hooper, also of my company, and I, both spent the night at Dong Ha. At the first light the crew chiefs had been told to have the aircraft ready. At first light we were taxiing out to take off when we received calls from other Catkillers coming up from Phu Bai, and they told us to wait and they would have extra aircraft to go up and search the area. We did go up there and spend approximately two hours over the crash site.

ITEM 31 REMARKS (Cont'd)

PRES: Did you see the crash site?

Lt. Stewart: Yes sir, I did. I saw the crash site, but I was not able to see the aircraft. I did see the wing that had brought everybody's attention to the area. But I was the last, the highest ship, when it was sighted, and I guess the NVA knew it went down and they were waiting for us to spot it, because as soon as we started circling it they hosed us down pretty bad with automatic weapons and flak.

PRES: Does your aircraft, your company aircraft, have any distinguishing features that you could determine whether or not it was your aircraft from the air or not?

Lt. Stewart: Yes sir, we are the only bird dog company that ever has flown in that area to my knowledge. Our planes are painted the Army OD and we have our control surfaces, the ailerons and elevators, painted white for visual purposes. This was quite evident at the crash site. It was a bird dog wing, and it was a wing off of one of our Army bird dogs.

PRES: In other words, it did have the white markings of your company that you could visibly distinguish from the air.

Lt. Stewart: Yes sir.

PRES: And at what altitude were you, approximately, when you saw the crash site?

Lt. Stewart: Approximately 3000 feet.

PRES: Did you see the fuselage?

Lt. Stewart: No sir, I did not.

PRES: In other words, then, you could not tell, from what part of the crash that you saw, what the actual condition was of the airframe itself? Other than the fact that you did see one of the wings.

Lt. Stewart: No sir, it was described to me by some of the other pilots in the area, trying to show me where it was. The fuselage is entirely green, and it was in the trees and bushes, and the area around it was green. I never did see it.

PRES: Do you have anything further you would like to add?

Lt. Stewart: No sir, that is all.

PRES: You are excused.

ITEM 31 REMARKS (Cont'd)

THE SECOND WITNESS TO BE CALLED IS LIEUTENANT ROBERT D. BURKLEY

RCDR: Do you, Lt. Burkley, swear that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Lt. Burkley: I do.

RCDR: State your full name, rank, service number, branch, organization and station.

Lt. Burkley: Lt. Robert D. Burkley, Second Lt., Artillery, 108th Group 8th Battalion, 4th Artillery, Dong Ha.

PRES: Lt. Burkley, we understand that you were Lt. Stewart's observer in the back seat of an O-1 aircraft on the afternoon of 29 October 1968, 1850 hours. Would you please give us what information you have regarding the status of Lt. NAME and Lt. Besold at that time, or what you know now?

Lt. Burkley: We took off for the afternoon flight. Lt. Stewart was my front seat, and we were flying high ship for Lt. NAME who was pilot of the other ship, and Lt. Besold, who was the observer in the other ship. We flew into an area south of Finger Lakes and just north of the river where there was a fire mission in progress being carried on by Lt. Pierce on artillery battery. Lt. Besold took over the mission and continued to fire the mission because Lt. Pierce had to go in for fuel, and at that time he returned to base. Lt. Stewart moved further north to look for some anti-aircraft sites that had fired at them that morning over the vicinity of Finger Lakes. We found one position, and ran one flight of tactical aircraft on it. Our smoke rockets malfunctioned and we couldn't mark another target. Lt. Besold had completed his mission by this time, and we called and asked them if they would come up and mark a target for us. We were flying at approximately between 6 and 7 thousand feet and going back north. Lt. NAME and Lt. Besold were below us, almost directly, as we were going north. I saw a burst of smoke from a tree line and tried to tell Lt. Stewart that there was ground fire down there. But evidently I didn't get through, and it was too late anyway, I think. I saw an explosion, what looked like, under the right wing of Lt. NAME and Lt. Besold's aircraft, and they dropped into a right hand spiral. It stayed pretty well flat all the way down. I could see no explosion on impact and they landed in brushy area. There was brush and trees in the area, and it was almost evening, it was almost dark, and you really

ITEM 31 REMARKS (Cont'd)

couldn't tell how they hit. I saw no explosion when they hit or anything of the sort. We picked up ground fire about this time ourselves, and got in some clouds during which time I lost the aircraft. We had already passed them, and before we could get back to them it was lost from sight. There was no smoke or anything on the ground. They started firing at us a little more heavily, and we started taking quite a bit of flak. Every time we tried to get a little lower, automatic weapons fired at us.

PRES: Do you have anything else to say that you think might add to help us determine the status of the two individuals concerned?

Lt. Burkley: I'm sorry sir, I don't believe I can. I've never had any experience with anything of this sort before. I watched the plane go in. I would have said that possibly somebody could have lived through it.

PRES: In other words, you did see the aircraft when it hit the ground. Is that correct?

Lt. Burkley: Yes sir.

PRES: You saw no explosion; nothing to indicate that when it hit the ground it did explode.

Lt. Burkley: No sir.

PRES: We understand that your aircraft stayed in the area approximately one hour after the crash of the aircraft. Is this correct?

Lt. Burkley: Yes sir, that is. We continued to look for the downed ship, but we never relocated it.

PRES: Did you hear any sound on Guard from a survival radio, like a beeper, or any type of radio transmission?

Lt. Burkley: No sir.

PRES: When the aircraft was hit, did you try to contact Lt. NAME and Lt. Besold's aircraft?

Lt. Burkley: No sir, my radio was up on a different frequency from the frequency they were operating on, so I didn't even pick up a transmission, if there was a transmission sent. I was trying to communicate with Lt. Stewart in my front seat to inform him of what was going on. I didn't think he was aware of what was happening at the time.

PRES: What was your opinion of the visibility and weather at the time of the incident?

Lt. Burkley: Well there was quite a bit of ground haze, from up at 7000 feet you could not see very well; you couldn't see the ground very well. It was hazy in the trees in this area. We had high scattered clouds.

PRES: You are a trained aerial observer. Is this correct?

Lt. Burkley: I've never had formal training. I've got almost 100 hours at this time of aerial observing.

PRES: You are familiar with the area that you were flying in?

Lt. Burkley: Yes sir.

CPT Strange: One question Lt. Burkley. You said that the aircraft was hit under the wing somewhere. Would you please describe a little bit in more detail the explosion, or the impact of the round in the aircraft? Exactly where, in your opinion, did it hit the aircraft.

Lt. Burkley: From the amount of smoke that came out of the ground position, and from the way it hit, I didn't see anything but smoke under the wing. I would not say it was flak. In my estimate it would probably be 23 MM from the amount of smoke that came out of the ground position.

CPT Strange: I understand. Where did this hit the aircraft?

Lt. Burkley: It looked to me like it was under the right hand wing. They only fired one burst and they were right on it with the first round. There was no trace effect in the air at all which you usually get with 23 MM, so, my guess would be that they made their rounds count. They were right on target; they just didn't miss. It looked to me like it was under the right hand wing where the hit occurred.

PRES: Lt. Burkley, were you in the area of the crash site the next day?

Lt. Burkley: Yes sir, I was.

PRES: Did you see the downed aircraft itself?

ITEM 31 REMARKS (Con'd)

Lt. Burkley: I identified what we suspected to be the downed aircraft. It was rather hard to identify. It wasn't a particularly good day for visibility. It was ground haze once again, and we had clouds at about 3000 feet. And it wasn't really safe to be below that altitude.

PRES: Can you definitely say, by the markings on the aircraft, that this was a 220th Aviation Company aircraft?

Lt. Burkley: No sir. I can say that my guess would be that it was a bird dog. That is as close as I can come; it looked like a bird dog to me.

PRES: And it was in the vicinity of where you had been the night before.

Lt. Burkley: Yes sir. I knew that it had gone down just to the south of one of the roads. There were two east-west roads in the area, and when I watched the plane go down, I noted that it had gone down just to the south of one of the roads.

PRES: You were not close enough the next day, actually, to see whether or not there was any form of life, or what looked like life, near the downed aircraft?

Lt. Burkley: No sir. I was up twice that day. The first time we saw nothing; the second time I was up, we noted that part of the aircraft had been moved. The fuselage had been separated and the fuselage was no longer present.

PRES: Do you have any ideas of your own what could have possibly happened to cause the aircraft to move?

Lt. Burkley: Yes sir. When I first looked at the area there were no visible tracks of any sort in the area. The second time I looked there, later in the afternoon, there were a set of tracks going through the area.

PRES: What type of tracks?

Lt. Burkley: Truck tracks. Heavy vehicle tracks. I would say that it had probably been trucked out.

PRES: And during this next day reconnaissance. Did you at any time hear any type of transmission, or beepers, on the radio? -

Lt. Burkley: Not myself personally, no sir.

PRES: Do you have anything further you would like to add?

Lt. Burkley: No sir.

THE THIRD WITNESS TO BE CALLED IS CAPTAIN MCKINLEY C. EDWARDS

ITEM 11 REMARKS (Cont'd)

PRES: The next witness to be called is CPT Edwards, whose call sign on 29 October was "Seven-Up 13", and his official capacity at that time was Fire Direction Officer for the 108th Artillery Group.

RCDR: Do you CPT Edwards swear that the evidence that you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth so help you God?

CPT Edwards: I do.

RCDR: State your full name, rank, service number, branch, organization, and station.

CPT Edwards: McKinley Carl Edwards Jr., Captain, United States Army, Headquarters and Headquarters Battery, 108th Artillery Group, Fire Direction Officer in the S-3 shop. Service Number OF100617.

PRES: CPT Edwards, on the day in question, which was 29 October 1968 approximately around the hours of 1800 hours local, is it not correct that you overheard a transmission made by either Lt. NAME or Lt. Bezold? Would you give the circumstances surrounding this, and what you actually heard at that time.

CPT Edwards: I was on duty as Fire Direction Officer on the evening in question. About 1800 or a little after, Lt. Bezold, known as "Seven-Up I-ray," was on station above the DMZ. He had notified me that he was returning to base, his mission had been completed. A few minutes after that I overheard the transmission where I-ray was calling "Seven-Up" Charlie, which is the cover ship. He said words to this effect, "were hit, we're going down. We're not going to make it". And that was the end of it. I tried to contact him; I couldn't raise him on the radio. I contacted the other AO, Seven-Up Charlie, and asked him if he could see the aircraft, and he said, yes, he could see it going down. But he hadn't heard the transmission.

PRES: Who, by name, is Seven-Up Charlie?

CPT Edwards: That is Lt. Burkley.

PRES: And you heard no further transmissions what so ever? Other than the fact that he was hit and going down.

CPT Edwards: Negative. No more transmissions.

PRES: Can you specifically say, or do you definitely know, that this was Lt. Bezold.

ITEM 11 REMARKS (Cont'd)

CPT Edwards: Yes. I know Lt. Besold's voice, I've known him for quite a while. He was talking in a fairly normal tone of voice, he didn't sound panicky or anything, so his voice was easily recognizable.

CPT Strange: One question. When you heard the transmission from Lt. Besold, was the transmission made completely, and then the squelch broken, as if he had released his microphone button? Or was it broken or cut off in any way? Could you tell that after he had said what he had said, that he was finished and broke the squelch himself? Or did it sound as though he may have been interrupted in his transmission.

CPT Edwards: It sounded as though he had finished talking to me. As soon as he said we're not going to make it, the squelch once again was unbroken, and I made my transmission to Seven-Up. Well, I tried to contact him first, but I couldn't raise him, then I tried to contact Seven-Up Charlie.

RCOR: Did he sound like he was weak, or did he sound as if he was hurt in anyway, or anything like that, when he was talking to you on the radio? Or was he just calm like you said before? Did he sound like he himself had been hurt?

CPT Edwards: I'm inclined to believe that he was still in the air when he was talking to me, because when he finished talking, and I tried to contact him, and then I talked to Lt. Burkley, Lt. Burkley said he could see the plane going down.

RCOR: I know he was still in the air; but when he was talking to you did his voice change in any way? Was it weaker, or something like that to bring out the fact that maybe he was hurt, and that's why he came out with the transmission that they were not going to make it?

CPT Edwards: No, his voice didn't change at all. I mean, he was talking in a normal tone of voice.

PRES: Is it normal procedures for you to monitor the aircraft frequencies whenever your aircraft are in the air?

CPT Edwards: Yes, we always monitor the aerial observer's frequencies.

PRES: Was your Fire Direction Center being used at that time to put artillery fire on any of the targets that had been called in?

ITEM 31 REMARKS (CONT'D)

CPT Edwards: That's affirmative. We controlled the aerial observers from that position.

PRES: Do you have anything else you would like to add?

CPT Edwards: No sir; that's all.

PRES: Your excused.

THE FOURTH WITNESS TO BE CALLED IS LIEUTENANT DENNIS L.M. DOLAN

PRES: The next witness to be called is Lt. Dolan, a pilot for 220th who supposedly flew night illumination over the crash site after the incident happened.

RCDR: Do you, Lt. Dolan, swear that the evidence that you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth, so help you god?

Lt. Dolan: I do.

RCDR: State your full name, rank, service number, branch, organization, and station.

Lt. Dolan: Lt. Dennis Lee M. Dolan, 05538807, 220th Recon Airplane Company APO San Francisco 96308, and my Branch is Armor.

PRES: Lt. Dolan, we are here to determine the status of two mission personnel, Lt. NAME and his back seat Lt. Steven Besold. We would like for you to relate in your own words what purpose, or what part, you actually played in this on the night in question, which was 29 October approximately between 1800 and 1900 hours.

Lt. Dolan: Yes sir. We were flying an artillery mission in the North Vietnam. Shortly before dark, we turned over the mission to Lt. NAME and his back seat to continue a counter battery mission, so I was familiar with the area that he was working in. After I turned over the mission to him, I went back to Dong Ha and landed, and took off about a half an hour later on a Marine Corp mission, which was South of the river. I forget the exact time I heard Lt. Stewart come on the radio with a "Mayday, Mayday, Mayday". "This is Catkiller 13 on guard, an O-1 is down in North Vietnam". Then I believe it was either Crown or Waterboy came up and offered assistance. Catkiller 13 told him that he had lost his team mate in North Vietnam. After that, the guard channel became crowded with people offering assistance, and Lt. Stewart tried to direct rescue aircraft into the area. At that time my back seat and I headed over to the scene of the accident, and I was able to ask Lt.

ITEM 31 REMARKS (Cont'd)

Stewart if he sent down in the same area that he was adjusting artillery before. About the only thing we could look for, because the visibility was getting poor, was a fire on the ground. I couldn't see any fire and couldn't find any wreckage; and we started taking quite a bit of ground fire so we headed back South of the river. At that time Lt. Stewart had some Air Force fighters make some low passes over the area and they were not able to get much closer than we were getting. Lt. Stewart then went back to Dong Ha, because he was running out of fuel, and Lt. Hooper and myself stayed out there and flew over the area above the clouds until it got too dark to see. Then I think it was Waterboy offered us some illumination and we started getting illumination flares on the area. Lt. Hooper stayed above the clouds and I stayed below the clouds over the river at about 1500 feet. I guess Lt. Hooper was about 4000 feet. We stayed out there for another hour, the illumination did light up the area, but we could not see anything, and we started running out of fuel, so we turned back to Dong Ha.

PRES: Did you go into the area the next day?

Lt. Dolans: Yes sir, I went into the general area the next day about nine-o'clock; myself, and a Marine #0. We spent about 30 minutes working West of the area where the plane was later found, and of course we didn't see anything. Later that day, I guess about noon, I went up there with -I think- it was Cpt. Finch acting as cover ship, and Cpt. Finch was able to look at the airplane, but I never did see it myself.

PRES: In other words at no time the night before, or a day after the incident happened, did you see the aircraft?

Lt. Dolans: That's right, at no time did I see the aircraft.

PRES: Either that night or the next day, were you monitoring Guard? Is this correct?

Lt. Dolans: That's affirmative.

PRES: Did you ever at any time hear a beeper or any type of transmission on guard?

Lt. Dolans: I never did hear a beeper or any transmission on guard.

PRES: Do you have anything you would like to add?

Lt. Dolans: No sir, that's it.

ITEM 31 REMARKS (Cont'd)

PRES: Your excuse.

THE FIFTH WITNESS TO BE CALLED IS LIEUTENANT RICHARD W. PIERCE

PRES: The next witness to be called is Lt. Pierce, an Observer for the 108th Artillery Group who was in the aircraft with Lt. Hooper who supposedly first sighted the wreckage the next day. Lt. Hooper is not available as a witness since he is in survival school in the Philippines at this time, but the testimony of Lt. Pierce will suffice for Lt. Hooper also.

RCIR: Do you, Lt. Pierce, swear that the evidence that you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Lt. Pierce: I do.

RCIR: State your full name, rank, service number, branch, organization, and station.

Lt. Pierce: Lt. Richard W. Pierce, First Lieutenant, 05428033, Army, 8th Battalion, 4th Artillery, Dong Ha, Vietnam.

PRES: Lt. Pierce, in your own words, we would like you to tell us the part that you played in the search and rescue efforts trying to find the wreckage of the aircraft flown by Lt. _____ and with his observer Lt. Besold.

Lt. Pierce: Yes sir. Well I found the aircraft the next morning. It went down in the evening and I found it the next morning at approximately between 0600 and 0830 hours. I didn't have a watch with me when I was up there.

PRES: Lt. Pierce, were you and Lt. Hooper, as best as you can determine, were you the first persons on site; or the first persons that actually spotted the wreckage?

Lt. Pierce: Yes sir, we were the first ones that actually saw the wreckage.

PRES: And in your opinion, what was the condition of the wreckage?

Lt. Pierce: The only thing I could possibly identify from the wreckage was the left wing, also there was the whole aileron and half of the elevator on the left wing. I could see other objects in the brush, but I couldn't positively identify exactly what it was. But I did positively identify the aircraft about that certain time of the mission.

ITEM 31 REMARKS (Cont'd)

PRES: Can you positively say it was a 220th aircraft?

Lt. Pierce: Negative. I can't say it was positively a 220th aircraft. Although I know the area very, very well, and we did use white control surfaces on our airplanes, and within my own mind I am extremely positive that it was the aircraft. There hasn't been another aircraft go down in the area to my knowledge.

PRES: But you couldn't tell whether there were white markings on the top of the wing, or the portion of the wing that you saw.

Lt. Pierce: Yes sir. There were the white aileron surfaces, and the white control surfaces along the wing, but that is all I could make out for sure.

PRES: Were you and Lt. Hooper monitoring the guard frequency?

Lt. Pierce: Sir, I can't remember for sure whether Lt. Hooper was monitoring guard; although he usually does.

PRES: You, at no time, had any indications of anybody being on the ground trying to contact you; whether it was on beeper or emergency transmission.

Lt. Pierce: No sir. I had no indications whatsoever. Also I saw no activity on the ground whatsoever. Also when I first found the aircraft, there were no tracks or any appearance of any disturbance around the aircraft whatsoever.

RCMR: You say that you saw the left wing, and you say you saw all the objects in the bushes but you could not recognize them?

Lt. Pierce: That's affirmative. I could make out for sure the left wing and that's all positively I could identify.

RCMR: Could you tell me, more or less, if you can, the distance that separated the wing from the other objects that you saw in the bushes?

