

DECLASSIFIED: 027623
 Authority: NARA, Date:

STATEMENT BY ACCUSED OR SUSPECT PERSON		For use of this form, see AR 195-10; the proponent agency is Office of The Provost Marshal General.	
PLACE Camp Eagle, Republic of Vietnam	DATE 10 Jun 70	TIME 1400 HRS	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME MILLS, Terry A.	SOCIAL SECURITY ACCOUNT NO. 097-38-7725	GRADE O-3 Captain	
ORGANIZATION OR ADDRESS Co B, 1st Bn, 327th Inf, 101st Abn Div, APO SF 96383, RVN			

PART I - WAIVER CERTIFICATE

I HAVE BEEN INFORMED BY MAJOR Thomas A. Spencer
 OF HHC, 2d Bn, 502d Inf, 101st Abn Div, APO SF 96383, RVN
 THAT HE WANTS TO QUESTION ME ABOUT a friendly fire incident which happened on 7 June 1970
 OF WHICH I AM ACCUSED OR SUSPECTED. HE HAS ALSO INFORMED ME OF MY RIGHTS.
 I UNDERSTAND THAT I HAVE THE RIGHT TO REMAIN SILENT AND THAT ANY STATEMENT I MAKE MAY BE USED AS EVIDENCE AGAINST ME IN A CRIMINAL TRIAL.
 I UNDERSTAND THAT I HAVE THE RIGHT TO CONSULT WITH COUNSEL AND TO HAVE COUNSEL PRESENT WITH ME DURING QUESTIONING. I MAY RETAIN COUNSEL AT MY OWN EXPENSE OR COUNSEL WILL BE APPOINTED FOR ME AT NO EXPENSE TO ME. IF I AM SUBJECT TO THE UNIFORM CODE OF MILITARY JUSTICE, APPOINTED COUNSEL MAY BE MILITARY COUNSEL OF MY OWN CHOICE IF HE IS REASONABLY AVAILABLE.
 I UNDERSTAND THAT EVEN IF I DECIDE TO ANSWER QUESTIONS NOW WITHOUT HAVING COUNSEL PRESENT, I MAY STOP ANSWERING QUESTION AT ANY TIME. ALSO, I MAY REQUEST COUNSEL AT ANY TIME DURING QUESTIONING.
 I (DO) (DO NOT) WANT COUNSEL.
 I (DO) (DO NOT) WANT TO MAKE A STATEMENT AND ANSWER QUESTIONS.

Terry A. Mills
 (Signature of Person To Be Questioned)

INTERROGATOR: Thomas A. Spencer WITNESS: William F. Fanner
 (Signature) (Signature)
 THOMAS A. SPENCER, MAJ/Investigating Officer WILLIAM F. FANTER
 HHC, 2d Bn, 502d Inf 101st Admin Co.
 (Typed Name and Organization) (Typed Name and Organization)

PART II - SWORN STATEMENT

I, Terry A. Mills WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

QUESTION 1: Were you aware of D Company's location?
 ANSWER 1: Yes, generally; however, I did not know their exact location.
 QUESTION 2: Did you coordinate with Delta on their movements, etc?
 ANSWER 2: Yes, on a daily basis or more often if I thought necessary. I had talked to CPT Severn (CO, D Company) the night before the incident and he gave me his locations and informed me he would be working southeast the next day (7 June 1970). I told him my company would be working north. At that time we were approximately 1000 meters apart.
 QUESTION 3: What were your locations at the time of the air strike?
 ANSWER 3: We were generally in the same area as our previous night's locations, working out of platoon patrol bases.
 QUESTION 4: Did you tell the FAC of D Company's location?
 ANSWER 4: No, I thought that battalion had as the FAC had been talking to battalion prior to calling me, and they were moving away from the strike location. So, I saw no problems.
 QUESTION 5: Did you hear anyone tell the FAC of D Company's locations?
 ANSWER 5: No, I did not. D Company was on the same radio net (battalion command net) and had said nothing about the strike, therefore I thought all was well.
 QUESTION 6: Did you see or believe anything was different between the first and second gun run with 20mm?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>X</u> <u>TAM</u>	PAGE 1 OF 2 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.

927623

Authority
By NAVA, Date

STATEMENT (Continued)

ANSWER 6: Yes, the second one seemed to last quite a bit longer than the first one.
QUESTION 7: Is there anything else you would like to add?
ANSWER 7: Only that originally we had not planned to use the 20mm.
//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

QUESTION 1: ...
ANSWER 1: ...
QUESTION 2: ...
ANSWER 2: ...
QUESTION 3: ...
ANSWER 3: ...
QUESTION 4: ...
ANSWER 4: ...
QUESTION 5: ...
ANSWER 5: ...
QUESTION 6: ...
ANSWER 6: ...
QUESTION 7: ...
ANSWER 7: ...

AFFIDAVIT

I, Terry A. Mills

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.

Terry A. Mills
(Signature of Person Making Statement)

WITNESSES:

William F. Fanter
WILLIAM F. FANTER

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of June, 1970 at Camp Eagle, Republic of Vietnam

101st Admin Co.
ORGANIZATION OR ADDRESS

Thomas A. Spencer
(Signature of Person Administering Oath)

THOMAS A. SPENCER, MAJ/Investigating Officer

ORGANIZATION OR ADDRESS

003-30-1 (Typed Name of Person Administering Oath)

Art. 136(b)(4), MCM 1969

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

TAM