

A F F I D A V I T

I, JAMES H. FLYNN, , Plain View, Minnesota, wish to make the following statement, under oath, concerning events of 16 March 1968 related to the establishment of the night defensive position of C Company of Task Force Barker, which was then operating in Quang Ngai Province, South Vietnam.

At the aforementioned time, I was attached to C Company as a forward observer for a 4.2 mortar.

{ As the result of our earlier operations on that date, C Company controlled about 10 prisoners. As we reached our bivouac area, we were joined by Vietnamese National Policemen and an unknown American officer, who began to interrogate the prisoners. I watched them interrogate the prisoners for a while, but I lost interest and did not pay any attention when the policemen moved the prisoners further away out of my line of vision. }

Shortly thereafter, I heard some shots from the area where they had gone. However, I did not investigate to determine what had occurred, since I felt that it was entirely a Vietnamese affair. I assume that they either shot at the prisoners to frighten them or actually shot one or more of them.

I know that they could not have shot many of the prisoners, if any, because we stood guard over about five of them for the rest of the night and used a couple of others for guides on the next day. }

I can not recall many details about the shooting since I did not witness it or see any dead bodies. I can not recall how long the shooting lasted or how many shots were fired. I do not know whether the policemen released any prisoners or whether they took any with them when they left.

I can state that the interrogation and shooting all occurred within the C Company perimeter, and that there were no members of B Company present at the time. The only people there who I can remember who were not members of C Company were the policemen and the American officer who had arrived with them. Also, this was the only shooting done by the policemen that I can recall.

I am aware that the transcript of the Peers' Report states that I said about nine prisoners were shot. I do not recall giving such testimony and I never intended to convey that impression.

Initials of person making statement J H F.

I must have misunderstood the question being put to me at the time or a mistake was made in recording my responses. As I stated in this affidavit, I did not really see anyone shot, nor do I believe that it is likely that the police could have killed as many as nine prisoners since we retained some of them all evening and the following day.

I have always felt that the executions, if any did occur, were the responsibility of the National Police, so I never really gave the matter much thought or had any reason to try to remember it. Now, given time to think about the incident and realizing its importance, I want to add this affidavit to my former statement because I believe it best describes the incident.

Initials of person making statement SPH

I, JAMES H. FLYNN, have read or have had read to me this statement which begins on Page 1 and ends on Page 2, this page, Page 3 containing only this signed statement and the Notary Oath. 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 Page 1 and Page 2 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.

James H. Flynn (Seal)
JAMES H. FLYNN

STATE OF South Dakota

SS:

COUNTY OF Minnesota

I, the undersigned, do hereby certify that I am a duly commissioned, qualified, and authorized notary public in and for the State of South Dakota; and that the affiant subscribed and swore to the above document before me.

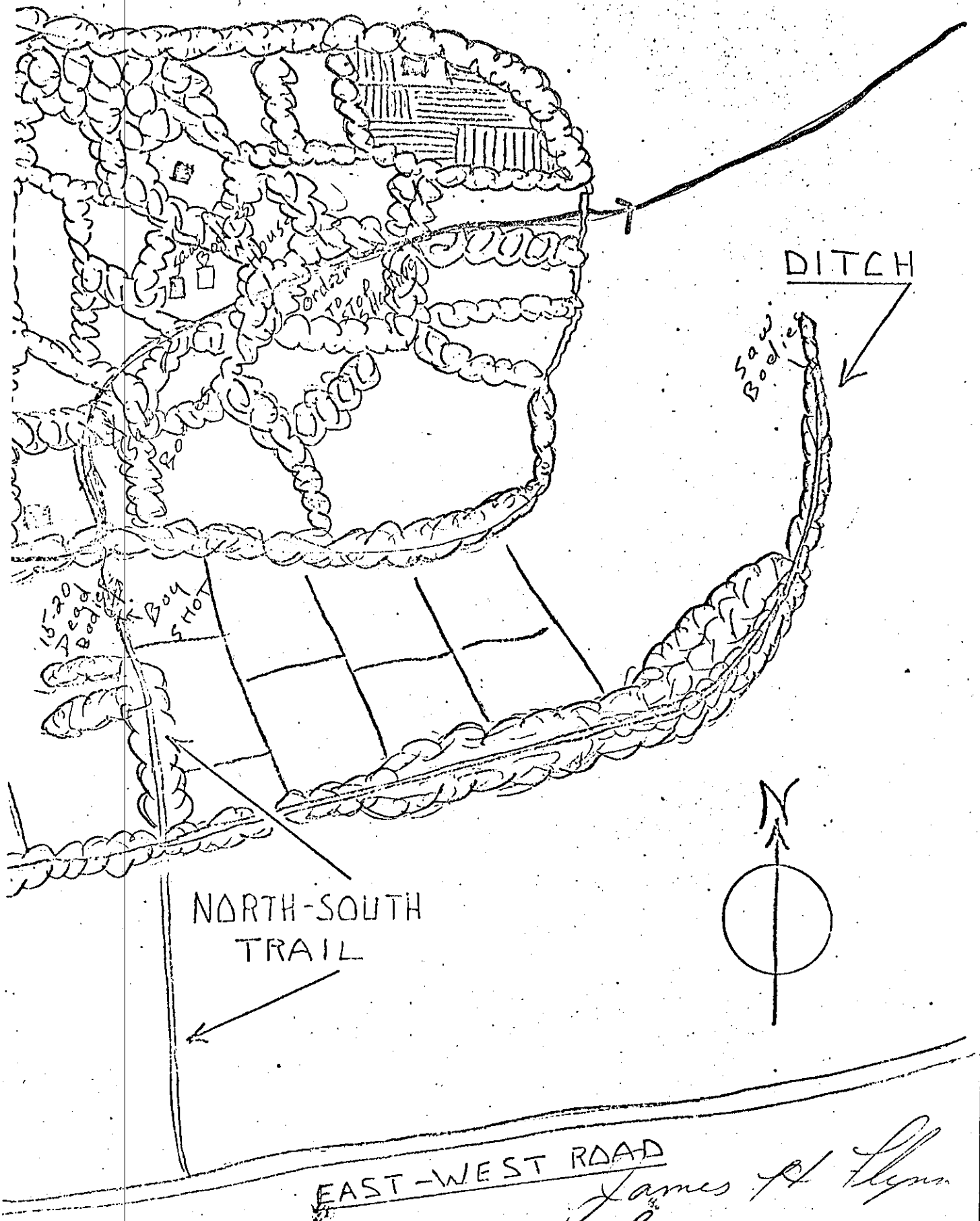
IN WITNESS WHEREOF, I hereunto set my hand and affixed my official seal this 23 day of July, 1970.

(SEAL)

Louis L. Neish
Notary Public

My commission expires: _____

Notary Public, My Commission
Expires Sept. 21, 1970



James H. Lynn
Feb. 11th 1870