

CUONG

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 10 Mar 70	TIME 1900	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME KIRK, Arvil Jackson Jr.	SOCIAL SECURITY ACCOUNT NO.		GRADE CIV2
ORGANIZATION OR ADDRESS UCACIDA, Task Force #2, Washington, DC			

SWORN STATEMENT

Arvil J. KIRK JR. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.
Between 1415 - 1530 hours, 10 Mar 70, at Son My Village, Nguyen Thi CUONG was interviewed by me in the presence of SP5 Jeffery M. JOHNSON, acting as interpreter.
Personal Data of CUONG is as follows:

NAME: Nguyen Thi CUONG
ID#: None
ADDRESS: Son My Village, Tu Cung Hamlet, Son Tinh District, Quang Ngai Province, RVN
DOB: 1932
POB: Tap Long Sub Hamlet, Thanh Tien Hamlet, Son Hoa Village, Son Tinh District, Quang Ngai Province, RVN
OCCUPATION: Farmer
EDUCATION: None can not read or write.

CUONG stated substantially as follows: She does not know the date but on a day in Mar 68, U.S. soldiers came to her sub hamlet of Binh Tay. She does not know the time but stated that the sun had not yet come over the crest of a nearby hill and she had not eaten, so it must have been early morning. She stated there were many soldiers but she does not know how many. They came to her home and took away her husband Phom LUOI, age 50, her mother, Nguyen Thi THI, age 70 and her son Phom HUONG, age 12. She was kept in the house by six soldiers, four of whom had dark skin. She did not notice the color of the other two men. The four with dark skin then pulled off her shirt and pants and she was naked. The four then placed her on the floor and three of the four then raped her in turn, while the three remaining each time held her down. CUONG was asked if the two remaining men took part in the incident. In CUONG's own words as furnished by JOHNSON, she stated "when I was being raped, I was crazy and not paying any attention to what the others were doing." After the three men had raped her, a white soldier came into the house and she was taken outside to an area near her home, where she was placed naked into a gathering with her husband, mother, son and twelve other people. Several soldiers then opened fire with rifles into the group from about three meters away. She fell under other bodies after being hit in the right upper arm. She passed out and got up sometime later. She walked down the main road where she met some ARVN soldiers, who put clothes on her and took her to the Quang Ngai Hospital, Quang Ngai City, where she remained for about three months.

She stated that the American soldiers had come to Binh Tay by helicopter, but she could not tell from what direction. Binh Tay sub hamlet is in Tu Cung Hamlet, Son My Village. She stated that while being raped, one of the men above her had a gun but it could not be determined if she was threatened by the man with the gun. It could not be determined if any of the three men reached a climax but CUONG stated that the three in turn had placed their penis inside her and performed sexual intercourse. She did not know if the persons who fired into the group, in which she was placed, were the

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT ASR	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)

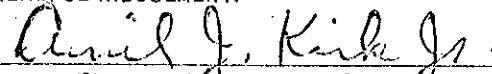
same persons who raped her or not. All in the group were killed except herself. She stated that her home was burned, five water buffalo and two pigs were killed by the soldiers. She stated that there were no Viet Cong in the village on that day. She could not furnish the names of any of the persons who were killed in the group, other than her own family. CUONG identified two photographs of SGT Kenneth L. HODGES, as photographs of one of the three men who raped her. CUONG could furnish no additional information and affirmed that what she stated was the truth as she remembers it.

AFFIDAVIT

I, ARVIL J. KIRK JR.

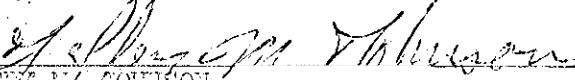
HAVE READ OR HAVE HAD READ TO ME THIS STATE-

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.



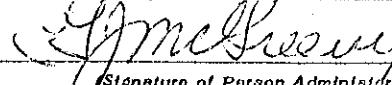
(Signature of Person Making Statement)

WITNESSES:


 J. E. McCREARY
 100 E. COOPER,
 CO A/ 519th SFT BN, APO SW 96307

Subscribed and sworn to before me, a person authorized by law
 to administer oaths, this 10th day of March, 1970
 at Quang Ngai City, RVN

ORGANIZATION OR ADDRESS


 THOMAS J. McCREARY

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)
 CRIMINAL INVESTIGATOR, ART 156b(1), UCW

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

A JK

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