

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

- - - - - : VOLUME I

Washington, D.C.

Tuesday, October 24, 1978

DEPOSITION OF

DENNIS WARREN TRAYNOR

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.

APPEARANCES:FOR THE PLAINTIFFS' LEAD COUNSEL COMMITTEE:

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and

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FOR THE THIRD PARTY DEFENDANT, UNITED STATES OF AMERICA:

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(continued):

FOR THE THIRD PARTY DEFENDANT, UNITED STATES OF AMERICA:

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Deputy Chief
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ALSO PRESENT:

DAVID MORAN, Consultant to the Plaintiffs' Lead Counsel
 Committee

I N D E XWITNESS:DIRECTCROSSREDIRECTRECROSS

Dennis Warren Traynor

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EXHIBITS:FOR
IDENTIFICATIONIN
EVIDENCEPlaintiff's:

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report.)

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P R O C E E D I N G S

4:38 p.m.

Whereupon,

DENNIS WARREN TRAYNOR

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

DIRECT EXAMINATION

BY MR. LEWIS:

Q Would you state your full name, please, sir?

A Dennis Warren Traynor, III.

Q And what is your occupation or profession, sir?

A I am a Captain in the United States Air Force.

Q On active duty?

A On active duty.

Q What is your home address, sir?

A 3221 Mill Springs Road, Bellville, Illinois, 62221.

Q And what is your duty station?

A Scott Air Force Base.

Q And where is that located?

A Bellville, Illinois.

Q Are you a C-5A pilot?

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261-4445

A Not currently.

Q Are you the pilot that was assigned as the officer-in-charge of the C-5A that was bringing the so-called "Baby Lift Children" back from Vietnam?

A I was the Aircraft Commander on Aircraft 218.

Q Who assigned that mission?

A I beg your pardon?

Q Who assigned you to that mission?

A The pilot scheduling.

Q You just came up on some kind of a rotation?

A Yes, sir.

Q Where did you leave from?

A At which point? I left from Travis. That is where I was stationed.

Q You started at Travis Air Force Base?

A That is where I started.

Q And the airplane that ultimately arrived in Vietnam --

A Was the same aircraft.

Q -- leaves from Travis. All right. What day and time did you leave Travis?

A I do not recall.

Q Do you know the day?

A No, I do not.

Q How long before you arrived in Vietnam? Do you have any idea?

A Yes, a matter of two or three days.

Q Two or three days. All right. Did anybody explain the mission to you at that time?

A No.

Q They just told you by written order that you were to take the airplane to a given destination?

A I was told to take the aircraft to Hicham.

Q And you did not know that you had any unusual mission?

A No.

Q What was the configuration of the airplane at the time you moved it for the first time?

A It was parked on the ramp at Travis.

Q I mean, was it in a cargo configuration or did it have --

A It was loaded.

Q It was loaded with equipment of some kind --

A With the cargo on board, yes, sir.

Q And you flew to Hicham Field?

A Yes, that is their first stop, without refueling, that is the first stop.

Q Where is that located?

A Hawaii.

Q And Travis is located where?

A In California.

Q Were pallotized seats available in Travis Air Force Base?

A I do not know.

Q Do you know where they are available?

A No.

Q Have you ever seen any?

A Subsequently.

Q What do they look like?

A Airline seats from pallots.

Q Am I correct that they transform the cargo compartment into a passenger compartment?

A I do not know whether that would be appropriate. You can put seats in the cargo compartment, yes.

Q What do you understand the pallotized seats are designed to do?

A Carry troops.

Q Well, where do they fit in the airplane?

A In the cargo compartment.

Q That is what I thought.

A The difference being passengers in seats at that point.

Q By passenger, I am not speaking of a normal airline passenger; I am talking about a human being as opposed to a tank.

A Okay.

Q The pallots of the pallotized seats have oxygen, do they not?

A To the best of my knowledge.

Q Where was the destination of the machinery you were carrying?

A I ultimately delivered them to Saigon.

Q Was there a cargo manifest?

A I am sure there was.

Q Did you ever see it?

A I do not recall.

Q Do you know whether it indicated a designation or destination?

A It is not critical to my job to know.

Q That is not -- you do not know?

MR. DUBUC: Could I just interrupt --

MR. LEWIS: Sure.

MR. DUBUC: -- for a minute. We have another gentleman in the room. I wonder if he is entering an appearance or what his capacity is.

MR. LEWIS: He has been identified, I believe, as a consultant to counsel.

MR. BATTOCCHI: You must have been writing or reading

MR. DUBUC: Was I? Consultant to Subcommittee counsel or Lead Committee counsel?

MR. PIPER: No, to the Lead counsel.

MR. BATTOCCHI: His name, again for the record, is David Moran, M-O-R-A-N.

BY MR. LEWIS:

Q How long were you in Hawaii?

A I do not recall. Nothing out of the ordinary, normal crew rest.

Q Did you refuel and go on or did you stop overnight?

A We stopped overnight.

Q You stopped overnight. Did the same crew take it on farther?

A Yes.

Q Where did you fly from Hawaii?

A To Anderson Air Force Base, Guam.

Q Did you refuel there?

A Yes.

Q That was not a rest stop; that was a refueling stop?

A No, we went right on into Clark.

Q And Clark, of course, is in the Philippines?

A That is correct.

Q How long did you stay in the Philippines?

A Once again, a normal crew rest.

Q It was an overnight or at least a --

A A sleep period.

Q -- a sleep period. How long are sleep periods?

A The shortest ground time is 16-15, I believe, to the best of my knowledge.

Q Fifteen or 16 hours?

A No, 16 hours and 15 minutes.

Q Sixteen hours and 15 minutes.

A It has been several years since I have been in that.

I am losing it.

Q What do you do now?

A I am a personnel officer.

Q Where did the nurses get on the airplane?

A At Clark and at Saigon.

Q When was the first time that you learned that you were going to go to Saigon for purposes of bringing back children?

A When I was alerted at Clark to go to Saigon.

Q Was the equipment that you were carrying ever off-loaded?

A At Saigon.

Q Not before Saigon?

A No.

Q When you arrived in the Philippines, you did not know that your ultimate destination was to bring the children back on the so-called "Baby Lift"?

A Oh, no.

Q How did you come to learn that?

A I received a telephone call.

Q From whom?

A From the command post back at Travis.

Q Who talked to you?

A Lieutenant-Colonel Toneck.

Q What did he say to you?

A And Major Spinney.

Q Two people were on the phone?

A Yes.

Q Can we get the name -- Major whom?

A Spinney.

Q How do you spell "Spinney"?

A E-Y, S-P-I-N-N-E-Y.

Q What did they say to you?

A I could not quote them, but they told me that, they

mentioned the recent daily evacuation of orphans and it was probable that that is what they are going to ask me to do.

I talked to them, I think, twice within the span of just a few minutes.

Q You say they mentioned the recent daily evacuation of orphans?

A That is as I recall, right.

Q When you say "daily", does that mean every day?

A No, I meant the president of World Airways. I believe he had done something similar previous to our evacuation.

Q The president of World Airways evacuated the children from Vietnam?

A I do not know, but that is what I recall.

Q That is what you recollect they had told you?

A That is correct.

Q Were you familiar with this yourself?

A Only from rumor.

Q I understand that. But you had heard about it?

A Yes.

Q And they told you that you were going to take the C-5A that you had been flying to Vietnam and bring back children?

A Yes, sir.

Q How many children did you understand you were to bring back?

A As many as they had. They asked me how many I could bring back.

Q How many did you tell them?

A I related that I would have to go and look and see, and came back to them and told them I could probably take as many as a thousand people.

Q Did you consider the C-5A in the configuration that it was in suitable for carrying small children?

A For the purpose that they had asked me to do, yes.

Q And the purpose was what?

A To emergency air-evac or take children out of Vietnam.

Q Had you been aware of any problems with the cargo door?

A No.

Q Had you ever heard of cargo door problems in the C-5A's at that point?

A Not in the one that I was flying.

Q I do not mean in the one that you were flying. I mean just all the C-5A's in the world?

A Yes, there are problems that are associated with most of the aircraft parts, which is normal. Not abnormally, no.

Q No. Captain, I would appreciate it if you would just answer my question. My question is, sir, not whether other aircraft parts have problems, whether you were familiar -- and I do not know whether you knew about it or not -- with any problems that might have existed in the configuration of the cargo door or ramp in the C-5A-type aircraft?

A In that case, I would have to say no.

Q All right. Then your testimony is that you had never heard of any problems in the C-5A door, cargo and aft ramp

system?

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

BY MR. LEWIS:

Q At that point?

MR. DUBUC: I object to the form of the question because the question you asked was whether he had knowledge.

MR. PIPER: That is right.

MR. DUBUC: And now you just asked him whether he had ever heard. That is two different questions and now you are characterizing the testimony as to --

MR. LEWIS: I am not characterizing it at all. That will be for the jury to consider.

MR. DUBUC: No, that is a characterization. The jury

--

MR. LEWIS: I do not propose to argue with you, Mr. Dubuc.

Could you answer the question, please?

MR. PIPER: Let's have that question read back. I do not think any of us know precisely what that question was.

MR. LEWIS: I will be glad to ask it again.

BY MR. LEWIS:

Q Did you ever hear or come to know in any form whether

by rumor, jungle telegraph, handwriting, print ink, television, radio, or any other means that you might receive information, about any alleged problems with the aft ramp system on the C-5A-type aircraft?

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

BY MR. LEWIS:

Q Did you answer?

A _ Yes.

Q What had come to your attention?

A Routine maintenance on the doors.

Q That there was routine maintenance on the doors? I am not talking about your aircraft itself; I am talking about C-5A airplanes.

A I am also.

Q So you heard that routine maintenance had been done on doors?

A That is correct.

Q Had you ever heard that doors had come off in mid-air?

A Not on the C-5's.

Q Did you ever hear of rigging problems on the C-5's?

A Yes.

Q What kind of rigging problems had you heard of?

A That it was something that needed to be done periodically.

Q That the door needed to be rigged?

A Rigged.

Q Did you know that there was any difficulty in connection with that particular procedure?

A No.

Q It just was an easy thing to do?

A I do not know.

Q Well, but nobody had told you about any particular problems with it?

A No.

Q All right. Did you have any concern about rapid decompression in your aircraft?

A It is a subject of intense training for all pilots.

Q Is it emphasized?

A On our particular aircraft?

Q Yes.

A C-5?

Q Yes.

A No.

Q Have you experienced prior to the event on this aircraft sudden or rapid decompression?

A In the altitude chamber only.

Q Only in a simulated situation?

A That is correct.

Q Never in actual service?

A No.

Q Every time you took an aircraft up, did you discuss the prospect of rapid decompression?

A Yes, sir. No, let me rephrase that. At the beginning of every mission, we discussed it; not every time we took the airplane up.

Q Okay. What did you consider when you were discussing at the beginning of every mission?

A The procedures.

Q What people on your aircraft would do in the event of rapid or sudden decompression?

A That is correct.

Q What are the things that would be of interest to you as aircraft commander in these discussions?

A The procedure is quite definite. I do not recall it

at this time. Primary would be for the pilot to put on his oxygen mask.

Q Was it written down?

A Yes, oxygen masks on.

Q No, no. I mean the procedure that you describe for the sudden decompression was reduced to writing?

A That is correct.

Q All right. Where would one find this document?

A On the check list.

Q On the check list that was part of the manual in the cockpit of the aircraft?

A That is correct.

Q Now, were you interested in seeing that the -- what else were you concerned with to protect against problems created by rapid decompression?

A The ability to descend.

Q Anything else?

A That is the primary one.

Q You mentioned that ordinarily when you started off on a mission that you had a discussion with, I gather, the key people on your aircraft?

A That is correct.

Q Concerning, among other things, rapid decompression, is that right?

A That is correct.

Q And did you have particular things that you wanted them to do?

A Yes, I did. But, as I say, that has been several years ago and I could not tell you what they are now.

Q Well, would it be important to see that all of your passengers had oxygen?

A Only if I could not descend.

Q Only if you could not descend?

A That is correct.

Q The check list said that everybody had to have oxygen?

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

THE WITNESS: I do not know.

BY MR. LEWIS:

Q It did not say that? Were you concerned that everybody on your airplane have oxygen?

MR. PIPER: You asked him a moment ago -- objection -- the check list said everyone had to have oxygen. He said, I do not know, and you said, it did not, then. You mis-

characterized his testimony and the statement for the record.

BY MR. LEWIS:

Q When you were going to pick up the Vietnamese children, were you concerned that they did not have oxygen on board?

A I was aware of it.

Q Were you concerned?

A Was I troubled by it? No, I was not troubled.

Q It did not trouble you at all?

A I knew the procedures at the time and I knew what to do.

Q Did you think it was important that all of the human beings on the airplane have oxygen available to them?

A Do you mean supplemental oxygen?

Q Yes.

A No, I did not think that was necessary.

Q What was the condition of your airplane prior to leaving Vietnam?

A The condition?

Q Was it in good shape or was there anything wrong with it?

A Nothing significant that I recall.

Q Was there anything wrong with it?

A I do not know.

Q You do not know what was wrong with it, if anything, is that right?

A I do not recall anything that was wrong with it. You are asking me to go back two and a half years.

Q I understand that, but I gather that that was a significant event in your life, was it not?

A Of course.

Q Do you have some difficulty remembering any event that occurred at that time?

A I do not know.

Q Was the cockpit voice recorder working on the aircraft?

A I do not know. We received a tape from it, but I do not know if it was working.

Q When do you turn on the cockpit voice recorder as a matter of procedure? At what point in time?

A As I am aware, it comes on with aircraft power.

Q When you turn the power on, the voice --

A I believe so.

Q -- recorder comes on at the same time. Did you have any concern about the way the loading of the human beings was

taking place on your aircraft?

A Yes, I personally looked at the entire procedure.

Q Did you approve of it?

A Yes, I did.

Q What restraints were available for forward and aft movement for the children on the lower deck?

A Five thousand-pound tie-down straps.

Q And the tie-down straps were located where?

A In tie-down rings.

Q But how were the children attached to these tie-down straps?

A They were either seated on the floor or on the catwalk, which is the sidewalk around the edge of the aircraft.

Q Would the tie-down straps keep the children from moving backwards and forwards?

A It would keep them from moving forward.

Q It would keep them from moving forward?

A Yes.

Q What ages were the children?

A I do not know. Young.

Q Some of them were as young as a year or less, were they not?

A I could not tell you.

Q They were very small, were they not?

A Yes.

Q Many of them were ten pounds or less, were they not?

A Yes.

Q Now, how would you fasten a ten-pound or less child with a tie-down strap?

A The children who were very young were not fastened with tie-down straps.

Q How were they fastened?

A They were up in the troop compartment.

Q So all of the young ones were up in the troop compartment, is that your testimony?

A I do not recall.

Q What was the average age of the children in the troop compartment?

A Anyone old enough to undo the seat belt buckle went downstairs.

Q So then, in your opinion, how old would a child be that would meet that standard?

A I was judging it on mobility, not on age.

Q Well, then tell me how big they were or how mobile

they were?

5:00 p.m.

A If they could undo the seat belt -- if they undid the seat belt, we took them downstairs. We, the attendants.

Q All right. So, in effect, the children in the troop compartment were infants of tender years, is that right?

A Well, the criteria that I gave you is what criteria that I told the people to do.

Q Do you have children --

A I do not recall.

Q Do you have any children?

A Yes, I do.

Q At what age would your child be capable of undoing aircraft seat belts?

A He could undo it now; he is four.

Q He could undo it at two, could he not?

A Perhaps not.

Q So in any event, they would be under four?

A Yes.

Q Could he undo it at three?

A I do not know.

Q What kind of seat belt locks did they have?

A Standard passenger.

Q If the child could lift up the latch -- and I do not know what you call the mechanism --

A I do not either.

Q -- but you know what I am talking about. There is a hinged-like device, I gather, that the strap goes through, a locking mechanism, which stays in place and when you lift up, you loosen it. That perhaps is not a very scientific description.

A It releases it, yes.

Q It releases it. Now, your test was if the child could pull up the latch, is that correct?

A Yes.

Q When you walked through the aircraft, you noticed that the children in the seats were essentially very small children, is that right?

A Yes, sir. When you say very small -- yes, they were not ten and twelve, yes, that is correct.

Q I thought they were -- many of them were under one, were they not?

A I do not know.

Q Babies? You could not see them? Do you know how

much they weighed?

A No, I do not.

Q You stated in the cockpit, did you not, that -- or somebody stated in your presence that they were ten pounds apiece?

(No response.)

Q Is that correct? Did either you say or somebody else say in your presence --

A I do not recall.

MR. DUBUC: Are we referring now to Exhibit E for identification?

MR. LEWIS: Yes, I guess it is E. It is the C-5A, 218 CDPIR Audio Transcript.

MR. DUBUC: That has been marked Exhibit E for identification.

MR. LEWIS: Thank you.

MR. BATTOCCHI: Off the record.

(Discussion off the record.)

BY MR. LEWIS:

Q Calling your attention, sir, to Page 2 of the exhibit mentioned, the third line down --

MR. PIPER: Before you get started, is that the

exhibit that starts with the CDPIR information?

MR. LEWIS: Yes.

MR. PIPER: And does not include the first control business?

MR. LEWIS: No, this would be 60 -- it has a numerical number, 606 at the bottom.

MR. PIPER: Right. I understand.

MR. LEWIS: The paragraph starts out: "According to my chart. . ."

BY MR. LEWIS:

Q Do you see that paragraph?

(Whereupon, the witness examined the document.)

A Yes, I do.

Q Do you know who said that?

A No, I do not.

MR. BATTOCCHI: Wait a minute. Where are we?

MR. PIPER: Page 2, third transmission.

BY MR. LEWIS:

Q Was that said in your presence?

A No, it was not.

Q It was not said in your presence?

MR. DUBUC: Just so we are clear on the record, is he looking at either Exhibit H or what we all agree is a true copy of Exhibit H?

MR. LEWIS: Yes.

MR. DUBUC: Not H, E.

MR. BATTOCCHI: E, that is right.

BY MR. LEWIS:

Q It is the one that makes reference to about ten of them kids to make a hundred pounds.

A I see.

Q You say that was not said in your presence?

A That is correct.

Q When did you enter the cockpit, sir?

A Page 4.

Q Can you tell me who was in the cockpit before you got there?

A One for sure. I told the co-pilot to stay in the right seat for the ground operations.

Q Do you know anybody else?

A Not who was in the seat, no. Or in the cockpit.

Q I mean in the cockpit.

A No.

Q Do you know who said the next line, starting with the word --

A What page is this, please?

Q The same page, two.

A In that case, no, I do not. I did not enter the cockpit until Page 4.

Q Have you ever reviewed this document before?

A I reviewed it just prior to coming in here.

Q Have you ever reviewed it before that?

A Yes.

Q So somebody has shown it to you before?

A It was available to me, yes.

Q Did you see it?

A Yes, I saw it.

Q Did you discuss this with anyone?

A No.

Q Never did discuss it with anyone. Did the accident investigators or anybody ever ask you who was who?

A Yes.

Q So somebody did ask you that and so you did see it on that occasion?

A Yes, I saw it.

Q All right. Did you ever identify the speakers?

A I identified myself.

Q Did you ever attempt to identify anybody else?

A No.

