

PHU

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 29 Dec 69	TIME 1700	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:

INVESTIGATOR'S STATEMENT

On 29 December 1969, PHU was interviewed by me between 1445 - 1610 hours, in the presence of 1LT John C. WOOD, Hq MACV, APO SF 96222, acting as interpreter. Personal data of PHU is as follows:

NAME: Do Thi PHU
ID: 067654
ADDRESS: Tu Cung, Son My Village, Son Tinh District, Quang Ngai Province, RVN.
POB: Same as address
DOB: 19 Jan 31
EDUCATION: None
OCCUPATION: Farmer
SEX: Female

PHU stated substantially as follows: About 0700 hours, 16 Mar 68, she left her house at Tu Cung and went to the market at Son Tinh and returned to Tu Cung about 1200 hours. She saw no soldiers but found her house burned and the following relatives dead outside the entrance to her house. Nguyen CHI, 45, husband; Nguyen Thi CUNG, 55, mother; Do NHANH, 4, nephew and Do Thi BE, 6, niece. She also found Do TRO, 35, her brother, dead in a well belonging to a man in the village who had moved to Saigon, long before Mar 68. She stated that she saw many bodies at the main trail into the village but does not know how many. No one was there alive. She then went past a drainage ditch and saw many people in the ditch dead. She does not know how many but saw no one alive. She stated that three families had lived near her.

1. Mr. DANG, 70; Mrs DANG, 60; Pham Thi DUC, 35, daughter-in-law of DANG and Pham THANG, 10, the son of DUC. PHU states that Mrs DANG is alive in Son My but she saw the bodies of Mr DANG, DUC and THANG in the drainage ditch. 2. Nguyen Thi CAI, 45; Nguyen CAI, 40; Nguyen Thi NGUYET, 10 and Nguyen CU. PHU states that she saw these four people dead in the ditch. 3. Pham Thi OAC, 60; Nguyen KY, 45; Nguyen TRI, 6 and Nguyen CU, one. PHU states that she buried her relatives in the rice paddies near the main trail to the village. She owned two water buffaloes and two pigs. The buffaloes were killed but she could not find the pigs. She stated that U.S. soldiers had been there twice before, dates unknown and caused no harm. They gave food to the people. PHU identified a man and two children in B & W photograph frame 34 A as Mr CHAU. She does not know the names of the children. They are at an unknown address in Saigon. B & W frame 16 A, she identified as Mr Mot LAI, whom she saw dead on the trail. B & W frame 21 A, she identified as Mr DANG from Binh Dong Sub Hamlet. He is alive and in Saigon at an unknown address. B & W frame 26 A, she identified the man in the white shirt on the far left as Mr TRO from Binh Dom Sub Hamlet, alive now in Son My. The man in the black shirt on the far left is Mr Nguyen TAN, alive now in Son My. The second man from the left in the black shirt with a white cloth on his head and squatting is Quang DU, whom she states is dead. She recognized the man in white with his back to the camera as Quang KHAI and states that he is dead. She does

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.

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not know the others. She identified colored photograph number fourteen as Mr Ba NHI, 40 and the child is his son. She did not know the name of the child. She saw their bodies along the trail entering the hamlet. She identified the woman in the red shirt of colored photograph number fifteen as SO from Son HOI, who was selling fish sauce in Tu Cung. The woman in black on the right buttoning her shirt is Do Thi CAN, 30, holding her nephew Do HAT. The lady on the left side of the photograph with the thin hair was identified by PHU as her mother Nguyen Thi CUNG. PHU states that her mother had two names, CUNG her official name and also PHU. She identified the girl with white shirt in the left of the photo as Do Thi BE, her niece mentioned earlier in this statement. She could not relate anything to the sketch and could furnish no further information. A photograph of PHU was obtained.

AFFIDAVIT

I, ARVIL J. KIRK JR. 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.

WITNESSES:

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

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29th day of December, 1959 at Quang Ngai, RVN

Kenneth P. Mclellan
 (Signature of Person Administering Oath)

KENNETH P. McLELLAN

Art 136 b(4), UCMJ, 1959
 (Typed Name of Person Administering Oath)

(Authority To Administer Oaths)