

WITNESS STATEMENT

LE

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 19 Jan 70	TIME 0830 hrs	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME MCLELLAN, Kenneth Paul	SOCIAL SECURITY ACCOUNT NO.		GRADE CW2
ORGANIZATION OR ADDRESS USARV, 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 18 Jan 70 an interview with Pham LE, conducted through SA Nicholas A. VONZALIKOV, Interpreter, began at 1325 hours and terminated at 1430 hours. LE's personal data is:

Name: Pham LE
 ID#: None
 Address: Son My Village, Son Tinh District, Quang Ngai Province, RVN
 DOB: 1908
 POB: Binh Dong, Son My Village, Son Tinh District, Quang Ngai Province, RVN
 Occupation: Farmer
 Sex: Male
 Marital Status: Married

LE stated substantially as follows: About 0600 hours, the 18th day of the second month of the Lunar calendar, two years ago he heard airplanes flying in the vicinity of his Hamlet of Binh Dong. He looked outside his home and saw an unknown number of helicopters in the air, but did not see them land. In his home with him at this time was his wife Do Thi UYEN, age 58; his son Pham XI, age 10; his daughter Pham Thi THIEN, age 7; his son Pham CHIEN, age 26; and the wife of CHIEN, Nguyen Thi BA, age 26. CHIEN and BA remained in Binh Dong, which is located east of Thuan Yen (Tu Cung), but he and the other members of his family fled the Hamlet to the fields. He did not see any of the American soldiers that day, but while they were hiding in the fields he heard a lot of gunfire in the Hamlet. During the mid afternoon he returned to his home and found his son CHIEN dead, in the home, from a gunshot wound. The three family water buffalo were shot and killed. His home and the buffalo shed had been destroyed by fire. He found BA dead in the home of her father along with the dead bodies of her father Do NGUYEN, age 65 and BA's mother Nguyen Thi DAI, age 60. They had all been shot. This home was also destroyed by fire and the bodies in the home were partially burnt by fire. He buried BA, NGUYEN, and DAI in the southern portion of the Hamlet and CHIEN just north of the Hamlet. He could locate the graves if returned to Binh Dong. He does not know how many people were killed that day, but he did see several other unknown dead bodies in the Hamlet. He knew of no rapes committed by American soldiers and does not recall them ever being in the Hamlet before. He knew of no Viet Cong ever being in the Hamlet. After burying the bodies he went to Son Hoa with his wife and children and stayed with a friend for a while and later settled in Son My Model Village. In photograph frame #25A he identified the first Vietnamese male from the right as Nguyen THIEN, age unknown, who he now believes is residing in Son My Model Village. He could furnish no additional information pertinent to this investigation. A photograph of LE was obtained.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>[Signature]</i>	PAGE 1 OF 2 PAGES
---------	---	-------------------

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.

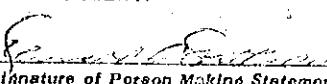
AFFIDAVIT

I, 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.

WITNESSES:

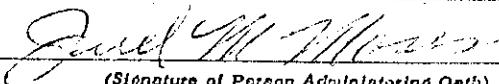

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of Jan 1970
at Quang Ngai, RVN

ORGANIZATION OR ADDRESS

SA NICHOLAS A. VONZAIKUS,
DNC, 5th FLC, APO SF 96240

ORGANIZATION OR ADDRESS


(Signature of Person Administering Oath)

JUEL M. MOSES

(Typed Name of Person Administering Oath)

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

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

 PAGE 2 OF 2 PAGES