Q Can you tell me why whoever was the speaker would make a statement, as we see on Page 2: "Yeah, but then you got the problem of ah -- Jesus, we are up at 370, correction, 370 and we have a rapid decompression, ah, we are going to lose someone."?

A No, I cannot.

Q Do you know what basis anybody would have for making that statement?

A No.

Q The only people in the cockpit would have been members of your crew, would that be correct?

A That is correct.

Q So whoever the speaker was was somebody assigned on that mission?

A That is correct.

Q Is this an intercom?

A Yes.

Q You picked up anybody wherever they are on the air-

plane that speaks into it?

A Into the intercom, yes.

Q Is that correct?

A Yes.

Q So could some of these references be people that are on the back of the airplane or other parts of the airplane?

A Yes.

Q Now, before you got to the cockpit, were you plugged into that same system?

A No.

Q Where were you?

A Performing pre-flight duties.

Q On the airplane?

A On the airplane and off the airplane.

Q Who is John?

A I beg your pardon?

Q John. There is a reference on Page 1 to a "John".

MR. PIPER: Where on Page 1?

BY MR. LEWIS:

Q It is the second paragraph, I guess, starting: "Okay let me get -- well -- John, can you --

(Whereupon, the witness examined the document.)

A That would be John Langford, the navigator.

Q That would be the navigator?

A I am supposing.

Q And then somebody said: "You want the rear doors closed, is that right?" And the answer is "right". Who would have authority to close the doors?

A The loadmaster.

Q The loadmaster would. He would not require your permission?

A No.

Q Now, on Page 1 of this same exhibit, there is a discussion about altitude and weight and things of that variety.

A Yes.

Q Can you -- who would be appropriate to discuss these topics?

A Anyone could discuss any of the topics as a general interest statement.

Q When you say "anyone", who would have ordinarily that responsibility?

A Do you have a specific?

Q Well, I see, for example, there is a reference: "How much weight did we figure on all these -- about 33,000?"

A I do not know.

Q To your knowledge, did anyone ever attempt to designate or try to define from listening to the tape itself who was speaking in each instance?

A We were asked to by the Accident Board.

Q Did the Accident Board, then, identify this tape by speaker?

MR. PIPER: Objection to anything he knows about what the Accident Board actually did.

MR. LEWIS: It is a fact. You people, I gather, were giving us facts. There is not much point in giving us a transcript without telling us who said what to whom. Are you saying that we are not entitled to that?

MR. PIPER: Go ahead. Let him answer. The objection is there.

THE WITNESS: I am sorry. Ask the question again.

BY MR. LEWIS:

Q The Accident Board, then, has, to your knowledge, an attempt at identifying the author of each one of these utterances?

A I do not know that they recorded it. They asked us to do that.

Q What did you do, then, in light of that request?

A Our task was to help them proofread their transcript.

It was not primarily to identify who said what to whom.

Q Did you attempt to do that? You, personally?

A For my part.

Q All right. Were others with you physically when you did that?

A In the same room.

Q Was the group of you listening to this transcript from the beginning -- I mean the audible portion of the voice?

A I am sure we were.

Q Then was it the sort of discussion of whose voice was whose?

A I really do not recall, sir.

Q Could you tell me how it was done, then? How did the group of you identify the voices?

A That was not our goal; not to identify the voices per se. It was to identify that their transcript was correct.

Q Did you also give them who said what?

A When my part was not clear.

Q Did other people identify what they said?

A Yes, the transcript was incomplete and we filled in

the majority of the blanks.

Q All right. Is the transcript that you have complete now?

A I do not know.

Q Is that the corrected version or the uncorrected version?

A I do not know. I would guess that it is the corrected version.

MR. LEWIS: Do you know, Mr. Piper, if we have the final version?

MR. PIPER: You have the final version as it exists. There would be no sense in putting a preliminary version in the report. And my understanding is this was final insofar as was able to be done.

BY MR. LEWIS:

Q Where did you come in on Page 4, sir?

A At the top of the page.

Q Which line?

A First line.

Q Reading: "Pilot - troop"?

(Whereupon, the witness examined the document.)

A Let me see. Oh, no, I beg your pardon. It would be the third line.

Q Starting: "Okay, is it halfway comfortable back there for them?"

A Let me review this, please.

Q Certainly. Take your time.

(Whereupon, the witness examined the document.)

A I cannot tell you for sure. It was either the co-pilot or myself that said: "Okay, is it halfway comfortable for them back there?"

Q What were you speaking of or what was the co-pilot speaking of?

A It was 90 degrees on the ramp. That vicinity was very hot.

Q You are talking about heat?

A The heat.

Q The plane is not air conditioned, is it?

A Yes, it is.

Q It is air conditioned?

A Yes, sir. And so the reply was: "Yes."

Q You mention a Colonel coming on board. Who was that?

A Where, please? "Okay, sir, the co-pilot has got his passport, Colonel"?

Q No, four lines from the bottom, coming up from the bottom.

A Okay. That was probably the scanner, the man outside the aircraft.

Q Can you tell me which Colonel that was?

A No, I cannot.

Q Was there a Colonel on board without a passport?

A They told me that there was a passenger who did not have a passport with him and when someone approached the airplane, they told me who it was. Once again, I am guessing that that is what --

Q I am just trying to get the man's name who was the Colonel.

A I have no way of knowing.

Q You do not know his name?

A No way to know.

Q Did he actually leave via the airplane?

A I could not tell you that either.

Q How many orphans were on the airplane?

A I do not recall the numbers.

Q Did you make the tour of the airplane before take-off?

A Yes.

Q To see how they were secured?

A Yes.

Q Do you have any idea how many, approximately, were on the lower deck?

A I would not like to guess.

Q Do you have any rough approximation?

A From my recollection, walking through the troop compartment and the cargo compartment, no.

Q How far -- was your take-off uneventful?

A Yes.

Q Your airplane was not struck by rocket fire or anything like that?

A Not to my knowledge.

Q And it functioned normally in taking off, heading for the Philippines?

A Routine.

Q And the weather was acceptable?

A Acceptable.

Q How long were you into your flight from lift-off when

the sudden decompression occurred?

A We just passed Vung Tau.

Q Do you have any idea how far that is from Saigon?

A Not any longer.

Q Were you over water?

A Yes.

Q What was the name of the place that you mentioned?

A Vung Tau.

Q Is that a place on the map or is that a place on land?

A Both.

(Laughter.)

Q I guess that is a good answer. It is not just a coordinate --

A No.

Q -- that you would see on an air map sometimes?

A That is correct. It is a place.

Q Describe what happened in the decompression.

A In the decompression? There was a loud bang, followed by fog. I put my oxygen mask on and began a descent.

