

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 27 Dec 69	TIME 1800	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 JACKSON KIRK JR.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

INVESTIGATOR'S STATEMENT

On 27 December 1969, between 1110 - 1215 hours and 1320-1500 hours, TU was interviewed by me in the presence of 1LT John C. WOOD, Hq MACV, APO SF 96222. TU's personal data is as follows:

NAME: Nguyen TU
ID: 065468
ADDRESS: Son My Village, Son Tinh District, Quang Ngai Province, RVN
POB: Same as address.
DOB: 5 May 1932
OCCUPATION: Farmer
EDUCATION: 1 year.
SEX: Male

TU stated substantially as follows: About 0800 hours, on a morning in Mar 68, he was working in the rice paddies about one kilometer from his village Tu Cung, when he saw helicopters landing near the village. He does not know how many helicopters there were and saw no soldiers. He then ran to Son Hoi Village and stayed until that afternoon. While in Son Hoi he heard some shooting but not too loud. When he returned to his village he came upon the main trail into the village. He saw many bodies on the trail and off the sides of the trail but could not guess or estimate how many. He found the bodies of four relatives. Tran Thi HIEN, 50, female, aunt; Pham Thi TUAN, 40, female, sister-in-law; Nguyen Thi HUYNH, 15, female, niece and Do Thi MIANH, 10, female, niece. His son Nguyen Van CHUONG, 10, was in the village but was not hurt and is now at an unknown address on Ky Dong Street, Saigon. He heard that Pham DAT, 42, male was wounded in the foot, Tran Thi HOA, 16, female was wounded in the stomach, a person known only as DOC, 70, male was wounded in the stomach and Do BA, 16, was wounded in the fingers. All are presently in Son My with the exception of HOA, who is at an unknown address in Saigon. He estimates that there were 370 people killed and 100 people wounded, some of which lived and some of which died later. The relatives buried their own people. He stated that his house was burned and his animals and birds consisting of five cows, three pigs, ten chickens and one dog were all shot and killed. He saw the dead animals but did not see them shot by soldiers. He was told that soldiers shot them. He stated that there were four families who lived near him and their homes were destroyed. The families are: 1. Do CAM, 45, male; Nguyen Thi THI, 42, Female; Do BA, 16, male and several children. He only knows the name of Do Thi IANG, 13, female. All are alive and now live in Son My. 2. Nguyen Thi HOA, 60, male; a person known only as LAU, 55, female; Nguyen Thi HOA, 30, male and Nguyen DINH, 14, male. HOA and LAU were killed, DINH is in Son My and he does not know the whereabouts of HOA. 3. Truong CHAU, 70, male; Truong DE, 36, male and three persons known only as LIEU, 55, female; BONG, 30, female (DE's wife) and DUC, 6, male. CHAU, BONG and DUC are at unknown addresses in Saigon and DE and LIEU were killed. 4. Nguyen Thi EM, female, 35 and two children, females, names unknown. EM and children are now in Son My.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT AJK	PAGE 1 OF 2 PAGES
---------	--	-------------------

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
1 JAN 68

STATEMENT (Continued)

TU could not furnish the names of any other persons near him or in the village dead or alive. TU did identify a photograph depicting an old man with two children as Truong CHAU, age unknown. They are at an unknown address in Saigon and he does not know the names of the children. He identified a photograph (last Black & White Photograph in the series) depicting several persons in a small group, some squatting and some standing. He identified the third man from the left, squatting with a white cloth on his head as IAN, from Binh Dong Village. He further stated that IAN was killed later but not as a result of the operation in Mar 68. TU stated that he heard from an unknown person that Truong THO, 70, male was killed in a well near the main trail leading into the village. As far as could be determined TU saw no other bodies other than are mentioned above. He could not relate places, directions or events on the sketch and did not seem to understand the sketch. A photograph of TU was obtained. No further information could be obtained from TU.

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

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of December, 19 69 at Quang Ngai, RVN

Kenneth P. McLeellan
(Signature of Person Administering Oath)

KENNETH P. McLELLAN

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

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

A J K

PAGE 2 OF 2 PAGES