

1 Mr. Dubuc, do you anticipate that the witnesses
2 this afternoon will keep us going?

3 MR. DUBUC: I beg your pardon?

4 THE COURT: Do you anticipate that the witnesses
5 this afternoon will keep us busy until quitting time?

6 MR. DUBUC: Yes, I do, Your Honor.

7 [Jury enters.]

8 THE COURT: Mr. Dubuc.

9 MR. DUBUC: I will call Captain Aune, Captain
10 Regine Aune.

11 WHEREUPON,

March 27, 1980

12 REGINE CLARE AUNE

13 was called as a witness on behalf of the defendant
14 and, having been first duly sworn, was examined and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. DUBUC:

18 Q Good afternoon, Captain.

19 A Good afternoon.

20 Q Would you tell us your name, address and occupa-
21 tion, please?

22 A My name is Regine Clare Aune.

23 My address is [REDACTED], [REDACTED], East Layton,
24 Utah.

25 My occupation is nursing educational coordinator

1 for the Air Force at Hill Air Force Base, Utah.

2 Q Are you a nurse?

3 A Yes. I'm a registered nurse.

4 Q Where did you receive your training?

5 A I received my education at St. John's College
6 in Cleveland, Ohio. And I graduated in May of 1969.

7 Q And you are a registered nurse?

8 A That is correct.

9 Q And when did you enter the Air Force?

10 A I entered the Air Force on active duty in January
11 of 1973.

12 Q And were you employed in the nursing profession
13 between 1969 and 1973?

14 A Yes, I was.

15 Q And where was that?

16 A From the time of my graduation until June of
17 1970 I was a staff nurse at St. Joseph's Riverside Hospital
18 in Warren, Ohio. And from June of 1970 until June of 1972
19 I was an instructor in a school of nursing at St. Elizabeth's
20 Hospital in Youngstown, Ohio.

21 Then I took a little vacation. And I worked
22 temporarily from the time of my commission until I came on
23 active duty here in D.C. at St. Elizabeth's psychiatric
24 hospital, a federal hospital here in D. C.

25 Q And did your training include some training in

1 pediatrics?

2 A Yes, it did.

3 Q What was that?

4 A Well, in college when you are in your basic
5 nursing educational programs you rotate through all
6 specialties, including pediatrics.

7 So, I had one semester of pediatrics.

8 And in my first job at St. Joseph's Hospital,
9 all new graduate nurses were put through what they call
10 the rotating internship. So, I spent a month to six weeks
11 in pediatrics there.

12 Q And you entered the Air Force in January 1973.

13 Was that through some medical Air Force program?

14 A No, not really. I just talked to a recruiter
15 and applied for a commission that way.

16 Q And what, if any, training did you receive in
17 the Air Force in addition to the nursing training that you
18 had already received?

19 A Well, after coming on active duty I did go to
20 flight school, the school of Aerospace Medicine, down at
21 Brooks Air Force Base in Texas. I have also been an active
22 student getting my graduate degree. I have my Master's
23 Degree in nursing education.

24 THE COURT: Master's in what? I didn't hear that.

25 THE WITNESS: Nursing education.

1 BY MR. DUBUC:

2 Q You mentioned a flight school of Aerospace Medi-
3 cine at Brooks Air Force Base.

4 What does that involve?

5 A The course in flight nursing is five weeks and
6 two days. It is the study of altitude physiology and how
7 it affects persons in flight primarily and adapting basic
8 nursing that we learned in our basic nursing programs to
9 the situation when you are in flight.

10 Q And did you receive courses in that school re-
11 lating to such things as hypoxia, decompression, ear
12 problems, and that sort of thing involving flight atmos-
13 phere?

14 A Yes, we did.

15 We spent time in the altitude chamber to exper-
16 ience these things ourselves.

17 Q When you refer to the "altitude chamber," could
18 you tell us or describe for us what you recall about that?

19 A You mean a description or what we actually went
20 through?

21 Q What you did.

22 A Okay.

23 The altitude chamber is just like a room pri-
24 marily and you go in there and while you are in there you
25 learn how to utilize the oxygen equipment that would be

1 available on an aircraft, different kinds of oxygen equip-
2 ment.

3 You actually experience what it is like to be at
4 a higher altitude. They take you up and have you take your
5 oxygen masks off. You experience your own symptoms of
6 hypoxia for the purposes of knowing what would happen to
7 you personally if you experience hypoxia.

8 And then they take you throughout the decompres-
9 sion in the the chamber. And they do this several times so
10 that you kind of get comfortable with it and get the feel
11 of the equipment in the situation yourself.

12 Q You mentioned they go through a rapid decompres-
13 sion in the chamber.

14 In other words, they simulate a rapid decompres-
15 sion in the altitude chamber?

16 A Correct.

17 Q And what does that involve or what do you rem-
18 ember about that?

19 A You just sit in the chamber and they tell you
20 what altitude they are kind of taking you to. I think they
21 simulate a regular aircraft as far as the internal altitude
22 pressure and then let you hold your oxygen mask when you
23 are ready and then you heard the loud "boom" sound and then
24 the fogging and you know what has happened and then you
25 put your O-2 mask on. You really don't feel any different,

1 but they prepare you for what happens.

2 Q But it is an actual rapid decompression?

3 A Oh, yes. Correct.

4 Q Now, did there come a time when you were assigned
5 aboard a C-5A aircraft, which was assigned to a mission
6 out of Saigon, Vietnam, on April 4, 1975?

7 A Yes. There did come a time.

8 Q Could you tell us the circumstances of your
9 assignment for that flight?

10 A Okay.

11 I was the flight nurse with the Tenth Air Medical
12 Evacuation Squadron at Travis. And when I was sent to
13 Clark we used to fly the overseas missions, bringing
14 patients back from Asia to Travis. And my normal flight
15 was between Clark and Travis.

16 However, on this particular assignment I was
17 being sent to replace some of the nurses from the Ninth,
18 which was the group stationed at Clark, that flew C-9s. I
19 was being sent over there to relieve them so that they
20 could cross train to our aircraft.

21 It so happened that that particular day that I
22 was still on alert. We each had to take turns pulling
23 alert duty for twenty-four hours, and I had been the 141
24 alert nurse from the morning of April 3rd and I was due
25 to go off alert duty at eight o'clock in the morning on

1 April 4th.

2 But around six o'clock that morning, Clark time,
3 we were notified we were all on alert and that we were to
4 report to the Ninth Group Squadron.

5 Q And were you told what your mission was going to
6 be to Saigon?

7 A Not originally.

8 When we got to the squadron no one was certain
9 who was going where or exactly what was going on. But we
10 were all told to report there.

11 So, everybody was at the squadron.

12 Q Did you ultimately find out the purpose for your
13 mission from Clark to Saigon?

14 A In general, not in specifics. They weren't sure
15 what our mission would be. They mentioned the possibility
16 of taking orphans out. They mentioned the possibility of
17 taking some Embassy officials out. There was nothing very
18 clear and specific at the time we were given our mission.

19 Q Had you flown other missions back and forth
20 between Clark and Saigon?

21 A No. I had not.

22 Q What was your usual flight duty?

23 A My usual flight duty with my squadron was on 141s
24 between Clark Air Base in the Phillipines, Anderson Air
25 Force Base in Guam, Hickam Air Force Base in Hawaii, and

1 Travis in California.

2 That was my usual mission.

3 Q So, during this period of time in 1975 you were
4 acting as an in-flight nurse on the evacuation or medical
5 type airplanes?

6 A Yes, I was.

7 Q Now, did there come a time when you arrived in
8 Saigon with the C-5A on April 4, 1975?

9 A Yes.

10 Q And what was your assignment in connection with
11 the nurse-medical crew of that airplane?

12 A I was the medical crew director on that flight.

13 Q And at the time that you arrived in Saigon, by
14 that time had you been told what your mission was?

15 A No. We still did not know at the time we landed
16 in Saigon.

17 Q All right.

18 After you landed were you told what your purpose
19 for the trip to Saigon was?

20 A Yes. We knew.

21 Q What were you told?

22 A We were told that we would be taking children
23 out from the orphanages.

24 Q And you say you were assigned as the head nurse
25 of the medical crew on that flight; is that correct?

1 A That is correct.

2 Q And what, if anything, did you have to do with
3 the loading of the orphans on the airplane?

4 A Well, I essentially supervised the on-loading
5 of the orphans as the medical crew director.

6 Q Do you recall how you directed the seating and
7 how you directed where certain persons would be placed in
8 the airplane?

9 A Yes. I do in general terms.

10 Q Okay.

11 Could you tell us that, please?

12 A Okay.

13 When we were told that we would be taking out
14 so many children, the medical crew discussed it together.
15 We often did that. We decided that we would put the smaller
16 children upstairs because it would be much easier for us
17 to secure them to the seats and be sure that they would be
18 safe and secure and we would keep the older children down-
19 stairs.

20 So, that is how we emplaned the children with a
21 few exceptions.

22 Q Okay.

23 And with respect to the smaller children that you
24 indicated were put upstairs, when you say "upstairs," are
25 you referring to the troop compartment?

1 A Yes.

2 The lower level of the aircraft is the cargo
3 compartment and the upper level would be the troop compart-
4 ment.

5 Q And the smaller infants were put in the troop
6 compartment?

7 A The troop compartment.

8 Q Do you recall how they were seated?

9 A Yes, I do.

10 Q Would you tell us that, please?

11 A In the troop compartment of a C-5 there are
12 three seats across on each side of the aisle, just as in a
13 civilian aircraft. We had secured two children to each
14 seat so that there would be six children across, three
15 seats. We had taken out the arm rests and used pillows
16 and blankets along with the seat belts and any extra
17 litter straps that we happened to have available. We
18 secured them to the seats with that.

19 Q And did you have occasion to observe this seat-
20 ing and that the children were strapped in?

21 A At the time of the emplaning?

22 Q During the flight?

23 A Yes. During the flight.

24 Q Now, did there come a time when the aircraft was
25 loaded and it took off?

1 A Yes.

2 Q And did there come a time in the course of that
3 airplane's flight when there was a rapid decompression?

4 A Yes, there was.

5 Q And where were you at the time the decompression
6 occurred?

7 A At the time of the rapid decompression I had
8 just come upstairs to the troop compartment and the stairs
9 are toward the rear of the troop compartment, very near
10 the tail end of the aircraft.

11 I was kneeling on the grating. Back in what is
12 called the galley area and the loadmaster's area there is
13 a grating on the floor. We had stowed our narcotic kits
14 behind that seat. And I was coming up to get some medi-
15 cation out of the narcotic kit and I was leaning right on
16 that grating at the time of the rapid decompression.

17 Q What, if anything, did you observe or feel at
18 the time of the rapid decompression?

19 A The only thing that I recall feeling at the time
20 or hearing was the loud sound of the rapid decompression,
21 the explosive sound, which I heard before when I had heard
22 before when I had gone through my flight training, so I
23 knew what that was.

24 Other than that I don't recall anything else.

25 Q Now, you refer to your flight training.

1 Did I understand you correctly that this rapid
2 decompression in this C-5A as far as the sound and what
3 you observed was similar to what you had previously ex-
4 perienced in training in the Air Force Aerospace Medicine
5 school?

6 A That is correct.

7 Q Now, did you experience any sensation of any
8 kind in your ears at the time of the decompression?

9 A No. I did not.

10 Q At that time did you put any oxygen mask on?

11 A Not at that moment. No. I did not.

12 Q What was the reason for that?

13 A Well, in turning to look behind me, because most
14 everyone was behind me, the seats were behind me, I noticed
15 that one of the loadmasters had come up the steps behind
16 me and at the time of the RD the ladder was torn out from
17 under him and he was hanging by one arm over the gate and
18 I immedidately moved with one of the other loadmasters to
19 pull him up over the gate.

20 Q Did this take some time to pull him up over the
21 gate and get him into the airplane?

22 A Yes, it did. He was a fairly large man.

23 Q During that period of time did you have any
24 oxygen mask on?

25 A No. I did not.

1 Q Did you feel any affects whatsoever?

2 A No.

3 I was primarily concerned about getting him
4 safely up onto the troop deck floor.

5 Q Were you finally able to do that?

6 A Yes, we were.

7 Q And then did you put an oxygen mask on at that
8 point?

9 A No.

10 I put one on him and got one on the other load-
11 master and then I went over to where the seats were and
12 put one on myself.

13 Q So, was there a period of time during which you
14 were working and attempting to help this --

15 MR. LEWIS: Counsel is leading this witness.

16 THE COURT: Yes.

17 There was one question that had the word
18 "whatsoever" in it that didn't really seem to me to be
19 appropriate.

20 BY MR. DUBUC:

21 Q Do you have any estimate as to how long a period
22 of time there was between the decompression when you were
23 helping this other crew member up over the ladder and when
24 you were administering oxygen to the other crew member be-
25 fore you had actually gotten an oxygen mask?

1 A I would say it had to be several minutes.

2 Q And what, if any, affect did you experience
3 during that several minutes?

4 A None that I can recall.

5 Q And were you working fairly hard all this time?

6 A Yes, I was.

7 Q Now, at the time just prior to the decompression
8 did you have an opportunity to observe any of the small
9 children in the area in the rear part of the troop com-
10 partment near the grating?

11 A Yes, I did.

12 When I was coming up the ladder the seats in the
13 troop compartment faced the rear of the aircraft. So, I
14 looked over to them as I was coming up to see what they
15 were doing, how they were doing. And the ones that I saw,
16 which would be the first several rows, were sleeping.

17 Q This was before the decompression?

18 A Correct.

19 Q Do you recall whether there were any adults who
20 were assisting with the children in the troop compartment
21 in the vicinity of the grating where you were at the time
22 of the decompression?

23 A I don't really remember.

24 Q Now, you said you had occasion to observe the
25 children in this area back near the grating near the troop

1 compartment before the decompression.

2 Did you have occasion after the decompression
3 to observe those children?

4 A Yes, I did.

5 Q And what, if anything, did you observe?

6 A Some of them were still asleep.

7 There didn't seem to be any difference in how
8 they appeared either before or after.

9 Q All right.

10 In the course of your training at the Aerospace
11 Medicine school at Brooks Air Force Base, and considering
12 your experience as a flight nurse, were you trained to
13 notice or observe on passengers or patients in an airplane
14 signs of hypoxia?

15 A Yes, we were.

16 Q Could you tell us what those are?

17 A In general it would be signs of -- well, it
18 could be complaints of dizziness, if they were old enough
19 to complain about it, or headache, turning blue, which is
20 not really a sign.

21 Most signs of hypoxia would be very subjective
22 and specific to an individual.

23 Q Did you observe any of the children that you saw
24 after the rapid decompression to have turned blue?

25 A No. I did not.

1 Q Did you observe any of those children to exhibit
2 any other signs of hypoxia?

3 A No. I did not.

4 Q Did you specifically look for such signs in
5 both the --

6 MR. LEWIS: Your Honor, counsel is truly leading.

7 THE COURT: That is true.

8 At the same time with a certain license it is
9 permissible.

10 When you get to a critical point, please don't
11 lead.

12 BY MR. DUBUC:

13 Q Did you look for such signs in the children that
14 were in the area that you could observe?

15 A Yes.

16 Q Now, after the rapid decompression did you notice
17 anything with respect to whether the aircraft was still
18 flying level, descending, or in some different altitude?

19 A I really didn't pay any attention to that. I
20 was more interested in taking care of the children and
21 Sergeant Perkins.

22 So, I really didn't pay much attention.

23 Q And when you say you were taking care of the
24 children, what were you doing with respect to taking care
25 of the children?

1 A Resecuring them; making sure that their seat
2 belts were still strapped around them; that their pillows
3 were still in place. In general, just taking a good look
4 at them.

5 Q Did you attempt to give any of the children
6 oxygen?

7 A When I got over near them, yes, I did. But it
8 was almost at that point that they told us we didn't need
9 it any more.

10 Q In other words, several minutes had gone by, as
11 you previously described, and then there came a point where
12 you were told you didn't need it any more?

13 A Correct.

14 Q Did that come from orders from the pilot or
15 somebody on the crew?

16 A The crew member that had the headset on, I don't
17 recall who it was, told us. And I knew he was talking to
18 the aircraft commander.

19 Q Up until that time had you felt any affects from
20 lack of oxygen or hypoxia?

21 A No. I did not.

22 Q Now, did the airplane ultimately descend to a
23 point where there came a time that it made a landing?

24 A Yes, it did.

25 Q And prior to that time were you given any

1 instructions or any notification by the pilots as to what
2 should be done?

3 A Not that I can recall.

4 Q Was there any indication given in any way that
5 the landing would be an emergency landing?

6 A Yes.

7 We were told, you know, we were going to make
8 an emergency landing.

9 Q And what did you do in that respect with respect
10 to the passengers, the children that were in the troop
11 compartment?

12 A The medical crew members all checked the children,
13 made sure they were secure.

14 I remember discussing this with two of the
15 medical technicians -- I don't remember which ones -- what
16 our emergency exit procedures would be as to fires, who
17 would go out the slides, that kind of thing.

18 That is the standard briefing we do every single
19 time we fly an airlift mission.

20 Q And did you have a seat that you were assigned
21 to with a seat belt?

22 A No. I did not.

23 I originally had planned to remain most of my
24 time in the cargo compartment and had only gone upstairs
25 because I needed some medication and was unable to return

1 to the lower section of the aircraft.

2 Q Did any of the medical crew members, to your
3 knowledge, in the troop compartment have any assigned seats?

4 A No.

5 Q Were all the seats filled with children, as you
6 described it before?

7 A Yes.

8 When I was up there they were.

9 Q Were those seats rearward facing seats? Do they
10 face toward the rear of the airplane?

11 A Yes, they do.

12 Q So, the childrens' backs are towards the front
13 of the airplane?

14 A That is correct.

15 Q Is that a common way of seating in Air Force
16 planes?

17 A Yes.

18 It is by military regulation, Air Force regula-
19 tion, that all passengers' seats must be rearward facing.

20 Q Do you know the reason for that?

21 A We were told at flight school that it was a
22 safety factor; that it offered more protection in that
23 position than the forward facing seats.

24 Q Now, you mentioned there came a time when you
25 were prepared for an emergency landing.

1 Did there come a time when a landing or contact
2 with the ground was made?

3 A Yes, there was.

4 Q Can you tell us what you recall about that?

5 A All I can remember is that it was kind of a
6 bumpy landing, nothing unusual. In fact, you know, I
7 presumed that we were on the runway at that point.

8 Q When you say a "bumpy landing", you mean a bumpy
9 hard landing on a runway?

10 A Yes. That is what it felt like.

11 Q And where were you? In what position were you
12 located at the time of the bumpy landing you have described?

13 A I believe I was somewhere towards the midsection
14 of the troop compartment and I was sitting on the floor,
15 Taylor fashion, with my legs crossed and bracing myself
16 with the seats because I was facing forward so that I
17 could watch the children because they were facing the rear.

18 Q But you had no seat belts, nothing restraining
19 you, other than bracing yourself?

20 A That is correct.

21 Q Do you recall whether there was one or two
22 impacts?

23 A I am not sure. I think there were two.

24 Q Were you able to distinguish between the two?

25 A Yes. Somewhat.

1 Q Tell us what you mean by that.

2 A Okay.

3 Well, it is hard for me to explain because after
4 we hit the first time, which was like a bumpy landing, one
5 of the Med Techs stood up and I called to him to get back
6 down until we came to a stop. And as he stood up I let go
7 and grabbed his ankle to pull him back down to the floor.
8 And as I did I think we hit again because it was pretty
9 bumpy and that is when I started sliding forward. I kind of
10 lost my bracing position in pulling him back down.

11 Q And you said you were sliding forward.

12 Did you slide a little bit forward toward the
13 front of the airplane?

14 MR. LEWIS: Your Honor --

15 THE COURT: That is objectionable.

16 Withdraw that question and state a correct
17 question.

18 BY MR. DUBUC:

19 Q What do you mean when you say you started falling
20 forward?

21 A At the moment I grabbed his ankle and pulled him
22 back down I just starting sliding along. I was still
23 sitting on the floor, but sliding along the floor to the
24 front end of the aircraft.

25 Q From where you were seated -- and you said you

1 were in the middle of the troop compartment?

