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March 27, 1989

BY FEDERAL EXPRESS

Mr. John McRainev

Fort Worth, TX

Dear John:

Enclosed are two copies of the proposed final affidavit for your signature. Please sign the affidavit and have it notarized and send it back to me by Federal Express or a similar service. Keep a copy for yourself. Also please let me know how to reach you in the event you relocate.

Thank you for your assistance. I have enclosed a self-addressed Federal Express envelope for your convenience. Please indicate on the Federal Express label the date on which you send the affidavit back to us.

Sincerely,



David M. Kirstein

Enclosure: Affidavit

DMK/jw

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

EUGENE HASENFUS, et al.

Plaintiffs,

v.

RICHARD SECORD, et al.

Defendants.

No. 88-1841
CIV-ATKINS

AFFIDAVIT OF JOHN MCRAINEY

I, John McRaney, having been duly sworn, state upon personal knowledge as follows:

1. I reside at Fort
Worth, TX .

2. I have been a pilot since 1957.

3. From 1964 through 1974, I worked for Air America as a pilot in Southeast Asia. William Cooper, who died in the October, 1986 crash of a C-123 aircraft in Nicaragua, joined Air America at approximately the same time that I joined. Mr. Cooper and I were often stationed together, and

sometimes flew together throughout our ten year career at Air America. Mr. Cooper and I remained personal friends until his death.

4. I also knew Eugene Hasenfus who worked as an air freight specialist or kicker for Air America.

5. William Sawyer, Jr. never worked for Air America. Mr. Cooper and I met him for the first time when we came to work as independent contractors for Corporate Air Services, Ltd. in 1986.

6. In my ten years with Air America, I flew among others, C-46, C-47, L-18, C-7 and C-123 aircraft. I was rated as a check pilot and instructor in these aircraft. I had 5,000 flying hours in the C-123. Mr. Cooper flew these same aircraft and was also a check pilot and instructor. Mr. Cooper also had several thousand flying hours in the C-123.

7. After I left Air America, I started a fixed base operation in McAllen, Texas called McAllen Aviation. In 1984, I sold this company, retired and moved to Florida. In 1986, I was looking for something new to do. I called a mutual friend of Mr. Cooper because I had heard about the

resupply operation. Mr. Cooper then called me to offer me a job.

8. In my first conversation with Mr. Cooper, he said that we would be doing "more or less the same game as Asia except different players." Cooper told all of those involved including Hasenfus that this was a "bridging operation" and that if all went well, he "hoped it would become like Air America" and be taken over by the CIA.

9. Mr. Cooper was the operations manager of the Contra resupply activities which were headquartered in El Salvador. When Mr. Cooper was away from the base, I was in charge of the aircraft operations.

10. The C-123's and C-7's were antiquated aircraft. They were the same type of aircraft used by Air America in Asia 25 years before.

11. All of the resupply crews lived in three houses near Ilopango Air Base in El Salvador. All of us got together, including Eugene Hasenfus, for dinner and on weekends at one of the houses and had many discussions related to every aspect of our work.

12. On many occasions in groups which included Eugene Hasenfus, we discussed the fact that this was not a CIA operation and as a result we had no adequate intelligence on the location of Sandinista defenses.

13. In these group discussions, all of the Americans, including Eugene Hasenfus, talked about the risks of flying into Nicaragua. Particularly, we discussed the risks of being shot down by Hines Helicopters or SA-7 surface to air missiles.

14. In these gatherings, we discussed that if a plane got shot down and we were captured, we would be considered mercenaries and would receive no support from the resupply group or the United States government.

15. Over the jungle areas, our primary concern was with attacks from helicopters. Over open terrain, like the location when the C-123 with Cooper, Sawyer and Hasenfus was shot down, the SA-7's posed a serious threat of which I was aware and which I heard Hasenfus and others discuss and acknowledge was a serious threat. Many Air America aircraft were shot down by SA-7's in Southeast Asia. All of us who worked for Air America lost many friends. I was keenly aware of the danger these missiles posed.

16. Cooper and Sawyer had parachutes available to them on their final mission. However, due to the design of the C-123, it would be difficult for the pilot and co-pilot to get out of the aircraft in time to successfully parachute to safety if the plane was hit by a missile or ground fire at a low altitude. For this reason, neither in Southeast Asia nor in Central America did the pilot and co-pilot ordinarily wear parachutes. The generally accepted practice for the flight crew, if the plane was hit, was to attempt to fly the plane down and hope you could find an open area to land.

17. Both at Air America and on the resupply operation, the kickers generally wore parachutes because the kickers' station at the back of the aircraft near an open door enabled them to easily jump out or fall out.

18. Tactical considerations prevented using hot flares as an effective defense system to avoid being shot down on flights into Nicaragua. In Southeast Asia, we deployed flares because we knew that enemy troops were in the area where we were flying and would fire at the aircraft. Our goal there was to resupply the ground forces at a fixed position that the enemy had surrounded. In Nicaragua, we did not know the location of the enemy troops and the Sandinistas did not know the location of the Contras. Our objective was to remain undetected and protect the security

of the location of the ground forces. Flares would have disclosed the location of the drop area and of the aircraft, making both vulnerable not only to missiles but also to conventional ground fire and attacks by Hind helicopters. Once the missile goes supersonic, it would be virtually impossible for a C-123 at low altitude to avoid being hit. Only if the missile is detected at the time of the launch are evasive maneuvers effective.

19. The aircraft did have radar detectors to enable us to perform evasive maneuvers if we were picked up by radar. However, if a visual sighting occurred and an SA-7 was fired at the aircraft, a radar detector is of no use.

20. In performing drops in Nicaragua, the best tactic to avoid being hit by heat-seeking missiles was to fly in through the clouds, descend quickly to the drop zone, make one pass at the zone and use the jet packs to regain altitude. This was the tactic that we all employed in daylight drops.

21. The October 5 mission in which Cooper was killed, was to a drop zone that was more dangerous because of the numerous roads and trails that crossed the area and the proximity to cities under Sandinista control.

22. When we were asked to begin daylight flights, all of us frequently discussed, including Eugene Hasenfus, that the risks of being shot down by helicopter or missile were very great. The risks were so great that shortly before the C-123 was hit, John Piowaty, another pilot, and I in "gallows humor" started a pool as to when one of the planes would be shot down.

23. I, as well as all of the other Air America veterans including Eugene Hasenfus, discussed that Southern Air Transport, Inc. had been sold by the government in mid-1970's and was privately owned.

24. William Cooper and Jim Steveson who also worked as independent contractors for Corporate Air Services were chiefly responsible for maintenance. Cooper and Steveson and sometimes I would request Southern Air to perform or arrange for maintenance on the resupply fleet.

25. Southern Air permitted Jim Steveson to set up a Corporate Air parts depot in a portable building on Southern Air's grounds at Miami International Airport. However, this facility and operation was completely separate and unrelated to Southern Air's own flight and maintenance operations. Southern Air had no control over the activities of Corporate Air Services in Miami or Ilopango.

26. William Cooper, Jim Steveson and I had been given Southern Air I.D.s so we could get onto the airport grounds. I never considered myself to be an employee either directly or indirectly of Southern Air Transport. I considered that I was working for Corporate Air Services as an independent contractor.

John C McRainey
John McRainey

City of Ft. Worth
State of Texas

Subscribed and sworn to before me this 4th day of April, 1989.

Laura R. Hale
Notary Public

My Commission Expires 08/09/90.