

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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IN RE: :

AIR CRASH DISASTER NEAR SAIGON, : Miscellaneous No.
SOUTH VIETNAM, ON APRIL 4, 1975 : 75-0205

----- :

Washington, D.C.
Tuesday, October 24, 1978

DEPOSITION OF

MARCIA R. (WIRTZ) TATE

called for examination by Counsel for the Plaintiff's Lead
Counsel Committee and Subcommittee for Foreign Nationals,
pursuant to agreement of Counsel, in the offices of Cole and
Groner, P.C., 1730 K Street, N. W., Washington, D.C., 20006,
beginning at 9:30 a.m., when were present on behalf of the
respective parties:

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
WASHINGTON, D.C.

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I N D E X

<u>WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Marcia R. (Wirtz) Tate				
By Mr. Lewis	9	-	113, 143	-
By Mr. Battocchi	-	78	-	134
By Mr. Dubuc	-	95	-	134

EXHIBITS: FOR IN
IDENTIFICATION EVIDENCE

Defendant's:

G (Statement of Marcia R.
 (Wirtz) Tate, appended
 to collateral report)

95

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P R O C E E D I N G S

9:55 a.m.

MR. BATTOCCHI: I would like to put on the record for the benefit of counsel for Lockheed that it is now 9:55. We had assumed that all parties were aware that these depositions were starting at 9:30 and all the remainder of these depositions will start at 9:30 a.m. unless all parties are advised to the contrary prior to the time the depositions begin.

MR. DUBUC: Well, I would like to put on the record also that the last deposition of Major Gregory started at 10:00 and we have been trying since last night to find out the time of this deposition. We called Mr. Battocchi's office both last night and this morning at nine to determine the time it started.

I would also like to note that the witness, Mrs. --

MRS. TATE: Mrs. Marcia Tate.

MR. PIPER: Mrs. Marcia Tate.

MR. DUBUC: Mrs. Tate's deposition was neither noted nor were we informed of it until 7:00 or 6:30 last night, which is the first notice we have had of it, and one day's notice is hardly reasonable notice and I would like the record to reflect Lockheed's objection to the deposition on the basis of

inadequate notice and we will pursue our remedies on that score later.

MR. PIPER: While we are making statements, at this point, there has been, to my knowledge, no formal notice of this deposition. However, I was informed of individuals, including Mrs. Tate, that the Subcommittee wished to take at the last hearing and have endeavored to coordinate, as per our agreement and our understanding with Judge Oberdorfer, through the Counsel Committee, for their appearance and have done so.

MR. BATTOCCHI: Off the record.

(Discussion off the record.)

MR. BATTOCCHI: On the record. Mr. Pipe, when you and I had a conversation -- oh, I guess it was probably ten days ago now -- I remember your advising me that I would coordinate this matter with various plaintiffs' counsel and you would handle it on behalf of defendants and I have a vague recollection that you told me you had advised counsel of Lockheed of the deposition. Apparently Lockheed disputes that. I would like to put that on the record.

MR. PIPER: We were talking about various matters at that time and I am not really sure what was coordinated and what was not.

MR. DUBUC: In that vein, I would like to note that the only notice we have as to this date is dated October 3, 1978, a letter from Mr. Groner to counsel indicating that Marvin Martin and subsequently Captain Scheiding and Colonel Clay would be deposed on these two dates.

We did have notice of the fact that there was going to be a change of schedule in order to accommodate the witnesses. We had no notice of the order of witnesses for today and tomorrow's deposition, nor did we have any notice whatsoever that either Mrs. Tate or another witness, Mrs. Neal, whose maiden name was Goffinet, was going to be called.

MR. BATTOCCHI: Do you admit that you had adequate notice that the pilot, Mr. Traynor, that Colonel Rayman, the medical member of the Accident Board --

MR. PIPER: It is Rayman, R-A-Y-M-A-N.

MR. BATTOCCHI: -- and Ms. Aune, A-U-N-E, were going to be deposed?

MR. DUBUC: We knew they were going to be deposed today and tomorrow and our information was that the order of the witnesses were Rayman, Aune and the pilot, Traynor.

MR. PIPER: Well, we have a witness and we have counsel. Why do we not proceed?

Whereupon,

MARCIA R. (WIRTZ) TATE

was called for examination by counsel for Plaintiffs' Lead Counsel Committee, and having first been duly sworn, was examined and testified as follows.

MR. PIPER: Do you agree with the general stipulations, that objections be preserved except those as to the form of the question?

MR. LEWIS: Yes.

MR. PIPER: And we will not waive signature. Is that a 30-day stipulation on that, as before?

MR. DUBUC: Signature within 30 days?

MR. PIPER: Yes, of delivery.

MR. LEWIS: That is acceptable to me.

MR. DUBUC: To be filed thereafter --

MR. PIPER: Right.

MR. DUBUC: -- with or without exhibits.

MR. PIPER: As the case may be.

MR. DUBUC: The last time we agreed to keep the exhibits separate so that they could be used from witness to witness. Is that going to be our continued procedure?

MR. PIPER: It depends on the exhibit.

MR. LEWIS: There might be some that you would want to attach to the deposition, but I don't see why we can't make two copies.

MR. PIPER: It is so agreed.

DIRECT EXAMINATION

BY MR. LEWIS:

Q Would you state your full name, please, ma'am?

A Marcia Ray Tate.

Q What is your home address, ma'am?

A 2703 Ridge Crest Court, Colorado Springs, Colorado.

Q What is your occupation or profession?

A I am a registered nurse.

Q Were you on the C-5A mission to Vietnam to pick up certain Vietnamese children?

A Yes, sir.

Q Were you in the Air Force at that time?

A Yes, sir.

Q Are you in the Air Force now?

A Yes, sir.

Q What is your rank?

A I am a Captain now.

Q All right. Do you prefer to be called Captain?

A. It does not matter to me.

Q. All right. When did you receive orders to go on that flight?

A. That morning, April 4, 1975, at 6:00 o'clock in the morning.

Q. Where did the flight leave from?

A. From Clark Air Base in the Philippines.

Q. Were you stationed in Clark at that time?

A. Yes, I was.

Q. Was that the regular base of that particular airplane?

A. No, sir.

Q. Where had it come from, do you know?

A. Yes, Travis.

Q. Had you been told that there was a hospital plane to be sent?

A. As I recall, I was not told what type of plane we were going to be flying on.

Q. So you did not know before the plane actually arrived at Clark that you were going to be on this particular airplane, equipped as it was?

A. That is correct.

Q. Who was in charge of the mission as far as the medical aspects of it were concerned?

A. I do not know.

Q. Were you the highest ranking medical officer?

A. On board, do you mean?

Q. Yes, ma'am.

A. No.

Q. Who was?

A. I believe Lieutenant Aune was the highest ranking officer on board, medical officer.

Q. What was his name, please?

A. It was Lieutenant Aune, who was the nurse also on board.

Q. Was there a physician assigned to the flight?

A. Not to my knowledge.

Q. According to the military procedure, is one of the nursing officers designated as the commanding officer for that unit?

A. Yes.

Q. Were there written orders?

A. I believe there was a written manifest for the flight.

Q. And your name was on it?

A. I believe so, yes.

Q. Did anybody brief you on the purpose of the flight before you left?

A. Yes.

Q. Who was that?

A. Specifically the chief nurse of the AIRVAC Unit there, who I believe was Lieutenant-Colonel Baucus, I believe was her name.

Q. What did she say?

A. She told the group of us who were members of that AIRVAC Squadron that this particular mission was going into Vietnam to bring back orphans.

Q. Did your unit have attached to it hospital planes?

A. An on-the-ground hospital, are you talking about?

Q. No, no. Hospital planes -- aircraft designed or at least equipped to carry wounded?

A. Yes.

Q. Were they available at Clark?

A. Yes.

Q. Were they in regular use by the Air Force to transport people to and from Vietnam?

A. Yes.

Q. Was the airplane that you sat out on equipped, in your opinion, to transport a large number of children? -- particularly babies?

A. Yes.

Q. What kind of crib or bassinette facilities were there on the airplane?

A. There were none, but it was certainly capable of transporting babies.

Q. I asked you if it was suitable. Do you think it was suitable, ma'am?

A. Yes, sir.

Q. Okay. You are saying that professionally, is that correct?

A. In my opinion, it was suitable to transport anyone.

Q. Then there were oxygen facilities located on the lower deck for children?

A. I do not really know, sir.

Q. Was there any?

A. I believe so.

Q. Describe it for me.

A. I believe there were tanks of oxygen down there.

Q. Let's get on to Vietnam then. Tell me -- the air-

plane flew from Clark to Vietnam?

A. Yes, sir.

Q. It flew directly?

A. Yes, sir.

Q. How many medical personnel were on the airplane?

A. I would have to stop and think about that. I would say approximately six or seven.

Q. Six or seven.

A. That is going from Clark to Vietnam.

Q. Okay. Did you make the trip without incident to Vietnam?

A. Yes.

Q. Was the plane in working order as far as you could tell?

A. Yes.

Q. The ramp facilities seemed to be working?

A. Yes, sir.

Q. I noticed a frown on your face. Do the C-5A's have a history of problems?

MR. PIPER: Objection to that question.

BY MR. LEWIS:

Q. Do you know?

A. I have no knowledge of it.

Q. All right. When you got to Vietnam, what happened as far as your medical unit was concerned?

A. We waited on the ground probably 30 minutes or so until a busload of Vietnamese children were brought to the aircraft.

Q. Now, how long had this particular flight crew been working? They flew from Clark to Vietnam, is that correct?

A. Yes, sir.

Q. Was the same crew going to take you back?

A. Yes, as far as I know.

Q. All right. Had they flown before, as part of another leg, but before they got to Clark, do you know?

A. I do not know.

Q. All right. Do you know whether the plane just landed at Clark or whether it had been there for some while?

A. I do not know that.

Q. How long did the flight take from Clark to Vietnam? Approximately.

A. As I remember, approximately two hours, I believe.

Q. And you waited on the ground and busloads of children arrived?

A. Right.

Q. Now, they were Vietnamese children?

A. Yes, I believe most of them were either Vietnamese or a mixture of Vietnamese and American children.

Q. All right. But some of them were of mixed race and some of them were Vietnamese?

A. Right. And probably some American dependents also.

Q. All right. What were the ages of these children?

A. I know we had very, very young babies, several months old. And I saw some children who looked like they may be six and seven and eight.

Q. So they would be ordinarily below six?

A. Yes, I believe so. At least the ones that I mainly saw, which were upstairs in the airplane.

Q. All right. Can you give me any indication of what you would consider typical age -- were they mostly toddlers or babies?

A. Yes, I would say mostly toddlers and babies.

Q. All right. Now, can you tell me something about your professional background of training. What kind of a degree do you have now?

A. I am a registered nurse.

Q. Where did you go to school?

A. I went to the School of Nursing in South Bend, Indiana.

Q. Did that include pediatric nursing?

A. Yes.

Q. I gather you are not a specialist in pediatric nursing?

A. Right.

Q. But that is within your area of competence?

A. Yes.

Q. What facilities or equipment did this airplane have for handling small babies?

A. None.

Q. Was there any means of heating the lower deck?

A. I do not know that, sir.

Q. Did you heat it? Did anybody put any special heaters on board that you could see?

A. Sir, it was about 106 degrees there.

Q. It is not in the air, ma'am.

A. Oh, okay. I thought you were talking about on the ground.

Q. Not in the air.

A. No, I do not recall seeing any type of heaters.

Q. How were the children placed in the lower compartment?

A. On blankets on the floor.

Q. The floor is made of metal?

A. I do not know that, sir.

Q. You do not know what --

A. If they were made of metal or wood, I really do not know that, sir.

Q. All right. How many of them -- or roughly; I appreciate that you may not have counted them -- were on the lower deck?

MR. PIPER: Blankets or children?

BY MR. LEWIS:

Q. Children?

A. On the lower deck, I have no idea because once I got on the aircraft with two children, I went right upstairs and I never went right downstairs again.

Q. You never went downstairs again?

A. No. People were being loaded onto the aircraft on that area, but I did not see them because I was busy upstairs.

Q. All right. In your opinion, as a nurse, is laying a baby on a blanket on -- I believe counsel will concede it is a

metal floor -- adequate means of transporting a child of tender years?

A. In this situation, I think so.

Q. You do not think seats would have been better?

A. More comfortable, certainly, but --

Q. What kind of a restraint was there for these children?

A. Downstairs?

Q. Yes, ma'am.

A. I do not know that, but I believe that there were litter straps.

Q. Litter straps?

A. Yes.

Q. What is a litter strap?

A. It is approximately four or five feet long, a very heavy securing strap that is placed across a patient and underneath a litter to secure the patient on the litter. Or on any type of --

Q. But the litter is a stretcher type?

A. That is right.

Q. It is a portable bed like there?

A. Yes, sir. But I believe in this situation that the strap was attachable to the floor of the airplane.

Q. Now, would litters have been better for these children?

A. I do not know.

Q. Were litters available at that time?

A. In Vietnam, did you say?

Q. Yes.

A. I do not know.

Q. Was there anything to prevent the children from -- if the airplane stopped suddenly -- from moving quickly in one direction or the other?

A. I believe so.

Q. What was it?

A. Those litter straps. They were securing them onto the floor.

Q. Let me see if I understand it. Is it your view that a strap across the top of a person will keep them from moving in a direction this way or that?

A. Yes, sir, I believe so.

Q. Even though they had no litter to attach it to?

A. Right.

Q. How many nursing personnel were flying to help the children on the lower level?

A Two. Two nurses, that is to say, and several technicians, medical technicians.

Q So we would be talking about, say, six people?

A Possibly a few more, but I would not think more than ten.

Q All right. Was there any food for the children?

A To my knowledge, there was beverages. I do not believe there was food.

Q Was there any milk?

A Yes, there was milk. I believe -- as I recall, there was milk.

Q Was there milk on your deck?

A I believe so.

Q How did you heat it?

A Well, sir, after we took off and we were informed by a representative of the orphanage that these babies could not tolerate milk, then we were not going to give them any milk at all. So we had no thought to even proceed with the milk.

Q Did you have a facility for heating milk?

A We had one galley section in the aircraft which had some type of warming element, and I do not remember what that was.

Q. How many children were upstairs?

A. As I recall before we took off, I counted at least 125 babies.

Q. When you say babies, you are speaking of really small people?

A. Yes, although there were a few older. But basically they were babies.

Q. What would you say their average weight was?

A. There were other than just babies on there.

Q. But of the baby population, what would you say their average weight was?

A. Probably no more than 20 pounds or so.

Q. And they were, on an average, how old?

A. The babies probably were on the average of one, one and a half, and two.

Q. All right. Did you speak Vietnamese?

A. No, sir.

Q. What instructions were given the children at the time of the airplane taking off about emergency oxygen?

A. Absolutely none.

Q. Was any instruction given the children, to your knowledge, on the airplane with respect to emergency crash

procedures?

A. No.

Q. Who had decided that the children should be placed two in a seat -- two or more in a seat?

A. I believe the aircraft commander.

Q. The pilot?

A. Yes, sir.

Q. The gentleman that was seated outside?

A. Yes, sir.

Q. Did you advise anyone that you felt that it was unsafe to put two people in the same seat?

A. I did not feel it was unsafe, sir.

Q. You did not feel it was unsafe?

A. No, sir.

Q. What happens in a crash when two human beings are restrained by the same belt?

MR. DUBUC: I think I will object to the form of the question.

BY MR. LEWIS:

Q. Well, what can happen?

A. Sir, I do not know.

Q. Well, they can injure each other by striking each

other, can they not?

A. I did not see any of them do that.

Q. Would you answer the question?

A. Would you repeat the question, please, sir?

Q. I am asking you if two human beings restrained by the same belt can injure each other?

A. I do not think it was likely, sir.

Q. How fast did the airplane crash?

A. I do not know that, sir.

Q. It has been testified that it was almost 300 miles an hour. Would you dispute that?

A. I have no knowledge of that, sir.

Q. All right. How much nursing experience have you had prior to the current?

A. Four years.

Q. Is had been entirely as a military nurse?

A. No, sir; one year as a civilian nurse and three years as a military nurse.

Q. Where did you work as a civilian nurse?

A. In Indiana.

Q. Where were you located during the crash?

A. Approximately two-thirds up from the rear of the

airplane, one-third behind the flight deck of the aircraft, between two seats.

Q. Were you on the floor?

A. Yes, sir.

Q. Facing in which direction?

A. In the direction of the flight deck.

Q. You were facing forward?

A. Right, correct.

Q. What happened to your body when the airplane stopped?

A. It remained in the same position it was in, which was across these seats with the children sitting in them, with my arms stretched out across --

Q. I thought you said you were on the floor. I misunderstood you.

A. Yes, I was -- leaning across the seats, though, with my arms stretched out over the children, kneeling on the floor.

Q. Okay. You were kneeling on the floor and wedged in between two seats, in effect?

A. Two rows of seats.

Q. Two rows of seats.

A. Yes, sir.

Q. Okay. And the crash forced you against the -- one or

the other of the seats?

A I cannot recall being forced against the seat. It just seemed like I was resting there against the seats of children when we crashed.

Q Now, how many pieces did the airplane break into?

A I do not know that, sir.

Q Several?

A Yes.

Q Several big pieces?

A I believe so.

Q What happened to the bottom of the airplane?

A To my knowledge, it just dispersed all over the airfield.

Q In effect, disintegrated?

MR. DUBUC: I object to the form of the question.

She used the word "dispersed."

MR. PIPER: Yes.

MR. LEWIS: "Dispersed" is not the word that I have heard used before in airplane crashes. It may be a fine word, but --

MR. DUBUC: It was her answer.

MR. LEWIS: Pardon?

MR. DUBUC: It was her answer.

MR. PIPER: It was her answer.

MR. LEWIS: I understand that. I am just trying to understand what she means.

MR. DUBUC: It is a well recognized English word.

MR. PIPER: While we are at this point where we have an objection, could we go off the record for a second?

MR. LEWIS: Sure.

(Discussion off the record.)

MR. PIPER: At this point, let's put on the record -- no reflection on the Court Reporter's competency -- the question has been raised by counsel for the Government as to the propriety of continuing the depositions by use of a Court Reporter who is not utilizing any back-up system, but merely a tape recording.

Counsel has conferred and are at this time contacting the Clerk of the United States District Court for the District of Columbia to determine whether or not there is any objection from the court as to such procedures by phone.

Until that question has been resolved, we will continue with the depositions, subject to all counsel reconsidering the question at a later time.

MR. DUBUC: All right. An objection has been noted.

It will be reserved as to any possible inaccuracy.

MR. PIPER: Right, same here.

MR. BATTOCCHI: Well, before we indicate for the record that all counsel may object, I would like to state that -- oh, about six weeks ago, I was at a deposition at the Department of Justice -- notice by the Department of Justice -- when the testimony was taken by a tape recorder just as it has been here and I have no objection to the taping and transcribing of this deposition by this means.

MR. LEWIS: Do I understand, then, that you gentlemen are reserving your position right now?

MR. DUBUC: Right.

MR. PIPER: Right.

BY MR. LEWIS:

Q. Do I understand that you say the lower portion of the airplane was dispersed?

A. I believe so.

Q. Widely dispersed?

A. I believe so.

Q. When you say you believe so, did you ever leave the airplane?

A. Except to get outside of our compartment.

Q. How about after the crash?

A. Yes.

Q. Did you see -- did you look around you?

A. Very minimally because I was very busy with the babies.

Q. Did there ever come a time when you were not busy with the babies?

A. No, sir.

Q. All right. Which way were the seats facing in the compartment?

A. Toward the rear.

Q. They were facing towards the rear?

A. Yes, sir, I believe that is right.

Q. And there was more than one child in a seat?

A. Yes, sir.

Q. In every seat?

A. I believe so.

Q. Did you notice when the cargo ramp or the door system failed?

A. Yes, sir.

Q. Describe what happened?

A. There was a very, very loud boom-like noise or sound in the aircraft and I could look through the grating which I was in the floor, from the cargo section, down to the -- I am sorry -- from the troop compartment down into the cargo section and when I looked down, I saw a very big hole in the airplane and I could see the sea below us.

Q. And all of the air -- or seemingly all of the air left the airplane?

A. I do not know that.

Q. Did you notice that or not?

A. I do not understand what you are asking me.

Q. I want to know whether there was a sudden decompression?

A. I am sure there was.

Q. Did the oxygen system come into play?

A. Yes, sir.

Q. The emergency oxygen?

A. Yes, sir.

Q. Now, what did you do?

A. I put on a mask from one of the seats close to where I was standing at the time we got the decompression.

Q. Then what did you do?

A I tried to put the masks on some children that were sitting in the seats below me.

Q And you did that until the airplane was down low enough so that you did not need the masks?

A I did attempt to put it onto the children and onto myself also until we were told that we were stable enough to take off the oxygen masks.

Q You did not use the oxygen follicles; you used the masks that were --

A Yes, sir.

Q -- the seat masks?

A That is right.

Q And you tried to help some of the children around you?

A That is right.

Q Now, were they crying?

A No, sir, I do not remember these particular children in this seat crying.

Q Now, there were not enough masks for them, were there?

A No, sir.

Q There were two in a seat, were there not?

A Yes, sir.

Q And there was only one mask per seat, to begin with, was there not?

A Yes, sir.

Q Now, can you describe what other attendants were doing or what the other people were doing on your deck?

A As I remember, breathing oxygen through the masks.

Q What did other people do on your deck? I am talking about the nursing personnel.

A Are you talking about shortly after the rapid decompression?

Q Yes.

A That was it -- breath oxygen.

Q And you did not do anything else?

A Not at that time.

Q I understand you tried to help some of the children within range of your cord?

A That is right.

Q I am asking you what did other medical -- well, let me back up. Were there other medical personnel on that deck?

A Yes, sir.

Q All right.

MR. PIPER: Let's go off the record for a minute.

MR. LEWIS: Sure.

(Discussion off the record.)

MR. LEWIS: You both then are objecting to the means?

MR. PIPER: We are reserving our right to object upon reading this transcript.

MR. DUBUC: To any inaccuracy or portion that seems to be erased or any problem that we run into as part of this proceeding.

MR. LEWIS: Ordinarily, you would always have a right to complain as to the accuracy. I want to just get for the record clearly as to whether you are just objecting per se to the use of this transcription means.

I understand that you reserve the right to complain if the transcript is not accurate, but I would suppose that you would have a right to complain if the Court Reporter did not transcribe what he was supposed to do by whatever means he was using. I am trying to make a distinction there.

I understand your position with respect to accuracy. I just wondered, do you formally object to the use of this means?

MR. DUBUC: I think we made it clear. We noted our objection and reserved our right to renew it if we have an

inaccuracy and we, since the witness is here, are prepared to go ahead, but we are not waiving any objection.

MR. LEWIS: I am not asking you to waive any objection. I am just trying to find out -- I think I am entitled to know whether you object to this means per se.

You will not say, is that correct?

MR. DUBUC: I think I have stated our position. I have stated my position. Maybe you have another one.

MR. PIPER: I do object to this means, but I will reserve such objection pending a receipt of the transcript and review of the transcript. I object in principle to this particular means of transcription, but I am not going to refuse to go along with the procedure.

I will reserve the right to review the transcript based on any inaccuracies.

MR. BATTOCCHI: Well, I am going to state a position for the record here so that we have no misunderstanding.

If you gentlemen object to the taking of the depositions by means of a tape recorder as opposed to a mechanical means, I will suggest that for the remainder of these depositions you gentlemen bring along, at your own expense, your own Court Reporter and transcribe them any way you like to have

them transcribed, but these are certified Court Reporters, authorized to take depositions in the District of Columbia and we certainly are not going to go to any additional expense to attempt to satisfy the objection that you gentlemen have raised.

MR. PIPER: Do you have a position, Mr. Lewis, on this? Why don't you put your position on the record, too?

MR. LEWIS: I have never seen this means used before.

MR. PIPER: I think we are both together on that.

MR. LEWIS: I would have to say in all candor that I prefer the more traditional methods, only because I am used to them. This may be a very marvelous way to do it and I am not against progress. I just am not familiar with it.

MR. PIPER: Again, to make it perfectly clear, my only objection -- not to whether he uses a tape recorder or stenomask or stenotype -- is that tapes are susceptible to being erased, as we all know. Obviously, notes are susceptible to being lost. But I think that is a different ball game entirely.

My objection basically is there is no back-up for a tape -- the way the tape is used. I would object to a single tape.

I think we should go ahead with this. I do not know

why we could not, for future depositions, have a more traditional way of doing things, though. Does this firm use only this particular method?

MR. BATTOCCHI: We have chosen this method and we are going to stick by this method. If you want to pay the incremental cost of doing it by other means, we will take that into consideration.

MR. PIPER: The reason I am asking this is, for instance, Hoover, they have a variety of means that they use. Is this means cheaper than a back-up means?

MR. BATTOCCHI: It is -- well, not a back-up means. It is cheaper than transcribing it by mechanical means, and Hoover is precisely the reporting system that took a deposition at the Justice Department that I referred to a while ago, some six weeks ago, by this means.

MR. PIPER: Okay, what I am saying is -- off the record, I have had Hoover for many depositions and I have seen them --

MR. LEWIS: Just for the record, I would like to describe the process that I see so that there will be no question.

We have a -- from my observation -- a young man,

bright and alert, who has in his left ear a device that appears to give him the opportunity to hear the -- what is going onto his tape -- at least that is what he says and I --

MR. PIPER: I think he stated he hears what has been recorded.

MR. LEWIS: In addition, there is a microphone located in the vicinity of the Reporter and the witness and not precisely in the center of the conversation. He has in his left hand what appears to be a microphone with one wire leading from it, which I gather from time to time he talks into for some note-taking purpose.

Does that describe the system, Mr. Reporter?

THE REPORTER: Fairly well.

MR. DUBUC: And there is a pencil in his right hand and a pad.

MR. PIPER: Further, one other slight bit of description: there is only one tape available for use, multi-channel though it may be, and the microphone into which he speaks -- he is not speaking constantly into, but only on occasion.

MR. LEWIS: That is my observation.

MR. PIPER: Anybody disagree with that? Why don't we get going? I think it is all on the record.

MR. LEWIS: Where were we, Mr. Reporter? Never mind, I'll locate it myself.

BY MR. LEWIS:

Q. Can you describe the activities of any other flight personnel that you could see in the passenger compartment after the sudden decompression until you took off your oxygen mask?

A. The only other medical personnel that I remember seeing was Lieutenant Aune, who also had an oxygen mask on her face at the time when I saw her, and was breathing oxygen over a seat of some children.

Q. She had one of the masks that came from the ceiling, is that correct?

A. Yes, sir.

Q. Could you see anybody else doing anything for the benefit of the children in the compartment aside from you and the Lieutenant that you described?

A. Not at that time, no, sir.

Q. Did she take her mask off when you did?

A. I do not recall.

Q. Did you take yours off when the pilot said you could?

A. When the flight mechanic, who was standing very close to me or kneeling on the floor very close to me, who had a

headset on, talking with the pilot, said to me: You can take your mask off. I took it off.

Q Now, was anyone else of any duty station in the passenger compartment aiding the children?

A Not that I recall, sir.

Q So most of the children did not have oxygen masks on, is that correct?

A I believe that is correct.

Q Only those within close range of you and the Lieutenant had -- and had a mask available, had one on, is that correct?

A No, sir, that is all I saw that had one on.

Q The babies were not of sufficient sophistication or age to put them on themselves, were they?

A That is right.

Q And as far as you knew, nobody gave any instructions in Vietnamese for even the older children to know what was going on?

A That is true.

Q Now, tell me, were the babies that you were trying to assist -- did they willingly take the masks on their faces?

A No, sir.

Q. What did they do?

A. Pushed them away.

Q. So even the ones that were in the range of you, did not get the same oxygen that you did, is that correct?

A. That is correct.

Q. Now, do you know what was happening down in the lower deck?

A. No, sir.

Q. Did anybody tell you?

A. No, sir.

Q. There was a mechanic, you say, with earphones plugged into the ship's intercom system?

A. Yes, sir.

Q. Nobody mentioned to you what was going on down below?

A. No, sir.

Q. There were no seats, were there, below?

A. No.

Q. In the same sense that there were on the deck that you were on?

A. That is right.

Q. How many -- is the word "bay"? -- how many rooms or bays of seats were there on the upper deck?

A. I do not know that, sir.

Q Do you know what was happening in any part of the airplane other than where you were?

A No, sir.

Q By any means, either because somebody told you -- before or after?

A I know a few things I heard.

Q All right. What did you hear?

MR. DUBUC: Objection.

MR. PIPER: Same here.

THE WITNESS: I heard that in the rapid decompression, the ladder going from the flight deck to the cargo section was torn loose and had hit one of the technicians downstairs and that the nurse who was down there was attempting to give him medical aid while we were descending to go back to Saigon.

Q BY MR. LEWIS:

Q Anything else?

A No.

Q Did you ever talk to anybody, at any time, that was on the lower deck during that post-decompression period?

A I believe I talked with Sargeant Weiss, who was a medical technician, several months after probably the crash.

Q What did he say?

MR. PIPER: Objection.

MR. DUBUC: Objection.

THE WITNESS: He did not remember anything that occurred after the rapid decompression.

BY MR. LEWIS:

Q. He did not remember anything?

A. He did not remember anything. He indicated to me at that time that he had a complete lapse of memory.

Q. Do you know whether any of the Air Force personnel were treated in any facility?

A. Yes, sir.

Q. Who was?

A. Sergeant Weiss, Lieutenant Goffinet, Lieutenant Aune, and several other of the technicians on board; I believe a couple of the flight crew sustained injuries and were treated for injuries also.

Q. Can you tell me where they were treated?

A. Initially, especially those who were injured severely, at the Seventh Day Adventists Hospital and later at the Clark Air Base Hospital.

Q. The Seventh Day Adventists Hospital was in Saigon?

A. Yes, sir.

Q. What medical program was set up for the children following the crash for examinations?

A. I really had nothing to do with that, but I believe that they were treated at the Seventh Day Adventists Hospital and then again some of them were sent to Clark for further treatment.

Q. Do you know whether any physician for the Air Force or at its direction examined them for decompression injuries?

A. No, sir, I do not know that.

Q. Did anyone tell you that they had been?

MR. PIPER: Objection.

MR. DUBUC: Objection.

THE WITNESS: They would have no reason to tell me anything, no, sir.

BY MR. LEWIS:

Q. Did you ever study space medicine or air medicine?

A. Yes, sir.

Q. Are you familiar with any of the problems that can arise in a sudden decompression?

A. Yes, sir.

Q. Are you familiar with any Air Force programs as to standard procedure in the event of a decompression involving

Air Force personnel?

A. Yes, sir.

Q. What is the standard Air Force procedure in a case of a sudden decompression involving someone in the Air Force?

MR. DUBUC: Objection to the form of the question.

Do you mean medical procedure?

MR. LEWIS: Yes.

MR. DUBUC: The question does not say that.

MR. LEWIS: She said she is familiar with it. Let us see what she is familiar with.

MR. DUBUC: Well, your question could go to operational procedure or medical procedure.

MR. LEWIS: Let us talk about medical procedure; she does not contend that she is an aircraft engineer.

MR. PIPER: Correct.

THE WITNESS: At the time, I certainly was very familiar with the procedures. I do not remember them exactly now because I have not flown for three years as a nurse. However, the obvious would be the oxygen as the immediate procedure to take in the case of rapid decompression.

BY MR. LEWIS:

Q. Why did you not go and get the portable oxygen bottle

and use it and go around and see if as many as possible of the children had oxygen?

A. It did not occur to me, sir.

Q. That was not part of your training?

A. It could have been.

Q. Was that not the point of the portable oxygen bottle, Captain?

A. No, sir, I believe the portable oxygen bottle was normally kept for the medical individual, him or herself, to use in checking out injuries or whatever.

Q. When there was a sudden decompression, you did recognize as a result of your training the possibility of decompression injuries to the passengers on that airplane in your care, did you not?

A. Yes, sir.

Q. Did you ask the operating crew for any assistance in aiding the children?

A. No, sir.

Q. Did you tell the man who was near you that had access to the intercom that the children needed oxygen according to the sudden decompression procedures of the Air Force and somebody should come and see that they got what oxygen they

wanted?

A. No, sir.

Q. Did anyone, to your knowledge?

A. No, sir. I think it was a matter of the oxygen being there. However, with the great number of children we had, it would have been difficult to get oxygen to all of them.

Q. I understand that. But actually only a very tiny percentage got oxygen, did they not?

A. I believe so.

Q. Do you feel that you acted consistent with your duty in that situation?

A. Yes, sir.

Q. Where did you receive your training, in this air space medicine?

A. Brooks Air Force Base in Texas.

Q. How long was your training?

A. I believe it was eight or nine weeks, maybe slightly less than that. Six to nine.

Q. What did you do -- let me show you this Air Force pamphlet called "Physiological Training", Department of the Air Force, and ask you if you --

MR. DUBUC: Does it have any number or anything?

MR. LEWIS: Yes, it does. AFP-160-5, and it has a date of 23 January 1976.

MR. PIPER: I object to the use of this particular document in that it obviously was not used either at the time she received her training or the day of the accident.

MR. LEWIS: They may have just changed the last pages.

MR. PIPER: I do not know whether they did or not.

MR. LEWIS: That is what I intend to find out.

MR. PIPER: Objection to that document.

MR. DUBUC: I think I would note on the record that if we are going to show her something and use parts of that that it should be marked so that --

MR. LEWIS: Certainly.

MR. DUBUC: -- later on we can find out what she referred to.

MR. LEWIS: We will.

MR. PIPER: Did you have a particular page?

MR. LEWIS: No, I just wanted to ask her if a book similar to that -- and I am not saying identical -- was used in her training.

(Whereupon, the document was handed to the witness for examination.)

THE WITNESS: I would say a similar book, yes, sir.

BY MR. LEWIS:

Q. Okay. My understanding is that you produced that --

MR. PIPER: May I make a statement for the record, please?

MR. LEWIS: Please.

MR. PIPER: I noted that on Page i that this pamphlet dated 23 January 1975 on the inside and '76 on the outside, I am sure that is an error on the inside, superseded Air Force Pamphlet 161-16 dated 1 April 1968 and together with Air Force Regulation 160-40 dated 23 January 1976 superseded AFM, Air Force Manual 160-5 dated 27 February 1969. From the document itself, it is apparent that this particular pamphlet was not in effect at all in any form on the date of her training or on the day of the accident.

MR. LEWIS: Would you furnish us then with the pamphlet that was in effect at the time --

MR. PIPER: Are you requesting production of a superseded document in effect on the date of the accident?

MR. LEWIS: Yes, certainly. I may be mistaken, and I don't mean to suggest that --

MR. PIPER: If you will look at the bottom of that,

Mr. Lewis, you will see that that pamphlet did not exist in any form on the date of the accident.

MR. LEWIS: I am sure, but not positive, that we got this document from you.

MR. PIPER: No, we had no request for production of such a document. You may have gotten it under the Freedom of Information Act from someone, but not from me. I would have given the document's own date.

MR. LEWIS: I am not insisting that we did get them from you. I just thought that.

THE WITNESS: May I say something?

MR. PIPER: Certainly.

THE WITNESS: That book is similar only in that it is similar to a booklet which I studied at this school for aerospace nursing. It is similar only in the aspects of physiology at a higher altitude, which that definitely covers. That was a very small portion of the higher nursing or flight nursing type book, which is the same type of setup, same things covered; however, it goes into diseases and how to treat diseases in especially how to treat them in altitude.

MR. LEWIS: I understand.

BY MR. LEWIS:

Q. But part of your training included the conditions that can exit at high altitude when a sudden decompression occurs, is that not right?

A. That is right.

Q. And it also discusses to the degree necessary for the Air Force nursing personnel to treat such patients, does it not?

A. That is true.

Q. And it also discusses procedures to be followed by Air Force personnel under those particular atmospheric conditions, does it not?

A. That is correct.

Q. Now, can you tell us in general form what you were taught? I do not want you to recite it verbatim, but give me a general form of what you were taught in that part?

A. As I recall, generally, at the time of a rapid decompression, to ensure that individuals have oxygen, assess their injuries, and make preparation for landing.

MR. PIPER: I want to copy down the pertinent --

MR. LEWIS: Sure.

BY MR. LEWIS:

Q. Now, what sensation did you note when the bottom

portion of the airplane was being dispersed, to use your word?

A. The feeling of a thud as we landed -- a couple of thuds as we landed in Saigon.

Q. It was not the normal landing on an Air Force runway, was it?

A. It did not feel much different to me; maybe a slightly more forceful landing, but not a violent landing at all to what I felt.

Q. Were any of the major structures of the airplane torn off?

A. In the crash?

Q. Yes.

A. Were any of the major --

Q. Structures of the airplane, any of the larger major pieces of the airplane torn off?

A. Yes, sir.

Q. What parts did you see?

A. I could see a wing, for instance, on landing. I saw that we had obviously sheared our section off from the rest of the airplane.

Q. How many children did you have to aid from your location?

A. After the crash, sir?

Q. No, during the decompression period?

A. Several children who were sitting beneath where I was standing at the time of the rapid decompression.

Q. How many?

A. I do not recall the exact number, sir.

Q. Do you know how long a period it was from the sudden decompression to the word from the pilot that you could take the oxygen off?

A. No, sir, I do not know exactly how long that was.

Q. Could you give us any estimate in minutes?

A. I would say not more than a few minutes.

Q. What does a few mean?

A. Probably no more than four or five minutes.

Q. What medical supplies and equipment did you take on the airplane with you?

A. As I recall, we had two, maybe one, but I believe two emergency type trunks.

Q. Pardon?

A. One or two emergency type trunks with medical equipment inside them, as I recall.

Q. Did you -- were you aware of any attempt to get

anything for the small children?

A. As far as medical equipment?

Q. Or things necessary for taking care of them. I guess a young baby needs some things that are not strictly bandages and medicines.

A. Yes, sir.

Q. What were they?

A. Pampers and juices. That is all I can remember.

Q. Bassinettes?

MR. PIPER: The question has been asked and answered, Mr. Lewis. Objection.

THE WITNESS: I do not recall. I do not recall that.

BY MR. LEWIS:

Q. Did the children have safety belts on?

A. Yes, sir.

Q. Were there ordinarily two children inside each belt?

A. Yes, sir, and they were padded between each other, as I recall, with a pillow or blanket or something like that.

Q. They were padded between each child?

A. Right, yes, sir.

Q. Why did you do that?

A. Comfort, I think.

Q. Are you saying that is the fact? Are you sure of

that?

A Yes, sir, I believe I stated that previously.

Q I just want to know if you are sure of that? Do you have a present recollection of that or are you just relying on what you said previously?

A No, I believe that is how it was, sir.

Q How many pillows did you have on the airplane?

A I have no idea, sir.

Q Where did the pillows come from?

A I do not know that.

Q That was a troop transport section, was it not?

A Yes, sir.

Q Do troop transport sections ordinarily have a large supply of pillows?

A Sir, I do not know that.

Q How long were you on the ground loading children?

A I would say approximately a half hour or maybe 45 minutes.

Q Now, who told you that you were going to receive 120 children?

A I do not recall who it was.

Q What was the condition of the children when they got

on the airplane?

A They appeared to be normal, healthy babies and children.

Q Now, did you use any pillows on the cargo deck?

A On what section?

Q Did you use any pillows on the cargo deck?

A I do not know that, sir.

Q You and the medical director -- what was her name?

Lieutenant Ann Aune -- is that it? Aune, A-U-N-E, is that pronounced Aune?

