

TO

## 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 Quang Ngai, Republic of Vietnam (RVN)	DATE 26 Dec 69	TIME 2015 hrs	FILE NUMBER 69-CID011-00014
LAST NAME, FIRST NAME, MIDDLE NAME MCLELLAN, Kenneth Paul	SOCIAL SECURITY ACCOUNT NO.		GRADE CW2
ORGANIZATION OR ADDRESS An Khe Field Office, Det E, 8th MP Gp (CI), APO SF 96294			

## SWORN STATEMENT

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

## INVESTIGATOR'S STATEMENT

On 26 Dec 69, an interview with Nguyen TO began at 1310 hours and terminated at 1505 hours. It was conducted through SA Allan B. MADDOX, Interpreter. TO's personal data is:

Name: Nguyen TO Alias: CHAT  
 ID#: 065450  
 Address: Son My Village, Son Tinh District, Quang Ngai Province, RVN  
 DOB: 7 Jun 1915  
 POB: Son My Village, Son Tinh District, Quang Ngai Province, RVN  
 Occupation: Farmer  
 Sex: Male  
 Marital Status: Widower

TO stated substantially as follows: Early one morning in Mar 1968 he left his home in Tu Cung Village (My Lai #4) with his daughter Nguyen Thi BA, age 8, to go for water in the fields. While in the fields he saw three separate groups of American ~~sky~~ planes fly over the village and land on the outskirts of the village. He did not actually see the planes land but could only assume they did when they disappeared behind the trees. His wife Nguyen Thi BAT, age 45 and his daughter Nguyen Thi BOM, age 11, were in his home when he went for water. Shortly after the planes ~~had~~ landed he heard shooting of guns in the village and he fled further into the fields with his daughter and hid. Late that afternoon he returned to the village with his daughter and found that his home had been burnt as were many other homes in the village. He could not locate his home on a sketch of Tu Cung, but claimed that he lived in the southern portion of the village near the tree line. He was told his wife and daughter Nguyen Thi BOM were shot and killed by the American soldiers and was shown a ~~big~~ ditch outside the village proper where he found his wife and daughter dead. His wife had been shot in the chest and his daughter had been shot in the right arm and stomach. He could not estimate the number of dead bodies in the ditch, but there were both males and females of all ages. He took his wife and daughter from the ditch and buried them in a field around the outside of the village. He could not give a specific location of the graves, but could locate them if taken to Tu Cung. He also assisted in the burial of several other unknown persons who were found dead in the ditch. They were also buried in the fields outside the village. He could not name any others in the burial party. He was told that his uncle Nguyen Xom, age 75, was also killed by the soldiers on the main trial leading from the village to the highway, but he did not see the body. There were many dead animals around the village, but he could not say for sure if any of them were his property. He did own ten pigs and two cows which he never ~~had~~ saw again after the incident. He did not hear of any ~~from~~ females being raped by the soldiers. American soldiers had visited the village before and there was no trouble. No Viet Cong were in the village that morning, but they had been there on previous occasions. He was not told the Americans were coming to the village.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>2</u> PAGES
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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 1 WILL  
 BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 1 JAN 68 2823

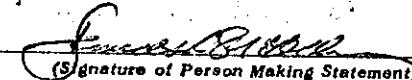
STATEMENT (Continued) that day. TO identified the dead male in color photograph #17 as Mr PHUNG (NFI) who formerly resided in Tu Cung. He also identified the dead female in color photograph #7 as a former resident of Tu Cung, but he could not furnish her name. TO could not relate to a sketch of Tu Cung, distances, or times. A photograph was obtained of TO.

#### AFFIDAVIT

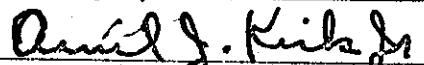
1. Kenneth Paul McLellan

HAVE READ OR HAVE HAD READ TO ME THIS STATE-

MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of Dec, 1969  
at Quang Ngai, RVN

  
(Signature of Person Administering Oath)

ARVIL J. KIRK JR

(Typed Name of Person Administering Oath)

Art 136 par (b) (4), UCMJ, 1969

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT