

LOM

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 12 Jan 70	TIME 1600 hrs	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME McLellan, Kenneth Paul	SOCIAL SECURITY ACCOUNT NO.		GRADE CW2
ORGANIZATION OR ADDRESS USACIDA, Task Force #2, (RVN Team), Hq MACV, APO SF 96222			

SWORN STATEMENT

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

INVESTIGATOR'S STATEMENT

On 12 Jan 70 an interview with Pham Thi LOM, conducted through SA Nicholas A. VONTZALIDES, Interpreter, began at 1300 hours and terminated at 1415 hours. LOM's personal data is:

Name: Pham Thi LOM AKA: IAM
Address: Son My Village, Son Tinh District, Quang Ngai Province, RVN
DOB: 1959
POB: Tu Cung, Son My Village, Son Tinh District, Quang Ngai Province, RVN
Occupation: None
Sex: Female
Marital Status: Single

LOM stated substantially as follows: She recalled that American soldiers had been to Tu Cung about three times. The first two times there was no trouble. The next time they came was over a year ago and thistime they killed people in the village. On this occasion she was in her home with her father Pham DAT, age 41; her mother Phung Thi LY, age unknown; her sisters Pham Thi XI (AKA:CHI); and Pham Thi XIEU (AKA: DU), and her brother Pham DANH, age 4. XI and XIEU are age 7 and age 1, respectively. About five caucasian soldiers came to her home and took the entire family to a ~~clearing~~ clearing outside the village and made them sit next to a ditch. There were many villagers of all ages at the ditch and the soldiers made them get into the ditch after they had been there a while. She estimated there were about ten soldiers with the people at the ditch and some of them were negro. Then the soldiers began shooting the people in the ditch. She said they had rifles like the ones in the photographs of the scene which she viewed. She indicated they used M-16 rifles. She was shot in the left thigh and some dead people fell on top of her. She was too scared to move and just stayed there until the soldiers left. Then she heard villagers calling out for people who were still alive and she pulled herself out of the ditch. Some unknown villagers found her and took her to a hospital in Quang Ngai. About two days later her father found her in the hospital where he was also being treated for wounds received from the soldiers. Her father told her that her mother and her sister XIEU were killed by the soldiers and that XI and DANH were wounded by the soldiers. Some time after she got out of the hospital she returned to Tu Cung by herself to see her home and found that it had been destroyed. She could not recall any further information concerning the incident. She was not oriented to the sketch of Tu Cung and she could not identify any persons or buildings in the photographs of the scene. A photograph of LOM was obtained.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>[Signature]</i>	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 2823 JAN 66

STATEMENT (Continued)

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.

WITNESSES

Nicholas A. Vontzallies

SA NICHOLAS A. VONTZALLIES,
HHC, 5th SFGA, APO SF 96240

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[Signature]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of Jan, 19 70 at Quang Ngai, RVN

Arvil J. Kirk Jr.
(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)