CID REPORT OF INVES		KH1
(Military Police) For use of this form, see AR 195- is the Office of the Deputy Chief of	10; the proponent agency of Staff for Personnel	2111 BLUE BELL
Preparing Cip Agent Had Office Det E, 8th MP Op (CI)	1st Supplemental	70-CID648-54222
APO SF 96308	71-7-18/71-12-7	(71-CID052-06126)
1. Murder (INSUF EVIDENCE) 2.		71 1 2 24
SUBJECT(S) (Lost name - First name - Middle rame - Ore	ido - SSAN - Organization or address an	d ZIP Code)
GIBBS, Theodore (MMN) Jr.;	DO	HARRY IN AND THE STATE OF THE S
easis for investigation This investigati correspondence from the USACIDC, of identify, and interview the "heavy	directing that efforts be	e undertaken to locate,
A. DIAZ, prior to his death,	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	mued, see attached sheet"
Investigation disclosed that the "heavy drinker" as	on 18 Jul 71.	7C Identified
On 28 Sep 71, at interviewed, requested counsel, an	nd declined to make any a	statement of answer questions.
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DISTRIBUTION	COPIES DATE OF HO	OTICE TO CO RESPONSIBLE FOR SUBMISSION
CG, 101st Abn Div, ATN: PM, APO 9	96383 OF DA FORM	4 266
(Info cy) CO, 47th Inf Plt (Scout Dog), AP	1	FOR (Signature)
96383 (Info cy)	[1] -	70
COMUSEACV, ATTN: MACPM, APO 96383 (Inf		
CO, 8th MP Op (CI), APO 96491	3 1	
CG, USARV, ATIN: AVHPM-PS-CIB, A 96375 (Info cy)	(1)	01
CINCUSARPAC, ATTN: GPPM-I, APO 9	96558	
", USACIDO, ATTN: CIDC_OF, (70-	-658)	IZATION
Wash, D.C. 20315	(1) /1 OEC, H	ue-Phu Bai Field Office

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70-CID648-54222 (71-CID052-06126)

BASIS FOR INVESTIGATION (Continued)

02

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70-CID648-54222 (71-CID052-06126)

SUBSTANTIATION

74 related that the "heavy drinker" referred to in 1 7-

and that requested counsel, declined to answer question or make and statement. Further, on 29 Sep 71, was informed by Attorney-At-Law, that he represented and that rould not answer questions or execute any statement.

An Investigator's Statement was prepared by Crim Investigator's Statement was prepared by Crim Investigation of interview of this investigation not elsewhere covered in this report.

EXHIBITS

- 1. ATTACHED
 - P. Statement of 10 10 18 Jul 71 (cy)
 Q. Statement of Crim Inves 70 7 Dec 71 (cy)
- 2. NOT ATTACHED

The originals of Exhibits P and Q, are forwarded with Repository copy, this report.

WI THESSES

101st Abn Div, APO SF 96383

Island, HY (formerly: PFC, 47th Inf Plt (Scont Dog), APO SF 96383)

Attorney-at-Law,

Crim Inves 1 70 It E, 12th MP Cp (CI), Military Ocean Terminal Brroklyn, Brooklyn. NY 11250
Crim Inves 50 th MP Det, Ft Lewis, WA.

(Phu Bai FO, Det E, 8th MP Cp (CI), APO SF 96308)
Crim Inves 50 hn Bai FO, Det E, 8th MP Cp
(CI), APO SF 96308

UNDEVELOPED LEADS

None

CID REPORT OF INVESTIGATION
(Military Police)

For use of this form, see AR 195-10, the proponent agency is the Office of the Deputy Chief of Shaff for Personnel TYPE OF REPORT Completed Hue-Phu Bai Field Office 70-CID648-54222 (71-CID126-26521) Det E, 8th MP Gp (CI) 30 Nov 70 - 28 May 71 APO SF 96308 (**7**1-CID132-03352) 1. Murder (INSUF EVIDENCE) DATE OF REPORT 2 Jun 71 SUBJECT(S) (Last name - First name - Middle name - Orade - SSAN - Organization or address and ZIP Co 66 GIBBS, Theodore (NMN); Mr; About 0500, 30 Nov 70, .7th Inf Plt (SCOUT DOG), APO 96383 reported that an explosion had and in the unit area and that one EM had been injur-(PHB 2421-70) INVESTIGATIVE SUMMARY Investigation disclosed that about 0430, 30 Nov 70, at billets #11-337, 47th Inf Plt (SCOUT DOG), Camp Hochmuth, Phu Bei Combat Base, Republic of Vietnam (RVN), GIBBS" apparently detonated an M-18-Al Anti-Personnel Mine killing SFC Rafael
A. DIAZ, who was sleeping inside of billets #11-337. DIAZ was pronounced dead at 0530, 30 Nov 70, by MD), 85th Evac Hosp, APO 96308. Further investigation revealed that about 1430, 23 Jan 71, at the Steam Bath. Phu Bai Combat Base, RVN, GIBBS was apprehended for the murder of DIAZ and . FEB 0 7 1972 8 1971 NOV DATE OF NOTICE TO CO RESPONSIBLE FOR SUBMISSION OF DA FORM 268 26 Jan 71 DISTRIBUTION COPIES CG, 101st Abn Div, ATTN: PM, APO 96383 INVESTIGATOR (SIAMA (Info cy) 1 CO, 47th Inf Plt (SCOUT DUG), APO 96383 (Info cy) 1

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2.

