

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 1715 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

, Kenneth Paul McLellan

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

INVESTIGATOR'S STATEMENT

On 12 Jan 70 an interview with Nguyen DINH, conducted through SA Nicholas A. VONTZALIDES, Interpreter, began at 1010 hours and terminated at 1200 hours. DINH's personal data is:

Name: Nguyen DINH
 ID#: None
 Address: Son My Village, Son Tinh District, Quang Ngai Province, RVN
 DOB: 1955
 POB: Tu Cung, Son My Village, Son Tinh District, Quang Ngai Province, RVN
 Occupation: Farmer
 Sex: Male
 Marital Status: Single

DINH stated substantially as follows: About 0700 hours, day unknown, during the second month of the lunar calendar (Mar), during the year 1967 or 1968, he was in his home in Tu Cung with his father Nguyen DA, age 55; his mother Pham Thi LAN, age 47; his sister Nguyen Thi HOA, age 29, and his sisters sons Do TU, age 6 and Do LAM, age 3. HOA's husband died ~~before~~ before the incident. He heard incoming artillery around the village and the entire family took cover in a bunker near their home. A while after, an unknown number of American soldiers found the family in the bunker and forced them outside. No others were in the bunker. After they came out of the bunker the soldiers shot his mother and father and they died. He could not describe the soldiers and did not know which one shot his mother and father. He was too scared to remember the event clearly. The soldiers took the remainder of the family to the main trail and made them sit with another group that was at the trail. The area on the trail to where they were taken was located between the irrigation ditch and the main entrance to the village. He could not estimate how many villagers were in the groups at the trail except to say there were many men, women, and children. He could not estimate the number of american soldiers with the groups at the trail but thought they included both negro and caucasian soldiers. After sitting around the trail for an unknown period of time the soldiers began shooting the people in the groups along the trail. They used their rifles but he could not recall how many of the soldiers did the shooting or if they were negro or caucasian. He was sitting in the middle of a group and was not hit by any of the bullets. He rolled over and played dead until the soldiers left. He then fled to Son Thanh village. Do TU was sitting in another group along the trail and he learned later that he was shot and killed. HOA and LAM were a few meters away from him and just east of the trail. He learned later that they were not hit by any of the bullets. He met HOA and LAM on the coast road and they went to Son Thanh Village. The next morning he returned to Tu Cung with HOA and they buried their mother and father in a field northeast of the village. They could not find the body of TU and were told by some villagers that they had buried him already. He did not know the location of the grave. Their home and the animal shed were burnt and

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.

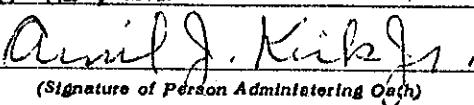
STATEMENT (Continued) destroyed. They found three water buffalo and four pigs dead and were apparently killed by the soldiers. These were the family animals. They went back to Son Thanh that afternoon and later moved to Son My. American soldiers had been in the village on two previous occasions and there was no trouble. He knew of no Viet Cong ever being in the village. He indicated several areas discussed in the interview on a sketch of Tu Cung. He identified individuals and buildings in photographs of the scene as follows: The elderly man in photograph frame 34A as Truong CHAU, age about 80 and the children as his nephews (NFI). He heard they are living in S igon, RVN. The building in photograph frame 5A as the home of Bay GAP, age 45 who he heard was killed by the soldiers. The building in the upper left corner of photograph frame 18A as the watchtower which is located at the main trail and the main entrance to the village. The woman in color photograph #7 as ~~E~~ Ba Chin TAU, age about 32 who was a resident of Tu Cung. He could not furnish any additional information pertaining to TAU. A photograph of DINH 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 12 day of Jan, 1970
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


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AP MỸ LAI (4)

MỸ LAI NAM LỊCH

