

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MICHAEL KHA BOSI, also known as DANG KHA  
AI, a minor who sues by and through his next  
friends and adoptive parents, WILLIAM L. and  
ANNE BOSI, 676 Hicks Street, Fall River,  
Massachusetts 02724; phone: (617) 679-3380, and  
by and through his guardian ad litem, CHARLES  
R. WORK and PEABODY, RIVLIN, LAMBERT &  
MEYERS, 12th Floor, Connecticut Building, 1150  
Connecticut Avenue, N.W., Washington, D.C.  
20036; Phone: (202) 457-1016

Civil Action No.  
76-0544-8

Plaintiff

v.

LOCKHEED AIRCRAFT CORPORATION,

Defendant and  
Third-Party Plaintiff

v.

THE UNITED STATES OF AMERICA,

Third-Party Defendant

Transcript of Video Deposition of:  
COLONEL KEITH DOUGLAS MALONE

Thursday, March 4, 1982

Washington, D. C.

GASDOR REPORTING COMPANY  
General Stenotype Reporting  
499 South Capitol Street, SW, Suite 408  
Washington, D. C. 20003

(202) 484-0016

Deposition of COLONEL KEITH DOUGLAS MALONE, was taken, pursuant to notice, before Albert J. Gasdor, a Notary Public in and for the District of Columbia, commencing at 2:00 o'clock, p.m., Thursday, March 4, 1982, in the law offices of Haight, Gardner, Poor & Havens, Suite 1000, 1819 H Street, N. W., Washington, D. C.

APPEARANCES:

On behalf of the Plaintiff:

MICHAEL J. McMANUS, ESQ.

Lewis, Wilson, Lewis & Jones, Ltd.  
2054 North 14th Street  
Arlington, Virginia 22216  
Phone: (703) 527-8800

On behalf of Defendant Lockheed:

JOHN J. CONNORS, ESQ.  
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Friday, March 5, 1982  
Washington, D. C.

Deponent:	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>
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## EXHIBITS

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1                   MR. CONNORS: FOR THE RECORD, MY NAME IS JOHN  
2 CONNORS. I AM AN ATTORNEY FOR THE LOCKHEED AIRCRAFT  
3 CORPORATION.

4                   MR. McMANUS: FOR THE RECORD, MY NAME IS MICHAEL  
5 McMANUS AND I REPRESENT MICHAEL BOSI AS WELL AS OTHER  
6 PLAINTIFFS IN THIS CASE.

7                   MR. CONNORS: MAY WE HAVE THE WITNESS SWEORN,  
8 PLEASE.

9                   WHEREUPON.

10                  COLONEL KEITH DOUGLAS MALONE  
11 HAVING BEEN FIRST DULY SWEORN BY THE NOTARY PUBLIC, WAS  
12 EXAMINED AND TESTIFIED AS FOLLOWS.

13                  DIRECT EXAMINATION

14                  BY MR. CONNORS:

15                  Q    GOOD AFTERNOON, COLONEL.

16                  WOULD YOU STATE YOUR NAME AND ADDRESS FOR THE  
17 RECORD, PLEASE?

18                  A    MY NAME IS KEITH DOUGLAS MALONE. I AM NOW AT [REDACTED]

19 [REDACTED] O'FALLON, ILLINOIS.

20                  Q    WHAT IS YOUR OCCUPATION, SIR?

21                  A    SENIOR AIRLIFT CONTROLLER AT THE MAC COMMAND  
22 CENTER AT SCOTT AIR FORCE BASE? HOW LONG HAVE YOU BEEN IN

1 THE AIR FORCE?

2 A I HAVE BEEN IN THE AIR FORCE SINCE MARCH, 1965.

3 Q COULD YOU STATE FOR US YOUR EDUCATIONAL  
4 BACKGROUND, PLEASE?

5 A I RECEIVED A BACHELOR OF BUSINESS ADMINISTRATION  
6 FROM WESTERN MICHIGAN UNIVERSITY -- FOR CIVILIAN EDUCATION.

7 FOR MILITARY EDUCATION, I HAVE BEEN TO SQUADRON  
8 OFFICERS SCHOOL, COMMAND AND STAFF COLLEGE AND INDUSTRIAL  
9 COLLEGE OF THE ARMED FORCES, THE LATTER TWO BY  
10 CORRESPONDENCE.

11 Q COULD YOU STATE FOR US YOUR PROFESSIONAL  
12 BACKGROUND, PLEASE, YOUR JOBS AND ASSIGNMENTS?

13 A IN 1965, I WENT TO NAV SCHOOL, TWO YEARS LATER I  
14 WAS A NAVIGATOR CHECKED OUT IN A B-52, FLEW THAT FOR  
15 TWO YEARS AS A NAVIGATOR, WENT TO PILOT TRAINING IN 1969,  
16 GRADUATED JULY 1970; WENT TO 141'S FOR 3 YEARS, FLEW BC47'S  
17 FOR A YEAR, AND IN 1974 I WAS ASSIGNED TO C5'S AND FLEW  
18 C5'S UP THROUGH 1979.

19 Q YOU REFERRED TO 141. WHAT IS THAT?

20 A IT IS A FOUR-ENGINE JET TRANSPORT, A SMALLER  
21 VERSION OF A C5A.

22 Q YOU MENTIONED THAT YOU WERE THE SENIOR AIRLIFT  
23 CONTROLLER FOR THE COMMAND CENTER; IS THAT CORRECT?

1 A THAT IS CORRECT.  
2

3 Q COULD YOU TELL US WHAT TRAINING YOU HAD AS A PILOT?  
4

5 A I WENT TO PILOT TRAINING AT REESE AIR FORCE BASE,  
6 TEXAS AND RECEIVED TRAINING IN T141'S, T37'S AND T38'S  
7 WHICH ARE JET TRAINERS.  
8

9 I RECEIVED TRAINING IN 141's AT ALTOS --TWO MONTHS  
10 OF TRAINING AND CHECKOUT, TRAINING AT ALTOS AIR FORCE BASE,  
11 OKLAHOMA, RECEIVED TRAINING IN C47'S AND C5A'S.  
12

13 MR. McMANUS: OFF TAPE.  
14

15 I HAVE NO OBJECTION TO DOING THAT AGAIN FOR VISUAL  
16 SAKE.  
17

18 I DON'T KNOW HOW YOU WANT TO DO THAT.  
19

20 BY MR. CONNORS:  
21

22 Q BACK ON TAPE.  
23

24 COLONEL, COULD YOU DESCRIBE FOR US WHAT TRAINING  
25 YOU HAD AS A PILOT?  
26

27 A I RECEIVED INITIAL PILOT FLIGHT TRAINING AT REESE  
28 AIR FORCE BASE, TEXAS, CHECKED OUT IN T141'S, T37'S AND  
29 T38'S. AFTER INITIAL TRAINING, I WENT TO C141 TRAINING AT  
30 ALTOS AIR FORCE BASE, OKLAHOMA.  
31

32 I ALSO RECEIVED TRAINING IN DC47'S AND C5A'S.  
33

34 Q WHAT TYPE OF COURSES WERE YOU RECEIVING AS PART OF  
35 YOUR PILOT'S TRAINING?  
36

1           A    PILOT TRAINING STARTED OUT WITH NAVIGATION  
2           TRAINING, ENGINE, JET PROPULSION, ENGINE MECHANICS, CROSS  
3           COUNTRY INSTRUMENT FLYING, PHYSIOLOGICAL TRAINING AND ALSO  
4           TRAINING IN EACH AIRCRAFT THAT YOU WOULD BE FLYING.

5           Q    YOU MENTIONED PHYSIOLOGICAL TRAINING. COULD YOU  
6           EXPLAIN THAT FOR US, PLEASE?

7           A    PHYSIOLOGICAL TRAINING IS JUST TO INTRODUCE YOU TO  
8           THE ENVIRONMENT THAT YOU ARE GOING TO BE FLYING IN.

9           THEY ALSO INTRODUCE YOU TO THE OXYGEN SYSTEMS YOU  
10          ARE GOING TO BE USING. THEY ACQUAINT YOU WITH THE SYSTEMS.  
11          THEY INSTRUCT YOU ON HYPOXIA, HOW TO RECOGNIZE HYPOXIA, WHAT  
12          TO DO WHEN YOU SEE A HYPOXIC SITUATION OCCURRING.

13          YOU RECEIVE TRAINING IN RECOGNIZING VERTIGO AND  
14          WHAT TO DO, AND SPATIAL ORIENTATION, THINGS OF THAT NATURE.

15          Q    IS THERE ANY SPECIFIC TRAINING YOU RECEIVED WITH  
16          REGARD TO HYPOXIA?

17          A    WE RECEIVED TRAINING IN WHAT THEY CALL THE  
18          ALTITUDE CHAMBER COURSE. THIS IS A COURSE THAT WE GET WHEN  
19          WE FIRST CHECK OUT IN EACH SYSTEM. I RECEIVED IT IN 65 --  
20          CORRECTION -- I RECEIVED THAT IN -- 65 IS CORRECT --  
21          NAVIGATOR.

22          DO YOU WANT TO DO THAT AGAIN?

          THAT IS CONFUSING.

1 MR. CONNORS: OFF TAPE .

2 MR. CONNORS: BACK ON TAPE

3 BY MR. CONNORS:

4 Q YOU MENTIONED PHYSIOLOGICAL TRAINING. COULD YOU  
5 EXPLAIN THAT FOR US, PLEASE?

6 A I HAD A BASIC PHYSIOLOGIC TRAINING COURSE IN 1965  
7 AND A REFRESHER COURSE IN 1968. I AGAIN HAD ANOTHER INITIAL  
8 COURSE IN 1969. I WENT TO PILOT TRAINING REFRESHER COURSES  
9 3 YEARS AFTER THAT, EVERY 3 YEARS, -- '72, '75 AND '78.

10 Q AND WHAT DOES PHYSIOLOGICAL TRAINING CONSIST OF?

11 A IT CONSISTS OF, FIRST, THE TRAINING I MENTIONED  
12 BEFORE IN VERTIGO, SPATIAL DISORIENTATION, HYPOXIA FOLLOWED  
13 BY A ONE-HOUR CHAMBER RITE.

14 Q YOU MENTIONED A CHAMBER RITE. IS THAT AN  
15 ALTITUDE CHAMBER?

16 A ALTITUDE CHAMBER RITE.

17 Q COULD YOU EXPLAIN TO US WHAT IS DONE IN AN  
18 ALTITUDE CHAMBER?

19 A IN AN ALTITUDE CHAMBER, WHAT THEY ARE DOING IS  
20 TRYING TO SIMULATE FLIGHT, SIMULATE A PRESSURIZED OR  
21 NONPRESSURIZED ENVIRONMENT. THEY PUT YOU IN THE CHAMBER AND  
22 SIMULATE FLYING TO AN ALTITUDE OF INITIALLY 35,000 FEET.  
23 THEY BRING YOU BACK FROM 35,000 FEET BACK TO 25,000

1 FEET AT WHICH TIME THEY HAVE EVERYONE COME OFF  
2 OXYGEN, TAKE THEIR OXYGEN MASKS OFF. ONCE YOU HAVE YOUR  
3 MASK OFF, THEY HAVE YOU RUN THROUGH VARIOUS DRILLS TO SEE  
4 HOW LONG YOU CAN GO BEFORE YOU REQUIRE OXYGEN ONCE AGAIN.  
5 BY DOING THIS, THEY ARE TRYING TO GET YOU TO SEE WITHIN  
6 YOURSELF WHAT SYMPTOMS YOU MIGHT HAVE THAT TELL YOU TO GO  
7 BACK ON OXYGEN, SUCH AS TINGLING, BLUING OF THE FINGERS,  
8 DIZZINESS, ET CETERA.

9 Q DO THEY HAVE ANY EXERCISES SIMULATING RAPID  
10 DECOMPRESSIONS?

11 A AFTER YOU GO THROUGH THE EXERCISE AT 25,000, THEY  
12 WILL BRING YOU DOWN TO GROUND LEVEL AND PUT YOU IN WHAT THEY  
13 CALL THE OUTER CHAMBER BOX OR ANOTHER CHAMBER BOX WITHIN THE  
14 CHAMBER. THIS BOX IS SET AT A PRESSURE ALTITUDE OF 8,000  
15 FEET WITH AN OUTSIDE PRESSURE OF 30,000 FEET. THEY THEN  
16 TURN A VALVE, OR WHATEVER -- ANYWAY THEY SIMULATE A RAPID  
17 DECOMPRESSION BY INSTANTANEOUSLY HAVING THE INSIDE PRESSURE  
18 EQUAL TO THE OUTSIDE PRESSURE, SO THEY TAKE YOU RIGHT TO  
19 30,000. YOU ARE OFF OXYGEN AT THIS TIME AND THEN AND YOU  
20 ARE TAUGHT TO GO IMMEDIATELY ON OXYGEN.

21 Q WHAT SORT OF PHENOMENA DO YOU OBSERVE AT THAT  
22 TIME?

23 A IT IS WHEN YOU HAVE A FOG, MISTINESS-LIKE APPEAR-

1 ANCE, A LOUD NOISE FOLLOWED BUY THIS FOG OR MISTINESS-LIKE  
2 APPEARANCE.

3 Q HOW MANY TIMES DID YOU SAY YOU HAD GONE THROUGH  
4 THIS TRAINING?

5 A I HAVE HAD TWO INITIAL COURSES AND FOUR REFRESHER  
6 COURSES.

7 Q WHAT TRAINING ON THE CSA HAVE YOU HAD, SIR?

8 A IN FEBRUARY-MARCH, 1975, I HAD THE INITIAL COURSE  
9 AT ALTOS AIR FORCE BASE, OKLAHOMA. IT IS A TWO-MONTH COURSE  
10 INTRODUCING YOU TO THE AIRCRAFT, LEARNING THE SYSTEMS OF THE  
11 AIRCRAFT FOLLOWED BY FLIGHTS IN THE AIRCRAFT, LEARNING HOW  
12 TO FLY THEM.

13 Q IN CONNECTION WITH YOUR TRAINING, WHAT, IF ANY,  
14 UNIT WERE YOU ASSIGNED TO?

15 A I WAS ASSIGNED TO THE 22ND MILITARY AIRLIFT  
16 SQUADRON AT TRAVIS AIR FORCE BASE IN CALIFORNIA.

17 Q DID YOU ACTUALLY FLY ANY MISSIONS IN THE CSA?

18 A I FLEW SEVERAL MISSIONS IN THE CSA. I WAS  
19 INITIALLY CHECKED OUT AS A CO-PILOT AND AS A FIRST PILOT  
20 FROM FEBRUARY 1975 THROUGH, I THINK, MAY OF 1979.