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(1)

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SJA, 101st Abn Div, APO 96383 (Info cy)

CG, USARV, ATTN: AVHPM-CID, APO 96375

CO, USACIDA, ATTN: CIDA-F, Wash, D.C. (70-658) 20315 (Info cy)

CO, 8th MP Gp (CI), APO 96491

3

CID REPORT OF INVESTIGATION - ADMINISTRATIVE DATA

For use of this form, see AR 195-10; the proponent agency is the Office of The Provest Marshel General.

70-CID648-54222

SUBJECT(S) (Show lest name and following personal data in order listed: Service number; Security clearance; DOB; POB; Sex; Race; Height; Weight; Heir color; Eye color; Build; Identifying marks; Former name, alleses, or service number; Disposition of subject; Results of repository check.)

Birmingham, AL; M; Negro; 68 in; 145 Ibs; black hair; medium build; 2 inch scar right thigh; US 53 850 345; Formerly PVI, 47th Inf Plt (Scout Dog), APO 96383, Presumed to be residing at listed address, USAIRR-Negative.

VICTIM(S) (Show full name and following personal data in order listed: SSAN; Service number; Organization or add/See; Position accupied; Grade or title; Sex; Race; DOB; POB; Former military rank or service number; Lecation of victim.)

DIAZ, Rafael Angel (Deceased) (1); 56 47th Inf Pla (Scout Dog), APC SF 96383; Plt SGT; SFC; M; Puerto Rican; ayuas, Puerto Rica; Remains shipped to CONUS for release to next of kin.

US GOV'T (2)

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PROVOST MAR	SHAL DAYE COMPLETED REPORT DISCUSSED	INSTALLATI	ION PROVOS	10
	28 Ma	y 71 PHU BAI	COMBAT BASE, APO SF	96308
OTHER	SPECIFY AGENCY, DATE, PERSON		The same of the sa	AMAYM

REMARKS

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SUBSTANTIATION

who was sleeping in the same room to DIAZ, stated that about 0430, 30 Nov 70, he heard an explosion and then discovered that DIAZ had been injured.

ted that about 2030, 28 Nov 70, DIAZ related to them that he had been threatened, but did not say by whom.

tated that on 6 Jan 71, GIBBS told him that he (GIBBS) had killed DIAZ by blowing him up.

formerly a member of the 47th Inf Plt (SCOUT DOG), stated that he did not have any part in DIAZ's murder, and that he did not hear GIBBS relate to that he (GIBBS) had killed DIAZ.

Crim Inves
detailing his interview with

formerly a member with the 47th Inf Plt (SCOUT DOG), orally stated that he was asleep when the explosion occurred and could not recall if GIBBS was in his bunk at the time to the explosion. Of further related that he had no knowledge that GIBBS had killed DIAZ.

Crim Inves
detailing his interview with

prepared an Investigator's Statement

A Certificate of Death, reflecting that DIAZ died as a result of multiple penetrating head and chest wounds, was obtained from the 85th Evac Hosp, APO 96308.

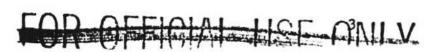
An M-57 Electrical Firing Device and approximately 50 feet of electrical cord were recovered at the scene.

A Laboratory Report of Examination, prepared by
Fingerprint Examiner; and
Firearms Examiner, reflects that
examination of the M-57 Electrical Firing Device did not reveal any latent
prints of value for identification, and that it was in normal operating condition.

A search of GIBBS' person subsequent to his apprehension on 26 Jan 71, revealed him to be in possession of 2 suspected marih.ana cigarettes.

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GIBBS orally denied killing DIAZ, and stated 1 ver, when reinterviewed and shown a true copy of the written statement initiated by GIBBS related he had nothing further to say for it was all in the statement.



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70-CID648-54222

SUBSTANTIATION

An Invostigator's Statement containing the interview of GIBBS and all other investigative activity, was prepared by Crim Inves.

Photographs of DIAZ's remains were obtained.

An Investigator's Statement was prepared by Crim Inves

FOR OFFICIAL USE ONLY

HEADER TO A SALITA TOWN OF SOLD PERSONNELL

·70-CID648-54222

KIHIBITS

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.1. ATTACHED
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Statement of 7 Dec 70 (cy) 11 Jan 71 (cy) Statement of ..., 7 Jan 71 (cy) Statement of Statement of 22 Jan 71 (cy) 5 Mar 71 (cy) Statement of Statement of Crim Inves 8 Mar 71 (cy)
Statement of Crim Inves 13 May 71 (cy) (Rec'd 28 May 71)
Certificate of Death pertaining to SFC DIAZ, 30 Nov 70 (cy)
Laboratory Report #FA-FP-113-70, 1 Dec 70 (cy) Statement of Crim Inves Laboratory Report #9-71-055, 4 Feb 71 (cy) K. Statement of Crim Inves ' 7C 28 Jan 71 (cy) Photographs of SFC DIAZ's remtans (Repository and file only) 7 27 May 71 (cy) Statement of Crim Inves

2. NOT ATTACHED

Retained in the Evidence Room, this office:

N. One M-57 Electrical Firing Device.

O. Fifty feet of electrical cord.

The originals of Exhibits A thru G and I thru M are forwarded with the Repository copy, this report.

The original of Exhibit H is retained in the files of the 85th Evac Hosp, APO 96308.

WITNESSES

SF 96383.

56 7th Inf Plt (SCOUT DOG), APO

7C

85th Evac Hosp, APO SF 96308.
7th Inf Plt (SCOUT DOG), APO SF 96383.
47th Inf Plt (SCOUT DOG), APC SF 96383.
17th Inf Plt (SCOUT DOG), APO

SF 96383.

96383.

6.6

47th Inf Plt (SCOUT DOG), APO SF

/ HHC, 2nd Bde, APO SF. 96383.

·70-CID648-54222

WITNESSES (Continued)

Ben Harrison, IN.

Base, Oakland, CA. 94626.

Oakland Army Base, Oakland, CA. 94626.

Cleveland, OH. 44199.

UNDEVELOPED LEADS

None

USARV Crime Laboratory, A:0 SF 96491.)th Med Lab, APO SF 96308. Det F, 5th MP Gp (CI), Ft.

dqs Co, WAMTMIS Cakland Army

ld Of, Det B, 6th MP Gp (CI),

Fld Of, Det C, 12th MP Gp (CI),

About 2200, 29 Nov 70, I went to al the 47th Inf Plt (SCOUT DOG), Phu Bai Co I was awaken by an explosion. After I h and turned on the light. When I turned	DEROS: TATEMENT WANT TO MAKE deep in my bill mbat Base, Make	THE FOLLOWING THE FO	FILE NUMBER 70-GIDOL8-51222 GRADE SFC GSTATEMENT UNDER OA 1 is located at 1 t 0130, 30 Nov 70.
Phu Bai Combat Base, WN LAST HAME, FIRST HAME, MIDDLE HAME DREAMIZATION OR ADDRESS 47th Inf Plt (SCOUT DOG), APO SF 96383 SWORN ST About 2200, 29 Nov 70, I went to all the 47th Inf Plt (SCOUT DOG), Phu Bai Co I was swaken by an explosion. After I hand turned on the light. When I turned	DEROS: TATEMENT want to make a company bill mat Base, Interest beard the exp.	THE FOLLOWING	GRADE SFC G STATEMENT UNDER OA 1 is located at 1 t 0130, 30 Nov 70.
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I was awaken by an explosion. After I hand turned on the light. Then I turned	mbat Base, R	N, and about	it 0130, 30 Nov 70.
the building had been blown out, and the room from me, had been injured. Q. What is your billets number? A. What position was SFC DIAZ in, when it was lying face down on the floor of Prior to the explosion, did you hear A. No, I was asleen. Q. Immediately after the explosion, did your billets? A. No. Q. Were you injured in the explosion? A. No. Q. What time to did SFO DIAZ go to bed, A. About 2030. Q. Did anyone come into your billets, as night of 29 Nov 70? A. No. Q. Has SFO DIAZ ever mentioned to you as A. No. Q. Is there anything that you would like A. No. (Indeed to you as A. No. Q. Is there anything that you would like A. No.	you turned the with his feet any noises of you hear any on the night fiter SEC DIAZ	ne light on the still on the st	that the end of eping across the eping a

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EXHIBIT

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A

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2

PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED CONTINUED."

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE I WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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For use of this form, see AR 195-10 -	WITHESS STATEMENT TB PMG 3; the proponent agency is C	ifice of the Proves	Marshal General
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Phu Bai Combat Base, RVN.	11 Jan 71	0945	70-CID648-54222
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7th Inf Plt (Scout Dog), APO	SF 96383		
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EXHIBIT B

IMITIALS OF REBSON MAKING STATEMENT

PAGE 1 OF

PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND
BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE I WILL
BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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INITIALS OF PERSON MAKING STATEMENT	7.1	2 2
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For use of this form, see AR 195-10 - TB PMG 3; the p	TATEMENT	ffice of the Proves	t Marshal General.
Phu Bai Combat Base, RVN.	7 Jan 71	TIME	70-CID648-54272
L LET NAME, PIRST NAME, MIDDLE NAME	SOCIAL SECURITY	ACCOUNT NO.	SP4
organization or adoress 47th Inf Plt(Scout Dog), APO SF 96383			
SWORN S	TATEMENT		
7/	WANT TO MAKE	THE FOLLOWIN	G STATEMENT UNDER OATH
DIAZ came into my room and started DIAZ related that he had been Q. In what way did DIAZ say he was the A. He didn't say by whom or in what we about it. Q. Did you question him about it? A. Yes, we did and he refused to talk Q. Did DIAZ say anything else about the A. Nothing else. Q. To your knowledge, did DIAZ talk to A. Not that I know of. Q. Have you heard anything about DIAZ A. Nothing. Q. Is there anything you wish to aid of A. Nothing.	threatened reathned? ay. DIAZ reabout it on the threat? anyone else being killed or delete for delete for the threat?	that night, fused to to the about the about the community states about the	who threatened him threat?



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EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PA

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PACE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE I WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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	THE RESERVE THE PERSON NAMED IN COLUMN 2 IS NOT THE OWNER.	FATEMENT		
·	··	WANT TO MAKE	THE FOLLOWING	STATEMENT UNDER OATH
asked him since he was leason it could be was PV2 GI marihuana several times. Was want to tell you the truth tell you now. About 1350, 6 trative hold was lifted GIB Bai along with the distant he committed the perfects crime? GIBLS replicant the Claymore mine wire, up the claymore mine and deq. Which way did GIBBS escale. He jumped over some PSP appear that he was leaving. What part did for the GIBBS told you that he was GIBBS told you? A. Yes, where did GIBBS get the A. He didn't say where he was GIBBS get the A. He didn't say w	th Inf Plt, ving, who ki iBS, because ait, I will a because I da 6 Jan 71, aff BBS told me a at he had kill erfects crime ied that the , and then the tonated it, ape? leaving a foing the scene about his pactage was the only as present with about his pactagmore min from For instance searche from an unlo Az threaters ish to add on	and he told lled DIAZ? DIAZ had fi tell you how ldn't want ter UIBBS, while we we lled DIAZ by and I ask day before he following killing DIAZ's ly one who th you and so did The put it too. The put there are stance he mis cocked Conex art. The put did the	Me that he he that he replied ound WIBBS wit all he to get invo and the rein the blowing he him what he killed a morning rate. AZ. Added in the platoo rder? Indit. GIBBS at the return, of the control was the control wa	t sitting in a jee was ETSing and I that the only per in possession of ppenned, I didn't lvei but I will desired daring in the grank Bar in Bhu im the GTBBS stated in the mean by a DIAZ he had laid eal early he set he sand making it he area. The snack bar when f this prior to old about it by or places where otten from the old C, 159th Helipad. I because DIAZ had tement?
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GENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE BY ME. THE STATEMENT IS TRUE. I HAVE CONTAINING THE STATEMENT, I HAVE MADE THIS PUNISHMENT, AND WITHOUT COERCION, UNLA	INITIALED ALL C	ORRECTIONS AND H	E OF BENEFIT OR REY	ENTIRE STATEMENT OTTOM OF EACH PAGE IARD, WITHOUT THREAT
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	ED OR SUSPECT	PERSON 70	-010648-542202
PLACE	DATE	TIME	FILE NUMBER
Oakland Army Base, Oakland, Calif 94626	5 Mar 71	1330	71-CID126-26521
L/ WE	SOCIAL SECURITY	ACCOUNT NO.	GRADE
70	66		Civilian
ORGANIZATION OR ADDRESS)		
PART I - WAIVE	RCERTIFICATE		
I HAVE BEEN INFORMED BY Criminal Invest	igator	70	
OF the United States Army Criminal Investig	ation Divisio	n	
THAT HE WANTS TO QUESTION ME ABOUT 1. Murder 2.		70.	
OF WHICH I AM ACCUSED OR SUSPECTED. HE HAS ALSO IN	FORMED ME OF MY	RIGHTS.	
I UNDERSTAND THAT I HAVE THE RIGHT TO REM USED AS EVIDENCE AGAINST ME IN A CRIMINAL TRIAL.	AIN SILENT AND T	HAT ANY STATE	MENT I MAKE MAY BE
I UNDERSTAND THAT I HAVE THE RIGHT TO CON	SULT WITH COUNS	EL AND TO HAVE	F COUNSEL PRESENT
WITH ME DURING QUESTIONING. I MAY RETAIN COUNSEL A	T MY OWN EXPENS	E OR COUNSEL V	VILL BE APPOINTED FOR
ME AT NO EXPENSE TO ME IF I AM SUBJECT TO THE UNIF	ORM CODE OF MIL	TARY JUSTICE,	APPOINTED COUNSEL
JUNDERSTAND VEN IF I DECIDE TO ANSW			ING COUNSEL PRESENT
I MAY STOP ANSWERING O A AT ANY TIME. ALSO, I			
(DO NOT) IN COUNSEL.		70	
I (DO) XXXXXXX WANT TO MAKE A STATEMENT A	ND 7	THEIRE OF LAISON Y	o ne Voestioned)
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INTERROGATOL	WITHESS:	70	
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	N STATEMENT		
· 1, 7~	WANT TO MAKE	THE FOLLOWIN	G STATEMENT UNDER
OATH:	- Control of the Cont	5	٠ .
Q. Before you make any statement, I would	d like to ask	von if von	mderstand that
the word "counsel" used in the above	WAIVER CERTIF	ICATE means	lawver or attorney
or attorney-at-law, and do you unders	tand that be s	stating. "I	to not want counsel
you mean you do not want a lawyer or			
during your questioning, even though	such an actorr	nev would be	furnished to you
free of charge by the Public Defender	s Office? Do	vou also uno	terstand that the
words that I have read you from Armed	Forces Police	Division Co	ard # 45 were the
5th Amendment of the Constitution of	the United Sta	tes. and de	von fully under-
stand your rights under the 5th Amenda			you rurry under
A. Yes, I understand.			
Q. Did you know Pvts Theodore GIBBS and	76-	ile stations	ed in Viet Nam?
A. Yes, they were friends of mine in the			Tara vaco mami
Q. Were you present In the Snack Bar, Pho			6 Jan 71 when
GIBBS stated that he killed SFC DIAZ?			E.
A. I went to the snack bar just about eve	ery cliance I g	ot, but I di	d not hear GIRRS
say that he killed the 1SG (SFC DIAZ).	ory chance I g	or, but I di	d not hear Gibbs
Q. Have you received any correspondence		ce mu dener	ted from DVNO
A. No, however I did receive a letter from	om a Lt Colone	l who is GI	RRS defense I
don't remember his name, but in the le	tter I recety	ed shout for	m days ago bo
requested a statement from me concerns	no a converse	tion between	GIBBS and
7 hat I was supposed to have over		tion between	GIBBS and
	SON MAKING STATE	MENT	_
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REFORD OF THE SALE OF SE WHICH IS OBSOLETE.

