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Whereupon,

DENNIS W. TRAYNOR

was called as a witness on behalf of the defense and, having been previously duly sworn, was examined and testified further as follows:

DIRECT EXAMINATION

BY MR. DUBUC:

Q: Would you state your name and address for the record please?

A Dennis W. Traynor; currently residing at [REDACTED], Bellville, Illinois.

Q What is your profession, sir?

A I am a United States Air Force pilot.

Q How long have you been in the Air Force?

A I came in the Air Force in 1967.

Q Did you go through flight training in the Air Force?

A Yes, I did.

Q Did that include being trained to operate an airplane?

A That is correct.

Q Did that include any physiological training in connection with that operation?

A Yes, that did. They trained us in how certain aspects of flying would affect your body.

Q What, if any, experience had you had with

1 decompression prior to April 1975?

2 A Only in the altitude chamber in the practice
3 training.

4 Q -- What did that involve?

5 A We had some amount of time in classroom training,
6 and then they gave us experience in a chamber that they could
7 pump the air out of to simulate high altitude.

8 And they would bring us up to a high altitude --
9 I don't know what altitude -- and instruct us to take our
10 masks off, and we would then perform math problems for a
11 minute or two and do some other things, until we could note
12 our own symptoms of hypoxia so that we would know those
13 symptoms approaching on ourselves.

14 Q In connection with that training were you given
15 any instruction and information as to times of useful con-
16 sciousness at various altitudes?

17 A I am sure that we were given some information on it.

18 Q After your period of flight training, could you tell
19 us what your flight experience generally was?

20 A Yes. I went from Texas to Dover, and flew the
21 133, and I was there until I went over to Vietnam. I was
22 stationed in Vietnam a year. Flew the 131, C-7's in Vietnam.
23 And was transferred into the C-5; and from the C-5, then,
24 that is my most current airplane; I haven't flown it for
25 three years. I was in the process of moving.

1 I became an aide to the general officer there on
2 the station and subsequently I am working in Medical Head-
3 quarters for the headquarters for all the airlines.

4 Q That is your present job?

5 A Yes.

6 Q You say you were an aide first?

7 A I was the squadron ex-ec at that time of the crash,
8 and about a year later I became an aide to the commanding
9 general. And when he retired, I went on to Medical Head-
10 quarters, and I was then promoted to Major.

11 Q In April 1975 did there come a time when you were
12 assigned to a squadron for a mission to Saigon?

13 A I am sorry. Say that again?

14 Q In April 1975 were you assigned to a squadron
15 and flew a mission to Saigon?

16 A Yes, that is correct; 22nd Air Squadron.

17 Q Initially was that an operation or mission for the
18 squadron, with respect to cargo, carriage?

19 A At that time I was not on a staff position. I was
20 routinely flying cargo worldwide, and we flew into the area
21 of Saigon many times. In fact, out of that squadron I had
22 flown into Saigon just prior to the crash, although we had
23 not been going in there as a matter of routine.

24 I don't know any of the rationale.

25 Q Can you tell us when you first learned of your

1 assignment to go into Saigon for a mission on April 4, 1975?

2 A Yes. I went to bed at Clark, Philippines, knowing
3 nothing, and when I was alerted to go fly, I was alerted to
4 the fact that I would be going into Saigon probably.

5 Q Did you receive a briefing in respect to that
6 mission?

7 MR. LEWIS: Counsel is leading the witness.

8 THE COURT: We have been over this.

9 I am not going to interfere with his leading over
10 something that we have covered once. When you get to something
11 new ---

12 MR. DUBUC: Yes.

13 BY MR. DUBUC:

14 Q Did you receive a briefing as to what you were
15 supposed to do on this mission?

16 A It was a normal mission; there wasn't any particular
17 special briefing. I had an intelligence briefing saying this
18 was a good place to be and this was a bad place to be, as
19 far as dangerous areas of the country. In other words, I
20 filed my flight plan, went to the cafeteria to eat.

21 At the cafeteria I was asked to come to the tele-
22 phone, at which time I talked to some people back at my
23 command post, the 22nd Air Force.

24 Q Where was that?

25 A Back at Travers -- on the telephone. And the

1 command post there told me that the mission would have a
2 return cargo of orphans out of Saigon.

3 Q Did you ultimately fly the mission to Saigon
4 for the purpose of bringing back this group of orphans?

5 A Yes; we took the cargo in and did airlift orphans
6 out.

7 Q While you were on the ground in Saigon where were
8 you, what were you doing?

9 A I did my normal preflight duties which took me away
10 from the aircraft over to the operations building. And I
11 returned to the aircraft, made a pass through the airplane to
12 see what was being done by the people who worked for me;
13 and we had a group of newsmen come through.

14 I was on hand to make sure that they were orderly
15 moved through the aircraft.

16 Then by that time the loading was complete, and we
17 took off in the normal fashion.

18 Q Did you have anything specifically -- did you do
19 anything specifically in connection with the loading of the
20 children on the airplane?

21 A No, nothing specific.

22 Q Was that assigned to some other members of your
23 crew?

24 A Yes, the loadmasters handled the loading of cargo
25 and passengers. I am obviously ultimately responsible for

1 what they do within the parameters of their job.

2 Q And, sir, you mentioned you made the takeoff after
3 the aircraft was loaded?

4 A That is correct.

5 Q During the climb out, did there come a time when
6 there was a rapid decompression?

7 A Yes.

8 Q What can you tell us that you recall about that?

9 A Okay. I took off. It was a normal uneventful
10 departure. Made a right turn out of traffic, heading on a --
11 on course -- just passing over the edge of land over a little
12 town called Fungtu.

13 I was approaching 23,000 feet. I just played the
14 sticks to accelerate from 270 knots to my climb mark. And I
15 had a classic rapid decompression. It was instantaneous --
16 it was a noise just like I hear in the altitude chamber,
17 very brief pass of condensation, and I put my mask on and simul-
18 taneously did several things that were in accordance with the
19 prescribed procedure, which is to lower the nose and reverse
20 course.

21 Q What is the reason for that, lower the nose?

22 A What did I do?

23 Q What is the reason for that? You say it was classic
24 decompression, you put your mask on and lowered the nose,
25 which you said was the procedure. What is the reason for that?

1 A Okay. At 23,000 feet, although that is not a
2 specifically high altitude -- people go mountain climbing at
3 18,000 feet all the time -- so I didn't have to get down --
4 there was no dire emergency to immediately descend because of
5 the health of the children, but with all expediency, I turned
6 around, lowered the nose to get down to a low altitude where
7 it would be very comfortable for an indefinite period.

8 Q Do you recall what altitude you were shooting for
9 in that accident?

10 A I shoot for 10,000 feet. But we are allowed to
11 carry passengers somewhere -- it's been a long time -- around
12 14,000 is what I recall.

13 Q You mean without oxygen?

14 A Without oxygen.

15 Q Do you have any recollection of the time during
16 that accident at which you got the various altitudes, 18,000
17 and 14,000 feet?

18 A No. It is not certainly a long time. I am sure
19 it could be calculated better than I could guess.

20 Q With respect to the accident, after the decompressio
21 could you tell us -- did you have a oxygen mask on at all
22 times?

23 A Yes; the procedure for a rapid decompression calls
24 for a bold-faced item on the checklist which requires that the
25 pilot is commanded to say, "Oxygen masks on."

1 When I give that command, it alerts other crew
2 members to do their specific task; one is to check in and tell
3 me. As I am doing that, I am also taking care of flying the
4 airplane and doing other actions as necessary.

5 Q Do those procedures call for the other crew members
6 to put on oxygen masks and also to report to you circumstances
7 throughout the airplane?

8 A That is correct.

9 Q Did you receive such reports?

10 A Yes, I did.

11 Q Did you receive any reports indicating any problems
12 with the passengers, as far as ---

13 A Yes, I did. They indicated that all was well and
14 that, as a matter of fact, several people in the cargo com-
15 partment apparently were pleading with the people on the head
16 set to not go back, they wanted to go on despite the damage
17 that they could see.

18 Q Now, sir, following the decompression, can you tell
19 us whether there was any effect upon the heating or air-
20 conditioning of the airplane?

21 A The heating and airconditioning system is an
22 automatic system. It uses the heat from the engines to heat
23 the aircraft. In fact, it's so hot that they use very little
24 of it to heat cold air from the outside.

25 And so I didn't know any drastic change in

1 temperature other than the momentary fog in the cockpit.

2 I never did associate that with a change in temperature. As
3 far as I am aware, the airconditioning pressurization system
4 was putting out sufficient heat to not affect the temperature
5 in the airplane.

6 Q What, if any, reports did you receive with respect
7 to hypoxia of any passenger or crew member?

8 A The subject had come up, "Is there anybody who is
9 having any trouble with oxygen?" No, there was none.

10 Q Following that, there was an accident, am I correct,
11 you started to make a descent down toward the ground?

12 A Yes, the smoothest and easiest way to make my
13 turn from the direction I was going to return back to Saigon
14 was to begin a turn, and when I begin my turn, that takes some
15 of the lift from the wings, the nose drops below the horizon,
16 it turns around, and I ended up in a nose-low configuration
17 to decelerate.

18 I was at a climb speed which was slow, and I wanted
19 to get at a faster speed because it gets me down in a more
20 expedient manner. When I got to the speed which I wanted to
21 hold, I attempted to arrest my pitch angle by applying back
22 pressure to raise the nose.

23 And as I pulled back on the choke, nothing happened.
24 In fact, I got it all the way back in my lap, and I was still
25 accelerating, still increasing the pitch.

1 Q What, if anything, did you do to correct that problem

2 A I knew that everything that you do in an airplane is
3 affected by how it is balanced in the air. So I presumed
4 adding power would make me go faster -- and therefore give
5 me more lift, pivot around the center of gravity of the
6 airplane.

7 And, fortunately, by adding power, quite a bit of
8 additional power in the dive, I did, in fact, turn the airplane
9 from descending to ascending.

10 Q Were you the pilot in command of this airplane?

11 A That is correct; I was flying it.

12 Q Did you continue this procedure during the course
13 of your accident?

14 A Well, I was naturally quite relieved that I was
15 no longer going down, I was going up at this time. Of course,
16 going up could be just as bad, so I used normal recovery
17 procedures for a high nose-up attitude, rolled off on a wing,
18 and when the nose came back down on the horizon, I leveled off.

19 And I surmised at that point that it was --
20 pitch was controllable by the means that I was using, that
21 being adding power or using bank to alternately increase
22 lift, or decrease pitch.

23 Q What was your plan at this point, as far as the
24 airplane and passengers?

25 A Well, my immediate concern was just to take the

1 airplane back to Saigon.

2 Of course, during this time I am asking the crew
3 members to assess why we had rapid decompression, and I was
4 informed that there was severe structural damage in the back
5 of the aircraft that had severed some hydraulic lines and
6 control cables.

7 Q Did there come a time that you reached a point where
8 you were going to attempt a landing?

9 A Yes. I had assumed all the way through that I
10 would probably land the aircraft. I was trying to make the
11 runway. And I was just nearly to turning final approach,
12 thereabouts. Well, I put my bank in, or that in combination
13 with finally getting my emergency gear extended -- I was no
14 longer able to maintain a level or the gliding that I wanted.

15 So I elected to roll out, and I headed for a clear
16 area with the intention of still pulling it out. I, at that
17 moment, was not planning on making a belly landing there.

18 So at that point when I rolled out, I added full ;
19 power again; in fact, I put more than full power; I just
20 pushed the throttle to the stops, and it still was not quite
21 enough to pull me up prior to contacting the ground.

22 However, I was nearly level, and just prior to
23 impact, I did pull the throttles to idle; the ground effect
24 flared the airplane. We touched down in normal, or less
25 than normal, rate of descent, so it was a very smooth initial

1 touch, particularly from where I was sitting.

2 Q You are talking about the first impact?

3 A The first impact, yes.

4 Q Do you recall at this time observing any instru-
5 ments or anything in the cockpit that would indicate the rate
6 of descent?

7 A Yes. One of the standard cross-check items is
8 your rate of descent indicator, and I did notice that it was
9 right at about 500 to 600 feet per minute, which is the
10 preferred normal rate of descent for touchdown.

11 Q I want you to assume for the next question that
12 you lost that first -- in that first impact you lost your rear
13 two main landing gears. My question is: Did you notice that
14 or feel that in any way?

15 A No, I did not.

16 Q Following that first impact, what happened?

17 A Well, you are asking me what instruments I was
18 looking at?

19 Q Yes.

20 A When I lost my -- the rear door and subsequently
21 caused some of the problems -- I was going 270 knots, or just
22 starting to accelerate from there.

23 Once I discovered on my way back that I could not
24 control my pitch, by use of my flight controls, then it
25 became academic; there is nothing any longer that I can do

1 to change my air speed; so there is no point in looking at my
2 air speed.

3 So, from this point on, I did not look at my
4 air speed. I knew that it had to be in the neighborhood of 270
5 knots, no matter what.

6 So, at 270 knots, at the first impact, it was kind
7 of like a stone skipping. I still had flying speed, but the
8 ground redirected me up in the air.

9 Q Well, you say it would have to be 270 knots. Why
10 is that, because of the climb that you were in?

11 MR. LEWIS: Your Honor, counsel shouldn't lead
12 the witness.

13 BY MR. DUBUC:

14 Q Why would it have to be 270 knots?

15 A Okay. The airplane is a very delicately balanced --
16 like a teeter-totter, if you will, in the air. The lift from
17 the wings counteracts the gravity from below.

18 But, if that were straight in a line, it would be
19 very unstable. So they put the center of gravity, the center
20 of weight slightly forward of the wings, and the tail actually
21 flies down. And then it's guiding it within a small amount
22 of pressure. So that in a stable, trimmed airplane, hands-off
23 flying, it will maintain whatever it's trimmed to do, whatever
24 speed, it will seek a trimmed airplane? If it's got to climb
25 to maintain that air speed, it will climb. If it has to

1 descend, it will descend.

2 For example, in a normal airplane, if you add power
3 very slowly, the airplane will begin to climb and, if you
4 pull power off very slowly, the airplane will level off or
5 go into a descent, without touching or doing anything to a
6 normal airplane.

7 So I knew that because I could not -- whatever I
8 did with the flight controls, that I had to maintain 270
9 knots. That is what the airplane would do.

10 THE COURT: Mr. Dubuc, we will have to adjourn
11 for the night.

12 MR. DUBUC: Your Honor, Mr. Traynor has come from
13 Illinois, and he is not going to be very long.

14 THE COURT: How much longer?

15 MR. DUBUC: I do not think I have more than ten
16 minutes.

17 THE COURT: We had another matter at 4:30. Do you
18 have a duty station out there?

19 THE WITNESS: Yes, I do.

20 THE COURT: Go ahead.

21 BY MR. DUBUC:

22 Q You described the first impact. Can you tell us
23 what happened between the first impact that you recall and the
24 second impact?

25 A Yes.

1 My first touchdown -- after the first touchdown, I
2 was very relieved, or confident that the airplane would be
3 in relatively good shape. I had no idea that anything was
4 going to happen to the airplane.

5 We became airborne again. My sole attention was
6 to maintaining wing level until we lost our air speed and
7 came to a stop on the ground. There was no particular concern
8 at that time for any specific thing.

9 Upon the second impact we touched down. I was
10 sitting in a chair much as I am sitting right now, my hands
11 on the choke, and my feet on the rudders, and we began to
12 vibrate and I felt a lurch forward.

13 And when I lurched forward, it was almost like I
14 was free-falling, and I could hear a noise, a rushing sound.
15 At all times I could see the ground; I was very low to the
16 ground; and so I touched down the first time, touched down
17 the second time; and as I am riding along the ground the
18 second time, I can feel and see the nose drop, and then I could
19 feel the airplane, the whole fuselage or the front part of the
20 airplane, as it turns out, turn upside-down.

21 At that time I had no idea that the airplane
22 was breaking up. I still thought the whole airplane was with
23 me.

24 Q Did you have any specific realization or feeling --
25 for this question, I want you to assume that your landing gear

1 hit a dike just before the touchdown -- assume the landing
2 gear hit a dike. Did you feel anything to that effect?

3 A No.

4 Q Anything in the cockpit at that time?

5 A No. I was aware that I touched down for a brief
6 moment, and then I became -- the cockpit started to
7 shake -- it was nothing so much as to, say, dislodge my
8 handhold or move my elbows off the arm-rest or my feet off the
9 rudder peddles, or anything, which is being held up in the air.
10 And I had that lurch forward.

11 Q Did you have any forces operating either side,
12 left or right, at that time?

13 A It was very bumpy. It was very bumpy, and it was
14 in all directions, but it was not severe from where I was.

15 Q Is there anything -- from your experience in
16 flying airplanes, can you compare that to anything else that
17 you have experienced?

18 A I really don't have anything to compare it to.
19 It's kind of -- it's hard for me to say. Was it like running
20 off the runway; was it like being in an accident in a different
21 kind of vehicle. I don't really have anything to compare it to
22 except to say that from where I was it was -- I was not afraid
23 that I was going to hurt myself in the cockpit of the airplane.

24 Q Do you recall the attitude of the airplane at that
25 time you touched down the second time, after you came over

1 the river?

2 A When I became airborne again -- from the first impact
3 I was level, I suppose slightly nose high, and from the rest
4 of that time on I would say that I was within a few degrees
5 of being level the next time, maybe slightly nose down and
6 slightly nose up.

7 That was not really a strong consideration of mine
8 at that time. But we did then continue to grind to a halt.

9 Q Did you experience -- do you recall experiencing any,
10 what would be called positive G forces downward through your
11 seat?

12 A No, nothing that I can put my -- I can't quantify it.
13 G forces that I am familiar with are sustained G forces.
14 For example, in a 60-degree bank turn, that is two G's, and
15 I know that, that is the only thing that I really have to
16 compare.

17 You can sustain instantaneous G's by jumping over a
18 2-foot loader much greater than that. But, of course, you
19 can't feel it and you can't measure it. From where I was,
20 there was nothing for me to notice.

21 Q The only forces you experienced, G-X forces,
22 in other words forward forces?

23 A I think I was pretty much experiencing movement.
24 I was being jostled around in all directions, up, down, sideways
25 back and forth; none particularly more than another.

1 Q Were you strapped in?

2 A I had the standard Air Force seatbelt, shoulder
3 harness.

4 Q Was there a forward-facing seat?

5 A Yes, it was.

6 Q Have you any estimate of the amount of time between
7 impact and the time you stopped?

8 A The first impact you mean or the second impact?

9 Q Well, you had one impact over one side of the
10 river, and you lost your gear, right?

11 A That is very difficult to say.

12 Q I am talking about after you crossed the river and
13 had your second impact.

14 A Okay. I touched down -- I'd say the whole thing
15 was a matter of seconds, like 15 or 20 seconds. But at that
16 time my thought process was going to -- was just hoping that,
17 when I felt myself turn upside-down, that nothing was going
18 to get in my way on sliding on the ground that would decapi-
19 tate me on the ground.

20 Q After you came to a stop, what did you do?

21 A When I came to a stop, I transferred up to ---

22 Q After you came to a stop?

23 A Oh, I'm sorry. After I came to a stop, a crew
24 member looked out the back of the broken flight deck and
25 yelled, "Fire," because he was looking at the wings that had

1 gone quite a distance away further, past us in the direction
2 we were going, and were burning.

3 So I unstrapped myself, dropped out, cranked open
4 my window, stepped out and assisted my other crew members
5 to get out, and I looked back down the line of the fuselage,
6 my portion of the fuselage, and could see in the distance the
7 wings burning.

8 And, at that time I assumed that that was the
9 rest of the aircraft. I was quite relieved to find out,
10 within a minute or two that, when I walked around to the other
11 side of the flight deck, that the troop compartment was right
12 equal with us and close to this time is when I discovered
13 that the troop compartment had fared similar to the flight
14 deck, in terms of remaining intact.

15 Q Was there any fire in that area?

16 A No.

17 Q Was there any fire in the cockpit area?

18 A No.

19 Q How far away was the fire, would you estimate?

20 A Several hundred yards.

21 Q Do you recall anything about the wind?

22 A Yes. We landed downwind, which means that, had
23 I made the runway, I would have been landing with the tail-
24 wind. So, when I missed the runway, the tailwind was still
25 with me. And the fire was burning quite a distance away.

1 But everything -- there was a pretty good, strong wind.

2 I don't know what it was, but the smoke was going at about a
3 45-degree angle away from us.

4 THE COURT: Can you finish this up in 60 seconds?

5 MR. DUBUC: I will try, Your Honor.

6 BY MR. DUBUC:

7 Q Were you injured in any way?

8 A Not at all.

9 Q Did you go over to the troop compartment?

10 A No, I did not.

11 Q Did you send anybody over to inspect it?

12 A One of my crew members spoke to me about the situa-
13 tion, and they indicated ---

14 MR. LEWIS: Objection to hearsay, if it please
15 the Court.

16 THE COURT: That is an official report.

17 BY MR. DUBUC:

18 Q What report did he give you?

19 A He reported that the relative condition of the
20 people there was quite good. In fact, by that time they were
21 loading the kids on the helicopter, and there was no apparent
22 damage to anyone except those people who were not restrained
23 in any way and had fallen against bulkheads and that sort of
24 thing.

25 Q What specific report did you receive as to the

1 children?

2 A My report at that time was that there was one
3 child that apparently had a Diddi bag that had been tied
4 around his neck, and his belongings, and had perhaps strangled
5 the kid; but other than that that was the only injury to the
6 children.

7 MR. DUBUC: You may examine.

8 THE COURT: Mr. Lewis, I don't want to shorten
9 your examination, so you take your time.

10 MR. LEWIS: I don't want to disaccommodate him.
11 It puts me in an awkward situation.

12 THE COURT: Go ahead and take your time.

13 Do what you want to do.

14 CROSS-EXAMINATION

15 BY MR. LEWIS:

16 Q Captain, the children in the cargo compartment
17 were loaded to the front of the cargo compartment, weren't
18 they?

19 A Essentially.

20 Q That would have put them, for all practical
21 purposes, almost underneath you, isn't that true?

22 A No.

23 Q The cargo compartment extends to the front of the
24 airplane, doesn't it?

25 A No.

1 Q You have the ramp. And what is after the ramp?

2 A What actually exists there is the crew entry door,
3 enters at the rear of the cockpit area, and the front of the
4 cargo compartment area.

5 Q I am talking about below you.

6 A That is correct.

7 Well, I may put it in the other order. You go up
8 the ladder, and the first thing that you run into is the
9 front of the pallet position number one of the cargo compart-
10 ment.

1 Q It looks to me like there is a door, an interior
2 door, that is ahead of where you sit in the cargo compartment,
3 going up and down, is that true?

4 A I said up on the flight deck.

5 Q I am talking about if you went down, below you,
6 ahead of that position is a door. Is that the ramp?

7 A You are talking about the forward ramp, yes.

8 Q May I show this to the witness, Your Honor?
9 Was this here?

10 A This right here is the forward ramp.

11 Q Forward ramp is ahead of, or at least equal to
12 your position on the flight deck, is that right?

13 A Well, I am sitting essentially over the area in
14 front of the ramp. I am sitting right here looking out this
15 window. My feet are sticking right down there. However,
16 as far as I know there were no people sitting in the number
17 one pallet position, which is the one directly ---

18 Q But in any event, the people were described in the
19 front of the cargo compartment, isn't that correct?

20 A Of 36 pallet positions, they are up front, yes.

21 Q You were concerned that something was going to
22 happen to them in the crash, weren't you, sir?

23 A When would I be concerned about that?

24 Q I don't know if you ever were. Just tell me.

25 Were you concerned that something would happen to the babies

1 or women that were in the cargo compartment at the time of the
2 second impact?

3 A That's like when did I stop beating my wife. I am
4 always concerned for the welfare of the people in my airplane.

5 Q It was a matter to be concerned about, wasn't it?

6 A Always.

7 Q It wasn't this particular situation, then?

8 A As always.

9 Q Have you been in another crash like this?

10 A No, I have not.

11 Q And your nose section broke off from the rest of the
12 aircraft, didn't it?

13 A No. The flight deck became separated.

14 Q Became separated from the rest of the airplane.

15 Now, that is ordinarily strongly put together, isn't
16 it?

17 A The floor probably gives it the strength, but I am
18 the pilot, I am not the engineer.

19 Q I understand.

20 Well, the plane will carry tanks, wouldn't it.

21 A Yes, it will.

22 Q It takes a pretty strong floor to hold a tank, doesn't
23 it?

24 A Yes. But like a chain, if any part of it is gone,
25 the rest I don't know, I cannot speculate.

1 Q Did anybody in your section report that your part
2 had broken off from the rest of the airplane?

3 A No.

4 Q The people behind you?

5 A No. They had no way to report it to me.

6 Q They couldn't communicate with you?

7 A By the time that it probably happened, in retrospect,
8 we had lost all electrical power to that portion of the air-
9 craft anyway.

10 Q Did the electrical power go off on that aircraft at
11 any time?

12 A Yes. When I lurched forward, when I said that I had
13 the free fall feeling and the noise just waiting for me to
14 stop, the power was off the flight deck.

15 Q The flight deck has an instrument that measures
16 gravity on impact, doesn't it?

17 A I don't think so.

18 Q It doesn't have a G meter?

19 A Yes, it does.

20 Q Isn't that gravity?

21 A I don't think so. It measures a force. It tells me,
22 in a turn for example, that I am holding one G or 2 G's or
23 something like that.

24 Q It also measures the impact on landing, doesn't it?

25 A The up and down forces.

1 Q Yes, so the G forces --

2 A Correct.

3 Q When we say "G forces" we are talking about gravity.

4 A No.

5 Q You are not talking about gravity?

6 A No. I am sitting here today, this is one gravity,
7 one G.

8 Q But G stands for gravity; that is all I am asking.

9 A Yes, G stands for gravity.

10 Q You didn't look at the G meter either at the time of
11 the first impact or the second impact, did you?

12 A That's correct.

13 Q Did you put the power on after the second impact?

14 A I did whatever was required to get the airplane from
15 one to the next and I don't think that is material.

16 MR. DUBUC: Objection, Your Honor, he said after the
17 second impact.

18 MR. LEWIS: I'm sorry, I meant after the first impact

19 THE WITNESS: Whatever I did was correct at the time.

20 BY MR. LEWIS:

21 Q Your airplane bounded into the air after skidding
22 one thousand feet.

23 A I have no idea, except it touched down at a very low
24 altitude.

25 Q Did it skid?

1 A It would be difficult for me to tell you whether it
2 was skidding or marginally airborne.

3 Q No, no, no, I am talking about did it have any
4 skidding across the ground.

5 A What is skidding? What do you mean?

6 Q I thought that is what you said --

7 THE COURT: You are talking about the first impact
8 or the second?

9 MR. LEWIS: I am talking about the first impact, sir.

10 THE WITNESS: We touched down and we went back into
11 the air --

12 MR. LEWIS: May I approach the witness?

13 THE COURT: Yes.

14 BY MR. LEWIS:

15 Q You see the sentence, it rolled and skidded along
16 the ground for approximately one thousand feet and became air-
17 borne?

18 That is in the collateral report which you have read;
19 is that right?

20 A I am aware of the collateral report. I am not so
21 sure that I have read the collateral report. It's been avail-
22 able to me.

23 Q Do you dispute that the airplane rolled and skidded
24 along the ground for approximately a thousand feet?

25 A I would have no reason to be concerned one way or

1 the other. I was doing what was necessary to fly the airplane.

2 Q I understand that, I just asked you if that is what
3 happened.

4 A I don't know.

5 Q Did you put power on after the first impact?

6 A I don't know. I did what was required.

7 Q I understand that. Is it that you don't remember one
8 way or the other; is that what you are telling me?

9 A I am telling you it didn't make any difference one
10 way or the other as to what my decisions were.

11 Q I am just asking you, do you remember whether or not
12 you put power on after the first impact?

13 A No.

14 Q You don't remember?

15 A No.

16 Q Do you remember whether you were trying to make
17 Saigon after the first impact? You tried to go to the airport?

18 A I remember that I was not trying to.

19 Q You remember you were not trying to go to the airport?

20 A After the first impact.

21 Q You wanted to land again?

22 A I was very happy to be down. Apparently the airplane
23 was intact and I was down, and as far as I was concerned, we
24 were going to walk away from it.

25 Q I am talking about at the time you were in the air,

1 between the first and second impact.

2 A I am talking about the entire time after the first
3 impact.

4 Q After the first impact, while you were in the air,
5 you went some 2700 feet in the air. Do you know how far that
6 was?

7 A No.

8 Q You don't know whether that is true or not?

9 A No.

10 Q Are you just sort of blending the whole thing together
11 in your mind as one event?

12 A What I am trying to tell you is I was doing exactly
13 what was required of me to control the airplane, with the
14 limited resources that I had. And to remember whether or not
15 we went 2,000 feet or 700 feet, it would be much simpler to
16 put an X on a map and measure it than it would be to rely on
17 my guess.

18 (Continued on the following page:)

1 Q I understood that -- I am just trying to find out
2 whether you have any recollection of attempting, once you
3 are in the air, of continuing on to the runway?

4 A No, because the runway wasn't in the direction
5 I was going.

6 THE COURT: He's already answered that, Mr. Lewis.

7 BY MR. LEWIS:

8 Q After the explosive decompression, sir, did you
9 make any effort to relocate any of the children that were in
10 the cargo compartment up to the section that you were in?

11 A No.

12 Q There was room for a considerable number of children
13 up there to the rear of you, wasn't there?

14 A There was space, yes. It wasn't my desire to do
15 so.

16 Q How many people died in the crash, sir?

17 A I don't know.

18 Q You don't have any idea?

19 A I have an idea, but I wouldn't want -- I have not
20 spent the last five years studying this problem, although it's
21 a very serious problem.

22 Q I understand that. Do you have any ---

23 A The numbers that I have heard were 176 lived and
24 154 died.

25 MR. LEWIS: Indulge me one moment, Your Honor.

1 THE COURT: Yes.

2 BY MR. LEWIS:

3 Q You were not concerned when your cockpit was upside-
4 down?

5 A My cockpit was upside-down the last few seconds,
6 in the last few seconds, before we came to a stop.

7 Q What did you think happened to the airplane when
8 the cockpit was upside-down?

9 A I didn't know.

10 Q You said that you had no idea that the whole air-
11 plane was breaking up?

12 A That is correct. I had no reason ---

13 THE COURT: That has been asked and answered,
14 Mr. Lewis.

15 MR. LEWIS: I didn't ask him, if it please the
16 Court, but I will accept the Court's direction.

17 Thank you, Your Honor.

18 THE COURT: Mr. Dubuc, any redirect?

19 MR. DUBUC: Maybe one or two questions.

20 REDIRECT EXAMINATION

21 BY MR. DUBUC:

22 Q Mr. Lewis asked you a question about why you didn't
23 move the infants from the cargo area up to the cockpit. Can
24 you tell us the reason for that?

25 A Certainly. The reason for that is that I'd no reason

1 to assume that the fate of people downstairs could possibly
2 be any different from the people upstairs, and the additional
3 responsibility to look after or watch after the people who
4 were, in most cases non-English-speaking people, the control
5 problem would have been made much worse.

6 So I left them where they were. Their restraint
7 was as good, or better, than what we had in our forward-facing
8 seats, for example.

9 MR. DUBUC: Thank you very much.

10 THE WITNESS: And they were very safe.

11 THE COURT: We will excuse the jury now.

12 Ladies and gentlemen, we will adjourn for the
13 night. See you tomorrow morning at 9:30. And remember the
14 rules.

15 Thank you very much.

16 (The jury withdrew from the courtroom.)

17 THE COURT: Mr. Patrick, how long will your
18 evidentiary presentation take? I think that is all we can do.

19 MR. PATRICK: Your Honor, I don't think it would
20 take longer than maybe 20 or 30 minutes.

21 THE COURT: I will take a brief recess and be back
22 at 5 o'clock.

23 (Brief recess.)