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| PLACE Quang Ngai, RVN | DATE 15 Jan 70 | TIME 1300 | 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 15 January 1970, CO was interviewed by me between 0945-1145 hours, in the presence of 1LT John C. WOOD, Hq MACV, APO SF 96222, acting as interpreter. Personal data of CO is as follows:

NAME: Nguyen CO (AKA: Nguyen Khac TUONG)
ID: None
ADDRESS: Xom Lang, Tu Cung, Son My Village, Son Tinh District, Quang Ngai Province, RVN.
POB: Same as address.
DOB: 1929
EDUCATION: Can read and write.
OCCUPATION: Farmer (Sub Hamlet Chief of Xom Lang)
SEX: Male

CO stated substantially as follows: About 0700 hours, 18 Mar 68, artillery hit the northern and western outskirts of the village. He was in his home with his wife, Do Thi MAING, 35; his child, Nguyen CU, 2; his mother Pham Thi THUA, 54 and grandmother, Den Thi DINH, 75. U.S. soldiers have been to the village several times before and each time would call people from their houses and take them away to a gathering. The people would always return in an hour or two. It was CO's policy that his family would come from the house when called by the soldiers and he would stay hidden in the family bunker. He stayed in the bunker on this day and his family were called from the house and taken away. He heard firing in the village and his ~~house~~ house was burned but he was not injured. He stayed in the bunker until about 1200 hours and everything became still. He then got out to look for his family. He found his mother and grandmother dead in with several unknown bodies on the trail. He later learned that his wife and child were unhurt and had fell under bodies when soldiers shot into the group. They had gone to Troung An. He buried his mother and grandmother in the Northern rice paddies. He stated that on that day he saw an estimate of two hundred bodies in an irrigation ditch on the eastern side of the village and sixty or seventy bodies on the main trail. The next day he saw several people dead in their homes and bunkers. The following are all the persons that CO could remember seeing dead: Do Thi HO, 22; Nguyen CHI, 40; Pham Thi ~~UNG~~UNG, 40; Truong THO, 70; Truong Thi NGUYEN, 40; Nguyen GAP, 40; Nguyen Thi CHUA, 48; Nguyen DUNG, 65; Pham Thi THI, 45 and Nguyen Thi KIEN, age unknown. HO and KIEN were on the trail, ~~UNG~~UNG and THI were in the ditch, THO was in a well and the others were in their homes. He did not make a list of the dead but was told by the Viet Cong to find out the number of dead. He then went to each head of the household and asked the number of dead. He determined by this method that 212 persons residing in Xom Lang, 133 others, either persons selling wares, visitors or workers from other areas, were killed in Xom Lang for a total of 350. The 133 were determined by CO going to all areas around Xom Lang and asking who had been in Xom Lang on that day and did not return to their homes. He

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| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT AJSK | 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)

then gave these numbers to the Viet Cong. He did not have a breakdown of the number of men, women and children, just the total number. He stated that there had been only one roster of people residing in the village and he had buried it in 1968, in or at a well near his house. He stated that about that time the Americans began operations in the area and the well was hit by artillery and the area was bombed very heavy. He attempted to find the roster but could not do so due to the condition of the well and surrounding area. He assumed that it was destroyed. He stated there was no roster on file at any Viet Cong or RVN level. He stated that the population of the village Xom Lang had been 500 permanent residents and about two hundred visitors or workers who stayed there from time to time. The only investigation of the deaths by Viet Cong that he was aware of was made by a Ngo MAN who made a name list of dead and submitted it to a higher headquarters, at Viet Cong District level. MAN is a Viet Cong operating in My Hoi Sub Hamlet of Co Luy. CO states that we would not be able to locate MAN. He stated that no photographs were taken of the bodies or damage by any Vietnamese. He stated that some people, names and number unknown, had been killed by helicopters on the south western outskirts trying to run to Troung An. Artillery killed one person, Do TRO on the north western section. There were no Viet Cong in the village armed that day. He had two cows, four pigs and one chicken killed. He heard that Pham Thi NHO, 22 and an unknown girl, 12, had been raped and killed. CO furnished the names of forty two persons he knows are alive and stated that as far as he knows all are in Son My. They are Do HO, AKA Do CHUC; Do CAM; Do BA; Truong CHAU; Nguyen THU; Vo LOU; Do Thi TIET; Nguyen Thi TIET; Nguyen KHOA; Nguyen MANH; Nguyen DONG; Do Thi NHANG; Do HOAI; Do DIEN; a person known only as Mrs HOT; a person known only as CHI and one known only as NGU; Nguyen NHUNG; Pham Thi THUY; Pham Thi DANH; Le Thi EM; Le Thi VAN; Huynh Thi KEO; Pham Thi AM; Nguyen Thi SANH; Nguyen Thi PHU; MUOI; Phung Thi THO; Nguyen Thi EM; Truong Thi PHUNG; Pham DAT; Nguyen TINH; Phung TIET; Nguyen CHUNG; Pham KY; Nguyen TO; Nguyen CHAC; Nguyen KY; Nguyen THIEU; Truong SAT and three women known only as Mrs DANG, Mrs GAN and Mrs BUT. CO viewed the sketch of Do VIEN and generally agreed with the layout and locations of the homes within the village. CO stated that he had been the Sub Hamlet Chief for the Viet Cong until he became a Chieu Hoi in December 1969. He is presently at the Chieu Hoi Center, Quang Ngai City. No further information could be obtained from CO.

AFFIDAVIT

1. 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

John C. Wood
JOHN C. WOOD

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law
to administer oaths, this 15th day of January, 19 70
at Quang Ngai, RVN

Kenneth P. McEltan
(Signature of Person Administering Oath)

KENNETH P. McELTAN

(Typed Name of Person Administering Oath)

Art 136 b (4), UCMJ, 1969

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT