

WITNESS STATEMENT

LE

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

| | | | |
|---|-----------------------------|------|-----------------|
| PLACE | DATE | TIME | FILE NUMBER |
| Quang Ngai, RVN LAST NAME, FIRST NAME, MIDDLE NAME | 28 Dec 69 | 1635 | 69-CID011-00014 |
| ORGANIZATION OR ADDRESS | SOCIAL SECURITY ACCOUNT NO. | | GRADE |
| Det B, 8th MP Gp (cr), APO SF 96312 | | | CW2 |

SWORN STATEMENT

1. ARVIL J. KIRK JR.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AJR

INVESTIGATOR'S STATEMENT

On 28 December 1969, LE was interviewed by me between 1020-1215 and 1320-1355 hours, in the presence of IIT John C. WOOD, , Hq MACV, APO SF 96222, acting as interpreter. Personal data of LE is as follows:

NAME: Truong Thi LE
 ID: None
 ADDRESS: Tu Cung, Son My Village, Son Tinh District, Quang Ngai Province, RVN.
 POB: Same as address.
 DOB: 1931
 EDUCATION: None
 OCCUPATION: Farmer
 SEX: Female

LE stated substantially as follows: About 0800 hours, on a morning in 1968, when the U.S. soldiers came, she was in her house located in the Southeastern section of Tu Cung village. Her relatives, names as follow, were in the house with her at the time. Pham Thi THO, 70, mother; Truong NHU, 45, brother-in-law; Do DUNG, 6, son; Truong THAI, 1, nephew; Tran Thi RI, 35, sister-in-law; Nguyen Thi BI, 11, daughter; Nguyen Thi THU, 6, nephew; Truong BOM, 1, nephew; Truong NAM, 3, nephew; Truong Thi CUAU, 2, niece and Truong Thi BA, 1, niece. They were all ordered outside by U.S.

Adiors and taken to a gathering of other people on the main trail into the village. There were only three soldiers, two white and one colored. The colored soldier was tall and big, one white soldier was short, medium and the other was of medium height and build and wore sunglasses. She could furnish no further description of the men. At the gathering the medium built soldier with sunglasses fired his rifle into the group and she laid down over her son Do DUNG. She only saw the one fire his rifle. Bodies of the other people fell on top of her and son and she or son was not wounded. After the firing stopped, she could see the short soldier take pictures of the group of bodies with a camera. When the soldiers left, she then took DUNG and Truong THAI, who were not wounded or injured and ran to an unknown area which was secure in Son Tinh. All of her other relatives mentioned above were killed. She returned to her village the next morning and saw the bodies of the remaining relatives. She also saw the bodies of four neighbors, Nguyen Thi HA, 30; Nguyen Thi CAN, 45; Pham Thi CO, 52 and Nguyen Thi SANG, 33. She then buried her relatives near the coast highway. She could not furnish the names of any other persons at the trail. She owned three cows, which she found dead when she returned to the village. She also found her home burned and destroyed. She saw no one raped but while being taken to the gathering she states that she saw one of the soldiers grab Nguyen Thi NI's long pants and saw NI shake her head no. She thought that the soldier wanted to have sexual intercourse with NI by these actions. NI's pants were not pulled down or off. She was put into the group and was wounded in the group she was in at the trail. LE believes that NI is alive and now living in Son My. U.S. soldiers were at the village in Jan 68 two times, caused no harm and gave the people candy. ARVIL soldiers have not been to the village.

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|---------|-------------------------------------|-------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT | PAGE 1 OF 2 PAGES |
| | AJR | |

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)

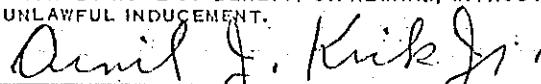
She could not say how many bodies were on the trail or killed that day. She identified a photograph depicting an old man with two children as Mr. CHAU, children's names unknown. He is alive with children at an unknown address in Saigon. She identified a photograph depicting an old man on the porch of a house as Mr. MOT. She heard he is dead. She identified colored photograph # 16 depicting several persons huddled together as: A person known only as DO, 60, the woman in the red shirt. She was not from the village but was there selling fish. The female in the black shirt on the right of the photograph buttoning her shirt and holding a child as Do Thi CAN, 26 and her son Do HAT, age unknown. The lady with thin hair on the left side of the photograph behind SO was Mrs. MU, 65. Child near MU is Do Thi BE, 5. LE states that she found these five bodies the next day near the well of Mr. HUAN, which is about ten meters from her house near the main trail. LE identified the photograph depicting a mass of bodies as the trail or place where she was placed and the people were shot. She states that she recognizes it by the rice fields and the barbed wire but does not recognize any of the bodies. LE pointed out several locations of homes and events on the sketch and the sketch was prepared by WOOD at LE's directions. She could furnish no further information. A photograph of LE, her son DUNG and nephew THAI was obtained. DUNG was not interviewed due to his age.

AFFIDAVIT

I, ARVIL J. KIRK JR.

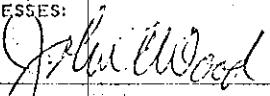
HAVE READ OR HAVE HAD READ TO ME THIS STATE-

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.



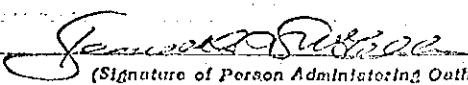
(Signature of Person Making Statement)

WITNESSES:



John C. WOOD,
HQ, MACV, APO SF 96222

Subscribed and sworn to before me, a person authorized by law
to administer oaths, this 28th day of December, 1969
at Quang Ngai, RVN



(Signature of Person Administering Oath)

KENNETH P. McMILLIAN

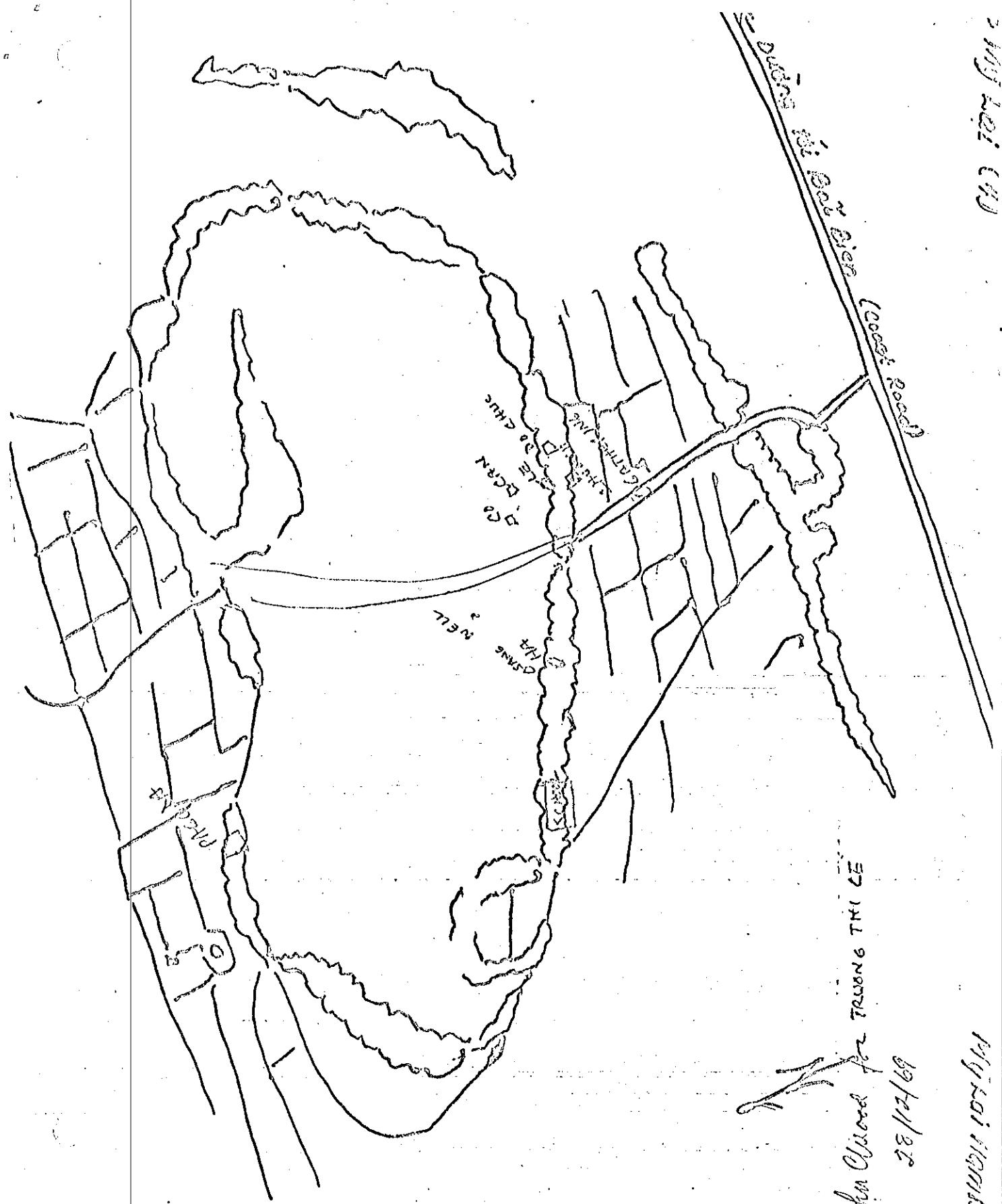
(Typed Name of Person Administering Oath)
ART 136 b(4), UCMJ, 1969

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

A.JK

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28/12/69

My Kai Market Co.

Ch. 702