

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 25 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 96491			

SWORN STATEMENT

I, Arvil J. KIRK Jr. ASK, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 25 December 1969, MEO was interviewed by me in the presence of 1LT John C. WOOD, Hq MACV, APO SF 96222, acting as interpreter. Personal data of MEO is as follows:

NAME: Nguyen Thi MEO
ID: None
Address: Son My Village, Son Tinh District, Quang Ngai Province, RVN
DOB: 1938
POB: Xom Lan, (Tu-Cung), Song Tinh District, Son My Village, Quang Ngai Province, RVN
Occupation: Farmer
Education: None
SEX: Female

MEO stated substantially as follows: She does not know the date but one morning in 1968, she was in her home at Tu-Cung Village at about 0900 hours, when ten to fifteen U.S. soldiers came within about fifty meters from her home and yelled for them to come out of the house. She, her husband Phong KY, 40, daughters Pham Thi TIN, 10, Pham Ahi XIU, 4 and son, Pham CU, 2, all came from their house. A soldier then set the house on fire and it was destroyed. The five were then taken through the village down the main trail (South), out of the village to near the road which goes to Quang Ngai. They were then told to get off the road and the soldiers left. While there she saw some helicopters, number unknown, and one fired at people running down the main road. After the firing by the helicopter, she saw about ten bodies on the road consisting of about five women, four men and one fifteen year old boy. She does not know their names. Her and family then went to a camp at Son Hoi. They stayed there for three days before returning to the village. When she returned she saw many graves but no dead bodies. She was told by many people, whose names she does not recall, that about 300 people had been shot by U.S. soldiers. She stated that at no time while in the village prior to being taken out by soldiers did she hear any firing or shooting at any time. She stated that she heard no artillery prior to the soldiers coming to the village. The only shooting she heard was by the helicopter(s) on the road. She saw no dead bodies other than those on the road and has no relatives, other than those already mentioned, who lived in the village. She doesn't know if the Viet Cong were in the village that morning or the last time the Viet Cong were there. She did not wish to make any comment about Viet Cong except that Viet Cong or anyone else in the village fired on the U.S. soldiers. She stated that U.S. soldiers had been to the village twice before in about Jan 68. Both times the soldiers had not mistreated or harmed anyone and had in fact been good to the people of the village by giving them candy. She stated that her family had owned one pig and one cow. The pig was burned in the house and the cow was shot, however, both had been alive when she was taken from the village. She found them

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

DA FORM 2823

STATEMENT (Continued)

both dead when she returned to her village. MEO identified a photograph of an old man being on the porch of house, the same man being talked to and the same man setting a-bone on the ground as Mot LAI, 70, who she was told was killed during that day. She identified several persons depicting them huddled up in another photograph. She stated that the person in the red shirt was Mrs SO, 80, F; the person in the black shirt on the right side as Do Thi CONG, 28, F and the child in her arms as Do HAT, 5, M; the woman in the left background with thin hair as Mrs. PHU, 60, F and the girl on the left in white shirt she identified as the hamlet chief's daughter but did not know her name. She stated that PHU was the chief's mother. She did not know where the other people other than the chief's relatives lived or anything further about them. It should be noted that another person Do CHUC was interviewed by Mr. FEHER. In FEHER's statement dated 16 Nov 69, it is reflected that Do CHUC identified persons in the same photograph as Pham Thi SO, 56, F; the female in the black shirt as Do Thi CAM and the child in her arms as Do TRAT and ~~identified as~~ "PHU" ~~as~~ as Nguyen Thi CUNG the mother of the chief Do Tamh NHON. MEO identified the last photograph in the series depicting a man with a stomach wound as a Mr PHUNG, no further information known. It was pointed out by Mr. FEHER that this man had been identified on 16 Nov 69 by Do HOAI as Do MO. It is possible that Do MO was his official name and he was known in the village as PHUNG. MEO could furnish no further information at this time. A photograph of MEO was obtained. At the start of the interview with MEO she was very nervous and stated that she could not understand LT WOOD. Do THIET who had been interviewed prior and who could understand WOOD assisted during the interview of MEO. After the interview had been in progress for a while she became less nervous and said that she could understand WOOD. I was then able to interview her through LT WOOD. MEO understood the attached sketch but is unable to read or ~~write~~ write, therefore, she pointed out the location of several homes and locations of events to THIET who wrote them on the sketch for her. When this was done she examined the markings on the sketch and it was explained by WOOD and THIET and she acknowledged that it was correct to the best of her knowledge.

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:

John C. Wood

1LT JOHN C. WOOD,
HQ MACV, APO SF 96222
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law
to administer oaths, this: 25 day of December, 1969
at Quang Ngai, RVN

James D. Bell
(Signature of Person Administering Oath)

KENNETH P. McLELLAN

(Typed Name of Person Administering Oath)

Art 136 b (4), UCMJ, 1969

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

AJK

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