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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,

March 27, 1980

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.

1 Q Where did you receive your nurse's training?

2 A Holy Cross School of Nursing, South Bend, Indiana.

3 Q When was that?

4 A 1968 to 1971.

5 Q You received certification as a Registered Nurse  
6 after that training?

7 A That is right.

8 Q Were you employed in the nursing profession after  
9 graduation?

10 A Yes, outside the Air Force for a year, and then I  
11 came into the Air Force during that year.

12 Q Where were you for that year?

13 A St. John's Hospital in Anderson, Indiana.

14 Q In what capacity did you serve as a nurse at  
15 St. John's Hospital?

16 A I was a nurse on the Medical Unit in the hospital.

17 Q What type of unit?

18 A Generalized medicine; in other words, patients that  
19 suffered from diabetes or heart disease or any acutely ill  
20 problem like that.

21 Q When did you enter the Air Force?

22 A In 1972.

23 Q Did you receive any additional training in nursing  
24 in the Air Force?

25 A As a flight nurse, yes.

1 Q Where?

2 A Brooks Air Force Base in San Antonio, Texas.

3 Q Is that the Aerospace School of Nursing in San  
4 Antonio?

5 A Yes, sir.

6 Q Were you given some special courses there relating  
7 to duties as a flight nurse?

8 A That is correct.

9 Q Can you tell us some of those courses?

10 A Courses in physiology of illnesses at higher  
11 altitudes which could vary from ground treatment and flying  
12 at high altitudes and what this encompassed.

13 Q Did those courses include any courses on the effects  
14 of decompression, hypoxia, and things of that nature?

15 A Yes, they did.

16 Q Did you receive any training in connection with  
17 rapid decompressions?

18 A Yes.

19 Q What was that training?

20 A Well, part of the training was theory and part was  
21 in an altitude chamber, being at various altitudes at the  
22 time of a rapid decompression and what occurred in an  
23 individual at that time.

24 Q Were you taught the various physiological signs  
25 or reactions of the body to things such as hypoxia, high

1 altitude and decompression?

2 A Yes.

3 Q Can you tell us the signs of hypoxia?

4 A I don't use those particular indicators now as a  
5 nurse working in the hospital, so I can vaguely recall the  
6 signs now as dizziness, drowsiness, turning blue, losing  
7 awareness and then unconsciousness.

8 Q Is there a factor of time involved between these  
9 various stages?

10 A Yes, there is.

11 Q Were you taught some things about that, about time  
12 and altitude?

13 A Yes.

14 Q Did you actually go through any type of simulated  
15 rapid decompression?

16 A Yes, we did.

17 Q Was that at Brooks?

18 A That was at Brooks, yes.

19 Q After your training at Brooks, were you assigned  
20 as a flight nurse to some squadron?

21 A Yes, I was assigned to the Ninth Air Medical  
22 Evacuation group at Clark Air Force Base in the Philippines.

23 Q What kind of duties did you perform?

24 A I was a flight nurse at that squadron flying on  
25 C-9 aircraft that took patients to and from Clark.

1 Q And from what points did you bring them to Clark?

2 A From Japan, Vietnam, Thailand, Taiwan.

3 Q Did there come a time in April of 1975 when you  
4 were assigned to a C-5-A mission to go to Saigon, Vietnam?

5 A Yes, sir.

6 Q Were you assigned in the Philippines by someone to  
7 go on that mission?

8 A Yes, I was.

9 Q Were you told, did you find out what the purpose of  
10 that mission was?

11 A Yes, I received a phone call about 6 o'clock in the  
12 morning and was told I would be flying to Saigon to bring  
13 back some orphans.

14 Q Did the flight crew gather and did the airplane go  
15 to Saigon for that purpose?

16 A Yes.

17 Q When you arrived in Saigon, what were your duties  
18 with respect to taking the orphans out of Saigon?

19 A Our duties were to unload all the orphans that  
20 we were brought and get them seats and positions in the  
21 airplane.

22 Q Was someone in charge of the medical air crew?

23 A Yes.

24 Q Who was that?

25 A That was Lt. Aune. At the time she was a Lieutenant

1 Q Where were you assigned in the C-5-A with respect  
2 to the onloading of orphans?

3 A I was assigned in the Troop Compartment which was  
4 upstairs.

5 Q Can you tell us what portion of the Troop Compart-  
6 ment you were in?

7 A It was the Aft Troop Compartment.

8 Q Within the Aft Troop Compartment, where were you  
9 as far as seats were concerned, in the forward part or aft?

10 A After we took off?

11 Q During the loading process.

12 A During the loading process, I was onloading infants  
13 and putting them in the Aft Troop Compartment anywhere we  
14 had seats available.

15 Q Do you recall how the children were dressed?

16 A Yes, I recall they were dressed pretty warmly  
17 especially for Saigon waters.

18 They had little sweaters and some had hats on.

19 Q Did there come a time when the Troop Compartment  
20 had been fully seated with infants?

21 A Yes, as I recall. We onloaded all the infants  
22 we could on all the available seats.

23 Q When you use the term "onload," you mean putting  
24 them in the airplane and putting them on the seats?

25 A Yes.

1 Q Do you recall how the infants were seated in the  
2 seats?

3 A Yes, as I recall, we put two children to a seat,  
4 padded with a pillow and then put the seat belts around them  
5 securely.

6 Q Did you check the security of the children in the  
7 Troop Compartment?

8 A Yes.

9 Q Were they securely seated in the seats with a  
10 belt around their lap?

11 A Yes, it was a common procedure that flight nurses  
12 check all passengers for security and they were all secured  
13 in their seats.

14 Q They were rearward-facing seats?

15 A That is correct.

16 Q The seats faced the rear of the airplane?

17 A Yes.

18 Q So a person sitting would have their back toward  
19 the front of the airplane?

20 A Yes.

21 Q Do they have those kinds of seats in other Air  
22 Force airplanes?

23 A Yes, as I recall, our C-9s were also rear-facing.

24 Q Do you recall the reason for that?

25 A In flight school it was found it had some degree of

1 safety surpassing other seats, by being rear-facing.

2 Q Do you know the reason?

3 A Because I believe an individual cannot suffer a  
4 whiplash in a rear-facing seat.

5 Q When you say that an individual cannot suffer a  
6 whiplash, what do you mean?

7 MR. LEWIS: I think we have exceeded the limit of  
8 her technical knowledge and I am sure she is very knowledge-  
9 able.

10 THE COURT: Overruled.

11 THE WITNESS: That the individual could not be,  
12 as it were, twisted very violently in the seat and suffer a  
13 neck injury.

14 BY MR. DUBUC:

15 Q As these children were sitting and as you observed  
16 them sitting after they were strapped in, can you tell me  
17 how the children appeared and how they were acting?

18 A My recollection is that they were acting very much  
19 like normal babies who were warm, fussy, probably thirsty,  
20 and some were crying and some were fussing and some were just  
21 sitting there looking around watching what was going on.

22 Q Were they given any food or drinks?

23 A Yes, prior to even taking off, we started passing  
24 out juice to the infants.

25 Q You mentioned takeoff. Did there come a time when

1 the airplane took off?

2 A Yes.

3 Q What did you observe about the children after  
4 takeoff as the airplane was climbing, if anything?

5 A As I recall, I again was trying to get them juice,  
6 trying to get them settled down, so I just recall that the  
7 children were again behaving normally sitting in their seats  
8 either fussy or not fussy -- just normal infants.

9 Q Do you recall whether any of them were sleeping?

10 A Yes, some of them were sleeping. Yes.

11 Q This was during the climb out?

12 A During the climb out, yes.

13 Q Did there come a time when there was a rapid de-  
14 compression in the airplane?

15 A Yes.

16 Q Where were you at that time?

17 A I was back by the galley section in the aft portion  
18 of the airplane.

19 I had gone to get some juice for the infants and  
20 was standing there when I heard a very loud boom and saw  
21 some very minute debris flying in the airplane and I stood  
22 there for a minute, then walked over to the flight mechanic  
23 who had some head sets on and I donned my oxygen mask and  
24 stood there for a minute and kept my mask on and tried to  
25 give it to the infants that were right below me in the seats

1 by the flight mechanic and they were awake and either pushed  
2 the mask away or just looked up at me and some of them could  
3 not reach their mask.

4 So about two or three minutes passed and the flight  
5 mechanic said to me, "Lieutenant, you can take your mask  
6 off. We don't need the oxygen now."

7 Q During that three or four minutes, did you have any  
8 feeling or did you experience any feeling that would indicate  
9 to you that the airplane was in any different configuration  
10 or descending or anything of that kind?

11 A As I recall, I think I felt that the airplane was  
12 doing something, either going up or coming down. Of course,  
13 I couldn't see. It was not a very violent move because I  
14 was standing up and I remained standing up.

15 Q At the time of decompression, did you experience  
16 any sensation of tingling in your ears?

17 A No, I don't recall.

18 Q Do you recall experiencing any other sensation  
19 either at that time or subsequent to the time when they  
20 said you didn't need any oxygen anymore?

21 A No, I didn't.

22 Q After the decompression, what if anything did you  
23 do?

24 A After I took my mask off, I went back to the section  
25 of babies that I had been assigned to before and just kind of

1 checked them over, and then I talked to one of the ladies  
2 who was an escort for the infants and scooted in beside her  
3 on the floor between two rows of seats and then scooted back  
4 across the aisle to the original row of infants I was with  
5 and stayed there until the impact.

6 Q Can you describe the infants during the period of  
7 time between the decompression and the time of the first  
8 impact?

9 A As I recall the infants, at least the ones I saw  
10 in the area in which I was, they were sitting up again look-  
11 ing around or acting very normal.

12 Q Did you observe any signs that you previously  
13 described of hypoxia?

14 A No, sir, I did not.

15 Q Do you recall experiencing or feeling any significant  
16 change of temperature in the airplane after the decompression?

17 A No, I can't really say I did.

18 Q Can you describe the temperature before and after  
19 for us?

20 A As I recall, if there was any change in temperature,  
21 it was not significant. It was a momentary coolness and it  
22 was the same as it had been before.

23 Q Is there an air-conditioning system in the airplane?

24 A Yes, as I recall, there was.

25 Q Does that provide --

1 MR. LEWIS: Counsel is leading the witness. I  
2 don't mind for a few preliminaries, but I think he is getting  
3 into areas of considerable concern.

4 THE COURT: Reform the question.

5 BY MR. DUBUC:

6 Q Do you know anything about the heating system  
7 or air-conditioning system in the aircraft?

8 A No, sir.

9 Q You mentioned something about after the decompre-  
10 sion attempting to administer oxygen to the children?

11 A Yes.

12 Q How did you do that?

13 A Utilizing the mask that had fallen from above  
14 the seats.

15 Q Were the masks actually providing oxygen?

16 A As far as I know, they were providing oxygen.  
17 Now, they could not always reach the children.

18 Q Did they reach some of the children?

19 A To my knowledge I think that they did reach some  
20 of the children, yes.

21 Q Based upon what you observed of the children you  
22 saw before the decompression and the children you saw after  
23 the decompression, can you tell us whether you noticed any  
24 difference?

25 A I noticed no difference at all.

1 Q During the time that the airplane was descending,  
2 did you have any sensation or feeling in your ears?

3 A No, I don't recall having any feeling.

4 Q Do you recall whether any of the children were  
5 crying?

6 A Again, I recall all along some children were crying  
7 and some were not crying.

8 Q Was this both before and after the decompression?

9 A Before and after the decompression, yes.

10 Q Did there come a time when you were preparing for  
11 the landing?

12 A Yes. The preparation for the landing on my part  
13 was one of knowing that we had to land some time. I do not  
14 recall an announcement of any landing, but I prepared for  
15 impact.

16 Q Did you have an assigned seat with a seat belt and  
17 so on?

18 A No, sir.

19 Q How did you prepare for impact?

20 A I placed myself between two rows of seats facing  
21 forward so that my body was over the laps of the infants that  
22 were seated in the seats and I was kneeling on the floor.

23 Q Did there come a time when the airplane touched  
24 the ground?

25 A Yes.

1 Q Can you describe that for us?

2 A Yes. What I felt was the very bumpy landing, but  
3 not unlike any I had experienced in my previous flying  
4 experience. It was just bumpy and then we came to a stop.

5 Q There has been some testimony as to one or two  
6 different touchdowns or impacts?

7 A Yes.

8 Q Can you tell me what you recall about that?

9 A I didn't know that there were two impacts until  
10 I heard that later. It felt like one bumpy landing to me.

11 Q When you say "one bumpy landing," can you tell me,  
12 did that cover a period of time when it was bumpy?

13 A A short period of time, but certainly a couple of  
14 seconds anyway.

15 Q Were you braced in this position you previously  
16 described during that time?

17 A Yes, and I kept my head down and did not get up  
18 or put my head up again until we came to a complete stop.

19 Q Were you disturbed from that position in any way?

20 A No, sir, I wasn't.

21 Q Were you thrown in any direction?

22 A No, sir, I stayed right in that same place.

23 Q Did there come a time when the airplane in which  
24 you were braced came to a stop?

25 A Yes.

1 Q What did you do then?

2 A I stood up, looked around for a minute and went to  
3 the exit which was to my left across the aisle from me.

4 Q What did you do?

5 A I approached the exit and someone came from behind  
6 me and opened it. I didn't have to open it. It was already  
7 opened. I stood and I got out of the exit right there.

8 Q Did you observe either at the time of the landing  
9 or any portion of it that you have described, any fire in  
10 the Troop Compartment where you were?

11 A No, there was no fire in our Troop Compartment  
12 whatsoever.

13 Q Did you observe during the landing any smoke in  
14 the Troop Compartment?

15 A When I stood up, there was a momentary smell of  
16 fumes and some cinders. When I stood up and looked straight  
17 ahead through the hole in the front of the compartment, I  
18 saw what I later found out was the wing burning, so the  
19 cinders had apparently just blown down for a minute to our  
20 section.

21 Q Other than that momentary notation of cinders, did  
22 you see any fire or smoke in your Troop Compartment?

23 A No.

24 Q Did you ultimately see that burning wing portion  
25 somewhere in the area?

1 A Yes.

2 Q Can you tell us how close it was to the Troop  
3 Compartment in yards, for example?

4 A I would have to guess. I am a poor estimator as  
5 to mileage. Far away, like a football field or more. It was  
6 a good distance away.

7 Q Is that the only burning area you observed?

8 A Yes.

9 Q After you got the exit open and during the time you  
10 were on the ground, did you thereafter smell anything like  
11 kerosene fumes or fuel fumes?

12 A No, I don't recall smelling any.

13 Q Once the exit was open, what if anything was done  
14 as far as getting the infants out of the airplane?

15 A After the exit was open, I was one of the first  
16 medical crew members out. I looked around and it became  
17 apparent that we were not going to have any fire and we could  
18 offload the infants, we could take them off the airplane and  
19 get them ready for airvac out of the rice paddies.

20 I looked out and told one of the flight crew  
21 members who was nearby that we ought to start getting the  
22 infants out and hand them out to me and get them on the  
23 ground for helicopter pickup.

24 Q Before you got the infants out, did you observe  
25 some of them in the Troop Compartment?

1 A Yes, I looked back and all of them were in their  
2 seats that I could see and sitting either securely in their  
3 seats and looking up at me or just sitting there looking  
4 around.

5 Q This is after the impact?

6 A After the impact, yes.

7 Q This was after you had gotten out and went back in?

8 A Yes. I didn't go back in. I just popped my head  
9 in the exit.

10 Q You said the infants were evacuated; was this by  
11 you and other members of the Air Force Medical Team?

12 A Right, and also some flight crew members assisted  
13 us.

14 Q Did there come a time when you got all the children  
15 out of the airplane?

16 A Yes.

17 Q Can you give us an estimate of how long that took?

18 A I would say it took about a half hour probably.

19 Q Did you get a chance to look at the infants taken  
20 out of the airplane?

21 A Yes, just for a minute as we handed them out to  
22 each other.

23 Q With respect to those coming out of the Troop  
24 Compartment, did you see any that evidenced any serious  
25 injury of any kind?

1 A No, certainly not. Overtly they did not appear  
2 to be injured at all.

3 Q Did there come a time when some helicopters came?

4 A Yes, the helicopters came, I would estimate, in  
5 about five or seven minutes.

6 Q Were the children evacuated by helicopter?

7 A Yes.

8 Q You said it took about 30 minutes to get them all  
9 out of the airplane?

10 A Yes, I would say about 30 minutes.

11 Q How long would you say it took to get all the  
12 children out of the airplane, on helicopters, and actually  
13 evacuated?

14 A About 30 minutes.

15 Q This was continuous, that you put them on the  
16 helicopter as they arrived and came out of the airplane?

17 A Right.

18 Q Did you go back in the airplane after all the  
19 children had been evacuated?

20 A Yes, sir, I did. I made a walk-through to make  
21 sure we had all the infants out and we did when I did that.

22 Q Were you injured in the accident?

23 A No, sir.

24 Q You had no seat belt or any restraint of any kind?

25 A That is correct.

1 Q Were you there until the last infant had been  
2 evacuated?

3 A Yes, I was.

4 Q Did you ultimately go back to your Air Force assign-  
5 ment?

6 A Yes, I did. I did not fly again after that, but  
7 I went back to the Flight Nursing Squadron.

8 Q Did you find any of the children you observed in  
9 the Troop Compartment unconscious after the accident?

10 A No, sir.

11 MR. DEBUC: You may cross-examine.

12 CROSS-EXAMINATION

13 BY COUNSEL FOR PLAINTIFFS

14 BY MR. LEWIS:

15 Q Is your name Tate now?

16 A Yes, sir.

17 Q That is not the name you had earlier, so if I get  
18 confused, forgive me.

19 I believe you said at the time of the landing in  
20 your statement -- do you remember that you gave Col. Waxstein  
21 a statement?

22 A Yes.

23 Q That was not long after the accident?

24 A That is correct.

25 Q You said you were holding a lady's hand who was

frightened, didn't you?

A I was definitely talking with her. I am not sure I was holding her hand, but I was definitely talking with her.

Q Where was she located from you?

A At least at the time of impact, she was across the aisle from me.

Q      About how far?

A Are you talking about how far back in the airplane  
or how far was she from me?

Q How far was she from you?

A She was probably two feet from me, something like  
that

o She died, didn't she?

A Yes.

Q Did you look at any of the babies that died in the Troop Compartment?

A      No, sir, I did not see any babies in the Troop  
Compartment that died.

Q You do know that some did die there?

A VES

Q And they were found in their seats with no marks on them? Don't you remember hearing that?

A I don't remember hearing that sir

8 Well, let me see if I understand what the situation

1 before the impact was, and you remember only the one impact,  
2 is that right, that lasted a couple of seconds I believe you  
3 said?

4 A I remember what appeared to be one impact.

5 Q I understand.

6 If there were two impacts fairly widely separated,  
7 you don't remember one of them; isn't that true?

8 A I remembered what appeared to be one --

9 Q Continuous impact?

10 A That is correct.

11 Q I understand.

12 If there were not one continuous impact, if there  
13 were one impact and then some period of time passing and  
14 then another impact, you didn't notice one of them; isn't  
15 that true?

16 A Yes, I had my head down and I just stayed in that  
17 position.

18 Q I understand that.

19 Now the lady that died, she was as frightened as  
20 you were, wasn't she?

21 A I don't know.

22 Q You were very frightened, weren't you?

23 A I was very frightened, yes.

24 Q You thought you were going to die, didn't you?

25 A I knew it was a good possibility.

1 Q It looked awfully dangerous?

2 A It certainly did.

3 Q Didn't the lady you were talking to tell you that  
4 she was very frightened also?

5 A I cannot recall that, sir. I remember her talking  
6 to me more about her life in Saigon and that she was engaged.

7 Q Did you see the loadmaster?

8 A There were several flight crew members on the missio  
9 and I am not sure who was a flight mechanic and who was the  
10 loadmaster, but I saw a couple of flight crew members in  
11 addition to the medical crew members.

12 Q Did you see a man that you knew was a loadmaster  
13 that was injured?

14 A He was a flight crew member, if I recall who you  
15 are talking about.

16 Q I understand.

17 You say you didn't know if he was a loadmaster?

18 A I can't remember, sir, what his job was is what I  
19 am saying.

20 Q Do you recall if you identified him as a load-  
21 master for Col. Waxstein in your statement?

22 A Sir, I would have to see my statement. I just  
23 don't recall my statement.

24 Q I will be happy to show it to you.

25 MR. LEWIS: Do you have a copy that I could use?

1 MR. DUBUC: Yes. Here is a copy.

2 (Document handed to the witness.)

3 BY MR. LEWIS:

4 Q Turn to it says page 5 of eight pages, my copy  
5 does. It also says 70 at the bottom. Do you see that page?  
6 Look at the very last line.

7 Would you read that out loud starting with "one  
8 loadmaster"?

9 A "...one loadmaster was bleeding from his head and  
10 looked like he was very severely injured."

11 Q Read that whole sentence just so that we will have  
12 the context starting with the word "Then."

13 A "Then they started handing out babies and I went  
14 around to the front of the Troop Compartment and I saw the  
15 one loadmaster was bleeding from his head and looked like he  
16 was very severely injured, and I saw the lady who I had sat  
17 with and whose hand I had held."

18 Q Do you now remember that you held her hand? Does  
19 that help you?

20 A No, sir. I am sure at the time I held her hand,  
21 but I don't remember at this minute.

22 Q I understand, okay.

23 Read the next sentence.

24 A "She looked like she was dead."

25 Q Then go ahead and read the next sentence or two.

1 A "Then I saw Lt. Goffinet and I believe she said  
2 something to me like 'What are we going to do with these  
3 people?' I said, 'They are very seriously hurt now or dead.  
4 Let's get the babies out.'"

5 Q All right. Thank you.

6 Later on the lady who died, her daughter went  
7 around looking for her?

8 Do you remember that?

9 A Yes, as I recall, I remember that.

10 Q The lady who died was in sort of the same position  
11 as you were on the airplane, wasn't she?

12 A Yes. I don't know that she was braced on impact.  
13 She was in about the same area as me in the airplane.

14 Q It was really important to be braced, wasn't it,  
15 in your opinion?

16 A Yes.

17 Q Do you remember looking down and seeing Sgt. Perkins  
18 hanging from the ladder that had partly blown away?

19 A Yes.

20 Q You do remember that?

21 A Yes.

22 Q As I understand it, you heard this terribly loud  
23 noise; is that correct?

24 A That is correct.

25 Q Before the loud noise, the babies were sleeping or

1 acting like babies?

2 A Right.

3 Q It was really a tremendous noise; is that right?

4 A Yes, as I recall, it was.

5 Q Lt. Aune, or is it Captain Aune? I don't mean to  
6 state the rank incorrectly.

7 A Captain Aune.

8 Q Captain Aune.

9 She was a lieutenant at the time. She just told us  
10 that after that explosive decompression that the babies were  
11 sleeping very quietly; was that your observation?

12 A Well, there were lots of babies on the airplane,  
13 so some of them were probably sleeping that she saw and some  
14 of them that I saw were awake.

15 Q Were you in a different place than she was?

16 A Sort of. Initially at the time of the rapid  
17 decompression, I was by the galley.

18 Q You couldn't see the babies at that point?

19 A I could see some as I recall to the right of the  
20 airplane, on the right side.

21 Q You remember being extremely frightened at that  
22 time, don't you?

23 A I was frightened, certainly.

24 Q I'm not saying it wasn't a frightening situation  
25 either.

1 THE COURT: You don't have to comment. Ask  
2 questions.

3 MR. LEWIS: I am sorry.

4 BY MR. LEWIS:

5 Q Did you go from there to Sgt. Perkins' predicament?

6 A As I recall, I didn't. I went from there to the  
7 oxygen mask that had fallen.

8 Q You put on an oxygen mask?

9 A I put it over my face. I didn't attach it to my  
10 head, but I put it on.

11 Q You got oxygen at that time?

12 A Yes, and tried to give some to the infants sitting  
13 in the seats nearby.

14 Q They had seat belts on, didn't they?

15 A Yes.

16 Q They were around one year of age or so, weren't  
17 they?

18 A I'm sorry, sir?

19 Q Their age was about one or so?

20 A Yes, I would say one to two to three.

21 Q But they couldn't reach the mask with the seat  
22 belt on, could they?

23 A That is right. Some of them could not.

24 Q They would have to be unbelted?

25 A To reach the oxygen.

1 Q You would have to unbelt it, then take the baby,  
2 lift him up, put the mask on him and try to give him some  
3 oxygen; is that right?

4 A Sir, as I recall, I did not try to give at least  
5 eight or ten babies in that one area oxygen. My training as  
6 I recall said to get oxygen for yourself so you can take care  
7 of other people, so I was fully aware that I had to get  
8 oxygen so I could help everyone else, so I took some whiffs  
9 of oxygen and tried to give them to some of the children,  
10 at least the older ones who were there that I thought could  
11 get some oxygen.

12 Q But for practical fact, the babies under your  
13 direction and the ones you could really see otherwise, really  
14 did not get much oxygen, did they?

15 A That is correct.

16 Q Coming back to Sgt. Perkins --

17 A Could I add one thing?

18 Q Yes.

19 A Probably neither did I. I was trying to give it  
20 to them and trying to get a whiff so probably none of us  
21 got too much oxygen.

22 Q You would take a whiff and give a whiff to a baby  
23 and then take another whiff for you?

24 A That was my procedure.

25 Q Then you got every other whiff?

1 A I don't remember, sir, if it was every other whiff  
2 or every second or third, but I am sure I didn't get much  
3 oxygen.

4 Q I am sure you tried to help them as much as you  
5 could.

6 THE COURT: We don't want any comments.

7 MR. LEWIS: I am sorry, Your Honor.

8 BY MR. LEWIS:

9 Q Who was helping Sgt. Perkins up from the ladder?

10 A As I recall another flight member, either a flight  
11 mechanic or a loadmaster who was in the area and also  
12 Lt. Aune was also trying to help him up.

13 Q Do you remember mentioning Lt. Aune in your report  
14 as being one of the people that tried to help him up?

15 A I don't remember if I mentioned her in my report  
16 or not.

17 Q Lt. Aune wasn't by definition a flight crew member,  
18 was she?

19 A No, sir, she was a medical crew member.

20 Q Look on page 4 of eight pages of your statement  
21 and I will try to identify the section that I want you to  
22 read please.

23 You see where you put your initials there over on  
24 the side?

25 A Yes.

1 Q Beginning with the word "Then" would you read that  
2 sentence aloud please?

3 A "Then I looked around and saw Sgt. Perkins hanging  
4 on the ladder and two other flight crew members who were  
5 there were trying to hold on to him and help him up into the  
6 Troop Compartment and trying to give him some oxygen too."

7 Q There wasn't any mention of Lt. Aune in there?

8 A Not specifically. I think I could have very well  
9 combined her with flight crew members as opposed to medical  
10 crew members. I just remember two of us, in that sense,  
11 helping him.

12 Q But you did say flight crew members?

13 A Yes, sir.

14 Q This was about a month after the accident, or was  
15 it less than that?

16 A Less than a month.

17 Q Now when the children got on the airplane, they  
18 were very healthy, weren't they?

19 A I don't know if they were very healthy. They  
20 looked normal.

21 Q Let me ask you, you were briefed about the flight  
22 by a major or lieutenant colonel from Saigon; is that right?

23 A Before we got on the airplane, sir?

24 Q Well, before the airplane left on the ill-fated  
25 flight?

1 A From Clark?

2 Q No, from Saigon.

3 A As I recall, we were briefed by a lieutenant  
4 colonel who was on the flight from Clark to Saigon and who  
5 briefed us somewhat enroute and also briefed us when we were  
6 on the ground in Saigon.

7 Q Would you turn to page 2 of eight for me, please?  
8 That is your statement.

9 A Yes.

10 Q Start at the top of that and read that, please.

11 A "After we landed at Saigon, we went downstairs and  
12 walked through the Cargo Section and up into the Flight Deck  
13 and we received a briefing from either a major or a lieutenant  
14 colonel from the Saigon area who told us when we first came  
15 up -- "

16 Q Not quite so fast.

17 A " -- who told us when we first came up to the  
18 Flight Deck that we probably would be receiving in the  
19 neighborhood of 120, I believe he said something like that,  
20 infants probably under the age of three."

21 Q Go on.

22 A "He said that we might also be receiving some  
23 families of Americans there and secretaries who would be  
24 leaving Saigon. We were concerned whether we would be getting  
25 any children that were ill and that would require any type of

jc45 1 medical help. He told us that they would all be healthy  
2 children at that time, but that may be later the planes that  
3 came in would be taking out the sicker children, but that  
4 we would be getting the healthy orphans."

5 Q Thank you.

6 With respect to the Cargo Compartment, the passen-  
7 gers down there were loaded in the forward section; is that  
8 right?

9 A That is right.

10 Q Now, there was only one mask per seat; isn't that  
11 correct, one oxygen mask?

12 A Yes, as I recall.

13 Q And there were two babies per seat?

14 A Right.

15 Q And all the masks didn't come down, did they?

16 A I didn't know that, sir.

17 Q Are you saying they all did?

18 A I don't know, sir, if they did or not. As I recall,  
19 there were many masks hanging.

20 Q And actually only a tiny percentage of children  
21 got oxygen?

22 A Yes, sir.

23 Q And the children were not crying after the decom-  
24 pression?

25 A Some were and some were not.

jc46 1

MR. LEWIS: Excuse me just a moment.

THE COURT: Certainly.

BY MR. LEWIS:

Q You remember your deposition, don't you?

A I remember giving a deposition.

Q When somebody asked you questions and you gave answers. This is on page 31.

A Could I see one also, sir?

Q Yes.

(Document handed to the witness.)

There are not any numbered lines. It will be on the middle of the page.

MR. DUBUC: October 24, 1978?

MR. LEWIS: She has our copy.

BY MR. LEWIS:

Q Would you look on the front page, ma'am, and see the date of our deposition?

A Yes, October 24, 1978.

THE COURT: Very well.

MR. DUBUC: What page are we on?

THE COURT: 31.

MR. DUBUC: I am sorry.

BY MR. LEWIS:

Q In the middle of the page, it starts out:

"Question: And you tried to help some of the

jc47 1 children around here?

2 "Answer: That is right.

3 "Question: Were they crying?

4 "Answer: No, sir. I do not remember these par-  
5 ticular children in these seats crying."

6 A Yes, sir, not these particular children, but there  
7 were other children in the airplane that I can remember seeing  
8 some were crying and some were not.

9 Q All right.

10 Do you remember saying that any place in your  
11 deposition?

12 A Not offhand, sir, I don't.

13 MR. DUBUC: Do you have a page number, Mr. Lewis?

14 MR. LEWIS: I didn't see it. I just asked if she  
15 remembered having said it.

16 THE COURT: There was no page reference.

17 BY MR. LEWIS:

18 Q Did you examine any child for hypoxia?

19 A No, sir, that was not my job.

20 Q Okay.

21 Do you know what the signs of hypoxia are in a  
22 child?

23 A Sir, I recalled some of them to Mr. Dubuc. At the  
24 time I certainly probably could have known all of them, but  
25 since I haven't used that information in five years, I just

jc48 1 don't recall all the signs of hypoxia at this time.

2 Q Did you take the pulse of a single child?

3 A No, sir.

4 Q Do you know whether hypoxia causes tachycardia?

5 A No, I do not remember, sir.

6 Q Did you count the respiration of any child?

7 A No, sir, but none of them were having air hunger  
8 that I recall seeing.

9 Q Do you know that there is a risk of hypoxia on  
10 occasion, or did you know, of explosive decompression?

11 A I am sorry, sir, will you ask that question again?

12 Q I just want you to tell me whether in your training  
13 you knew that there was a risk of hypoxia under explosive  
14 decompression under certain circumstances?

15 A Certainly.

16 Q Did you see anybody perform any medical tests on  
17 any of those babies at any time on the plane, either you or  
18 Lt. Aune or any of the flight nurses perform any kind of  
19 a medical test, either take their pulse, check their breathing  
20 or in any way check the medical condition of those babies  
21 any time after the explosive compression?

22 A I did not see that.

23 Q Did you ever see an autopsy of the lady that died  
24 who was near you whose hand you were holding?

25 MR. DUBUC: Objection.

jc49 1

THE COURT: Sustained.

2

BY MR. LEWIS:

3

Q Did you get a medical examination after the  
accident?

5

A Yes, sir, as I recall, I did.

6

Q Where was that?

7

A At Clark Air Force Base in the Philippines.

8

Q Were you examined in Saigon?

9

A No, sir.

10

Q Did you get a complete examination at Clark Air  
Force Base?

12

A I was examined. I don't know how complete it was.  
I was not injured, so I would say that I did not have an  
EKG or any specialized testing. I was checked by a physician  
when I got back to Clark.

16

Q But somebody gave you a complete physical?

17

A I don't know what you mean by a complete physical,  
sir.

19

Q And you are a nurse?

20

A That is correct, sir. There are different definitions  
of a complete physical.

22

Q I understand. Thank you.

ndR.3 23

MR. LEWIS: That is all.

R.4 24

THE COURT: Redirect examination.

25

jc50 1

## REDIRECT EXAMINATION

2

BY COUNSEL FOR DEFENDANTS

3

BY MR. DUBUC:

4

Q Mr. Lewis asked you, Captain Tate, about the lady who was next to you who apparently died.

6

Do you know if she was restrained or braced in any way?

8

A No, I surely do not know.

9

Q And there was a reference to a crew member who may have been injured.

11

Do you know if he was restrained or if he had any seat or seat belt?

13

A No, I do not know for sure. As I recall, just prior to impact, and this is what someone else told me, he stood up --

16

MR. LEWIS: Your Honor, I don't think that is too appropriate, what somebody else told her.

18

THE COURT: Overruled.

19

THE WITNESS: He stood up to deflate a life raft and when he did so, apparently he did not get down just prior to impact, so to my knowledge he was not braced.

22

BY MR. DUBUC:

23

Q He was standing in the aisle of the aircraft?

24

A That is correct, or standing up somewhere. I did not see him. I did not have my head up, but he was standing.

25

1 Q You described this as a bumpy landing, I think,  
2 in your direct testimony which you compared to some other  
3 bumpy landings you have been in?

4 A That is correct. It was a hard landing, but I  
5 have had other hard landings very similar to what I felt  
6 then.

7 Q In those other hard landings, if someone had been  
8 standing up without being restrained, do you think he would  
9 have been injured?

10 MR. LEWIS: Objection.

11 THE COURT: Sustained.

12 BY MR. DUBUC:

13 Q Mr. Lewis asked you if you performed any medical  
14 tests or examinations on any of the children while the air-  
15 plane was descending; do you recall those questions?

16 A Yes.

17 Q Did you observe any of those young children in the  
18 Troop Compartment to exhibit any signs or symptoms which  
19 would have suggested to you that a medical examination would  
20 have been necessary?

21 A No, I certainly didn't.

22 MR. DUBUC: Thank you very much.

23 THE COURT: Do you have any questions on recross-  
24 examination?

25 MR. LEWIS: I have just a couple of questions on

1 recross-examination, Your Honor.

2 THE COURT: Please proceed.

3 RECROSS-EXAMINATION

4 BY MR. LEWIS:

5 Q I would like to show you some photographs, ma'am.

6 MR. DUBUC: Objection.

7 MR. LEWIS: The redirect examination went into the  
8 violence of the crash. That is what I am going to ask her  
9 about.

10 THE COURT: Overruled.

11 BY MR. LEWIS:

12 Q First, I will show you Exhibit 2DD?

13 A Yes.

14 Q Is that the way the Cargo Compartment looked after  
15 the accident?

16 A Sir, I did not see the Cargo Compartment after  
17 the accident.

18 Q When you got out of the airplane, it wasn't any  
19 place close to where you were?

20 A Not that I recall, no, sir.

21 Q When you got on the airplane, the Cargo Compartment  
22 was under the Troop Compartment?

23 A Correct.

24 Q How high off the ground was the Troop Compartment?

25 A Right on the ground.

1 Q Before the accident?

2 A I am sorry. A couple of stories. I am not sure  
3 how high, but it was pretty high.

4 Q After the accident, you could step out of the  
5 Troop Compartment onto the ground?

6 A That is right.

7 Q So the Cargo Compartment was completely gone?

8 A I didn't see it from where I was. I don't really  
9 know what happened to it, but I could not see it.

10 Q Let me show you Exhibit 2FF and ask you if that  
11 is the way part of the wreckage looked after the accident?

12 A I don't recall seeing this, sir.

13 Q Let me show you Exhibit 3A. Did you see any  
14 wreckage like that after the accident?

15 A No, sir, I could not see this from where I was.

16 Q Let me show you Exhibit 2F. Did you see that part  
17 of the wreckage after the accident?

18 A Is this the tail?

19 Q Part of it.

20 A I recall from our compartment looking back and  
21 being able to see the tail again fairly far away, so I didn't  
22 see it up close.

23 Q Actually the airplane had broken into a lot of large  
24 pieces and many, many small pieces, had it not?

25 A I assume so. I couldn't see many, except the wing

1 that was burning in front of us and our Troop Compartment  
2 and the Flight Deck in front of us.

3 Q Now, ma'am, are you sure you weren't stunned  
4 momentarily during any part of this impact?

5 A Yes, sir, I was fully aware of what was happening  
6 at all times.

7 Q You say you don't fly anymore?

8 A Not as a flight nurse, no.

9 MR. LEWIS: That is all, Your Honor.

10 THE COURT: Any redirect or re-redirect or whatever?

11 MR. DUBUC: No.

12 THE COURT: Lieutenant, you are excused.

13 (Witness excused.)

14 (Whereupon, the following took place at the bench  
15 outside of the hearing of the jury:)

16 THE COURT: Do you plan anymore this afternoon?

17 MR. DUBUC: I have one witness who is going on  
18 vacation.

19 THE COURT: Let's go.

20 (Whereupon, the following took place in open court:)

21 THE COURT: Mr. Dubuc, please call your witness.

22 MR. DUBUC: Major Malone.

23 Whereupon,

24 MAJOR KEITH DOUGLAS MALONE

25 was called as a witness for the Defendants and, having been

1 first duly sworn, was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY COUNSEL FOR DEFENDANTS

4 BY MR. DUBUC:

5 Q Good afternoon, Major.

6 Tell us your full name, address and occupation?

7 A Keith Douglas Malone. I live at 504 Walnut Court  
8 in Vacaville, California.

9 Q I see you are a pilot, sir?

10 A That is correct.

11 Q Could you give us a short history of your training  
12 as a pilot?

13 A I started in '69, July '69, I started pilot train-  
14 ing in Reese Air Force Base, Texas.

15 Prior to that I was a navigator. I started my  
16 career in '65. Spent a year at Reese, a year at Travis in  
17 C-141s from '70 to '73.

18 In '73 I went to Thailand, EC-46s. I flew that for  
19 one year, came back to Travis; assigned to C-5s in August  
20 of '74 and went to C-5 training at Altus Air Force Base --  
21 February-March of '75 -- and I went back to Travis and con-  
22 cluded my training in March of '75.

23 Q You indicated you were originally a navigator in  
24 '65 and you went into flight training sometime?

25 A July of '69 started my flight training, Reese Air