Q Did you have any difficulty controlling your machine?

A None.

Q It behaved in the normal fashion?

A For what I was doing, yes.

Q What were you doing?

A Rolling off on a wing to descend.

Q I am speaking of the whole procedure. At what altitude were you?

A We had just passed 23,000.

Q What was the first thing that you did after you put your oxygen mask on?

A Waited for the crew to check in.

Q Did they all check in?

A Yes.

Q What was reported to you?

A Someone said that we had lost our pressure door.

Q Anything else?

A I do not recall.

Q Did anybody suggest that one of your crew had left the airplane involuntarily?

A No.

Q Did anyone suggest the extent of damage to the airplane?

A Not at that moment.

Q When did they tell you that?

A I directed a scanner to assess the damage.

Q Who is the scanner?

A I sent Sergeant Snedegar.

Q Sergeant Snedegar is ordinarily connected to what station?

A He was a flight examiner and loadmaster.

Q Where is his usual station on the airplane?

A He has no usual station. At the time, I believe he was in the aft flight deck.

Q And you reached him via the intercom?

A I do not recall.

Q Did you go down there personally and look?

A No.

Q You were flying the airplane?

A I never left my seat.

Q You were flying the airplane?

A Correct.

Q Or was the co-pilot flying it?

A No, I was flying it.

Q All right. Then everybody checked in -- and did everybody check in?

A To my recollection.

Q So you did not miss anybody at that time?

A Oh, no.

Q Did you lose a crewman in the air?

A I cannot ascertain that.

Q What did you do with respect to controlling the airplane after everybody checked in?

A While people were checking in, I was rolling into a bank for the purpose of losing altitude.

Q How steep a bank?

A Whatever it took, seat of the pants.

Q Can you tell me --

A I would say in the neighborhood of 45 degrees.

Q Was there any problem with the controls, did you have any problem -- did the airplane respond normally?

A The only control I was using was adiron.

Q And they were functioning normally?

A At the time, I could not tell.

Q When was the first time that you noticed any problem with the control circuits?

A When I had made 180-degree turn, nose low, and had reached the steepness of descent that I wanted.

Q And how steep was that?

A I do not know.

Q You were not able to descend as you would ordinarily descend since the rapid decompression situation, were you?

A Yes.

Q You were?

A Yes.

Q How long did it take you in time to get down to 10,000 feet?

A I do not know.

Q Did you have any trouble controlling the airplane at all?

A Yes.

Q Would you describe it?

A After I made my 180-degree turn, when I had reached the angle that I wanted to make my descent --

Q And that angle was what?

A I do not recall. When I reached that angle, to keep my air speed from increasing, I would have to add back pressure to fly the aircraft. The artificial feel was working fine so it felt like I had control. There was no indication to me on the control wheel that I had a problem until my air speed

increased and I had the yoke in my lap, to no affect.

Q When you say you had the yoke in your lap, you mean you were trying to pull the airplane up?

A Yes, I was trying to keep the dive from increasing.

Q And you were not successful by that means?

A That is correct.

Q By use of the yoke?

A Correct.

Q What did you do to change the dive angle?

A I added power.

Q What did that do?

A Increased my air speed.

Q Can you tell me the rate of descent?

A No, I cannot.

Q So then how did you descend, with the use of mushing it down with the use of the engines?

A I do not know that word. I added power to increase my air speed.

Q Did you, at any time, make a check of your controls to see what was actually functioning and what was not?

A The entire time.

Q All right. What did you find?

A I found that although I had a hydraulic system available for my flight control, I was still not able to control the aircraft.

Q You mean there -- there is a redundancy, is there not, or supposed to be, a redundancy in the hydraulic lines that go to the control surfaces in the tail of the airplane?

A Yes, the C-5 is a very safe aircraft. It has redundancy in most systems. The flight controls has triple redundancy.

Q Did you have somebody check those hydraulic lines?

A Yes.

Q And you found the set intact, is that correct?

A No. I have lights on my overhead panel that tell me whether I have hydraulic pressure or not.

Q So it was not a physical check. It was the control panel itself that told you that you had hydraulic pressure.

A Available.

Q What explanation do you have for them not working?

A Severed control cables.

Q So it was not the hydraulic system itself; it was the control cables? I do not quite understand you. When you say "cables", what are you speaking of?

A The aircraft is a hydraulically actuated, mechanically operated flight control.

Q Well, I do not know that I completely understand that. It is not you; it is me.

The control surfaces are controlled by means of hydraulic fluid passing through a tube which goes directly through the system, is it not?

A That is --

Q That is not accurate?

A That is inaccurate.

Q All right. Describe it for me.

A From my standpoint of a pilot, I have observed that there are cables going to hydraulic actuators near the flight controls.

Q Do you mean near the surfaces themselves?

A That is correct.

Q So the hydraulic lines go to the vicinity of the control surfaces and then from there on --

A As well as --

Q -- the power is actually transmitted by a cable?

A The cables and the flight controls. I am sorry, the cables and the hydraulic fluid both arrive at the same actuator

Q Are you saying that the control surface can be actuated by either a cable or the --

A No.

Q -- hydraulic? It takes both?

A Both.

Q Do you have any indicator that tells you that you are not getting action on the control surfaces?

A No, seat of the pants.

Q So there is no guage or one of the many lights or anything like that that tells you that the control surface is not functioning properly?

A The way that you are expressing it, I do not believe so.

Q They tell you about the hydraulic, whether there is pressure in the hydraulic line?

A That is correct.

Q But they do not actually tell you whether the surface is up or down?

A No.

Q You have to know that because of the way the airplane is actually behaving, is that correct?

A That is correct. You confused me on that line, but

I think what you said is correct.

Q Was any other part of the aircraft damaged by the sudden decompression?

MR. VAN NUYS: Other than what?

THE WITNESS: Other than what, yes?

BY MR. LEWIS:

Q I thought you told me that your capacity to control the airplane was, in some way, impaired?

A Yes, as a result of the rapid decompression, I lost the ability to control pitch and yaw.

Q And that was as a product of this sudden decompression, was it not?

A It happened shortly thereafter, yes.

Q I appreciate there may have been a series of events and the door may have hit something, but you did not see all those?

A That is correct, I did not.

Q All you know is that there was a sudden decompression and you had these control problems?

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

THE WITNESS: That is correct.

BY MR. LEWIS:

Q All right. Now, I want to know did you learn of any other problems in the aircraft that occurred at the same time?

A I cannot think of any right now.

Q All right. What was your plan after you had this event occur in your airline?

A To descend to -- back to Saigon.

Q And you wanted to land at which airport?

A Well, I was worried that I would not land anywhere, but when I --

Q Why?

A The severity of the situation.

Q Were you not able to control the airplane?

A As soon as I obtained the ability to semi-control the airplane, it was extremely taxing to do this.

Q Was it semi-control or could you control the descent of the airplane or not?

A I would have to say semi-control.

Q Semi-control.

A It was --

Q So you had a poor quality of control?

A That is at least an accurate statement.

Q All right.

(Laughter.)

Q I can easily believe it. I want you to tell me what happened. Just tell me what happened as far as the quality of the control goes?

A Okay. I discovered that my plan to advance the throttle to increase the air speed, to effect a pitch change, worked.

Q All right. To what extent?

A I began to climb again, rolled off on a wing once again, before I --

Q Was that intentional?

A Oh, yes. I rolled off on a wing when I approached flyable air speed.

MR. PIPER: Could we go off the record for one moment, please?

(Discussion off the record.)

BY MR. LEWIS:

Q And you intended to land in Saigon?

A Yes.

Q Did you head in that direction?

A Yes.

Q Why did you not land in Saigon?

A I lost control of the aircraft prior to impact, prior to making the field. The pitch of the aircraft increased more than maximum power would compensate.

Q Did the control difficulties increase or --

A I am not aware of the reason.

Q You do not really know why?

A No. I was confident at the time that I would make the field until just prior.

Q How far were you from the field?

A Turning final.

Q How far is that in miles? Roughly.

A A few -- less than five as a guess.

Q Okay. Did you have your wheels down?

A Were were emergency extending the gear at the time.

Q Did you extend the gear to land at the field or did you extend the gear for some other purpose, anticipating a non-field landing?

A With the air speed that we were holding, we were afraid that we might not get the gear down as quickly as we would like, so we started at 10,000 feet to put the gear down and we were correct. It took a long time, but was fully locked

when we touched down.

Q Was there any damage to the hydraulic system that operated the wheels?

A Apparently not.

Q Did it take longer than usual to put the wheels down?

A Yes.

Q Can you tell me why?

A Air speed.

Q You were going too fast?

(No response.)

Q Well, you anticipated that if you tried to put the wheels down when you were really moving that it would be a difficult operation?

A I beg your pardon?

Q Did you not anticipate that it would be difficult to get the wheels down when you were moving at that speed?

A Yes.

Q What speed was that when you started to put the wheels down?

A The same speed that we had the rapid decompression and lost elevator control.

Q What speed was that?

A It should be approximately 270 knots.

Q What is the ordinary speed that you let the wheels down at?

A I knew you were going to ask. I do not remember.

Q You do not know what you ordinarily --

MR. PIPER: I believe he testified that he did not remember.

THE WITNESS: I do not remember.

BY MR. LEWIS:

Q You do not remember what the ordinary speed is for putting the wheels down?

A No. Two hundred knots.

Q You would ordinarily put the wheels down when you were proceeding at 200 knots?

A I believe that was the maximum, and once again, I would like to tell you that I have not flown the aircraft in quite some time. I do not recall.

Q In how long?

A Since 1976.

Q How many hours did you have in it?

A Coming up on 1000 hours, approximately 1000 hours.

Q How many times did you have the opportunity to land

it?

A I do not know.

Q Quite a number of times, though?

A I am sure.

Q How fast was the airplane moving when it first touched the ground?

A I was not watching the air speed.

Q You do not know?

A No.

Q It was in the vicinity of something like almost 300 statute miles an hour, was it not?

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

THE WITNESS: I do not work in statute miles.

BY MR. LEWIS:

Q You do not know what statute miles are?

A Not in terms of air speed.

Q And you have no recollection of the speed at all?

Is that your testimony?

A No, I never looked at the air speed at touch-down.

Q How fast was it going before you touched down, when you last looked at the air speed?

A In my means of controlling the aircraft, the aircraft

speed would increase and that would effect a pitch-up moment; if my air speed decreased, that would effect a pitch-down moment, so it should be somewhere in the neighborhood of 270 knots.

Q And how many statute miles an hour is that?

A It is figured out on a computer. We do not use it.

Q What happened to the airplane on impact?

MR. PIPER: I am sorry. I did not catch the last two words.

MR. LEWIS: I said what happened to the airplane on impact?

MR. PIPER: Thank you.

THE WITNESS: We glanced off the ground and became airborne again.

BY MR. LEWIS:

Q When you say you glanced off the ground --

A Yes.

Q -- is it a ricochet kind of a --

A No, like a touch and go.

Q Did the wheels touch?

A Yes.

Q What kind of surface did they touch?

A Turf.

Q Are you talking about grass?

A I do not know. It was too fast to tell.

Q What was the terrain like in that vicinity?

A Flat.

Q What was it made up of?

A Too fast.

Q Was it a city, farm, jungle?

A Oh, it was open --

Q Open farmland?

A Well, I guess you could call it farmland.

Q Well, was it under cultivation?

A I do not believe so.

Q Did the touch-down decrease the air speed any?

A I could not tell you.

Q You did not notice any change in air speed?

A I do not know.

Q Do you have any recollection of any change in air speed?

A No, I do not.

Q Not just from looking at the instruments, but by the seat of the pants?

A I understand the question and I do not recall any change in air speed.

Q All right. What happened next?

A We became airborne and touched down again.

Q Can you tell me the distance roughly that you travelled?

A No, I cannot.

Q I mean, was it a question of miles or less than a mile?

A Something in my frame of reference -- I do not have anything to judge how far it was. It was too low, too fast for me to gauge the distance.

Q All right. Did you go over the Saigon River?

A Yes, we did.

Q In this --

A I was told it was the Saigon River. I went over a body of water.

Q Okay. And you touched down again?

A That is correct.

Q Did it rise again?

A No.

Q So that was the actual crash? It was the second

impact?

A It was the second impact, yes.

Q Do you have any estimate as to the speed at that time?

A No.

Q Pardon?

A No.

Q The last time you noted it, it was something like

280 knots?

A No, 270 knots was the air speed at which I had trimmed for in my climb-up. I was not concerned with air speed, seeing as how I could not change it. I was concerned with pitch attitude.

Q Yes, but you were trying to give the airplane as much power as you could get out of the engines in order to make the airport, were you not?

A No.

Q You were not trying to stretch it as far as you could to get to that airport?

A At what point?

Q Just before the first touch-down?

A Oh, certainly. I had the power at full when the nose decreased in the final turn and I remained in full power until

which time, close to the ground, it was obvious that I was going to probably touch-down, at which time I pulled back on the throttles to idle.

Q And that is when you touched down?

A The first time.

Q The first time. You flew over the body of water that you described?

A Yes.

Q And crashed?

A Yes, that is where I ground to a stop, yes.

Q Physically, what happened to your airplane?

A I could not tell. I felt a forward rolling moment, pitching down. I felt myself roll upside down. And then I felt the aircraft stop.

Q You were thrown out of the pilot's seat?

A No.

Q I thought you said you rolled upside down?

A Oh, I did. I had a seat belt on.

Q Was your seat belt tight?

A Yes.

Q Did the seat belt break loose?

A No.

Q Then how did you turn -- when you say you rolled upside down, you are talking about that you physically turned upside down?

A My sense and my ears indicated to me that I rolled upside down at that time and upon getting out of the aircraft, it was confirmed by the fact that the cockpit was upside down.

Q All right. The cockpit was torn loose, that portion of the aircraft was torn loose from the rest of the airplane?

A Yes, that is correct.

Q You did not understand the humorous -- that that happened?

A No.

Q Why not?

A I do not know.

Q Were you knocked unconscious?

A No.

Q Were you dazed in any way?

A Not at all.

Q Where did the flight deck sever from the rest of the airplane?

A Aft of the galley.

Q Can you tell me about how many running feet that

would be -- how big a piece of airplane? How far back is it?

A I am just guessing -- no, I cannot. It is just forward of the wings and I cannot tell you how many feet.

Q Where is that in relation to the troop compartment, the aft troop compartment?

A The other side of the wing.

Q The aft troop compartment begins on the aft part of the wing section?

A That is correct.

Q And the portion that broke off that included the flight deck broke off in front of the wing?

A There are some other things in between, but close, yes.

Q Were there any children located in any of the other compartments forward of the aft troop compartment?

A No. Upstairs, no.

Q There is a so-called forward troop compartment, is there not?

A There is a term for it -- let me think. It was empty, by the way. Relief crew compartment.

Q And you say that was empty?

A That is correct.

Q Why did you not put some of the children that were down below in there?

A It was reserved for crew and crew control.

Q What do you mean "crew control"?

A The business on the flight deck is to fly airplanes.

Q I understand that. And you say these were seats that were not being occupied by persons that were actually flying the airplane, were they?

A That is correct.

Q These were spare seats when you were on relief, is that right?

A That is correct also.

Q And the flight to the Philippines was not a very long one, was it?

A To the Philippines?

Q Yes.

A No.

Q Two to three hours?

MR. BATTOCCHI: You mean from the Philippines?

MR. FRICKER: Coming out of Vietnam.

MR. LEWIS: Leaving Vietnam, going to the Philippines.

MR. BATTOCCHI: I am sorry. I misunderstood.

BY MR. LEWIS:

Q This was roughly a two to three hour trip, was it not?

A I do not recall.

Q You do not have any idea how long it was?

A You are close, but I do not know how many.

Q I am not asking you to tell me the precise number of minutes, but it was not, for that airplane, a very long trip, was it?

A That is correct.

Q I mean it was not anything that required sleeping?

A No.

Q Now there were actually beds in the vicinity, were there not?

A That is right.

Q Were they occupied by any children?

A No.

Q Why did you not put children in the beds?

A I wanted the flight deck for people who were flying the aircraft.

Q Including the beds?

A Including the beds. I wanted the flight deck. That is the whole thing.

Q Tell me what you consider the flight deck?

MR. PIPER: If you are referring to a picture there, maybe we ought to let the witness see it.

MR. LEWIS: I am prepared to do that, but I would like to hear his description first.

THE WITNESS: Well, you have the flight deck which goes from the -- where the pilot's station is to I guess about the crew entry ladder. From that point on, including the bunks -- and it does not make any difference what you call them, but it is then called the aft flight deck. So you have the flight deck and the aft flight deck and the relief crew compartment in that order, front to rear, as I recall it. But it is all one floor on the flight deck where I am.

BY MR. LEWIS:

Q Reserved for crew?

A My intent, yes. I did not need distractions there.

MR. PIPER: What volume is that in? We might have it.

MR. LEWIS: It is --

MR. BATTOCCHI: Volume 2.

MR. PIPER: Well, we do not have it here then.

MR. LEWIS: This is Page 635.

MR. BATTOCCHI: Volume 3.

MR. LEWIS: Volume 3. Let me show this to you, sir, if I may. That drawing.

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

MR. DUBUC: Are you going to mark this?

MR. BATTOCCHI: Why do we not identify it as Page 635 of the collateral report.

MR. PIPER: Fine. Entitled C-5A flight deck area.

BY MR. LEWIS:

Q Are you familiar with that diagram, sir?

A No, I have never seen it.

Q Does it accurately represent that --

A To the best of my recollection --

Q -- the forward portion of the C-5A that you were operating that day?

A It appears correct.

Q Now, what is that compartment that is aft of the galley?

A Relief crew compartment.

Q It is not so styled --

A Aft of the galley, are you talking about this here?

Q Yes.

A Oh, let me see. What do they call it? Courier compartment.

Q It is a courier compartment?

A Yes.

Q For couriers?

A Yes.

Q Did you have any couriers on this airplane?

A No, our crew was primarily air crew.

Q How many seats are in that compartment, sir?

A I do not know.

Q Well, can you count them on that diagram?

A No, I cannot.

MR. PIPER: The bulkhead is in the way. You cannot really tell what is back there, if anything.

BY MR. LEWIS:

Q Does the compartment go the width of the airplane?

A Yes.

Q Do you know how the seats, the width of the airplane -- was there passageway?

A Yes. With the exception of a coat rack and something that is there.

Q Those are seats that could have been used for persons

on the airplane that did not otherwise have a seat?

A No.

Q Could not have been?

A No.

Q Why not?

A Because I wanted the flight deck free to handle flying aircraft matters. I wanted it for crew.

Q But you did not fly back there. That is a long way removed from the cockpit, is it not?

A Is that a question?

Q Yes. I say it is a good ways from the cockpit, is it not?

A It is a good ways.

Q Do you know whether there were adults that did not have seats in the airplane?

A Yes, there were.

Q And you did not think it was appropriate for them to sit there either?

A That is correct.

Q Even during take-offs or landings?

A That is correct also.

Q What kind of a warning did you give the occupants of

the airplane that the crash was imminent?

A The crew -- I told the crew to spread the word without alarming those who did not speak English.

Q Is there an intercom that has the capacity to broadcast --

A Public address, yes.

Q -- like a public address?

A I was not sure whether it worked or not.

Q Why would it not work?

A The noise of the people and engines. During ground operations I was having little success operating it from the pilot position.

Q You tried to operate it during the ground --

A At some time, yes. I believe so.

Q In Saigon?

A I believe so.

Q Is your answer yes or you do not know or what?

A I do not know.

Q But you did not attempt to use it to warn the people?

A No.

Q Who in the crew did you tell to, and what precautions did you tell them to give the passengers? In other words

what were the crew to tell the passengers to do, on your order?

A To prepare for a possible rough landing or a crash landing.

Q Who did you tell?

A I do not recall.

Q You do not remember who you told to do this?

A I do not remember a name, no.

Q Was it somebody that was in the cockpit?

A I told everyone on intercom, but the person I directed to tell other people downstairs, I do not remember which person that was.

Q Do you know what happened to cause the tape gap in this transcript?

A I am not aware of a tape gap.

Q Well, look on the last --

MR. DUBUC: Are you finished with this for now?

MR. LEWIS: Yes, thank you.

MR. DUBUC: You are not going to mark that?

MR. LEWIS: Not my copy, but I will be glad to furnish one.

MR. DUBUC: Well, do you not think we ought to get one marked so that we know what he referred to.

MR. BATTOCCHI: Off the record.

(Discussion off the record.)

MR. BATTOCCHI: Can we agree that the page we have been talking about is Page 635 of Volume 3 of the collateral report and will be marked as Exhibit 6 for identification?

MR. DUBUC: Yes.

MR. PIPER: So agreed.

MR. LEWIS: Suits me.

(Whereupon, the document was marked Exhibit 6 for identification.)

BY MR. LEWIS:

Q Calling your attention, sir, to the --

MR. JONES: Off the record.

MR. LEWIS: Sure.

(Discussion off the record.)

MR. BATTOCCHI: Back on the record. I have got a list of exhibits here. My sequence here is wrong. We had ten earlier exhibits instead of five, so we have Page 635 of Volume 3 of the collateral report which will be identified as Exhibit 11 for identification.

(Whereupon, Exhibit 6 was remarked as Exhibit 11 for identification.)

BY MR. LEWIS:

Q Would you turn to the last page of the Exhibit E

Page 16?

A Yes.

(Whereupon, the witness examined the document.)

Q At the bottom, it reads -- Page 16 -- now this does not cover the time in which the rapid decompression occurred.

A That is correct.

Q It stops short of that?

A That is correct.

Q Can you explain why that is?

A I can surmise.

Q Why?

A That it was released at the time of rapid decompression.

Q What do you mean released at the time of rapid decompression?

A It stopped recording at the time of rapid decompression.

Q Why would that happen?

A There are several parameters that will set the --

that will release the CDPIR. I do not know them.

Q The very point, or at least one of the points of the voice recorder is to help understand what happens if something goes wrong, is that not right?

A It sounds logical.

Q You have never heard that?

A Yes, it is not my decision.

Q And the voice recorder is supposed to function as long as the aircraft is operational, is it not?

A I do not know the intent of the CDPIR.

Q You say you have no knowledge that the locked-in-place recorder or whatever you call this machine, the CDPIR --

A The acronym is pronounced CDPIR.

Q CDPIR.

A Crash Data Position Indicator Recorder, I believe is the alliteration of that.

Q Crash Data Position Indicator Recorder. Well, it did not record any crash data, did it?

A Apparently not.

Q It does not seem to be much of a crash data recorder if it does not record crashes.

MR. PIPER: Objection. It is argumentative.

MR. DUBUC: I object to it as argumentative.

MR. LEWIS: I agree that it is argumentative and I withdraw it.

BY MR. LEWIS:

Q Do you know any mechanical reason why this CDPIR, as you call it, would quit functioning?

A Yes, exiting the aircraft.

Q Pardon?

A If it were to leave the aircraft physically, yes.

Q Did it physically leave the aircraft.

A I do not know.

Q Where is it located?

A In the tail of the aircraft.

Q Where?

A I do not remember its precise location. In the empennage, in the tail someplace.

Q Was it located in the vicinity of the ramp and door system?

A I had no reason to check that.

Q You do not know, in other words?

A I do not know.

Q Do you know whether this CDPIR left the aircraft?

A There was no way to determine that from the indications in the cockpit that I had.

Q It apparently was discovered at some point?

A Yes.

Q Because we have at least 16 pages of it?

A Yes.

Q Do you have any knowledge or did you ever hear that it left the aircraft?

A Subsequent to the event, yes.

Q How did you come to that knowledge?

A I was told informally.

Q Who?

A I do not know.

Q Somebody told you that it left the aircraft on the occasion of the damage to the empennage?

A I was just told that it was recovered at the site of the rapid decompression. I have no way to ascertain these facts for myself.

Q Well, the rapid decompression occurred over water, did it not?

A That is correct.

Q And is it your understanding, then, that it was

recovered from water?

A Yes.

Q Is it your understanding that the recording itself is contained in the unit that is in the empennage?

A I believe so, yes.

Q What is the loud noise referred to in Page 16?

A I was never able to determine that.

Q What did it sound like?

A Radio static.

Q It sounded like radio static.

A Yes -- a noise.

Q Was the loud noise apparent on anything other than on the tape?

A I do not know.

Q I mean, did you hear the noise?

A No, no.

Q That is what I am trying to find out.

A No.

Q Do you know what the co-pilot meant when he said there is something wrong?

A No.

Q Did he say it in your presence?

A Yes.

Q And you have no idea what he means?

A Not at this time.

Q Did you hear the tape replay itself?

A Did I hear the tape replay itself? Yes, yes.

Q How much tape was re-recorded?

A We were told that there was a half hour of tape.

Q So then there would be a half hour of tape past Page 16 that is recorded over, is that your understanding?

A I assume you mean provided there were no -- there was no rapid decompression?

Q Well, tell me what you mean by the half hour of tape.

A It is a continuously recording tape that is a half hour long. That is what I am told.

Q That the total tape is only -- that its total capacity is --

A Is a half hour.

Q -- is a half hour. And it would not, then, record the whole flight?

A No.

Q It would just repeat -- it would just record over?

A That is correct.

MR. LEWIS: Let us take a break and see what the home situation is.

MR. PIPER: Okay.


(Whereupon,

at 6:13 p.m., the taking of the deposition of Dennis Warren Traynor was adjourned, to reconvene at 9:30 a.m. on the following day, Wednesday, October 25, 1978, in the same location.)

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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, Volume I, in the offices of Cole and Groner, P.C., 1730 K Street, N.W., Washington, D.C., 20006, 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 financially or otherwise interested in the outcome of the action.



Neal R. Gross

Notary/Reporter in and for the
District of Columbia

My Commission expires:

3/31/81