21 Q DID THERE COME A TIME, SIR, WHEN YOU WERE INVOLVED  
22 IN A MISSION ON THE CSA TO SAIGON AROUND APRIL OF 1975?

23 A YES, THAT WAS MY FIRST FLIGHT AFTER MY FIRST

1 TRAINING AT ALTOS. IT WAS MY "DOLLAR RIDE" OR GROUP  
2 FAMILIARIZATION RIDE. THIS IS A RIDE THAT EVERYONE HAS TO  
3 TAKE BEFORE THEY CAN BE CERTIFIED IN THE AIRCRAFT. I AM  
4 QUALIFIED AFTER ALTOS BUT I AM NOT CERTIFIED TO FLY WITH  
5 JUST A BASIC AC UNTIL AFTER A GROUP FAMILIARIZATION RIDE.  
6 THIS OCCURRED IN APRIL OF 1975.

7 Q WHAT IS AN AC?

8 A AIRCRAFT COMMANDER.

9 Q WHAT WAS YOUR CREW ASSIGNMENT ON THAT PARTICULAR  
10 FLIGHT?

11 A I WAS CO-PILOT UNQUALIFIED AS MY CREW ASSIGNMENT AND  
12 I FLEW MOST OF THE MISSION FROM THE IP POSITION WHICH IS A  
13 SEAT LOCATED JUST IN BACK OF THE PILOT AND CO-PILOT AND IN  
14 BETWEEN AND A LITTLE BIT TO THE REAR OF THAT, MAINLY TO  
15 OBSERVE THE RIDE.

16 Q WHO WAS THE PILOT ON THAT FLIGHT?

17 A CAPTAIN BUD TRAYNOR.

18 Q AND WHO WAS THE CO-PILOT?

19 A CAPTAIN TIL HART.

20 Q DID YOU HAVE RESPONSIBILITIES AT ALL IN TERMS OF  
21 FLYING THE AIRPLANE?

22 A NO, I DID NOT.

23 Q YOU WERE THERE ONLY AS AN OBSERVER?

1           A    ONLY AS OBSERVER TO GET FAMILIAR WITH THE ROUTE WE  
2           WOULD BE FLYING.

3           Q    COULD YOU TELL US APPROXIMATELY THE DATE AND TIME  
4           OF THE C5 -- STRIKE THAT.

5           COULD YOU TELL US THE APPROXIMATE DATE AND TIME OF  
6           THE C5A FLIGHT THAT YOU WERE ON IN APRIL OF 1975?

7           A    WE TOOK OFF -- IT WAS THE EARLY PART OF APRIL,  
8           APRIL 4, I BELIEVE, AND THE FLIGHT ORIGINATED FROM TRAVIS  
9           TO HICKAM TO ANDERSON TO CLARK. THE FLIGHT TO SAIGON WE  
10          PICKED UP AT CLARK.

11          Q    DO YOU RECALL APPROXIMATELY HOW LONG YOU WERE IN  
12          CLARK?

13          A    A NORMAL CREW REST, I WOULD SAY, ABOUT 18 HOURS WE  
14          WERE AT CLARK PRIOR TO BEING ASSIGNED THIS PARTICULAR  
15          MISSION.

16          Q    THAT IS CLARK AIR FORCE BASE IN THE PHILIPPINES?

17          A    IN THE PHILIPPINES; THAT IS CORRECT.

18          Q    FROM CLARK YOU WENT TO SAIGON; IS THAT CORRECT?

19          A    FROM CLARK WE WENT TO SAIGON TO DELIVER CARGO, AND  
20          WE WERE TOLD UPON REPORTING FOR THIS PARTICULAR MISSION WE  
21          WOULD BE PICKING UP ORPHANS AT SAIGON AND BRINGING THEM BACK  
22          TO CLARK.

23          Q    APPROXIMATELY HOW LONG WERE YOU ON THE GROUND IN

1           SAIGON?

2           A    A LITTLE OVER 3 HOURS.

3           Q    WERE ANY PASSENGERS TO BE BROUGHT BACK WITH YOU  
4           FROM SAIGON TO THE UNITED STATES?

5           A    YES, WE WERE TOLD WE WOULD BE BRINGING ORPHANS  
6           BACK TO CLARK. AS FAR AS GOING TO THE UNITED STATES, WE  
7           WERE NOT TOLD THAT.

8           Q    WERE THEY AVAILABLE TO BOARD THE PLANE IN SAIGON  
9           WHEN YOU ARRIVED?

10          A    SHORTLY AFTER WE ARRIVED AND DOWNLOADED THE CARGO,  
11          THEY STARTED SHOWING UP IN BUSES. THEY WERE PARKED  
12          ALONGSIDE THE AIRCRAFT, TO THE REAR OF THE AIRCRAFT AS WE  
13          WERE DOWNLOADING THE CARGO. SO, THEY WERE ESSENTIALLY READY  
14          WHEN WE GOT THERE.

15          Q    COLONEL, WHAT, IF ANYTHING, DID YOU HAVE TO DO  
16          WITH THE BOARDING OF THE PASSENGERS?

17          A    SINCE I WAS NOT INVOLVED IN THE OPERATION OF THE  
18          AIRCRAFT -- STRICTLY AN OBSERVATION RIDE -- I POSITIONED  
19          MYSELF AT THE BOTTOM OF THE LADDER AND ASSISTED IN HANDING  
20          ALL THE BABIES UP TO THE TROOP COMPARTMENT.

21          Q    DO YOU RECALL HOW MANY OF THESE CHILDREN YOU WOULD  
22          HAVE HELPED ABOARD?

23          A    I HANDLED EACH BABY THAT WENT UPSTAIRS AND WE HAD

1 TWO TO A SEAT AND THERE ARE 74 SEATS UP THERE, I THINK, TWO  
2 TO A SEAT, TO CLOSE TO 150 UPSTAIRS AND THE REMAINDER  
3 DOWNSTAIRS, ANOTHER 125 PEOPLE.

4 MR. CONNORS: OFF THE RECORD, PLEASE.

5 [BRIEF RECESS.]

6 MR. CONNORS: BACK ON TAPE.

7 BY MR. CONNORS:

8 Q COLONEL, WHAT, IF ANYTHING, DID YOU HAVE TO DO  
9 WITH THE BOARDING OF THE PASSENGERS ON THE CSA?

10 A SINCE I WAS NOT INVOLVED IN THE OPERATION OF THE  
11 AIRCRAFT, STRICTLY AN OBSERVATION RIDE, I POSITIONED MYSELF  
12 AT THE BOTTOM OF THE LADDER AND ASSISTED IN HANDING ALL THE  
13 BABIES UP TO THE TROOP COMPARTMENT.

14 Q ABOUT HOW MANY OF THEM DID YOU HELP?

15 A TWO TO A SEAT UPSTAIRS, ABOUT 74 SEATS, CLOSE TO  
16 150 BABIES, AND THEN THE REMAINDER WE PUT DOWN STAIRS,  
17 ANOTHER 100, 125.

18 Q WHAT, IF ANYTHING, DID YOU OBSERVE ABOUT THOSE  
19 CHILDREN AS THEY WERE BEING BOARDED?

20 A MOST OF THE CHILDREN WERE IN FAIRLY GOOD SHAPE  
21 THAT WE WERE PUTTING UPSTAIRS ALTHOUGH THERE WERE SOME THAT  
22 DID HAVE CASTS ON. ONE BABY IN PARTICULAR HAD A BODY  
23 CAST; BOTH LEGS WERE IN A CAST. WE WERE CONCERNED ABOUT

1 PUTTING HIM UPSTAIRS, TRYING TO HAND HIM HAND OVER HAND, BUT  
2 THEY TOLD US, YOU KNOW, "DON'T WORRY ABOUT IT. YOU CAN'T  
3 HURT HIM WITH THAT CAST."

4 MOST OF THOSE THAT WERE PUT UPSTAIRS WERE IN  
5 PRETTY GOOD SHAPE. THOSE THAT WERE NOT IN AS GOOD SHAPE  
6 WERE PUT DOWNSTAIRS.

7 Q DID YOU HAVE ANY OBSERVATIONS AS TO THE  
8 APPROXIMATE AGE RANGE OF THE CHILDREN YOU BOARDED UPSTAIRS  
9 IN THE AFT COMPARTMENT?

10 A THE CHILDREN UPSTAIRS WERE ALL BABIES. I WOULD  
11 SAY UNDER TWO YEARS, QUITE SMALL.

12 Q THEY WERE ALL PUT TWO TO A SEAT?

13 A TWO TO A SEAT.

14 Q DID YOU REMAIN AT THE BOTTOM OF THE LADDER?

15 A THROUGHOUT THE ENTIRE BOARDING OF THOSE UPSTAIRS,  
16 YES.

17 Q WHAT DID YOU DO AFTER THAT?

18 A AFTER ALL OF THE CHILDREN WERE ONBOARD THE  
19 AIRCRAFT, I THEN WENT UPSTAIRS AND ASSISTED THE PEOPLE UP  
20 THERE IN QUIETING THE CHILDREN. IT WAS QUITE HOT. THEY  
21 WERE CRYING, JUST A LITTLE FUSSY TOO, SO I ASSISTED IN  
22 HANDING OUT BOTTLES OF JUICE, BOTTLES OF WATER, AND  
23 POSITIONING PILLOWS AROUND THE CHILDREN. SOME WERE REALLY

1 TOO SMALL FOR THE SEATS.

2 Q AFTER THAT, WHAT DID YOU DO?

3 A IT IS NOW ABOUT 40 MINUTES PRIORTO WHAT WE FIGURED  
4 WOULD BE OUR TAKE-OFF, I THEN WENT INTO THE FRONT OF THE  
5 AIRCRAFT AND ASSUMED MY POSITION IN THE IP SEAT.

6 Q WHAT IS THE IP SEAT?

7 A IT IS THE POSITION BETWEEN THE PILOT AND THE  
8 CO-PILOT. IT IS THE INSTRUCTOR-PILOT'S SEAT, THEY CALL IT.  
9 IT IS A LITTLE BIT AFT AND BETWEEN THE TWO.

10 I WAS PUT THERE PRIMARILY BECAUSE I HAD BEEN INTO  
11 SAIGON BEFORE AND I WAS FAMILIAR WITH THAT AREA OF THE  
12 WORLD. THE PILOT WANTED ME THERE TO ASSIST IDENTIFYING  
13 AIRFIELDS AND ASSIST IN HELPING ON THE RADIOS.

14 Q HOW HAD YOU BEEN IN SAIGON BEFORE?

15 A I HAD FLOWN IN THERE BEFORE IN MY FLIGHTS IN C141'S  
16 OUT OF TRAVIS.

17 Q THOSE ARE C141 AIRCRAFT?

18 A C141. I HAD ALSO FLOWN THROUGH IN C147'S.

19 Q APPROXIMATELY WHEN DID YOU FINISH YOUR  
20 QUALIFICATIONS FOR CSA CERTIFICATION?

21 A THIS WOULD HAVE BEEN IN MAY OF 1975. AFTER THIS  
22 FLIGHT, I WAS CERTIFIED. I BELIEVE IT WAS IN MAY.

23 Q WHAT CERTIFICATION WAS THAT?

1 A CERTIFIED AS A CO-PILOT.

2 Q DID YOU SUBSEQUENTLY BECOME FURTHER CERTIFIED IN  
3 CSA AIRCRAFT?

4 A I LATER UPGRADED TO AIRCRAFT COMMANDER A YEAR  
5 LATER, IN 1976.

6 I FLEW AS AN AIRCRAFT COMMANDER UNTIL 1979.

7 MR. CONNORS: OFF TAPE, PLEASE. .

8 WHAT I WANT TO DO NOW IS SHOW THE COLONEL SOME  
9 EXHIBITS.

10 MR. CONNORS: BACK ON TAPE.

11 BY MR. CONNORS:

12 Q COLONEL, I WOULD LIKE TO SHOW YOU WHAT HAS BEEN  
13 PREVIOUSLY MARKED FOR IDENTIFICATION AS DEFENDANT'S EXHIBIT  
14 D-1217, A CUTAWAY DRAWING OF THE C5. NOW, SIR, I REALIZE  
15 THIS IS A CUTAWAY DRAWING. I WOULD APPRECIATE YOUR  
16 IDENTIFYING THE VARIOUS FEATURES OF THE AIRCRAFT AS THEY  
17 APPEAR ON THE DRAWING. WOULD YOU START OFF BY  
18 POINTING OUT THE FRONT AND REAR OF THE AIRCRAFT?

19 A THE FRONT OF THE AIRCRAFT TO BE FROM HERE AND THE  
20 REAR IS BACK HERE.

21 Q WE ARE LOOKING AT THE LEFT SIDE OF THE AIRCRAFT?

22 A THAT IS CORRECT.

Q COULD YOU POINT OUT FOR US, PLEASE, THE COCKPIT OR

1 FLIGHT DECK AREA OF THE C5A?

2 A THE WHOLE AREA ABOVE THIS LINE ENCOMPASSING A, B,  
3 AND C IS THE FLIGHT DECK AREA AND IT IS BROKEN DOWN INTO A  
4 CREW COMPARTMENT, FLIGHT CREW COMPARTMENT, RELIEF CREW  
5 COMPARTMENT AND COURIER COMPARTMENT.

6 Q HOW DO YOU GET ACCESS TO THOSE SPACES?

7 A THE THREE SPACES THERE WOULD BE UP THROUGH THE  
8 FORWARD LADDER EXTENDING UP FROM THE CARGO COMPARTMENT TO  
9 JUST AFT OF THE FLIGHT DECK.

10 Q AND WOULD YOU POINT OUT THE CARGO COMPARTMENT,  
11 PLEASE?

12 A THE CARGO COMPARTMENT THAT WOULD BE THE ENTIRE  
13 AREA BELOW RUNNING FROM THE FRONT -- ACTUALLY, IT IS THE  
14 FORWARD OF THE FRONT LADDER AND JUST TO THE REAR OF THE  
15 TROOP COMPARTMENT LADDER.

