

S/234 BA

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 Quang Ngai, RVN	DATE 23 Dec 69	TIME 1830	FILE NUMBER 69-CID011-00014
LAST NAME, FIRST NAME, MIDDLE NAME KIRK, Arvil Jackson Jr.	SOCIAL SECURITY ACCOUNT NO.		GRADE CW2
ORGANIZATION OR ADDRESS Det B, 8th MP Gp (CI), APO SF 96312			

SWORN STATEMENT

I, ARVIL J. KIRK JR., WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 23 December 1969, BA was interviewed by me in the presence of S/A Arthur D. HARRIS, acting as interpreter. Personal data of BA is as follows:

NAME: Do BA  
ID: None  
ADDRESS: Ap Moi, Tu Cung Village, Son Tinh District, Quang Ngai Province, RVN  
DOB: 1955  
POB: Ap Moi, Tu Cung Village, Son Tinh District, Quang Ngai Province, RVN  
OCCUPATION: Farmer  
SEX: Male

BA stated substantially as follows: He does not know the date but in 1968 on the day when many people of his village were killed, his house was located about sixty - seventy meters from where the helicopters landed with the Americans. He was standing outside his house when about eight American soldiers came through the trees. The men then shot the family animals, one pig and two cows and grabbed him by the arms. He estimated the time to be about 0800 hours. He was then taken through the village about half way and then to a place on the trail leading to the village, where he was told to sit down. There were other people from his village gathered there at this time. From his description he was taken from his home and went east to the middle of the area and then south to the main trail leading into the village. As he passed through the village he states that he saw the bodies of Do PHU, mother of the hamlet chief; Do BA, daughter of the hamlet chief; Nguyen SO, Nguyen CANG and Do HAT. HAT is the son of the hamlet chief and CANG and SO lived in the hamlet. BA stayed at the place on the trail and other people of the village were brought there. At what he estimates to be about 1000 hours, the same eight men who had taken him, were standing there. At this time two of the men started firing into the group with what he believes were AR 15 rifles. He was struck by bullets and fell to the ground unconscious. He estimates that he came to about 1400 hours in the afternoon and layed there until dark. He then got up and walked down the trail until he found an unidentified ARVN soldier who took him to the Quang Ngai Hospital. He stated that when he came to he was under many dead bodies and estimates that there were one hundred dead people around him. He was struck by bullets in the right portion of his neck and right shoulder and the index and middle fingers of his right hand. The two fingers were later amputated. He stated that he could only remember the ones of his group who were around him and furnished the following names: Nguyen QUE, 60, male; Pham Thi QUE, 65, female; Nguyen QUAY, 50, female; Nguyen GIAU, 50, female; Tran SINH, 14, male; Nguyen DAM, 30, female; Nguyen CU, 10, male; Nguyen DUC, female, 7, and Do Thi PHU, 40, female. As far as he knows all are now dead. He stated that only two of the eight soldiers fired and one was black and one was white. He could only state that the black soldier was tall, medium build and dark. The white soldier was blond headed. BA stated that his grandfather Do NGO, age unknown, was al-

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT AJK	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.

STATEMENT (Continued)

so in his group which was killed, but no other relatives were killed in this group. His father, Do CAM, 45, mother Nguyen Thi THE, 38 and five sisters, Do Thi LONG, 12, Do Thi HUONG, 11, Do Thi DIEU, 8, Do Thi HUE, 3 and Do Thi XE, 2, were all in bunkers in or under his house. The house was burned and destroyed but his family all survived and were not injured. His grandfather was buried by his father in a field inside the village with the others. He stated that he did not think he could identify the men who shot the group or any of the other soldiers. He did not see any dead people other than at the hamlet chief's house and the approximately one hundred on the trail. He does not know anything about any other groups of people being killed at any location in the village. He was told by the people of the village that the group in which he was in, consisted of 130 dead people but he did not count them. BA stated that there were three houses near his. One occupied by Do NGUU, 70, a distant relative, Do THANH, 7, a nephew and Do THI, 5, a nephew. They were in a bunker and the house caved in around them but they were not injured and are now alive and at an unknown address in Saigon. BA describes NGUU's house as having been a little south of his home. One house, west of BA's house was occupied by Nguyen TU, 30, male, no relation. The house was destroyed but he is alive and in Ap Moi village. One house near BA's house was occupied by Nguyen THU, 40, male, no relation and Nguyen THIEN, 50, female with five children, three males and two females, names and ages unknown, was destroyed by burning. THU and THIEN were away from the village at the time of the incident but the five children were among those who were shot and killed. He also furnished the approximate location of a pagoda, a prayer house, Do CHUC's and Do HOAI's houses, the place of death of 100 persons and where he was wounded and the place of burial of 100 persons on a sketch of the village. BA stated that for about one hour before the soldiers came, artillery fire hit the village and the pagoda was destroyed. He could furnish no information concerning deaths by artillery or damage other than the artillery destroyed the pagoda. He stated that he did not see anyone raped but heard that Tran Thi HOA, 20, was raped and now lives at an unknown address in Saigon. He stated that all bodies were buried and some graves contain several persons stacked on top of one another. BA was shown a photograph depicting an old man with a baby in his arms and a small boy. He identified them as Nguyen CHAN, 60, Nguyen DUC, 3 and Nguyen DUC 2, but does not know if they are alive or dead. He identified a picture of several persons huddled together alive as the persons he described seeing dead near the hamlet chief's house. He could furnish no further information at this time. A photograph of BA was obtained.

AFFIDAVIT

I, ARVIL J. KIRK JR.

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.

*Arvil J. Kirk Jr.*  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23d day of December, 1969 at Quang Ngai, RVN

*Arthur D. Harris*  
ARTHUR D. HARRIS

25th MID, 25th Inf Div, APO SF 96225  
ORGANIZATION OR ADDRESS

*Kenneth P. McLELLAN*  
(Signature of Person Administering Oath)

KENNETH P. McLELLAN

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)  
ART 136 (b) (4), UCMJ, 1969

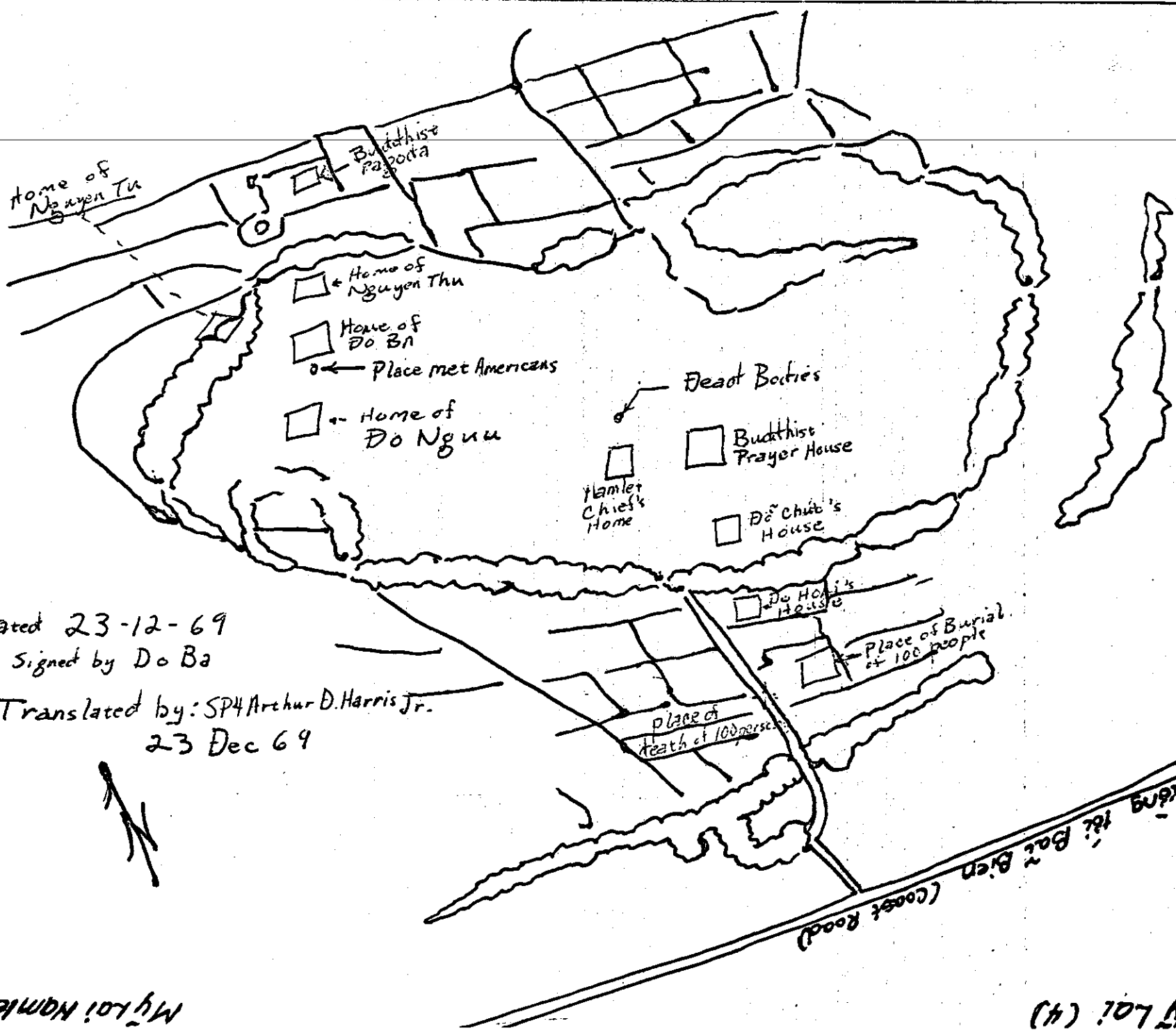
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

AJK

PAGE OF PAGES





dated 23-12-69

Signed by Do Ba

Translated by: SP4 Arthur D. Harris Jr.

23 Dec 69

Mỹ Lai Namlet (4)

AP Mỹ Lai (4)