

## 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 Janesville, Wisconsin	DATE 2 Mar 70	TIME 1650hrs	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME HEIN, David Benjamin	SOCIAL SECURITY ACCOUNT NO.		GRADE CIV
ORGANIZATION OR ADDRESS , Janesville, Wisconsin 53545			

## SWORN STATEMENT

I, David B. HEIN, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q-Mr. HEIN I would like to ask you some additional questions concerning your assignment in Vietnam during March 1968. Are you willing to answer these questions?

A-Yes.

Q-In your statement dated 16 Dec 69 you talked about seeing a US Army Captain cut some fingers off of a suspect's hand. Do you remember this?

A-It was one finger.

Q-From which hand was the finger cut?

A-I don't remember.

Q-Which finger was it?

A-It was the little finger. It was cut off between the middle joint and the first joint of the small finger. I remember this because I picked the finger up.

Q-Who cut the finger off of the Vietnamese prisoner's hand?

A-I don't know his name but he was the MI Captain that was with us. I will never forget him.

Q-Would you know him if you saw him again?

A-Yes.

Q-Can you describe the captain to me?

A-He was short, about 5'6 or 5'7" tall. He was stocky and had a round face. I don't know about his hair because I never saw him without his helmet or helmet liner on. He was white and I would say that his weight was around 180 or 190 pounds.

Q-Where did this incident occur?

A-At the location where we set up for the first night on the south edge of the graveyard there is a hut like structure and it happened right there.

Q-What time of the day or night was it?

A-It was about 1600 to 1700 hours.

Q-Who else was present when this incident occurred?

A-Most of the Headquarters section was there. I know that CPT MEDINA and his RTO, MURRY, was there. Also WIDMER and SGT PHU was there.

Q-What happened to the prisoner after his finger was cut off?

A-He was shot.

Q-Who shot him?

A-The National Police shot him.

Q-What type of weapon did the National Police use and how many times was the prisoner shot?

A-He used a M-1 and he shot him about six times.

Q-In what part of the body was the prisoner shot?

A-He was shot three times in the chest and three times in the middle part of the back.

Q-Did you see the prisoner after he was shot?

A-Yes.

Q-Are you sure that he was dead?

A-I am positive. I could tell by the way that he was laying there with his eyes open.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>DA</i>	PAGE 1 OF 3 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 of Mr. David B. BURN, taken at Janesville, Wisconsin, dated 9 Mar 70,  
Continued."

Q-Were the fingers cut off any other prisoners?

A-No.

Q-Were any other prisoners shot and killed during this incident?

A-Yes. There was one other one shot about fifteen minutes after the first one was shot.

Q-Where did the captain get the knife that he used and what type of knife was it?

A-He carried it with him all of the time and it was a "Bowie" knife.

Q-In what manner did the captain cut the finger from the prisoners hand?

A-He made the prisoner put the one finger up on a board and then just hit it one time and it rolled off.

Q-Did the captain say anything to the prisoner either before or after he cut the finger off?

A-He was asking the prisoner questions and he had the knife out. He told him, through the interpreter, SGT PHU, that if he did not talk that he would cut his finger off and when he did not talk he did just that. Then he told him that if he did not talk that he would have him shot. When he did not talk he told the National Police to shot him and they did.

Q-What was the reaction of the prisoner before and after his finger was cut off?

A-He seemed to me that he was afraid and was repeating the Vietnamese word for No over and over.

Q-How long did the captain have the knife out before he cut the finger off?

A-I would say about two minutes.

Q-How long was it from the time that the finger was cut off and the prisoner was shot?

A-About five or six minutes.

Q-Was CPT MEDINA there at the time of the finger cutting and the shooting?

A-Yes.

Q-Did he see what was going on?

A-He should have. He was about five or six feet from where all of this took place.

Q-Did he attempt to stop what was going on?

A-Not that I remember.

Q-Did anyone attempt to stop the captain?

A-Not that I know of.

Q-Did the captain say anything after the prisoners were shot?

A-No.

Q-Did CPT MEDINA say anything to anyone about what the other captain was doing?

A-Not to my knowledge.

Q-Is there anything else that you can remember about this incident?

A-No. But I do recall now that BERGTHOLD was there and saw this incident.

Q-Are you willing to testify in court if you are called on to do so?

A-Yes.

Q-Is there anything that you would like to add to or delete from this statement?

A-There is one thing that I would like to clear up. The prisoner was not saying the Vietnamese word for no he was say the word No over and over.

Q-Is there anything else?

A-No.

/////////////////////////////End of Statement/////////////////////////////



## AFFIDAVIT

I, David B. Helm

HAVE READ OR HAVE HAD READ TO ME THIS STATE-

MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. 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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of March, 1970  
at Janesville, Wisconsin

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

Richard E. SHERWOOD, Crim Inves

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136b (4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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