

## WITNESS STATEMENT

For use of this form, see AR 195-10 - TB PMG 3; the proponent agency is Office of The Provost-Marshal General.

Copy

PLACE Ciu Lai, RVN LAST NAME, FIRST NAME, MIDDLE NAME JULIE R. Andre Carl Richard ORGANIZATION OR ADDRESS Det A, 8th MP Co (CI), APO San Francisco 96245	DATE 24 Nov 69	TIME 1600 hrs	FILE NUMBER 69-CI-211-00014
	SOCIAL SECURITY ACCOUNT NO.		GRADE SMA

## SWORN STATEMENT

I, Andre C R Fisher, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 16 November 1969, in the company of CONTI, Do HOIA, Do HOUC, 1LT WOOD, PFC Lazlo KONDOR, 23d Admin Co, Combat Photographer Information Office, Americal Division, C Troop, 1st Sqdn, 1st Cav and B Company, 5th Bn, 46th Inf, 193d Brigade. I proceeded to Tu Cung (by Lai (4) to obtain photographs at the hamlet. COL TYNAN, CO, 8th MP Gp (CI), and LTC CORNELL, EM, Americal Division, also accompanied the party.

Photographs were taken on the ground and after the operation, aerial photographs were obtained from a helicopter which flew counter clock wise around Tu Cung. The Photographs were taken by KONDOR under my direction. 1LT WOOD acted as the interpreter during this mission. The mission lasted from 0800 hrs till 1130 hrs, 16 Nov 69.

The following photographs were taken:

1. Departure from Son My Village for Tu Cung, shot to front of convoy.
2. Departure from Son My Village for Tu Cung, shot to the rear of convoy.
3. Approach to Tu Cung. Tu Cung located to the north east. (Clump of trees)
4. Trail from road entering Tu Cung from the south. Note that there are no hootches on trail. During the time of the incident there were hootches there.
5. Mounds are unmarked gravesites at the southern edge of the hamlet taken from "trail" in the direction west to east, approximately 25 meters from main road leading east to west.
6. Mounds of unmarked graves. In general location of slide # 5, taken east to west.
7. Burned hootches taken from "trail" mentioned in slide # 5 taken from east to west.
8. Photograph taken north to south on the "trail" entering Tu Cung, where 40 to 50 civilians were shot. CONTI, Do HOIA, and Do HOUC, pointing to general area. Reference is made to slide # 30. The location on this slide where the civilians were shot is on the right center section, approximately half way between clump of trees on utmost right and southern outskirts of hamlet. Tracks marks run perpendicular across trail in east to west direction. On the slide the more exact location is where the tracks marks are not as obvious due to more grass and less water.
9. Taken east to west representing approximate location of 40 to 50 civilians that were shot on "trail". Civilians are represented by persons left of the APC. CALLEY and MEADLO are represented by persons to the right of the APC. (Reference slide # 30)
10. Same as # 8 taken from south to north on "trail". (Reference slide # 30)

EXHIBIT -3	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ 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.

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27. Same as # 25 and # 26.

28. Left to right 110 WOOD, Bo C DG, Bo NOIA, FEHLER, and CONTI, after the return from Tu Cung to Son My village on 11 Nov 69.

29. Son My village with Hill 65 in back ground.

30. Overall view of Tu Cung taken from west to east. "Ditch" at top center, slightly to the right where the sparse woodline is located between the tracks. Approximately  $\frac{1}{4}$  from top of slide. "Trail" is located between clump of trees on right of slide and southern edge of hamlet.

31. View of Tu Cung from North to South.

32. View of Ditch in left/upper corner taken from west to east.

33. View of Tu Cung from east to west.

34. Other view of Tu Cung from easterly to westerly direction.

35. View of Tu Cung from Northerly to Southerly direction. Western part of hamlet visible.

36. View of eastern part of Tu Cung, taken north to south.

37. View of Tu Cung from east to west.

38. View of Tu Cung from west to east. Ocean in background. "Ditch" is upper center of slide and trail in far right center of slide near clump of trees.

39. View of Tu Cung taken from west to east. Ocean in background. "Ditch" in center slightly up and to the left. (Sparse woodline)

40. View of Tu Cung from west to east. (Same as # 30)

41. View of Tu Cung taken from west to east along northern section of hamlet.

42. View of Tu Cung taken from west to east, also along northern section of hamlet.

43. View of southeastern part of Tu Cung taken from westerly direction. (Reference Slide # 30)

44. View of "ditch" taken from south to north. Note mounds representing unmarked graves. Flying from west to east. (#47 was taken first, #46 second, #45 third, and #44 last)

45. Same as # 44.

46. Flying west to east coming up to ditch. "Ditch" is located in the tree line to the left of the tracks.

## STATEMENT (Continued)

47. Flying west to east coming up to "ditch". "Ditch" located inside curve of tracks.

48. Another view of "ditch", flying west to east. Following the curve of the ditch.

## AFFIDAVIT

I, WAYNE C. R. THORN

HAVE READ OR HAVE HAD READ TO ME THIS STATE-

MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. 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 24th day of November, 1969  
at CRU LAI, RVN

WITNESSES:

(Signature of Person Administering Oath)

WAYNE D. THORN

(Typed Name of Person Administering Oath)

Art 136 (b) (4) UCWJ 1969

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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