

1 time it was.

2 Q What was the date of the meeting at Mr.
3 Dubuc's office?

4 A Which meeting, sir?

5 Q Was there more than one?

6 A Yes, sir.

7 Q How many have there been?

8 A That I recall, two, sir.

9 Q What dates were they?

10 A One was yesterday and the other one was
before the first trial occurred. I don't remember the date.

11 Q You don't remember the date at all?

12 A No, sir.

13 Q You can't even come close to it?

14 A I'd have to check the calendar. I think I
15 could identify the date, but not right now, I don't know it
offhand.

16 MR. LEWIS: That is all the questions that I
17 have, your Honor.

18 THE COURT: Very well. Any redirect?

19 REDIRECT EXAMINATION

20 BY MR. DUBUC:

21 Q Lieutenant Goffinet is now known as Mrs. Neill
Neal.
22 Is that correct?

23 A That is correct.

24 THE COURT: That completes your examination?

25 MR. DUBUC: Yes, your Honor. Oh, another

1 question.

2 BY MR. DUBUC:

3 Q Mr. Lewis asked you about a meeting yesterday.
4 Who was at that meeting?

5 A You and me, sir.

6 Q Anybody else?

7 A No, sir.

8 MR. DUBUC: Thank you.

9 THE COURT: You are excused, Captain. Thank
10 you very much.

11 Next witness.

12 MR. DUBUC: I call Mrs. Neal.

13 WHEREUPON,

14 HARRIETT MARIE NEAL,
15 a witness, called on behalf of the defense, having been
16 previously duly sworn, testified further as follows:

17 THE COURT: I remind you, you are still under
18 oath.

19 THE WITNESS: Yes, sir.

20 DIRECT EXAMINATION

21 BY MR. DUBUC:

22 Q Please state your full name and address.

23 A Harriett Marie Neal, [REDACTED],
24 Fairfax, Virginia.

25 Q Are you presently employed?

A Yes, I am.

Q In what capacity?

A I work for Dr. Julius Fogel here in the City

1 of Washington as a registered nurse.

2 Q Could you state briefly your nursing training.

3 A I went to the University of Evansville, which is
4 a four years Bachelor of Science Degree in Nursing. I did
5 get my Bachelor of Science in Nursing.

6 Q Subsequent to getting your degree, what, if
7 any, nursing did you do as an occupation?

8 A I did -- Do you mean before I got my degree
9 or afterwards?

10 Q Either.

11 A Okay.

12 Q Whatever nursing you have done.

13 A I did work -- I worked most weekends and some
14 evenings all summer while I was in school for four years, and
15 then I worked for six months in my hometown hospital before
16 I joined the Air Force.

17 Q What, if any, training or nursing did you
18 have in the field of pediatrics?

19 A I had three months of actual pediatric training
20 when I was in school, and then I also worked with pediatrics
21 in my hometown hospital.

22 Q This is before you went in the Air Force?

23 A This is before I went in the Air Force, yes.

24 Q When did you go in the Air Force?

25 A I went on active duty in January of 1973.

Q When you went in the Air Force what, if any,
additional training did you receive?

A I received officers training, which was basically

1 an indoctrination of the rules of the Air Force, for two
2 weeks in January of 1973, and then I was stationed at Egland
3 Air Force Base at Fort Walton Beach for a year, and then I
4 went to Flight School -- to Flight Nurses School, at Brooks
5 Air Force Base in Texas, for five to six weeks.

6 Q What did the training at Brooks consist of?

7 A The training at Brooks consisted of flight train-
8 ing, in-flight care of patients, the hazards and the stresses
9 of flight, how to care for people at altitudes. It also
10 included physiological training, which included the altitude
11 chamber.

12 Q With respect to that training -- the altitude
13 and physiological training -- can you tell us what training
14 was given to you?

15 A We were put through the altitude chamber at
16 least twice, that I remember, and allowed to experience rapid
17 decompression.

18 Once in the chamber, we were not allowed to put our
19 oxygen masks on. We were given pieces of paper so we could
20 write our numbers and do some sums and subtraction problems,
21 to see what our useful time of consciousness was.

22 And we were told when we felt we could not longer
23 function to our capacity, we were supposed to put our oxygen
24 masks on.

25 As best I can recall, the second time we were in
the chamber, half of us kept our masks on at all times and
the other half did not; they again did the sums and wrote
our names and addresses on a piece of paper.

1 Those of us who had our oxygen masks on were told
2 to observe and see what physical signs we could detect in
3 these people who did not have their oxygen masks on at
4 altitude; and then we in turn did the same thing.

5 Q What were those signs that you were taught to
6 observe?

7 A The signs that we were taught to observe were
8 cyanosis, which is a bluish discoloration, drowsiness,
9 inappropriate behavior, confusion, difficult breathing.

10 Q After that training at Brooks, were you
11 assigned to duties in the Air Force?

12 A Yes, I was. I was assigned to the 9th Area
13 on Medical Evacuation Group at Clark in the Phillipines.

14 Q When you say area on medical evacuation, what
15 does that involve?

16 A It involves the airlift of patients from one
17 point to the other. It involves the airlift of clinic patients
18 from one hospital that does not have a facility to that
19 hospital that has the appropriate facility, and involves
20 emergency airlift of patients who were in danger of life,
21 limb or sight.

22 Q In connection with those duties had you made
23 any trips into Vietnam?

24 A Yes, I had.

25 Q I am saying prior to April 1975.

 A Yes, I had.

 Q Did there come a time, on or about April 4,
1975, when you were assigned to a flight crew with a C5A in

1 Vietnam?

2 A I was assigned to the flight crew, or to the
3 medical crew at Clark, yes.

4 Q Can you tell us what you did after that?
5 Did you go to Saigon?

6 A I did go to Saigon, but I did not go to Saigon
7 on the C5. I was removed from the crew because the crew was
8 reduced.

9 I did go to Saigon, but it was on a 141 later.

10 Q That is another type of plane?

11 A C141.

12 Q Did there come a time when you were assigned
13 to the C5A that was in Saigon?

14 A Yes, there did.

15 Q How did that occur?

16 A We arrived in Saigon some hours I believe --
17 I am not exactly sure of the time -- after the C5 did, and
18 we were originally supposed to pick up some orphans also.
19 We found out that we were not going to be on-loading children,
20 that we were only going to be carrying adult passengers back
21 to Clark.

22 So the medical crew director called base hops at
23 Clark Air Force base to see if we could transfer to the C5.
24 The medical crew said we could help them on the flight back
25 to Clark. And we did get permission to transfer; and we did.

Q Did your medical flight crew augment the crew
that was already on the C5?

A Yes, we did.

1 Q So, did there come a time when you went to the
2 C5A that was in Saigon?

3 A There did. We removed all of our baggage and
4 went to the C5 and boarded the C5.

5 Q Where were you assigned on the C5A?

6 A Ton Son Nhut.

7 Q Where were you assigned?

8 A I was assigned to the troop compartment.

9 Q Where was that, that you recall?

10 A It was located in the top portion of the air-
craft.

11 Q What is the method of entry into that top
12 portion?

13 A I believe a ladder in the rear part of the
14 cargo compartment extends to the rear part of the troop
compartment.

15 Q Is that how you enter it?

16 A Yes.

17 Q When you got to the aircraft and went up into
18 the troop compartment, what did you observe there, when you
19 first entered the airplane?

20 A When I first entered the troop compartment, or
21 just the airplane?

22 Q The troop compartment.

23 A I observed many, many children seated, some
24 two to a seat. There was a lot of crying, there was a lot
25 of -- it was very, very hot, and I remember people with
perspiration dripping off them. The infants were very hot

1 and very uncomfortable.

2 Q How were they dressed?

3 A They were dressed rather warmly, as I recall.
4 Some had sweaters and some had caps, but I don't know that
5 all had.

6 Q With respect to the seating, can you tell us
7 how the infants were seated?

8 A The infants were seated two to a seat, and
9 they were seated upright with pillows in front of them, and
10 then with a seatbelt over the pillow.

11 There was some older children who were big enough
12 to occupy only one seat, and they did so.

13 Q Did you see any of the young children -- the
14 infants, say ages six months to a year and a half -- did you
15 see any of them in seats that were not configured as you have
16 just described them, with seatbelts and pillows?

17 A No, I did not.

18 Q I show you Exhibit 2-D in Evidence and ask
19 you, does that describe what you have observed as to the
20 younger infants and the seating configuration?

21 A Yes, it does.

22 Q Where were you assigned in the troop compart-
23 ment?

24 A I was assigned to the forwardmost part of the
25 troop compartment, up near the forward bulkhead.

Q Do you recall whether you were assigned any
specific rows or numbers of children?

A I don't remember that I was specifically

1 assigned a group of children or any specific rows, but I know
2 that I did have responsibility for a specific number of seats
3 and the children.

4 Q In connection with that responsibility, what
5 did you do as to those children?

6 A Okay. My main job was to try to give them
7 juice and water, as much as I could, because it was very, very
8 hot and very dehydrating. I also was responsible for making
9 sure that they stayed secured in their seats in a safe manner.

10 Q How did you do that?

11 A Just by making -- well, just by making sure
12 that they did not loosen the seatbelts and that they stayed
13 where they were supposed to; just observing them, mostly,
14 giving them juice and water.

15 Q Did there come a time when the airplane took
16 off?

17 A Yes.

18 Q Did you have a seat or a belt assigned?

19 A No, I did not.

20 Q Where were you during the take-off?

21 A I was braced between two rows of seats, as
22 best I recall.

23 Q Following the take-off, did you have an
24 opportunity to observe the children in your area?

25 A Yes, I did.

Q What, if anything, did you observe?

A Most of them were a lot quieter than they had
been on the ground, because it was cooler. Some of them were

1 asleep by the time we were off the ground. Some of them were
2 still crying, but just out of, I think -- probably, for
3 whatever reasons babies cry.

4 Q And you mentioned some of them were asleep
5 before you took off.

6 A Some of them were sleep before we took off,
7 because it got cooler when they shut the doors and got ready
8 to take off.

9 Q Is there an air-conditioning system in that
10 airplane?

11 A As far as I know, there is.

12 Q Is that started after the doors are closed?

13 MR. LEWIS: Your Honor, counsel is leading
14 this witness.

15 BY MR. DUBUC:

16 Q What, if anything, do you know as to whether
17 the air-conditioning system in the airplane is utilized in
18 connection with normal flights?

19 A Basically, I know that when the doors are
20 shut and the engines are run up, preparing to taxi, the air-
21 conditioning comes on.

22 Q As the airplane climbed up, at some point prior
23 to the decompression did you also have an opportunity to
24 observe the children?

25 A Yes, I did.

Q What did you observe then?

A Again, some of them were awake and some of
them were asleep.

1 Q What were you doing during that period?

2 A The ones that were awake, I was trying to give
3 juice, if they looked like they wanted juice. And I was --
4 there were enough of them that were awake that kept me busy.
5 And, again, just constantly checking the seatbelts to make
6 certain that the infants stayed secured.

7 Q Did there come a time when there was a rapid
8 decompression?

9 A Yes, there did.

10 Q Would you tell us what you observed as to
11 that?

12 A I observed a loud pop, first of all, I ob-
13 served that. There was a very slight feeling of coolness.
14 It was a momentary feeling, it didn't last too long.

15 There were some bits of fluff that I saw in
16 people's hair after the rapid decompression. There was also
17 some condensation in the air. I didn't hear any screaming
18 or any panic as a result of the rapid decompression.

19 Some of the infants were -- again, they did not --
20 there was no change in their behavior or their physical
21 appearance, that I noted at all.

22 Q You are talking about right after the de-
23 compression?

24 A Right after the decompression; that's right.

25 Q What, if anything, did you do after the
decompression?

A I immediately put an oxygen mask on and
extended the tubings on all the other masks so that the

1 oxygen would start to flow; and again passing the oxygen
2 masks to the infants as quickly as I could.

3 Q These are the ones in the area that you were
4 assigned?

5 A Yes, in the forwardmost compartment.

6 Q Were you able to give oxygen to the infants?
7 YOu say you were passing it to the infants.

8 A I was able to give oxygen to some of them,
9 but there were too many for me to be able to give oxygen to
10 all of them. And some, the tubing would not reach.

11 Q As to the ones you gave oxygen to, what, if
12 anything, did you observe?

13 A I didn't observe any change in the infants as
14 a result of the fact that I had given them oxygen, and I
15 didn't observe any change in the ones that I was not able to
16 give oxygen to.

17 Q Did you observe any of the signs that you had
18 previously described for us that you learned in the flight
19 school, as to the effects of decompression at altitude?

20 A No, I did not.

21 Q Did you observe any infants that were cyanotic?

22 A No, I did not.

23 Q Did you observe any that were exhibiting any
24 other signs of hypoxia?

25 A Nō, I did not.

Q With respect to the infants you gave oxygen to,
did you observe whether or not they were breathing?

A They were all breathing, yes, and if the

1 mask was over their face they were breathing oxygen.

2 Q Did you notice anything about the masks to
3 their face, as far as any condensation of any kind?

4 A No, I did not.

5 Q Or any of the masks of any of the other crew
6 members?

7 A No, I didn't notice.

8 Q Did you observe, with respect to any of these
9 children or infants that you were either giving oxygen to or
10 the ones that you didn't give to, any evidence of shallow
breathing?

11 A No, I did not.

12 Q Can you tell us what happened after the de-
13 compression, after you donned your mask and then were giving
oxygen to the infants?

14 What did you notice, or what can you tell us that
15 happened after that?

16 A I believe that I had to fasten a couple of
17 babies next to the bulkhead to be able to extend the oxygen
18 masks to their face so that they could breath some oxygen.
19 And I could not do that without taking my own mask off.

20 So I took my mask off, I assume, and then just
21 realized that I did not need it.

22 And then about the same time, as best I can recall,
23 someone said you do not need your oxygen mask.

24 Q When you say you took your mask off, you un-
buckled the babies, to move them, so they could get oxygen?

25 A Yes, to move them just a bit closer to the

1 oxygen masks, so that it would extend. As a result, I had to
2 use both hands.

3 Q Have you got any estimate as to time, as to
4 when you took off your mask in order to do that?

5 A No, I don't.

6 Q Did you put it back on again afterward?

7 A I did, intermittently, yes. I moved from one
8 row of seats to the other, and used it, the elastic head band
9 on it, but I moved so often I couldn't use just one mask.
10 But I don't know how long it was.

11 Q Did there come a time when you took your
12 oxygen mask off, without replacing it?

13 A Yes, there did.

14 Q Can you recall what period of time that was
15 between decompression and the time you discarded your mask?

16 A It just seemed like a few minutes, but I
17 don't know how long.

18 Q During the descent, after the decompression,
19 did you observe anything as to the children indicating any
20 problems with any hypoxia or decompression?

21 A No, I did not.

22 Q Did there come a time when the airplane landed?

23 A Yes.

24 Q Prior to the time the airplane landed, what,
25 if anything, did you do?

A I again rechecked the seatbelts to make sure
that the babies were secure and were in an upright position
and still well-padded. I braced myself and got ready to land.

1 Q When you say "well-padded in an upright
2 position," could you explain that for us.

3 A Okay. It is very difficult to make an infant
4 sit upright because he can't sit without any support.

5 But the babies were leaning, first of all, to the
6 baby next to them, and then against the chair arm.

7 But there is a difference between a lying position
8 and a sitting position. What I did was sit them up as much as
9 I could, in a manner that you and I would sit in a chair, and
10 put the pillow in front of them so that they wouldn't be crushed
11 by the seatbelt when we did land.

12 Q You said you did that and then you braced
13 yourself?

14 A Yes, I braced myself between two rows of seats.

15 Q Was that on the left side or the right side
16 of you?

17 A It was on the left side of the aircraft.

18 Q During that period of descent, did you observe
19 any of the children that were unconscious?

20 A I did not observe any children that were un-
21 conscious at all.

22 Q Do you recall yourself experiencing any feelings
23 or symptoms relative to hypoxia, that you had been taught
24 about in flight school?

25 A No, I did not.

Q After you braced yourself for a landing, can
you tell us what happened?

A After I braced myself for a landing, I don't

1 know how long it was between the time I braced and the time
2 we landed, but I stayed there and just waited to land.

3 The first impact I thought was a landing. It was
4 a hard landing, but I thought it was a landing that was not
5 a real rough landing, so I did not get up. But I must have
6 let loose just enough that I did not remain really braced the
7 way I should have, the way I did for the first landing.

8 And the second impact, I was thrown forward against
9 the forward bulkhead.

10 Q You mentioned you were up in the front portion
11 of the airplane.

12 A Yes, I was.

13 Q Do you recall what row of seats you were
14 braced between?

15 A I believe I was braced between the second
16 and the third row of seats, along the lefthand side of the
17 aircraft.

18 Q Do you recall approximately what the distance
19 would be that you were thrown, as you say you were, thrown
20 loose, and stopped your bracing?

21 A Just a few feet. But I don't know how many
22 feet. It would have been just two rows of seats.

23 Q What happened after that?

24 A I remember, when we came to a stop, I was
25 upside down against the forward bulkhead and was not able
to remove myself from the debris that was covering me. And
I believe there was also one of the other crew members that
was on top of me.

1 Q What did you do then?

2 A One of the flight crew members pulled the
3 pieces of -- I don't know what these pieces of material were
4 -- but pulled them off of me, and helped me up and pointed
5 to the exit in the front of the aircraft -- which was not
6 a designed exit in the aircraft -- pointed to that; and I
7 crawled out of that exit.

8 Q Crawled outside the airplane?

9 A Yes, I crawled outside the airplane on to the
10 ground.

11 Q Prior to the time you crawled out, or after
12 you got out, did you observe any fire in the troop compartment?

13 A No, I did not.

14 Q Did you see any smoke in the troop compartment?

15 A No, I did not.

16 Q Did you smell or experience any fumes of any
17 kind?

18 A No, I did not.

19 Q After you crawled out, what did you do?

20 A I immediately looked around to see what area
21 that we were in, to see if I could see anything that I
22 recognized.

23 I couldn't see anything. I could see some wreckage
24 but I couldn't see any other people outside.

25 So I took a look at the hole that was in front of the
aircraft, and then I saw Sergeant Parker -- I believe it was
Sergeant Parker, one of the flight crew members -- partly in
the hole and partly out on the ground.

1 So I tried to remove him from the hole in the
2 aircraft in case we had to use that as an exit, because I
3 didn't know what shape the rest of the troop compartment was
4 in.

5 And I realized as I was trying to pull on him that
6 there was something wrong with my arm - I didn't know at this
7 point what it was - and I could not move him more than just a
8 few inches, maybe even a foot. And I also realized when I
9 took another look at it that we could use it as it was, with
10 Sergeant Parker in part of the hole, if we needed to, as an
11 exit.

12 Q What did you do then?

13 A I ran to the troop compartment.

14 Q What did you observe when you ran into the
15 troop compartment, as to the infants in the troop compartment?

16 A Quite a few of the infants were crying. They
17 were dirty, they were muddy. I think not as muddy as the crew
18 members because the seat backs protected them from the spray of
19 mud; but they were dirty.

20 Q When you say "seat backs" --

21 A The seats were in a rear-facing position, so
22 when the mud came in it hit the seat back rather than the
23 infants that were in the seats.

24 Q With respect to the infants, you said they were
25 crying.

 Did you have an opportunity to observe a number of
these infants?

 A Yes, I think I did, yes.

1 Q Did you participate in getting the infants
2 out of the aircraft?

3 A Yes, I did.

4 Q In doing that, did you have an opportunity
5 to handle or actually see a number of them?

6 A I handled a number of them. I don't know
7 how many. There were quite a few.

8 Q What did you observe as to their condition?
9 You said they were a little muddy. What else, if anything?

10 A There were no physical injuries of any kind to
11 those children. There was no blood, there were no obvious
12 broken bones, no bruises, no lacerations. They were -- When
13 we picked them up to carry them out, or when I picked the
14 ones that I carried out, they reacted just like normal babies
15 do. They cried and they drew their legs up to their bodies,
16 and just were rather uncomfortable.

17 Q After the decompression, and during the
18 descent, and including in this question also, what you ob-
19 served when you were taking the children out of the airplane,
20 did you observe any signs of hypoxia in these children?

21 A No, I did not.

22 Q Do you know what hypoxia is?

23 A Yes, I do.

24 Q You mentioned that you were assisting in evacu-
25 ating the children. Do you have any idea how long that took?

A No, I don't, I don't.

Q Did you remain in the airplane until they were
all evacuated?

1 A Yes, I did.

2 Q What, if anything, did you do then?

3 A After the children were all evacuated, I made
4 a walk-through to make sure that there were no children left
5 that we had not seen, or that we had just omitted to see --
6 that was in one of the seats in the corner or something.

7 And I found one child who was underneath a seat
8 cushion, as best as I recall, and was asleep. The child was
9 not visibly injured whatsoever. And when I picked him up it
10 was like picking up a baby out of a bed. He just woke up and
11 cried, and I carried him to the exit.

12 Q And you evacuated him?

13 A Yes.

14 Q In that walk-through, did you observe any child
15 that was injured or appeared injured?

16 A I did not observe any children that appeared
17 injured. I did observe one that I thought was dead.

18 Q Can you tell us what you observed as to that
19 child?

20 A As best I can recall, the child had something
21 wrapped around its neck, but I don't really know what it was
22 because I didn't really take a close look.

23 I took one of the other infants that was obviously
24 well and carried him to the exit, rather than the child that
25 was dead.

Q Do you recall any of the other children having
anything wrapped around their necks?

A I think some of them had bags of personal

1 belongings. Most of the ones that I remember had them pinned
2 to their shirts but I believe some of them did have them tied
3 around their necks, or they had a cord going around their neck,
4 like a knapsack or something.

5 Q Now, with respect to this walk-through; after
6 you did that, what, if anything, did you do?

7 A After the walk-through was finished, and I
8 realized that there were no more infants left, I went to the
9 exit and one of the flight crew members helped me to a
10 helicopter and I left.

11 Q Did you have an opportunity to observe what, if
12 any, portion of the airplane was burning?

13 A I saw the portion that was burning, but I
14 didn't know which portion it was.

15 Q Do you have any estimate of what distance that
16 might have been from where you were in the troop compartment?

17 A It was probably one hundred yards.

18 Q Were all of the children out of the troop
19 compartment when you left the airplane?

20 A Yes, they were.

21 Q Did you find any children unconscious after the
22 accident, other than the one you mentioned?

23 A No, I did not.

24 Q Were you taken -- What happened to you after
25 you went out of the airplane?

A I was taken by helicopter to the Seventh Day
Adventist Hospital.

Q Did you receive treatment there?

1 A Yes, I did.

2 Q Did you stay in that hospital?

3 A We stayed until sometime later that night,
4 when we were air-vac'd to Clark.

5 Q Were you in the hospital at Clark?

6 A Yes, I was admitted to the hospital.

7 Q Was that in connection with your shoulder?

8 A That and the fact that I had so many bruises
9 that I couldn't function on my own.

10 Q With respect to the hospital that you were
11 taken to in Saigon, that was the Seventh Day Adventist
12 Hospital?

13 A Seventh Day Adventist Hospital, yes.

14 Q Had you ever been there before?

15 A Yes, I did.

16 Q For what purpose?

17 A We made regular flights usually once a week
18 into Ton Son Nhut to service the Seventh Day Adventist
19 Hospital -- the civil servants, the United States Government
20 personnel who worked in Saigon.

21 I was at the hospital I believe only one time,
22 because usually the hospital personnel brought the patients
23 out to the aircraft and picked them up and took them back
24 to the hospital.

25 Q Were you examined by a doctor at the
hospital?

A Yes, I was.

MR. DUBUC: You may inquire.

CROSS EXAMINATION

BY MR. LEWIS:

Q What time did the airplane take off?

A From what point, sir?

Q From Saigon.

A I don't know.

Q Do you have any idea?

A I don't know what time it was. It was sometime in the afternoon, but I don't know what time it was.

Q So you couldn't tell us the time at all?

Were you wearing a watch?

A Yes, I was.

Q How long had the airplane been in flight when it turned around -- in minutes?

A I don't know.

Q Do you know how long, in minutes, it took for the airplane to come back?

A No, I do not.

Q Had you been on a C5A before this time?

A No, sir, I had not.

Q Were you familiar with the heating and air-conditioning system of the C5A?

A No.

Q So the answers that you gave to counsel's question, where did you come to that knowledge? Did somebody explain it to you?

A I'm sorry -- which?

Q The heating and/or air-conditioning system

1 of the C5A.

2 A I said that, basically, I know that air-condition-
3 ing is on an aircraft --

4 Q But you don't know anything about the C5A, do
5 you?

6 A I do not know that that is a fact with the
7 C5A, no. But I know that it did get cool before we took off.

8 Q I understand.

9 Do you know how cold it is outside at 23,500 feet?

10 A I couldn't tell you without looking at a
11 chart, no.

12 Q Do you have any idea?

13 A It is cold, but I don't know how cold it is.

14 Q It is well below zero, isn't it?

15 A I don't know that for a fact. I don't know.

16 Q The impact was a very, very hard impact,
17 the second one, wasn't it?

18 A It was a very hard impact, yes.

19 Q And you don't really remember anything after
20 that, do you?

21 A I think it just was a few seconds. I was
22 busy tumbling around and I didn't observe anything because
23 I was in motion myself.

24 Q But you didn't really remember anything after
25 that, after that second impact, do you?

A I remember I was upside down against the
forward bulkhead.

Q I understand.

1 At some point in the impact sequence you saw flames,
2 didn't you?

3 A I remember a momentary feeling of heat and
4 cinders on my face, and I remember, I believe, seeing some
5 flames for just an instant, yes.

6 Q So you did see flames?

7 A Just for an instant, yes.

8 Q The noise of the explosive decompression was
9 very loud, wasn't it?

10 A No. It was a loud pop, but it was not a very
11 loud pop; it was not a frightening noise at all.

12 Q Tell me about the people that were upstairs
13 on that troop compartment. They were all females?

14 A I don't know for a fact.

15 Q How many American citizens -- Americans that
16 you recognized as Americans, as opposed to crew members, now
17 -- civilians -- were upstairs?

18 A You are asking me how many civilians were
19 upstairs?

20 Q Yes.

21 A I don't know.

22 Q Can you tell me any number?

23 A I know there were more than four, but other
24 than that I wouldn't say, I don't know.

25 Q They were all females, to your recollection?

A I don't remember, because I walked up to the
troop compartment and went to the far forward section and
don't remember coming back to the rear of the aircraft,

1 because I was busy.

2 So I didn't -- I don't remember carrying on any
3 long conversations or meeting anyone, and I certainly don't
4 remember anyone's name. I don't think I even heard anyone's
5 name.

6 Q I just asked you did you see any civilian males?

7 A I do not remember seeing any civilian males,
8 no, but I didn't see everyone.

9 Q You stated in your statement that there were
10 five American civilians and that they were all females,
11 didn't you?

12 A Okay. If that is in my statement, yes.

13 Q May I show it to you? This is on Page 2 of
14 7 pages.

15 MR. DUBUC: Page 2?

16 THE WITNESS: I said that I remembered five
17 American civilians, for sure.

18 BY MR. LEWIS:

19 Q They were all females?

20 A The ones that I saw, yes, were all females,
21 yes.

22 Q Your statement reads, unequivocally; "They
23 were all females," doesn't it?

24 A The ones that I saw, but I did not see them
25 all. The civilians that I saw were females, yes.

Q How do you know you didn't see them all?.

A Because I wasn't on the aircraft long enough
to have seen or worked with very many people at all. I was

1 only on for -- I don't know how long, but it was just a
2 few minutes.

3 Q I am speaking after take-off, and until the
4 crash.

5 And you were in the troop compartment, and it was
6 like an aisle of a passenger plane, wasn't it?

7 A Yes, it was.

8 Q And you could see the whole length of it,
9 couldn't you?

10 A That is correct.

11 Q And you didn't report in your statement that
12 you saw any men, did you?

13 A I don't remember seeing any men.

14 Q And you said that "there were no males that
15 I know of," in your statement?

16 A That's right.

17 Q And then you didn't see Dr. Stark there, did
18 you?

19 A No, I did not.

20 Q Every crew member kept their own oxygen mask
21 on, didn't they?

22 A As far as I know, they did. But, again, I did
23 not see every one because I was busy with my own area.

24 Q But you did state in your statement that: "I
25 think every crew member kept their own oxygen mask on,
because that is the one thing we always learned: if you were
no good you can't help anyone else."

You did say that in your statement to Colonel

1 Waxstein, didn't you?

2 A Yes, I said I think they kept their masks on,
3 because I don't know for a fact that everyone did.

4 Q Well, you didn't see anybody take their mask
5 off, did you?

6 A No, but I couldn't see everyone.

7 Q You could see everyone if you looked up. Is
8 that right?

9 A But I did not. I was busy with my own area of
10 the aircraft.

11 Q I understand.

12 You were in the front part of the troop compartment?

13 A Yes, I was.

14 Q There was a big grate there?

15 A There was a grating of some kind, or an
16 opening of some kind. I don't remember how large it was.

17 Q Between the cargo compartment and the troop
18 compartment?

19 A Yes.

20 Q The cargo compartment was underneath?

21 A Yes.

22 Q And the flight deck was immediately forward
23 of you?

24 A I don't know that it was. It was forward of
25 me, but I don't know that it was immediately forward.

Q The flames and hot air came through the grate,
is that correct; on initial impact?

A I assume that is where it came from, yes.

1 Q And then, later on, mud began to come in to the
2 troop compartment. Is that right?

3 A That's right.

4 Q And spray over the people -- or at least
5 through the air in the troop compartment?

6 A It sprayed over me, I know.

7 Q In fact, mud sprayed into your face, didn't
8 it?

9 A Yes, it did.

10 Q You saw muddy children, didn't you?

11 A Yes, I did.

12 Q In fact, you were covered with mud, weren't
13 you?

14 A I was very dirty, yes.

15 Q There was somebody on top of you?

16 A As best I recall, yes.

17 Q When you got to the hospital you saw babies
18 sitting along the wall?

19 A I believe so, yes.

20 Q They were covered with mud?

21 A I don't honestly remember at this point.

22 Q They were positively filthy with mud, weren't
23 they?

24 A I don't remember.

25 Q Isn't it true that they were just sort of
seated there, watching everybody passing, but they weren't
crawling around or anything?

A That's right.

1 Q What Air Force crew men were on the top deck
2 in the troop compartment with you?

3 A On the medical crew was Captain Tate.

4 Q What is her name, please?

5 A Captain Tate - Marcia Tate; myself, Sergeant
6 Boutwell, Captain Aune, Sergeant Gimerick and Sergeant Hadley.

7 And there were some flight crew members also, but
8 at that time I did not know who they were, I did not know
9 their names.

10 Q With respect to the condition of the children,
11 they were in fact very quiet after the sudden decompression,
12 weren't they?

13 A There were some who were awake and there were
14 some who were asleep. I did not notice any change in their
15 behavior. Most of them were quiet at the time, before the
16 rapid decompression, and their behavior did not change
17 following the rapid decompression.

18 Q Let's talk about afterwards. None of your
19 children were crying, were they?

20 A I don't honestly remember. Most of them were
21 quiet.

22 Q They were essentially quiet, or asleep in your
23 group, isn't that true?

24 A Most of them were.

25 Q Didn't your group continue to stay quiet until
after the crash?

 A As far as I remember, yes, it did.

 Q But none of your group were crying after the

1 explosive decompression, were they?

2 A I do not remember that for a fact.

3 MR. LEWIS: Do you have a copy of her
4 deposition that I could look at, Mr. Dubuc?

5 MR. DUBUC: What page?

6 MR. LEWIS: 25.

7 MR. DUBUC: 45?

8 MR. LEWIS: No, 25.

9 BY MR. LEWIS:

10 Q Starting at Page 25:

11 Mr. Lewis: I am speaking of after the sudden
12 decompression, or rapid decompression.

13 Mr. Piper said: Are you talking about the children?

14 And I said: Yes, the little babies.

15 The witness: Some were awake and some were asleep,

16 All right, some were awake or some were quiet.

17 Answer: They were asleep.

18 Question: Did any one of them -- were they crying
19 at this point?

20 Answer: None of mine.

21 Question: None of yours were crying.

22 And then, going down to the question --

23 MR. DUBUC: I think there is an answer to that.
24 He is not reading the question and answer.

25 MR. LEWIS: I don't mind.

26 All right. Did you have any trouble putting oxygen
27 masks over their faces.

28 Question -- skipping down -- Can you describe their

1 behavior any other way? Is there anything else that you
2 noticed about their behavior until the oxygen masks were taken
3 off?

4 Answer: No.

5 Question: They were essentially quiet or asleep
6 in their group?

7 Answer: Yes.

8 Question: Did your group continue to stay quiet
9 until the crash?

10 Answer: As well as I can recall, yes.

11 Does that fairly describe the situation there?

12 A Pardon me. I'm sorry, I didn't hear that.

13 Q Is that your statement?

14 A Yes, this is my deposition, yes.

15 Q Does that fairly describe the situation?

16 A Yes, I believe it does, as well as I can recall
17 at this point, five years later.

18 Q I understand. That is all I am asking.

19 You got some burns on your ear at the time of the
20 initial impact, where you felt all the flames and cinders.
21 Is that right?

22 A They were not actual burns, they were just
23 -- I think probably more of the scorching than anything else.

24 Q I am not suggesting you were seriously burned,
25 but you did describe them during your statement as burns?

A Yes. I did have some very tiny areas on my
ears.

Q You had large bruises?

1 A Yes, I did.

2 Q On the backs of your legs. In fact, a number
3 of places on your body?

4 A Yes, I did.

5 Q You had lacerations?

6 A Yes, I did.

7 Q And you had fractures?

8 A One fracture.

9 Q Where did they take you for treatment?

10 A I was initially taken for treatment to the
11 Seventh Day Adventist Hospital immediately after all the
12 infants were evacuated from the aircraft, and later on I was
13 air-vac'd to Clark Air Force Base Hospital in the Phillipines.

14 Q In the troop compartment you mentioned that
15 you saw one dead baby.

16 A Yes.

17 Q Did you see the other dead baby?

18 A I did not see any other injured or dead infant,
19 other than the one that I mentioned.

20 Q You didn't do any examination on the children,
21 did you?

22 A No, I did not.

23 Q You didn't give them any kind of a test at all,
24 did you?

25 A I did not do -- if by that, do you mean if I
took their pulse or count their respiration, no, I did not.
I did a visual exam of the infants that I saw.

Q And you didn't test them with painful stimuli,

1 did you?

2 A Only picking them up to evacuate them from the
3 aircraft when they did cry, just as if you picked a baby up
4 out of a bassinet.

5 Q I understand.

6 But there was a period of time, from the time of the
7 explosive decompression until the impact, that they could
8 have been unconscious, the ones that were asleep; isn't that
9 true?

10 A I suppose they could have, but they were not.

11 Q Can you tell me the difference -- how you can
12 tell the difference between a baby that is asleep and a baby
13 that is unconscious?

14 A A baby that is unconscious usually has -- if
15 it's an injury that causes unconsciousness, usually has some
16 visible signs of an injury, or if it is not an injury, if it
17 is hypoxia, usually is paler or cyanotic and does have somewhat
18 labored respirations, rather than just appearing to be easily
19 asleep. There is a difference.

20 Q And you are familiar with that difference?

21 A Yes, I could tell you that difference even
22 though I have not worked with children for a while now.

23 Q Have you ever worked with injured children?

24 A Yes, I have.

25 Q When?

26 A I worked with several injured children when I
27 worked in my hometown hospital for that six months between
28 nursing school and the Air Force, and the time I joined the

1 Air Force.

2 Q These are children that have hypoxia?

3 A Yes, yes.

4 Q How did they get hypoxia?

5 A I don't remember what the conditions were that
6 the children had. That is eight or nine years ago.

7 Q And they had hypoxia?

8 A Yes.

9 Q They had been on an airplane?

10 A Pardon me?

11 Q Had they been on an airplane?

12 A No, they had not.

13 Q Can you give me any suggestion as to how these
14 children --

15 A Some were not particularly -- You mean the
16 children in the hospital?

17 Q The ones in your experience nine years ago.

18 A Okay. I remember one child was injured, but
19 I don't remember how. And we used to see children who were
20 asthmatic who were hypoxic. Other than that, I don't remember.

21 Q Asthmatic -- are you suggesting that an asthmatic
22 child behaves the same way as one that has had an explosive
23 decompression?

24 A I am saying that the signs of hypoxia are
25 the same, regardless of the condition, in most cases.

Q And these children that were asthmatic you
say were unconscious?

A No, they were not.

1 Q They were not unconscious?

2 A No. I don't believe I saw an asthmatic child
3 that was unconscious.

4 Q Let's talk about the accident experience that
5 you have had. You mentioned that you saw some children that
6 had hypoxia from accidents.

7 Can you tell me under what circumstances they got, or
8 could have gotten hypoxia, that you are familiar with from
9 their records?

10 MR. DUBUC: Just a moment. I think she said
11 the child in the accident had hypoxia. She described the
12 difficulties in her situation as asthmatic. I think the
13 question may be a little misleading, the characterization.

14 THE COURT: Is this constructive?

15 MR. LEWIS: If I may just ask one more
16 question.

17 THE COURT: VErY well.

18 BY MR. LEWIS:

19 Q Do you remember seeing a child that got a
20 traumatic hypoxia when you worked as a nurse?

21 A I can't remember any specific child.

22 Q Thank you.

23 Where was Sergeant Parker before the crash?

24 A All the crew members were rear of my position.

25 Q Did you see him at the crash?

A Yes, I did. I didn't know that it was
Sergeant Parker--

Q But you saw the same man?

1 A Yes.

2 Q Was he hurt?

3 A Yes, he was.

4 Q What happened to him?

5 A He had a very severe head injury. I don't
6 know -- I did not know at that time what had happened to him.

7 Q The last time you saw him was when you took
8 your braced position between the seats?

9 A I don't remember seeing him at all before I
10 saw him after the crash.

11 Q But you did note that all the crew members
12 were at the rear of the troop compartment?

13 A They were not all at the rear of the troop
14 compartment. They were all rear of my position, which was
15 in the very forward part of the troop compartment.

16 Q So you don't know where Sergeant Parker's
17 regular duty station was?

18 A No, I do not.

19 Q You were thrown over the seats, as a matter
20 of fact, into the bulkhead, weren't you?

21 A I don't know that. I know that I was thrown
22 sideways and down the aisle. I don't know which way I went.

23 Q Were there a series of jerks and bangs that
24 would throw you from that position into the aisle, and then
25 forward into the bulkhead?

26 A I don't remember. I don't remember that at
27 all. It runs together.

28 Q You were thrown into the bulkhead with a lot

1 of force, weren't you?

2 A I was thrown into the bulkhead. I don't know
3 how much force, but with sufficient force to break my collar
4 bone.

5 THE COURT: Mr. Lewis, unless you are
6 practically finished, I will adjourn now for lunch.

7 MR. LEWIS: All right, sir.

8 THE COURT: We will adjourn now, ladies and
9 gentlemen, and resume at 1:45.

10 (Whereupon, the jury was excused from the courtroom,
11 and court was in recess until 1:45 p.m.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MELISSA HOPE MARCHETTI also)
known as NGO THI HOA THUONG,)
a minor who sues by and through)
her next friends and adoptive)
parents, DENNIS and PAMELA)
MARCHETTI,)
and by and through her guardian)
ad litem, CHARLES R. WORK AND)
PEABODY, RIVLIN, LAMBERT & MEYERS,)

Plaintiff,)

v.)

LOCKHEED AIRCRAFT CORPORATION,)

Defendant and)
Third Party Plaintiff,)

v.)

THE UNITED STATES OF AMERICA,)

Third Party Defendant.)

Civil Action
No. 76-0544-3

Washington, D.C.

Tuesday, May 20, 1980

The trial in the above-entitled matter was resumed
before the Honorable LOUIS F. OBERDORFER, United States
District Judge, and a jury duly empaneled and sworn, in
Courtroom Number 3, commencing at approximately 2:00 p.m.

APPEARANCES: (As heretofore noted.)

AFTERNOON SESSION

C O N T E N T S

<u>WITNESSES:</u>	<u>Direct</u>	<u>Cross</u>	<u>Recross</u>	<u>Redirect</u>
CAPTAIN HARP				
By Mr. Dubuc	162			224
By Mr. Lewis		186, 219	228	
RICHARD BRIAN REFF				
By Mr. Lewis	229			248
By Mr. Dubuc		233	248	

P R O C E E D I N G S

THE COURT: Anything before we call the Jury?

MR. OREN LEWIS: No, sir.

THE COURT: Bring in the Jury.

MR. OREN LEWIS: Just a minute. Occasionally, although not today, I was reminded yesterday, I passed a Jury member, and I don't -- I sort of looked down, and it might at some appropriate time be a good idea, if you will be willing to do so, to mention that counsel doesn't mean to be rude when we don't speak to the jurors when we see them.

THE COURT: Okay.

MR. OREN LEWIS: I have said that a number of times, I think.

THE COURT: But I will say it.

MR. OREN LEWIS: Okay. That's all, Your Honor.

MR. DUBUC: Your Honor, if I might, this may have come up before, I don't know if it did or not. It might be helpful if the Jury were told that when Mr. Lewis puts Dr. Reff on, and that's not part of my case, it's part of this morning. So, they understand.

THE COURT: Is that happening now?

MR. DUBUC: No, I don't know whether it's going to happen or not.

THE COURT: I certainly will do that.

Bring back the Jury.

1 (Whereupon, the Jury entered the courtroom.)

2 THE COURT: Ladies and gentlemen, I want to remind
3 you that you will from time to time see me and my staff and
4 the lawyers and the parties in the corridors of this courthouse
5 or on the street or something. And you remember that I asked
6 them not to even acknowledge you and you not to acknowledge
7 them, but just act like they are not there. So, you understand
8 if one of us passes you by that we are not being rude, we are
9 just carrying out what is necessary to protect each other.

10 Mr. Lewis.

11 MR. OREN LEWIS: Thank you, Your Honor.

12 BY MR. LEWIS:

13 Q Ma'am, did you talk to Lieutenant Tate at any time
14 after the accident?

15 A Yes, I did.

16 Q And did she tell you that she was going off flying
17 status after the crash?

18 A She had told me that she was thinking of going off
19 flying status before the crash.

20 Q The decision was final after the crash?

21 A Yes, I assume that it was, since she did.

22 Q Now, do you have --

23 MR. LEWIS: Do you have a copy of the trial transcript
24 or do you want me to show her mine, in the Schneider case?

25 BY MR. LEWIS:

1 Q Now, in the Schneider case --

2 MR. LEWIS: Is that the trial transcript in the Schnei-
3 der case?

4 MR. DUBUC: I think it is, starts on Page 1950.

5 MR. LEWIS: Page 2395, I think.

6 BY MR. LEWIS:

7 Q In any event, I will show you my transcript.

8 MR. DUBUC: Was that her testimony?

9 MR. LEWIS: Yes. Indulge me just one moment, Your
10 Honor.

11 This is the testimony of Mary Neal, starting at
12 Page 2373.

13 MR. DUBUC: This is our only copy. May I share it?

14 THE COURT: Certainly.

15 MR. LEWIS: Would you look at Page 2395.

16 BY MR. LEWIS:

17 Q Would you read to yourself starting at line 3, start-
18 ing with the words, "Before the explosive decompression", and
19 would you read down to 15.

20 A Okay.

21 Q Does that fairly describe the condition of the
22 children you observed?

23 A Yes, it does.

24 Q Now, it says that before the explosive decompression,
25 your group of twenty was asleep or quieted down, doesn't it?

1 A Yes, essentially so.

2 Q And essentially, they remained that way after the
3 explosive decompression, doesn't that say that?

4 A There was no change in their behavior, that's correct.

5 Q So, they appeared to you essentially very quiet and
6 asleep after the explosive decompression, didn't they?

7 A They were not crying.

8 Q You answered that question yes, didn't you?

9 A They were asleep or quiet.

10 Q And they remained that way until after you started
11 taking them out of the airplane; is that right? You said they
12 remained that way at least until we unpacked them.

13 A That's right.

14 Q Now, that's all that I have on that.

15 You saw some seats that were bent, the frames were
16 bent; is that true?

17 A I saw some seats that were not upright, but I don't
18 know that the frames were bent.

19 Q Did you see any seats that were bent?

20 A I don't recall. I noticed that they were not upright,
21 but I don't recall whether they were loose or bent. I really
22 didn't know, I don't remember. I didn't look at them that
23 closely.

24 Q Did you see any that were bent at a certain angle?

25 A I did not see any that were bent, that I remember.

1 Q Would you turn to 2397 of your transcript there, and
2 let me read you that question and answer. "Question: You saw
3 some seats that were actually torn from the floor and bent over?"
4 Answer: I saw one that I recall, actually two, that I saw were
5 bent at a certain angle. They were not completely loose from
6 the floor of the airplane.

7 A That's correct. I did say that, yes.

8 Q Thank you.

9 MR. LEWIS: That's all the questions that I have,
10 Your Honor.

11 THE COURT: Any further questions, Mr. Dubuc?

12 MR. DUBUC: Yes, I think I have one or two questions,
13 Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. DUBUC:

16 Q Mr. Lewis asked you a couple of questions about flame
17 or cinders. Do you recall those?

18 A Yes, I do.

19 Q Do you recall seeing actual flame or cinders coming
20 through the plane?

21 A At this point in time, I remember the feeling. I
22 don't remember seeing anything. I do remember the feeling, but
23 at this point in time, I don't remember seeing that.

24 Q Did that last for any duration of time?

25 A No, it was just a momentary experience.

1 Q Do you recall whether any direction or notification
2 was given to brace or anything of that kind, before landing?

3 A Yes, there was. One of the medical crew members did
4 say, "Brace, brace".

5 Q Mr. Lewis asked you about Captain Aune. Have you
6 inquired recently into Captain Aune's condition?

7 A Yes, Captain Aune is pregnant, and she is expecting
8 in July or August.

9 MR. DUBUC: No further questions.

10 RECROSS EXAMINATION

11 BY MR. LEWIS:

12 Q Captain Aune didn't fly as a crew member after the
13 C5A crash, did she?

14 A I don't know that. I don't believe she did, but I
15 don't know that for sure.

16 Q Now, you mentioned to Mr. Dubuc at this point in
17 time, I don't remember the flame or something to that effect.
18 Is your memory less good now than it was at the time you gave
19 the statement to Colonel Waxstein?

20 A It's certainly less clear, after five years.

21 Q And if you told Colonel Waxstein that there was flame,
22 then you saw flame; is that right?

23 A Yes, that's correct.

24 Q May I show you two places in your statement and ask you
25 if you said this.

1 MR. LEWIS: May I approach the witness, Your Honor?

2 THE COURT: Yes.

3 MR. DUBUC: She has a copy of the statement with her,
4 Your Honor.

5 THE COURT: All right. Nobody is going to get hurt
6 by this.

7 BY MR. LEWIS:

8 Q Do you want to turn to page 3, please.

9 I believe you have the place marked in your copy. Do
10 you see that, did you mark that blue marking on the copy?

11 A I didn't mark it, no.

12 Q Who did?

13 A I don't know. It was just here when I took the stand.

14 Q Your statement was there?

15 A It was just sitting here, yes.

16 Q All right. Well, would you read the place marked, in
17 any event.

18 A "On initial impact, I saw flames and felt all this hot
19 air and cinders hit me in the face, because I was facing forward
20 and I was the forward-most crew member.

21 Q Read the next sentence, please.

22 A Apparently, it came up from the whole in front of
23 the flight compartment where you can look down into the cargo
24 compartment.

25 Q Does that refresh your recollection that there were
flames?

1 A Yes, I said there were at that time.

2 Q But you don't remember them now?

3 A I don't remember them now, that's correct. I remember
4 the heat and cinders, but I don't remember the flames.

5 Q Now, would you look at the bottom of Page 3, which
6 you have, do you see the words -- the last words there, that
7 start, "The last"? Do you see those two words?

8 A Yes.

9 Q Would you read that sentence starting on that page
10 and going over to the next page?

11 A "The last thing I remember before we came to a stop
12 was flames. I realized that somebody was halfway through that
13 opening or part of the way through that opening."

14 Q That's enough. I'm just interested in the flames.
15 It says, "The last thing I remember before we came to a stop
16 was flames." So, you remembered -- so there were flames at
17 the moment of impact and there were flames -- the last thing
18 that you remember; is that right?

19 A Not exactly. I remember flames and heat -- I should
20 say I remember heat and cinders and apparently flames, as my
21 statement says, at the moment of impact. But then that was
22 only for an instant. Then I remember mud, and I remember
23 tumbling down.

24 Q What I am trying to find out is what you meant to
25 Colonel Waxstein. You did give this statement to him under oath.

1 A Yes, I did.

2 Q And it says, "The last thing I remember before we
3 came to a stop was flames."

4 A That's what I said, then. That's correct.

5 Q Okay. And that would have been just before the troop
6 compartment came to a dead stop; is that right?

7 A That's what I said, but I also remember saying mud.

8 Q I am not arguing there wasn't mud. I am trying to
9 find out about about the existence of flames and how long
10 they lasted.

11 A Momentary.

12 Q Momentary between the impact and the time it came to
13 a stop?

14 A I don't know how long it was between the time of the
15 impact and the time it came to a stop, but I do remember the
16 cinders and the heat that I remember was just a momentary
17 feeling.

18 Q Well, it was at the beginning of the impact and just
19 before you came to a stop that you told Colonel Waxstein that
20 you saw flames.

21 A That's what I said, yes.

22 Q But you don't remember that now?

23 A I remember the heat and the cinders, but I don't
24 remember flames, that's correct.

Q Thank you.

REDIRECT EXAMINATION

BY MR. DUBUC:

Q Would you look toward the bottom of the same page of that statement. Mr. Lewis was just referring to Page 4, and you made a statement you weren't sure we weren't on fire, we could see a piece of wreckage burning to the forward and left of us, but we weren't really sure what was burning and whether we were even burning. We were just thinking we have to get these babies out as quickly as we could.

Do you see that?

A Yes, I do.

Q Now, can you tell us do you remember where that fire was that you were describing?

A The fire was to the forward part of the troop compartment, and it was off in the distance.

Q How could you see that?

A I could see that, because I crawled out the hole in front of the aircraft and stood outside the aircraft.

Q Did you see any fire in or around the troop compartment at that time?

A I did not.

RE CROSS EXAMINATION

BY MR. LEWIS:

Q Crew members told you that there were three impacts, didn't they?

1 A I don't know who told me that, but I have heard that.

2 Q You told Colonel Waxstein from what the flight crew
3 said later, we impacted three times.

4 A Okay.

5 Q Is that what they told you?

6 A If I said so, yes, it was, but I don't recall now. It
7 has been five years.

8 Q But you only remember one impact?

9 A I remember one impact. That was a hard impact, and --
10 the initial impact, I considered a landing. I didn't even
11 consider it an impact because I thought we had landed.

12 Q But you didn't remember any other impact and you told
13 Colonel Waxstein that, didn't you?

14 A I remember a landing and an impact.

15 Q That's all.

16 MR. LEWIS: Thank you, Your Honor.

17 THE COURT: Thank you, ma'am.

18 Next witness.

19 MR. DUBUC: Yes, Captain Harp.

20 THE COURT: Captain, I remind you that you are still
21 under oath.

22 THE WITNESS: Yes, sir.

23 Whereupon,

24 CAPTAIN TILFORD HARP,

25 called as a witness, having been previously sworn, testified
as follows: