

WITNESS STATEMENT

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

EM

PLACE Quang Ngai, Republic of Vietnam (RVN)	DATE 30 Dec 69	TIME 1700 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

1. Kenneth Paul McLellan, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

INVESTIGATOR'S STATEMENT

On 30 Dec 69 an interview with Nguyen Thi EM, conducted through SA Nicholas A. VONTZALIDES, Interpreter, began at 1010 hours and terminated at 1215 hours. EM's personal data is:

Name: Nguyen Thi EM
 ID#: None
 Address: Son My Village, Son Tinh District, Quang Ngai Province, RVN
 DOB: 1940
 POB: Tu Cung, Son My Village, Son Tinh District, Quang Ngai Province, RVN
 Occupation: Farmer
 Sex: Female
 Marital Status: Married

EM stated substantially as follows: Early one morning in Mar 1968 she was in her home in Tu Cung Village with her husband Phong LE, age 44; her daughters Phong Thi LE, age 8; Phong Thi BA, age 5; Phong Thi XI, age 3; her aunt Buoi Thi XUONG, age 37; her daughters Phong Thi DUNG, age 16; Phong Thi CONG, age 6; Phong Thi CON, age 2; and her mother-in-law Nguyen Thi DAI, age 70. The husband of XUONG, Phong DOC, age 48, was working in the rice fields at the time. All the above persons lived in her home. They heard bombs going off around the village and then saw some helicopters flying in toward the village. The helioopters were firing guns into the village just before they landed in an area outside the village proper just behind her home. The family then decided to run for some bunkers in the village and as they left the home to run for the bunkers Nguyen Thi DAI and Phong Thi CON were shot and killed by the soldiers before they could reach the bunker. There was much shooting going on in the village at this time and she claims to have seen DAI and CON shot. She, her husband, her children, and Phong Thi DUNG and Phong Thi CONG, made it into the bunker and were not shot by the soldiers. They were the only ones in the bunker. She saw one of the American soldiers catch Buoi Thi XUONG and take her away as she made an attempt to run through a main area of the village. She has not seen her since and heard that she was killed by the soldiers. She thinks Phong DOC is dead because she has not seen or heard of him since the incident. She does not know if he was killed by the soldiers. After a while of sitting in the bunker they all attempted to flee the village and Phong LE, who was running in front of her, was shot and killed by the soldiers before they got out of the village area. The remainder of those that were in the bunker made it to the main highway by the village unharmed, walked to Son Thanh Village, and later settled in Son My. She has not returned to Tu Cung since the incident and does not know the burial site of those she knew were killed by the soldiers. She did not see any others persons killed, but did see several dead bodies while fleeing the village. She did not recognize any of the bodies as persons she knew. One neighbor was Mrs BUC (NFI) age 48, who lived with her husband and five children whose names are unknown. She believes Mrs BUC is still living in Tu Cung village and heard that the other

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 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.

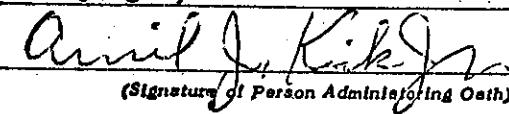
STATEMENT (Continued) members of her family were killed by the soldiers. Her other neighbor was Mr ~~EM~~ DUONG (NFI) who had six people living in his home but she could not recall their names or relationship to DUONG. She heard that no members of this family were injured by the American soldiers and they are living at an unknown address. She could not recall any soldiers being in the village previous to the incident. There were no Viet Cong in the village that day but she knew that Viet Cong had been around the village on previous occasions. She had heard that some female villagers were raped by the American soldiers but she could not furnish any specific information. She was able to indicate the location of her home, the homes of her neighbors, the location of where the helicopters landed, and the direction in which she fled the village on a sketch of Tu Cung using village landmarks as reference points. She identified individuals in photographs of the scene as follows: The male in photograph frame 34A as Buc CHAO, age 80, who now lives at an unknown address in Saigon, RVN. The male children in the photograph with him are the sons of Chi BONG, age 30, who lives in Son My with the children. The male in photograph frame 21A is Nguyen (NFI), age 65, who was not killed by the soldiers that day in Tu Cung, but is now deceased. He did not die from wounds received from the soldiers. The female in the left background of photograph frame #25A is Mrs KY (NFI) who still lives in Tu Cung. The male in the right background is Mr TONG (NFI) who now lives in Son THANH. A photograph of EM was obtained.

AFFIDAVIT

I, Kenneth Paul McLellan, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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 30 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 Oath)

INITIALS OF PERSON MAKING STATEMENT

TP MY LAI (4)

MY LAI MARK (A)