2 A Approximately.

3 Q Did you observe any flames during the landing?

4 A No. I did not.

5 Q Did you observe any flames at any time in the
6 troop compartment from the time you stopped?

7 A No. I did not.

8 Q Did you observe any smoke in the troop compart-
9 ment?

10 A No.

11 Q Now, you mentioned your sliding forward.

12 Were you injured in any way?

13 A Yes, I was.

14 Q And how were you injured?

15 A Well, I had numerous cuts and bruises. I had a
16 three or four bones fractured in my right foot. I had a
17 puncture wound in my right leg. I had one bone broken in
18 my back.

19 Q Now, did there come a time when the troop com-
20 partment became stable and stopped?

21 A Yes, there did.

22 Q Okay.

23 What did you do then?

24 A Well, by that time I was almost at the end where
25 we had come apart and there was an artificial opening

1 created. And I stood up and looked out straight ahead of
2 me and could see some of the wreckage, of the aircraft
3 ahead of me.

4 Then I turned around and went back through the
5 troop compartment to see how the children were, kind of
6 a cursory, quick run through the entire length of the troop
7 compartment to see how they were.

8 Q And you were able to walk despite these injuries
9 that you described?

10 A Yes.

11 Well, my shoe remained on my foot and I felt it
12 gave me some support to walk.

13 Q Did you observe the children in the troop com-
14 partment after it had come to a stop?

15 A Yes, I did.

16 Q And did you assist in the evacuation of those
17 children?

18 A Yes, I did.

19 Q And did you observe any of those children to be
20 unconscious?

21 THE COURT: Just a moment.

22 That is a leading question.

23 BY MR. DUBUC:

24 Q All right.

25 What did you observe with respect to the children

1 in the troop compartment after the airplane came to a stop?

2 A On my kind of quick walk-through they seemed to
3 be fine. Some of them were even still asleep at that point.

4 Q And did there come a time when the children were
5 evacuated?

6 A Yes.

7 Q And did you assist in that?

8 A Yes, I did.

9 Q Do you have any estimate about how long or how
10 much time passed between when the troop compartment stopped
11 and the evacuation of the children from the airplane was
12 completed?

13 A Was complete?

14 Q Yes.

15 A No, I don't, because I wasn't there at the end.

16 Q Did you step out of the airplane at some time
17 after it had come to a stop?

18 A Yes.

19 After I went through the troop compartment to
20 see how the children were I stepped out. I am not sure
21 where, at what point of the aircraft I stepped outside. I
22 kind of looked around to see what I could see around me.

23 Q And did you observe any helicopters?

24 A Not at first.

25 I noticed the flight deck where the flight crew

1 had been was off to our -- well, from where I was standing
2 at that point, it was off to my left, almost at a 90 degree
3 angle to us. I noticed the flight crew getting out of
4 the flight compartment.

5 It was very shortly thereafter that helicopters
6 started coming in.

7 Q Can you give us an estimate of approximately how
8 long that was between the time you got out and the helicop-
9 ters arrived?

10 A Probably about five minutes.

11 Q When these children were evacuated from the air-
12 plane were the helicopters used to take them elsewhere, to
13 hospitals and so on?

14 A Yes, they were.

15 Q Did you observe any of the very young children
16 with any specific injury?

17 A No. I didn't at the time we were evacuating
18 them.

19 Q Did you observe any fire in the immediate vicinity
20 of the troop compartment, either inside or outside?

21 A No.

22 When I stood up after the troop compartment had
23 really come to a complete stop, when I looked straight out
24 and saw part of the wreckage, I saw the wings and the
25 engine a good distance from us, and they were on fire. I

1 remember thinking that I was relieved that there was no
2 fire so that it would make evacuation safer.

3 Q Can you tell us whether you observed any parti-
4 cular smell, odor, of either gasoline or kerosene in the
5 area of the troop compartment?

6 A No. I don't remember smelling any.

7 Q Do you recall whether you had any trouble breath-
8 ing or coughing in the area of the troop compartment?

9 A No, I didn't.

10 MR. DUBUC: Thank you, Captain Aune.

11 CROSS-EXAMINATION

12 BY MR. LEWIS:

13 Q Now, as I understand it, ma'am, you were the
14 woman that was in charge of the health of the babies, is
15 that correct, on that airplane?

16 A I am sorry?

17 Q You were the medical personnel that was in
18 charge of the health of the children on that plane?

19 A I was in charge of the medical crew.

20 Q Well, the medical crew was supposed to see that
21 the babies were healthy; is that right?

22 A I don't know that you would say we would see
23 that they were healthy. We were there to take care of them.

24 Q That is what I mean.

25 Now, they were healthy when they got on the

1 airplane; weren't they?

2 A From all appearances, yes.

3 Q And you checked with some other people and checked
4 on their health and you were told that they were all healthy;
5 isn't that right?

6 A Correct.

7 Q Now, it was a pretty terrible accident, as far
8 as you were personally concerned; wasn't it?

9 A How do you mean "terrible"?

10 Q Did you think it was a violent accident?

11 A At the time it was happening, no, not particu-
12 larly.

13 Q Were you frightened?

14 A No. I can't recall being frightened.

15 Q How about when the explosive decompression
16 occurred? Did that frighten you?

17 A No, not at all. I knew what it was.

18 Q Had you ever seen any part of an airplane blow
19 out like that before?

20 A Only in a movie.

21 But I knew from flight school and what we had
22 been taught about rapid decompressions in an aircraft that
23 it was still possible to land after experiencing one.

24 Q There was a big hole in the airplane; wasn't
25 there?

1 A Yes, there was.

2 Q A really big hole. You could drive a truck
3 through it.

4 MR. DUBUC: Objection.

5 THE COURT: Overruled.

6 BY MR. LEWIS:

7 Q Isn't that right?

8 A I don't know.

9 I mean I know it was a big hole from what I could
10 see, but I had only one viewpoint of it.

11 Q Well, the viewpoint that you had of it was with
12 Sergeant Perkins -- was that the gentleman's name?

13 A Pardon me?

14 Q Who was hanging from the ladder about to fall
15 into the ocean?

16 A Sergeant Perkins was.

17 Q If he let go of that ladder he would have went
18 straight down into the ocean; wouldn't he have?

19 A No. He might have landed on the edge of the
20 flooring.

21 Q Was anybody swept into the ocean when that door
22 blew off?

23 A I was upstairs. I have no way of knowing.

24 Q Now, after you got word that there was going to
25 be an emergency landing, did you make any attempt to get

1 the children that were loaded downstairs upstairs into
2 safety?

3 A There was no way I could do that.

4 Q Why?

5 A Because the ladder was gone and that is the only
6 access you had to the cargo compartment from the troop
7 compartment.

8 Q No other way?

9 No other way up forward?

10 A Not that I know of.

11 Q There is no forward ladder?

12 A There is a forward ladder to the flight deck, but
13 the flight deck and the troop compartment, both on the
14 upper level, do not communicate with each other. You can't
15 walk through them.

16 Q You can't go from the troop compartment to the
17 flight deck?

18 A No, you can't.

19 Q Now, you went to help Sergeant Perkins and another
20 Airman pulled Sergeant Perkins out; is that correct?

21 A That is correct.

22 Q That was done very quickly; wasn't it?

23 A It took several minutes. He is a large man, about
24 six feet tall, and probably 200 or so pounds.

25 Q Did you get any other help?

1 A I don't recall at this point.

2 Q Well, what oxygen did Sergeant Perkins have at
3 that time?

4 A At the time we were pulling him up he had none.

5 Q But the other man that was helping you, did he
6 have oxygen?

7 A He got his walk-around bottle on with the O-2
8 mask attached.

9 Q So, he had oxygen?

10 A Yes. He got it on.

11 Q So, when the explosive decompression occurred you
12 knew you had to get oxygen; didn't you?

13 A Yes.

14 Q And you put on a walk-around bottle too; didn't
15 you?

16 A No. I did not.

17 Q You didn't put on a walk-around bottle?

18 MR. DUBUC: Objection, Your Honor.

19 THE COURT: Sustained.

20 You have asked the question. It was answered.

21 BY MR. LEWIS:

22 Q Did you tell the Air Force investigator that you
23 put on a walk-around bottle when you gave your statement to
24 him?

25 A No. I did not.

1 Q All right.

2 Did you tell him that the babies, that you were
3 sure that the babies got a little anoxic?

4 A Tell who?

5 Q The person that took your statement, the Air
6 Force investigator after the accident.

7 A I don't recall saying that to him.

8 Q All right.

9 Now, did you make sure the adults put on walk-
10 around bottles of oxygen?

11 A No.

12 I made sure they put on O-2 masks, but those
13 are not the same as walk-around bottles.

14 Q Let me read you a sentence and ask you if you
15 said this in your own words to the Air Force investigator
16 under oath.

17 THE COURT: Just a moment.

18 Mr. Dubuc wants a reference.

19 MR. DUBUC: May a copy be made available to the
20 witness?

21 MR. LEWIS: I have no objection if she looks at
22 it while I read it. I just have the one copy here.

23 THE COURT: Let him do it if he wants to do it.

24 MR. DUBUC: Can we have a page reference?

25 MR. LEWIS: Yes.

1 Page 54 of the report and page 4 of 7 pages of
2 hers.

3 MR. DUBUC: 4 of 7?

4 MR. LEWIS: Yes.

5 [Whereupon, the document was handed to
6 the witness.]

7 THE WITNESS: Where are you referring?

8 BY MR. LEWIS:

9 Q It is in the middle of the page.

10 Do you see over on the left there are some
11 initials? It is just over there.

12 And then starting out in the middle of the page
13 with the sentence: "I knew we had to get oxygen. The
14 one loadmaster was putting the walk-around bottle on. The
15 oxygen masks had all deployed. I thought I'd have to pull
16 some of them to the loadmasters over there. The one had
17 his walk-around on and I got one to reach the loadmaster
18 and he managed to pull Sergeant Perkins up. I put one on
19 and I made sure the adults put one on."

20 A That is in reference to oxygen masks, not walk-
21 around bottles.

22 Q Is that a correct statement of what you told the
23 investigator?

24 A Yes.

25 But I was talking about oxygen masks on the adults.

1 Q It goes on to say: "Nobody panicked. Everybody
2 was fine as if this happened on every flight. The babies
3 were all half asleep anyway and I am sure they got a little
4 anoxic."))

5 Do you see where it says that?

6 A Yes.

7 MR. DUBUC: Your Honor, I would like him to
8 finish it.

9 MR. LEWIS: I am on my way to doing that.

10 BY MR. LEWIS:

11 Q You said that; didn't you?

12 A Yes.

13 Q But they were very relaxed anyway.

14 So, what the rest of the crew was doing was
15 taking oxygen masks and going along the row with the babies
16 and giving them oxygen.

17 Now, is that what happened?

18 A What? That they gave them oxygen from the
19 oxygen masks?

20 Q Yes.

21 A Yes.

22 Q Now, the babies were all fastened down with seat
23 belts; weren't they?

24 A Yes.

25 Q So, in order to give them oxygen the mask wouldn't

1 reach the baby; would it?

2 A Some of it did and some of them it didn't.

3 Q The little babies, it wouldn't; would it?

4 A No. But some of the crew members lifted them up.

5 Q I understand that. That is what I am trying to
6 find out.

7 So, there were two babies to the seat; is that
8 right?

9 A Yes.

10 Q And to give the baby oxygen you would have to
11 pick one up, put the mask on it, put it down, pick up the
12 other baby.

13 There is only one mask per seat; isn't there?

14 A That is correct.

15 Q So, somebody had to pick another baby up, give
16 him a whif of oxygen, is that right, and that is the way
17 it would have to be done?

18 A Correct.

19 Q Now, how many babies did you have under your
20 direct care?

21 A In the beginning I didn't have any. I spent my
22 time with the loadmasters.

23 As I said before, when I went over to give them
24 oxygen it was at that point we were told they really didn't
25 need it any more.

1 So, I probably only gave it to a couple in the
2 very first row..

3 Q In point of fact, the babies really didn't get
4 very much oxygen through the oxygen system; did they?

5 A Probably not, no.

6 Q All right.

7 Now, do you know how long the airplane was above
8 10,000 feet?

9 A No, I do not.

10 Q Do you have any estimate?

11 A No, I do not.

12 Q Do you have any estimate as to how long the plane
13 was above 16,000 feet?

14 A No. I have no idea.

15 Q Okay.

16 Now, you told me that you had some training in
17 pediatrics.

18 Are you a pediatric or children's nurse by trade?

19 A No.

20 Q Your experience in practical nursing work was
21 essentially with adults; isn't that right?

22 A Primarily, yes.

23 Q You are an Air Force nurse and you treat Air
24 Force people basically; isn't that true?

25 A That is correct.

1 Q Now, did you ever have any training as to how
2 babies look if they are anoxic from decompression?

3 A Well, in flight school we discussed it because we
4 covered all aspects of it.

5 Q You covered babies?

6 A Babies, adults, children.

7 Q I am speaking of babies now. And I want you to
8 tell me if you ever had a course in how babies behave in
9 decompression?

10 A Well, we covered it in general in flight school.
11 We didn't single it out as a separate course. It was part
12 of our overall training.

13 Q Okay.

14 Now, how do you tell the difference between a
15 baby who might be anoxic from a lack of oxygen and one
16 that is sleeping?

17 A Well, I don't know that you would necessarily
18 have any way of telling unless you knew what went on before.

19 Q That is right.

20 Now, you say there was a terrible loud noise
21 when the explosive decompression occurred; isn't that right?

22 A Yes.

23 Q Was it a loud enough noise to wake a sleeping
24 baby?

25 A I would have thought so, yes.

1 Q But it didn't wake those babies; did it?

2 A No.

3 Q Wouldn't that be explained by the fact that they
4 were unconscious because they didn't have enough oxygen
5 and couldn't be awakened by the noise?

6 MR. DUBUC: Objection.

7 THE COURT: Overruled.

8 A No.

9 BY MR. LEWIS:

10 Q It was very quick, the explosive decompression;
11 wasn't it?

12 A Well, that is what an explosive decompression is.

13 Q It happened under a third of a second; didn't it?

14 A I don't know the time.

15 Q Well, would you accept that as a premise, that
16 the whole change in pressure took less than a third of a
17 second?

18 A Well, it was like instantaneous. That is how I
19 would describe it.

20 Q Instantaneous.

21 And if there was an instantaneous decompression,
22 it would suck the air out of the little babies' lungs
23 almost instantaneously, wouldn't it, ma'am?

24 A I don't think I would describe it that way.

25 Q What would happen to the air in their lungs when

1 the air whished out out of that airplane in a third of a
2 second or less?

3 A You don't change your breathing pattern during
4 a rapid decompression. You breathe like you do normally.

5 Q I understand that.

6 But the pressure is different, isn't it, before
7 and after the decompression?

8 A You don't feel any difference in the pressure.

9 Q I am just asking you if there isn't a substantial
10 pressure difference technically. I am not asking you what
11 you feel.

12 A Well, technically, yes, there is, but it is not
13 something you would feel and notice.

14 Q I am just trying to get you to tell me since the
15 attorney for Lockheed says that you were knowledgeable in
16 this area. I am just trying to find out about what you
17 think happened to the air in the babies' lungs.

18 There would be a change of six and a half pounds
19 per square inch pressure instantaneously occurring; isn't
20 that right?

21 A I don't recall the numerical values that were
22 used.

23 Q Would you accept as a hypothesis, ma'am, that the
24 change in pressure was in the order of 6.4 to 6.5 pounds
25 per square inch at that altitude and that that change of

1 pressure occurred in slightly less than a third of a second.

2 All right?

3 A Yes.

4 Q Now, I want you to tell me, doesn't the pressure
5 change in the babies' lungs, go down by six and a half
6 pounds per square inch almost instantaneously?

7 A I don't know because I don't recall that as far
8 as the numerical values.

9 Q But, in any event, after the decompression, the
10 babies looked like they were asleep to you; is that right?

11 A Some of them were. They were the same ones that
12 had been before I came up, when I was coming up the ladder.

13 Q Now, in fact, the same babies were asleep after
14 the crash you just told us; isn't that right?

15 A Some of them were. I don't know that they were
16 the same ones.

17 Q But you saw babies asleep after the crash; didn't
18 you?

19 A Yes.

20 Q And did you see any dead babies in the seats
21 after the crash?

22 A Not that I recall, no.

23 Q Did anybody report to you there were dead babies
24 in the seats after the crash?

25 A No one said that to me.

1 Q You didn't see any babies that died in the troop
2 compartment?

3 A Pardon me?

4 MR. DUBUC: Asked and answered.

5 BY MR. LEWIS:

6 Q You didn't see any of the babies that died in
7 the troop compartment?

8 A No.

9 Q Did you see any adults die in the troop compart-
10 ment?

11 A I remember one.

12 Q Who was that?

13 A Sergeant Parker and he did not die at that time.

14 I remember seeing him afterwards.

15 Q He was badly injured; wasn't he?

16 A Yes.

17 Q He was so badly injured that he died; isn't that
18 right?

19 A That is correct.

20 Q Now, that same crash broke bones in your body;
21 isn't that right?

22 A Correct.

23 Q And, in fact, you were so badly injured that you
24 didn't ever get back on flying status; did you?

25 A I did not get back on flying status, but it was

1 not completely due to my injuries.

2 Q Partly due to your injuries; wasn't it?

3 A Yes. And that was my choice not to go back on
4 flight status.

5 Q Now, how long were you on leave for your in-
6 juries?

7 A Convalescent leave? Is that what you are
8 referring to?

9 Q Recovery.

10 A I was on convalescent leave five weeks.

11 Q When did you pass out?

12 A When did I pass out when?

13 Q Following the crash.

14 MR. DUBUC: Objection, Your Honor.

15 THE COURT: That is not within the scope of the
16 direct.

17 BY MR. LEWIS:

18 Q Did you pass out?

19 A Yes. I did pass out.

20 Q You did pass out?

21 A Yes.

22 Q Now, at the time of the crash you slid quite a
23 distance very rapidly down the aisle in that troop com-
24 partment, banged up against the bulkhead, and broke your
25 back; didn't you?

1 A I did not bang up against the bulkhead.

2 Q What did you hit?

3 A I just slid down the aisle and made a right turn
4 really and ended up on a pile of some of the --

5 Q Rubble?

6 A Rubble.

7 Q Okay.

8 Now, how long is the aisle in that troop com-
9 partment?

10 Say, in this room, is it as long as this room?

11 A I really don't remember at this point. I have
12 not been in that C-5 aircraft since then. I really don't
13 know.

14 Q A pretty big place; isn't it? A pretty long
15 aisle?

16 A Fairly long.

17 But I really couldn't give an estimate.

18 Q And you slid from wherever you were to the end
19 of it, didn't you?

20 A Yes, I did.

21 Q Now, where were you?

22 A I was halfway down the troop compartment's aisle.

23 Q So, you slid halfway down the troop compartment
24 aisle, and you slid fast enough to break bones in your body;
25 is that right?

1

2

3

A I don't know whether the bones were broken while
I was sliding or as I came to a stop, whenever.

1 Q They might have been broken at the time it hit the
2 ground, you mean?

3 A No. I don't know when. What I am saying is I
4 don't know when they were broken.

5 Q You know they were broken?

6 A Yes.

7 Q I understand the problem.

8 So when the airplane hit the ground the second time,
9 it hit pretty hard, didn't it?

10 A It seemed like it did, but I don't really remember
11 because that was the time I was grabbing the med tech's
12 ankle.

13 Q At some point you slid down the aisle. When?

14 A At the point I let go and grabbed his ankle, then
15 I slid.

16 Q You must have slid pretty fast?

17 A I don't remember how fast. I just know that I slid.

18 Q Could you have been stunned when the airplane hit
19 the ground?

20 A Could I have been --

21 Q Stunned when the airplane hit the ground?

22 A No, I don't think so.

23 Q But you say the babies around you slept through
24 that?

25 A You mean the time we touched down?

1 Q Yes.

2 A Some of them were sleeping.

3 Q Did it occur to you that if a baby would sleep
4 through the explosive decompression -- there is a terrible
5 lot of noise and with the airplane going up and down and
6 getting bounced and striking the ground hard enough to break
7 your bones -- did it occur to you that there must have been
8 something wrong with that baby if it didn't wake up?

9 Did that ever occur to you?

10 MR. DUBUC: Objection.

11 THE COURT: Overruled.

12 BY MR. LEWIS:

13 Q Did it ever occur to you?

14 A You made the description of the crash sound
15 dramatic. It wasn't that dramatic.

16 Q Let me just show you some pictures and ask you if
17 this isn't the situation.

18 THE COURT: Just give her the picture.

19 MR. LEWIS: I would like to have everybody seen
20 them at the same time.

21 THE COURT: Just give her the picture.

22 MR. LEWIS: May I display Diagram 17 of the whole
23 scene of the airplane?

24 THE COURT: Yes.

25 MR. LEWIS: Would you put that on an easel, Mr.

1 Fricker?

2 May I approach the witness?

3 THE COURT: You may approach the witness, yes.

4 BY MR. LEWIS:

5 Q I want to show you Exhibit 2DD.

6 Do you recognize that part of the airplane?

7 A The picture you gave me?

8 Q Yes.

9 A No.

10 Q What part of the airplane is that?

11 A I don't know because I didn't see that.

12 Q It has been testified that that is the Troop
13 Compartment. Does it look like the Troop Compartment you
14 were in?

15 MR. DUBUC: Objection. That is not the Troop
16 Compartment.

17 MR. LEWIS: I apologize. It is the Cargo Compartment.
18 I apologize for saying so.

19 BY MR. LEWIS:

20 Q Does that look like the Cargo Compartment the way
21 it looked after the accident?

22 A I didn't see it after the accident.

23 Q Look to your left. That is a diagram of the C-5-A.
24 You see where the orange part is called "Aft Troop Compartment" there?

1 A Yes.

2 Q You see where it says "Pressure Door" there?

3 A Yes.

4 Q You see where it says "Aft Ramp" there?

5 A Yes.

6 Q You see the large brown section called the "Cargo
7 Compartment"?

8 A Yes.

9 Q There is also identified a "Forward Troop Compart-
10 ment."

11 That may not be correctly named. I believe that
12 is the crew's quarters or something.

13 Are you familiar with that on that airplane?

14 A Yes.

15 Q And then what is called the "Flight Deck" is where
16 the pilot and co-pilot are; is that correct, ma'am?

17 A Yes.

18 Q You were located first downstairs where it is
19 called the Cargo Compartment; is that right?

20 A That is right.

21 Q You were in charge or at least partly in charge of
22 loading the babies; is that correct?

23 A Yes.

24 Q Describe the yellow area up there.

25 Does it have beds and seats and things like that

1 in it?

2 A As I recall, it does, but I --

3 Q Did you put any little babies in there?

4 A No, because that belongs to the flight crew.

5 Q So the babies that you couldn't put in the Aft
6 Compartment, had to fly on the floor below?

7 A We didn't lie them on the floor. We sat them,
8 as many as we could, especially the older children along the
9 ledges that are in the Cargo Compartment and used cargo tie-on
10 straps to secure them.

11 Q Were any babies lying on the floor?

12 A No, we had them sitting with some of the adult
13 women. We didn't have that many babies down there. We tried
14 to get as many of them upstairs as we could.

15 Q Tell me this, ma'am: What we have called the
16 Forward Troop Compartment, or crew's quarters, was it suitable
17 for putting in some of the small babies?

18 A I am not that familiar with it. I only saw it on
19 that one occasion. I couldn't make a judgment.

20 Q Sgt. Perkins was hanging near the area where it
21 says "Aft Ramp"?

22 A He would have been hanging in the area where the
23 ladder was.

24 Q Where is the ladder then?

25 I know it is not drawn. Can you help us?

1 Where would the ladder have been?

2 A It would be back -- the Cargo Compartment is in
3 brown. It would be back toward the end.

4 Q Please use the pointer.

5 A Somewhere in that area, just estimating (indicating)

6 Q You say that you helped pull Sgt. Perkins up?

7 A Yes, I did.

8 Q Did you say that anywhere in your statement? You
9 probably did, I just didn't notice it.

10 I thought --

11 THE COURT: Let us not have a conversation. Ask
12 the question.

13 MR. LEWIS: I am sorry, sir.

14 MR. DUBUC: It has been asked and answered.

15 MR. LEWIS: I don't think so.

16 THE COURT: It has been spoken of several times.

17 Go ahead.

18 BY MR. LEWIS:

19 Q All right.

20 Did you say anywhere in your statement to Col.
21 Waxstein that you helped pull Sgt. Perkins up?

22 A Whatever I said to him is right here (indicating).

23 Q Was this your best recollection at the time you
24 wrote this?

25 A Yes.

1 Q This would have been the 5th of May, 1975?

2 A I think that was the day it was transcribed.

3 He did it while I was a patient in the hospital.

4 Q It would have been a month after the accident,
5 more or less?

6 A No, he took the typed statement several days after,
7 while I was in the hospital. But I did not sign it until
8 May.

9 Q All right, ma'am.

10 Showing you the photograph in front of you which is
11 the Cargo Compartment, that part was attached to the Troop
12 Compartment before the landing, wasn't it?

13 A Yes, it was.

14 Q And it broke off the Troop Compartment? They went
15 into different directions, didn't they?

16 A I don't know. Afterwards I knew it was sheared
17 off the aircraft, but I didn't know at the time.

18 Q Afterwards you knew it was sheared off?

19 A Yes.

20 Q It must have made a loud noise when this big air-
21 plane tore apart?

22 A Not that I can recall.

23 Q You say it didn't make noise?

24 A No.

25 Q Was it quiet?

1 A Pardon?

2 Q Was it quiet?

3 A I don't remember that it was quiet, but I don't
4 remember it being such a loud noise.

5 Q Did the wings come off the airplane?

6 A Yes.

7 Q In fact, the airplane had completely disintegrated
8 for all practical purposes. It wasn't recognized as an
9 airplane after that impact when you got out, was it?

10 A I think the Troop Compartment and Flight Deck were
11 recognizable. In fact, the Troop Compartment looked like a
12 little Quonset hut standing there.

13 Q You said there were parts of the airplane that
14 looked like they did before, but on the whole, the aircraft
15 was very different than when you took off?

16 A Yes, because it had crash landed.

17 Q And it had disintegrated?

18 A You mean?

19 Q The airplane had just broken into a lot of large
20 pieces?

21 A Yes.

22 Q The tail broke off?

23 A Yes.

24 Q When you got out of this Troop Compartment, how
25 far away from you was the Flight Deck; approximately?

1 I understand distances are tough. Was it close to
2 you or a long way away?

3 A From where I got on the aircraft it was off to my
4 left.

5 Q How many times a football field?

6 A The Flight Deck?

7 Q Yes?

8 A I don't know how long a football field is.

9 Q It is 100 yards.

10 A I don't remember what I would have estimated,
11 probably several hundred yards away.

12 Q What bones of yours were fractured?

13 A Three or four and my foot, one in my back, as far
14 as bones being fractured.

15 Q Are you really sure that you remember the crash
16 in detail or is it possible that you were at least momentarily
17 stunned during part of it?

