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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 9 Jan 70	TIME 1635	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME KIRK, Arvil Jackson Jr.	SOCIAL SECURITY ACCOUNT NO.		GRADE CW2
ORGANIZATION OR ADDRESS USACIDA, TASK FORCE # 2 (RVN TEAM), HQ, MACV, APO SF 96222			

SWORN STATEMENT

I, ARVIL JACKSON KIRK JR., WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

INVESTIGATOR'S STATEMENT

On 9 Jan 70, BI was interviewed by me between 0920-1050 hours, in the presence of SA Arthur D. HARRIS, 25th MID, APO SF 96225, acting as interpreter. Personal data of BI is as follows:

NAME: Nguyen Thi BI  
 ID: None  
 ADDRESS: Truong An, Son My Village, Son Tinh District, Quang Ngai Province, RVN  
 POB: Xom Lang, Tu Cung, Son My Village, Son Tinh District, Quang Ngai Province, RVN  
 DOB: 1953  
 EDUCATION: Can read and write  
 OCCUPATION: Farm Girl  
 SEX: Female

BI stated substantially as follows: At an unknown time, early in the morning of 16 Mar 68, while in the rice paddies getting water, artillery rounds began to hit the western outskirts of the village, Tu Cung. It lasted about ten minutes and she hid in the paddies. She saw two helicopters land in the same area as the artillery had been hitting. She then ran to Son Hoa about two kilometers away and saw no U.S. soldiers at anytime. She returned to the village about 1400-1500 hours that day and came upon the main trail into the village. She saw many bodies, number and names unknown, lying up and down the trail. She states that she saw groups of bodies but did not go near them and does not know the names of any dead on the trail. When she entered the village she went to her house and found it burned and destroyed but no dead persons inside. She saw three pigs her family had owned dead by gunshot. Her family with the exception of her sister, Nguyen Thi BE, 10, had been out of the village at the time the soldiers came. BE told BI that she had escaped from the house of Do NGUYEN, when the soldiers came and was not injured. The rest of her family who were not in the village at the time are Nguyen THOI, 12, father; Phung Thi RI, 40, mother; Nguyen Duc TO, 14, brother; Nguyen Duc GA, 7, brother; Nguyen Duc GO, 4, brother and Nguyen Duc DA, 2, brother. BI stated that she saw the following persons dead and burned in the home of her uncle, Nguyen GAP, 45: GAP; her aunt, Truong Thi HUYEN, 40 and two cousins Nguyen Thi LANH, 10 and Nguyen TAN, 6. In the home of a neighbor, Nguyen NHUNG, 60, she saw the following persons dead and burned: NHUNG; his wife, Ba NHUNG, 57; his son, Nguyen HUY, 30; HUY's wife known only as HANG, 28 and three children of HUY, two male and one female, names unknown. BI then stated that she had not seen Nguyen HUY dead and burned in the house but had seen him about fifty meters from the house dead by gunshot but not burned. In the home of her uncle Nguyen CHUC, 55, she saw the following persons dead and burned: her aunt, Nguyen Thi MAI, 45; her cousins Nguyen Thi RU, 10, Nguyen RAN, 7 and Nguyen NO, 5. She stated that CHUC is alive in Son My. In the home of a neighbor Do NGUYEN, 60, she saw the following dead: NGUYEN; his wife Nguyen Thi DAY, 58; his daughter

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.

## STATEMENT (Continued)

Do Thi BAY, 25 and BAY's daughter Pham Thi XI, 1. In the home of a neighbor Ba SUONG (AKA XUONG) she saw the following dead and burned: SUONG; SUONG's son, Nguyen SUONG, 45; Nguyen Thi VAN, 28, no relation who lived with SUONG and VAN's son Pham CU, 1. In the home of an aunt, Ba DAO, 60, she saw the following dead and burned: DAO; DAO's daughter-in-law Do Thi CHIN, 30 and CHIN's daughter Nguyen Thi XI, 2. She saw her uncle, Nguyen KY (AKA DOI) dead and burned in his home. Her aunt Ba DOI, 50, had escaped from the house and was not injured. BI stated that this was all she knew and saw and she would not say anything about what she heard and would only tell what she saw herself. She stated that the U.S. soldiers had been to her village once before about a month before this time and were friendly and caused no harm. She states she does not know if Viet Cong were in the village on that day. She became a Viet Cong Commo-laison girl in Jul 68. She stated that she was a carrier of messages for only one company which was C-3, 48th VC Main Force Battalion and had carried no messages that she knew of concerning the killing in the village. She became a Chieu Hoi in Dec 69. She was shown the sketch of Do VIEN and identified her house as number 15; CAP's house as 14; NHUNG's house as 20; CHUC's house as 66; Do NGUYEN's house as 18; SUONG's house as 74 and DAO's house as 65. She was not sure of KY's house on the sketch. Her identifications were the same as Do VIEN with the exception that number 20 is listed as the pagoda and 19 as the house of NHUNG. She identified B & W photograph 34A as Truong CHAU. She could furnish no further information concerning him. She identified the following in B & W photograph 27A and stated they were from Binh Dong. The second man in black from left, squatting is Quang VU, age unknown. She heard he was dead but doesn't know. The man in the center of photograph in white with back to camera is Quang KHAI. She heard he was dead. The boy on the extreme right of the photograph is Quang TU, son of KHAI. He is alive, whereabouts unknown. The second boy from the right of photograph is Quang TAN, son of VU. He is alive, whereabouts unknown. She identified the girl in the white shirt on the right of color photograph number 15 as Do Thi BE, age unknown. The woman in the left portion of the same photograph buttoning her shirt as Do Thi CAN holding her child Do HAT, age unknown. She could furnish no further information and 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:

*Arthur D. Harris*  
SA ARTHUR D. HARRIS

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of JANUARY, 1970 at Quang Ngai, RVN

*Kenneth P. Mclellan*  
(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

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