

LAW OFFICES
BECKMAN & KIRSTEIN
SUITE 340
2445 M STREET, N. W.
WASHINGTON, D. C. 20037-1420

TELEPHONE (202) 835-3200
TELECOPIER (202) 835-3219
TELEX 440062 RMB UI

March 20, 1989

BY FEDERAL EXPRESS

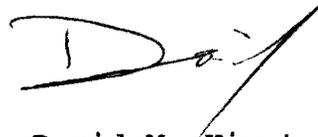
Mr. John McRainey

Fort Worth, TX

Dear John:

I have attempted to put in your affidavit the points we discussed on the telephone last week. If I have misstated, misunderstood or overstated anything please note the correction. I will call you in a couple of days to go over the statement to see if we can put together a final draft.

Sincerely,

A handwritten signature in black ink, appearing to read "D. M. Kirstein", with a long, sweeping horizontal stroke extending to the right.

David M. Kirstein

Enclosure: Draft Affidavit

DMK/jw

4. 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. William Cooper and I remained personal friends until his death.

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

6. 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.

7. 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. William Cooper flew these same aircraft and was also a check pilot and instructor. William Cooper also had several thousand flying hours in the C-123.

8. After I left Air America, I started a fixed base operation in McAllen, Texas called McAllan Aviation. In 1984, I sold this company, retired and moved to Florida.

CALLED A
MUTUAL FRIEND
OF COOPER
AND COOPER
CALLED ME

In 1986, I was looking for something new t
about the resupply operation and called Wi
understood was looking for C-123 pilots.

9. In my first conversation with William 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.

10. William 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.

11. All of the former Air America employees working in the resupply operation knew that the C-123's and C-7's were antiquated aircraft because these were the same type of aircraft used in Asia 25 years before.

12. 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.

In 1986, I was looking for something new to do. I heard about the resupply operation and called William Cooper who I understood was looking for C-123 pilots.

9. In my first conversation with William 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.

10. William 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.

11. All of the former Air America employees working in the resupply operation knew that the C-123's and C-7's were antiquated aircraft because these were the same type of aircraft used in Asia 25 years before.

12. 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.

13. 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.

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

15. 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

16. Neither I, nor to my } *TO THE EXTENT*
 participants considered our acti *THAT GOVERNMENT*
 secret. We all carried various *INFORMATION WAS BEING*
 papers on flights into Nicaragua *GUARDED. WE WERE*
COVERT TO THE EXTENT
THAT WE DID NOT WANT

17. All the aircraft used *TO COMPROMISE OUR*
 in poor condition. However, I *OWN SAFETY.*
 William Cooper and the other pi *-----*
 and would fly them.

13. 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.

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

15. 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.

16. Neither I, nor to my knowledge, any of the other participants considered our activities to be covert or secret. We all carried various I.D.'s and our personal papers on flights into Nicaragua.

17. All the aircraft used in the drops were generally in poor condition. However, I and to my personal knowledge, William Cooper and the other pilots all said that we could and would fly them.

18. 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 and were keenly aware of the danger these missiles posed.

19. Cooper and Sawyer had p *ONE* ~~CREW~~ *Air America*
 on their final mission. However, *CREW* *did successfully*
 C-123, it would be virtually impo *Bail out of C123*
 co-pilot to get out of the aircra *Parachutes would have*
 parachute to safety if the plane *been worn Had they*
 ground fire at a low altitude. I *been available, I never*
 Southeast Asia nor in Central Ame *felt Washington wanted*
 pilot ordinarily wear parachutes *NO survivors.*
 practice for the flight crew, if .
 attempt to fly the plane down and hope you could find an
 open area to land.

20. Both at Air America and on the resupply operation, the kickers generally wore parachutes because the kicker's

18. 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 and were keenly aware of the danger these missiles posed.

19. Cooper and Sawyer had parachutes available to them on their final mission. However, due to the design of the C-123, it would be virtually impossible 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 you were hit, was to attempt to fly the plane down and hope you could find an open area to land.

20. Both at Air America and on the resupply operation, the kickers generally wore parachutes because the kicker's

And ALL JO WORKING
By THE OPEN DOOR
They MAY HAVE
FOLLOW OUT WHILE
WORKING.

The aircraft enabled them to easily

FLARES WOULD BE
OF USE HOWEVER
a C-123 WE DID NOT WANT
TO LEAD THE SANDINISTAS
TO THE TROOPS ON
THE GROUND.
low altitude and speed, as well as
would not deploy such flares unless
by which time it would be too late

22. The aircraft did have radar detectors to enable evasive maneuvers if we were picked up by radar. This system would be of no use if a visual sighting occurred and an SA-7 was fired at the aircraft.

WE DID NOT SPIRAL
DOWN OVER THE
DROP SITES HOWEVER
CLOUDS AND A FAST
ENROUTE DECOUT WERE
USED -

tactic to avoid being hit by heat-seeking
in high spiral down through the clouds,
ickly as possible and use the jet packs
This was the tactic that we all
t drops.

The location was
er 5 mission, i
on that none of
It was more dangerous because of
under Sandinista control.

SOME 25 TO 30 KILOM
WEST OF OUR LAST
drop. THE AREA HAD
MORE ROADS AND WAS
POPULATED MAKING IT
MORE DANGEROUS TO FLY
OVER.

station at the back of the aircraft enabled them to easily jump out.

21. To my knowledge, there is no effective defense system against a SA-7 for a C-123 flying at low altitude at a slow speed. Hot flares would be of no use because of the low altitude and speed, as well as the fact that the crew would not deploy such flares unless they were under attack by which time it would be too late.

22. The aircraft did have radar detectors to enable evasive maneuvers if we were picked up by radar. This system would be of no use if a visual sighting occurred and an SA-7 was fired at the aircraft.

23. The best tactic to avoid being hit by heat-seeking missiles was to fly in high spiral down through the clouds, make the drop as quickly as possible and use the jet packs to regain altitude. This was the tactic that we all employed in daylight drops.

24. The October 5 mission, in which Cooper was killed, was to a new location that none of us had flown to before. It was more dangerous because of its proximity to a city under Sandinista control.

25. When we were asked to begin daylight flights, all of 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.

26. 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.

27. 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.

28. 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.

29. William Cooper, Jim Steveson and I, and possibly several others working for Corporate Air 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.

John McRainey, Jr.