18 A No, because I was thinking too much during what was
19 going on to have been stunned.

20 Q You were doing what?

21 A I was thinking too much. I remember some of my
22 own personal thoughts that I had at the time. I wasn't
23 stunned.

24 Q When was the last child taken away from the scene?

25 A I don't know. I was not there at the end of the

1 rescue efforts.

2 Q You never did go to the Seventh Day Adventist
3 Hospital?

4 A Yes, I did.

5 Q When?

6 A After they evacuated me with the helicopter.

7 Q Did they hospitalize you?

8 A No, they placed me on a cart in what appeared to
9 be their emergency room, they did some superficial treatment
10 of my injuries and took me out in the court yard and left
11 me there.

12 Q Did you get a complete physical at that time?

13 A No.

14 MR. LEWIS: Indulge me just one moment, Your Honor.

15 THE COURT: Did you say "indulge me just one
16 moment"?

17 MR. LEWIS: I was asking for a minute's leave to
18 make sure.

19 Those are all the questions I have.

20 Thank you very much, ma'am.

21 THE COURT: All right, redirect.

22 REDIRECT EXAMINATION

23 BY COUNSEL FOR DEFENDANTS

24 BY MR. DUBUC:

25 Q Capt. Aune, you mentioned in response to one of

1 Mr. Lewis' questions that you might have passed out.

2 A During the evacuation of the infants after the
3 helicopters started coming in.

4 Q Were you inside or outside the airplane?

5 A I was outside.

6 Q Was this sometime after the evacuation had started?

7 A Yes, because I had been evacuating children to
8 helicopters and I came back to get another armload and had
9 several and when I reached down to get one that was crawling
10 on the ground -- at that point I don't remember what happened.

11 Q Then you went to the hospital?

12 A Yes.

13 Q Did you ultimately go from the Seventh Day Adventist
14 Hospital to a military hospital?

15 A Yes, I did, that night.

16 Q You received a physical examination then?

17 A Yes.

18 Q You mentioned one adult in the Troop Compartment
19 who had died.

20 Q Do you know who that was?

21 A No, I do not.

22 Q Was it a military person or a non-military person?

23 A I don't remember at this point.

24 Q Do you remember whether that adult had a seat having
25 any restraint of any kind?

1 A No, I wouldn't remember that.

2 Q Other than that one adult, do you remember anybody
3 else that died in the Troop Compartment?

4 A I can't remember anybody that I saw myself personally.

5 MR. DUBUC: That is all.

6 MR. LEWIS: Just one question.

7 RECROSS-EXAMINATION

8 BY COUNSEL FOR PLAINTIFFS

9 BY MR. LEWIS:

10 Q Were you given oxygen at the hospital?

11 A No, I was not.

12 MR. LEWIS: That is all.

13 THE COURT: Mr. Dubuc, do you have any further
14 questions?

15 MR. DUBUC: No, Your Honor.

16 THE COURT: Thank you, Captain.

17 MR. DUBUC: Thank you, Captain.

18 (Witness excused.)

19 THE COURT: We will take a recess now until twenty
20 of four.

21 (Jury leaves.)

22 (A 15-minute recess was taken.)

23 (Whereupon, the following took place outside of
24 the hearing of the jury:)

25 THE COURT: What is your convenience tomorrow?

1 MR. DUBUC: If we could today, I have one other
2 nurse and we have one of the flight crew that has a flight
3 out of here tonight and has a paid-for vacation next week.

4 THE COURT: Why don't we ride that out.

5 MR. DUBUC: So we have only two more witnesses.

6 THE COURT: What are your requirements and prefer-
7 ences for tomorrow?

8 MR. DUBUC: We would like to do Dr. Stark when he
9 arrives. I understand Mr. Lewis is going to see him at the
10 airport. After Mr. Lewis talks with Dr. Stark, I just talked
11 to Mr. Piper's secretary, and she is going to pick him up
12 and drive him to the courthouse. When Mr. Lewis is through,
13 she will bring him to the courthouse.

14 If he wants a voir dire, then we will have it,
15 if it is at all possible.

16 I know Your Honor wishes to end at 11:00 a.m.

17 THE COURT: I am trying to make sure I don't mess
18 up anybody.

19 MR. DUBUC: We have another flight crew member who
20 can be here on Monday. He can stay over.

21 THE COURT: He is a military person?

22 MR. DUBUC: Yes. We have another flight nurse who
23 can testify in the afternoon. We can arrange that for Monday
24 afternoon as well as some of the other witnesses.

25 THE COURT: The other thing you should know, the

1 courthouse closes for Good Friday and Easter Monday.

2 Do you think you will be through by then?

3 MR. DUBUC: If there were no cross-examination,
4 we might be able to.

5 We have four or five doctors that have to testify
6 and we have a couple of other witnesses besides the flight
7 crew witnesses, Your Honor, so judging by what we have seen
8 to date, I can't anticipate cross-examination.

9 I would like to get this done if I possibly can.

10 THE COURT: We better go as long as we can tomorrow.

11 MR. DUBUC: All right.

12 We will try to plan to have as many of the flight
13 crew people as possible tomorrow along with Dr. Stark.

14 THE COURT: Let me just get confirmation on my
15 situation. That is what I think we will do, but I will let
16 you know by the time we adjourn.

17 MR. DUBUC: I would anticipate tomorrow I would
18 have no more than an hour with Dr. Stark and I would anticipate
19 no more than the same with the Air Force crew member.

20 As I said, one of the Air Force crew members cannot
21 testify in the morning. We can do it tomorrow afternoon or
22 Monday afternoon. If Your Honor prefers that we do not sit
23 tomorrow afternoon, it can be done on Monday afternoon.

24 THE COURT: I will let you know before we adjourn.

25 MR. DUBUC: Last weekend we were trying to get into

1 the courthouse and we were unable to do so. Is there any
2 way we can have a memorandum permitting Mr. Jones, Mr.
3 Radcliff or me to get in if we need something?

4 THE COURT: I will see what I can do. I have just
5 never checked into it.

6 Is there anything else before we bring in the jury?

7 (No response.)

8 (Jury enters.)

9 THE COURT: Mr. Dubuc, will you call your next
10 witness?

11 MR. DUBUC: I call Lt. Marcia Tate.

12 Whereupon,

13 CAPTAIN MARCIA GRAY TATE

14 having been called as a witness on behalf of the Defendants,
15 having been first duly sworn, was examined and testified as
16 follows:

17 DIRECT EXAMINATION

18 BY COUNSEL FOR DEFENDANTS

19 BY MR. DUBUC:

20 Q Good afternoon, Captain. I am sorry that I called
21 you Lieutenant Tate.

22 Please state your full name and address and
23 occupation.

24 A Marcia Gray Tate, Registered Nurse, United States
25 Air Force assigned to the Academy at Colorado Springs.