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By [REDACTED] NARA Date 9/16/02

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(As of 13 Jul 71)

### 147. BUMGARNER INCIDENT

ALLEGATION: Murder.

SUBJECT/SUSPECTS: 1. PSG Roy E. Bumgarner, HHC, 173d Abn Bde.  
2. SP4 James C. Rodarte, Co E/2/503d Inf, 173d Abn Bde.

VICTIMS: 1. Nguyen Dinh.  
2. Nguyen Kich.  
3. Phan Tho.  
(all residents of Hoi Duc Hamlet, Hoai Tan Village, Hoai Nhon District, Binh Dinh Province)

COMPLAINANT: (Assumed) relatives of victims.

BACKGROUND: On 14 Feb 69, during a recon patrol in the vicinity of LZ English, Tuy Phuoc District, Binh Dinh Province, PSG Bumgarner and SP4 Rodarte came upon three VN males (see VICTIMS) whom they detained and then shot at close range using M-16 automatic fire. PSG Bumgarner then arranged the bodies on the ground so that their heads were close together. A fragmentation grenade was dropped next to the heads of the bodies. PSG Bumgarner then planted weapons on the bodies to support his claim that they were VC. SP4 Rodarte said in his statement that he did not think the three VN were VC.

STATUS/PROGNOSIS: Investigation completed; substantiated.

A command investigation was conducted. Solatium payment was made to the next of kin. PSG Bumgarner and SP4 Rodarte were charged with violation of Art 118, UCMJ, Premeditated Murder, and tried by GCM. Bumgarner was convicted of manslaughter and sentenced to reduction to E-1 and forfeiture of \$97.00 a month for six months. Rodarte was found not guilty.

WITNESSES: 1. SSG [REDACTED]  
2. SP4 [REDACTED]  
3. SP4 [REDACTED].  
(all of Co E/2/503d Inf, 173d Abn Bde)

INITIATED BY WHOM: N/A.

RESPONSE TO INITIATOR: N/A.