16 Q WOULD YOU POINT OUT THE TROOP COMPARTMENT FOR US,  
17 PLEASE?

18 A THAT WOULD BE MARKED C AND COMPARTMENT EXTENDING  
19 FROM APPROXIMATELY THIS LINE TO THE BACK OF THE PRESSURIZED  
20 AREA THERE OF THE AIRCRAFT.

21 Q APPROXIMATELY WHERE WERE YOU LOCATED WHEN YOU WERE  
22 HANDING THE CHILDREN UP TO THE TROOP COMPARTMENT?

23 A I WAS RIGHT AT THE BOTTOM OF THE LADDER, NOT YET

1                   ON THE LADDER STANDING RIGHT BELOW THE TROOP COMPARTMENT  
2                   LADDER.

3                   MR. CONNORS: OFF CAMERA, PLEASE, OFF TAPE.

4                   BACK ON TAPE.

5                   BY MR. CONNORS:

6                   Q    COLONEL, WE HAVE PLACED BESIDE YOU A COPY OF  
7                   DEFENDANT'S EXHIBIT D-1210. I WOULD ASK YOU IF YOU COULD  
8                   IDENTIFY WHAT THAT DIAGRAM DEPICTS?

9                   A    YES, THIS IS THE TROOP COMPARTMENT OF THE  
10                   AIRCRAFT.

11                  Q    WHERE WAS THE LADDER THAT YOU WERE POINTING TO IN  
12                  THE PRIOR DIAGRAM THAT LED TO THE TROOP COMPARTMENT?

13                  A    THE LADDER WOULD BE RIGHT IN THIS AREA.

14                  Q    THAT IS THE ONLY ENTRANCE TO THE TROOP COMPARTMENT?

15                  A    THAT IS CORRECT.

16                  Q    SIR, COULD YOU POINT OUT FOR US, PLEASE, THE FRONT  
17                  AND REAR OF THE AIRPLANE AS THEY WOULD BE IF THE ENTIRE  
18                  AIRCRAFT WERE VISIBLE IN THE SCENE?

19                  A    THE FRONT OF THE AIRCRAFT WOULD BE IN THIS AREA,  
20                  WITH THE REAR BEING DOWN HERE.

21                  Q    WOULD YOU POINT OUT THE REARWARD-FACING SEATS FOR  
22                  US, PLEASE.

23                  A    ALL OF THE SEATS IN HERE ARE REARWARD IN THIS AREA

1           WITH THE EXCEPTION OF TWO SEATS RIGHT HERE WHICH WOULD BE  
2           FACING THE FRONT OF THE AIRCRAFT, AND THOSE ARE DESIGNED FOR  
3           CREW MEMBERS, LOAD MASTERS.

4           Q       ALL OF THE REARWARD-FACING SEATS HAD TWO CHILDREN  
5           EACH; IS THAT CORRECT?

6           A       AND INCLUDING THE FORWARD-FACING, YES, ALL SEATS  
7           HAD TWO CHILDREN

8                   MR. CONNORS: OFF TAPE, PLEASE.

9                   BACK ON TAPE

10                  BY MR. CONNORS:

11           Q       COLONEL, YOU STATED THAT AFTER YOU FINISHED  
12           LOADING THE CHILDREN OR HELPING TO LOAD THE CHILDREN INTO  
13           THE AFT TROOP COMPARTMENT THAT YOU WENT UP TO THAT AREA.  
14           WOULD YOU DESCRIBE THE AREA WHERE YOU WERE LOCATED IN THE  
15           AFT TROOP COMPARTMENT?

16           A       I WAS THROUGHOUT THIS AREA, WALKING DOWN THE  
17           AISLES. BOTH SECTIONS -- WELL, THROUGHOUT THE ENTIRE TROOP  
18           COMPARTMENT ASSISTING THE PEOPLE UP THERE IN QUIETING THE  
19           CHILDREN, SO IT WAS THE ENTIRE AREA.

20           Q       WOULD YOU DESCRIBE THE SCENE AS BEST YOU CAN  
21           RECALL?

22           A       LIKE I SAID, IT WAS WARM, IT WAS HOT, THE CHILDREN  
23           WERE CRYING, BUT IT WAS GENERALLY FAIRLY ORDERLY. ALL THE

1 BABIES WERE IN THE SEATS AND EACH OF THE ADULTS UP THERE  
2 WERE JUST HELPING TO QUIET THE CHILDREN. IT WAS FAIRLY WELL  
3 ORGANIZED.

4 Q THANK YOU.

5 OFF TAPE

6 BY MR. CONNORS:

7 Q AFTER YOU FINISHED LOADING THE CHILDREN AND  
8 LOOKING THROUGH THE TROOP COMPARTMENT, WHAT DID YOU DO THEN?

9 A I ASSUMED MY POSITION IN THE FRONT OF THE  
10 AIRCRAFT, IN THE IP SEAT.

11 Q WERE THERE ANY OTHER CREW MEMBERS UP IN THIS  
12 FORWARD TROOP COMPARTMENT WHERE YOU WERE LOCATED?

13 A PILOT, CO-PILOT, NAVIGATOR, ENGINEER, SCANNER WILL  
14 BE LATER. HE IS NOW OUTSIDE THE AIRCRAFT PLANNING TO  
15 TAKEOFF. IN THE RELIEF CREW COMPARTMENT, WE HAD ANOTHER  
16 NAVIGATOR AND STANDARDIZATION LOADMASTER.

17 Q DID THERE COME A TIME WHEN THE CSA IN SAIGON  
18 LOADED WITH THE CHILDREN TOOK OFF?

19 A YES, WE TOOK OFF, I BELIEVE, AT 1603 SAIGON TIME.

20 Q COULD YOU TELL US WHAT YOU OBSERVED FOLLOWING THE  
21 TAKEOFF, PLEASE? ·

22 A IT WAS A LITTLE BIT OTHER THAN A NORMAL TAKEOFF IN  
23 THAT IT WAS NOT A STANDARDIZED TAKEOFF IN THAT WE TOOK OFF

1 AND MAINTAINED 2 HUNDRED KNOTS THROUGHOUT THE MAJORITY OF  
2 THE CLIMB-OUT IN THAT WE WANTED TO ACHIEVE AS HIGH AN  
3 ALTITUDE AS POSSIBLE IN THE SHORTEST POSSIBLE TIME. RATHER  
4 THAN ACCELERATING TO 250, WE CLIMBED UP PRIMARILY TO 2  
5 HUNDRED KNOTS BUT, OTHER THAN THAT, IT WAS A FAIRLY NORMAL  
6 TAKEOFF.

7 Q WHY DID YOU WANT TO USE THAT TYPE OF TAKEOFF  
8 PROCEDURE?

9 A TO GET AS HIGH AN ALTITUDE AS POSSIBLE IN THE  
10 SHORTEST PERIOD OF TIME.

11 Q WHAT WAS THE REASON FOR THAT?

12 A BECAUSE OF THE ENVIRONMENT WE WERE IN, POSSIBLY  
13 HOSTILE ENVIRONMENT. THERE COULD HAVE BEEN PEOPLE ON THE  
14 GROUND THAT MAY HAVE WANTED TO SHOOT AT US, OR WHATEVER.

15 MR. McMANUS: I OBJECT TO THAT QUESTION AND MOVE  
16 THAT THE QUESTION AND ANSWER BE STRICKEN.

17 I OBJECT TO THE LAST QUESTION AND ANSWER AND MOVE  
18 THAT THEY BE STRICKEN.

19 BY MR. CONNORS:

20 Q COLONEL, WHAT DID YOU DO AFTER THE TAKEOFF?

21 A AFTER THE TAKEOFF, I REMAINED SEATED IN THE IF  
22 POSITION UP THROUGH APPROXIMATELY 20 THOUSAND FEET. WE WERE  
23 AT THAT TIME JUST LEAVING THE COAST OF VIETNAM, JUST OUT

1           OVER VUNG TAO, JUST GOING OUT OVER THE OCEAN. APPROXIMATELY  
2           20,000 FEET I GOT UP AND STARTED TOWARD THE REAR OF THE  
3           AIRCRAFT. I WAS GOING BACK TO THE RELIEF CREW COMPARTMENT  
4           OR TO THE LATRINE NEAR THE GALLEY.

5           Q       WHAT, IF ANYTHING, HAPPENED WHILE YOU WERE GOING  
6           TOWARD THE LATRINE?

7           A       ONCE I ENTERED THE RELIEF CREW COMPARTMENT --

8

9                   \*\*\*\*\*[VIDEO TAPE CHANGE]\*\*\*\*\*

10           Q       WHAT, IF ANYTHING, OCCURRED WHILE YOU WERE WALKING  
11           TOWARD THE LATRINE?

12           A       AS I ENTERED THE RELIEF CREW COMPARTMENT, WHICH IS  
13           APPROXIMATELY 20 FEET BACK OF THE FLIGHT STATION WHERE I WAS  
14           SEATED, WE HAD AN RD, A RAPID DECOMPRESSION. YOU COULD TELL  
15           IT WAS AN RD BECAUSE OF THE LOUD NOISE FOLLOWED BY THE SAME  
16           APPEARANCE THAT WE GOT IN THE ALTITUDE CHAMBER WHICH IS A  
17           MISTY OR FOG-LIKE APPEARANCE.

18           Q       WHAT DID YOU DO AT THAT TIME?

19           A       I PROCEEDED IMMEDIATELY BACK TO MY SEAT IN THE  
20           FRONT OF THE AIRCRAFT AND PUT ON MY HEAD SET AND MY OXYGEN  
21           MASK.

22           Q       COULD YOU DESCRIBE THE SEAT YOU WERE IN?

23           A       IT IS THE SAME AS THE PILOT, CO-PILOT SEAT. IT IS

1 A HIGH BACK CUSHION SEAT, ARMRESTS, JUST LIKE THE FORWARD  
2 SEATS ON THE AIRCRAFT.

3 Q WHAT DIRECTION DOES THE SEAT FACE?

4 A FORWARD.

5 Q WHAT CAN YOU TELL US, IF ANYTHING, ABOUT YOUR  
6 ABILITY TO OBSERVE THINGS OUTSIDE THE COCKPIT FROM THAT SEAT?

7 A WE HAD THE FORWARD WINDOWS AND SIDE WINDOWS THAT  
8 WOULD EXTEND ABOUT TO MY LEVEL LEFT AND RIGHT, SO ANYTHING  
9 IMMEDIATELY TO THE SIDE AND FORWARD OF THE AIRCRAFT YOU CAN  
10 OBSERVE. ANYTHING REARWARD, YOU WOULD NOT SEE UNLESS YOU  
11 GOT RIGHT OVER TO THE WINDOW AND STUCK YOUR HEAD AGAINST IT  
12 AND LOOKED OUT.

13 Q CAN YOU TELL US WHAT YOU OBSERVED WHEN YOU GOT  
14 BACK TO YOUR SEAT IN THE COCKPIT?

15 A WE WERE IN A LEFT DESCENDING TURN AT THAT TIME,  
16 TURNING BACK TOWARD SAIGON, TOWARD TON SON NHUIT. THE PILOT  
17 HAD PUSHED THE YOLK FORWARD TO START THE DESCENT.  
18 APPROXIMATELY A MINUTE OR SO LATER, I DON'T KNOW THE EXACT  
19 TIME, A COUPLE OF MINUTES LATER, WE STARTED GETTING AN  
20 EXTREME DESCENT, A NOSE-LOW DESCENT.

21 AT THAT TIME, NO ONE REALLY KNEW WHAT WAS WRONG.  
22 WE KNEW WE LOST SOME HYDRAULIC SYSTEM. WE DID NOT KNOW WE  
23 LOST CONTROL OF THE CONTROL SURFACES AT THAT POINT. THE AC

1 ATTEMPTED TO BRING THE YOLK BACK TOWARD HIS BODY WHICH  
2 SHOULD BREAK THE DESCENT, AND HE WAS NOT GETTING ANY  
3 RESPONSE TO THAT TYPE OF MOVEMENT TO THE CONTROL STICK.

4 Q DID YOU HAVE ANY OXYGEN EQUIPMENT WITH YOU AT THE  
5 TIME OF THE RAPID DECOMPRESSION?

6 A NOT AT THAT TIME.

7 Q WAS THERE OXYGEN EQUIPMENT AT YOUR SEAT?

8 A YES, NORMAL OXYGEN MASK WHICH IS ALWAYS HOOKED UP  
9 FOR EACH CREW MEMBER AT YOUR POSITION.

10 Q APPROXIMATELY HOW LONG A PERIOD FOLLOWING THE  
11 RAPID DECOMPRESSION TRANSPRIRED BEFORE YOU ACTUALLY HAD YOUR  
12 OXYGEN MASK ON?

13 A FROM THE TIME WE HAD THE RD TO PUT IT ON, I WOULD  
14 SAY MAYBE 15 TO 20 SECONDS, TIME TO GET UP, GET BACK TO MY  
15 SEAT, GET STRAPPED INTO MY SEAT, THE SEAT BELT HOOKED UP AND  
16 PUT THE EQUIPMENT ON. IT IS APPROXIMATELY 20 SECONDS.

17 Q APPROXIMATELY HOW LONG DID YOU KEEP THE OXYGEN  
18 MASK ON?

19 A I TOOK IT OFF AT 15 TO 17,000 FEET WHERE I COULD  
20 TAKE MY MASK BACK OFF AND I WOULD SAY TWO MINUTES, POSSIBLY  
21 LONGER, BUT LESS THAN 3 MINUTES.

22 Q DID THE OTHER CREW MEMBERS HAVE THEIR OXYGEN MASKS  
23 ON DURING THIS TIME PERIOD?

1 A YES, ALL CREW MEMBERS WERE ON 100 PERCENT OXYGEN.

2 Q DO YOU RECALL APPROXIMATELY WHEN THE OTHER CREW  
3 MEMBERS TOOK THEIR MASKS OFF?

4 A I OBSERVED THE CO-PILOT -- I OBSERVE HE HAD HIS  
5 OFF AT 15 THOUSAND OR 16 THOUSAND FEET, AND IT WAS AT THAT  
6 POINT I TOOK MINE OFF ALSO. HE WAS HAVING TROUBLE WITH THE  
7 RADIO, AND I THINK THAT WAS THE REASON HE TOOK HIS OFF.

8 Q AFTER THAT POINT, APPROXIMATELY 15,000 OR 16,000  
9 FEET, DID YOU EVER PUT YOUR OXYGEN MASK BACK ON AGAIN?

10 A NO.

11 Q COULD YOU DESCRIBE FOR US, PLEASE, THE EVENTS  
12 WHICH OCCURRED DURING THE DESCENT OF THE AIRCRAFT BACK  
13 TOWARDS TAN SON NHUT?

14 A LIKE I SAID, INITIALLY, WE WERE IN A FAIRLY STEEP  
15 DESCENT. THIS WAS BECAUSE WE COULD NOT PULL THE AIRCRAFT  
16 OUT OF THE DESCENT BY USE OF THE CONTROL STICK, BY USE OF  
17 THE YOLK. AS WE WERE BUILDING UP AIR SPEED, WE GOT TO  
18 APPROXIMATELY 350 KNOTS, THE AIRPLANE STARTED TO BRING  
19 ITSELF UP; THE NOSE STARTED TO COME UP. THIS WAS DUE  
20 PRIMARILY TO THE FACT WHEN WE HAD THE RAPID DECOMPRESSION,  
21 UNKNOWN TO US AT THE TIME THE CONTROL CABLES WERE SEVERED TO  
22 THE ELEVATORS, SO THE AIRCRAFT REMAINED TRIMMED AT WHAT WE  
23 WERE TRIMMED AT ON CLIMB-OUT WHICH WAS 290 KNOTS.

1                   CONSEQUENTLY, ONCE WE STARTED TO REACH THAT AIR  
2 SPEED ABOVE 260, THE CONTROL SURFACE FORCED THE AIRCRAFT TO  
3 COME BACK UP. IT IS SEEKING 260 KNOTS. SO, AFTER THE  
4 INITIAL STEEP DESCENT, THE NOSE STARTED TO COME BACK UP AND  
5 WE ENTERED A FAIRLY NOSE-HIGH CLIMB. THE AIR SPEED NOW IS  
6 STARTING TO BLEED AWAY. ONCE IT GETS BELOW A SPEED OF 260,  
7 IT WANTS TO DROP BACK DOWN AND TRY TO ACHIEVE 260 AGAIN. AT  
8 THIS POINT, THE AC RULED THE AIRCRAFT OFF ON THE RIGHT WING,  
9 BANKED TO THE RIGHT TO BREAK OUR CLIMB AND TO GET BACK TO  
10 THAT 260 KNOTS.

11                  Q        DID THERE COME A TIME WHEN YOU PREPARED THE  
12 AIRCRAFT FOR A LANDING?

13                  A        AT APPROXIMATELY 10,000 FEET THEY STARTED TO PUT  
14 THE GEAR DOWN. THE GEAR IS CONTROLLED BY HYDRAULIC PRESSURE;  
15 TWO DIFFERENT SYSTEMS CONTROL THE 3 GEARS. WE HAVE THE  
16 FORWARD GEAR, THE NOSE GEAR, FORWARD MAIN GEAR AND MAIN AFT  
17 MAIN GEARS. PUT THE GEAR HANDLE DOWN APPROXIMATELY 10,000  
18 FEET. I BELIEVE WE GOT THE NOSE GEAR AND THE AFT MAINS CAME  
19 DOWN NORMALLY BUT WE HAD LOST THE HYDRAULIC SYSTEM FOR THE  
20 FORWARD MAINS SO THEY HAD TO BE LOWERED BY USE OF AN  
21 ALTERNATE MEANS WHICH, IN THIS CASE, WAS ELECTRIC MOTORS.  
22 THEY ACTIVATED THE SWITCHES FOR THE ELECTRIC MOTORS, AND THE  
23 GEAR THEN TAKES APPROXIMATELY 3 MINUTES TO COME DOWN. SO,

1 FROM THAT POINT ON, WE WERE WAITING FOR THE REMAINDER OF THE  
2 GEAR TO COME DOWN.

3 Q AT THIS POINT, DID YOU STILL EXPECT TO BE ABLE TO  
4 LAND AT TAN SON NHUT?

5 A WE HAD THE AIRFIELD IN SIGHT, WE HAD ENOUGH  
6 ALTITUDE AND ENOUGH CONTROLLABILITY TO MAKE THE  
7 AIRFIELD, WE FELT, YES.

8 Q WOULD YOU DESCRIBE THE SEQUENCE OF EVENTS WHICH  
9 FOLLOWED?

10 A WE WERE APPROXIMATELY 4 OR 5 MILES OUT FROM THE  
11 AIRFIELD AT ABOUT 4000 FEET, AND WE STARTED OUR TURN ON WHAT  
12 IS CALLED A BASE LEG OR A POSITION PERPENDICULAR TO THE  
13 FIELD. WE STARTED OUR TURN TO FINAL AND IN THE TURN THE  
14 REMAINDER OF THE GEAR, I BELIEVE, CAME DOWN AT THAT TIME AND  
15 COMBINING THE TWO SEQUENCES OF EVENTS HERE, THE TURN AND THE  
16 GEAR COMING DOWN, THE AIR SPEED GOT BELOW THIS 260 KNOTS  
17 THAT WE NEEDED TO MAINTAIN AND THE NOSE DROPPED AND IT  
18 DROPPED FAIRLY RAPIDLY AT THIS POINT.

19 AT THAT TIME, I HAD LOOKED DOWN -- I WAS STRAPPED  
20 IN BUT I DID NOT HAVE MY SHOULDER HARNESS ON. I WAS  
21 CONCERNED THEN WITH GETTING MY SHOULDER HARNESS HOOKED UP  
22 AND MY SEATBELT CONNECTED AGAIN. WHEN I LOOKED BACK UP, WE  
23 WERE IN A FAIRLY NOSE-LOW ATTITUDE. THE PILOT -- I FORGET

1 WHICH ONE SAID IT, BUT THEY SAID, "WE HAD BETTER ROLL OUT  
2 AND TAKE WHAT WE GOT."

3 AT THAT POINT, WE ROLLED OUT ON A DIAGONAL TO THE  
4 RUNWAY AND PUSHED THE POWER UP -- BOTH THE AC AND THE  
5 CO-PILOT PUSHED THE POWER UP AND, AS THE AIR SPEED IS  
6 BUILDING BACK UP AGAIN, THE NOSE IS STARTING TO RISE. AT  
7 THAT POINT, WE LANDED STRAIGHT AHEAD, IMPACTED THE GROUND.  
8 I REMEMBER THE AIR SPEED GOING THROUGH 260 KNOTS BUT IT WAS  
9 THROUGH 260 AND CLIMBING. I DON'T KNOW THE EXACT SPEED WE  
10 IMPACTED THE GROUND THE FIRST TIME.

11 Q WERE YOU ABLE TO SEE THE TERRAIN WHERE YOU WERE  
12 ABOUT TO LAND?

13 A YES.

14 Q HOW WOULD YOU DESCRIBE THAT?

15 A IT WAS FLAT, MARSHY, WET. WE THOUGHT FROM OUR  
16 VANTAGE POINT THAT WE WERE GOING INTO THE RICE PADDIES. IT  
17 WAS A VERY MARSHY-LOOKING LAND.

18 Q WHAT WAS THE APPROXIMATE ATTITUDE OF THE AIRCRAFT  
19 AT THE FIRST IMPACT?

20 A WE WERE IN A LEVEL TO A NOSE-HIGH ATTITUDE. THE  
21 NOSE WAS STARTING TO COME UP IN PRETTY GOOD SHAPE AT THIS  
22 POINT BY THE FACT THAT THE AIR SPEED IS GOING THROUGH 260  
23 AND IT IS FORCING ITSELF UP. AS I SAID, THE PILOTS HAD THE

1 POWER FULL FORWARD. SO, WE WERE GETTING MAXIMUM THRUST OUT  
2 OF THE ENGINES THAT WAY.

3 Q WOULD YOU DESCRIBE FOR US, PLEASE, WHAT YOU FELT  
4 AND SAW WHEN YOU HAD THE FIRST THE IMPACT.

5 A THE FIRST IMPACT TO ME KIND OF SURPRISED ME. I  
6 CHARACTERIZE IT AS A FIRM LANDING, NOTHING MORE THAN A VERY  
7 FIRM LANDING, AND THIS WAS, AS I SAID BEFORE, IT IS LIKE A  
8 LANDING I HAVE SEEN IN A 141, WHEN YOU FLY THEIR ALL-WEATHER  
9 LANDING SYSTEM. WITH THIS SYSTEM, THE AIRCRAFT IS  
10 LANDING ITSELF. IT IS DESIGNED FOR LANDING IN ZERO  
11 CONDITIONS. THE AIRCRAFT LANDS ITSELF AND IT IMPACTS THE  
12 RUNWAY FAIRLY FIRM. YOU WANT A POSITIVE TOUCHDOWN. THIS IS  
13 LIKE THE WAY THIS FELT. IT WAS A POSITIVE TOUCHDOWN.

14 Q WHAT HAPPENED THEN?

15 A AFTER THE FIRST IMPACT, WE STILL HAD THE POWER -- I  
16 THINK THE AC'S OR THE PILOTS, I BELIEVE, PULLED THE POWER  
17 BACK AT THAT TIME. WE BOUNCED, THOUGH, STARTED BACK UP  
18 AGAIN, AND I THINK THEY PUSHED THE POWER FORWARD AND AT THIS  
19 POINT WE WERE ON ONE SIDE OF THE SAIGON RIVER. WE BOUNCED,  
20 WENT ACROSS THE RIVER AND IMPACTED THE GROUND THE SECOND  
21 TIME.

22 Q WHAT HAPPENED AFTER THE SECOND IMPACT?

23 A THE SECOND IMPACT, WE IMPACTED THE GROUND. AT

1 THIS POINT MUD, DEBRIS STARTED TO FLY UP OVER THE  
2 WIND SCREEN. SO, THERE WASN'T MUCH I COULD SEE ON THE  
3 OUTSIDE, BUT IT BECAME VERY QUIET. IT WAS A VERY STRANGE --  
4 I THOUGHT IT WAS A VERY STRANGE FEELING AT THAT POINT. IT  
5 WAS VERY QUIET. IT WAS A VERY SMOOTH MOVEMENT ACROSS THE  
6 GROUND UNTIL WE DID COME TO A COMPLETE STOP.

7 JUST PRIOR TO COMING TO A COMPLETE STOP, I FELT US  
8 TURNING OVER TO THE RIGHT.

9 Q DID ANY OF THIS DEBRIS YOU MENTIONED COME THROUGH  
10 THE WIND SCREEN?

11 A NO.

12 Q WHAT HAPPENED AFTER THE FLIGHT DECK CAME TO REST?

13 A MY IMMEDIATE CONCERN THEN WAS THAT WE NEEDED TO  
14 GET OUT OF THERE AS QUICKLY AS WE COULD BECAUSE I EXPECTED  
15 TO SEE A FIRE OR TO BE ENGULFED IN FLAMES. SO, THE AC  
16 OPENED HIS SIDE WINDOW AND PULLED IT BACK, HE GOT OUT, I GOT  
17 OUT BEHIND HIM, THE ENGINEER FOLLOWED ME OUT, AND THEN THE  
18 PILOT CROSSED THE CENTER CONSOLE AND HE DOVE OUT THE WINDOW  
19 AT THAT POINT.

20 Q WERE THERE ANY OTHER CREW MEMBERS IN THAT AREA?

21 A THERE WAS A NAVIGATOR ALSO IN THAT AREA. HE  
22 EXITED THE FLIGHT DECK AREA BY SOME OTHER MEANS.

23 Q ANYONE ELSE THAT YOU KNOW ABOUT?

1           A    IN THE REAR IN THE RELIEF CREW COMPARTMENT WE HAD  
2            THE OTHER NAVIGATOR, THE SCANNER AND TWO LOAD MASTERS.

3           Q    APPROXIMATELY HOW MANY PEOPLE WERE IN THE FLIGHT  
4            DECK AREA ALTOGETHER?

5           A    I BELIEVE THERE WERE 9.

6           Q    DID YOU SEE ALL OF THEM EXIT THE AIRCRAFT?

7           A    NO.  THE ONES THAT I SAW EXIT WERE THE ONES -- THE  
8           FOUR THAT I DESCRIBED.  WE SAW THEM AFTERWARDS.

9           Q    CAN YOU TELL US WHAT, IF ANY, DIRECTIONAL  
10          MOVEMENT YOU FELT AS YOU WERE IN YOUR SEAT DURING  
11          THIS SLIDE?

12          A    IT WAS JUST THE FORWARD MOVEMENT OF THE FLIGHT  
13          DECK OR OF THAT PART OF THE AIRCRAFT.  I FELT NO OTHER  
14          MOVEMENTS, NO SIDE-TO-SIDE MOVEMENTS.

15          Q    DO YOU RECALL WHETHER YOU WERE HELD OR WHETHER YOU  
16          FELT ANY PRESSURE OF BEING HELD BY THE SHOULDER HARNESS?

17          A    I DIDN'T FEEL ANY ABNORMAL PRESSURES.  I DIDN'T  
18          FEEL THE AMOUNT OF STRAIN, I MEAN, THAT WAS OTHER THAN  
19          NORMAL.

20          Q    WHAT HAPPENED AFTER YOU EXITED THE AIRCRAFT?

21          A    IMMEDIATELY AFTER GETTING OUT OF THE SIDE WINDOW,  
22          WE LOOKED TO THE RIGHT AND I SAW THE FLAMES IN THE AREA IN  
23          THE PART OF THE AIRCRAFT OFF TO THE RIGHT.  WE ALL THOUGHT

1 AT THAT POINT THAT THAT WAS THE REMAINDER OF THE AIRCRAFT OR  
2 THE TROOP COMPARTMENT WHERE WE KNEW MOST OF THE BABIES  
3 WERE AT AND THE ADULTS WERE AT, AND WE THOUGHT THAT'S WHAT  
4 THAT AREA WAS. THAT IS THE ONLY THING WE INITIALLY  
5 OBSERVED.

6 Q DID YOU OBSERVE ANY FIRE OR SMOKE OR FUMES IN THE  
7 AREA OF THE FLIGHT DECK?

8 A NO. NO, THERE WAS NO FIRE AROUND THE FLIGHT DECK  
9 AREA.

10 Q WHAT, IF ANY, OBSERVATIONS AFTER YOU EXITED THE  
11 COCKPIT DID YOU MAKE REGARDING THE TROOP COMPARTMENT?

12 A IMMEDIATELY, WE DID NOT SEE THE TROOP COMPARTMENT.  
13 WHAT I THOUGHT OFF TO THE RIGHT WAS THE TROOP COMPARTMENT  
14 TURNED OUT NOT TO BE. WE WALKED AROUND THE FRONT OF  
15 THE FLIGHT DECK AREA AND OBSERVED THE TROOP COMPARTMENT OFF  
16 IN SOME DISTANCE INTACT.

17 Q RELATIVE TO THE POSITION OF THE FIRE, CAN YOU GIVE  
18 US AN APPROXIMATION OF THE DISTANCE FROM THE COCKPIT AREA TO  
19 THE TROOP COMPARTMENT AND FROM THE TROOP COMPARTMENT TO THE  
20 FIRE?

21 A IT WAS KIND OF A TRIANGULAR SHAPE IN THAT  
22 APPROXIMATELY 100, 120 YARDS BETWEEN EACH. IF I WERE TO  
23 CHARACTERIZE, IT WOULD BE APPROXIMATELY LIKE SO WITH THE

1 BURNING AREA UP TO THE TOP OF MY TWO FINGERS AND THE FLIGHT  
2 DECK DOWN TO THE BOTTOM AND THE TROOP COMPARTMENT OFF TO MY  
3 RIGHT.

4 Q DID YOU OBSERVE ANY FIRE IN THE AREA OF THE TROOP  
5 COMPARTMENT?

6 A NO, THERE WAS NO FIRE AROUND THE TROOP COMPARTMENT.

7 Q WHAT, IF ANY, INJURIES DID YOU SUSTAIN?

8 A I HAD A BRUISE ON THE PALM OF MY HAND WHICH I  
9 THOUGHT WAS ATTRIBUTED TO JUST HANGING ON TO THE SEAT UPON  
10 IMPACT. OTHER THAN THAT, I DIDN'T HAVE ANY OTHER INJURIES  
11 AT THAT TIME.

12 Q WHAT, IF ANY, INJURIES DID YOU OBSERVE OR WERE  
13 REPORTED TO YOU AS TO THE PEOPLE IN THE FLIGHT DECK AREA AND  
14 THE CREW REST AREA?

15 A THOSE IN THE FLIGHT DECK AREA WERE IN PRETTY GOOD  
16 SHAPE. THE CO-PILOT, I BELIEVE, HAD SOME SCRAPES ON HIS  
17 LEGS WHEN THE INSTRUMENT PANEL FELL DOWN BUT, OTHER THAN  
18 THAT, MOST OF THEM DID NOT COMPLAIN OF ANY INJURIES.

19 Q DID THERE COME A TIME WHEN YOU OBSERVED ANY  
20 HELICOPTERS IN THE AREA?

21 A THOSE OF US IN THE FLIGHT DECK AREA, MOST OF THEM  
22 WENT OVER TO THE TROOP COMPARTMENT TO HELP OUT. THE  
23 SCANNER, ENGINEER AND MYSELF REMAINED IN THE FLIGHT DECK

1 AREA. ONCE THEY GOT OVER TO THE TROOP COMPARTMENT AND  
2 STARTED HANDING OUT BABIES, THE HELICOPTERS WERE SOON TO  
3 ARRIVE.

4 Q AFTER THE TROOP COMPARTMENT WAS EVACUATED, DID YOU  
5 HAVE ANY ESTIMATE AS TO HOW LONG THAT TIME PERIOD TOOK?

6 A I DON'T KNOW HOW LONG IT TOOK. IT DID NOT TAKE  
7 LONG. THERE WAS ONE HELICOPTER AFTER ANOTHER COMING IN. I  
8 WOULD SAY 20 MINUTES.

9 Q AFTER THE TROOP COMPARTMENT WAS FINISHED  
10 EVACUATING, DID YOU ULTIMATELY GO TO THE HOSPITAL?

11 A YES. ONCE THE LAST OF THE TROOP COMPARTMENT  
12 PEOPLE WERE EVACUATED, THE HELICOPTERS CAME OVER AND PICKED  
13 UP THOSE OF US IN THE FLIGHT DECK AREA -- THREE OF US  
14 REMAINING PLUS, ACTUALLY, SIX OR SEVEN CHILDREN.

15 Q WHERE DID YOU GO FROM THAT?

16 A WE WENT FROM THERE TO THE AIR AMERICAN LANDING  
17 STATION AREA AND THE SEVENTH DAY ADVENTIST HOSPITAL.

18 MR. CONNORS: OFF CAMERA, PLEASE.

19 I WOULD NOW LIKE TO SHOW THE WITNESS SOME  
20 SLIDES, AND IT WILL TAKE A LITTLE WHILE TO SET THIS UP SO WE  
21 WILL GO OFF THE RECORD.

22 BACK ON TAPE.

23 BY MR. CONNORS:

1 Q COLONEL, I WOULD NOW LIKE TO SHOW YOU A SLIDE OF  
2 DEFENDANT'S EXHIBIT D-1427 AND ASK IF YOU CAN IDENTIFY THAT  
3 FOR US, PLEASE?

4 A THIS IS A PICTURE OF THE FLIGHT DECK RIGHT HERE,  
5 TROOP COMPARTMENT UP TO THE TOP. THIS WOULD BE THE TROOP  
6 COMPARTMENT.

7 Q WOULD YOU SHOW US APPROXIMATELY WHERE YOU WERE  
8 LOCATED, SIR?

9 A I WAS LOCATED IN THE CREW COMPARTMENT OR THE  
10 FLIGHT STATION AND EXITED THE WINDOWS RIGHT HERE.

11 Q WHERE WERE THE OTHER INDIVIDUALS WHO WERE IN THE  
12 FLIGHT DECK AREA LOCATED?

13 A IT WOULD BE IN THIS AREA BACK IN HERE. THAT IS  
14 THE RELIEF CREW COMPARTMENT.

15 Q THAT IS THE TROOP COMPARTMENT IN THE BACKGROUND?

16 A THIS IS THE TROOP COMPARTMENT.

17 Q APPROXIMATELY WHAT IS THE DISTANCE BETWEEN THE  
18 FLIGHT DECK AND THE TROOP COMPARTMENT?

19 A I ESTIMATE ABOUT 120 YARDS.

20 Q SIR, WOULD YOU SHOW US THE WINDOW THROUGH WHICH  
21 YOU EXITED THE FLIGHT DECK AREA?

22 A YES.

23 Q THE TRIANGULAR SHAPED WINDOW?

1 A YES.

2 Q I WOULD NEXT LIKE TO SHOW YOU ARE A SLIDE OF  
3 DEFENDANT'S EXHIBIT D-1394.

4 SIR, HAVE YOU SEEN THIS SCENE BEFORE?

5 A YES, I HAVE.

6 Q DOES THAT DEPICT THE RELATIVE POSITION OF THE  
7 FLIGHT DECK OR COCKPIT AREA, THE TROOP COMPARTMENT AND THE  
8 FIRE YOU PREVIOUSLY DESCRIBED?

9 A YES, IT DOES.

10 Q WOULD YOU POINT OUT FOR US, PLEASE, THE THREE  
11 AREAS I JUST MENTIONED -- THE FLIGHT DECK FIRST, PLEASE.

12 A THE FLIGHT DECK AREA WOULD BE OVER HERE.

13 Q AND THE TROOP COMPARTMENT?

14 A RIGHT HERE.

15 Q AND THE FIRE YOU WERE REFERRING TO?

16 A YES. THIS IS THE WING AND THE ENGINES OVER HERE.  
17 ACTUALLY, I THINK IT IS PRIMARILY JUST THE WING  
18 AREA.

19 MR. CONNORS: OFF TAPE, PLEASE.

20 LET'S GO OFF THE RECORD FOR A SECOND, PLEASE.

21 ON TAPE.

22 THANK YOU, COLONEL. I HAVE NO FURTHER QUESTIONS  
23 AT THIS TIME.

## CROSS EXAMINATION

BY MR. MCMANUS:

Q COLONEL MALONE, AT THE TIME THE RAPID DECOMPRESSION OCCURRED, YOU WERE OVER THE OCEAN; IS THAT CORRECT, SIR?

A WE JUST STARTED TO COAST OUT OVER VUNG TAO, JUST  
STARTED OVER THE OCEAN; THAT IS CORRECT.

Q DO YOU KNOW WHAT THE TEMPERATURE WAS OUTSIDE OF THE AIRCRAFT AT THE TIME OF THE RAPID DECOMPRESSION?

A NO, I DON'T.

Q IT WAS BELOW ZERO WASN'T IT, SIR?

A I WOULD EXPECT SO AT THAT ALTITUDE.

Q HOW MANY PEOPLE WERE SUCKED OUT OF THE BACK OF THE AIRCRAFT AT THE TIME OF THE RAPID DECOMPRESSION

MR. CONNORS: NOTE MY OBJECTION TO THAT QUESTION,  
AND I WILL ASK THAT THE QUESTION AND ANSWER BE STRICKEN.

THE DEFENDANT: I HAVE NO IDEA

BY MR. MCMANUS:

Q YOU HAVE HEARD SINCE THE TIME OF THE ACCIDENT THAT  
ONE OF YOUR CREW MEMBERS WAS SUCKED OUT OF THE BACK OF THE  
PLANE: ISN'T THAT CORRECT?

## A. I HEARD AFTERWARDS

1 MR. CONNORS: NOTE MY OBJECTION, AND I WILL ASK  
2 THAT THE QUESTION AND ANSWER BE STRICKEN  
3 BY MR. McMANUS:

4 Q HOW MANY PEOPLE WERE INJURED AT THE TIME OF THE  
5 RAPID DECOMPRESSION?

6 A THAT, I DON'T KNOW EITHER. I DON'T KNOW REALLY  
7 WHO WAS INJURED AT THAT POINT.

8 Q HAVE YOU HEARD SINCE THE TIME OF THE ACCIDENT,  
9 SIR, THAT THE BACK LADDER, THE LADDER WHICH YOU ASSISTED THE  
10 CHILDREN BEING LOADED UP TO THE TROOP COMPARTMENT WAS TORN  
11 LOOSE AT THE TIME OF THE RAPID DECOMPRESSION?

12 A YES; I HAD HEARD THAT AFTERWARDS.

13 Q SINCE THE TIME OF THE ACCIDENT, YOU HAVE ALSO  
14 HEARD THAT ONE OF YOUR CREW MEMBERS, SERGEANT PERKINS, WAS  
15 SERIOUSLY INJURED WHEN THE LADDER WAS RIPPED LOOSE; ISN'T  
16 THAT CORRECT, SIR?

17 A YES, THAT IS CORRECT.

18 Q THE RAPID DECOMPRESSION WAS, AS YOU HAVE  
19 PREVIOUSLY DESCRIBED IT, A CLASSIC RAPID DECOMPRESSION;  
20 ISN'T THAT CORRECT, SIR?

21 A THAT IS CORRECT.

22 Q AND THERE WAS A MIST OR A FOG CONTEMPORANEOUS WITH  
23 THE RAPID DECOMPRESSION?

1 A YES.

2 Q YOU IMMEDIATELY RAN BACK TO THE IP SEAT TO PUT  
3 YOUR OXYGEN MASK ON; ISN'T THAT CORRECT?

4 A I WENT TO THE IP SEAT. I DID NOT RUN. I  
5 PROCEEDED UP TO THE IP POSITION AND PUT MY MASK ON.

6 Q IS IT YOUR TESTIMONY, SIR, THAT YOU DID NOT RUN  
7 BACK TO THE SEAT AND PUT YOUR MASK ON?

8 A I DIDN'T RUN, NO.

9 Q DO YOU RECALL GIVING A STATEMENT TO THE AIR FORCE  
10 FOLLOWING THIS ACCIDENT?

11 A YES.

12 Q HAVE YOU REVIEWED THAT STATEMENT RECENTLY, SIR?

13 A NOT RECENTLY, NO.

14 MR. McMANUS: OFF TAPE

15 BY MR. McMANUS:

16 Q BACK ON TAPE.

17 COLONEL MALONE, YOU HAVE A COPY OF YOUR SIGNED  
18 STATEMENT DATED 15 MAY 1975. HAVING REVIEWED THAT, SIR, CAN  
19 YOU NOW TELL ME WHETHER OR NOT YOU STATED AT THAT TIME THAT  
20 YOU RAN BACK TO THE IP SEAT AND PUT ON YOUR OXYGEN MASK?

21 A YES, I DID STATE THAT AT THAT TIME.

22 Q YOUR TRAINING AS AN AIR FORCE OFFICER STRESSED THAT  
23 IT WAS IMPORTANT TO GET YOUR MASK ON AS QUICKLY AS YOU COULD

1 WHEN THERE WAS AN EXPLOSIVE DECOMPRESSION; ISN'T THAT  
2 CORRECT, SIR?

3 A THAT IS CORRECT, AT ANY ALTITUDE.

4 Q IN YOUR AIR FORCE TRAINING, IT IS STRESSED THAT IT  
5 IS VERY IMPORTANT FOR YOU TO PUT ON YOUR OXYGEN MASK AS  
6 QUICKLY AS YOU COULD FOLLOWING AN EXPLOSIVE DECOMPRESSION;  
7 ISN'T THAT CORRECT, SIR?

8 A THAT IS CORRECT.

9 Q AND YOU LEFT YOUR MASK ON FOR APPROXIMATELY 3  
10 MINUTES; IS THAT CORRECT?

11 A TWO TO THREE MINUTES.

12 Q THE OXYGEN MASK THAT YOU HAD FURNISHED YOU WAS  
13 PURE OXYGEN; ISN'T THAT CORRECT, SIR?

14 A ONE HUNDRED PERCENT OXYGEN.

15 Q AND, SO, AFTER A SHORT PERIOD OF TIME, YOUR BODY  
16 WOULD HAVE BEEN OXYGEN-SATURATED; IS THAT CORRECT?

17 A I COULDN'T COMMENT ON THAT.

18 Q YOU ARE NOT CONTENDING THAT YOU WERE WITHOUT  
19 OXYGEN AFTER THE EXPLOSIVE DECOMPRESSION, ARE YOU, SIR?

20 A IMMEDIATELY AFTER?

21 Q FOR AN APPRECIABLE PERIOD OF TIME AFTER THE  
22 EXPLOSIVE DECOMPRESSION.

23 A NOT MORE THAN ABOUT 20 SECONDS.

1 Q AT THE TIME OF THE EXPLOSIVE DECOMPRESSION, THE  
2 AIRCRAFT COMMANDER BECAME AWARE THAT HE WAS HAVING  
3 DIFFICULTY CONTROLLING THE AIRCRAFT; IS THAT CORRECT?  
4

5 A ARE YOU SAYING IMMEDIATELY WHEN WE HAD THE RD DID  
6 HE BECOME AWARE HE HAD DIFFICULTY?  
7

8 Q OR SOMETIME SHORTLY THEREAFTER.  
9

10 A SHORTLY AFTER, YES, IN THE DESCENT.  
11

12 Q AND IT WAS RECOGNIZED BY THE CREW AND BY YOURSELF  
13 THAT YOU WERE IN GRAVE RISK OF CRASH LANDING; IS THAT  
14 CORRECT?  
15

16 A AT THAT TIME WHEN HE KNEW OR WE KNEW HE COULD NO  
17 LONGER CONTROL THE AIRCRAFT, YES, THAT ENTERED OUR MINDS  
18

19 MR. McMANUS: STOP THE TAPE FOR A SECOND.  
20

21 BY MR. McMANUS:  
22

23 Q AT SOME POINT AFTER YOU RETURNED TO THE IP SEAT,  
YOU TOOK OVER CONTROL OF THE RADIOS; IS THAT CORRECT, SIR?  
24

25 A THAT IS CORRECT.  
26

27 Q AND DID YOU MAKE ANY CALLS TO THE SAIGON AIRPORT  
28 OR TO ANYONE ELSE?  
29

30 A TO SAIGON APPROACH CONTROL.  
31

32 Q AND WHAT DID YOU ADVISE THEM?  
33

34 A I ADVISED THEM THAT WE HAD -- I BELIEVE I SAID  
35 THAT WE HAD THE RAPID DECOMPRESSION AND THAT WE COULD NOT  
36

1 CONTROL THE DESCENT OF THE AIRCRAFT, AND I BELIEVE I SAID WE  
2 WOULD BE CRASH LANDING ON RUNWAY 25.

3 Q WHAT WAS THE RESPONSE FROM THE AIRPORT?

4 A THE RESPONSE WAS LEVEL OFF -- I BELIEVE THEY SAID  
5 LEVEL OFF AT 4 THOUSAND FEET, TURN LEFT TO A HEADING AND  
6 PREPARE TO LAND ON RUNWAY 07.

7 Q AT ANY TIME DID YOU ISSUE A MAYDAY CALL?

8 A DID I USE THE WORDS MAYDAY? NO.

9 Q NO. DID YOU AT ANY TIME ADVISE THE AIRPORT THAT  
10 YOU WERE GOING TO BE CRASH-LANDING?

11 A YES. I TOLD THEM TO CLEAR THE AIRCRAFT AWAY FROM  
12 THE -- THE AIRCRAFT THAT WERE WAITING TO TAKE OFF. I TOLD  
13 THEM TO CLEAR THOSE AWAY FROM THE SIDE OF THE RUNWAY; THAT  
14 WE WOULD BE COMING IN ON RUNWAY 25.

15 Q A SHORT TIME AFTER THE EXPLOSIVE DECOMPRESSION,  
16 THE PILOTS BECAME AWARE THEY HAD NO CONTROL TO VARIOUS PARTS  
17 OF THE TAIL OF THE AIRCRAFT; IS THAT CORRECT?

18 A THAT IS CORRECT.

19 Q WHICH PARTS OF THE AIRCRAFT WERE NOT FUNCTIONING?

20 A THE ELEVATORS PRIMARILY. I AM NOT SURE IF THE  
21 RUDDERS WERE FUNCTIONING OR NOT. THE ELEVATOR WAS THE  
22 CONTROL WE WERE MAINLY CONCERNED WITH IN THAT THAT CONTROL  
23 IS CLIMBING AND DESCENDING.

1                   ALSO, WE WERE GETTING A VERY POOR RESPONSE OUT OF  
2 THE AILERONS ON THE WINGS.

3                   Q     THE ELEVATORS CONTROL THE PILOT'S ABILITY TO MOVE  
4 THE PLANE UP AND DOWN; IS THAT CORRECT?

5                   A     UP AND DOWN; THAT IS CORRECT.

6                   Q     AND A SHORT TIME AFTER THE DECOMPRESSION, THE CSA  
7 WAS GOING INTO A RAPID AND STEEP DIVE; ISN'T THAT CORRECT?

8                   A     THAT IS CORRECT.

9                   Q     AND AT SOME POINT THE SPEED BUILT UP TO OVER 350  
10 KNOTS; ISN'T THAT CORRECT?

11                  A     THAT IS ALSO CORRECT.

12                  Q     DO YOU KNOW WHAT THAT TRANSFERS INTO LAND MILES  
13 PER HOUR?

14                  A     NO, I DON'T.

15                  Q     IT IS WELL OVER 4 HUNDRED MILES PER HOUR; ISN'T IT?

16                  A     IT POSSIBLY COULD BE, YES.

17                  Q     HOW MANY TIMES DID THE PLANE GO THROUGH A SERIES  
18 OF DIVES AND THEN CLIMBS?

19                  A     THE INITIAL DIVE AS IT PASSED THROUGH 350 BACK UP  
20 TO A NOSE-HIGH ATTITUDE, BACK DOWN TO A STEEP DESCENT,  
21 LESSER THAN THE INITIAL ONE BUT ALSO A STEEP DESCENT. FROM  
22 THAT POINT ON, ONCE IT CAME BACK TO LEVEL OR TRIED TO  
23 APPROACH LEVEL FLIGHT, THAT IS WHEN THE PILOTS WERE USING

1 POWER TO CONTROL, SEMICONTROL THE DESCENT.

2 Q DID THERE EVER COME A TIME BETWEEN THE EXPLOSIVE  
3 DECOMPRESSION AND THE CRASH THAT THE PILOT WAS ABLE TO  
4 REGAIN CONTROL OVER THE RUDDER OR THE FLAPS OF THE AIRPLANE?

5 A THE ELEVATORS?

6 Q THE ELEVATORS.

7 A NO.

8 Q I BELIEVE YOU PREVIOUSLY TESTIFIED THAT THE FIRST  
9 IMPACT WITH THE GROUND WAS AT A SPEED OF IN EXCESS OF 260  
10 KNOTS; IS THAT CORRECT?

11 A THAT IS CORRECT.

12 Q DO YOU KNOW WHAT THAT TRANSFERS INTO IN STATUTE  
13 MILES PER HOUR?

14 A NO, I DON'T KNOW.

15 Q DOES 310 TO 320 MILES PER HOUR SOUND UNREASONABLE  
16 TO YOU?

17 A I REALLY DON'T KNOW WHAT IT CONVERTS TO. I COULD  
18 NOT COMMENT.

19 Q I BELIEVE YOU HAVE DESCRIBED THIS FIRST LANDING AS  
20 A FIRM LANDING; IS THAT CORRECT, SIR? "

21 A A FIRM LANDING.

22 Q WOULD YOU CHARACTERIZE IT IN TERMS OF ANY OTHER  
23 NORMAL AIRCRAFT LANDINGS THAT YOU HAVE ENCOUNTERED?

1           A    I FELT LANDINGS, I FEEL, THAT WERE FIRMER THAN  
2           WHAT WE HAD THERE.  TO DESCRIBE AN ALL-WEATHER LANDING  
3           APPROACH WHERE THE AIRCRAFT IS DESIGNED TO FLY ON A GLIDE  
4           PATH THAT IS 17 FEET BELOW THE RUNWAY -- THAT IS A VERY FIRM  
5           LANDING.  THAT IS WHAT I CHARACTERIZE AS A VERY FIRM  
6           LANDING.

7           Q    AND YOU LOST SOME OF YOUR MAIN LANDING GEAR AT  
8           THIS FIRST IMPACT; ISN'T THAT CORRECT, SIR?

9           A    THAT IS WHAT I FOUND OUT LATER, YES, SIR.

10          Q    THOSE ARE VERY STRONG PORTIONS OF THE STRUCTURE OF  
11          THE AIRCRAFT, AREN'T THEY, SIR?

12          A    YES.

13          Q    HAD YOU EVER LOST THE LANDING GEAR  ON ANY OTHER  
14          LANDING THAT YOU PARTICIPATED IN THAT YOU WOULD CONSIDER A  
15          FIRM LANDING?

16          A    NO.

17          Q    HAVE YOU EVER LANDED A C5 OR C141 IN EXCESS OF  
18          260 KNOTS?

19          A    NO, I HAVE NOT.

20          Q    IN FACT, THAT IS MORE THAN TWO TIMES THE NORMAL  
21          LANDING SPEED FOR THOSE AIRPLANES; ISN'T IT, SIR?

22          A    DEPENDING ON THE WEIGHT OF THE AIRCRAFT, IT COULD  
23          BE TWO TIMES, YES.

1 Q DID YOU HAVE A LIGHT OR HEAVY LOAD ON APRIL 4,  
2 THE DAY OF THE CRASH?

3 A THAT WOULD BE A LIGHT LOAD.

4 Q IN FACT, YOU HAD A MUCH HEAVIER LOAD ON THE WAY TO  
5 SAIGON; IS THAT CORRECT, SIR?

6 A YES, WE DID.

7 Q YOU HAD BEEN BRINGING IN ARMY HOWITZERS AND  
8 CANNONS TO SAIGON?

9 A THAT IS CORRECT.

10 Q DO YOU KNOW WHAT THE SPEED OF THE AIRCRAFT WAS ON  
11 THE SECOND IMPACT?

12 A I DIDN'T OBSERVE THE INSTRUMENTS BETWEEN THE TWO  
13 IMPACTS. I REALLY COULDN'T SAY.

14 Q THAT WAS A VERY VIOLENT IMPACT, WASN'T IT, THE  
15 SECOND ONE?

16 A IT WAS FIRMER THAN THE FIRST. YOU DEFINITELY KNEW  
17 IT WAS AN IMPACT. IT WAS STRONGER THAN THE FIRST IMPACT.  
18 VERY VIOLENT -- I DON'T KNOW IF I WOULD CHARACTERIZE IT AS  
19 THAT.

20 Q WELL, THE TAIL OF THIS AIRPLANE BROKE OFF WITH THE  
21 SECOND IMPACT; ISN'T THAT CORRECT, SIR?

22 A THAT IS WHAT I FOUND OUT LATER.

23 MR. CONNORS: I OBJECT TO THE QUESTION AS A

1 MISCHARACTERIZATION.

2 MR. McMANUS: WHAT IS THE BASIS FOR YOUR  
3 OBJECTION?

4 MR. CONNERS: MISCHARACTERIZATION OF WHAT  
5 HAPPENED.

6 OFF TAPE.

7 BY MR. McMANUS:

8 Q THE TAIL OF THE C5A BROKE OFF AT THE SECOND  
9 IMPACT; ISN'T THAT CORRECT, SIR?

10 A I KNOW THE TAIL OF THE AIRCRAFT BROKE OFF. AT  
11 WHAT POINT, I DON'T KNOW.

12 Q WELL, THAT IS A VERY STRONG PART OF THE AIRPLANE,  
13 ISN'T IT, SIR?

14 A YES.

15 Q AND THE MAXIMUM LOAD FOR A C5A IS IN EXCESS OF 80  
16 TONS; ISN'T THAT CORRECT, SIR?

17 A THAT WOULD BE PRETTY CLOSE.

18 Q AND THE TAIL IS DESIGNED TO HOLD UP THIS AIRPLANE  
19 AND 80 TONS OF CARGO, ISN'T THAT CORRECT, SIR?

20 A WHEN LANDING ON A PREPARED SURFACE THAT IS CORRECT.

21 Q THIS PLANE WAS ALSO DESIGNED TO LAND IN FIELDS,  
22 WASN'T IT?

23 A A SOFT FIELD BUT A PREPARED FIELD.

1 Q THIS WAS A SOFT FIELD, WASN'T IT?

2 A THIS WAS A MARSHY, RUTTED, DEEP AREA. IT  
3 IS MORE THAN A SOFT FIELD. THE C5 WAS NEVER DESIGNED TO  
4 LAND ON THIS TYPE OF SURFACE.

5 Q IT WOULD TAKE AN ENORMOUS AMOUNT OF FORCE TO BREAK  
6 THE TAIL OFF OF A C5A, WOULDN'T IT, SIR?

7 A I WOULD THINK SO.

8 Q AND THE WINGS OF THE C5A ARE VERY STRONG, AREN'T  
9 THEY, SIR?

10 A YES.

11 Q AND THAT IS NORMALLY WHERE THE FUEL FOR THIS  
12 AIRPLANE IS CARRIED; ISN'T THAT CORRECT?

13 A CARRIED IN THE WINGS, YES, SIR.

14 Q DO YOU KNOW HOW MUCH FUEL IS LOCATED IN THE WINGS  
15 WHEN IT IS FULLY LOADED?

16 A I COULDN'T GIVE YOU A FIGURE NOW. I KNEW AT ONE  
17 TIME BUT I CAN'T REMEMBER THE EXACT FIGURE NOW.

18 Q DOES 318 THOUSAND POUNDS OF FUEL SOUND ABOUT  
19 RIGHT?

20 A THAT IS THE MAX FUEL LOAD OF A C5, YES.

21 Q DO YOU RECALL HOW MUCH FUEL YOU HAD AT THE TIME  
22 WHEN THE C5A TOOK OFF ON APRIL 4?

23 A WE WOULD HAVE HAD FUEL FOR ABOUT A FOUR-HOUR

1 FLIGHT, FIGURING ABOUT 22,000 POUNDS AN HOUR. I WOULD SAY  
2 WE HAD CLOSE TO 100,000 POUNDS OF FUEL.

3 Q WOULD YOU SAY THAT THE WINGS ARE ATTACHED SECURELY  
4 AND STRONGLY TO THE REST OF THE AIRCRAFT?

5 A YES, I WOULD.

6 Q HOW ABOUT THE NOSE AND THE FLIGHT DECK OF THE  
7 AIRPLANE? WOULD YOU SAY THEY ARE ATTACHED STRONGLY TO THE  
8 REST OF THE AIRCRAFT?

9 A YES.

10 Q THEY BROKE OFF ON THE SECOND IMPACT; ISN'T THAT  
11 CORRECT, SIR?

12 A THEY BROKE OFF SOMEWHERE AFTER THE SECOND IMPACT.

13 MR. CONNORS: NOTE MY OBJECTION TO THE QUESTION  
14 AND I WILL ASK THAT THE QUESTION AND ANSWER BE STRICKEN.

15 BY MR. McMANUS:

16 Q IT WOULD TAKE AN ENORMOUS AMOUNT OF FORCE TO RIP  
17 THOSE PORTIONS OF THE AIRPLANE APART, WOULDN'T IT, SIR?

18 A FORCE COMBINED WITH THE SURFACE THAT YOU  
19 ARE LANDING ON, YES.

20 Q WELL, YOU DIDN'T RUN INTO THE SIDE OF A MOUNTAIN  
21 OR ANYTHING LIKE THAT, DID YOU, SIR?

22 A NO, WE DIDN'T.

23 Q THIS WAS A MARSH, AS I THINK YOU HAVE DESCRIBED

1 IT?

2 A THAT IS CORRECT.

3 MR. MCMANUS: OFF TAPE JUST A SECOND.

4 BACK ON TAPE, PLEASE.

5 BY MR. MCMANUS:

6 Q COLONEL, I BELIEVE THAT YOU TESTIFIED THAT AFTER  
7 THE SECOND EXPLOSION, IT SEEMED LIKE YOU WERE SLIDING IN  
8 SLOW MOTION; IS THAT CORRECT SIR?

9 A THAT IS CORRECT.

10 Q AND THAT IT WAS VERY QUIET?

11 A VERY QUIET.

12 Q DID YOU HEAR THE TAIL OF THE PLANE BREAKING OFF?

13 A NO, I DID NOT.

14 Q DID YOU HEAR THE WINGS BREAKING OFF?

15 A NO.

16 Q IS THAT BECAUSE YOU WERE POSSIBLY STUNNED?

17 A NO, I WAS NOT STUNNED.

18 Q YOU ARE SURE OF THAT, SIR?

19 A POSITIVE.

20 Q THE HELICOPTERS BEGAN TO ARRIVE WITHIN THREE  
21 OR FOUR MINUTES AFTER THE IMPACT; IS THAT CORRECT?

22 A I WOULD SAY BETWEEN THREE AND FOUR MINUTES AFTER  
23 WE CAME TO A COMPLETE STOP, YES -- POSSIBLY LONGER THAN THAT

1 -- THREE TO FOUR MINUTES -- IT WOULD BE HARD TO SAY.

2 Q DID YOU ASSIST IN THE EVACUATION OF THE BABIES  
3 THAT WERE ON YOUR PLANE FROM THAT TROOP COMPARTMENT?

4 A NO, I DID NOT.

5 Q YOU JUMPED OUT OF THE COCKPIT IMMEDIATELY BECAUSE  
6 YOU WERE AFRAID THERE WOULD BE A FIRE; IS THAT CORRECT, SIR?

7 A THAT WAS MY FIRST CONCERN, YES.

8 Q WHEN YOU GOT OUT OF THE COCKPIT, WAS THE WINDOW  
9 ALREADY BROKEN OR DID YOU HAVE TO KICK IT OUT?

10 A NO, YOU WOULD OPEN IT UP LIKE YOU WOULD OPEN IT UP  
11 NORMALLY.

12 Q WHEN YOU HAD A CHANCE TO LOOK AT THE ENTIRE  
13 ACCIDENT SCENE, YOU SAW THAT IT WAS A SHOCKING SCENE, WASN'T  
14 IT, SIR?

15 A YES.

16 Q IT WAS CLEARLY A SCENE INDICATING A VIOLENT  
17 AIRPLANE CRASH?

18 A IT LOOKED LIKE THE AIRPLANE DEFINITELY CRASHED.  
19 WHEN I SAY A SHOCKING SCENE, IT WAS SHOCKING AT THAT POINT  
20 BECAUSE WE DID NOT KNOW WHERE THE REST OF THE PEOPLE IN THE  
21 AIRCRAFT WERE. WE WERE SHOCKED BECAUSE OF THE FIRE. WE  
22 THOUGHT THAT'S WHERE THE TROOP COMPARTMENT WAS LOCATED.

23 Q HAD YOU EVER GOTTEN OUT OF AN AIRCRAFT AFTER A

1 FIRM LANDING AS YOU HAVE DESCRIBED IT AND SEEN THE PIECES OF  
2 THE PLANE SCATTERED ALL OVER THE FIELD?

3 A I HAVE NEVER BEEN INVOLVED IN AN AIRCRAFT ACCIDENT  
4 BEFORE.

5 Q PRIOR TO THE ACTUAL EXPLOSIVE DECOMPRESSION TAKING  
6 PLACE, THERE WAS CONCERN AMONGST THE CREW THAT THE CHILDREN  
7 LOCATED IN THE TROOP COMPARTMENT AND IN THE CARGO  
8 COMPARTMENT WOULD NOT HAVE OXYGEN IF THERE WERE SUCH AN  
9 EXPLOSIVE DECOMPRESSION; ISN'T THAT CORRECT?

10 A THAT IS CORRECT.

11 Q AND THEY, IN FACT, DID NOT HAVE OXYGEN?

12 A THERE WERE TWO TO A SEAT IN THE REAR OF THE  
13 AIRCRAFT, AND THERE IS ONE OXYGEN MASK PER SEAT.

14 Q THERE WERE SEVERAL PEOPLE KILLED AS A RESULT OF  
15 THIS ACCIDENT, WEREN'T THERE, SIR?

16 A YES, THERE WERE.

17 Q INCLUDING SOME MEMBERS OF YOUR CREW?

18 A YES.

19 Q IN FACT, OUT OF THE 330 PEOPLE ONBOARD, 155 DIED;  
20 ISN'T THAT CORRECT?

21 A I BELIEVE THOSE ARE THE NUMBERS, YES, SIR.

22 Q WHEN YOU WERE EVACUATED FROM THE SCENE, I BELIEVE  
23 YOU MENTIONED YOU WERE TAKEN TO THE SEVENTH DAY ADVENTIST

1 HOSPITAL?

2 A YES, THE AIR AMERICA AREA AND THE SEVENTH DAY  
3 ADVENTIST HOSPITAL.

4 Q AFTER THAT, YOU WERE EVACUATED TO CLARK AIR FORCE  
5 BASE; ISN'T THAT CORRECT, SIR?

6 A THAT IS CORRECT.

7 Q AND YOU WERE PUT IN THE HOSPITAL FOR ABOUT A  
8 WEEK'S TIME; ISN'T THAT CORRECT?

9 A IN AN AEROVAC STAGING AREA. IT IS A SMALLER PART  
10 OF THE HOSPITAL. WE WERE NOT IN THE MAIN HOSPITAL, THOUGH.

11 Q YOU GOT A VERY COMPLETE AND COMPREHENSIVE  
12 EXAMINATION BY AIR FORCE DOCTORS; ISN'T THAT CORRECT, SIR?

13 A WE GOT A COMPLETE FLIGHT PHYSICAL SIMILAR TO WHAT  
14 WE GET YEARLY.

15 Q YOU WERE KEPT IN THIS HOSPITAL AREA FOR OBSERVA-  
16 TION TO MAKE SURE THAT YOU HAD NO ILL EFFECTS BECAUSE OF  
17 THE CRASH; ISN'T THAT CORRECT?

18 A THAT MAY HAVE BEEN THEIR MOTIVE, YES. I DON'T  
19 KNOW WHY WE WERE KEPT IN THE AREA.

20 Q YOU ALSO INJURED YOUR BACK AS A RESULT OF THIS  
21 ACCIDENT, DIDN'T YOU, SIR?

22 A I REPORTED SOME LOWER BACK PAIN TO DR. RAYMOND  
23 AFTER THE ACCIDENT. I HAVE ALSO REPORTED LOWER BACK PAIN

1           THROUGHOUT MY AIR FORCE CAREER. BUT I DID FEEL IT AGAIN.

2           Q     YOU DID REPORT IT TO HIM AS A DIRECT RESULT OF  
3           THIS ACCIDENT: ISN'T THAT CORRECT?

4           A     YOU WOULD HAVE TO READ ME THE EXACT WORDING OF DR.  
5           RAYMOND, BUT I PROBABLY REPORTED LOWER BACK PAIN.

6           Q     THAT WAS IN THE TIME FRAME OF A COUPLE OF DAYS  
7           FOLLOWING THE ACCIDENT: ISN'T THAT CORRECT, SIR?

8           A     THAT IS CORRECT.

9           Q     AND THEN YOU REPORTED LOWER BACK PAIN AS A RESULT  
10           OF THE ACCIDENT IN JANUARY OF 1977: ISN'T THAT CORRECT,  
11           SIR?

12           A     I COULDN'T RECALL THAT. I KNOW I HAVE REPORTED  
13           LOWER BACK PAIN THROUGHOUT MY AIR FORCE CAREER. IF THEY HAD  
14           ASKED ME THE CAUSE OF IT, I PROBABLY MENTIONED THAT I WAS IN  
15           THE ACCIDENT AT THAT TIME; BUT I HAVE ALSO REPORTED IT  
16           THROUGHOUT MY RECORDS PRIOR TO THE ACCIDENT.

17           MR. MCMANUS: OFF TAPE.

18           BY MR. MCMANUS:

19           Q     COLONEL, I HAVE SHOWN YOU A REPORT OF MEDICAL  
20           EXAMINATION FOR KEITH DOUGLAS MALONE DATED 10 JANUARY 1975.  
21           DOES IT NOT INDICATE, SIR, THAT YOU HAVE SYMPTOMATIC BACK  
22           PROBLEMS RESULTING FROM THE AIRPLANE CRASH OF 1975?

23           A     WHAT IT SAYS IS THAT I WAS IN AN AIRCRAFT ACCIDENT

1 IN APRIL OF 1975, AND IT SAID THAT I SUFFERED A MILD LUMBAR  
2 MUSCLE SPASM WHICH WAS MILDLY SYMPTOMATIC OF THIS  
3 EXAMINATION.

4 Q SO YOU WERE STILL HAVING SYMPTOMS THEN OF THE  
5 INJURY YOU RECEIVED IN THE AIRCRAFT CRASH ALMOST TWO YEARS  
6 LATER; ISN'T THAT CORRECT, SIR?

7 A NO, I WAS HAVING LOWER BACK PAIN OFF AND ON YEARLY  
8 BEFORE AND AFTER THE ACCIDENT.

9 Q THAT MEDICAL RECORD INDICATES LOWER BACK PAIN  
10 SYMPTOMATIC TWO YEARS AFTER THE AIRPLANE CRASH; ISN'T THAT  
11 CORRECT?

12 A YES, IT COULD BE SYMPTOMATIC IF I HAD THE  
13 EXAMINATION NOW.

14 Q THE DOCTOR DIDN'T GUESS THAT YOU WERE IN THE  
15 AIRPLANE CRASH, DID HE?

16 A NO, IT WAS IN MY RECORDS THAT I WAS IN THE  
17 AIRPLANE CRASH.

18 Q ISN'T IT CORRECT THAT HE INDICATED YOU HAD BACK  
19 PAIN AT THAT TIME AS A RESULT OF THE AIRPLANE CRASH, AT THE  
20 TIME OF THAT EXAMINATION IN JANUARY OF 1977?

21 A WHAT THEY SAID WAS THAT I HAD LOWER BACK PAIN.  
22 NOW, WHETHER IT WAS THE RESULT OF THE AIRCRAFT ACCIDENT, I  
23 DON'T THINK IT SAYS THAT.

1 Q DID THE DOCTOR KNOW THAT YOU WERE IN THE AIRPLANE  
2 CRASH WITHOUT YOUR HAVING TOLD HIM?

3 A IF HE REVIEWED MY RECORDS, YES.

4 MR. CONNORS: NOTE MY OBJECTION TO THIS CONTINUING  
5 LINE OF QUESTIONING. I BELIEVE IT IS BECOMING ARGUMENTATIVE  
6 AT THIS POINT AND I WILL MOVE TO STRIKE THE QUESTIONS AND  
7 ANSWERS.

8 MR. McMANUS: AT THIS TIME I WOULD MOVE COLONEL  
9 MALONE'S REPORT OF MEDICAL EXAMINATION DATED 10 JANUARY 1977  
10 INTO EVIDENCE.

11 BY MR. McMANUS:

12 Q COLONEL, I HAVE SHOWN YOU A REPORT OF MEDICAL  
13 HISTORY FOR KEITH D. MALONE DATED 6 APRIL 1975. DO YOU  
14 HAVE THAT IN FRONT OF YOU, SIR?

15 A YES, I DO.

16 Q DO YOU SEE ON THE SECOND PAGE OF THAT WHERE IT  
17 INDICATES LOWER BACK PAIN SECONDARY TO AIRCRAFT  
18 ACCIDENT?

19 A YES.

20 Q THAT WAS THE AIRCRAFT ACCIDENT OF APRIL 4, 1975;  
21 IS THAT CORRECT?

22 A THAT IS CORRECT.

23 MR. McMANUS: AT THIS TIME, I WOULD MOVE THAT

1 MEDICAL RECORD INTO EVIDENCE.

2 OFF TAPE FOR JUST A SECOND, PLEASE.

3 BACK ON TAPE.

4 BY MR. McMANUS:

5 Q COLONEL, YOU ARE NOT DENYING THAT YOU HAD SOME  
6 BACK PAIN AS A RESULT OF THIS ACCIDENT, ARE YOU, SIR?

7 A I AM NOT DENYING THAT I HAVE HAD RECURRING BACK  
8 PAIN; THAT IS CORRECT.

9 Q ARE YOU TELLING ME YOU DIDN'T HAVE ANY PAIN IN  
10 YOUR LOWER BACK AS A RESULT OF THIS AIRPLANE CRASH?

11 A I HAD PAIN IN MY LOWER BACK AFTER THE CRASH.

12 Q IT WAS THE RESULT OF THE CRASH, WASN'T IT, SIR?

13 A IT MAY OR MAY NOT HAVE BEEN AS A RESULT OF THE  
14 CRASH. I HAVE HAD LOWER BACK PAIN --

15 [VIDEO CASSETTE CHANGE]

16 BY MR. McMANUS:

17 Q IT WAS AS A RESULT OF THE AIRPLANE CRASH, WASN'T  
18 IT, SIR?

19 A I HAVE HAD RECURRING BACK PAIN THROUGHOUT MY AIR  
20 FORCE CAREER. IT MAY HAVE BEEN AGGRAVATED AS A RESULT OF  
21 THE CRASH. I HAD BACK PAIN BEFORE THE CRASH, I CONTINUED TO  
22 HAVE BACK PAIN AFTER THE CRASH.

23 Q ARE YOU TELLING ME YOU HAD BACK PAIN IMMEDIATELY

1 BEFORE THE AIRPLANE CRASH?

2 A IMMEDIATELY BEFORE, NO. IT IS LOWER BACK SPASMS  
3 THAT I HAVE HAD THROUGHOUT MY CAREER.

4 Q WHEN YOU HAVE LOWER BACK SPASMS, YOU ARE NOT  
5 ALLOWED TO FLY; ISN'T THAT CORRECT, SIR?

6 A THAT IS NOT CORRECT. YOU ARE ALLOWED TO FLY WITH  
7 LOWER BACK SPASMS.

8 Q HAVE YOU EVER BEEN TAKEN OFF OF FLIGHT DUTY  
9 BECAUSE OF LOWER BACK PROBLEMS?

10 A I DON'T RECALL. I MAY HAVE BEEN. IF IT REACHES A  
11 POINT WHERE IT RESTRICTS YOUR MOVEMENT, YES, BUT I DON'T  
12 RECALL IF I HAD GONE TO THE FLIGHT SURGEON TO GET OFF ON  
13 THAT PROBLEM OR NOT. I HAD IT AS FAR BACK AS PILOT  
14 TRAINING.

15 Q DO YOU RECALL IN MARCH OF 1978 BEING TAKEN OFF OF  
16 FLIGHT STATUS FOR 12 DAYS BECAUSE OF LOW BACK PAIN?

17 A THAT IS PROBABLY TRUE.

18 DID IT HAVE A CAUSE LISTED ON IT?

19 Q I WILL LET YOU LOOK AT THE RECORD, SIR?

20 A THIS WOULD BE THE RECOMMENDATION FOR FLYING  
21 DUTIES. THE CAUSE WOULD BE IN THE OTHER PART OF MY RECORDS.

22 Q DO YOU RECALL WHAT IT WAS OTHER THAN JUST BACK  
23 PAIN?

1           A    I BELIEVE THERE WAS ONE TIME I SAID IT WAS AFTER  
2   LIFTING A BAG OF FERTILIZER AFTER I WAS WORKING ON THE LAWN.  
3   I BELIEVE THAT IS ALSO IN MY MEDICAL RECORDS.

4           Q    WERE YOU GIVEN ANY MEDICATION AT CLARK AIR FORCE  
5   BASE FOLLOWING THE CRASH FOR PAIN?

6           A    NO, NOT THAT I RECALL.

7           Q    YOU DON'T RECALL BEING GIVEN VALIUM?

8           A    NO, I DON'T.

9           Q    NOW, SIR, I WOULD LIKE TO SHOW YOU YOUR CLINICAL  
10   RECORDS FOR THE PERIOD OF TIME THAT YOU WERE IN CLARK AIR  
11   FORCE BASE HOSPITAL. I WOULD LIKE YOU TO LOOK AT THE  
12   NOTATION, THE DATE 6 APRIL 1975, AT 2040 HOURS WHERE IT SAYS  
13   "VALIUM FOR DISCOMFORT."

14          A    YES, I SEE THAT.

15          Q    DOES THAT REFRESH YOUR RECOLLECTION, SIR, AS TO  
16   WHETHER OR NOT YOU RECEIVED ANY MEDICATION FOR PAIN WHILE  
17   YOU WERE AT CLARK?

18          A    THIS SAYS I WAS GIVEN VALIUM BUT IT DOES NOT  
19   REFRESH MY MEMORY.

20          Q    IS IT YOUR TESTIMONY THAT YOU DID NOT, SIR?

21          A    NO, IT IS NOT. I SAID THE ORIGINAL QUESTION I DID  
22   NOT RECALL.

23          Q    YOU ARE NOT CHALLENGING THIS MEDICAL RECORD, ARE

1 YOU?

2 A NO, I AM NOT.

3 MR. MCMANUS: AT THIS TIME, I WOULD MOVE INTO  
4 EVIDENCE COLONEL MALONE'S CLINICAL RECORD FOR THE PERIOD OF  
5 TIME HE WAS AT CLARK AIR FORCE BASE FOLLOWING THE APRIL 1975  
6 CRASH OF THE CSA.

7 LET'S GO OFF TAPE FOR JUST A SECOND.

8 BACK ON TAPE.

9 BY MR. MCMANUS:

10 Q AT THE TIME OF THE FIRST AND SECOND IMPACTS, WERE  
11 YOU STRAPPED INTO YOUR SEAT?

12 A YES, I WAS.

13 Q AND YOU HAD A SHOULDER HARNESS IN ADDITION TO A  
14 REGULAR SEAT BELT; ISN'T THAT CORRECT?

15 A THAT IS CORRECT.

16 Q THE CHILDREN IN THE TROOP COMPARTMENT DID NOT HAVE  
17 SHOULDER HARNESSSES; IS THAT CORRECT, SIR?

18 A THEY HAD SEAT BELTS, NOT SHOULDER HARNESSSES.

19 Q AGAIN, YOU DID NOT GO BACK TO THE TROOP  
20 COMPARTMENT SO YOU HAVE NO FIRSTHAND KNOWLEDGE AS TO THE  
21 CONDITION OF THE CHILDREN AS THEY WERE TAKEN FROM THE PLANE;  
22 IS THAT CORRECT?

23 A THAT IS ALSO CORRECT.

1 Q AS YOU CAME TO A STOP, YOU DIDN'T EVEN REALIZE  
2 THAT YOU WERE HANGING UPSIDE DOWN IN THE FLIGHT DECK OR  
3 COCKPIT; ISN'T THAT CORRECT, SIR?

4 A NO, I WOULDN'T SAY THAT IS NOT CORRECT. I KNEW  
5 THAT WE HAD TURNED OVER.

6 Q DO YOU KNOW ABOUT WHAT TIME IN THE SEQUENCE OF  
7 EVENTS YOU TURNED OVER?

8 A JUST PRIOR TO COMING TO AN IMMEDIATE STOP, JUST  
9 PRIOR TO GETTING OUT OF THE AIRCRAFT, VERY SLOW MOVEMENT IN  
10 THE LATTER PART OF THE FLIGHT DECK, AND WE TURNED OVER RIGHT  
11 JUST PRIOR TO COMING TO A STOP.

12 Q THE WINGS OF THE C5A WERE ATTACHED TO THAT AREA  
13 JUST FORWARD OF THE TROOP COMPARTMENT; IS THAT CORRECT, SIR?

14 A THAT IS CORRECT.

15 Q BOTH OF THOSE WINGS WERE TORN OFF IN THE CRASH?

16 A I BELIEVE THEY CONTINUED FLYING IS WHAT HAPPENED,  
17 YES.

18 Q THEY WERE TORN FROM THE TROOP COMPARTMENT AND THE  
19 REST OF THE AIRPLANE?

20 A THEY CAME APART, YES.

21 Q AND THE TAIL IS JUST TO THE REAR OF THE TROOP  
22 COMPARTMENT; ISN'T THAT CORRECT, SIR?

23 A THAT IS CORRECT.

1 Q AND IT WAS ALSO TORN APART FROM THE REST OF THE  
2 AIRCRAFT?

3 A THAT IS CORRECT.

4 Q I BELIEVE THAT YOU EARLIER MENTIONED THAT YOU HAD  
5 HAD ALTITUDE CHAMBER TESTING. DO YOU RECALL THAT, SIR?

6 A YES.

7 Q ALTITUDE CHAMBER TESTING IS ACTUALLY DONE ON THE  
8 GROUND; ISN'T THAT CORRECT?

9 A THAT IS CORRECT.

10 Q SO YOU ARE NOT IN THE AIR WHEN THAT IS DONE?

11 A NO, WE ARE NOT.

12 Q COLONEL, HAVE YOU EVER PARTICIPATED IN ANY  
13 MEETINGS WHERE ALL OF THE CREW MEMBERS WHO HAVE TESTIFIED IN  
14 THIS CASE MET TOGETHER TO DISCUSS THEIR RECOLLECTIONS OF THE  
15 CRASH AND HOW IT OCCURRED?

16 A WHERE ALL OF THE CREW MEMBERS WERE TOGETHER?

17 Q ALL THOSE WHO HAVE TESTIFIED.

18 A WE HAVE BEEN TOGETHER AT VARIOUS TIMES BUT NOT FOR  
19 THAT SPECIFIC PURPOSE, NO. I DON'T RECALL -- IN ANSWER TO  
20 YOUR QUESTION, NO, I DON'T RECALL MEETINGS OF THAT SORT.

21 Q ARE YOU TELLING ME YOU HAVE NEVER MET WITH ANY OF  
22 LOCKHEED'S LAWYERS AND GOVERNMENT LAWYERS TO DISCUSS  
23 YOUR TESTIMONY IN THIS CASE?

1 A ANY TIME THAT WE HAVE MET, IT HAS ALWAYS BEEN WHEN  
2 WE HAVE DISCUSSED THE CASE IT HAS BEEN ON AN ONE-TO-ONE  
3 BASIS -- MYSELF AND THE LOCKHEED LAWYERS.

4 Q ARE YOU TELLING ME YOU NEVER MET WITH CAPTAIN  
5 HARP, PRESENT, AND NURSE AUNE AND NURSE TATE, PRESENT ALSO--

6 A NOT WHEN WE HAVE ANSWERED SPECIFIC QUESTIONS  
7 CONCERNING THE CASE.

8 Q DID YOU ALL SIT DOWN AND DISCUSS YOUR  
9 RECOLLECTIONS OF THE CASE TOGETHER?

10 A NO, WE DID NOT.

11 Q DO YOU RECALL YOUR DEPOSITION BEING TAKEN SOMETIME  
12 EARLY IN 1980, SIR?

13 A IN YOUR OFFICE, IN OREN LEWIS'S OFFICE?

14 Q I AM NOT SURE WHERE IT WAS TAKEN BUT DO YOU RECALL  
15 HAVING YOUR DEPOSITION TAKEN?

16 A YES

17 MR. MCMANUS: STOP THE TAPE, PLEASE.

18 STRIKE THAT LAST QUESTION.

19 BACK ON TAPE.

20 THOSE ARE ALL THE QUESTIONS I HAVE.

21 MR. CONNORS: OFF TAPE.

1  
2                   REDIRECT EXAMINATION.

3                   BY MR. CONNORS:

4                   Q    COLONEL, DO YOU RECALL MR. McMANUS' QUESTION  
5    REGARDING WHETHER OR NOT YOU HAD A SHOULDER HARNESS ON AT  
6    THE TIME OF THE ACCIDENT?

7                   A    YES.

8                   Q    YOU HAVE PREVIOUSLY TESTIFIED, I BELIEVE, THAT THE  
9    CHILDREN WERE SEATED IN REARWARD-FACING SEATS; IS THAT  
10   CORRECT?

11                  A    THAT IS CORRECT.

12                  Q    WHAT IS YOUR UNDERSTANDING OF THE PURPOSE OF  
13    A REARWARD-FACING SEAT?

14                  MR. McMANUS: I OBJECT TO THAT QUESTION. I DON'T  
15    BELIEVE HE HAS BEEN DEMONSTRATED TO HAVE THE COMPETENCE TO  
16    ANSWER THAT QUESTION.

17                  BY MR. CONNORS:

18                  Q    COLONEL, WHAT IS YOUR UNDERSTANDING OF THE PURPOSE  
19    OF A REARWARD-FACING SEAT?

20                  A    THE REARWARD-FACING SEAT WOULD BE IN THE EVENT  
21    WHEN YOU DECELERATE THE AIRCRAFT, INSTEAD OF BEING PUSHED  
22    FORWARD OUT OF THE SEAT, YOU ARE PUSHED BACKWARD INTO THE  
23    SEAT. THE FORWARD-FACING SEATS IN DECELERATION -- MY IDEA

1 OF THE SHOULDER HARNESS IS TO KEEP US INTO THE SEAT RATHER  
2 THAN PUSHING US FORWARD.

3 Q DOESN'T, IN FACT, IN YOUR OPINION A SHOULDER  
4 HARNESS IN THE REARWARD-FACING SEAT SERVE SOMEWHAT THE SAME  
5 PURPOSE?

6 A IT WOULD DO THE SAME THING AS THE SEAT. THE  
7 SHOULDER HARNESS WOULD NOT HOLD YOU INTO THE SEAT. IT IS  
8 DESIGNED TO PREVENT YOU FROM LEAVING THE SEAT OR OUT OF THE  
9 SEAT.

10 Q DO YOU RECALL MR. McMANUS' QUESTION REGARDING  
11 WHETHER OR NOT YOU PARTICIPATED IN THE EVACUATION OF THE  
12 CHILDREN IN THE TROOP COMPARTMENT?

13 A YES.

14 Q WHAT WERE YOU DOING DURING THAT TIME FRAME?

15 A WHEN THEY WERE EVACUATING THE TROOP COMPARTMENT?

16 Q YES.

17 A I, THE SCANNER AND THE ENGINEER REMAINED WITH THE  
18 FLIGHT DECK AREA TO ASSIST IN PULLING APPROXIMATELY SIX OR  
19 SEVEN CHILDREN OUT OF THAT PARTICULAR AREA OF THE AIRCRAFT.  
20 ALSO SERGEANT WISE WAS IN THAT AREA.

21 MR. CONNORS: THANK YOU VERY MUCH. I HAVE NO  
22 FURTHER QUESTIONS.

23 [THE DEPOSITION WAS CONCLUDED AT 3:40 P. M.]

**CERTIFICATE OF NOTARY PUBLIC/REPORTER**

UNITED STATES OF AMERICA )  
 ) ss.  
DISTRICT OF COLUMBIA )

I, ALBERT J. GASDOR, a Notary Public in and for the District of Columbia, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness is a true and accurate transcription of the stenographic notes taken by me and thereafter reduced to written form by me and/or under my direction and supervision.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to this action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 26<sup>th</sup> day of March, 1982



Albert J. Gossow

Albert J. Gasdor  
Notary Public in and for  
the District of Columbia

My Commission expires:

July 31, 1985