

HUYNH

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 12 Jan 70	TIME 1750	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), Ho MACV, APO SF 96222			

SWORN STATEMENT

I, ARVIL J. KIRK JR.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

INVESTIGATOR'S STATEMENT

On 12 January 1970, HUYNH was interviewed by me between 1035-1150, and 1315-1400 hours, in the presence of SA Arthur D. HARRIS, 25th MID, APO SF 96225. Personal data of HUYNH is as follows:

NAME: Le Thi HUYNH  
 ID: 432084  
 ADDRESS: Truong An, Son My Village, Son Tinh District, Quang Ngai Province, RVN  
 POB: Tu Cung, Son My Village, Son Tinh District, Quang Ngai Province, RVN  
 DOB: 3 Nov 41  
 EDUCATION: Can read and write  
 OCCUPATION: Farmer  
 SEX: Female

HUYNH stated substantially as follows: She was born in Tu Cung and moved to the Saigon area in 1964. On an unknown date in the second month of the lunar calendar, 1968, she and family moved back to Tu Cung and lived in the old house of Do NGUYEN. Shortly after this on an unknown date U.S. soldiers came to the area. She stated that about 0700 hours one morning artillery struck the outside of the village in the direction of the school. At this time she was in her house with the following: Ba PHU, 60, her aunt; Do Thi CAN, 35, her sister-in-law; Ba SO, 60, a traveling fish merchant; Do HOI, 25, SO's daughter; Do Thi BH, 9, PHU's granddaughter; Do THANH, 16, her brother-in-law; Do Thi NHUT, no relation; a person known only as DUOC, no relation and her two children Do HOI, 4 and Do HAT, 6. Her husband Do VIEN was out in the fields getting water at this time. All of the above in the house went into the family bunker within the house. Five U.S. soldiers then came and motioned them from the house. Her and Do HOI came out first and the rest followed. She assumed that the others were behind her but did not see them anymore after leaving the house. She and HOI were then taken to an irrigation ditch where many people of the village had been gathered. She and HOI were placed into this group. There were about fifteen soldiers around this area. She saw a long rifle with a stand on the end lying on the ground pointing in the direction of the group of villagers. She saw one soldier with a short gun, which she described in a way meaning pistol. She could not describe any of the soldiers other than some were tall and some were short. The soldiers then started firing into the group. She does not know how many fired or if the long rifle was fired. She stated that those who could get to the bottom of the ditch stayed alive and those in front were killed. She got to the bottom and was not injured. She stayed there until it became still and then she got out with HOI, who was not injured. She then ran to the area of Son Hoa. She stated that she had to crawl from under many bodies but does not know the number of dead or any names for she was very frightened. The next day, time unknown, she went back to the village and met her husband at the burial grounds near the center of a big field. This is the best that could be determined as to the burial grounds. Her husband was in the process of burying Do HAT, Do THANH

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	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)

and Do Thi MEOT. She saw their bodies and they were buried side by side. She stated that no other relatives were killed. She stated that she saw her house which was burned and the family animals, four cows, twelve pigs, two chickens and ten ducks all shot and dead. She stated that she saw no dead bodies other than the three mentioned above when she returned to the village. She stated that her husband did not tell her where the people, who had been in her house, were killed but she knows that they were killed, with the exception of HOI and herself. She stated that there were no Viet Cong in the village as far as she knows for she got into the bunker when the artillery came. HUYNH was shown the sketch which her husband made of the village. She pointed to the house labeled as number four. This is the same as her husband has listed. She was then asked to point out any other houses or locations she recognized. She studied the sketch and then stated that she could not understand it. She identified the person in B & W Photo 21A as Hong THO. She heard that he is dead but does not know. She identified the structure in the background of the left portion of B & W photograph Frame 19 as the village watch tower. She identified the following persons in color photograph number fifteen as follows: The woman in the red shirt is Ba SO; the woman in the left of the photograph in black shirt buttoning same is Do Thi CAN holding HUYNH's son Do HAT; the girl in white shirt on the left of photograph is Do Thi NHUON and the lady with balding hair behind SO is Ba PHU. It should be noted that HUYNH seemed very uncertain about the sequence of events which happened in the village and was unable to give any type locations other than an irrigation ditch. The exact location of the ditch could not be determined from HUYNH. She could not furnish any further information at this time. A photograph was obtained.

AFFIDAVIT

I, ARVILL 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.

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

WITNESSES:

Arthur D. Harris  
SA ARTHUR D. HARRIS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of January, 1970 at QUANG NGAI, RVN

ORGANIZATION OR ADDRESS

Kenneth P. McJellian  
(Signature of Person Administering Oath)

KENNETH P. McJELLIAN

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136 b (4), UCMJ, 1969

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

AJK

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