

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 30 Dec 69	TIME 1700	FILE NUMBER 69-CID011-00014
LAST NAME, FIRST NAME, MIDDLE NAME KIRK, Arvil Jackson Jr.	SOCIAL SECURITY ACCOUNT NO.		
ORGANIZATION OR ADDRESS Detachment B, 8th MP Gp (CI), APO SF 96312	GRADE CW2		

SWORN STATEMENT

ARVIL JACKSON KIRK JR.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

INVESTIGATOR'S STATEMENT

On 30 December 1969, KHINH was interviewed by me between 1010 - 1130 hours, in the presence of 1LT John C. WOOD, Hq MACV, APO SF 96222, acting as interpreter. Personal data of KHINH is as follows:

NAME: Nguyen KHINH
 ID: None
 ADDRESS: Xom Lang Sub Hamlet, Tu Cung, Son My Village, Son Tinh District, Quang Ngai Province, RVN.
 POB: Same as address.
 DOB: 1913
 EDUCATION: None
 OCCUPATION: Farmer
 SEX: Male

KHINH stated substantially as follows: Between 0700 - 0800 hours, 16 Mar 68, he was in Tu Cung and saw U.S. helicopters flying around. He then ran from the village to Son Thanh and did not see any troops. The rest of his family, Le Thi THOI, 49, wife; Nguyen THANG, 30 and Nguyen QUYET, 8, sons met him in Son Thanh. He returned to his home in Tu Cung about 1600 hours the same day and found his house burned and destroyed. He owned two cows, two pigs, ten ducks and six chickens, which were all burned and dead in the house. In the village at the home of Nguyen NHIEU, 80, his uncle, he saw NHIEU dead in the house and NHIEU's sons Nguyen THANG, 31 and Nguyen NHIEU, 43, dead outside the house. The house had been burned. He saw a mass of bodies at the trail and on both sides but does not know the names or how many for he was very frightened. He and others, names unknown, buried NHIEU and sons that day and the next day they buried some more people. They were buried around the hamlet but he does not know how many or any names. He did not hear of anyone being raped, how many were killed or how many were injured. He stated that he saw a Mrs TUNG, 80 and Mrs DAU, 70, shot and dead in the yard of TUNG's house. They had already been killed when he got to the village and he did not actually see them being shot. He stated that no one else other than the family of NHIEU, already mentioned above, lived near him. He stated that there were no Viet Cong in the village. U.S. soldiers had been to the village before around TET, 1968 but caused no harm and were friendly. He could not recall seeing any ARVN troops come to the village. KHINH identified the person in photograph B & W frame 34 A as Truong CHAU with two nephews, names unknown. They are alive and at an unknown address in Saigon. He identified the person in photograph B & W frame 16 A as Mot LAI, whom he saw lying dead by gunshot outside of a house in the village. KHINH stated that he could not remember the names of any one else who was killed or wounded. He pointed out several locations on the sketch to WOOD who placed them on the sketch by direction of KHINH. KHINH could not write. He could not furnish any further information. A photograph was obtained. AJK

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.

DA FORM 1 JAN 68 2823

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.

Arvil J. Kirk Jr.

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of December, 1969
at Quang Ngai, RVN.

James P. McLellan

(Signature of Person Administering Oath)

KPK KENNETH P. McLELLAN

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

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

AJK

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