Lt. Pierce: Roger. The wing that I saw was pointing down into the bushes. The base of the wing itself that connects onto the fuselage was pointing down in toward the bushes and it was right next to it. And you could see some dark objects down inside the large bush, but that's all I could really tell for sure.

Opt Stranges: Did you at any later time during the day of the 30th or at any other date, see the wreckage on the ground, other than the time you saw it first on the morning of the 30th?

Lt. Pierce: Yes sir, I did. I couldn't see any other indications.

ITEM 31 REMARKS (Cont'd)

Cpt Strange: I see. And between the times you first saw it and the times you saw it on subsequent missions, or flights, had the wreckage been moved, disturbed, or changed in any way in appearance?

Lt. Pierce: I was up there the day after I found the wreckage firing at some artillery pieces approximately 3 to 4 thousand meters South of the wreckage. It was a very important mission, and I was paying a lot of attention to the artillery pieces that I found. I did see the wreckage, but I didn't pay that much attention to it. I was too busy firing at the artillery pieces. But I can't say, because I didn't get that good a look at it. I was about 3000 meters South of the wreckage orbiting around the target and I can't say for sure.

Cpt Strange: So, to the best of your knowledge the wreckage was not disturbed or moved by person or persons unknown.

Lt. Pierce: I don't know. I didn't get a good look at the wreckage the next day and I can't say for sure. To the best of my knowledge it hadn't been moved. It hadn't been disturbed, other than what I had found the first morning.

PRES: Since Lt. Hooper is not available, and cannot be here, and you did fly with him on this mission, do you feel that if he had heard a beeper, or an emergency transmission, that he would have told you in the back seat?

Lt. Pierce: That is most affirmative. I fly with Lt. Hooper an awful lot. In fact, I fly with him more than any other pilot, and we converse back and forth on anything that happens. I am most definitely assured that if Lt. Hooper would have found anything, he would have let me be the first one to know.

PRES: Do you have anything else you would like to add to your testimony?

Lt. Pierce: No sir, that is all.

PRES: You are excused.

THE SIXTH WITNESS TO BE CALLED IS CAPTAIN CHARLES S. FINCH JR

PRES: The next person to be called is Cpt. Finch, who was Platoon Leader of Lt. NAVE flight, and also, was another pilot who saw the wreckage on the day after the incident happened.

RCER: Do you, Cpt Finch, swear that the evidence that you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

ITEM 31 REMARKS (Cont'd)

Cpt Finch: I do.

BCUR: State your full name, grade, service number, branch, organization, and station.

Cpt Finch: Captain Charles S. Finch Jr., Captain, 05328510, Artillery, assigned to the 220th Reconnaissance Airplane Company, Phu Bai, RVN, APO San Francisco 96308.

FRES: Cpt. Finch, we understand that you were the Platoon Leader of Lt. NAME Is this not so?

Cpt Finch: I was in the process of taking it over. Cpt Sorrells was, but I took it over within the next day or so.

FRES: Could you tell us what part, if any, you played in the search for the wreckage? And what day it was that you found the wreckage, if you found the wreckage?

Cpt Finch: I left Phu Bai the morning after the wreck, and I was in charge of the whole rescue starting at about 6 o'clock that morning lasting till about 6 o'clock that evening. We were the ones who, myself and Lt. Hooper, were the ones that first found the aircraft, I guess at about 0730, maybe a little earlier. We stayed over most of the day looking for signs of life, and different ways the airplane wrecked.

FRES: Did you ever get an actual good look at the aircraft?

Cpt Finch: I got a look at it from about 600 feet I'd say.

FRES: Did you see the fuselage?

Cpt Finch: I did.

FRES: Was it intact?

Cpt Finch: The fuselage was intact. It wasn't split. It could have been punctured underneath or something, all we could see was the top, and it was straight.

FRES: Do you feel, as a pilot, that Lt. Harrison and Lt. Bezold could have survived the crash? In your opinion, just by looking at the fuselage?

Cpt Finch: I certainly do.

