

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STENOGRAPHIC TRANSCRIPT

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CARRIE NGOC ANH CAMENGA,
et cetera,

Plaintiffs,

-vs-

LOCKHEED AIRCRAFT CORPORATION,

Defendant and
Third-Party Plaintiff,

-vs-

THE UNITED STATES OF AMERICA,

Third-Party Defendant,
----- X

Arlington, Virginia

Tuesday, April 6, 1982

DEPOSITION OF MURRAY FROMSON

Mattingly Reporting, Inc.

COURT REPORTER

4339 Farm House Lane
Fairfax, Va. 22032

FOR THE DISTRICT OF COLUMBIA

CARRIE NGOC ANH CAMENGA,
et cetera,

Plaintiffs,

-vs-

LOCKHEED AIRCRAFT CORPORATION,

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-vs-

THE UNITED STATES OF AMERICA,

Third Party Defendant.

CIVIL ACTION

Old No. 76-0544-56
New No. 80-3219

Arlington, Virginia

Tuesday, April 6, 1982

Deposition of MURRAY FROMSON, a witness, called
for examination by counsel for the Plaintiffs in the above-
entitled action, pursuant to notice, the witness being duly
sworn by JEROME T. MATTINGLY, a Notary Public in and for the
Commonwealth of Virginia at Large, at the offices of Lewis,
Wilson, Lewis & Jones, Limited, 2054 14th Street, Arlington,
Virginia, commencing at 10:30 o'clock a.m., the proceedings
being taken down by stenotype by JEROME T. MATTINGLY, and

1 transcribed under his direction.

2 **APPEARANCES:**

3 **On behalf of the Plaintiffs:**

4 **MICHAEL J. McMANUS, ESQUIRE and**
5 **STEPHEN MORVATH, ESQUIRE**
6 **Lewis, Wilson, Lewis & Jones, Ltd.**
7 **2054 14th Street**
8 **Arlington, VA**

9 **On behalf of the Defendant for Lockheed:**

10 **JOHN J. CONNORS, ESQUIRE and**
11 **THOMAS ALMY, ESQUIRE**
12 **Haight, Gardner, Poor & Havens**
13 **1819 H Street, NW**
14 **Washington, DC 20006**

15 **On behalf of the United States of America:**

16 **BRUCE N. BAGNI, ESQUIRE**
17 **Department of Justice**
18 **Civil Division**
19 **P. O. Box 1648**
20 **521 Twelfth Street, W.W.**
21 **Washington, D.C. 20005**

C O N T E N T S

Examination by Counsel

Deposition of

Mr. McMAHUS

Mr. CONNORS

Murray Fromson

3, 63

38

P R O C E E D I N G S

Whereupon,

MURRAY FROMSON

a witness, was called for examination by counsel for the Plaintiffs, having been first duly sworn by the Notary Public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE PLAINTIFFS:

BY MR. McMANUS:

Q Could you state your full name, sir.

A Murray Fromson.

Q And your current address?

A

Q And what is your occupation and profession, sir?

A Journalist, television producer.

Q And for whom are you currently employed?

A I produce a program entitled, "Eric Sevaride's Chronicle," and I am a moderator of a public broadcasting program that is shown weekly in California known as the "California Weekend Review."

Q And could you give me a brief description of your background and experience as a journalist?

A I have been a professional journalist for 32 years or more, worked for the Associated Press, NBC News and

1 CBS News and which they have done work for public broad-
2 casting and an independent free-lance producer.

3 MR. McMANUS: Off the tape.

4 Just like TV, can you try to remember to look at --

5 THE WITNESS: Oh, certainly, fine.

6 BY MR. McMANUS:

7 Q Because the jury -- you're going to be on a
8 television screen just like that, right in front of the jury.

9 A Okay, fine.

10 Q Look right at the camera.

11 A You want to start over?

12 MR. McMANUS: Off the record.

13 (Discussion off the record)

14 MR. McMANUS: On the record.

15 BY MR. McMANUS:

16 Q Now, you mentioned, sir, there was a time you
17 were with CBS; is that correct?

18 A Correct.

19 Q When was that?

20 A From 1962 to 1977, through '77.

21 Q And during that time you worked with CBS; did you
22 have any overseas assignments?

23 A Yes, several.

1 Q Were any of those assignments to Vietnam?

2 A Yes, many.

3 Q And when were you there, sir?

4 A I went the first time in 1964. I was there from
5 '65 through '68 periodically for six to eight weeks at a
6 time. During that period -- then, after having been posted
7 in Chicago and Moscow, in the Soviet Union, I returned to
8 Southeast Asia and was in Vietnam in 1975.

9 Q Sir, are you familiar with the term "Operation
10 Baby Lift"?

11 A Yes, I am.

12 Q And did you cover that for CBS television?

13 A Yes, I did.

14 Q And could you describe for me what was "Operation
15 Baby Lift?"

16 A Well, we were told that it was an effort by the
17 United States Government to remove, evacuate Vietnamese or
18 orphans to the United States, orphans being adopted by
19 Americans and other families outside of Vietnam, that
20 Operation Baby Lift was the Air Force's effort to take the
21 children out by airplane.

22 Q And did you cover the first stage or the first
23 evacuation that was part of the Operation Baby Lift?"

1 A Yes, I did.

2 Q Do you recall -- was a C-5A airplane provided for
3 that operation?

4 A Yes, it was.

5 Q Do you know, sir, at whose request the C-5A
6 was provided?

7 A I believe President Ford ordered the plane to
8 Saigon from California.

9 Q And from which airport in Saigon did this first
10 stage of Operation Baby Lift take place?

11 A Tan son Nhut, the airfield in Saigon; right outside
12 of Saigon.

13 Q And were you at Tan son Nhut at the time the plane
14 was loaded with the children?

15 A Yes, I was.

16 Q Could you describe that?

17 A I was assigned to cover the commencement of
18 Operation Baby Lift at Tan son Nhut. I believe it was
19 April 4th, 1975. I was assigned by my bureau chief in
20 Saigon, Brian Ellis, and I went to the air field with
21 my camera crew who -- let's see -- was Udo Etjudio (phonetic)
22 and Mesch and a German national and Eric Williams, a
23 New Zealander who was a sound technician. We went to the

1 field along with the other network camera crews, although
2 separately. When I arrived at Tan Son Nhut , we had some
3 difficulty because of Saigon, the Vietnamese police would
4 not allow film crews into the area. When we got there,
5 we saw buses arriving, pulling up and unloading Vietnamese
6 people, carrying young children or escorting children off
7 the bus towards the C-5A which was parked very nearby, and
8 the children were then -- they had little tags, name tags,
9 they were all very well dressed. They looked healthy and
10 clean, and they were all being led up the rear gang plank,
11 I guess you call it, the rear stairway, actually, into the
12 C-5A.

13 And my crew was filming it at my direction. We
14 filmed for some time outside the airplane which was an
15 enormous aircraft. Then we were allowed into the plane
16 for approximately, I say, ten minutes, not much more than
17 that, and we filmed the children being seated or arranged
18 in the plane. Vietnamese civilians carried, as I recall,
19 carried the young ones up to the plane, up the stairway,
20 and then there seemed to be Americans. There were -- there
21 was the crew, the flight crew inside the plane and some
22 other Americans in the plane getting the children settled.
23 A lot of the children were seated along side of the plane in

1 the bottom -- I guess you call it the cargo hole, and a lot
2 of the older children seemed to be strapped down on the
3 floor like a combat load. I have been on these operations
4 before where they put troops, literally sitting on the floor
5 of the plane facing the back of the plane, and so a lot of
6 the children were strapped down with, apparently, their
7 escorts. The Air Force crews -- the Air Force crew, I should
8 say, was directing a lot of this, seating the people and so
9 on, and we were allowed to take pictures.

10 I would say until that moment the children were
11 quite well-behaved; I think a little confused and so forth,
12 confused, I should say, mystified by what was going on.
13 When we turned the lights on in the interior of the plane,
14 some of the children started to cry. They got nervous,
15 the lights scared them. We kept it on for awhile to get
16 enough pictures inside and then we were directed to the
17 upper deck of the plane where really the babies were being
18 loaded. And I went up there and there was an Air Force
19 nurse, I believe -- I think it was an Air Force nurse, I
20 am not sure. And she was showing us where the babies were.
21 They seemed to be in bassinets and they were being fed.

22 We took a few pictures in there. Yes, I think
23 we took some pictures in there, and then came down, and

1 after a few more shots inside the plane, we got off, had
2 a few words with the crew chief. I guess he was the crew
3 chief; he was a master sergeant, I believe, at the front
4 end of the plane. And then we were told we had to get off
5 because the plane was ready to leave.

6 Q Mr. Fromson, you described the C-5A as being an
7 enormous airplane?

8 A Right.

9 Q Can you describe that any further?

10 A Well, it's been a long time. My recollection,
11 and I mightnot be perfectly accurate -- it seems to me that
12 I recall the C-5A was described once as a 6-story tall
13 or high, actually up from the ground up. It was an enormous
14 plane, and of course, we all know the C-5 is the biggest
15 cargo plane in, I believe, the U.S. Air Force.

16 Q Were there two different floors or stories on the
17 interior of the airplane?

18 A Yes, that is what I was describing, that there was
19 I guess what they call the combat load area, the cargo hold
20 area, and the upper deck where the babies were being placed.

21 MR. CONNORS: I want to note my objection to the
22 leading questions. During the preliminary matters, I was
23 willing to ignore, but we are starting to get into some

1 substantive material and I would appreciate it if counsel
2 would not lead the witness.

3 MR. McMANUS: Which question are you referring to
4 specifically?

5 MR. CONNORS: The business about the two floors.
6 There have been others as well.

7 BY MR. McMANUS:

8 Q Mr. Fromson, how many floors or stories are there,
9 or were there, on the interior of the C-5A that you were on?

10 A Well, there was the area I described, the cargo
11 area, where the children were being strapped down on the
12 floor, plus along the sides. There was this upper deck or
13 cargo hole, I guess, where the babies were, and I guess the
14 only other part of the plane that I would think of would be
15 where the crew is, the flight crew; that would be four, as
16 we walked out of the plane, and you could look up there,
17 was where the pilot and co-pilot and so forth were.

18 Q How did you get from the cargo area to the upper
19 floor where the children were located?

20 A I believe there is a ladder.

21 Q Now, did you stay at the airport until the C-5A
22 took off?

23 A Yes, I did.

1 Q And what did you do after that?

2 A Well, we filmed the take-off and I went back to
3 the CBS office in town at the Caravella Hotel to write what
4 my -- what they call voice over narration for the story
5 that was going to be shipped to Hong Kong on that evening's
6 plane.

7 Q Did there come a time that you heard the C-5A
8 had crashed?

9 A Yes. A short time after returning to the office
10 and sitting down to write my story, the phone rang and our
11 Vietnamese bureau manager or Vietnamese bureau reporter,
12 I should say, Mr. Cat, answered the phone -- there was a
13 Vietnamese on the phone -- and he was answering it. I
14 wasn't paying much attention, except there was a lot of
15 yelling on the phone, and then he started waving his hands
16 at me and he said there had been a plane crash. And the
17 only thing I could think of at the moment was, I said, is
18 it the C-5A, and he said we think so, we don't know. So,
19 with that, I took my camera man who had been at the airport,
20 had gone to lunch, and he was nowhere to be found -- so I
21 took the sound technician, Thanong Hirunsi, a Thai national,
22 and I said, come on, this is your chance to be a camera man,
23 and I need you now, and took the camera man, grabbed another

1 sound man, a couple Vietnamese camera men and we raced out
2 of the hotel, and I ordered the driver of the car to head
3 for the edge of the city where I felt it was possible to
4 look at the skyline and determine in which direction the
5 plane, whichever plane it was, might have crashed. So, we
6 drove out towards the general direction of Ban Wai (phonetic)
7 Air Base, Highway 1, where it was open land, and I could
8 look out in the distance and I could see what appeared to
9 be a column of smoke very far away, and we just started
10 driving in that direction.

11 Q Did you ever come upon the accident site itself?

12 A Yes, I did.

13 Q And could you describe what you saw when you
14 arrived at the accident site?

15 A Well, we had come through a village, our car had
16 broken down. I had gotten a ride on the back of a moped.
17 So the camera man, we were all on separate mopeds, we drove
18 through this village, I recall. As we came up to what seemed
19 to be an embankment or a railroad crossing, I think it was,
20 there was just a lot of Vietnamese lined up, and we got off
21 the moped and I walked through the line of Vietnamese and
22 then I saw the crash site.

23 Q Could you describe what you saw of the crash site?

1 A Yeah, as I turned, I saw in front of me a tail
2 section stuck in the ground -- a huge -- obviously, it was
3 a C-5A, tail section stuck in the ground. And then off to
4 my left there, and somewhat further away, was another piece
5 of what seemed to be fuselage, I don't know. There seemed
6 to be a lot of cables hanging out of it. It seemed to be
7 like an arc, it was just like hollowed out. It was just
8 a lot of interior of airplane all over. And then in the
9 far distance, far -- I mean, relative to where I was stand-
10 ing, I should say, I could see an engine, some parts of a
11 wing and another part of the fuselage. And then, of course,
12 all around me and front of me, a lot of debris from the
13 crash.

14 Q Were there any other people on the scene of the
15 accident?

16 A Oh, yes, lots of Vietnamese villagers who were
17 obviously come to see the wreckage. There were Vietnamese
18 soldiers, helicopters flown by Vietnamese that I saw. They
19 were at least two or three identifiable. I would have to
20 say Americans. They were certainly Caucasians in civilian
21 clothes, and those that I saw had sidearms. And I went
22 up to one and tried to talk to him. He didn't want to talk
23 to me. He was very busy, obviously. So, we started filming

1 in the general area of the crash site.

2 Q Do you recall about what time of day this was?

3 A Yeah, you lose all sense of timing, but I would --
4 certainly I was cautious of the fact that the light was --
5 we were losing light rather rapidly. I was very conscious
6 of that because of the film problems. So, I would cer-
7 tainly say in the neighborhood of anywhere from, well,
8 four to five, something like that.

9 Q Were you able to walk into the wreckage site onto
10 the field?

11 A Yes, with some difficulty because it was very
12 muddy. It seemed to be muddy. But there were -- it was
13 muddy right in front of us. In the distance, I could see
14 flames from the wreckage. There was a lot of debris. It
15 seemed to be documents like passports, dolls; there were
16 bodies. I did not see anybody alive, and if there were
17 survivors at that moment, I did not know if there were
18 survivors because I didn't see any people that would have
19 passed as people who had gotten off the plane. In other
20 words, it occurred to me that all of the survivors, whoever
21 they were, and how many they were, had been removed by the
22 time I arrived. I was the first reporter on the scene. So
23 when I walked away from this embankment and into the

1 wreckage area, my recollection is just what I have told you.
2 I saw a lot of debris. There were some bodies, and they were
3 being loaded onto the helicopters that were coming in,
4 apparently from the Tan son Nhat airport. I vividly remember
5 one particular thing of a Vietnamese officer who was direct-
6 ing the other Vietnamese searching the debris. He had a
7 baton in one hand and was holding like a doll -- he was
8 holding a dead victim, a child by the arm as he was telling
9 the Vietnamese what to do; a lot of racket from the helicop-
10 ters and of course, they were picking up a lot of wind,
11 and then, of course, there were the fumes that were kind of --
12 I don't say they were overwhelming me, but it certainly made
13 it difficult because every time I tried to do a narration,
14 my voice would get kind of choked up; plus the emotion of
15 the moment.

16 Q Can you describe the fumes?

17 A Not really, except I think like kerosene or
18 gasoline, or something like that. It was just a nauseous
19 kind of feeling that, you know, it got to me and got to our
20 crew.

21 Q Could you describe the pieces of wreckage, was
22 there much there that looked like an airplane?

23 MR. CONNORS: Objection, you're leading the witness.

1 MR. McMANUS: Off the tape. John, you know how
2 we do this, wait until I finish.

3 MR. CONNORS: You will have to repeat it anyway.

4 MR. McMANUS: Wait until I finish anyway. Go back
5 on tape.

6 BY MR. McMANUS:

7 Q Mr. Fromson, can you describe the wreckage that
8 you saw on the site scene?

9 A I think I have already described it in the sense
10 that the most visible things were three large pieces of
11 tail, another piece off to my left, and then in the distance,
12 almost straight ahead, what seemed to be parts of a wing,
13 some engine cowlings, the large covers -- I could see that
14 stuck in the ground, a wheel -- a couple of wheels, one
15 that I remember. There may have been a couple more. I just
16 can't recollect. And then there was all of this debris and
17 bodies, and the rice paddy, obviously, had been churned up
18 and it was all mixed up. That is all I can remember.

19 Q Can you tell me whether or not the wreckage you
20 saw resembled the plane that you had filmed taking off from
21 Saigon?

22 MR. CONNORS: Note my objection, you're leading
23 the witness.

1 BY MR. McMANUS:

2 Q You can answer.

3 A I don't know what you mean by resemble. If you
4 mean -- well, can you explain what you mean?

5 Q Did you see a whole airplane?

6 A Oh, no.

7 MR. CONNORS: Objection.

8 BY MR. McMANUS:

9 Q Did you see a whole airplane in this field?

10 A At the crash site.

11 Q At the crash site.

12 A (Witness shakes head in the negative)

13 Q There was nothing left but wreckage, is that
14 correct, sir?

15 A Right.

16 MR. CONNORS: Note my objection.

17 BY MR. McMANUS:

18 Q So there was nothing left but wreckage, is that
19 correct, sir?

20 A Correct.

21 Q Can you analogize the crash site to anything else
22 you have seen in your experience as a television journalist?

23 A Yeah, I would describe it the way I think I have

1 described it to colleagues and other people. It resembled
2 a battle field after the battle is over where you see
3 carnage, wreckage, debris, refuge, bodies. I have done that
4 many times in Vietnam.

5 MR. McMANUS: Let's go off the tape.

6 Because some courts have ruled particularly in
7 the next coming case that there is to be no discussion of
8 bodies or dead people, I would like to again go through
9 that general series of questions with you, asking you to
10 describe the scene, the accident site, and your analogy of
11 it; this time without the mention of any bodies or body
12 parts that you had described before. In other words, we
13 will be retaping what we did, but no mention of bodies or
14 dead people or survivors.

15 A All right.

16 MR. McMANUS: On the tape.

17 BY MR. McMANUS:

18 Q Mr. Fromson, could you describe the wreckage at
19 the accident site as you saw it?

20 A As I said, there was a lot of debris and there
21 were three distinctly large pieces of what had been an
22 airplane within my sight.

23 Q Can you analogize what you saw to anything else

1 you have seen in your experience as a television journalist?

2 A Yes, it reminded me of a battle field after a
3 battle in Vietnam, and also because I covered other airplane
4 crashes; it reminded me of a previous incident, one I recall
5 distinctly in Indianapolis in 1969 involving Allegheny
6 Airlines.

7 MR. CONNORS: We're going to object to the
8 reference to any other airplane accidents.

9 BY MR. McMANUS:

10 Q I am going to ask you that same question, this
11 time leave out the airplane crash.

12 Mr. Fromson, can you analogize the wreckage site
13 that you observed to anything else you have seen in your
14 career as a television journalist?

15 A It resembled the battle field after the battle.

16 Q And could you differentiate between large pieces
17 of wreckage and small pieces of wreckage?

18 A Well, I think everything is relative. The large
19 pieces are the fuselage and the tail, and what seemed to be
20 the wing as compared to the wheels and the wires and cables
21 that were kind of sticking out of that one piece of fuselage
22 that I saw off to my left. And the cowlings to the engine.

23 Q Over how large an area was the wreckage strewn?

1 A I would be strictly taking a guess. I would have
2 to say a half a mile. I really don't know if that is
3 accurate.

4 Q Mr. Fromson, at this time I would like to show
5 y ou Plaintiff's Exhibit No. 5 which is the CBS tape that
6 was filmed under your direction at the accident site, and
7 ask you if you could narrate that for us, sir?

8 MR. CONNORS: I am going to note an objection
9 because you just said what it is as opposed to asking him
10 what it is, and under his direction, what have you. I
11 think it's an improper way to get that in.

12 MR. McMANUS: Now we need to run the tape.

13 MR. CONNORS: I would like to get some recitation
14 of the place where we are starting on this tape, the footage
15 and where you're starting.

16 MR. McMANUS: Sure.

17 MR. CONNORS: You're watching this?

18 MR. HORVATH: For the record, we're going to start
19 the tape right after Walter Kronkite finished speaking. In
20 the first scene we're showing on the tape, is the scene of
21 a bus at Tan son Nhut Air Force Base.

22 THE WITNESS: Am I supposed to be looking at that?

23 MR. McMANUS: Do you have the number where we're

1 ready to start taping now?

2 MR. CONNORS: What is that?

3 THE MACHINE OPERATOR: 430.

4 BY MR. McMANUS:

5 Q Ready.

6 Mr. Fromson, I would now like to show you
7 Plaintiff's Exhibit No. 5 and ask if you could narrate this,
8 sir?

9 A That is the bus in Tan son Nhut which brought the
10 children to the air field to the C-5A which you see on the
11 screen now. This was the interior of the plane with the
12 children loaded on the floor that I was describing when we put
13 the lights on, being tied down, and this is some of the children
14 along the sides of the aircraft who were sitting in what
15 is a typical U.S. Air Force seat, or canvas seats along the
16 side. These are the children on the ground being -- coming
17 down and they're getting the plane to taxi off towards the
18 end of the runway for take-off. It's after we had gotten
19 off. This is my narration on camera at the crash site with
20 a Vietnamese helicopter in the background.

21 I don't remember being very -- rather emotional
22 at that moment seeing the site, and trying to talk over the
23 noise. This is a piece of the fuselage, you can see

1 U.S. Air Force on the tail section. That is a wheel from
2 the -- obviously, from the plane. These are the flames I
3 described earlier with the cowling of the engine in the
4 foreground. The flames are obviously burning from the
5 fuel. Here are some Vietnamese soldiers helping to go
6 through the wreckage, I presume they're helping, and there
7 was a Vietnamese soldier and debris, and a helicopter
8 coming in. You can see the helicopters where they were
9 loading the bodies onto the helicopter to get them away
10 from the crash site. All kinds of debris from the crash
11 scattered all over. There is the tail again in the back-
12 ground from a different angle. Vietnamese, as I said, a
13 couple of foreigners, Americans, I am sure.

14 And this is a helicopter coming back into Tan son
15 Nhut with some of the people. I did not see this. I am
16 just looking at the tape. I was at the crash site, this
17 was film taken earlier by another CBS crew at Tan son Nhut
18 and going to either the hospital at the air base or the
19 Seventh Day Adventist Hospital. The ambulance and so forth.
20 These are either victims, survivors, being brought to the
21 hospital. That is one of the nurses, I guess, and escorts --
22 two of them, and this is the crew that survived, miraculous.
23 I understand, that most of the crew did survive the crash.

1 More scenes of survivors, injured survivors being
2 brought to the airbase hospital. Most of the children
3 seemed to be anywhere from six months, I would say, to
4 ten, eleven years old. I think it ran about three and a
5 half minutes on the Kronkite show that night.

1 MR. McMANUS: Let's go off the tape.

2 We will take a break while he is setting up
3 the ABC one. Are you ready to go?

4 MR. HORVATH: Let me get the numbers.

5 MR. CONNORS: I will note my objection to the
6 testimony about any scenes which he did not personally
7 observe.

8 MR. McMANUS: Off the record.

9 (Discussion off the record.)

10 MR. McMANUS: On the record.

11 MR. HORVATH: According to this counter, the
12 tape started at approximately number 168, and it's on the
13 Sony machine, and it finished at approximately number 238.

14 MR. CONNORS: That is now Plaintiff's Exhibit
15 Six?

16 MR. McMANUS: Yes.

17 MR. HORVATH: This is Plaintiff's Exhibit Number
18 Six. We're starting with this at the very beginning of
19 the tape, 000.

20 THE MACHINE OPERATOR: It's starting here at
21 483.

22 BY MR. McMANUS:

23 Q Mr. Fromson, I would now like to show you

1 Plaintiff's Exhibit Number Six, the ABC tape. Let's
2 start all over.

3 Mr. Fromson, I would now like to show you
4 Plaintiff's Exhibit Number Six, an ABC film. I would
5 like to ask you if you could tell me whether or not the
6 scenes that you are about to see are representative of
7 what you saw prior to the C5A taking off, and scenes of
8 the crash site itself. And if you could, as we go along,
9 narrate the film, sir.

10 A This is the C5A at Tan Son Nhut being loaded.

11 Q Are those children representative of the
12 children that were put on the plane?

13 A Oh, yeah.

14 MR. CONNORS: Note my objection, leading the
15 witness.

16 THE WITNESS: Those are children, some of
17 the children arrived in cars from apparently from the
18 orphanage where they were being brought from. Most of
19 the older children, I mean, not babies, were dressed in
20 clothes, the girls wearing pinafores and boys wearing,
21 I can't remember. Certainly not pajamas.

22 This is a lot of the Vietnamese, the nurses
23 from the orphanages or people that worked at the

1 orphanages, waiting for everybody to get on board that
2 was going on the flight. I am not sure that the
3 Vietnamese carrying the children stayed on the flight.
4 In fact, I am sure they didn't. They came off after taking
5 the children on board.

6 They are saying farewell at that point to the
7 infants. That is the rear end of the C5A being loaded
8 with, I don't know what.

9 I don't recall being very conscious of that.
10 Some of the kids getting off of the bus, as I said, they
11 all had little name tags because they were all being
12 adopted or in the process of being adopted in the U.S. or
13 other parts of the world. There were a lot of requests
14 for these children from people in other -- outside of
15 Vietnam for adoption, either people that had children of
16 their own or who were childless and felt for humanitarian
17 reasons they wanted to adopt these children that were
18 caught up in the situation in Vietnam.

19 I recall that -- I think I made a comment that
20 at the time that many of the children were, and I think
21 it was apparent that many of the children were children
22 of GIs that had been in Vietnam and left and Vietnamese
23 mothers.

1 BY MR. McMANUS:

2 Q Do you recall how long the loading process took?

3 A It seemed to me it took quite a long time. I
4 don't have any sense of how long that was. My guess is
5 an hour, perhaps from the time the buses arrived until
6 they got all of the kids on the plane, maybe less,
7 maybe less.

8 Q Were you able to film inside of the plane after
9 the loading had been completed?

10 A The loading was in process, yes, and I would
11 suppose you could say that both, in process and as it
12 was completed, because we were ordered off the plane just
13 a few minutes before they closed the doors and taxied
14 off down the runway.

15 More of the children being loaded on the plane.
16 That took a little bit longer than everything else,
17 because there was only one stairwell that they went up,
18 one stairway into the aircraft.

19 The Vietnamese were kind of looking at --
20 apparently they had never seen an airplane like that. It
21 was so big. One of the crew people, I don't remember
22 whether there was a captain that was flying the plane,
23 obviously he was one of the people in the flight crew,

1 either the pilot or co-pilot.

2 Q Was this the interior of the plane here, sir?

3 A Yes. This is what I described earlier, when I
4 put the flash on the kids started to cry. They got
5 scared. And this is one of the escorts. They were
6 volunteer American women, either from Saigon or Hong Kong,
7 or Bangkok that volunteered to escort the children to the
8 United States.

9 There is the ladder being pulled up. That is
10 the exit from which we got off the aircraft.

11 The plane is starting to roll, and I recall
12 we filmed the takeoff of the plane, and then there is the
13 plane airborne. It took a large part of the strip when
14 it took off.

15 Q What does this represent, sir?

16 A That is the crash site, that is pretty much
17 what it looked like when I arrived. Although I believe
18 this is sometime later, because the ABC camera crew
19 didn't get there until well after the CBS was on the
20 ground. I guess we were there, well, the better part of
21 45 minutes. There is a helicopter landing to take bodies
22 off, flames from the wreckage. This was an area -- I would
23 say perhaps a five miles, maybe less, from the end of the --

1 not far from Tan Son Nhut through some villages; we
2 drove quite a long -- the surest way to get to the crash
3 site, and it was a contested area in the sense that the
4 Viet Cong were in the general vicinity.

5 That is one of the photographs from one of the
6 passports or travel documents, obviously from the plane,
7 recovered by the Vietnamese soldiers on the ground at the
8 site.

9 There is an American; there were several
10 Americans in civilian clothes. I remember at the time
11 I was rather surprised by that because I would -- my
12 expectation would be there are Americans there, they
13 would be in a military uniform. These people were not.
14 So my assumption at the time was, I think they were from
15 CIC, the Criminal Investigation Unit of either the Army
16 or the Air Force.

17 Q Is this wreckage from the aircraft, sir, that
18 we see now?

19 A Yes. In my judgment, that looks like -- it was
20 not at the same time as when I was there. This looks
21 like it must have been the next day. The film looks --
22 the tape looks much brighter, and it doesn't have that
23 chaotic look it did at the time that I was there.

1 Q Can you identify that?

2 A The tail part of the plane. There is a helicopter,
3 that is clearly not a military helicopter, and just looking
4 at it, it has -- well, it's not a military helicopter,
5 like an Air American or something like that. This looks
6 like the day after footage. Certainly it's too bright
7 and too calm to have been when I was there. The same
8 thing.

9 Q Now, were those wheels of the aircraft?

10 A Yes. Now there is what I described earlier of
11 survivors or bodies, either one, at probably either at
12 Tan Son Nhut probably; I am sure Tan Son Nhut. They're
13 coming out of the truck there. So it could have been at
14 the Seventh Day Adventist Hospital or Tan Son Nhut Hospital.

15 Q You were not at either of those locations after
16 the crash?

17 A No, I was not. That was all filmed by a
18 separate group of CBS people other than network people.

19 More of the same.

20 MR. CONNORS: I will note an objection first
21 to the leading questions during the presentation, and also
22 to non-responsive answers to the general request for a
23 narration, and also noting an objection along the lines of

1 Mr. McManus's instructions regarding the reference to
2 bodies.

3 MR. McMANUS: What was non-responsive? I thought
4 Mr. Fromson did a very fine job of narrating. We all saw
5 it. I don't believe he said anything that wasn't there.

6 MR. CONNORS: He referred to the purposes for
7 instance of the adoption of the children.

8 MR. HORVATH: For the record. I stopped this
9 at 236.

10 BY MR. McMANUS:

11 Q Mr. Fromson, sir, were you a CBS reporter covering
12 Operation Babylift?

13 A Yes, I was.

14 Q Did you do some investigation and background
15 investigation into Operation Babylift and what the
16 purpose was and where the children were going and things
17 of that nature?

18 A Yes, I did.

19 Q Your comments about the adoptive status of the
20 children based on your investigation and your knowledge?

21 A Certainly. It was clearly described by the
22 President of the United States as a humanitarian effort to
23 remove the children from Vietnam at a time when the

1 whole situation was deteriorating, and not only that,
2 but every official source that we could reach and come in
3 contact with explained it in such a fashion. Moreover,
4 the CBS office, and I think other news organizations
5 were flooding -- well, flooding might be an exaggeration,
6 but certainly we had many phone calls from people in the
7 United States asking us if we could assist in the adoption
8 process for some children that had been applied for.

9 MR. McMANUS: Thank you, sir.

10 Off the record a second.

11 (Discussion off the record.)

12 MR. McMANUS: On the record.

13 BY MR. McMANUS:

14 Q Mr. Fromson, I would like to show you Plaintiff's
15 Exhibit Two-R, sir, and ask if you can identify that?

16 A That is the loading of the orphans onto the
17 rear -- in through the rear door of the C5A, the orphans
18 and their escorts being taken up the rear stairway.

19 Q Sir, I would like to show you Plaintiff's
20 Exhibit Two-S, and ask you if you can identify that one?

21 A These are the children being escorted from the
22 bus up the rear stairwell of the C5A. Children, orphans
23 who were taking part in the babylift.

1 Q I would like to show you Plaintiff's Exhibit
2 Two-I and ask you if you can identify that, sir?

3 A These were the children that were sitting along
4 the sides of the aircraft inside the aircraft, I should
5 say, who were about to have seatbelts put on. They were
6 the older children. They were going to sit along the
7 side in the cargo area.

8 Q This is Plaintiff's Exhibit Two-H.

9 A It's more of the same with -- showing some of
10 the children with escorts, also being tied down on the
11 floor. The deck of the C5A, and as well as in the
12 background, the children who were seated in the regular
13 canvas arrangement that are typical of Air Force planes.

14 Q Sir, this is Plaintiff's Exhibit Two-G.

15 A This is another photograph showing the orphans,
16 and you will see some of them are crying. They were
17 frightened by the light from the television cameras.

18 Q Sir, this is Plaintiff's Exhibit Two-T.

19 A I can't -- these are more of the orphans, and
20 I -- my recollection is that these seats were in the
21 floor of the plane. I can't remember whether the seats
22 were upstairs or downstairs. They may have been upstairs
23 near the -- in a separate compartment where the babies were.

1 There may have been some seats up there alongside the
2 bassinets. I cannot recall seats in the cargo area. There
3 may have been some, I just can't remember. It's been too
4 long.

5 Q Mr. Fromson, this is Plaintiff's Exhibit Two-J.

6 A This is the takeoff of the CSA, and I believe
7 that is me and my crew in the foreground. Derrick Williams
8 looking at the sound, and Udo Mesch, the cameraman.

9 Q Mr. Fromson, I would like to show you Plaintiff's
10 Exhibit Two-K, and ask you, sir, if that represents a
11 scene that you saw at the crash site?

12 A Yes, it does.

13 Q I would like to ask you the same question for
14 Plaintiff's Exhibit Two-GG, is that a scene of the crash
15 site?

16 A Yes, it is.

17 Q This is Plaintiff's Exhibit Two-FF, is that a
18 scene of the crash site?

19 A Yes, it is. I am not sure when it was taken,
20 but certainly of the crash site.

21 Q Plaintiff's Exhibit Two-DD.

22 A That is more of the same.

23 Q Plaintiff's Exhibit Two-CC.

1 A By the way, this last photograph is what I was
2 describing, that part of the aircraft I had seen off to
3 the left when I came on the crash site. I saw the tail
4 in front of me, and off to the left is this piece of
5 aircraft with all of the cables hanging out. That seems
6 to be the thing I was looking at.

7 This seems to be part of the wing with the
8 engine cowling in two different locations, with the
9 flames and smoke I had seen in the background.

10 Q Sir, I would like to show you Plaintiff's Exhibit
11 Two-BE, and ask you if that is the scene of the crash?

12 A Yes, that is a troop carrier, what they call
13 the C-47, I believe, helicopter, that was used for troops
14 or medical evaluations. Not normally, usually troops.

15 Q This is Plaintiff's Exhibit Number Two-AA.
16 Is that a scene of the crash?

17 A Yes. It seems to be the engine part of the
18 engine, which had broken off from the wing, and the
19 Vietnamese troops after the crash site. You can see a
20 lot of mud on the ground there.

21 Q This is Plaintiff's Exhibit Two-L?

22 A More wreckage, and the flames and smoke in the
23 rear. It's very hard to get close to that site because of

1 the fumes that I was discussing earlier.

2 Q Sir, this is Plaintiff's Exhibit Two-AA.

3 A Yeah, this is more of the interior, I believe,
4 of that part of the plane that I described earlier. The
5 fuselage, or part of the fuselage off to the left.

6 Q Sir, this is Plaintiff's Exhibit Two-B.

7 A This is one of the engines from the C5A.

8 Q This is Plaintiff's Exhibit Two-C.

9 A More wreckage of the site. This obviously was
10 taken about the time I was there. Some of those earlier
11 photographs I think had been taken afterwards, I am not
12 sure.

13 Q Mr. Fromson, this is Plaintiff's Exhibit Two-F.

14 A Yes. That is the -- I believe part of the
15 wing, or it might have been the rudder, I am not sure. I
16 am not that much of an expert.

17 Q Plaintiff's Exhibit Two-Z.

18 A Yes. This is a scene that I remember that I
19 recalled earlier seeing, the Vietnamese officer directing
20 the operation, the recovery operation, with a baton in one
21 hand and held this dead baby by the arm in the other.

22 Q This is Plaintiff's Exhibit Two-O.

23 A This was the removal of the bodies from the crash

1 site similar to the helicopter that I boarded to go back
2 to Tan Son Nhut.

3 Q And this picture, sir, is Plaintiff's Exhibit
4 Two-EE.

5 A These were body bags. Well, I don't know,
6 they were clear plastic bags. They were putting victims
7 in them or victims' remains or I don't know, possessions
8 of some kind. There is an American in the background,
9 again, in civilian clothes, directing the operation.

10 MR. McMANUS: Thank you, sir, that is all of the
11 questions I have.

1 EXAMINATION BY COUNSEL FOR DEFENDANT/LOCKHEED:
2 BY MR. CONNORS:

3 Q Mr. Fromson, I believe you stated that you were
4 in Viet Nam off and on for roughly an 11 year period, is
5 that correct, 1964 through 1975?

6 A For purposes I suppose of this, yes. I was
7 actually there even before that, but yes.

8 Q How did South Viet Nam change during that time
9 period?

10 A Well, in 1964 the American build-up had not yet
11 begun to any degree. They were -- my figures may be a little
12 hazy. I think in roughly 1964 around 20,000 Americans there
13 and in '65, after the election, after the presidential
14 election the previous November, the U. S. build-up was
15 ordered and American draftees began landing, the Marines
16 began landing in the Summer of '65 and had a substantial
17 build-up of forces there connected with the war.

18 MR. McMANUS: I object to that question and any
19 other question that counsel might ask concerning Viet Nam
20 and the war that was going on at the time this crash took
21 place; and so as not to interrupt counsel, I am sure he
22 understands I have a continuing objection to that line of
23 questioning.

MR. CONNORS: Certainly.

BY MR. CONNORS:

Q How did the situation in Viet Nam develop in the early to mid '70's, what was going on in Viet Nam at that time?

A In the early '70's, the United States had begun the process of Vietnamization and under the Nixon administration, U. S. forces were withdrawn in accordance with the, I believe the 1972 Peace Accord signed in Paris with North Viet Nam. So, the American presence was gradually being reduced and the Vietnamese were taking responsibility for not only prosecution of the war but for everything else that went on in Viet Nam. Then in the beginning of '75, when I was based in Hong Kong, I would say I am a little hazy on this, the beginning of '75, or late '74, there was an offensive in the central highlands near Bien Hoa, the Government Viet Nam forces broke -- did not defend the area very well and began the process of disintegration, actually, because the North Vietnamese and Viet Cong were on the attack and carried it through the ultimate collapse in South Viet Nam itself.

Q When did you, as combat forces, eventually leave Viet Nam?

A I believe most of the U. S. combat forces, except

1 for advisors left in 1972. By 1972, certainly by '72, that
2 is my recollection.

3 Q Did that have any change on the Vietnamese society
4 where the Americans had formally been present?

5 A I don't quite understand, in what sense. Yes,
6 the American presence, which was so obvious until that time
7 in Saigon and in the cities and on the battlefield,
8 certainly it changed the whole complexion and nature and
9 tone of what Viet Nam was like.

10 Q What was it like after the Americans withdrew in
11 1972?

12 A I can only tell you based on what I read because
13 from the period at the end of 1968 when I left Viet Nam
14 and did not return until '75, I was posted elsewhere by
15 CBS News. My accounts would be secondhand from written
16 dispatches and descriptions and so forth.

17 Q Approximately when did you return to Viet Nam
18 on or about 1975?

19 A In the Winter, when things went bad I had been
20 assigned to Cambodia. I was there as things began to
21 deteriorate there and I went back and forth between Cambodia
22 and Viet Nam. So I would say that was in January, February,
23 March, April. I can't precisely pinpoint it. As a matter

1 of fact, I don't think I was in Saigon in January. I was
2 in Cambodia all of the time and for most of February. I
3 think I got there toward the end of February.

4 Q What were the conditions in Saigon at that time?

5 A Chaotic. There were all kinds of speculations
6 that the Government of Viet Nam was at hand. The North
7 Vietnamese had been -- my recollection is they had just
8 about -- yes, were in the process of threatening to take
9 over Da Nang and they were coming down the coast and the
10 Government of Viet Nam forces inexplicably to many people
11 seemed to be unraveling. The commands lost control of their
12 command apparatus, troops were fleeing and without putting
13 up any kind of a fight. It looked to those of us who had
14 reported the war for a long time that the situation was
15 rapidly coming to a conclusion, with the taking of South
16 Viet Nam by North Viet Nam and the Viet Cong.

17 Q Were you able to travel outside of the Saigon
18 area during that period?

19 A Yes.

20 Q What were the -- strike that.

21 What areas did you travel to?

22 A I am trying to remember, I pretty much covered
23 the perimeter area around Saigon. I went over near the

1 Bien Cat area and beyond Bien Hoa, I pretty much covered
2 the perimeter areas around Saigon. I could have gone
3 elsewhere as did other correspondents but I was assigned
4 to cover mostly the political story in Saigon. So my
5 concentration was in the Saigon area. But we had corres-
6 pondents that went to Da Nang and filmed some of that vivid
7 material with Vietnamese trying to get aboard a World
8 Airways plane. Bruce Dunning; and we had other correspon-
9 dents that went out into actually where the fighting was
10 rather heavy.

11 Q Was there fighting around the perimeter of
12 Saigon?

13 A Gradually, eventually, yes. It came to that,
14 a perimeter I would say within 20 - 30 miles.

15 Q Could you hear the shelling in Saigon?

16 A No.

17 Q Was Saigon itself under any shelling, rockets,
18 or sapper attacks prior to the fall?

19 A Some rocket attacks, I just frankly can't
20 remember.

21 Q What was the condition with the populus in the
22 Saigon area?

23 A The black market was running rampant, those

1 Vietnamese that worked for Americans were trying to find
2 ways to get out of the country. The wealthy Vietnamese
3 had the means and the resources to fly out and the airplanes,
4 particularly going to Paris were very heavily booked. The
5 Vietnamese that worked for U. S. Military, news organizations
6 and so forth were all trying through their own means and
7 contacts and friendships, trying to leave the country,
8 although the official position of the U. S. Embassy was
9 that the U. S. Government was holding fast, we were not
10 abandoning Viet Nam. We would see the war through. And
11 the ambassador at that time at the embassy, the CIA people
12 were all trying to encourage the political process to
13 withstand the shocks that were being felt on the battle-
14 field. In other words, there were attempts being made to
15 form a new government to force President Chu out of office.
16 He was unacceptable to the NLF and the Viet Cong and the
17 North Vietnamese and there was an attempt to form a neutral
18 government with General Minh, I was heavily involved in
19 covering that aspect of the story.

20 Q Would it be correct to say that the population
21 was becoming increasingly frightened?

22 A Oh, yes, I think that is fair.

23 Q When did Saigon actually fall to the Communist?

1 A April the 28th I believe it was of 1975. I may
2 be off a day or so, April 28th, 30th.

3 Q When did you actually leave Viet Nam?

4 A Four days prior to that, four or five days prior
5 I was assigned to go to Thailand, I was actually based in
6 Thailand, that was my home base and I was familiar with the
7 terrain and there was expectation as was borne out later
8 that many of the Vietnamese would try to flee to Thailand,
9 as they did.

10 Q During the visits which you made to Viet Nam --
11 from 1964 to 1975, did you ever have occasion to visit any
12 of the orphanages?

13 A Yes, I did. I did many stories about orphans
14 of the war.

15 Q Did the American G.I.s help to support the various
16 orphanages with monies, supplies, medical help, that sort of
17 thing?

18 MR. McMANUS: I object to that line of questioning
19 also.

20 BY MR. CONNORS:

21 Q Did the American G.I.s help to support the
22 Vietnamese orphanages with monies, supplies, medical help,
23 that sort of thing?

1 A I have no way or really knowing if you're talking
2 about individual G.I.s, I think from time to time you saw
3 some individual G.I.s who were here and there who volunteered
4 to work in this area. I was not conscious of G.I.s
5 providing financial help, they may very well have but I
6 was not aware of it.

7 Q Did you visit any of the orphanages in 1975?

8 A Not personally. I may have -- check that, I
9 think I did visit one, yes.

10 Q Do you recall the conditions in that orphanage?

11 A Over crowded, shortage of medical help because
12 a lot of the doctors and nurses were being directed to the
13 war effort to care for people outside of Saigon, but I don't
14 remember. I do remember over crowded conditions.

15 Q How did the Vietnamese treat the children fathered
16 by the American G.I.s?

17 A Not very well but that is a common problem through-
18 out Asia. There is a deep-seated -- I think it's a personal
19 view, but I think one substantiated by other people that
20 spent many years in Asia. There is a strain of racism among
21 Vietnamese and among orientals toward blacks and as a matter
22 of fact, this was evident even during the friendship period
23 when the Senegalese from North Africa were the subject of

1 deep prejudice by the Vietnamese and the Senegalese troops
2 that fathered children during the French Colonial times
3 experienced many of the same kinds of problems that were
4 apparent, in short, the children fathered by American G.I.s
5 were really ostracized in Viet Nam and I made that point in
6 the commentary I did from the site of the crash.

7 MR. McMANUS: I object to that question.

8 BY MR. CONNORS:

9 Q When did you first hear about "Operation Baby
10 Lift"?

11 A I can't precisely tell you when. I think it was --
12 there was talk of it for a couple of weeks prior to the
13 arrival of the C5-A and there was speculation as to what
14 would happen to the children, there was controversy about
15 it because there was some suggestion that Americans were
16 being condescending or patronizing about taking the kids
17 out, coupled with, of course, the humanitarianism which was
18 the overwhelming kind of portrayal I think of "Operation
19 Baby Lift". Of course, the North Vietnamese and the Viet
20 Cong and even many people in the South Vietnamese Government
21 were saying that we can take care of our own.

22 Q Now was the story being covered by the press?

23 A I think rather widely at the time. Orphanages,

1 reporting on the orphanages, reporting on the conditions
2 of those children who were victimized by the war who were
3 left homeless and without parents and then from the United
4 States the whole involvement of the U. S. Government with
5 President Ford's order having the plane go out to Saigon,
6 ordering the Air Force to participate in the baby lift.

7 MR. McMANUS: I object to that last question.

8 BY MR. CONNORS:

9 Q Mr. Fromson, do you know where the children for
10 "Operation Baby Lift" were being gathered?

11 A From some of the orphanages, I believe mostly
12 around the Saigon areas but I am not sure.

13 Q Do you know if all of the children were orphaned
14 or abandoned?

15 MR. McMANUS: I object to that question.

16 BY MR. CONNORS:

17 Q Do you know if all of the children in "Operation
18 Baby Lift" were orphaned or abandoned children?

19 A I cannot say with certainty with each and every
20 one was.

21 Q Do you know what percent of the children evacuated
22 during the "Operation Baby Lift" may have had various
23 physical or mental handicaps?

1 A I have no idea.

2 MR. McMANUS: I object to that question. John,
3 I will wait and let him answer and then make my objection
4 and that way you don't have to repeat the question.

5 BY MR. CONNORS:

6 Q Mr. Fromson, is it correct that the C5-A took
7 off at approximately four p.m. on April 4th, 1975?

8 A I believe that is right.

9 Q And I believe you stated that you returned to
10 your office after the take off, is that correct?

11 A Yes, I did, after filming the take off.

12 Q And I believe you indicated that you heard about
13 the crash and assembling your photo and sound crew, you got
14 in a car and tried to drive out to the area to find it?

15 A Right.

16 Q You indicated, I believe, you had some car trouble.
17 Am I also correct that you did not reach the accident scene
18 for approximately one to two hours after the actual accident?

19 A Oh, no, I don't think it was any where near that.
20 We had a flat tire on the way out and we hitch-hiked on a
21 moped. No, I would say that once we got the word that there
22 had been a plane crash, certainly not two hours. I had to
23 be back in Tan Son Nhut to make a seven or seven-thirty flight.

1 I think I was out at the crash site for a good 45 minutes
2 or an hour so it may have taken me an hour by the time I
3 reached the crash site. It certainly wasn't more than that.
4 It may have been even a little less.

5 Q Well, do you remember testifying in 1980 and
6 indicating at that time that it took approximately one to
7 two hours before you reached the scene?

8 A No, I don't remember that. I do recall an hour,
9 I don't think two, though. It's just too long ago. There
10 was still sun-up so you would have to make a judgement
11 then, if the sun was still up -- substantially up above the
12 horizon I would say it looked to me about there, then maybe
13 it was two hours. I just don't know. I was in such a hurry
14 to get out there and pressing because I knew we had a late
15 plane to get out and frankly, unconsciously, it may have
16 been two hours. Now at this juncture, it doesn't seem like
17 it took that long, but it may well have.

18 Q All of the survivors of the accident had already
19 been evacuated, is that correct?

20 A As far as I know.

21 Q Now, you indicated that you commandeered some
22 mopeds and approached the accident scene on those, is that
23 correct?

1 A Commandeered would not be accurate. We hitch-
2 hiked on the back of mopeds. We begged.

3 Q Do you recall if you came in from the North or
4 the South direction from the accident scene?

5 A I just simply don't remember.

6 Q You indicated that the first thing that you saw --

7 A I think if you're looking for a description, I
8 think I could say that we were on a secondary road. It
9 was paved and quite a bit of traffic. Mostly mopeds and
10 Vietnamese trucks and we were going in the direction of the
11 general crash site and then made a left up a dirt road
12 through this series of villages where there was some sniper
13 fire.

14 Q You mentioned that the first thing you saw was
15 the tail of the aircraft, is that correct?

16 A That is correct, after going through the line
17 of Vietnamese.

18 Q Approximately how far was that from the area where
19 you were the first time you saw it?

20 A Oh, I would say 100 feet.

21 Q And did you then walk over to the tail of the
22 aircraft?

23 A Not much closer, I think, yes, I walked in that

1 direction. We took some steps that was muddy, a lot of
2 heavy going, a lot of debris, my recollection is that some
3 of the area had been accorded off, I frankly can't even
4 recall that. I don't think we were really physically stopped
5 from going closer. We were as close as we had to go.

6 Q Now far into the rice paddies did you actually go?

7 A Well, a pretty good distance. I can't tell you
8 in feet how far, but I would say we certainly went beyond
9 the tail section into the paddies and pretty far off the
10 road where we had been. I was directing the camera crews,
11 we had not only a sound camera crew but a silent camera
12 man, Vietnamese, and I was kind of telling them where to go.
13 I tried to walk out toward the -- what I described earlier
14 as the one piece of fuselage that was well down my line of
15 sight but it was pretty heavy going and noisy and a lot of
16 racket and the fumes were particularly bad. So I didn't
17 go that far but I went enough so in my directing the crews
18 and you understand that I had to try to write a narration
19 and all that business, I was in the middle of things.

20 Q You mentioned that the rice paddy area was wet and
21 muddy, would you agree it was both a soft and slippery
22 surface that you had to wade through?

23 A Yes. That was one reason I wasn't free to walk

1 every place because my boots were covered with mud and blood
2 and debris.

3 Q It's also correct, is it not, that you never
4 actually went in the troop compartment?

5 A No, that is right. I saw it from a distance. But
6 the general scene was pretty apparent and for photographic
7 and journalistic reasons, there was no purpose served in
8 me going right up to the piece. You can see -- and very
9 clear, it was so huge. As a matter of fact, as I described
10 earlier, the place looked like a battlefield after a
11 battle, and it looked like a huge explosion had taken place.
12 Just pieces all over the place.

13 Q Isn't it correct that the only fire that you
14 observed was in the area of the wings?

15 A I think that is, yes, that is accurate. That
16 would be the piece straight ahead of me, smoke and flames.

17 Q Would you agree that since all of the survivors
18 had already been evacuated, that the newsmen tended to
19 concentrate on more sensational scenes such as the burning
20 wings in their photography?

21 A No, I don't think so. I believe we filmed the
22 flames, it was a column of smoke and one area where the
23 flames are, I would say frankly, the more dramatic aspect

1 is where the tail and the other piece of the wreckage were,
2 the wheels being scattered and the engines being scattered,
3 but I don't think, in my judgement, that more than the
4 normal amount of fire pictures taken, I would hardly call
5 sensational; it was the aftermath of the crash.

6 Q In point of fact though, in the video tapes you
7 just narrated, you didn't mention the troop compartment at
8 all and it didn't appear in those scenes, did it?

9 A I don't recall.

10 Q Did you ever hear that of the 145 to 150 children
11 in the troop compartment, that only one was known to have
12 died?

13 A The troop compartment, the upper area?

14 Q That is correct.

15 A Yes, I -- subsequent to my being on the scene,
16 I had no idea at all how many people survived, how many
17 people had been killed, whether at that moment, when, only
18 when I got back to Tan Son Nhut, that the figures became
19 apparent. We had heard at CBS before I had it out, that
20 there was a substantial loss of life. But we had no idea
21 of the figures and we couldn't get them at the crash site
22 because the only people that spoke english were the two or
23 three Americans that were wearing civilian clothes and

1 wearing side arms and we couldn't talk to them.

2 MR. McMANUS: I object to that question, the figure
3 of only one child having been killed in the troop compartment
4 may not be accurate.

5 THE WITNESS: What I do recall is that there --
6 I think there were 272 or 275 people on the plane and my
7 recollection, well, I was told immediately after coming back
8 to do my narration, that approximately, there was a feeling
9 that 150 people had survived. People being children,
10 adults, crew, all that business.

11 BY MR. CONNORS:

12 Q In point of fact, more people survived the accident
13 than had been killed, is that correct?

14 A I think that is accurate, yes. I am not sure
15 that we -- that the figures were even apparent at that time
16 so it was hard to know. I think that subsequently, that
17 was borne out.

18 Q You stated that you never went to the hospital,
19 is that correct?

20 A Never went to the where?

21 Q To the hospital after the accident.

22 A That is correct.

23 Q And when you were narrating the video tape with the

1 scenes of the children and other survivors arriving, they
2 were not scenes you personally observed, is that correct?

3 A Correct.

4 Q During that narration, you made a statement which
5 suggested that the injured were being taken to the hospital.
6 In point of fact, you don't know who was injured and who
7 was not, do you?

8 A No, I am just assuming that well, you can see the
9 children being taken off, no. I couldn't tell who was
10 injured and that is true except the obvious ones.

11 Q Isn't it also correct that of the children
12 pictured in those video scenes, none displayed any visible
13 injuries in the video tape?

14 A I can't tell because they may have been bandaged,
15 there may have been limbs broken, you can't tell. I can't
16 say one way or another.

17 Q You didn't see any bandaged or broken limbs in
18 that video tape that you just narrated, at least as to the
19 children, did you?

20 A Not that were visible to me, although it seemed
21 to me I did see a baby with a bandage on his head or a young
22 I think there was a young Vietnamese, if I am not mistaken.

23 Q Was it a bandage or hat?

1 A Well, it could have been a hat. It could have
2 been a hat, it looked like a bandage to me. It may have
3 been a white sun hat for all I know. I would have to look
4 at it again to tell you.

5 Q Did you ever do any follow-up stories with regard
6 to the accident?

7 A Well, the investigation was conducted by the
8 Air Force and there was not much being said in view of --
9 no, in view of the rapidly deteriorating political and
10 military situation in Viet Nam, frankly, it was a story that
11 while very dramatic and tragic, it kind of got lost in the
12 mail stream. So, I think there was one or two stories and
13 then it kind of was not much more.

14 Q Did you cover the continuation of the "Operation
15 Baby Lift"?

16 A No, I did not.

17 Q Do you know how long "Operation Baby Lift"
18 continued?

19 A No.

20 Q You mentioned that you were losing light quickly
21 while you were out at the accident scene, is that correct?

22 A Correct.

23 Q And dusk was approaching?

1 A Correct.

2 Q You have indicated that also you had received or
3 at least heard some sniper fire as you approached the
4 area, is that correct?

5 A Yes, that is my recollection.

6 MR. McMANUS: I object to that question.

7 MR. CONNORS: On what grounds?

8 MR. McMANUS: Same grounds as the other war grounds

9 BY MR. CONNORS:

10 Q What was the security like at the area around the
11 accident scene?

12 A As I said, I can't recall whether there -- now
13 I can't remember whether there was any kind of roped off
14 area. I don't think there was. I just can't remember
15 security. I suppose that would be kind of minimal. Most
16 people, most of the Vietnamese stood their ground and stayed
17 up on this kind of railroad crossing area. There were some
18 of the kids that went off into the wreckage site crawling
19 through the wreckage and I don't know if they were
20 scavengers or whether they were trying to help the Vietnamese
21 soldiers recover some of the things because there was
22 debris all over. I was not conscious of security was either
23 good or bad.

1 Q I believe you stated previously there were Viet
2 Kong in the area, is that correct?

3 A Well, that was the assumption based on the sniper
4 fire we had and yes, there was supposed to be -- there had
5 been for some time the Viet Kong had been present in that
6 area around the air strip.

7 MR. McMANUS: I object to that question.

8 BY MR. CONNORS:

9 Q Did you ever again return to the accident scene
10 after that first day?

11 A No, I did not.

12 Q You mentioned that there were a lot of helicopters
13 at the accident scene when you were there. Do you recall
14 the approximate number?

15 A No, several in and out. Pardon me.

16 MR. CONNORS: Why don't we go off tape just a
17 second, please.

18 (Discussion off the record.)

19 MR. CONNORS: Back on the record.

20 BY MR. CONNORS:

21 Q Mr. Fromson, when you were describing the loading
22 operation at Tan Son Nhut, you mentioned that you thought
23 the children were healthy. Did you actually pick up or

1 examine any of these children?

2 A No.

3 Q Is this a layman's opinion?

4 A Exactly.

5 Q What was the temperature at Tan Son Nhut during
6 the loading operation?

7 A Warm.

8 Q Was it over 100 degrees?

9 A I didn't have a thermometer and it was April,
10 that is normally the tropical hottest month of the year.

11 Q You mentioned that when you turned the lights on
12 in the cargo compartment of the aircraft that the children
13 began to cry and react to that.

14 A Several of them did.

15 Q Was it common for the children to react to that
16 sort of stimulus, a sudden flash of light?

17 A Say that again?

18 Q Was it common for children to react to that sort
19 of stimulus, a sudden flash of light?

20 A I don't know, I never experienced it before. I
21 think most people are not comfortable when lights are thrown
22 in their faces.

23 Q And the children which you described in the video

1 tape which were being held down with cargo straps and the
2 children sitting along the sides of the aircraft, they
3 were all in the lower portion or the cargo compartment of
4 the C5, is that correct?

5 A That is correct, except that I wasn't sure about
6 the seats. I can't recall whether the seats were up above
7 or down below.

8 MR. CONNORS: Let's go off the tape at this time.

9 (Whereupon, a short recess was taken.)

10 MR. CONNORS: Let's go back on the record.

11 BY MR. CONNORS:

12 Q Mr. Fromson, we have displayed beside you a slide
13 of Defendant's Exhibit D-1480 and I am going to ask you if
14 you can identify that scene?

15 A The tail section of the aircraft.

16 Q Is that the vicinity where you were located when
17 you arrived at the accident scene?

18 A Not far away. From that picture, it's hard to
19 give an accurate description. I was not far away.

20 Q And the section of the fuselage which is to the
21 right and a little bit in the foreground which is a concave
22 piece of fuselage, is that the piece you were referring to
23 previously?

1 A No.

2 Q There was another piece?

3 A Yes, unless you have got Three-D.

4 Q I would next like to show you a slide of
5 Defendant's Exhibit D-1481 and ask you if that is a ground
6 level view of the accident scene?

7 A I think so.

8 Q And would that accurately represent the type of
9 terrain features that were present there?

10 A I don't know where that camera was shooting from.
11 Was he in a hole, on a hill. I mean generally speaking it
12 looked flat. But photographs have a way of being rather --
13 they can be deceptive.

14 Q Next I would like to show you --

15 A For instance, you could be in a hole here, this
16 may be a hill, I don't know. It may be also that the camera
17 man is standing straight up, it would be flat. It's very
18 hard to tell.

19 Q What was the terrain like in that area?

20 A I was originally on an embankment looking down
21 into the paddy which is normal, the way agriculture is in
22 Viet Nam. You're up above the rice so you are looking --
23 you are looking down. You know, but there is an incline.

1 Q That was from a dike or a walkway?

2 A Exactly, that is what I am talking about.

3 Q I would next like to show you a slide of
4 Defendant's 1482 and ask if you can identify that scene for
5 us, please?

6 A Yes, that is the tail of the aircraft and from
7 that picture it's very hard to remember whether I was to
8 the left of the tail or whether there was another angle
9 I was looking at. Since I remember the flame and the smoke
10 being in the foreground, I can't remember precisely what
11 angle I was at in relation to that tail. I could still have
12 the flame and fire and smoke ahead of me, but be in a
13 different position than we're looking at.

14 Q Next I would like to show you a slide of
15 Defendant's Exhibit D-1394 and ask if that also represents
16 the accident scene at the time you saw it?

17 A I didn't see that scene.

18 Q I understand you were at a different perspective,
19 but does that generally look like --

20 A It bears out what I said about being several
21 helicopters in the area, they're all over the place.

22 Q Let me point to an area and while we were off
23 tape briefly, I asked you to identify for us approximately

1 where you were located, and I am going to circle an area
2 here and ask you if that in fact is the area that you
3 believe you were in at the time that you were at the
4 accident scene?

5 A Exactly.

6 MR. CONNORS: Thank you very much.

7 May we go off the tape.

8 (Discussion off the record.)

9 MR. CONNORS: On the record. I have no further
10 questions.

11 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFF

12 BY MR. McMANUS:

13 Q Mr. Fromson, I have just two more questions. Do
14 you recall the name of the orphanage you visited in 1975?

15 A No, I don't.

16 Q Sir, did you learn what happened at the hospital
17 as was depicted in the scenes that you narrated from the
18 films?

19 A No, I mean I assumed they were treated, those
20 people who are on the plane who were injured were treated
21 at the hospital.

22 Q What I am asking, sir, is did you learn in the
23 ordinary course of your coverage of Operation Baby Lift and

1 this accident, did you learn that the survivors were taken
2 back to hospitals as represented in the scenes we saw?

3 A Yes.

4 MR. McMANUS: Thank you.

5 MR. CONNORS: Note my objection to that as being
6 hearsay.

7 MR. McMANUS: That is all of the questions I have.

8 (Whereupon, at 12:23 o'clock p.m., the taking of
9 the instant deposition ceased.)

1 I have read the preceding 64 pages and find my
2 answers to be true and correct in response to the questions
3 therein.
4

5
6 _____
Witness

7
8 SUBSCRIBED AND SWORN to before me this _____ day
9 of _____, 1982.
10

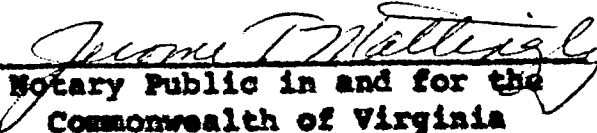
11
12 _____
Notary Public

13 My commission expires: _____
14

CERTIFICATE OF NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA)
COUNTY OF ARLINGTON)

I, JEROME T. MATTINGLY, the officer before whom the foregoing deposition was taken, do hereby certify that Murray Fromson, whose testimony appears in the foregoing deposition, was duly sworn by me, a Notary Public in and for the Commonwealth of Virginia at Large; that the testimony of said witness was recorded by me by stenotype and thereafter reduced to typewritten form under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative of or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.


Notary Public in and for the
Commonwealth of Virginia

My commission expires:
November 9, 1984.