

# WITNESS STATEMENT

For use of this form, see AR 195-10 - TB PMG 3; the proponent agency is Office of the Provost Marshal General.

PLACE Janesville, Wis	DATE 16 Dec 69	TIME 2000 hrs	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME HEIN, David Benjamin	SOCIAL SECURITY ACCOUNT NO.		GRADE Civilian
ORGANIZATION OR ADDRESS YACA, Janesville, Wis			

## SWORN STATEMENT

I, DAVID B HEIN, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I entered the Army on 7 Mar 66, at Minneapolis, Minn. Took basic training at Ft Dix, NJ, and also my AIT at Ft Dix. From Ft Dix I was sent to Hawaii arriving on 21 Aug 66, and on 22 Aug 66, was assigned to Co C, 1st Bn, 20th Inf, 11th LCB. On 1 Dec 67, I was sent to RVN with Co C. On 16 Mar 68, I was on the Combat Mission (CA) on Ky Lai (h). I was armed with an M-16, and the bi-pod for an M-29 81 MM mortar. I was also carrying 1 grenade and about 200 rounds of .223 cal ammunition. I was on the last lift that left Landing Zone Dottie (LZD) rather early in the morning landing just West of Ky Lai (h). Just prior to landing the door gunner told me that a VC had been killed and he had a rifle so from this I figured it was a hot LZ. After landing the 1st and 2d Platoons went through the village first. The mortar platoon did not start through the village for about 15 minutes after the 1st and 2d platoon and during this time there was a lot of firing inside the village. I entered the village about the middle of the Western edge of the village behind HQ Section. I headed NorthEast for a short distance then headed South; then East then South again. A little South of the center of the village someone said a dead man was lying beside a house. Since I had never seen a dead person before I went to the spot and saw the man. I then returned with the mortar platoon in a Southeasterly direction to a large house at the south edge of the village. Here we took a break while waiting a Med Evacuation of a short colored GI who was wounded in the foot. HQ, and members of other platoons gathered at the house-I would say there were about 30 persons near the house. CPT MEDINA was present at the house during the break. Prior to the chopper coming for the wounded person the mortar platoon set up perimeter defense south of the village approximately 50 yards. I then returned to a trail following the South edge of the village and started toward the East. A short distance from the house along the trail I saw a small boy maybe 10-11 years old. This boy had one of his legs practically blown off and it was only held on by a thread of flesh. He must have been hit with artillery fire for I don't think a rifle could have done that much damage. Just beyond where I saw the boy there was a trail running North and South. Along this trail was approximately 15 dead men, women, and children. MEDIAN must have seen this group of dead persons as he was just ahead of me proceeding along the trail. Shortly after passing this trail I cut back North toward the center of the village. I was zig-zagging in and out among the houses and bushes. Just South of center of the village I was poking around some debris beside a house and uncovered an old man hidden. This scared me at first then I got him out of the ditch and turned him over to the HQ section, Rodger MURRAY (MEDIAN's RTO). I then zig-zagged in an Easterly direction to a point in the Northeast corner of the village where I ate lunch. I think all the mortar platoon was present where we ate lunch and some Engineers who were attempting to blow up a building nearby. Two little girls had joined me earlier where I had seen a dead man beside a house. These girls and some six or eight other civilians was also present where we ate lunch. MEDIAN was here too and he told SGT PHU to tell these civilians to pack everything they had move out to Highway 1, a secure area. These civilians left the group back toward the center of the village. After eating I

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>HEIN</u>	PAGE 1 OF <u>1</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF HEIN 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 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

left the village about center of the village on the East edge. Still heading in an Easterly direction following HQ Section I saw another ditch with several dead person. I did not go and take a close look at these people but the ditch was about 30 yards east of the edge of the village.

Q. While you were eating lunch was there any gunfire inside the village?

A. No everything was quiet.

Q. Was MEDINA present while you were eating?

A. Yes.

Q. Did you see LT CALLEY?

A. I did not see him in or around My Lai (4).

Q. Did you see anyone killed in My Lai (4)?

A. No.

Q. How many dead persons did you see in or around My Lai (4)?

A. 35 or 40.

Q. Were you ever fired upon in My Lai (4)?

A. No.

Q. Do you remember seeing the scene as depicted in photograph 14?

A. Yes. That is the group of people I saw on a trail that runs North and South. They were lying just south of the edge of the village on the trail.

Q. Do you recall getting orders to stop killing people prior to leaving My Lai (4)?

A. I did not kill anyone all the time I was in Vietnam. I don't recall anyone giving such an order.

Q. Do you recall anything about photograph 16 I now show you?

A. Yes that is the graveyard we spent the first night on the CA. We sat up our mortar on top of mound almost dead center of the picture. Sometime during the day some prisoners were taken. Just to the South (right in the picture) the National Police was questioning the prisoners. I walked over to where they were questioning the prisoners present was MEDINA, SGT PHU, Army MI officer, and other members from HQ Section. I saw the US Army MI Officer take his bouie knife and cut off one of the prisoners finger. He put the prisoners finger on a board and chopped off one of this fingers. The police then kicked the prisoner in the back and he started rolling toward a ditch. The police then shot the prisoner 6 times, three went in the front and 3 shot went in the ~~front~~ of the prisoner as he was rolling. The police then started questioning the second prisoner and he would not talk so they told him to lie down in the ditch beside the first prisoner. They then placed a rifle in his mouth and ask him if he was going to talk. When he did not talk they pulled the trigger with the rifle in his mouth-then walked back to another prisoner. This prisoner balked and was not killed.

Q. There is no question but what the CPT in the MI cut of the prisoners finger?

A. No. I will never forget him for he was always walking around with the bouie knife and his .45 on his belt.

Q. Were any other prisoners taken during the mission?

A. The next day we had 4 more prisoners. One of the prisoners was a female nurse. I saw MEDINA questioning these prisoners. One of the prisoners MEDINA placed against a tree and started firing over his head into the tree. He was firing an M-16. After he would fire a round he would turn the prisoner around and show him how close he was coming to his head. MEDINA fired 3 shots like this and the last one just about creased the prisoners head. After this the prisoner started talking.

Q. Do you think MEDINA would have killed the prisoner?

A. No he never killed a prisoner. He used to get mad with us when we roughed them up.

Q. Do you think that damage done to My Lai (4) might have been from artillery or mortar barrage or gunships?

A. Any previous damage was done by artillery and gunships. The damage that was done that day was by the mortar and HQ Section setting fires.

Q. Did you see a helicopter land during the operation?

A. Only the Med Evac of the wounded GI.

Q. Did you see anyone with cameras, or did you collect any souvenirs during the operation?

"STATEMENT OF DAVID B WEIN TAKEN AT JANESVILLE, WIS, DATED 16 Dec 69, CONTINUED"

- Q. Do you have any knowledge of villagers being warned to evacuate or being warned of the impending assault?
- A. No but it was normal procedure to warn the people.
- Q. Did you report this incident to anyone?
- A. No. So far as I was concerned nothing unusual happened.
- Q. Prior to this date has anyone questioned you about My Lai (4)?
- A. Yes. A local reporter called me and ask me if I would give him a story. I told him I would not.
- Q. Were you ~~kkkkkkkkkk~~ advised by your superiors not to discuss this incident with anyone?
- A. No.
- Q. Did you hear that someone was going to get in trouble about My Lai (4)?
- A. Yes. A couple of days later I heard that rumor, it was to the effect that the company was in hot water. As far as I know nothing ever came of it and a short time later MEDINA read a letter from WESTERLAND commending us on a job well done.
- Q. Do you have any additional information or know of anyone who tried to suppress an investigation into the allegations concerning My Lai (4)?
- A. No.

## AFFIDAVIT

I, DAVID B HEIN HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

*Hein Refused to sign Statement with Administering Officer*  
(Signature of Person Making Statement)

## WITNESSES:

*Jack P. Byers*

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law, to administer oaths, this 16 day of Dec, 1987 at Jonesville, VA

(Signature of Person Administering Oath)

JACK P BYERS

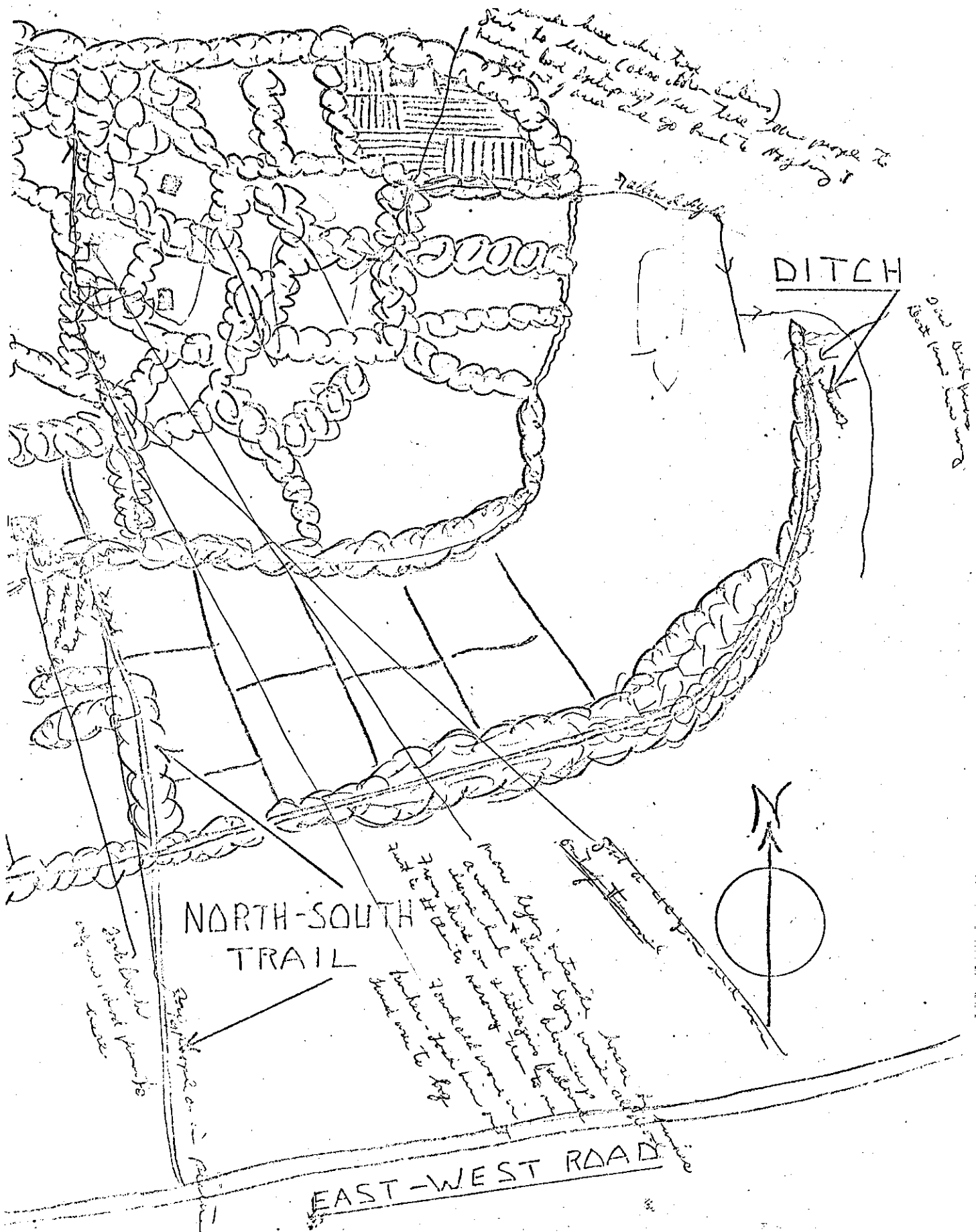
(Typed Name of Person Administering Oath)

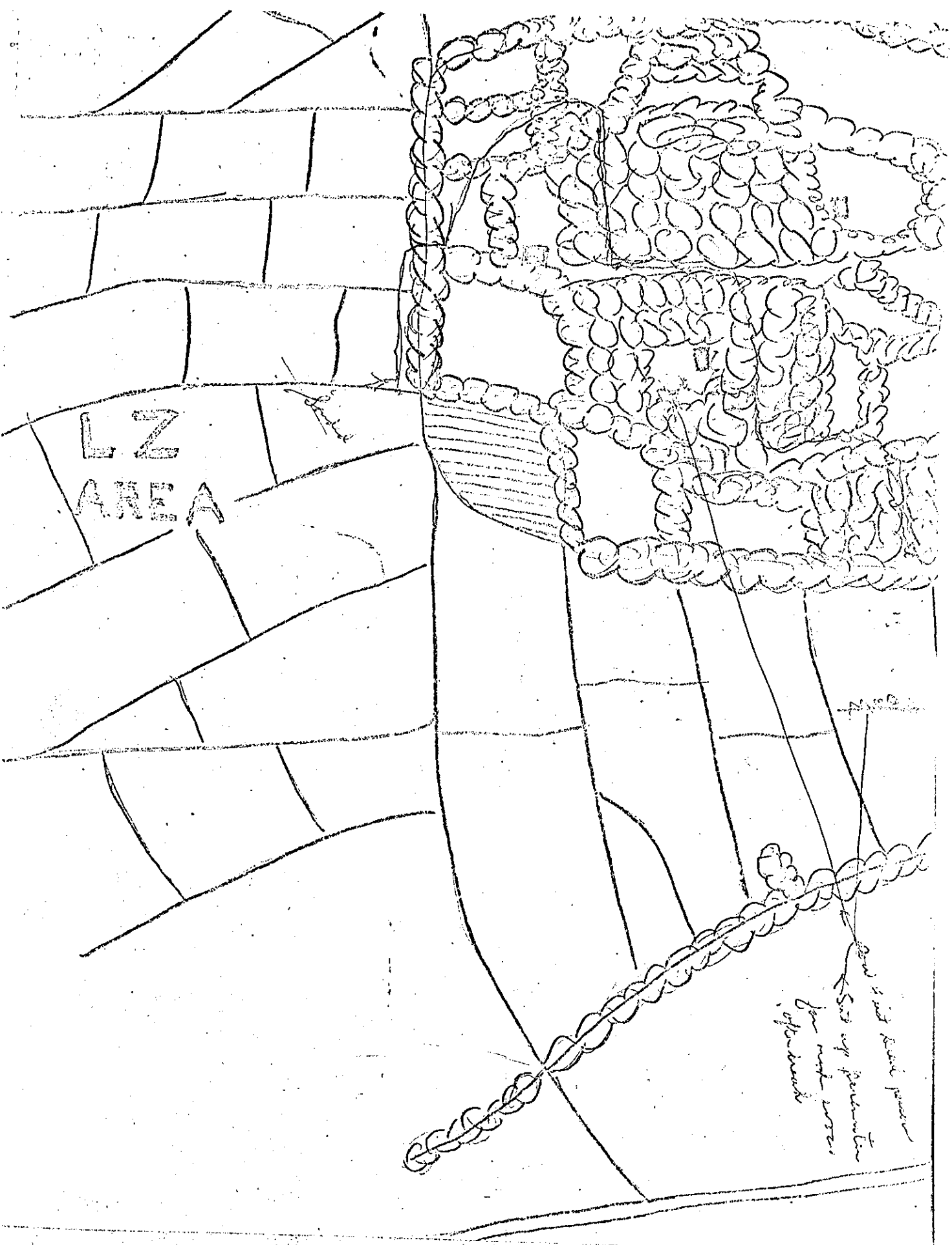
ART 136 (b) (4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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LZ  
AREA

Road is just Road power  
500 up perimeter  
for north water