

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 15 Mar 70	TIME 1045	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 1100 - 1130 hours, 14 Mar 70 at Co Phu Hamlet, Tu Hien Village, Tu Nghia District, Quang Ngai Province, RVN, Pham LU was interviewed by me in the presence of SP5 Jeffery M. JOHNSON, acting as interpreter. Personal Data of LU is as follows:

NAME: Pham LU
ID#: 065765
ADDRESS: Co Phu Hamlet, Tu Hien Village, Tu Nghia District, Quang Ngai Province, RVN
DOB: 16 Jul 25
POB: My Hoi sub hamlet, Co Luy Hamlet, Son My Village, Son Tinh District, Quang Ngai Province, RVN
OCCUPATION: Fisherman
EDUCATION: None, can not read or write

LU stated substantially as follows: He does not know the date but on a day in Mar 68, he was fishing about two kilometers from his sub hamlet of My Hoi when he heard shooting from My Hoi. He does not know what time it was when he heard the shooting. He returned to My Hoi about 1700 hours that day. He saw his home burned to the ground. Outside of his family bunker he saw the following bodies of his family: Luong Thi KIEN, wife, age 40; Pham LUONG, son, age 10; Pham MOC, son, age 8; Pham DUC, son, age 6 and Pham Thi BE, daughter, age 4. KIEN's right arm was missing and the entire right side was open. MOC had a very-big wound in the back of the head. LUONG, DUC and BE had been shot in the back of the head. In the same area but apart from his family he saw about fifteen other bodies. They were in groups of three or four. Some were in trenches and some were outside. There were different types of wounds. Several of the bodies appeared to LU to have been burned after being shot. He stated that it looked as if some kind of fluid had been put on the people and they were then set on fire. He could not give any number of the persons burned. Of the fifteen bodies he could name only five which are as follows: Pham Thi HUOC, female, age 45; Ba LU, female, age 45; Nguyen Thi LE, female, age 40; Nguyen THOI, male, age 50 and Nguyen Thi TI, female, age 55. None of the five are relations of LU. He stated that there were no Viet Cong in the village. He owned no animals and as far as he knows no one in the sub hamlet fired at the soldiers, since only women and children were primarily present that day. LU could furnish no further information and affirmed that what he stated was the truth to the best of his knowledge.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT ASK	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.

DA FORM 2823
1 JAN 68

AFFIDAVIT

I, ARVIL J. KIRK JR.

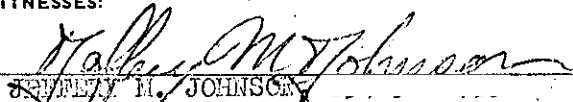
HAVE READ OR HAVE HAD READ TO ME THIS STATE-

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:



GREGORY H. JOHNSON

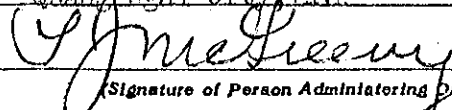
CO A, 519th Spt Bn, APO SF 96307

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15th day of March, 19 70

at

Quang Ngai City, RVN



(Signature of Person Administering Oath)

THOMAS J. MCGREEVY

(Typed Name of Person Administering Oath)

Crim Inves, Art 136b(4), UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT.

AJK

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