

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 31 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 Detachment 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 31 December 1969, NHUC was interviewed by me between 1145 - 1305 hours, in the presence of 1LT John C. WOOD, Hq MACV, APO SF 96222, acting as interpreter. Personal data of NHUC is as follows:

NAME: Do Thi NHUC
ID: None
ADDRESS: Tu Cung, Son My Village, Son Tinh District, Quang Ngai Province, RVN.
POB: Same as address.
DOB: 1941
OCCUPATION: Farmer
EDUCATION: None
SEX: Female

NHUC stated substantially as follows: About 0700 hours, 16 Mar 68, she was at her home in Tu Cung. Artillery had hit on the outskirts of the village but she does not know for how long. She heard helicopters and saw them land on the outskirts of the hamlet. She does not know how many helicopters landed, but states that they landed on the western side of the hamlet. She then saw soldiers (U.S.) come to the house next to her home. She can not remember how many soldiers were there for she was afraid. The soldiers then shot into the house of Nguyen Thi CHAC, 35 and then shot and killed CHAC and her son Nguyen Thi BOM, 8. When she saw this she hid in the bunker within her house with her sister, Nguyen Thi CU, 11; her father, Nguyen IUU, 61; her brother Nguyen CHEM, 9; her daughter Nguyen Thi NGUYET, 6 and her son Nguyen NGA, 4. The soldiers told them to come out and all in the house except herself went out and were taken away. She then ran from the house and was stopped by U.S. soldiers and taken to a gathering at the main trail. She states there were many soldiers there but she does not know how many. Some of the soldiers, number unknown, then fired into the group with rifles. After the firing stopped and the soldiers left she got up and was not wounded. CHEM, her brother, was not wounded. She then saw her father dead and CHEM and herself ran away to Son Hoi. She returned in the afternoon about 1600 hours and approached on the main trail. There she found the body of her father and buried him. She returned and found the body of her sister and buried her. She then returned and found the bodies of her two children and buried them. All were buried in the rice paddies outside the hamlet. At the trail she saw the following relatives dead: Nguyen LIEU, 80, uncle; Nguyen DONG, 32, cousin; Nguyen Thi NHO, 28, cousin; Nguyen SONG, 28, cousin; Nguyen LIEU, 9, cousin and Nguyen Thi XI, 3, cousin. She stated that an uncle, Nguyen DOC, 75, had been wounded but was taken to the hospital by farmers. He is now alive in Son My. NHUC stated that she saw a great pile of bodies in a ditch while looking for the aforementioned relatives. She did not recognize any of the bodies and does not know how many were there. She saw no other dead persons in the village. Her house was burned and two cows and four pigs were shot at her house. She stated there were no Viet Cong in the village. U.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT HJK	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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STATEMENT (Continued)

S. soldiers have been to the village twice before but did not harm anyone. She has not seen ARVN soldiers in the village. NHUC identified the man in photograph B & W frame 34 A, as Mr. CHAU, 80. He is alive at an unknown address in Saigon. She identified three persons in colored photograph 16 as Do Thi CAN, 35, the person in the black shirt buttoning same; the child in CAN's arm as Do HAT, 3 and the lady on the left with balding hair as Do Thi THU, 90. She could not furnish the names of the other persons depicted in the photograph. NHUC could not relate events and locations to the sketch. She could furnish no further information. A photograph was obtained.

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:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31st day of December, 19 69 at Quang Ngai, RVN

[Signature]
(Signature of Person Administering Oath)

KENNETH P. McLELLAN

(Typed Name of Person Administering Oath)

ART 136 (b)(4), UCMJ, 1969

(Authority To Administer Oaths)

[Signature]
LTC JOHN C. WOOD,
HQ MACV, HQ COMMAINF, APO SF 96222
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT