

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 [REDACTED]
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

1 Force Base, Lubbock, Texas.

2 Q What did that include, flight training?

3 A It is a normal checkout for pilots. You spend a
4 six weeks' portion in a light aircraft T-41. You spend four
5 to five months in a T-37 which is a two-engine, jet aircraft
6 and six months in a T-38 which is also a two-engine, jet
7 aircraft.

8 Q In connection with flight training, did you receive
9 any aerospace physiological training?

10 A Yes.

11 Q Could you describe that for us?

12 A I received that -- you have an initial course --
13 I received that twice prior to going to Naval school and
14 another course prior to going to pilot training. It is a
15 course designed to introduce you to the flight environment
16 as far as uses of oxygen, when you need oxygen. It familiar-
17 ized you with the equipment you use, oxygen mask, walk-
18 around bottles, equipment on the aircraft.

19 The initial course is usually, I think, about a
20 one-day course. At the end of the initial classroom training,
21 you have an altitude chamber which simulates altitudes in an
22 aircraft. You go to 35,000 feet, take off your mask, and
23 see how long it will take for you to require oxygen again.
24 They put you through various exercises: counting backward
25 from a hundred, addition, multiplication, and the whole idea

1 is for you to be able to recognize your own symptoms such
2 as tingling or the bluing of fingers, whatever might happen
3 to you, so you can recognize your own symptoms.

4 Q In connection with that type of training, did they
5 also do anything with respect to training in the event of
6 a decompression?

7 A They will have rapid decompression, I forget the
8 altitude, rapid decompression in the chamber just to show
9 you what occurs when the inside pressure equals the outside
10 pressure in a matter of seconds to show you the mist that
11 occurs or condensation like foggy appearance to show you
12 that you need to get your mask on. They instruct on how
13 to do it.

14 You have to go to 100 percent emergency just to
15 give you a demand for oxygen.

16 Q Do you get instruction in connection with that
17 as to time of useful consciousness and things like that in
18 various altitudes?

19 A That is correct. I don't know the times exactly,
20 but the higher the altitude, the less time you have to get
21 your mask on and get yourself on oxygen. They instruct us
22 usually in the mid-thirties you are talking about seconds,
23 30-40 seconds. It depends upon the capacity of the individual
24 to go without oxygen. The lower you go, the less oxygen you
25 need and the more time you have.

At 25,000 feet -- you are talking minutes. Less than 25,000, you are talking several minutes.

Q How about under 20,000?

MR. LEWIS: Your Honor, if the gentleman is an expert on this, I don't think he was on the list of expert witnesses.

THE COURT: Overruled.

THE WITNESS: Under 20,000, less than 20,000, you have quite a bit of time. We can go at 10,000 and it is called normal. At 10,000 you don't need oxygen. In our aircraft, you can go up to 13,000 feet without oxygen for three hours. So you are talking 13 to 20.

BY MR. DUBUC:

Q That is as a pilot operating an airplane when you say you don't need oxygen?

A That is correct.

Q Now, would you tell us if there came a time when you were assigned as a flight crew member on a C-5-A that was ordered to Saigon on a mission on April 4, 1975?

A That was my -- I came back from Altus in March of '75. It was my first trip. It was route familiarization. It is called a "Dollar Ride." I am not qualified before that. After that, I become qualified. I am qualified for the aircraft, but you are not qualified until you see the route. April 4 was my "Dollar Ride" in the system.

1 Q What position did you fill in the airplane?

2 A I was in the jump seat or I. P. seat.

3 Q When you say jump seat, is that a seat between the
4 pilot and and co-pilot?

5 A Yes, directly between them.

6 Q You were at a distance where you could talk to
7 them and see what they were doing?

8 A Yes, a foot and a half to each, the pilot and the
9 co-pilot.

10 Q Did there come a time when you arrived in Saigon
11 in connection with this mission?

12 A Yes, that is correct.

13 Q Do you recall the time?

14 A 12:50, 12:52, 12:53 in the afternoon.

15 Q Were you carrying cargo in?

16 A Yes, we were carrying cargo in and told that we
17 would be picking up people, orphans, to take out.

18 Q Do you know approximately how long you were on the
19 ground in Saigon?

20 A I believe we took off at 16:02 or 16:03, so it is
21 a little over three hours.

22 Q You loaded the infants within that three-hour period
23 and took off?

24 A That is right.

25 Q What if anything did you have to do with the loading

1 of infants?

2 A I was at the bottom of the ladder, Troop Compart-
3 ment, the rear portion, the only ladder that leads up to
4 the Troop Compartment. I was the first or second one on the
5 ladder. I just received the babies from the person on my
6 left and handed them to the person on my right upstairs to
7 the Troop Compartment.

8 Q Did there come a time when the airplane was loaded?

9 A It was loaded, I don't know the exact time, 45,
10 50 or 55 minutes prior to take off.

11 People were on board.

12 I then proceeded to help the individuals upstairs
13 quiet the passengers and then I assumed my position up front

14 Q Did the time come when the airplane took off?

15 A That is correct.

16 Q Did the airplane climb out to a higher altitude?

17 A Yes, sir.

18 Q Can you describe the climb out?

19 A It was, as far as the climb out was concerned, a
20 little bit different than a normal climb out in that we
21 wanted to attain as high an altitude as possible in the
22 shortest amount of time, so we kept the speed lower than
23 what a normal climb out would be, closer to 200. Normal
24 is 250.

25 At approximately 16,000 feet, we increased the

1 air speed. At that time it should be 270. That is what we
2 tried to attain. We reached approximately 260 or a little
3 bit less, still trying to gain as high an altitude as
4 possible. At that time we went up through 20,000 feet at
5 about 260 knots.

6 Q You indicated a little different than normal climb
7 out?

8 A Normal climb out would be at 250 up to 10,000,
9 270; at 29,000, you could go to MACH 767.

10 Q What was the reason for this?

11 A To attain as high an altitude as quickly as
12 possible. You came in at a steeper descent and you left
13 at a higher climb to attain the highest altitude and safest
14 area.

15 Q What is the reason for that?

16 A We were instructed that there may be missile sites
17 or Sam sites in the area. It is not a secure area. The
18 area where we were going to land was secure, but not necessarily
19 the surrounding area.

20 Q Did there come a time during the climb out when
21 a rapid decompression occurred?

22 A That is correct. The exact altitude I didn't know
23 at the time. I was walking toward the rear of the Flight
24 Deck.

25 Q You were not in the jump seat at that time?

1 A No, I was not.

2 Q What did you do after it occurred?

3 A I was just entering the relief crew compartment
4 when it occurred and based on my training courses, it was
5 classic rapid decompression: loud noise, foggy appearance.

6 I turned around and knew I had to get on oxygen
7 and went back to the Flight Deck area, cockpit area, and
8 assumed my position in the jump seat.

9 My mask is off to the left. I found my oxygen
10 mask and went to 100 percent oxygen.

11 Q Do you recall what was done in the cockpit, whether
12 the airplane was put into a turn or descent?

13 A We were in a left descending turn when I got there.

14 Q Did you happen to notice the altitude when you
15 got up?

16 A I remember going back down through 20-21,000.

17 Q Do you recall the approximate rate of the descent?

18 A No, but I recall it was not a steep descent at
19 that time. It was a shallow, left descent.

20 Q Okay.

21 Can you recall whether there came a time when you
22 took your oxygen mask off?

23 A I didn't stay on oxygen very long. The exact time
24 I would say once we got below 20,000, 15 to 20,000, the exact
25 time I don't know.

1 Q Once you got below 15 to 20,000, you felt you
2 didn't need oxygen?

3 A No. Others weren't on oxygen. The co-pilot was
4 having trouble with the radio.

5 Q You say it was around 20,000 feet when you got
6 back to the cockpit?

7 A Yes.

8 Q How long do you think it took to get back to the
9 cockpit when you noticed decompression?

10 A A matter of seconds, five or six or seven seconds.

11 Q After you got back into the cockpit, how long before
12 you were at an altitude to remove your oxygen mask?

13 A Oh, I would say a little over a minute or a minute
14 and a half.

15 Q During the descent, did the airplane make some turn
16 right and then left?

17 A The initial turn was a left descending turn, it was
18 a fairly steep descent because of the lack of elevator control
19 that controls descent and climb of the aircraft.

20 Then we went to nose-high attitude and from there
21 rolled off to the right to break the gaining of altitude,
22 the climbing.

23 From then on it was a turn to the right and turn
24 back to the left.

25 Q Were those turns fairly smooth or abrupt?

1 MR. LEWIS: Your Honor --

2 BY MR. DUBUC:

3 Q How would you describe those turns as they were being
4 made?

5 A The turns were not abrupt based on systems loss,
6 two hydraulic systems were lost and we had to -- we lost
7 systems that controlled the left aileron. We had only one
8 system on the right aileron that was still working, system
9 No. 4, because we only had the one system -- there was no
10 need for any abrupt turns. It was a slow, descending turn
11 to the left, and there was just a roll over the wing.

12 You couldn't jerk it around. You couldn't jerk
13 the C-5 around.

14 Q Did there come a time when you prepared for the
15 landing of the airplane?

16 A Yes. As far as lowering gear and that sort of
17 thing?

18 Q Yes.

19 A Approximately 10,000 feet, we started bringing the
20 gear down.

21 Q Did the aircraft continue to descend?

22 A It was always a continuous descent, broken at times
23 Once the air speed got beyond 260, the nose would come up.
24 It was kind of a fishtail-like maneuver, but it was a continu
25 ing descent.

1 Q You said when the air speed got above 260 knots,
2 the nose would come up?

3 A Yes. At the time we experienced rapid decompressio
4 The aircraft was on autopilot. It continuously trims the
5 elevator. When we blew, the cables were cut to the elevator
6 so they tried trim. When you got above 260 knots, the nose
7 would come up; below 260 knots, the nose would go down.

8 The only control we had was with power. As long
9 as you remained around the air speed that controlled the
10 elevator, you had some control of your attitude.

11 Q Are you familiar with the air-conditioning system
12 in the airplane?

13 A Not very. That is an engineer's field.

14 Q Is there one in the airplane?

15 A Yes.

1 A Yes.

2 Q Is it thermostatically controlled?

3 A It is a rheostat. You don't set it at a temperature
4 you set it at a range.

5 Q If the temperature gets above a certain range, to
6 your knowledge, does the system provide cooling air?

7 A You set it and you ask is that good. If not, you
8 say you need a little more. You put another log on the fire
9 and you hit a switch; it will give you more heat.

10 Q After the decompression, were the engines still
11 running on the airplane?

12 A Yes; they were.

13 Q Do the engines drive the compressors on the airplane?

14 A Yes.

15 Q Do the compressors drive the air conditioning and
16 heating?

17 MR. LEWIS: Objection. Counsel is leading the
18 witness.

19 THE COURT: Correct the form of the question.

20 BY MR. DUBUC:

21 Q From your knowledge of the systems of the airplane,
22 if the engines are running and the compressors are running,
23 would the air-conditioning system be running?

24 A If the engines are running--the heat or air you get
25 is from the air supplied by the engines--if the engines are

1 running, you are going to have air conditioning or heating or
2 cooling.

3 Q Did you notice any significant change in the temper
4 ture in the airplane after decompression?

5 A There was no significant change.

6 Q Now, could you describe for us the circumstances of
7 the landing, when the airplane finally impacted the ground
8 as you recall?

9 A On the turn to final, I had looked down and I had
10 thought at that time that I was not strapped in. At that time
11 I hadn't thought about it. You have straps that you put over
12 your shoulders and the seat belt. I looked down and put my
13 seat belt together, strapped in, so to speak.

14 When I looked up, we were in a nose-low attitude.
15 At that time, all I could see then was the ground, which was
16 filling the wind screen as opposed to seeing some portion of
17 the sky.

18 The copilot was controlling the aircraft using his
19 yoke and aileron. The pilot was controlling the pitch with
20 the air speed, with the power. At that time, they both
21 applied power. The copilot was controlling the yoke with his
22 right hand and he had his left hand on the throttle. They
23 applied power to bring it up. We got to about 230. At 230,
24 the nose dropped. They were continually applying power and
25 the nose came up and they eventually got to full power.

1 At that time, the nuns started to come up. Air speed
2 was increasing, I remember, above 260-270; exact speed, I
3 don't know. Others have said it was higher, but I don't know.
4 The nose was up at that time.

5 We hit the ground as the nose was starting to come
6 back up for the first impact.

7 Q How would you describe that first impact?

8 A As a firm landing. The first impact was not unlike
9 any firm landing I have experienced or have actually done my-
10 self in the aircraft. It was firm.

11 Q After the first impact, were the wings still on the
12 airplane?

13 A As far as I know, the wings were still on.

14 Q Were the engines still on?

15 A The engines were still running and, as far as the
16 instruments, they were okay.

17 Q As far as you know, was the airplane intact except
18 for some of the gears as the instruments indicated?

19 A As far as I could tell at that time.

20 Q With respect to the first impact, did that jar any-
21 thing loose, or was anything flying around the cabin or cock-
22 pit where you were?

23 A Not in the cockpit that I could recall.

24 Q You have compared this to a firm landing, to other
25 landings you made. Could you compare it in any way with any

1 particular "G" forces?

2 MR. LEWIS: Objection.

3 THE COURT: Overruled.

4 THE WITNESS: With respect to "G" forces, I
5 couldn't tell. We have in the 141's an all-weather system so
6 the aircraft can land by itself on a runway 17 feet below the
7 flight path. That is a firm landing. If I could compare it
8 it would be a firm landing.

9 BY MR. DUBUC:

10 Q The same as an instrument landing?

11 A If it landed itself. I characterize it as a firm
12 landing.

13 Q There was a second impact, was there not?

14 A Yes, there was.

15 Q Was that on the other side of the Saigon River?

16 A Yes.

17 Q Do you recall the air speed of the airplane between
18 the first and second impact?

19 A I don't recall the air speed at that time.

20 Q It was sufficient air speed to have the airplane
21 continue to fly?

22 A The attempt was made to bring the aircraft up again
23 keep the power up, and the intent was to try to fly it out,
24 yes, sir.

25 Q Was there some discussion or intent, to your

1 knowledge, to at least get across the river?

2 A There was no discussion that I recall.

3 Q Was this terrain that the first impact occurred in,
4 was that a rice paddy or that type of terrain?

5 A Yes, it was.

6 THE COURT: You are leading again. This isn't a
7 deposition. This is a trial.

8 MR. DUBUC: I understand.

9 BY MR. DUBUC:

10 Q Could you describe the terrain on the other side of
11 the river?

12 A It is a wet, marshy area; you could see the water.
13 you didn't know if it was rice paddies or weeds growing up.

14 Q You are talking about the other side of the river
15 where the second impact occurred?

16 A Yes.

17 Q Did there come a time when the second impact
18 occurred and the portion of the airplane you were in finally
19 came to a stop?

20 A Yes; that is correct.

21 Q Can you describe that?

22 A The second impact was firmer than the first. It
23 was a definite impact. I remember at that time seeing--after
24 the second impact, I said, over the interphone that we are
25 going to make it--you could still see out. You could see sky

1 straight ahead through the wind screen.

2 At that time, mud and water were starting to splash
3 up over the wind screen and eventually blocked it out. Things
4 then were like--it was very quiet. It became like a slow-
5 motion continuation of the ride. It seemed very slow.

6 We would just slide through and I remember feeling--
7 turning over to your right, I remember turning completely over
8 and coming to a very quiet stop.

9 Q You were in the cockpit area of the airplane?

10 A Yes.

11 Q Did that cockpit area separate from the Troop
12 Compartment?

13 A We didn't know it at the time, but after we got out,
14 we knew it had.

15 Q You described a long, slow slide.

16 A I remember it being very quiet, it just seemed like
17 it was a very slow-motion type thing and the turnover was
18 very slow.

19 Q Can you estimate at all, in either seconds or minute
20 the amount of time to impact while this deceleration or slow-
21 ing down was going on?

22 A I couldn't put a time on it; seconds.

23 Q Several seconds?

24 MR. LEWIS: Counsel is putting words in the witness'
25 mouth.

1 THE COURT: I want to be firm about it. I want to
2 give you license, but I don't want you to abuse it.

3 BY MR. DUBUC:

4 Q After the cockpit section came to a stop, could you
5 get out?

6 A Yes; we got out. I remember thinking we have got
7 to get out immediately; it could be a fire or whatever, and
8 my fear of flying would be a fire that could occur.

9 I thought I got out the copilot's window. It turned
10 out we go out the left side window. The pilot was first. I
11 was next. The engineer and copilot came across his seat and
12 he was out. He tried to dive out, get his foot out.

13 Q Did you have occasion to observe where the troop
14 compartment was located after you got out?

15 A My immediate observation getting out on that side
16 was to the right, which was the burning section of the air-
17 craft, somewhat in the distance. We thought that was the
18 remainder of the aircraft. At that time, I did not see the
19 Troop Compartment.

20 We talked around the nose of the flight deck and then
21 we saw the Troop Compartment off in a distance by itself.

22 Q Was there any fire in the area of the Troop
23 Compartment?

24 A None that I could see.

25 Q Could you give us an estimate of the distance

1 between the Troop Compartment and the area where you saw the
2 burning fire?

3 A Triangular. Flight deck [indicating]. Troop
4 Compartment here, and fire area quite a way. As far as
5 distance, 100 yards, 120 yards.

6 Q At the time you got out and while you were in the
7 area, did you smell any fumes of any kind? Did anything
8 bother your breathing?

9 A I did not smell any fumes?

10 Q Kerosene fumes?

11 A No.

12 Q Were you bothered by smoke of any kind?

13 A There was no smoke in this accident.

14 Q Were you injured?

15 A Nothing to speak of.

16 Q Bruises?

17 A A bruise in the palm of my hand where I was
18 squeezing the seat.

19 MR. DUBUC: That is all.

20 CROSS-EXAMINATION

21 MR. LEWIS: I would like to use the diagram, if I
22 may.

23 THE COURT: Yes.

24 MR. LEWIS: I would like to use the large pictures.

25 THE COURT: Which ones?

1 MR. LEWIS: The ones in evidence.

2 THE COURT: Use the diagram and the small photographs

3 BY MR. LEWIS:

4 Q That is an artist's representation of a schematic
5 view of a CSA airplane.

6 Do you recognize that?

7 A Yes.

8 Q Do you see the Flight Deck?

9 A The green portion.

10 Q Then there was a forward troop compartment?

11 A It is not a forward troop compartment. It is a
12 Flight Deck.

13 Q That tannish area behind the green?

14 A Yes.

15 Q What does that have in it?

16 A The forward portion would have two bunks--two rooms
17 with three bunks each.

18 Q How many beds overall?

19 A Six. Behind that is the relief crew compartment,
20 made up of three airline seats. On your right would be two
21 tables. Behind that are the latrine and galley.

22 Q That whole area was separated from the after compart-
23 ment, wasn't it?

24 A The Flight Deck was separated from the after compart-
25 ment, separated just aft of the latrine area. Behind that

1 would be another compartment--six seats on the left, two on
2 the right and behind that the environmental compartment, which
3 is in line with the wings.

4 Q There was a wall or bulkhead, as you military call
5 it, between that whole section and the place where the babies
6 were?

7 A Yes, there is a wal that leads to the environmental
8 compartment and you can't get from the forward deck to the
9 aft deck. You have to go downstairs.

10 Q Were any babies placed in that crew section in the
11 beds or on the seats?

12 A No.

13 Q Describe in layman's terms, if you will, sir, what
14 the shafts look like that hold the landing gear on this
15 airplane.

16 Are they strong?

17 A What, the shafts?

18 Q Yes. I don't know what the military word is, but it
19 amounts to something like a piece of metal coming down that
20 holds the axles that the wheels are on.

21 What do you call that?

22 A Bogie, I guess, but that is all part of the gear.

23 Q But it is a big, very solid piece of metal that
24 holds the landing gear?

25 A Yes.

1 Q You have seen it, haven't you?

2 A Yes.

3 Q How big around is it?

4 Can you put your hands to show how big around it is?
5 As big around as a tree, isn't it?

6 A Well, everything is as big around as a tree. How
7 big a tree?

8 Q You tell me.

9 A It has been a year since I have been in a C5A. It
10 would be hard to say.

11 Q Eighteen inches thick, then?

12 A Possibly.

13 Q How many were attached to the landing gear of that
14 airplane?

15 A One per gear, one per set of six tires.

16 Q How many of those eighteen-inch-thick shafts were
17 there?

18 A Per gear?

19 Q Per airplane.

20 A There is one per gear.

21 Q That would be four of them?

22 A That is correct.

23 Q Have you ever been in a landing when one of those
24 broke completely off?

25 A No, I have not.

1 Q It would be a pretty hard landing, wouldn't it?

2 A I never experienced such a landing.

3 Q Have you ever been in a landing where the front of
4 the airplane literally broke off and turned upside down other
5 than this one?

6 A Other than this one, no, I have not.

7 Q The tail of this airplane, is that strongly con-
8 structed?

9 A Yes, it is.

10 Q This actually is an enormously big, strong airplane?

11 A Yes, it is.

12 Q Designed to carry tanks?

13 A That is right.

14 Q How much does the tank weigh?

15 A I really have no knowledge.

16 Q Could you tell me how much load this airplane will
17 carry?

18 A We normally carry between 50 and 100 thousand pounds.
19 It can carry more than that.

20 Q What is the maximum load, in tons, that this air-
21 plane will carry?

22 A The exact figures I don't know. I believe it will
23 go close to 150,000, 160,000 pounds. We are talking about 80
24 tons.

25 Q These airplanes are designed to land with 80 tons

13 1 plus the airplane?

2 A Yes.

3 Q And they broke off with a light load?

4 A Yes.

5 Q The wings broke off, too, didn't they?

6 A They became separated from the rest of the airplane.

7 Q How would you describe that? How did they become
8 separated if they didn't break off?

9 A They continued flying, for one thing.

10 Q I don't mean to be unfair.

11 Tell us any way you can how the airplane wings came
12 detached from that airplane.

13 A I don't know how they did. I know the way the
14 C5 breaks up, it has happened twice now and--

15 Q And the wings just go?

16 A Breaks up in this manner. The reason, I don't know.
17 I couldn't answer that.

18 Q Does the tail usually break off?

19 A It has broken off.

20 Q I don't mean just this air crash. I am talking about
21 the other one you were in.

22 A It has broken off in just about the same manner.

23 Q The cockpit came loose and broke off?

24 A Same area. I know where this one broke off. As
25 far as the other accident--

14 Q Tell me. The wing has a very strong member piece
2 of metal in it called a spar; isn't that right?

3 A That is correct.

4 Q That spar has to be strong enough to carry that
5 airplane with all of the weight up and down and with the wind
6 pressing against it at hundreds of miles an hour, doesn't it?

7 I appreciate that is a challenge.

8 A I fly the aircraft.

9 Q I understand.

10 A As far as the mechanics or engineering, I am no
11 engineer.

12 Q Just in general terms, the wings are very strong?

13 A Yes, they are.

14 Q The nose of the airplane where the flight deck is is
15 very strongly connected to the rest of the airplane, isn't it?

16 A I would think so.

17 Q And the tail is very strongly connected to the rest
18 of the airplane; isn't it?

19 A Yes, sir.

20 Q And surely the Troop Compartment is very strongly
21 conneced to the Cargo Compartment, isn't it?

22 A Yes.

23 Q You were seated in a specially-designed seat for
24 crew members; is that right, sir?

25 A That is correct.

5 1 Q It was a better seat, as seats go, than seats in the
_ 2 Troop Compartment, wasn't it?

3 A By a better seat, it was connected the same way. It
4 is lashed into the floor.

5 Q Well, do you know whether any of the seats in the
6 Troop Compartment were ripped out of the floor?

7 A I personally did not see any in that I was not in
8 the Troop Compartment.

9 Q Did you hear anyone say that?

10 A I heard two of them were.

11 Q Ripped out?

12 A Not ripped out, but leaned forward.

13 Q But they had come loose?

14 A Yes, two of the seats in the Troop Compartment face
15 the flight deck. The other seats face the aft in the aircraft.

16 Q Look at me, please.

17 MR. DUBUC: Let him finish his answer.

18 THE COURT: You interrupted. Don't be childish.

19 THE WITNESS: The two seats, from what I was told,
20 that face the front of the aircraft came loose and they fell
21 over. I was told by those who worked in the Troop Compartment.
22 They picked those seats back up and righted them.

1 BY MR. LEWIS:

2 Q All right. How are they fastened to the floor?

3 A It is a round clamp; you set it in that area and it
4 locks in.

5 Q They are bolted to the floor?

6 A They are not bolted to the floor. It is a release-
7 type fastener.

8 Q Are they designed to be strong?

9 A Yes, they are designed to be held on the floor.

10 Q Do you know what force they are designed to hold in
11 the event of a crash?

12 A No, I don't.

13 Q The seat that you were in was well-padded; wasn't it?

14 A Yes.

15 Q It was a pilot-type seat?

16 A Yes.

17 Q Had head support?

18 A Yes, same type seat a pilot would have.

19 Q Did you have a shoulder harness?

20 A Yes.

21 Q Did the pilot have a shoulder harness?

22 A Yes.

23 Q And the copilot?

24 A Everyone in the cockpit area has a shoulder harness.

25 Q Okay.

1 Now, you knew from your training that the shoulder
2 harness was one of the things that was provided for the flight
3 crew to keep them safer in the event of a crash?

4 A The shoulder harness for us, in that we are facing
5 forward, any deceleration forces carry you forward; it is to
6 keep us in the seat, to hold us back in the seat.

7 Q It is important to have the shoulder harness, isn't
8 it?

9 A Yes.

10 Q Are you telling us that the normal landing of the
11 C141 which you compared this landing to would break off the
12 tail and the cockpit and the wings and the Troop Compartment
13 and Cargo Compartment and the landing gear from a CSA?

14 A No. You asked how would I characterize the first
15 impact. I characterize it as a very firm landing. I don't
16 know what broke off on the CSA, but on a runway I would like
17 to characterize it as a very firm landing.

18 Q But the second time it came down the airplane
19 disintegrated?

20 A I don't know what happened the second time and what
21 events occurred when.

22 Q The airplane just came all apart at that time?

23 A All I know is what I saw from the cockpit. All I
24 saw was what was straight ahead.

25 Q It came apart as you saw when you got out?

1 A Somewhere it came apart; yes.

2 Q As a military pilot, don't you know it would take
3 considerable force to break a big airplane like that into a
4 lot of pieces like that?

5 A I am sure.

6 Q Quite a lot of force?

7 A It is not only the force, but the surface where you
8 are landing.

9 Q Your speed was over 310 miles an hour when you
10 touched down the first time?

11 A No, it was not.

12 Q You were there?

13 A From what I saw, it was not over 310 knots. I saw
14 it going through 260.

15 Q I am saying something and you are hearing something
16 different. I am saying statute miles an hour. I am trying to
17 translate it into land speed. "Knot" is used in the Navy or
18 Air Force. It is different than a land mile-an-hour, isn't it?

19 A Yes.

20 Q What is it, about 6,060?

21 A I don't know the conversion.

22 Q It is longer than a mile?

23 A Yes, sir.

24 Q So you could have 200-some knots and it might well
25 be 310 miles an hour?

1 A I don't know the conversion. Our air speed was 260,
2 whatever that converts to.

3 Q I am sure I read a different figure in the Air Force
4 Accident Investigation Report.

5 Does that differ?

6 MR. DUBUC: Objection, Your Honor.

7 THE COURT: Sustained.

8 I will let the document take care of that.

9 BY MR. LEWIS:

10 Q In any event, getting back to the force involved,
11 it was a very rapid speed with which it hit the ground, isn't
12 that right?

13 A Yes.

14 Q And as a function of the speed and the weight of the
15 airplane, at some point it broke into some big pieces and a
16 lot of very little pieces; isn't that true?

17 A At some point it did; that is correct.

18 Q And from your training in the Air Force, it would take
19 considerable force and violence to break an airplane like that
20 into those pieces, wouldn't it?

21 A We are not trained in such things.

22 THE COURT: That has been asked and answered.

23 MR. LEWIS: All right.

24 BY MR. LEWIS:

25 Q Is it possible that you could have been stunned in

1 the second impact?

2 A I was not stunned.

3 Q Temporarily? Just momentarily stunned?

4 A I was not stunned.

5 Q You are sure of that?

6 A I am positive.

7 Q How do you know?

8 MR. DUBUC: Objection, Your Honor.

9 THE COURT: Sustained.

10 BY MR. LEWIS:

11 Q Well, you didn't go to the Troop Compartment to see
12 the babies at any time?

13 A No, I did not.

14 Q So you did not know what the conditions were that
15 were behind the bulkhead, do you?

16 A I never went.

17 Q It could have been cold or the conditions could have
18 been much different from where you were?

19 A At what point?

20 Q After the explosive decompression.

21 A The only contact I had was through the interphone.
22 If it was colder, we had contact with the load master on the
23 interphone. The load master would have asked for more heat
24 and more heat.

25 Q Do you think it would be more difficult to heat the

1 airplane if the aft door were out?

2 A I couldn't answer that. You could put heat back
3 there. Heat would be coming through the vents. The higher
4 the altitude, the colder it is.

5 Q It is 24 degrees below zero at that altitude?

6 A I couldn't tell you.

7 Q You know it is cold?

8 A It is cold as you climb up.

9 Q When you took training in decompression, did you
10 ever undergo an explosive decompression in excess of 20,000
11 feet that took place in less than a third of a second?

12 A I don't know in any altitude chamber the exact
13 altitude they take you to to give you a rapid decompression.

14 Q I am making a distinction between a rapid decompress-
15 ion and an explosive decompression.

16 You said on direct examination the decompression
17 took place over some seconds.

18 A In the altitude chamber?

19 Q Yes.

20 A It is immediately. They immediately expose you. It
21 is less than a second.

22 Q Do you know how much less than a second.

23 A No, I don't.

24 Q Did you have oxygen available to you in that chamber
25 after the explosive decompression?

1 airplane if the aft door were out?

2 A I couldn't answer that. You could put heat back
3 there. Heat would be coming through the vents. The higher
4 the altitude, the colder it is.

5 Q It is 24 degrees below zero at that altitude?

6 A I couldn't tell you.

7 Q You know it is cold?

8 A It is cold as you climb up.

9 Q When you took training in decompression, did you
10 ever undergo an explosive decompression in excess of 20,000
11 feet that took place in less than a third of a second?

12 A I don't know in any altitude chamber the exact
13 altitude they take you to to give you a rapid decompression.

14 Q I am making a distinction between a rapid decompress-
15 ion and an explosive decompression.

16 You said on direct examination the decompression
17 took place over some seconds.

18 A In the altitude chamber?

19 Q Yes.

20 A It is immediately. They immediately expose you. It
21 is less than a second.

22 Q Do you know how much less than a second.

23 A No, I don't.

24 Q Did you have oxygen available to you in that chamber
25 after the explosive decompression?

1 two small paragraphs?

2 MR. DUBUC: I don't believe it is in evidence or
3 listed as an exhibit to be offered in evidence.

4 THE COURT: Are you offering it in evidence?

5 MR. LEWIS: No. He said he was present when the
6 conversation took place.

7 THE COURT: Does he remember the conversation?

8 BY MR. LEWIS:

9 Q Do you remember the conversation?

10 A I don't remember exact words. We were discussing
11 various things.

12 Q Would it refresh your recollection to see a copy of
13 the transcript?

14 A It is possible.

15 Q I show it to you.

16 MR. DUBUC: I object. This is getting far beyond--

17 THE COURT: Overruled.

18 BY MR. LEWIS:

19 Q Starting there, would you read those to yourself?
20 See the two paragraphs I marked with the red lines around them

21 A Yes.

22 THE COURT: The only pending question is whether
23 that refreshes your recollection. When you finish reading it,
24 answer that question.

25 BY MR. LEWIS:

1 Q Read those two paragraphs to yourself.

2 A I don't remember those particular statements. Those
3 looked to me like they would be more something the engineer
4 would be saying.

5 Q Do they refresh your recollection as to what was said
6 in the cockpit?

7 MR. DUBUC: I object.

8 THE COURT: Overruled.

9 Answer it yes or no.

10 THE WITNESS: No. I don't remember what was said
11 in the cockpit. I remember discussing oxygen and altitude,
12 how high we should fly, what altitude we should go over; but
13 exact words, I don't remember.

14 BY MR. LEWIS:

15 Q I am interested in the sense of what was said as
16 opposed to the precise words.

17 Did you discuss the fact that the children had no
18 oxygen? You said you had--

19 A I believe that was discussed.

20 Q --a concern about that that was discussed?

21 A The concern was we had two children per seat in the
22 Troop Compartment and, of course, there is one oxygen mask in
23 the seat and it is designed one mask-one seat. The concern
24 was there.

25 THE COURT: Don't you want to retrieve the document?

0 1 MR. LEWIS: Yes, sir.

2 Thank you very much, sir.

3 THE COURT: Mr. Dubuc, do you have any redirect
4 examination?

5 MR. DUBUC: No.

6 THE COURT: You are excused.

7 THE WITNESS: Thank you, sir.

8 [Witness excused.]

9 THE COURT: Ladies and gentlemen, we will adjourn
10 for the afternoon now and I would appreciate your being
11 available beginning at 9:15 tomorrow morning, as you were
12 today and the day before.

13 MR. DUBUC: Can we approach the bench?

14 THE COURT: Is it something that we should take up
15 before the jury is excused?

16 MR. DUBUC: Yes.

17 THE COURT: Fine.

18 [Whereupon, the following took place at the bench
19 outside of the hearing of the jury:]

20 MR. DUBUC: I just want to be sure that we can meet
21 all the time requirements.

22 Mr. Lewis, you are meeting Dr. Stark at 8 o'clock at
23 the airport?

24 MR. LEWIS: Yes.

25 MR. DUBUC: I understand Mr. Piper's secretary is

1 going to pick him up and drive him here.

2 MR. LEWIS: I am willing to bring him to the court-
3 house.

4 MR. DUBUC: She is instructed by Mr. Piper to do it.
5 She will leave you alone as long as you want to. She is
6 instructed to pick him up and bring him here.

7 MR. LEWIS: He is coming here on Piedmont Airlines
8 and I think we should take judicial notice that is not
9 necessarily precise.

10 THE COURT: I have taken specific notice to the
11 extent of relieving myself of any duty of being anywhere else
12 at 11 o'clock.

13 MR. LEWIS: I will try to be as prompt as I can.

14 We will call and do our best.

15 MR. DUBUC: The only thing is, if it is going to be
16 any time period, maybe we can go on with another of our
17 witnesses.

18 Do you want a voir dire and interview?

19 THE COURT: Yes, he is entitled to a voir dire as
20 far as I am concerned.

21 MR. DUBUC: And an interview?

22 THE COURT: The voir dire is available if you need
23 it, Mr. Lewis.

24 MR. LEWIS: I would like to reserve on that, sir.

25 MR. DUBUC: The only reason I raise that point,

1 Piedmont being Piedmont, and the fact he is going to meet him
2 at 8 o'clock--

3 THE COURT: I am prepared to stay here to hear this
4 witness and another witness.

5 MR. DUBUC: I will check if we have another one in
6 extremis.

7 THE COURT: Have you got one available?

8 MR. DUBUC: Yes.

9 THE COURT: In town?

10 MR. DUBUC: Yes.

11 THE COURT: Put him in a position to come tomorrow
12 if we need him; for instance, if Piedmont doesn't fly.

13 MR. DUBUC: Surely.

14 MR. LEWIS: Thank you.

15 MR. A. JONES: You are leaving the bench for the day
16 at 11 o'clock?

17 THE COURT: No. I am leaving town if we finish. I
18 have given up my hope of leaving at 11 o'clock. I would like
19 to leave sometime in the middle of the afternoon.

20 MR. A. JONES: Anything else you would like?

21 THE COURT: To fill the morning and really part of
22 the afternoon. We will go as far as we can.

23 I understand that the only thing we have to do is the
24 gentleman from North Carolina.

25 MR. DUBUC: That is the only reason I bring up the

1 point of 9:15 or 9:30.

2 THE COURT: 9:15 if you can make it.

3 MR. PATRICK: Is it Your Honor's thought that we
4 would probably not have Court on Good Friday and Easter Monday

5 THE COURT: We have to see where we are. If the
6 thing is all over with and the jury is deliberating, I hate to
7 turn them loose. If we haven't gotten to the jury by then,
8 I should honor the Court's holidays. If there is a jury in
9 deliberation, that is something else.

10 MR. PATRICK: Are you going on with the two other
11 cases, Marchetti and Zimmerman?

12 THE COURT: If the jury is available.

13 I have other things scheduled the week after next.
14 I was hoping that you would all get your cases together and
15 we would begin to have some conversations. I gather you
16 haven't been able to do that.

17 MR. DUBUC: Not at this point.

18 THE COURT: That is a factor to be considered.

19 Do you need the jury for anything more?

20 MR. DUBUC: No.

21 [Whereupon, the following took place in open court:]

22 THE COURT: Ladies and gentlemen, you are excused
23 and I will see you at 9:15 in the morning.

24 [Jury excused.]

25 THE COURT: Anything else you want to talk about?

1 MR. LEWIS: No, thank you.

2 THE COURT: We will recess until 9:15 tomorrow.

3 [Whereupon, at 5:35 p.m., a recess was taken until
4 tomorrow, Friday, March 28, 1980, at 9:15 a.m.]
5