A Yes, sir.

Q You and Lieutenant Aune decided the questions about how to load the -- and store these children, did you not?

A Yes, sir.

Q You shared in that responsibility, did you not?

A That is right.

Q All right. My question is: did you use any pillows on the lower deck?

A Sir, I do not recall.

Q Is there some reason that you recall what you decided to do on the upper deck and not what you decided to do on the lower deck?

A. Probably because the two decks were different.

Q. A little different. The lower one was certainly the most barren and spartan, was it not?

A. Yes, sir.

Q. And it was potentially the most dangerous in case the children were in a crash?

MR. PIPER: Objection. That calls for speculation and conclusion.

BY MR. LEWIS:

Q. Is that not true?

MR. DUBUC: Objection.

THE WITNESS: Would you please repeat the question?

BY MR. LEWIS:

Q. I said the lower deck was potentially the most dangerous location in the event of a crash, was it not?

MR. PIPER: Same objection.

THE WITNESS: I do not know that.

MR. DUBUC: Objection.

BY MR. LEWIS:

Q. Would you say that never occurred to you?

A. No, sir.

Q. In the event the airplane crashed, what part of the

airplane did you think would hit first, the bottom or the top?

MR. DUBUC: Objection.

MR. PIPER: Objection.

THE WITNESS: Sir, I figured if I was ever in a crash, the whole thing would always go -- I would always go with the airplane. I have no way of knowing which part would be salvaged from the other wreckage.

BY MR. LEWIS:

Q. Did you discuss anything regarding safety precautions in the event of an impending crash when you were in this Air Force program?

MR. PIPER: It has been asked and answered. I object to it.

THE WITNESS: I am sorry. I do not understand.

BY MR. LEWIS:

Q. When you had your training program, did your teacher or instructor ever take up the subject, either in writing or orally, of safety precautions in the event of a crash?

A. Yes, sir.

Q. What was covered?

A. Many areas of what happens if you are going to crash.

Q. Was the necessity to have somebody in some kind of a

protective seat stressed to you?

A. Yes.

Q. You knew the babies on the lower deck did not have this kind of protection, did you not?

A. Yes, sir.

Q. So, did you not therefore think that that was a more hazardous location than the upper deck?

A. At the time, I do not believe that occurred to me.

Q. All right. Did you give the children on the lower deck any pillows?

MR. PIPER: Objection. That question has been asked at least twice before and it has been answered.

BY MR. LEWIS:

Q. She said she did not remember. I thought she might remember now.

A. Sir, I do not remember. I did not stay in the lower section of the airplane once I took two children up to the upper deck. I stayed there from that time on.

Q. You did discuss with Lieutenant Aune how the children should be handled on the lower deck, did you not?

A. Yes, sir.

Q. That is what I am talking about.

A Yes, but I do not remember discussing pillows. I do remember discussing blankets, but I do not remember discussing pillows.

Q Can you tell me what the surface of the floor was like, was it smooth or rough? I am speaking of the lower deck, now.

A Yes, sir. I remember that it had some type of wedging, I would term it, into the floor in which equipment was attached to the floor on a type of grating or metal rungs of some sort into the floor.

Q Was the surface of the floor smooth or rough?

A Where the grating was not or where this type of hook-ups for equipment was at, I would say the floor was smooth.

Q In between the place where equipment was tied down, what was the surface of the floor?

A As I remember, smooth.

Q All right. Smooth like this table is smooth, is that right?

A Basically, yes, sir.

Q Now, you anticipated that the lower deck was going to be cold in flight, did you not?

A No, sir, I do not recall thinking of that.

Q. Had you ever been in a cargo plane before?

A. I do not believe so.

Q. This was the first time?

A. As I recall, yes.

Q. What ages were the children that were in the lower deck? Were they babies, too?

A. I believe there were some babies and older children also, but I do not know how old.

Q. Did the older children, then, did they have to lie strapped to the floor during the flight?

A. I do not know that, sir.

Q. What did you discuss with Lieutenant Aune with respect to the older children as to how they would be positioned in the flight?

A. I do not recall whether or not we decided that they should be lying or sitting. I do not recall that, sir.

Q. If they had the cargo strap over them, they would have to lie, is that right?

A. I do not believe so, sir.

Q. Would you just tell me how that configuration would be?

A. I would think that they could sit and still be

strapped into the -- .

Q. It would depend upon where the strap was placed over them, would it not?

A. Yes, sir.

Q. Do you know how they were strapped? Were they strapped across the chest? Were they --

A. I do not know.

Q. When you discussed this with Lieutenant Aune, did you give any indication to the people that were doing the strapping as to how they should fasten these children down?

A. No, sir, I do not recall --

MR. PIPER: Objection. I would like to make an objection on the record. It has been asked and answered. Did you get her answer, Mr. Lewis?

MR. LEWIS: Yes. Thank you.

BY MR. LEWIS:

Q. What machinery was located in the cargo compartment in addition to the children?

A. To my knowledge, none at that time.

Q. I am sorry. Would you mind telling me your answer. I do not know that I heard it.

A. To my knowledge, no equipment or machinery was down

there at that time.

Q. Did you carry machinery to Vietnam?

A. Yes.

Q. Were any children located in the box?

A. Pardon me?

Q. Were any children put in a box?

A. No.

Q. Or container of any kind?

A. I did not see any.

Q. All right. How long had you been airborne at the time of the sudden decompression occurred?

A. I would say 15 to 20 minutes.

Q. You said in your statement "about 20 minutes", is that right?

A. I would say that again.

Q. Is that right, about 20 minutes?

A. Yes, sir.

Q. Did you hear of rapid decompression at flight school?

A. Yes, sir.

Q. Did they have the sound so that you could understand what it sounded like?

A. Yes, sir.

Q Tell me the circumstances where you heard the rapid decompression at school?

A There is an altitude chamber in the flight school and everyone in the class and in the course goes into the altitude chamber and the altitude is arranged like an airborne altitude and then a rapid decompression occurs.

Q So you hear the noise and notice the --

A Yes.

Q The loss of pressure?

A Yes, sir. That is right.

Q The rapid decompression, then, that you noticed on the C-5A was in some way similar to that at flight school?

A Yes, sir.

Q Was it different?

A No, I cannot say it was different except that there were debris, very small debris that were flying around in the airplane as opposed to the rapid decompression occurring at flight school, there was no debris.

Q All right. You were really quite frightened on the occasion of the rapid decompression, were you not?

A Yes, sir.

Q Because you thought you were going to die?

A Yes, sir.

Q The tiny babies that were in your vicinity, they just seemed sort of stunned?

A No, sir. They just seemed very wide awake; not at all stunned; just like nothing had occurred.

Q Well, you needed oxygen to -- a mask to breathe, did you not?

A I put my oxygen mask on. I was certainly not having air hunger.

Q You could breathe normally without it?

A I did not check that out. I put the oxygen mask on very shortly after the rapid decompression.

Q So you do not know whether you would have had air hunger or not?

A That is right.

MR. LEWIS: Excuse me just a minute, gentlemen and lady.

MR. PIPER: Sure.

(Whereupon, counsel examined his files.)

(Short pause.)

BY MR. LEWIS:

Q. What kind of fire occurred after the crash?

A. I saw a wing burn, maybe two wings.

Q. Was it a brisk fire?

A. Yes, as I recall.

Q. Pardon?

A. Yes, sir, as I recall, it was a very --

Q. All right. Any other part of the airplane on fire?

A. I do not recall seeing any other part on fire.

Q. Your section, where you were, had separated from the rest of the airplane?

A. Yes, sir.

Q. In other words, it had just broken off?

A. Yes, sir.

Q. Were any of the Air Force personnel ever examined for injuries associated with decompression, to your knowledge?

A. Not to my knowledge, no.

Q. There was a lady right across the aisle from you that was injured in the accident, is that correct?

A. I believe she was killed in the accident.

Q. How was she killed?

MR. DUBUC: I object to that question. That case

has been filed and discontinued. It is irrelevant.

MR. PIPER: Same objection.

THE WITNESS: I do not know how she was killed.

BY MR. LEWIS:

Q. Was she in the same position as you?

MR. DUBUC: Continued objection.

BY MR. LEWIS:

Q. In other words, where was she located in the airplane?

A. She was across the aisle from me in the airplane and at the time of the impact, I do not know what position she was in.

Q. Was she laying across the children, too?

A. I do not --

MR. PIPER: Objection. She answered she did not know what position she was in at the time of the impact. It has been answered.

BY MR. LEWIS:

Q. What was she doing when you last saw her?

A. When I last saw her, which was several minutes before impact --

Q. How many minutes?

A. I would say several, probably no more than four or five minutes, before impact, she was, as I recall, kneeling in -- not in the aisle, kneeling between the seats.

Q. Do you mean between the rows of seats?

A. Yes, sir.

Q. Did you see where her body was after the accident?

A. Yes, sir.

Q. Where was it?

A. It was in the front of our compartment on the ground.

Q. When you say on the ground, do you mean on the floor?

A. No, sir. I mean it was outside of the airplane.

Q. It was thrown out of the airplane?

A. Yes, sir. Or at least the airplane, when it had been severed from the other part of the airplane and it was kind of shoved into the ground, she was in that type of position.

Q. Now, the section of seats where she was kneeling, was that damaged?

A. No, sir, I do not believe so.

Q. Did the seats remain where they were?

A. Yes, sir.

Q. Were any of them dislodged?

A. I do not know that.

Q. Did you see the lady's body?

A. Yes, sir.

Q. What obvious physical injuries did she have from what you could see?

MR. DUBUC: I again note my objection. That case has been filed, and discontinued.

THE WITNESS: I could not see any injuries on her; however, the position she was laying in, from my knowledge of physiology, I concluded -- but I do not know this -- that she probably broke her neck.

BY MR. LEWIS:

Q. All right. You say you do not know where she was when the plane hit?

A. That is right.

Q. You do recall giving a statement to the Air Force, did you not?

A. Yes.

Q. Pardon?

A. Yes, sir.

Q. Have you read it recently?

A. Yes, sir.

Q. When did you last read it?

MR. PIPER: Piper.

THE WITNESS: Yes.

BY MR. LEWIS:

Q Anyone else?

A Mr. Van Nuys.

Q When did you discuss it with Mr. Van Nuys?

A At the same time I did Mr. Piper.

Q All right. They were together?

A Yes.

Q Anybody else?

A Also present was Captain Traynor and my husband was present.

Q Have you discussed your testimony with anyone on any other occasion than this meeting with Mr. Piper?

A No, sir.

Q Are you a career Air Force officer?

A Yes, sir.

Q What is your husband's occupation?

A He has had several Air Force assignments and different jobs. He is in the Social Actions Business.

Q Does he work for the Air Force?

A Yes, sir.

Q. Is he a civilian employee for the Air Force?

A. No, sir. He is a military member of the Air Force.

Q. What is his rank?

A. Captain.

Q. And what is his name?

A. Martin Tate.

Q. Is he a career Air Force officer?

A. Yes.

Q. Did you see other people that were physically injured, any adults that were physically injured in the crash?

A. Yes.

Q. From your observation?

A. Yes, sir.

Q. Who were they?

A. One of the flight crew who was a maintenance type person on the flight was also killed that I saw. There were some other, more or less, minor injuries -- Lieutenant Aune, Lieutenant Goffinet, a couple of the Sergeants also.

Q. How many children were killed?

A. Sir, I do not know.

Q. Did you see any dead children?

A. No, sir.

Q. You never did see any dead children?

A. No, sir.

Q. How many dead adults did you see?

MR. PIPER: I object to this on relevancy grounds.

You can answer if you can.

THE WITNESS: I saw those two that I mentioned.

BY MR. LEWIS:

Q. Just those two?

A. Yes.

Q. In your statement, on Page 7 of the 8 pages, I note this line: "When the plane hit --

MR. PIPER: Let me show her a copy of the statement --

MR. LEWIS: Surely.

MR. PIPER: Since you are reading from it.

MR. LEWIS: In the upper paragraph.

(Whereupon, a copy of the statement was shown to the witness.)

MR. FRICKER: Sixth line from the top.

MR. LEWIS: "When the plane hit, her mother was almost directly across from me and the row of babies, directly across the aisle from me or in maybe the row in front of that section."

BY MR. LEWIS:

Q. Is that the lady that was killed?

A. Yes, sir, I believe so.

Q. So you did know where she was when the plane hit,
did you not?

A. I concluded that is where she stayed, but I do not
really know that is where she was.

Q. How did you conclude that?

A. I left her there when I scooted across the aisle, so
I assume she stayed there, but that was just an assumption on
my part.

Q. You do not say that here. You say: "When the plane
hit. . .", she was in a particular location?

A. That is what I said, yes, sir.

MR. DUBUC: I just note for the record if we are
going to be reading from and refreshing her recollection from
the statement, we should mark it so we know what we are read-
ing from when we read this transcript.

MR. LEWIS: Surely you have no objection to that.

MR. BATTOCCHI: I think we can just stipulate it is
the statement she gave that is appended to the collateral re-
port.

MR. LEWIS: I think that would be simpler.

MR. PIPER: I have no objection to either method.

BY MR. LEWIS:

Q. Do you know who the daughter was of this lady?

A. Did I know then that she was the daughter of --

Q. Do you know now?

A. No, sir.

Q. Do you know the lady's name?

A. No, sir.

Q. What happened to your friend, Lieutenant Aune?

MR. PIPER: Objection as to time. When?

BY MR. LEWIS:

Q. Well, you saw her in the hospital in Saigon, did you not?

A. Yes, sir.

Q. Now, you were frightened at being in Saigon, were you not?

A. Yes, sir.

Q. Quite frightened, as a matter of fact?

A. Yes, sir.

Q. That was your first time?

A. No, I had been in Saigon previously, but not under

these type of circumstances.

Q. What did you observe the injuries to Lieutenant Aune were?

A. As I recall, she had a deep gash in her leg; I believe she was complaining of her back hurting.

Q. Any other injuries that you could see?

A. I do not recall, sir.

Q. Where was she located at the time of impact? The first impact?

A. I do not know, sir.

Q. She was in your compartment?

A. Yes, sir.

Q. But you do not know where she was?

A. No.

Q. Where was she when you last saw her?

A. I believe when I last saw her, she was toward the rear using oxygen.

Q. She was farther aft than you were?

A. Yes.

Q. How far, in feet?

A. I am a poor judge of measurements, but I would say maybe 20 feet.

Q. Roughly a car length?

A. At least that much, I would think. She was very near or, when I saw her, she was at the front row of the troop section and I was one-third back from the flight deck, probably.

Q. Was she also bending over the seats when you last saw her? .

A. No, sir, she was using oxygen when I last saw her.

Q. All right. Was she seated in a seat?

A. No, sir, she was standing.

Q. And you saw Lieutenant Goffinet, G-O-F-F-I-N-E-T, in the X-ray Department?

A. Yes, sir.

Q. What happened to her?

A. She had a shoulder injury.

Q. Can you tell me why the older children were placed on the lower deck?

A. Yes, I believe it was because we felt that it would be more easily -- more easy to put the smaller children in seats and secure them better to the seats.

Q. So there was a definite decision to put the older children on the lower deck?

A. Yes, sir.

Q. And you and Lieutenant Aune participated in that decision?

A. I believe so.

Q. Do you know whether there were oxygen bottles that had oxygen in them located in the airplane in addition to the oxygen that came down from the ceiling of the compartment?

A. I know that the flight crew indicated that there were usable oxygen bottles in the aircraft before we took off.

Q. Who told you?

A. One of the flight crew members and I do not know who it was.

Q. You do not know who it was?

A. Right, no, sir.

Q. You do not know whether there actually was oxygen in the bottles or do you?

A. No, sir, I have no way of knowing.

Q. Do you know where they were located?

A. At the time, I did, yes.

Q. So you knew when the sudden decompression occurred, you knew where to go for an oxygen bottle to carry around with you?

A. Yes.

Q. You knew, of course, that they were portable and provided means of supplying oxygen to anyone that needed it for any mobile purpose?

A. Yes, sir.

Q. Did you see anybody using them?

A. I do not recall that, sir.

MR. LEWIS: That is all the questions that I have of this witness at this time.

MR. PIPER: Mr. Battocchi?

CROSS-EXAMINATION

BY MR. BATTOCCHI:

Q. Captain Tate, did you go to Saint Mary's in South Bend?

A. No, sir.

Q. Where did you go?

A. I went to an affiliate of the school, though, which is Holy Cross.

Q. Did you grow up in the South Bend area?

A. Yes, Gary, outside of Gary.

Q. When did you first go into the Air Force?

A. In 1971 -- I am sorry, 1972.

Q. In what capacity?

A. As a nurse.

Q. Where were you first stationed?

A. At Eglin Air Force Base in Florida.

Q. Were you thereafter stationed at different places?

A. Thereafter, I went to the Philippines.

Q. When did you go to the Philippines?

A. In December of 1974.

Q. When did you get married to your present husband?

A. In June of 1977.

Q. For how long have you known him?

MR. PIPER: I object to this on relevancy grounds.

Go ahead.

THE WITNESS: For a year and a half.

BY MR. BATTOCCHI:

Q. How long has he been in the Air Force?

A. I believe 20 years.

Q. Has he ever flown Air Force planes?

A. Oh, yes, sir.

Q. What kind?

A. I do not know that, sir.

Q. What kind of planes did you fly in before the Saigon crash?

A. For the Air Force, you mean?

Q. Yes, ma'am.

A. I flew C-9's.

Q. Exclusively C-9's?

A. Yes, sir.

Q. Were any of those cargo configurations or were they all palletized with seats in them?

A. All palletized.

Q. Did you have any concern before you took off on the Saigon flight that the rear door might blow out?

A. No, sir.

Q. Did you hear any conversations of people mentioning the possibility that the rear door might blow out?

A. No, sir.

Q. Have you ever been in any flights that made emergency landings?

A. No, sir.

Q. Have you ever been on any aborted missions?

A. I do not know what an aborted mission is.

Q. Have you ever been on any flights that were canceled for any reason?

A. I believe so, sir.

Q. Do you recall what the reasons were?

A. No, I do not recall.

Q. To whom did you give the statement that Mr. Lewis was asking you some questions about a while ago?

A. To Colonel Waxstein.

Q. Did you give any statements to any other Air Force officials at any time?

A. Yes, to Colonel Rayman.

Q. Okay.

MR. DUBUC: I did not get that answer.

THE WITNESS: Colonel Rayman, the flight surgeon.

BY MR. BATTOCCHI:

Q. Colonel Waxstein was conducting a collateral investigation, is that correct?

A. Yes, sir.

Q. Was Colonel Rayman asking you for your statement in connection with the Air Force's official investigation?

A. Sir, I do not know his reason.

MR. PIPER: Objection. This was an official Air Force investigation.

MR. LEWIS: She said she did not know the reason.

BY MR. BATTOCCHI:

Q When did Colonel Rayman ask you for your statement?

A I believe it was the morning following the crash.

Q Were you in Saigon at the time?

A No, sir, I was in the Philippines.

Q Philippines, okay. Did Colonel Rayman, at that time, ask you whether you had -- I am not saying this is the case, I just want to find out -- did he ask you whether you had anything to hide in connection with giving a statement?

A I do not recall that.

MR. PIPER: Objection. I am going to direct the witness not to answer any questions concerning the Rayman statement. It is, as you well know, given to the Accident Investigation Board under the procedures of Air Force Regulation 127-4 and --

MR. BATTOCCHI: Mr. Piper?

MR. PIPER: -- and is a statement which has the claim of privileged that --

MR. BATTOCCHI: Mr. Piper, I am trying to find out precisely the conditions under which the statement was given and I am entitled to ask this witness those questions.

BY MR. BATTOCCHI:

Q Let me ask you a general question, Captain Tate. Do you presently have anything to hide with respect to anything that happened in connection with the Saigon flight of the crash?

A No, sir.

Q At the time you talked with Colonel Rayman, did you have anything to hide?

A No, sir.

Q Did Colonel Rayman ever tell you that he would promise you that anything you said to the Air Force, if you had anything to hide or for any other reason, would be secret?

A I do not recall that, sir.

Q All he did was come to you and ask you to give a statement, is that fair?

A I believe so.

Q And you gave him a statement?

A Yes, sir.

Q Did that statement differ in any way from the statement you gave Colonel Waxman?

A I do not recall what I said.

Q Did you ever obtain a copy of that statement?

A No, sir.

Q. Would you have any objection to our looking at that statement?

A. No, sir.

Q. Do you know of any Air Force personnel who gave statements to Colonel Waxman aside from yourself?

A. Yes, sir.

Q. Who gave statements to Colonel Waxman?

A. I believe --

MR. PIPER: It is Waxstein.

BY MR. BATTOCCHI:

Q. Waxstein.

A. As I recall, I believe the other nurses also did.

Q. Do you know who else gave statements to Colonel Rayman?

A. I believe the other nurses also.

Q. Where were they when they gave the statements?

A. I believe in the hospital, too.

Q. In the Philippines?

A. Yes, sir.

Q. Did any of them ever tell you that they were promised that what they said would be kept secret?

A. No, sir.

MR. DUBUC: Objection.

MR. PIPER: Objection.

BY MR. BATTOCCHI:

Q Did any of them ever tell you that they had anything to hide about what happened during the crash?

MR. PIPER: Objection.

THE WITNESS: I do not recall that they did, sir.

BY MR. BATTOCCHI:

Q Has your husband ever flown any C-5's?

A I do not know.

MR. DUBUC: C-5 or C-5A's?

BY MR. BATTOCCHI:

Q Yes, ma'am, I mean as pilot and commander --

MR. LEWIS: Is there a "B"?

(Laughter.)

THE WITNESS: Oh, no, sir. He is not a pilot. My husband is not a pilot.

BY MR. BATTOCCHI:

Q I see. Your husband has never flown airplanes?

A I thought you meant flown in on an airplane.

Q No, ma'am. I meant --

A No, no, no. He has never flown.

Q I see. Okay. Has he flown in Air Force airplanes?

A Yes, sir.

Q On what kinds of missions and what was he doing when he was flying for the Air Force, as a passenger?

A I did not know him at that time, so I do not know for sure what he has flown in or done on an airplane. I just know he has flown in Air Force airplanes before.

Q Has he flown on Air Force airplanes during the year and a half that you have known him? To your knowledge.

A I do not believe so.

Q Did you ever discuss this accident with anybody whatsoever after the crash?

A Yes.

Q Did you ever discuss with anybody on what the possible cause of this accident might be?

MR. DUBUC: Objection.

MR. PIPER: Objection to the form.

MR. DUBUC: Are you including her husband in that group?

BY MR. BATTOCCHI:

Q Do you remember the question I asked you?

MR. DUBUC: I would like clarification.

THE WITNESS: Yes.

MR. DUBUC: Other persons -- are you including her husband in that group, Mr. Battocchi?

MR. BATTOCCHI: You may go ahead and answer the question.

MR. DUBUC: I note my objection. If it includes the husband, it is privileged.

THE WITNESS: Yes, sir.

BY MR. BATTOCCHI:

Q. Whom have you discussed the accident with after the crash?

A. Probably a lot of people.

Q. Did you ever hear from any source, from any of these people, as to what might have been the cause of the crash?

MR. DUBUC: Objection.

MR. PIPER: Objection.

MR. DUBUC: Hearsay.

THE WITNESS: I read in an Air Force newsletter what the cause of the crash was determined as being.

BY MR. BATTOCCHI:

Q. When did you read that newsletter?

A. I am sure it was several months after the accident.

Q. What did the newsletter look like? Let me explain to you why I am asking this question. I am not sure that I have ever seen the newsletter that you are talking about and I would like to get an idea of when you may have read the newsletter and where you read it and who sent it out and what it said.

Can you help me along those lines?

A. I would recognize the paper, but I do not know the name of it. I think it is still being published. I believe it is a bulletin-type newspaper or newsletter that is sent out to all the bases and I think I have a copy of it at home, but I certainly do not have it here.

Q. What is your best recollection as to what the newsletter said was the cause of the crash?

MR. PIPER: Objection.

MR. DUBUC: Objection. The newsletter speaks for itself.

MR. BATTOCCHI: Do you want to provide us with a copy so I do not have to indulge this --

MR. PIPER: I do not know what she is talking about. I cannot provide you with a copy.

MR. BATTOCCHI: You cannot very well tell me that I

cannot have a copy on the one hand and I cannot ask the witness questions about it on the other.

MR. DUBUC: Note my objection. This is double totem-poling hearsay at this point.

THE WITNESS: Should I answer?

MR. PIPER: Answer if you can.

MR. BATTOCCHI: The objections by counsel are merely for the record and you can go ahead and answer the question.

THE WITNESS: Would you repeat the question?

MR. BATTOCCHI: Yes, ma'am.

BY MR. BATTOCCHI:

Q. Do you recall what this newsletter said about the cause of the crash?

A. That a defective bolt had caused the door to fall off in flight.

Q. Did you know at that time that Lockheed had manufactured the C-5A aircraft?

A. Oh, yes.

Q. Did you know that they manufactured the bolt that was involved?

MR. DUBUC: Objection.

THE WITNESS: No, sir.

MR. DUBUC: Objection.

BY MR. BATTOCCHI:

Q Did you ever talk to anybody about Lockheed's possible fault in connection with this crash?

A No, sir.

Q Did you ever talk to any Lockheed employees about this?

A No, sir.

Q Is a C-9 -- a DC-8 configured for hospital purposes, do you know that?

MR. DUBUC: Note my objection.

THE WITNESS: I forget.

BY MR. BATTOCCHI:

Q Okay. You do not know who made the C-9?

A Yes, I do know that McDonald Douglas makes C-9.

Q Does it have four jet engines, two on each wing?

A I forget.

Q Okay. Did it have a rear cargo door?

A Yes.

Q Where was the rear cargo door?

A This is a rear passenger door.

Q On the side of the airplane?

A. There was also a side door, but there was a rear step leading up into the -- by the airplane -- we are talking about the C-9 plane?

Q. Yes, ma'am.

MR. DUBUC: Just for the record, the C-9 is a DC-9.

MR. PIPER: We will also stipulate it has two engines on the side in front of the fusilage.

BY MR. BATTOCCHI:

Q. Did you ever enter a C-9 through the rear door, the one that opened to the ground?

A. Yes, sir.

Q. Were you near the rear doors of a C-9 at any time while the rear door was being closed?

A. I believe I was.

Q. Did you observe the door opening and closing?

A. I am quite sure I did at the time.

Q. Did you ever hear of any rear doors blowing out of any C-9's?

A. No, sir.

Q. Did you ever hear of any malfunctions of any rear doors in C-9's?

A. I do not recall having so.

Q. Did you ever talk to any people in the Air Force who told you they had heard of rear doors blowing out on C-141's?

MR. DUBUC: Objection.

THE WITNESS: I do not recall that.

BY MR. BATTOCCHI:

Q. Do you recall talking to anybody who told you about problems with rear cargo doors or rear cargo doors blowing out on any airplane?

A. No.

Q. Did you stop flying immediately after this crash?

A. For the Air Force, yes.

Q. Are you currently employed by the Air Force?

A. Yes.

Q. Have you flown for anybody else since the crash?

A. No -- I mean I did not stop flying, but I certainly stopped flight nursing.

Q. Flight nursing?

A. Yes, that is right.

Q. Had you been involved in any other crashes before this one?

A. No.

Q Or any other accidents involving airplanes before this one?

A No, sir.

Q Would it be fair to say that -- strike that. How would you describe the boom you heard at the time of the rapid decompression?

A Very loud, horrendous boom.

Q And at that time, were you fairly confident that you might be killed?

A Yes.

Q Is that because of your knowledge of what can happen if you are in an air crash?

A Yes.

Q Were you terrified during the remainder of the flight?

A Yes.

Q Would it be fair to say that you were undergoing extreme suffering?

MR. DUBUC: Objection.

THE WITNESS: I would say mental anguish certainly was there.

BY MR. BATTOCCHI:

Q As best you could observe, did the other people whom

you were able to see also exhibit signs of extreme mental anguish?

A Yes, I would say so.

MR. DUBUC: Objection.

BY MR. BATTOCCHI:

Q I think in response to one of Mr. Lewis' questions, you testified that you saw parts of the aircraft dispersed all over the airfield.

A Yes, sir.

Q I think you used the word "airfield"?

A Yes, sir.

Q This aircraft did not land at the airfield, did it?

A No, sir.

Q Did you land out in a rice paddy?

A Yes, sir.

Q And did you notice that the aircraft parts were scattered all over the rice paddy?

A Yes.

Q Would it be fair to say from your observations that major portions of the aircraft, at least the cargo section, disintegrated after impact?

MR. DUBUC: Objection.

THE WITNESS: I could not tell, but that is what I thought occurred.

MR. BATTOCCHI: Thank you very much. I have no further questions.

MR. PIPER: Mr. Dubuc?

• CROSS-EXAMINATION

BY MR. DUBUC:

MR. DUBUC: Since nobody else has marked it, I will mark this statement which was read from to you by Mr. Lewis as Defendant's Exhibit G for identification.

(Whereupon, the document was marked Defendant's Exhibit G for identification.)

Q Captain, I believe you indicated in response to one of Mr. Lewis' questions that you did not see any of the children who were in the passenger compartment crying. Is that correct?

A As I recall, yes.

Q When you went to flight school, did you or were you given training as to the symptoms of anoxia, lack of oxygen?

A Yes, sir.

Q What are the symptoms?

A As I recall, some of the symptoms, and these vary with each individual, some of them are cyanosis around the lips

and fingernails, a sense of euphoria or depression, dizziness, lack of muscle coordination.

Q. Now, with respect to the children in the cargo compartment, did you observe any of those symptoms on any of the children?

A. No, sir.

Q. I believe you referred to some training you received in the altitude chamber when you were -- is it Brooks Air Force Base?

A. Yes, sir.

Q. As part of that training and in connection with the chamber, high altitude training, does there come a time when the instructors ask you to remove your oxygen masks?

A. Yes, sir.

Q. Do they ask you to do several activities?

A. As I recall, yes.

Q. Such as playing cards or reading numbers or what kind of activities?

A. As I recall, more a mental type activity such as communicating with the person next to you -- saying your name and talking to them intelligently.

Q. At what altitude do they usually do that in the

chamber, do you recall?

A. No, sir, I do not. I believe it is several altitudes, though.

Q. Are there any altitudes in excess of 25,000 feet?

A. I believe so.

Q. Do you recall, with respect to that training, when you removed your mask, how long a period you were able to converse or perform activities without use of oxygen?

A. It depended upon the altitude and the period of time varies.

Q. Based upon your training and, say, at an altitude of 23-25,000 feet, approximately how long were you trained that you could perform duties and act normally?

A. I do not recall that, sir.

Q. Was it minutes?

A. I do not recall.

Q. It would be a matter of record somewhere, would it not?

A. Yes, sir.

Q. Directing your attention to the statement which has been marked as Exhibit G for identification, would you take a look at that Exhibit G, which is in front of you, and tell me

-- if it takes a minute, you can look through it -- if that is an accurate copy of the statement that you gave to Colonel Waxstein.

(Whereupon, the witness examined the document.)

A Yes, sir.

Q Directing your attention to Page 2, and the second paragraph on that page. Do you see that paragraph beginning, "As I remember. . .?"

(Whereupon, the witness continued to examine the document.)

A Yes, sir.

Q Did you have occasion while the aircraft was on the ground to observe the unloading of cargo from the aircraft?

A Yes, sir.

Q Do you recall whether it was unloaded from the front cargo door or from the rear cargo door?

A Yes, sir, rear cargo door.

Q Was the rear cargo door down as a ramp or how did they do that?

A Yes.

Q Do you remember what the equipment was?

A I recall seeing tanks, war material.

Q Do you know what group or nationality of persons did the majority of unloading?

A As I recall, Vietnamese and Americans unloaded.

Q Were there Vietnamese driving tanks off the aircraft?

A I do not recall that.

Q Were there any Vietnamese driving trucks off the aircraft?

A I do not recall.

Q Were there any Vietnamese hauling guns or howitzers off the aircraft?

A I do not recall.

Q You just recall that they were unloading equipment?

A Yes, sir.

Q Was the flight crew in the area during the time they were unloading?

A I believe they were in the flight deck at the time.

Q They were not down in the cargo deck?

A I do not believe they were.

Q Do you recall whether the captain of the aircraft and the pilot in command posted any security watch?

A I do not know that.

Q In your statement, you refer to the fact that it was

kind of busy out there. What did you mean by that?

A. A lot of people were milling about; a lot of observers were standing around.

Q. In the area of the cargo door?

A. Yes, sir.

Q. Were any of them standing on the cargo door or on the cargo ramp?

A. I do not recall seeing any standing on the cargo door.

Q. You mentioned seeing one woman who you believed was dead after the accident. At the last time you saw her, was she wearing any kind of restraining device such as a seat belt or the type of strap you refer to in the answer to Mr. Lewis' question?

A. No.

Q. In other words, she was unrestrained, in the aisle of the aircraft the last time you saw her, is that correct?

A. Yes, sir.

Q. Am I correct, from your answer to prior questions, that you did not observe -- did you observe anyone else who was in the troop compartment who was killed after the accident?

A. Would you please repeat that?

Q. After the accident, with the exception of the woman

you have described, did you see anyone else who was in the cargo, -- who was in the troop compartment who was killed?

A. I believe that the Sergeant who was a flight mechanic was also dead.

Q. Was he in the passenger compartment also?

A. Yes, sir, to my knowledge, he was.

Q. Prior to the accident, was he wearing any restraining device such as a seat belt or the straps that have been described?

A. I do not know where he was, sir.

Q. Did you see him before the accident?

A. No, sir, except at the time of the rapid decompression.

Q. Where was he then?

A. He was toward the aft section of the airplane with a headset on.

Q. Was he standing?

A. I believe he was kneeling on the floor.

Q. He was not in the seat?

A. No, sir.

Q. And the last time you saw him, he did not have any kind of restraining device?

A. No, sir.

Q. With respect to the children who were in the passenger compartment, did you observe any of them who were killed?

A. No, sir.

Q. And I believe you indicated that you assisted other members of the medical crew in taking the children out of the aircraft?

A. Yes, sir.

Q. Do you recall how many children you handled in that process?

A. No, sir, but we took out all the children and before we took off, I recall that there were approximately 125 babies out there.

Q. During that process, did you observe any of those children who had any injuries?

A. No, sir.

Q. Were the children treated at either the Seventh Day Adventist Church in Saigon or at Clark Air Force Base?

A. To my knowledge, yes.

Q. Do you know if all the children were examined?

A. No, I have no idea.

Q. Who would know that?

A. I have no idea, sir.

Q. Do you know approximately how many children were examined at either hospital?

A. No, sir.

Q. On Page 2 of your statement -- withdrawn.

On Page 1 of your statement, in the second paragraph about halfway down, you indicate that after you boarded the aircraft, you took all your medical supplies and equipment and secured them downstairs in the aft section of the cargo area. Do you see that section?

(Whereupon, the witness examined the document.)

A. Yes, sir.

Q. Where were the children located with respect to the positioning of that equipment? Forward or aft?

A. Forward.

Q. The equipment was behind where the children were seated on the cargo deck, is that correct?

A. That is right.

Q. I think you mentioned in response to some of Mr. Lewis' questions that there were other aircraft assigned to your unit at Clark Air Force Base in the Philippines, is that

correct?

A Yes, sir.

Q What type of aircraft?

A C-9's.

Q Were there any C-141's?

A At that time, I believe not.

Q Were there any C-130's?

A No, sir.

Q Were there any C-5A's actually located there?

A No, sir.

Q With respect to the passenger compartment upstairs, as you have described it, which is the troop compartment, is it not?

A Yes, sir.

Q Am I correct, according to your previous answers, that none of the adults located in the upstairs passenger area had seats?

A As I recall, they did not.

Q So none of them had seat belts?

A That is right.

Q In addition to you and Lieutenant Aune and the two crew members you describe, were there any civilians -- civilian

adults in the upstairs troop compartment?

A. Yes.

Q. Do you know approximately how many?

A. I would say less than 20 and more possibly like 12 or 13, although I do not know for sure.

Q. None of them had seats either, is that correct?

A. I do not believe so.

Q. What was the purpose of having those additional adults in the passenger compartment?

A. I believe they were sent as escorts to the orphans.

Q. Were any of them from the orphanages or the placement agency?

A. I do not know.

Q. Were they briefed on the use of oxygen?

A. I do not know that.

Q. Did you see any of those other adults also attempting to assist the children after the decompression as to the use of oxygen or oxygen masks?

A. I could not see them.

Q. You were asked a question as to the sound you recall at the time of decompression and I believe you described it as a loud boom, is that correct?

A Yes, sir.

Q I think you had previously indicated that you had heard a similar sound when you underwent high altitude chamber training, is that correct?

A Yes, sir.

Q Is there any hissing that precedes that sound or did you hear any hissing preceding that sound either at the time of decompression in connection with this accident or when you underwent your training in the high altitude chamber?

A I did not hear any.

Q You may have already answered this, but do you recall approximately how much time expired between the time of the decompression and the time of first impact with the ground?

A Approximately 20 minutes.

Q During that period, did you receive any instructions or any briefings from any of the crew members as to what was to be done prior to impact?

A No, sir. I was told that we were going back to land.

Q Prior to landing or impact, was there any announcement made or any bells rung or any other signals given as to proximity of the time of landing?

A No, sir.

Q. Do you know if there are any warning bells in the C-5?

A. No, sir, I do not know.

Q. Or any warning buzzers or anything?

A. I do not know that.

Q. That was your first flight in a C-5A?

A. Yes, sir.

Q. How much time was spent in the briefing you received at Clark Air Force Base before your departure for Saigon?

A. I would say maybe ten minutes.

Q. Was that in the aircraft or outside of the aircraft?

A. Both.

Q. How much time was spent in the aircraft?

A. I do not recall that.

Q. Did you have any conference room or ready-room briefing before going to the aircraft?

A. Yes.

Q. What was the subject of that briefing?

A. This mission.

Q. Who gave it? Who gave the briefing?

A. As I recall, the main presenter of the briefing was the chief nurse there.

Q. And that was a Colonel --

A. Baucus, I think was her name.

Q. Baucus, B-A-U-C-K-U-S?

A. I am not sure, but I think that is correct.

Q. How long did that briefing last?

A. I do not recall.

Q. Fifteen minutes, less than 15 minutes or more than 15 minutes?

A. I think probably more like a half hour.

Q. During the course of that half hour, was any briefing given as to location of or use of emergency equipment on the aircraft?

A. I do not remember.

Q. During that briefing, was there any discussion of the C-5A and number of passenger seats and the placement of children when they were received in Saigon?

A. I do not recall.

Q. And the ten-minute briefing you received prior to boarding the aircraft, would it be a fair statement that some of that time was spent in the briefing outside the aircraft and some of it inside the aircraft?

A. Yes, sir.

Q Where were you briefed inside the aircraft, in the passenger compartment, in the cargo compartment or where?

A As I recall, in the cargo department, I was given some briefing.

Q What did that include?

A Location of emergency exit, oxygen bottles and where they were located, and probably just basic information about what would happen if we had an emergency in flight.

Q Was that briefing given in its entirety in the cargo compartment?

A I just do not remember.

Q Do you recall any briefing being given in the troop or passenger compartment?

A I do not remember.

Q Now, you mentioned that you were frightened. Were you still frightened after you were on the ground?

A Yes, sir.

Q Do you think you had your full facilities available to you, full observation powers?

A Definitely.

Q As a matter of fact, they were so acute that you even thought to go back and pick up your purse, did you not?

A. Yes, sir.

Q. And also to get Aune's?

A. Yes, sir.

Q. And at that point, with those faculties as keen as they apparently were, did you observe any symptoms of any of the children as you unloaded the children as to anoxia or any other type injuries?

A. No, sir.

Q. None of the symptoms you described previously would be associated with such anoxia, is that correct?

A. That is correct.

Q. When you had your briefing at Clark Air Force Base, was there any mention of the number of children that were to be evacuated on this flight?

A. No, sir, I believe it was not determined at that time.

Q. Do you know how many seats there are in a C-9?

A. I did know at that time.

Q. Do you have any recollection of an approximate number of seats in a C-9?

A. A C-9 can be configured differently; it can be configured with all seats and some litters or more litters than

seats or whatever.

Q If it were fully configured with seats, how many would it seat, approximately.

A I do not remember.

Q In any event, if fully configured with seats, would it be similar to a commercial version of the DC-9?

A Yes, I would think so.

MR. BATTOCCHI: With or without a first-class compartment?

MR. PIPER: With.

BY MR. DUBUC:

Q When you mention different configurations, does that mean that you can change the configurations by removing some seats to provide for cargo or litter area or replace them, is that correct?

A Yes, sir.

Q Was that frequently done during the period of time you were flying C-9's?

A Yes, sir.

Q Do you know if that can also be done on a C-5A?

A I do not know.

Q Do you have any knowledge of any other configurations

on the C-5A other than the one you observed on the day of the accident?

A I have no knowledge of that.

Q You, in response to Mr. Lewis' questions and also some of Mr. Battocchi's, indicated some members of the flight crew and the medical crew sustained some minor injuries, is that correct?

A Yes.

Q I think you mentioned Lieutenant Aune had a gash on her leg, is that correct?

A Yes.

Q And Lieutenant Goffinet had a shoulder injury?

A Yes.

Q And you mentioned a couple of the Sergeants, do you recall what type of injuries they sustained?

A I recall one Sergeant who had a collapsed lung; I think another one had maybe a back problem or something of that nature.

Q Do you recall any of the crew members or medical crew members, or for that matter, any of the survivors who had sustained any kind of anoxia or injuries due to lack of oxygen or as a result of the decompression?

A. Absolutely not.

MR. DUBUC: I have no further questions at this time.

MR. PIPER: I have no questions.

MR. LEWIS: I have a couple questions.

REDIRECT EXAMINATION

BY MR. LEWIS:

Q. What was the term that Lockheed's attorney used to ask you about symptoms of some kind of condition? What was that word?

(No response.)

Q. He asked you if you noticed any symptoms and he asked you to describe the symptoms of some kind of condition. What was that?

A. I do not know.

Q. You do not remember that?

A. I do not remember, no.

Q. Do you have any problem with your memory?

MR. PIPER: Objection.

MR. LEWIS: Some people do.

BY MR. LEWIS:

Q. Do you?

A. I guess I do right now to that question, sir.

Q Okay. Did you see any crew members who, during the flight and active decompression, did not have access to oxygen?

A I do not recall seeing any who did not have access to it.

Q All right. So then as a flight nurse, you would not expect crew members who had access to oxygen to have a problem with oxygen deprivation, would you?

A Not if they used the mask or the oxygen tanks.

Q But that might be different in a sudden decompression accident where you did not have oxygen, is that not true?

MR. DUBUC: Objection.

THE WITNESS: For a long period of time, the --

BY MR. LEWIS:

Q Do you know the period --

MR. PIPER: Let her finish answering the question.

MR. LEWIS: I am sorry. I am sorry.

THE WITNESS: -- for a long period of time if the individual did not have oxygen.

BY MR. LEWIS:

Q All right. Do you know the effects of oxygen deprivation in small children, the ages of the ones on that airplane; for a sudden decompression at 23,000 feet?

A I think the question cannot be answered when it is asked like that because the oxygen deprivation varies with the time that it goes on.

Q All right. And it varies with the individual, does it not?

A That is right.

Q Now, have you studied oxygen deprivation in children?

A I studied oxygen deprivation in general.

Q Do you know whether there is any difference between children and adults?

A The same variables as before --

Q Is the answer "yes"?

A Would you please ask me the question again?

Q Well, I am trying to find out whether you have any specialized knowledge in this area. Do you have any or have you done any studies or are you familiar with any medical studies of whether or not there is a difference in oxygen deprivation, the potential problems resulting from that in adults or children?

A I do not know.

MR. DUBUC: I object to the form of the question.

MR. PIPER: I do, too.

BY MR. LEWIS:

Q. What percentage of oxygen is in the air at 23,000 feet as opposed to sea level?

A. I do not know.

Q. You do not have any idea?

A. No, sir.

Q. Can you tell me what percentage of the normal ratio of oxygen to the other gases in the air exists at 23,000 feet?

MR. PIPER: Objection. What is normal?

BY MR. LEWIS:

Q. Do you know what percentage of oxygen is ordinarily present at sea level?

A. I do not recall.

Q. What conditions can occur from a sudden decompression at an altitude --

MR. DUBUC: Do you mean medical conditions or what?

MR. PIPER: That is too broad.

MR. DUBUC: I object to the form of the question.

MR. LEWIS: You were asking her different things. I am going to test her knowledge.

MR. DUBUC: Well, the question could refer to either mechanical, medical --

MR. LEWIS: I am speaking of medical. I am not asking her anything mechanical on the airplane unless I specifically state that.

THE WITNESS: Symptoms of hypoxia could occur.

BY MR. LEWIS:

Q All right. Now, what is hypoxia?

A Lack of oxygen.

Q And --

A I am sorry. To say it more specifically, a decrease in the oxygen.

Q Is that the best definition you can give us?

A Yes, sir.

Q That is the definition that you learned at the Air Force school?

A I do not recall, sir.

Q All right. Now, are you familiar with decompression sickness?

A Very vaguely now, sir.

Q You are familiar with it, vaguely?

A Vaguely.

Q Can you tell us what that is?

A I believe decompression sickness applies when an

individual has gone below sea level for a period of time and suffers an ill effect. I may not be right on that.

Q. All right. Then, you do not feel that decompression sickness is a condition that one can observe under some circumstances in persons who have undergone explosive decompression at high altitudes?

A. Certainly not for a short period of time.

Q. For any period of time? I am just trying to find out whether you believe that it is appropriate or is occasionally found in --

A. I do not know.

Q. You do not know?

A. No.

Q. Can you tell us what decompression sickness is?

MR. PIPER: The question has been asked and answered.

MR. LEWIS: She said she was vaguely familiar with it. I want to know to what extent.

MR. PIPER: She also told you what she thought it was. It is a question you asked again. I do not think this repetition is getting us anywhere.

MR. LEWIS: Then you think it is limited to persons that go under water, is that right?

THE WITNESS: As I recall, yes.

MR. LEWIS: All right.

BY MR. LEWIS:

Q. Did you study decompression sickness in the flight nursing school?

A. Yes, sir.

Q. Can you tell us any part of what you learned -- this is the definition of decompression sickness -- in nursing school?

A. I do not recall that.

Q. All right. So the answer is: no, you cannot tell us any part of what you learned. Is that correct?

A. Other than what I have already told you, no, sir, I cannot tell you.

Q. Other than the fact that it is an underwater condition as opposed to high altitude conditions?

A. Yes, sir.

Q. All right. Are you familiar with the bubble theory of decompression sickness?

A. No, sir.

Q. I gather that you cannot describe the symptoms of decompression sickness?

A. No, sir, I just do not remember them.

Q. All right. In addition to hypoxia, can you describe any other condition that can occur in an explosive decompression at a high altitude?

A. No, sir.

Q. Did you examine, as a medical person, any of the children for any high altitude sickness?

A. No, sir.

Q. That was not what you were assigned to do, was it?

A. Right, yes, sir.

Q. And so when counsel was asking you about your observation of their condition, you were not telling us that you made anything that you would call a physical examination or a medical examination of these children to determine whether or not they sustained any injuries as a result of the sudden decompression?

MR. DUBUC: I object to the form of the question.

BY MR. LEWIS:

Q. Is that right?

A. That is true.

Q. And it really would not be fair to expect you to be able to report on their condition, would it? From the basis

of your opportunity to examine them?

MR. DUBUC: Objection.

MR. PIPER: Objection.

THE WITNESS: I do not know what you are asking me.

BY MR. LEWIS:

Q. I am just trying to find out whether you feel that you had an adequate opportunity under adequate conditions to make a judgment as to their conditions, the medical conditions, when they left the airport?

A. I do not know if it was an adequate observation or not. I could observe the children and I did observe them.

Q. I appreciate you saw them. My question is: you would not want to give us a diagnosis of their condition, if any --

MR. DUBUC: I object to the form of the question.

BY MR. LEWIS:

Q. -- based upon your opportunity to see them, is that true?

A. Yes, I think that is correct.

MR. DUBUC: I object to the form of the question.

BY MR. LEWIS:

Q. If they were a regular patient of yours, you would

be much more thorough, would you not?

A. I believe so.

Q. And you would want to look at them for a longer period of time and you would want to take the clothes off as you would want to do a regular examination of them, would you not?

A. That really is not my job as a nurse.

Q. I understand that.

A. To examine.

Q. Can you tell us how long a time circuit -- you mentioned time, can you tell us how long a time can be significant in oxygen deprivation?

A. It is dependent upon altitude and the variables of the individual.

Q. All right. How long can a child, we will say, a year old child go at 23,000 feet without artificial oxygen? In other words, breathing the air in the density that exists at that altitude?

MR. DUBUC: I object to the form of the question.

THE WITNESS: I do not know.

BY MR. LEWIS:

Q. You do not know?

A. No.

Q. So you would not be in a position to say whether or not they were at an altitude with a rarified air sufficiently to damage them or not, is that not right?

A. Yes, sir.

Q. Did you examine any of their ears?

A. No.

Q. Do you know whether any middle ear or balance tests were performed on these children?

A. I do not know.

Q. Do you know what a Babinski Test is?

A. Yes, sir.

Q. Did you see anybody do that on any of these babies?

MR. PIPER: The witness just testified -- excuse me -- did you finish? I am sorry, I did not mean to interrupt you.

THE WITNESS: Well, no, sir.

MR. PIPER: This witness testified a number of times that she had not observed any medical examination on these children and repeated questions of this nature are certainly out of order. I am not going to have her answer any more questions of that nature.

MR. LEWIS: Are you instructing her not to answer?

MR. PIPER: She answered that question.

BY MR. LEWIS:

Q Did you see the children at the hospital?

A I saw different children. There were many children; I saw some children at the Seventh Day Adventist Hospital and I saw some children at Clark upon returning the following day.

Q How many children were taken to the Seventh Day Adventist Hospital?

A I do not know.

Q Were all of them taken there?

A I do not know that for sure, but I believe they were.

Q All right. Who was in charge of those children at that time?

A I do not know.

Q How many children were in the hospital at Clark, the whole group?

A I do not know.

Q Were you on the flight with the children from Vietnam ultimately when they were taken away?

A No, no.

Q Why did you go off of flying status? Did you do that at your request?

A Yes, sir.

Q. In other words, you elected not to serve as a flying nurse anymore?

A. That is right.

Q. As a result of the experience of the accident?

A. That really culminated things.

Q. How is that? I am not quarreling with your decision either; I am just asking. I gather that it was an enormously frightening experience?

A. Yes.

Q. Did you see what kind of tests, if any, were given the children at the Seventh Day Adventist Hospital?

A. No, sir, I did not.

Q. Did you see what tests, if any, were given the children at Clark?

A. No.

Q. Do you know who would know that?

A. No, sir, I do not know.

Q. Do you know whether the physicians at the Seventh Day Adventist Hospital were advised that there was an explosive decompression and under what circumstances?

A. I do not know.

Q. Do you know whether the physicians at Clark Air Force

Base were advised that the children were subjected to an explosive decompression of a certain altitude?

A. I do not know that either.

Q. Pardon?

A. I do not know that either.

Q. Can you tell me how many children you saw at Clark, in the hospital?

A. No, I do not really recall how many I saw. I remember seeing several at different times --

Q. You mean small groups of them?

A. Right.

Q. It is true that there were different compartments or groups of seats in the upper deck or do you not agree that that is true?

A. I do not believe so. There were rows of seats on two sides of the airplane.

Q. Was it just one big passenger compartment, then, is that your testimony? And you could see it all?

A. Yes, I believe that is right.

Q. Let me show you what I take to be a diagram of the airplane and this is, I am sure, one of the exhibits from the accident collateral report on Page 636. I call your attention

to the fact that this diagram seems to suggest that there is a forward troop compartment and an aft troop compartment.

(Whereupon, the witness examined the document.)

Q. Was the airplane that you were on configured like this?

MR. DUBUC: Let the record reflect that that diagram has already been marked Exhibit 3 for identification.

MR. LEWIS: Thank you.

BY MR. LEWIS:

Q. Do you understand the question, ma'am? I will be glad to repeat it.

MR. DUBUC: I object to the form of the question.

BY MR. LEWIS:

Q. Was the airplane configured like that with a forward and an aft cargo compartment?

MR. DUBUC: I object to the form of the question. I do not see any forward and aft cargo compartments.

MR. LEWIS: I am sorry, troop compartment. I stand corrected.

THE WITNESS: I do not recall. This is cargo in here?

BY MR. LEWIS:

Q No, no. Read the diagram, if you will, ma'am. And it says --

MR. PIPER: He is asking a question and pointing to a series of hash marks and I believe everyone here would agree that that is the wing structure.

MR. LEWIS: Oh, I am sorry.

MR. PIPER: Through here, the forward troop compartment is indicated of being forward of the wing and the aft troop compartment being after the wing. Is that a fair assessment?

MR. LEWIS: I believe so, yes, sir.

THE WITNESS: And then in this section, there are no seats.

MR. PIPER: That is the wing.

THE WITNESS: Yes, but inside it, what is in it? Still seats?

BY MR. LEWIS:

Q I do not know. I am asking you, ma'am. You were there.

MR. DUBUC: I object to the form of the question. It is obvious she does not understand it.

BY MR. LEWIS:

Q Well, --

A I do not recall any separation as such between the aft and the forward sections. There were seats throughout that whole compartment --

Q It was all open? Unseparated?

A -- with seats, as I recall.

Q All right. Now, do you have no recollection of another troop compartment, other than the one you were in?

A No, I do not.

Q All right. And nobody mentioned one to you that you can recall? While you were on that flight?

A I do not recall so.

Q If there was another troop compartment, you were not aware of anything either directly or by a statement by anyone else as to what was going on in that compartment, would that be correct, ma'am?

A Yes, sir.

Q Now, how many children survived from the lower deck?

A I do not know, sir.

Q It is a fact, is it not, that two children were killed on the upper deck?

A. I did not know that, sir.

Q. Can you tell me how many flight crew members were killed?

A. Off-hand, no.

Q. Can you tell me how many of the medical crew were killed?

A. Off-hand, again, no. I would have to --

Q. Can you tell me how many photographers --

MR. PIPER: Let her finish her answer.

MR. LEWIS: I am sorry. I thought she said: off-hand, no.

MR. PIPER: I think she was speaking after that.

THE WITNESS: I would have to sit down and think through how many people --

MR. LEWIS: I am prepared to do that if you want the time to do it. Is it going to take time?

THE WITNESS: Yes, sir. I would have to really concentrate on who was killed.

MR. LEWIS: I will be glad to wait.

THE WITNESS: Do you want the exact number?

MR. LEWIS: Yes.

THE WITNESS: I would have to think about it. I

would have to write it down.

MR. LEWIS: You cannot do it without writing everybody's name down and subtracting, is that correct?

THE WITNESS: Yes, sir. I cannot.

MR. PIPER: Do you want to go through that exercise?

MR. LEWIS: No.

BY MR. LEWIS:

Q. It is certainly not readily available in your mind?

A. That is right, yes, sir.

Q. How many photographers were killed?

A. I believe two.

Q. All right.

MR. DUBUC: Note my objection to the questions relevant to either the deaths or injuries to persons who have filed lawsuits and whose lawsuits have been discontinued.

MR. LEWIS: Sir, you seem to feel that she was accurately observing what was going on there and I am just addressing the accuracy of her recollection. That is all.

BY MR. LEWIS:

Q. How many attendants in the troop compartment were killed?

A. I have no idea.

Q. Do you know how many orphans were in the cargo compartment?

A. No, sir.

Q. And you do not know how many survived?

A. No, sir.

Q. Do you know how many persons other than the Vietnamese orphans were in the cargo compartment at the time?

A. No, sir, I do not know that.

Q. And I gather you do not know how many were killed?

A. No, sir.

Q. Your job was to get the living children off and away from the scene of the accident in as good a shape as you could, is that not right?

A. I would say yes.

Q. And you did not have anything to do with the disposal of the remains of those persons that were killed?

A. That is right. I had nothing to do with that.

Q. Were their bodies lying all over the area?

A. I did not see any, other than the lady I mentioned.

Q. That is the limit. You told us about her, but other than that lady, you did not see anybody else outside the airplane?

A. No, sir.

Q. Did you ever look into what was left of the lower cargo hold?

A. MR. DUBUC: I object to the form of the question.

That question has also been asked and answered twice.

THE WITNESS: I am sorry. Would you repeat it again?

BY MR. LEWIS:

Q. Did you ever, at any time following the accident, look into the lower cargo hold to see what was down there? What was left of it?

Did you ever look inside is my question?

A. I was not even by the lower cargo hold.

Q. After the accident?

A. After the accident, no, sir, I did not.

Q. All right. Were the wings on the airplane at the time you got out of it?

A. I know for sure that one wing was not because I saw it burning. The other side, I do not recall seeing it or even noticing where it was.

MR. LEWIS: That is all the questions that I have. Excuse me for just a minute.

(Whereupon, a short break was taken.)

MR. PIPER: Mr. Battocchi, do you have anything?

RECROSS EXAMINATION

BY MR. BATTOCCHI:

Q Do you have any knowledge whatsoever, ma'am, as to the purposes for which the C-5A aircraft was designed?

A I knew it was a cargo airplane.

Q Did you ever see the bid proposal that Lockheed submitted to the government?

A No, sir.

Q Do you know whether Lockheed represented to the government that the plane was manufactured for the purpose, among others, of evacuating troops under emergency conditions?

A I do not know that.

Q You do not know anything about them?

A No.

Q The representations Lockheed may have made?

A Right, I do not.

MR. BATTOCCHI: I have no further questions.

RECROSS EXAMINATION

BY MR. DUBUC:

Q I am sorry to prolong this, but just to clarify the record, you did receive training, did you not, when you were

down at aerospace training in connection with the observation and treating of passengers who might be deprived of oxygen?

A. Yes.

Q. And you were given training in the symptoms by which you would recognize that condition, is that correct?

A. Yes, sir.

Q. Did those symptoms include drowsiness?

A. It could be one.

Q. Does it -- do the symptoms include lack of alertness?

A. Yes, sir.

Q. Do they include crying or other manifestations of discomfort?

A. Yes, sir.

Q. Would they include bluishness or discoloration under the fingernails?

A. Yes, sir.

Q. Would they include ashen skin?

A. Yes, sir.

Q. Did you observe any of those symptoms on any of the children in the passenger compartment of that aircraft either after the decompression or during the period of time you assisted in removing them from the aircraft?

A. No, sir, I did not.

Q. You have been asked some questions about the configuration of the aircraft which was previously marked Exhibit 3 for identification.

Directing your attention to Exhibit 3, could you indicate to us the area of the aircraft in which you were located at the time of the decompression and at the time of the accident?

(Whereupon, the document was shown to the witness for examination.)

MR. LEWIS: If she does not know where there was a forward and an aft cargo compartment, which I think everybody will agree there was, -- I mean troop compartment, then how would she know which one she was in?

MR. PIPER: Let us see if she does.

THE WITNESS: Sir, I know I was in the aft section of the airplane.

(Whereupon, the witness examined the document.)

THE WITNESS: Can you tell me where the galley is? And where the ladder that goes down to the cargo section was?

MR. PIPER: All right, let me -- is anybody going to

object to a stipulation that the ladder goes down approximately the area of the troop doors here?

MR. LEWIS: If you represent that is where it was, we will take your word for it.

MR. PIPER: Do you have any problem with that, Mr. Dubuc?

MR. DUBUC: I have no problem with it.

MR. PIPER: And would you have any problem with the stipulation that the galley is located in this general section of the airplane here?

MR. DUBUC: No problem with that and I might note in the record that it will be connected later by testimony, obviously from crew members.

MR. PIPER: Certainly, it will be. So the galley would be, by general agreement, here and the ladder here, pointing to the door.

MR. BATTOCCHI: Let the record reflect that you have the galley located immediately behind the area of the ladder.

THE WITNESS: Yes.

MR. PIPER: In that general area.

MR. BATTOCCHI: Right.

THE WITNESS: And I was standing just between the

two, between the galley section and the steps that goes down to the stairs -- I was standing in this area and I looked down into this ladder that went down to the aft section of the cargo.

BY MR. DUBUC:

Q Is that aft, is that area described on Exhibit 3 as the "Aft Troop Compartment"?

A Yes, sir.

Q And is that the open area you have been referring to in response to questions as being a single compartment?

MR. LEWIS: She said she did not know whether there were two.

MR. DUBUC: I will withdraw the question.

BY MR. DUBUC:

Q Is that area defined on the Diagram, Exhibit 3, as "Aft Troop Compartment", on the basis of your observations, a single compartment for the seating of passengers?

A Yes, sir.

Q Was that the compartment in which Lieutenant Aune was also located? To the best of your recollection.

A To the best of my recollection, she was probably at the very first row that faced the flight deck -- I mean, did not face the flight deck. The first row that would be leading

to the flight deck.

Q. To your knowledge, were there any children or other persons located in the, what is described on Exhibit 3 as the "Forward Troop Compartment"?

MR. LEWIS: How can she know what was there if she did not know it existed?

THE WITNESS: Where is the latrine on this diagram?

MR. PIPER: I do not know.

MR. DUBUC: I do not know either.

MR. PIPER: They are little containerized things; they put them in what they want to put them in.

THE WITNESS: Would you ask me your question, again, please?

MR. DUBUC: Okay.

BY MR. DUBUC:

Q. When you boarded the aircraft, did you have any occasion to go into what is described as the "Forward Troop Compartment" on Exhibit 3?

A. If there were seats in that section, I was there.

Q. When you boarded the aircraft, did I understand your testimony to be that you boarded the troop compartment via the ladder?

A. Yes.

Q. And that is the ladder in the aft section of the aft troop compartment, is that correct?

A. That is correct.

Q. Do you recall walking forward out of that compartment toward the front of the airplane at any time?

A. Yes, sir.

Q. And where did you go?

A. I recall walking forward toward the front of the airplane before we took off, walking to the very front where there were children seated and counting heads before we took off.

Q. All right. Did you have to go through a door or any restraining structure in order to walk from the rear of the compartment in which you were in to the forward part of that compartment?

A. I do not recall doing so.

Q. It was open, was it not?

A. Yes.

Q. Do you recall any crew member mentioning any use of the forward troop compartment as a crew compartment?

A. As a crew compartment?

Q. Yes.

A Could I ask a question?

Q Sure.

A Does the flight deck connect with this compartment?

Q It does.

A Does it connect with this compartment, except by stairs going downstairs and all the way upstairs?

Q No, this is a wing structure here so it does not connect.

A I was in this compartment when we were on the ground in Saigon, in the forward troop compartment, which is behind the flight deck.

Q All right.

A And in a tour of the airplane while we were waiting for the orphans to come, I recall that the flight crew indicated that this was where they slept.

Q So that was in that area that you have described as the forward troop compartment, is it not?

A I do not know.

Q On this diagram?

A Oh, yes, sir. On this diagram, yes, sir.

Q Were there bunks in there?

A As I recall, yes.

Q. You indicate that is where the crew said they slept on long flights?

A. Yes.

Q. On that tour of the aircraft, were you able to go from the, what is marked "Forward Troop Compartment" to the, what is marked "Aft Troop Compartment" on Exhibit 3, directly or did you have to go indirectly via ladder?

A. Indirectly via ladder.

Q. How did you do that? Was it down one ladder?

A. And up the other, across --

Q. Across the cargo area and up another ladder, is that correct?

A. Yes.

Q. Do you know if there were any children or any other persons being evacuated seated or assigned to sit in what is described as the "Forward Troop Compartment"?

A. I do not know.

Q. That is not where you were located at the time of take-off, at the time of the decompression or at the time of the accident?

A. That is correct.

MR. DUBUC: All right. I have no further questions.

MR. LEWIS: Just a couple.

FURTHER REDIRECT EXAMINATION

BY MR. LEWIS:

Q. Were the children crying before the airplane took off?

A. I am sure some were.

Q. Were the children crying after the sudden decompression?

A. I do not recall at that time hearing children crying.

Q. Did they cry -- do you recall them crying at any time until after the airplane came to a stop?

A. I do not recall.

Q. When is the first time you recall any significant number of the children crying, after the sudden decompression?

A. I do not recall hearing any of them crying.

Q. So you do not recall hearing them crying at any time and they were not crying when you were taking them out of the airplane?

A. Yes, I recall hearing them crying on the ground in Saigon, some children.

Q. This is before?

A. Yes, before the accident.

Q. But when you were taking them out of the airplane,

they were not crying?

A. I do not recall seeing any children crying. I do not recall that.

Q. All right. So the only time you recall any significant crying was before the flight?

A. Right.

Q. Is that correct, ma'am?

A. Yes, sir.

MR. LEWIS: Thank you.

MR. PIPER: Thank you very much.

(Whereupon,

at 1:05 P.M., the taking of the deposition
of Marcia R. (Wirtz) Tate was concluded.)

CERTIFICATE OF REPORTER

This is to certify that the attached proceedings
In Re: Air Crash Disaster Near Saigon, South Vietnam, on
April 4, 1975, held on Tuesday, October 24, 1978, in the offi-
ces of Cole and Groner, P.C., 1730 K Street, N.W., Washington,
D.C., 20005, were duly recorded and accurately transcribed
under my direction; further that said proceedings are a true
and accurate record of the testimony given by said witness;
and that I am neither counsel for, related to, nor employed by
any of the parties to this action in which this deposition was
taken; and further that I am not a relative or employee of any
attorney or counsel employed by the parties and am not finan-
cially or otherwise interested in the outcome of the action.

Neal R. Gross

Neal R. Gross
Notary/Reporter in and for the
District of Columbia

My Commission expires:

3/31/81