STATEMENT OF CONTINUED

...., TAKEN AT Oakland Army Base, Calif, DATED 5 Mar 71.

- Will you release a copy of this letter to this office?
- No, I won't.
- Q. Have you forwarded the requested statement?
- A. No, not yet.
- Q. Do you know of anyone that had threatened SFC DIAZ?
- Yes, I don't recall his name, but about a day or two before DIAZ' death, a heavy drinker in the unit stated he was going to kill DIAZ. There were about four witnesses to this, and it occurred at a party just outside the 47th Platoon Orderly room. . our commander, had told this man to go to a psychiatrist 70 in Dec 70, and the man was to leave RVN in Jan 71 sometime after I left.
- Do you know the names of the witnesses?
- Α. No, they were new men in the unit.
- Did GIBBS mention in any of his conversations with you that he had killed DIAZ? Q.
- A. No, he didn't.
 Q. Where did you obtain the claymore mine from that you gave to GIBBS?
- I didn't come in contact or handle any claymore mines while in Viet Nam and A. specially I did not give one to GIBBS.
- Q. Did you assist in the murder of DIAZ?
- A. No, I didn't.
- Did you have any knowledge of the plan to murder DIAZ prior to its consumation? Q.
- A.
- Did you, 70 or GIBBS use marihuana in Viet Nam? Q.
- I stand on the 5th Amendment. Α.
- or GIBBS use marihuana in Viet Nam? Q.
- I guess they could answer that question. I am not. Α.
- Q. Did you set up or take part in setting up the explosive device?
- Α. No, to both questions.
- Did you detonate or assist in detonating the explosive device that killed DIAZ? Q.
- No, to both of those answers too. A.
- Do you know the name or identify of the person or person(s) that set up and/or Q. detonated the explosive device?
- No. I don't know who did it. A.
- Do you know where and GIBBS were at the time of the explosion? Q.
- No, I don't. I was sleeping at the time and didn't wake up until someone came around and said that everyone was to be questioned.

Q. A.

- Q. Do you have anything else to add or delete from this statement?
- 1111

INITIALS OF Bruce Edwin CARROL

EXHIBIT

2 OF 3 PAGES

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Oakland Field Office, Det B, 6th MP Gp	(CI), Oakland	Army Base,	Oakland; CA . :626
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dered a written statement denying involv	vement in the	murder of I	DIAZ. Upon comple-
tion of a hand written statement, and di	uring the pro-	cess of typ	ing the statement.
7c requested that he be allowed to	leave the of	fice for the	e purpose of keepin
and appointment for an employment interv			d the handwritten
statement, and agreed to return on 6 Man		purpose of	signing a typed
statement, he was allowed to leave the o	office. On 6	Mar 71.	The eturned to
the office, read his statement, initiale	ed all correc	tions, and	signed his name aft
being sworn to the contents of the typed	statement.	caone, and	argued has mame and
7c ; fully identified as: DOB:		B: Oakland	i, CA; male; cauc;
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Clemiand Ohdo	DATE TIME	FILE NUMBER
Cleveland, Ohio	13 May 71 SOCIAL SECURITY ACCOUNT N	(71-CID132-03352)
70	b6 .	Crim Inves
ORGANIZATION OR ADDRESS		
Cleveland Field Office, Det C, 12th MP Gp		, Cleveland, OH 44199
	TATEMENT	
·,	WANT TO MAKE THE FOLLO	WING STATEMENT UNDER OATH
About 1500 hrs, 12 May 71, at 2462 as interviewed relative strength of the murder and declined to when asked specifically, "was GIBBS present explosion?" was sleeping when the explosion of arese seen thereafter and went to the deciment the minutes and then went back inside not knew whether GIBBS was present or not billets with him when all personnel were of BAKER refuses to even volunteer an estimate after the explosion and states that he can the billets at any time after he was awake the billets before he went to sleep. When possession of a Claymere mine, M57 Electric electrical cord, a stated that he could but that it was possible since many member ment as a matter of reutine. To denied from GIBES. To turther stated that he lolst Aba Div in Victnam during the period had no personal opinion about him since Diknewledge of the relationship between GIBE mentioned the murder to him at any time, if he and GIPG or anyone else used marihum answer the question. Then declined interview was terminated. It should be not address and is presently employed as a Swipertsmouth, Ohio. **Head Off St.** **Comparison of the comparison of th	le to his knowledge hai, RVN, about 30 No he make a written state in his billets at it say for certain. Scurred, the sound away of the billets when he awake but the halled to the dayroom had been as to the time to met remember seeing and, mor can he remember any sits of the unit handled over having received and the Land when he had been had been and bild and bild was new in the unit to answer any further than while in the unit to answer any further than with the Balt had with the Balt	of the murder of v 70. The time of the Stated that he skened him, and he shere he steed for nsists that he dees at GIBRS left the for questioning. hat he first saw GISRS GIBRS enter or leave mber if GIBRS was in r seem GIBRS in 50 feet of brown pecific instance d this type of equip- d any correspondence if Plt (Scout Deg), hat he knew DIAZ but it. I lenied any asked if GIBRS had had not. When asked t, clined to r questions and the address of is esiding at the listed imere & Ohio Railroad,
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DEPARTM_NT OF THE ARMY CRIME LABORATORY, 8th MILITARY POLICE GROUP (CI) APO SAN FRANCISCO 96491

REPORT OF LABORATORY EXAMINATION

LABORATORY CASE NO FA-FP-143-70

UNIT CASE NO 70-C10648-54222

DATE OF REPORT: 1 Dec 70

CONTRIBUTOR:

OFFENSE:

Officer In Charge

Hue Phu-Bai

Murder

Det E, 8th MP GP (CI)

APO SF 96308

SUBJECT:

VICTIM:

Unknown

SFC DIAZ

EVIDENCE TO BE EXAMINED:

Exhibit A - One M-57 Electrical Firing Device

Date Received: 1 Dec 70

How Received:

Received By: HANNAH

Date Returned:

HAND CARRIED/KIZOREK

How Returned:

HAND CARRIST, KIZOREK

LABOUATORY FINDINGS:

1. Examination of Exhibit A did not reveal any latent prints of value for identification.

Fingerprint Examiner Deros: 8 Oct 71

2. Physical examination of Exhibit A revealed it to be in normal operating condition. The electrical output of Exhibit A was determined to be 0.5 amps, which is less than rated output, however this is sufficient to detonate at least one blasting cap, which are rated at 0.4 amps each.

Firearms Examiner Deros: 14 Oct 71

Exhibit I

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For use of this fem, see AR 195-10 - TB PMG 3;	the proponent agency is	Office of the Preven	t Marshal General.
PLACE	DATE	TIME	FILE NUMBER
Phu Bai, Republic of Vietnam (RVN)	28 Jan 71	1700	70-CID648-54222
LAST NAME, FIRST HAKE, HIDDLE HAME	SOCIAL SECURIT	Y ACCOUNT NO.	GRADE
70			Crim Inves
ORGANIZATION OR ADDRESS			
Hue-Phu Bai Field Office, Det E, Sth MP		96308	
	RN STATEMENT		
l, <u> </u>	, WANT TO MAKE	THE FOLLOWIN	G STATEMENT UNDER OAT
THURSTICATO	R'S STATEMENT		
INVESTIGACE	W.P. PINISHEMI		
At 0530, 30 Nov 70, upon arriving at the area and no Commanding Officer, 47th and related that SFC Rafeal A. DIAZ had pronounced dead upon arrival by	t let anyone le Inf Plt (SCOUT	DOG), was	r the area. ~
Preliminary investigation at the scene in the East end of billets #11-337, and sandbagged wall at the East end of the b5'x5' hole in the end of the billets and who was asleep on the	that a claymore illets, and det knocked DIAZ i North side of	mine had be conated. The rom his bund the billets	en placed on the explosion caused a cas hellay sleeping approximately 15
From DIAZ was not injured. It was appare for mine was intended for DIAZ. There we from the point of detonation into the do the electrical cord was then tied to an approximately 5° from the ground. While was noted that there were no footprints cuts, splices, or any other characteristical colored it there, but met with negative r	or of a nearby overhead power following the path. ics which might esults. Almost	y 50' of ele bunker and line with the ath of the The cord was furnish 'n directly und	ectrical cord running out the other end. The end of the cord electrical cord it as also checked for formation as to who derneath the hanging
electrical cord, an M-57 Electrical Firi	ng Device was 1	aying on the	ground. Although
it was drizzling rain and it had been ra	ining for sever	al hours, p	rior to the incident

A complete search of the unit area located one footprint, which had made a deep impression in the ground approximately eight feet from where the M-57 Electrical Firing Device was found. The footprint was about eighteen inches from a walkway constructed of perforated steel plating (PSP). Due to the rain, any distinguishing features, which might have been left by the footprint, had been destroyed; therefore, only a measurement of the impression was taken. The impression in the ground measured $11\frac{1}{2}$ "x4 $\frac{1}{2}$ " at its longest and widest point.

(Cont See attached sheet)

the firing device was very carefully removed from the scene so as not to destroy anything of evidentary value, which might have survived the rain. A subsequent laboratory examination of the M-57 Electrical Firing Device did not reveal any latent prints of value for identification. The laboratory examination also determined that the firing

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device was in normal operating condition.

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BE LINED GUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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INVESTIGATOR'S STATEMENT (Continued)

A thorough search of DIAZ'S personal belongings and billets did not disclose any information or investigative leads, which might lead to the identity of the person(s) responsible for his death.

After completing the preliminary investigation of the scene, members of the unit who had been directed to the unit's dayroom immediately after the explosion, were interviewed. Because of the small number of personnel assigned to the 47th Inf Plt (SCOUT DOG), less than thirty, it was possible to conduct initial interviews with the majority of the personnel during the preliminary investigation, at the scene. During the interviews, GIBBS' name was mentioned several times as possibly being involved in the murder of DIAZ, because of his open resentment for DIAZ. It was also learned that DIAZ and GIBBS had been involved in an argument on 29 Nov 70, because DIAZ had indicated that GIBBS was being reassigned to another unit. Later in the day of 30 Nov 70, during additional interviews with the entire unit, no additional information was developed.

All efforts to determine the origin of the claymore mine, M-57 Electrical Firing Device, and the electrical cord were fruitless. It was learned that the mines are stored near the perimeter of the unit allowing free access, and that there is no accountability maintained on the claymor; mines.

During the period 30 Nov - 8 Dec 70, interviews were conducted with members of the units adjacent to the 47th Inf Plt (SCOUT DOG), with negative results in developing any information relative to this investigation.

On 8 Dec 70, GIBBS' room-mate at the time of the explosion, was interviewed. declined to answer any questions concerning his knowledge of DIAZ's murder, and stated that GIBBS was in his bunk asleep at the time of the explosion, but would not furnish any further details.

On 9 Dec 70, a confidential informant, who had furnished this office reliable information in the past, was contacted and requested to supply this investigator with any information that he may obtain as a result of his association-with members of the 47th Inf Plt (SCOUT DOG).

During the period 10-19 Dec 70, periodic checks with the informant, and interviews with the period the 47th Inf Plt (SCOUT DOG), to include GIBBS, in the information which might identify the person(s) responsible for detonating the claymore mine.

On 20 Jan 71, Criminal Investigator 70 btained a written statement wrom the confidential informant in which the informant related that GIBBS, in the presence of 70 had told him that he (GIBBS) had killed DIAZ by blowing him away.

About 1430, 23 Jan 71, at the Steam Bath, Phu Bai Combat Base, RVN, GIBBS was placed under apprehension as a suspect in the murder of DIAZ.

t 1830, 23 Jan 71, GIBBS was interviewed, and furly the interview he denied killing DIAZ,

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FAGE 2 OF 3 PAGES

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EXHIBIT K

depressed and had to constantly cussed. Interviews were also hel tained that he had no knowledge again interviewed. During this is statement initiated by the inforsing its contents, GIBBS got up you have it all there. "As GYBBS of the informant's statement, where was terminated.	wipe the teld with GIBE of DIAZ beinterview, Gmant. Short from his chis was making	ars from his eyes is on 24 and 25 Jang killed. At 090 IBBS was shown a ly after reading air and said, "I this statement,	as DIAZ's no 71, during 0, 26 Jan 71 true copy of the statement have nothing he was point	which he main- l, GIBBS was the written it, and discus- g else to say, ting to the conv
mentioned in the w ther identified as interviews with , he relat been threatened, on the night of the converstion mentioned in ment, is incorrectly spell	ed th t he 28 Nov 70,	47th I vaguely remembers and that he coul	DIAZ mention d not recall lso. in	is fur- IT DOG), During ening that he had any details of state-
A review of the files of the 4 BAKER were separated from the US	7th Inf Plt Army durin	(SCOUT DOG), rev	ealed that listed hom	and address is, ne address is,
vestigator, and majority of the rany person, except (GIBBS) appeared to have disassocof the fact that shared a restated to the confidential information and ould have know the early morning of 30 Nov 70.	because ciated himse room with Gl mant that he	BIBBS' unit, that se they were closed of from other med BBSM and 700 o killed DIAZ. it	GIBBS would e friends of mbers of the as present is apparent	GIBBS and he unit. Because when GIBBS
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Also during this initial interview following his apprehension, GIBBS appeared to be very

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FUR DESIGNATION PROPERTY.

PRO 123 Feb 71, at Phu Bai Combat base, Republic of Vietnam, GIBBS was brought before an Article 32 Hearing in which the Special Court Martial Convering Authority dismissed the charges against him because of insufficient eviand dence. At the time of the hearing the Undeveloped Leads portaining to 74 and 75 had not been received, and upon receiving the Information of evidentiary value was obtained.			· . 0		
Phace Phu Bai Combat Base, RVN. LAST NAME, PIRST NAME, MIDDLE HAME ORGANIZATION OR ADDRESS Hue-Phu Bai Field Office, Det E, 8th MP GP (CI), APO SF 96308 SWOAN STATEMENT INVESTIGATOR'S STATEMENT On 23 Feb 71, at Phu Bai Combat base, Republic of Vietnam, GIBBS was brought before an Article 32 Hearing in which the Special Court Martial Converting Authority dismissed the charges against him because of insufficient evidence. At the time of the hearing the Undeveloped Leads pertaining to And And had not been received, and upon receiving the Information Reports back from no additional information of evidentiary value was obtained.	For use of this ferm, see AR 195-10 - TB PMG	NESS STATEMENT 3: the proponent agency	Is Office of the Pr	evest Mershel Gerieral,	
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Hue-Phu Bai Field Office, Det E, 8th MP GP (CI), APO SF 96308 SWORN STATEMENT INVESTIGATOR'S STATEMENT On 23 Feb 71, at Phu Bai Combat base, Republic of Vietnam, GIBBS was brought before an Article 32 Hearing in which the Special Court Martial Converting Authority dismissed the charges against him because of insufficient evidence. At the time of the hearing the Undeveloped Leads pertaining to 70 and 70 thad not been received, and upon receiving the Information Reports back from no additional information of evidentiary value was obtained. Converting the Undeveloped Leads pertaining to 70 and 10 additional information of evidentiary value was obtained.	LAST NAME, FIRST NAME, MIDDLE HAME		RITY ACCOUNT N	O. GRADE	-
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$\mathbf{\hat{q}}$, $\mathbf{\hat{q}}$	v wr	itten state	ment he mer	tions that there
was an individual who wa	s a heavy dr	inker and w	ho had pay	hiatric problems
in your unit at the 47th	Inf Plt (Sco	out Dog), 1	Olst Abn Di	v, APO 96383, that
had threatened to kill S true?	PO REIMET DI	AZ one day	pmor to his	death, is this
A. About this man who was a	heavy drink	er, his nam	e is	70.
and he acted in a way th				
heavy drinker, and when but I never heard that h	e actually th	reatened t	o kill DIAZ	threatened DIAZ
Q. Did you ever order?	to go and	see a psych	iatrist, an	d did he ever go
to a psychiatrist?	on wont to -	nouchi stat	at as 25.	a. T leven
A. No, I did not, and he nev Q. Did ~ know		payentatri	st, as lar	as I know.
A. Yes, he did .				
Q. Why then did he not ment			son who was	the heavy drinker
who had threatened DIAZ A. I don't know, but				
Q. Where is 70 now?	ara mon	7-		*
A. 7 ras admitted to a		spital in N	ew York som	etime back in Jan
1971, for psychoanalysis Q. Was he sent or medivaced				-
A No, he was on a 14 day 1		when he s	ubmitted hi	mself for observa-
tion, and then he was ad	mitted to the	hospital.		
Q. How did 7 act while A. He acted fairly normal un			and thate	when he would
begin to get violent.	cir ne starte	d dilining	, and thats)
Q. How violent?				
A. Well, he would destroy the threw them all over the		e time he	found a car	ton of eggs and he
Q. Did 7 ever get into	•	DIAZ?		,
A. Not real trouble, DIAZ w	as the one wh	o told him	to stop me	ssing up the day
Q. did 7 et along		erbally.		
A ia_ well when he wasn't	drunk.			
Q. How about when he was dr				
A. Not very well, in fact he was drunk.	e aran.t get	atong with	anyone ver	A MOTT MUSU VO
Q. Did To ave any reason				
A. Not that I know of, he had	ad never rece	ived any pu	unishment f	rom me or from
DIAZ. Q. On the morning of DIAZ's	death, was	7 1 BI	n intoxicat	ed condition?
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The Investigative Summary 1, submitted by Det E, 12 1250, Crim Inves 70 ritten statement or answer ttorney-at-law, 118-21 Quality the legal counsel for MURI	2th MP Op (CI), ated that on 28 requestions. For ucens Blv1, For	, Military Oces 3 Sep 71, MURRA Lested counsel Further, on 29 rest Hills, NY	in Terminal, IY was inter and decline Sep 71, advised tha	Brooklyn, New Yor viewed at his home i to execute a
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