

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 11 Mar 70	TIME 2030	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

ARVIL J. KIRK JR. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Between 1000 - 1100 hours, 10 Mar 70 at Son My Village, Pham Thi TOT was interviewed by me in the presence of SP5 Jeffery M. JOHNSON, acting as interpreter. Personal Data of TOT is as follows:

NAME: Pham Thi TOT
ID#: 066057
ADDRESS: Son My Village, Tu Cung Hamlet, Son Tinh District, Quang Ngai Province, RVN
DOB: 4 Jun 29
POB: My Hiep sub hamlet, Tu Cung Hamlet, Son Tinh District, Quang Ngai Province, RVN
OCCUPATION: Farmer
EDUCATION: None, can not read or write

TOT stated substantially as follows: Sometime before noon on a day in Mar 68, she was in her sub hamlet of Binh Tay in Tu Cung Hamlet. She saw some American soldiers walking from the direction of ~~Thang Yen~~ ^{Thuan Yen}. She stated that there were about ten soldiers, some white and some dark. She and her family then hid inside a bunker and the soldiers fired rifles into her house and burned it down. She stated that she left her bunker to go into her burning house to get something. An American soldier saw her and shot her in the left arm and side. She fell to the ground, passed out and awoke in the Quang Ngai Hospital, Quang Ngai City. Her left arm was amputated at the hospital. She stated that before she was shot she saw a woman known only as CHU dead in a house. She saw Ba TIM dead outside of her home. She stated that she saw some dead persons in the fields but could give no names or the number of dead. She thinks about fifteen people were killed in Binh Tay on that day. Her animals, four water buffalo and one pig, were killed by the soldiers. She stated that there were no Viet Cong in the village that day. She stated that she heard of no rapes taking place in Binh Tay or any other location. No one in her family was injured or killed other than herself, for the others stayed in the bunker. TOT advised that Binh Tay is a short distance from ~~Thang Yen~~ ^{Thuan Yen} but she could not give the distance in any type measurement. TOT could furnish no additional information and affirmed that her statement was the truth as she remembers it.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT AJK	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
1 JAN 68

STATEMENT (Continued)

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:

Jeffrey M. Johnson
JEFFREY M. JOHNSON
Co A, 519th Spt Bn, APO SF 96307
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of March, 19 70 at Quang Ngai City, RVN

Thomas J. McGreevy
(Signature of Person Administering Oath)

THOMAS J. MCGREEVY

(Typed Name of Person Administering Oath)

Crim Inves, Art 136 b(4), UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

AJK

PAGE 2 OF 2 PAGES