FRES: At any time while flying over, or around the wreckage, did you hear

ITEM 31 REMARKS (Cont'd)

any type of beeper sound, or emergency transmission, which would indicate that they might be alive?

Cpt Finch: At about 1130 that morning we heard a faint beeper. The C130 that was airborne, Crown, they couldn't hear it. They were off down South and they said that it could be that it was from that area. We only heard it for about 30 minutes off and on, and we heard it late that evening. That was the last we heard of it.

PRES: It was not distinctive enough that you could get any type of direction on it?

Cpt Finch: Negative.

Cpt Stranges: Cpt Finch, any time you were in the area, especially on subsequent missions after you had first seen the wreckage, could you tell that it had been disturbed, changed, moved, or misplaced in any way?

Cpt Finch: We spent about 6 hours up there. We refueled and went back the third time, and the aircraft had been moved about. The wings and the elevator looked like they had been separated from the fuselage, and they had been moved about 15 meters out of the trees to the East. It looked like to us that the fuselage, or some part of the aircraft, was still in the trees, but we could tell it had been moved.

PRES: Cpt Finch, did you, at any time that day, see any type of tracks leading into the area of the crash? Or see any actual personnel in the vicinity of the crash at any time whatsoever?

Cpt Finch: Most of the day up until about 1130 there were no tracks; no physical signs of anybody around the aircraft. The third time we went back, I guess it was after lunch, there were tracks leading to the aircraft. They lead to the South-East and went back up to the North-East; but there were tracks, fresh tracks. It looked like a small jeep had gone right to the wreckage and driven right back out. Just one set of tracks.

PRES: What type, to the best of your knowledge, of search and rescue efforts were made other than your own company? If any.

Cpt Finch: I don't think there were any helicopters in the area. Nothing besides the bird dogs from the 220th.

PRES: In other words, you don't think there were any helicopters in the area at any time whatsoever.

ITEM 31 REMARKS (Cont'd)

Opt Finch: They had a helicopter from the 108th, but he couldn't go North of the river because of the fire that was being put out by the NVA.

FRES: How about the Jolly Green Giants?

Opt Finch: Negative. They never got close. They never even left Quang Tri in fact.

FRES: So the best of your knowledge, your company is organizer for this search. What you know is that there was no other search and rescue attempts made other than by the 220th Aviation Company.

Opt Finch: That's right.

Opt Finch: If I could say one thing just about the wreckage. I imagine it's probably been mentioned, but the airplane looked like it had--there was no disturbance whatsoever around the trees where it had gone in--in other words it looked like it could have just gone into the trees, broken off the two wings, and it was heading toward the South East when it went in. You could tell that the fuselage was pointing toward the South East. The elevator was visible; it looked like the flaps had been put down somewhat, and it looked like anybody could have survived the wreck. When the plane was moved out the wings could be seen and they weren't crushed in any way, or broken that much. The elevator was intact, and to me it looked like that if both of them had been alive when they hit the ground, that both of them had a good chance of surviving the wreck. That's just how I feel along with several of the others that saw the aircraft.

FRES: Can you positively identify it as a 220th Aviation Company Aircraft?

Opt Finch: I certainly could.

FRES: And how could you possibly identify it?

Opt Finch: Positively identify it? I never did see the tail number itself, but we got low enough to see that it was an O-1 Army bird dog painted the same way our's are. That's the only way I can positively identify it.

FRES: What distinguishable markings did your aircraft have on them so that you can tell them apart?

Opt Finch: We have white elevators, white flaps, and white ailerons.

ITEM 31 REMARKS (Cont'd)

PRES: And the aircraft on the ground had these distinguishable markings; the white ailerons, etc?

Cpt Finch: Yes sir.

PRES: Is that all you can remember concerning the incident? Would you like to add anything else?

Cpt Finch: No sir.

PRES: You are excused.

THE SEVENTH WITNESS TO BE CALLED IS CAPTAIN GRACEN L. DAVIS

PRES: This is Captain Davis who is Operations Officer for 220th Aviation Company.

RCDR: Do you, Cpt Davis, swear that the evidence that you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Cpt Davis: I do.

RCDR: State your full name, rank, service number, branch, organization, and station.

Cpt Davis: My name is Gracen L. Davis, Captain, Service number OF106290, Artillery, assigned to the 220th RAC, Phu Bai APO 96308.

PRES: We know that you are the Operations Officer of the 220th Aviation Company. We would like to know, after the Mayday was called in regarding the shooting down of Lt. NAME and Lt. Bezold, what type of search and rescue efforts were made to facilitate trying to find the two individuals?

Cpt Davis: Immediately after we received the call, the playmate of Catkiller 19 was on the scene, and he started trying to locate the wreckage. Catkiller 12 was returning to Phu Bai, but he returned to the area to try and help also. And of course, they were just trying to see where the crash site was. At this time we notified search and rescue at Da Nang, and told them of our predicament, and passed along our five questions that they must receive before they will go in out of country. At this time they told us that they would not be able to go in there, according to their policy, until voice contact was established with the downed aviator.

ITEM 31 REMARKS (Cont'd)

PRES: Let me interrupt you. In other words, and to the best of your knowledge, from what we have heard so far, there never has been any voice contact, or any beepers, definitely, positively any beepers, heard in the vicinity of the downed aircraft?

Cpt Davis: No sir. There never had been. We contacted search and rescue, and they told us their policy, and we passed along what information we had to them, and they told that if voice contact or beeper contact was established, to contact Waterboy, and they would pass along the information to them, to Crown. And then they would see about getting Jolly Greens into the area. Then we continued for three days to try and contact the downed aviators. Even when we had mortar watch here at Phu Bai, we would have people go up on guard, and their transmission would be "Catkiller 19, if you read this transmission, come up beeper or voice", and that way we had at least coverage for two or three days before the bombing halt. Then, after that, we were restricted from flying in that area. We did continue for a period of five or six days; which we were advised was the policy of the Air Force on their search and rescue procedures. Lt. Harrison did have all the latest search and rescue information such as the code letter, and survival radios we carried. In fact, both the observer and the aviator did have survival radios. They had the plastic maps, survival maps, along with "point-talk" papers. This was received from the Air Force about two weeks before the incident.

PRES: Did you at any time fly in the immediate area and see the wreckage yourself?

Cpt Davis: No sir, I did not.

PRES: Do you have anything further to add?

Cpt Davis: No sir. That is all I know.

PRES: You are excused.

At 1500 hours on 14 November 1968 the hearing was adjourned and board moved into closed session. At 1615 hours the board came to the following conclusions:

Due to the testimony involved by witnesses who saw the aircraft go down and persons who saw the wreckage the next day, it is the board's opinion that both Lt. NAME and Lt. Resold should be listed as missing due to results of hostile action.

STATEMENT

I, the undersigned, have had Article 31 of the Uniform Code of Military Justice read and explained to me:

Roderick A. Stewart
Roderick A. Stewart

Robert D. Berkley
Robert D. Berkley

McKinley C. Edwards, Jr.
McKinley C. Edwards, Jr.

Dennis L. Dolan
Dennis L. Dolan

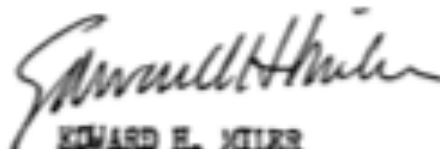
Richard W. Pierce
Richard Pierce

Charles S. Finch
Charles S. Finch

Grayson L. Davis
Grayson L. Davis

STATEMENT

When the Board of Inquiry attempted to obtain the data listed at inclosures 6 through 9 from the 201 file of LT Besold, they were informed by the custodian of the records, the 108th Artillery Group, that the 201 folder had been forwarded to USARV in accordance with USARV Regulation 600-1. Therefore, data pertaining to LT Besold is not attached to this report.



EDWARD H. MILLER
MAJ, AT
Adjutant