

23 JAN 1970

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 11 Jan 70	TIME 1700	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 11 Jan 70, TAI was interviewed by me between 1045-1145 hours, in the presence of SA Arthur D. HARRIS, 25th MID, APO SF 96225, acting as interpreter. Personal data of TAI is as follows:

NAME: Nguyen Thi TAI
 ID: None
 ADDRESS: Truong An, Tu Cung, Son My Village, Son Tinh District, Quang Ngai Province, RVN.
 POB: Thuan Yen, Tu Cung, Son My Village, Son Tinh District, Quang Ngai, Province, RVN.
 DOB: 1951
 EDUCATION: Can read and write.
 OCCUPATION: Farm Girl
 SEX: Female

TAI stated substantially as follows: She was in Tu Cung in Mar 68, when the U.S. soldiers came. She is not sure of the time but early in the morning around 0700 hours artillery hit around the edges of the right side of the village main trail as one is leaving the village. She saw an unknown number of helicopters flying and firing at people running away from the village down the path near the watch tower in the area. She saw no helicopters land and all of a sudden soldiers were in the village. She does not know how many she saw there. She then ran out of the area past the watch tower to Truong An. As she was leaving she heard a lot of rifle fire and saw smoke coming from the village. She returned to the village about 1100-1200 hours after hearing from unknown people that the soldiers had left Tu Cung. She was afraid and had been told that her family had been killed in their house. She ran up the main trail into the village and saw the bodies of many men, women and children up and down the trail and in the rice paddies on both sides. She estimates she saw about one hundred bodies but did not pay any attention to who they were for she wanted to get to her house and find out about her own family. At the house she found her mother, Do Thi GAI, 42, her father, Nguyen TAI (AKA SO), 44 and her sister Nguyen Thi BINH, 6 all shot and burned in the house, which was destroyed. The family animals, two cows and two pigs had been shot and killed at the house. She saw Nguyen DOI, age unknown, a neighbor, dead in his house near her home. DOI's wife Ba HUE is alive and living in Truong An. She saw Dang THONG, his wife Nguyen Thi NHO and their grandchildren names and ages unknown all dead in THONG's house. She saw Nguyen TRI's wife Do Thi RI, age unknown; his mother Ba TINH and his son Nguyen NAM, 3 all dead in their house. TRI is alive in Son My. She states that she then went away and hired two unknown persons from another village to bury her relatives. They were buried in the far of the village near the pagoda in the rice paddies. She stated that as far as she knew there were no Viet Cong in the village on that day. On the sketch of Do Vinh she identified her house as number 60, THONG's house as 58, TRI's house as 61 and DOI's house as somewhere in the area of 58 or 59. She identified the man with

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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STATEMENT (Continued)

the two children in B & W photograph frame 34A as CHAU but does not know the names of the children. She doesn't know the whereabouts of CHAU but thinks that he is dead. She identified the person in the right portion of color photograph number fifteen, in black shirt buttoning same as Do Thi CAN. She thinks CAN is dead. TAI 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 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)

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 11th day of January, 19 70 at Quang Ngai, RVN

Kenneth P. McEwen
(Signature of Person Administering Oath)

~~XXXXXXXXXX~~ KENNETH P. McEWEEN

(Typed Name of Person Administering Oath)

ART 136 b (4), UCMJ, 1969

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

ATK

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