

VIEN

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 City, RVN	DATE 6 Mar 70	TIME 1900	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, Washington, DC			

SWORN STATEMENT

I, ARVIL J. KIRK JR.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Between 0815 - 1225 hours, 6 Mar 70, Do VIEN was interviewed by me in the presence of SP6 Raymond O. WALDEN, acting as interpreter. Personal Data of VIEN is as follows:

NAME: Do VIEN
ID#: 065543
ADDRESS: Presently confined as a prisoner at the Quang Ngai Province Jail, Quang Ngai City, RVN.
DOB: 2 Apr 35
POB: Xom Lang sub hamlet, Tu Cung Hamlet, Son My Village, Son Tinh District, Quang Ngai Province, RVN.
OCCUPATION: Farmer
EDUCATION: 5 years, Son Thanh High School

Do VIEN was shown the Engineer Map which was prepared at Xom Lang during Jan 70. VIEN pointed out 105 locations of homes and incidents on this map which corresponded to the locations on the map made by him with Criminal Investigator Juel M. MOSES, on 2 Jan 70. There was one exception, which is number 73 on the map made with Mr. MOSES, listing a third home for Nguyen NHUNG. VIEN stated that this was a mistake and that NHUNG had only two houses in Xom Lang. The number 73 is omitted from the Engineer Map. In addition VIEN pointed out seven additional locations as follows: 107 - home of Do LANG; the house was empty in Mar 68 as Do LANG and family had left the area sometime before. 108 - home of Do DIEN, who lived there with his wife (Tran Thi DAO) and three young daughters (ages and names unknown by VIEN); they are all alive in Son My Village. 109 - home of Nguyen GIAM (about 45), his wife (Pham Thi TAT, about 40) and three children, names and ages unknown; VIEN stated that he saw their bodies in their home and all had been shot. 110 - home of Pham SON (45), his wife (Nguyen Thi HUONG, 40), two children and one nephew (names and ages unknown); the family was out of the village when the soldiers came and all are now alive in Son My Village. 111 - home of Nguyen QUI (50), who left the village prior to Mar 68; his wife (Pham Thi HIEN, 45) and two daughters (Nguyen Thi HA, 18 and Nguyen Thi HAI, 16) lived in the home; VIEN stated that the daughters were not injured in Mar 68, but they told him that their mother was shot and killed on the day the soldiers shot the other people; VIEN stated that he did not see her body. VIEN further stated that Nguyen Thi HA was killed about three months ago by artillery in the Son My area and Nguyen Thi HAI was shot and killed about two months ago during an ARVN operation in the same area. 112 - home of Nguyen TO (70), wounded in the arm; he lived in the home alone and now resides in Son My Village. 113 - home of Do TUNG (40), his wife (Pham Thi EM, 35) and two children (ages 4 and 8, names unknown). VIEN stated that EM was killed on 16 Mar 68 with the children in the home and TUNG is now a GVN prisoner on a prison island near Phu Quoc, RVN. Locations 107 - 113 were indicated on the Engineer Map. VIEN

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT A J K	PAGE 1 OF 2 PAGES
---------	--	-------------------

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.

DA FORM 2823 JAN 68

STATEMENT (Continued)

identified several fields as to the crops grown there and several barns and kitchens which had not been previously identified. He also indicated the locations of several foundations where houses had been planned in Xom Lang, but had not been built. Do VIEN also re-examined HAEERIE's color photograph # 15. He identified the child in the arms of the woman on the right side of the photograph as Do HAT, age 6, his own son. The woman is Do Thi CANG, his sister, age 23. The woman wearing a red blouse is Ba SO, age 50, a merchant from Son Hai Hamlet. The girl on the left wearing a white shirt is Do Thi NHUT, age 12, VIEN's sister. The woman on the left who is partially bald is Do Thi PHU, age 50, no relation to VIEN. The person directly behind SO with her arms around SO is unknown. The person on the extreme right, partially hidden is Do Thi BE, age 8, niece of PHU. All were killed near Do VIEN's house; he buried Do HAT and Do Thi NHUT himself on 16 Mar 68. It should be noted that Do VIEN's complete home address is listed correctly above as his place of birth and only partially in the statement signed by Mr. MOSES on 4 Jan 70.

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:

Raymond O. Walden

SP6 RAYMOND O. WALDEN,

Co A, 519th M.I. Bn, APO 96307

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6th day of March, 19 70 at Quang Ngai City, RVN

Thomas J. McGrenvy
(Signature of Person Administering Oath)

THOMAS J. MCGRENVY, MAJ MPC

(Typed Name of Person Administering Oath)

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

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

AIK

PAGE 2 OF 2 PAGES