

1 that I would be willing -- if he could get the clothes to do
2 so, I would be willing to go into the hotels and buy these
3 commodities for you and give them to you so you could take
4 them home to your family and have a good Tet, a good new year.
5 And at first they were very hesitant because, well, that's
6 treason. That is basically what it boiled down to. If I had
7 been caught in these hotels and they found out that I was
8 incarcerated within the Cuc Qn the Cuc Quan Phap system, that
9 these guards would be in very, very serious trouble. And so I
10 worked it out and said, we'll work it out this way, I said.
11 If I'm caught, for the first time, I said if I'm caught, I
12 will just tell them that I did it on my own. You guys turned
13 your backs and I beat feet to the hotel. That you knew
14 nothing absolutely about it. And they talked it over and got
15 more relaxed, and they believed me, that I would do what I
16 said I would do.

17 Q. Why did they believe you?

18 A. They were just that desperate, that's all. The
19 situation then in Vietnam -- Vietnam was no longer at war with
20 anybody per se, and actually during the war years, Vietnam,
21 North Vietnam especially, was much better off as far as
22 commodities. And there was not really a -- they didn't lack
23 of anything from rice to clothes because of all the aid that
24 came from various countries, Russia, China, Poland, et cetera.
25 But that was all cut off after the fall of Saigon. And so

1 they had to tighten up.

2 Q. What kind of clothes did they get you to go into the
3 hotel?

4 A. They got me a pair of Levi's. They weren't really
5 Levi's but --

6 Q. Blue jeans?

7 A. Blue jeans. And a t-shirt. And the first time
8 around I used a t-shirt, levi's, what looked like similar to a
9 baseball cap, and flip-flops.

10 Q. Did that make you look like other foreigners who
11 were in Vietnam?

12 A. Pretty much.

13 Q. By this time, in '77, were there a lot of other
14 Caucasians in Vietnam?

15 A. Yes. They were around all over the place.

16 Q. How could you tell the difference between a
17 Caucasian who was in Vietnam who wasn't a prisoner, and a
18 Caucasian in Vietnam who was a prisoner? How could you tell?

19 A. By the way -- the very relaxed demeanor. They were
20 joyful, the laughter, there didn't seem to be any escorts or
21 anything, any guards or anybody around. They seemed to have
22 very free movement. It was just their whole demeanor. You
23 could tell. It's observation. You could tell who was and who
24 wasn't.

25 Q. Now, the two guards. There were two guards that you

1 discussed this black market scheme with, were there not?

2 A. Well, when I refer to two guards, it was one guard
3 and the driver, the driver of the vehicle.

4 Q. I assume that that guard and that driver you bonded
5 with in some way. Do you know their names?

6 A. Yes.

7 Q. You're hesitating. Do you not remember their names
8 or do you not want to tell their names?

9 A. Why don't we take a short recess?

10 MR. CODINHA: Sure.

11 [Recess.]

12 BY MR. CODINHA:

13 Q. What did you want to say?

14 A. I had to think about that a few minutes. And that
15 was only in -- I was considering the families of these two
16 people who were also involved in the black market activities,
17 and my only concern was their well being. But I stopped and I
18 went out and had to think about it a minute. And weighed why
19 we're here, the reason we're here, far outweighs any concern
20 that I can have for these people and so I'm just going to go
21 ahead and give you the names.

22 Q. And what was the guard's name?

23 A. Kien.

24 Q. And how do you spell that?

25 A. K-i-e-n.

1 Q. And was that the whole name you knew him by?

2 A. I knew his whole name. The middle name was Van. V-
3 a-n. Tran. T-r-a-n.

4 Q. So it's Tran Van Kien? And where was he from, do
5 you know?

6 A. Hanoi.

7 Q. And do you know anything about his family? What
8 business they were in? Where they might have lived?

9 A. They sold commodities on the streets of Hanoi.

10 Q. Do you know anything else about Tran Van Kien?

11 A. He was married. Had one child at that time.

12 Q. How old was he?

13 A. How old was Kien?

14 Q. Yes.

15 A. About 27, 28. Something like that.

16 Q. Any distinguishing features about him?

17 A. He didn't like the military. What he told me about
18 his livelihood -- he was a high school graduate. He grew
19 up -- the way he grew up, he grew up in the streets of Hanoi.
20 While growing up before, he was drafted into the army. He
21 loved the Western -- he loved to dress like Westerners. He
22 liked to listen to Saigon music, the popular music of Saigon,
23 which was forbidden in North Vietnam to listen to. Even
24 though he was married and had a child, he also had a
25 girlfriend, which he saw occasionally in Yen Bai, who was a

1 local. I met some members of his family.

2 Q. When would you have met members of his family?

3 A. When I bought commodities from the hotel and gave
4 them to him. And these commodities would immediately be taken
5 and transferred to his family members.

6 Q. Do you remember where he lived?

7 A. We went to the house several times. It was on the
8 outskirts of Hanoi. It was near a dike. On the other side of
9 the dike was a river. About -- by jeep about 15 minutes from
10 Hanoi.

11 Q. Do you remember the name of the area?

12 A. I don't right now. It was towards Gai Lam.

13 Q. Anything else that you might tell us to help us
14 identify this person? What rank was he?

15 A. Sergeant.

16 Q. North Vietnamese?

17 A. Yes.

18 Q. Regular army?

19 A. Yes.

20 Q. Cuc Quan Phap?

21 A. Yes.

22 Q. Anything else you can recall about him?

23 A. Nothing comes to mind at present.

24 Q. The driver. Do you remember his name?

25 A. Quy.

1 Q. How do you spell that?

2 A. Q-u-y.

3 Q. What was his full name, do you recall?

4 A. I don't recall.

5 Q. Do you know where he lived?

6 A. Hanoi.

7 Q. Do you know anything about him?

8 A. Not too much. I met his brother once. His brother

9 was a civilian and worked in -- he worked in a factory. His

10 brother worked in bicycle factory. Let's see. He had three

11 sisters. His father was a cook or a chef.

12 Q. For whom?

13 A. For the government. His mother sold commodities on

14 the streets of Hanoi, had a little shop.

15 Q. Do you know what it was called?

16 A. Yes, I do. Cha Mo. C-h-a M-o.

17 Q. Is that one word?

18 A. It's two words.

19 Q. And where was that located?

20 A. In Hanoi, not too far from the lake in the center of

21 Hanoi. Right down the street from the Tourister Hotel, which

22 is right across the street from Lake Bo Ho.

23 Q. You're going to have to spell that.

24 A. B-o H-o.

25 Q. Do you remember what kind of commodities she sold?

1 A. Anything from combs, soap, cloth, whiskey, rice,
2 fruit.

3 Q. Was her store right on the main street?

4 A. No. It was in the market. Cha Mo is a big open
5 market, a big open marketplace.

6 Q. So when you say the name of her store was Cha Mo --

7 A. That was the area, the marketplace.

8 Q. And Cha Mo means marketplace?

9 A. Yes. And she had a stall.

10 Q. What else do you remember about Quy's family?

11 A. His family was at one time -- they were -- his
12 family was considered among the rich of Hanoi until the money
13 exchange in '75. And there was a money exchange. They
14 changed money. They went -- everything was confiscated from
15 them by the government and they had to start all over again.

16 Q. How old was Quy?

17 A. He was young. A couple of years younger than Kien.
18 25, 26, something like that.

19 Q. What rank was he?

20 A. Corporal.

21 Q. Can you remember anything else that may be useful
22 for us to be able to find him?

23 A. The last I heard they were both dead.

24 Q. What was the source of that piece of information?

25 A. That source was brought out -- I learned of that in

1 1985 from Lieutenant General Phat.

2 Q. P-h-a-t?

3 A. Yes.

4 Q. Who was Lieutenant General Phat?

5 A. Lieutenant General Phat was my immediate superior in
6 the Prison Camp Complex 776. He was also a prisoner through
7 the chain of command.

8 Q. He was your immediate superior?

9 A. Yes.

10 Q. Was he an ARVN?

11 A. Yes.

12 Q. Why were you reporting to ARVN?

13 A. Because there were no Americans.

14 Q. When did you start reporting to ARVN?

15 A. It was in the fall, about September -- approximately
16 September of 1976.

17 Q. And how did it happen that you started reporting to
18 Lieutenant General Phat?

19 A. When the camp -- this is when the camp expanded and
20 went to battalion level. They made a camp there. It
21 comprised of where I was. It comprised of all former general
22 staff of the Saigon administration. Lieutenant General Phat
23 was the highest ranking. There were, I remember, three
24 generals and a whole bunch of colonels and light colonels, and
25 what had been set up, it was secretly set up -- a chain of

1 command structure within the camp. And they came to me
2 through the work environment, and they felt me out first, too,
3 because the guards, the administration, immediately tried to
4 divide me. And me distrusting them and them distrusting me --
5 well, they initiated and broke that and talked to me, kind of
6 like interrogation or debriefing, to find out who I was and
7 what my situation was, et cetera, et cetera. And when I told
8 them I was kind of like on a probation period, so to speak,
9 because what the Communists were telling them and versus what
10 I was telling them. And their incarceration and my
11 incarceration was a little different. I had a little more
12 freedom of movement. And it was only over a period of time,
13 about 3 months, before whatever intelligence they gathered
14 about me that, well -- they verified that I was indeed
15 imprisoned in Bat Bat before Yen Bai, et cetera. And they
16 were afraid that I was a plant there at the camp and that I
17 was not an American.

18 Q. What did the camp administration put out about you?
19 What did they say?

20 A. They said that I was a progressive American prisoner
21 who had confessed my crimes against the Vietnamese people and
22 that, due to the humanitarian policy of the SRV, had decided
23 to give me lenience and let me become part of the work force,
24 et cetera, et cetera.

25 Q. And what were you telling the ARVN?

1 A. I was telling the ARVN that I worked -- and actually
2 on some occasions volunteered to work -- for an increase in
3 rations and tried every way I could to enhance or create
4 circumstances so that it would allow me to get outside the
5 camp and get more exposure, and hoping that I could make some
6 type of contact or someone would see me of these foreign
7 delegations that were coming and going throughout Vietnam.

8 Q. How were the ARVN prisoners treated by the North
9 Vietnamese?

10 A. As new prisoners. Very harshly when they first
11 arrived. Very threatening. There were beatings. There were
12 executions. Long interrogations. Very hard work details.
13 They were treated as new prisoners. Very harsh. Very, very
14 hard. A lot of them were singled out. The ones that were
15 executed, the ones that were singled out. And there were
16 public executions. In other words, they gathered the whole
17 camp and they ran a list of the crimes that over the years
18 they had committed against the Vietnamese people. That they
19 were in no way deserving of leniency and decided that they
20 could not be re-educated, and they were too hard core. And
21 then they were executed. It was quite often. Almost nightly
22 you would hear screams of people in the distance that broke
23 the silence of the night. The beatings and the torture. This
24 was a daily and nightly thing.

25 Q. You have told me that the black market activities

1 that you entered into first occurred around Tet of '77?

2 A. That is correct.

3 Q. And you also told me earlier today there had been a
4 change in the prison guards, in the way they rotated when you
5 were at 776. Do you recall that the prison guards tended to
6 stay there more than rotating?

7 A. Yes. They didn't rotate. They stayed. They were
8 stationed there. There was an occasional transfer in and out,
9 but no more rotation.

10 Q. When did the guards tend to be stationed there full
11 time, as opposed to rotating?

12 A. Well, when I was transferred to Yen Bai, at the
13 company level -- those people that were there at the company
14 level were stationed there. I mean; there was no rotation.

15 Q. There was no rotation, even among the camps? The 20
16 different camps?

17 A. No.

18 Q. So the guards that you had would be the guards that
19 you would have full time?

20 A. Yes. It was only occasionally they would transfer
21 out and someone else would transfer in.

22 Q. How many guards were attached to you?

23 A. I fell under the whole company, the whole
24 detachment. So there was no one guard that was really -- all
25 right, to me there was one -- actually there was two. There

1 was two guards that were always right there in the motor pool.
2 And they changed out, one or the other. Kien -- he was
3 assigned to only -- he was only my guard when I left the camp
4 area. While I was in the camp, I fell under the authority of
5 all of the guards.

6 Q. And how many guards would there have been watching
7 the motor pool?

8 A. At one time or another, all of them. It was
9 increased. It was actually dependant upon how many ARVN's
10 were in the motor pool -- were working in the motor pool.

11 Q. How many ARVN's would work in the motor pool?

12 A. About a dozen.

13 Q. And, say when there was a full complement of a dozen
14 in there and you, how many guards were watching you?

15 A. There would be about six. Five to six armed guards
16 and they would just be walking around, basically.

17 Q. At this time, were you still living in the hooch?

18 A. Yes.

19 Q. Alone?

20 A. Yes.

21 Q. And you would go back there every night?

22 A. My hooch was right straight across the road from the
23 motor pool.

24 Q. So you just walked across to your hooch.

25 A. Right.

1 Q. The ARVN, would they stay together in groups?

2 A. They would go back to their camps at the end of the
3 work day.

4 Q. Were they allowed to talk to each other?

5 A. Yes.

6 Q. Were you allowed to talk to the ARVN's?

7 A. Yes.

8 Q. Now, there came a period of time --

9 A. But only in Vietnamese, not in English. They
10 forbade us to speak any English.

11 Q. Could the ARVN speak English?

12 A. Yes.

13 Q. What was the rationale behind preventing you from
14 speaking English?

15 A. The guards couldn't understand what we were talking
16 about.

17 Q. Between the Tet of '77 and the summer of '77, on how
18 many occasions did you have to enter into these black market
19 activities that you described?

20 A. It averaged once a month. Sometimes twice a month.
21 It depended on the activity of the camp. If there was a lot
22 of high ranking cadre in the camp, we wouldn't try to attempt
23 it. It was only when there was -- usually, most of the time
24 when we attempted it would be when the vice commandant was in
25 the camp and not when the commandant himself.

1 Q. Now, was this commandant in charge of all 776, or
2 was he just in charge of your camp?

3 A. Lien Trai-1.

4 Q. All 20 of the groups?

5 A. Yes.

6 Q. Did that include Thac Ba?

7 A. I don't know. I really don't know.

8 Q. When you left camp, the guard that would go with you
9 was Kien?

10 A. Yes.

11 Q. Would the driver always be Quy?

12 A. Yes, unless he wasn't available. If he wasn't
13 there -- I left the camp a lot. And it wasn't just Kien or
14 Quy. But the only time that I would go on black market runs
15 was when Kien and Quy and myself were together.

16 Q. Were there any other guards that became involved in
17 the black market scheme with you?

18 A. Not with me, but with them. There was one officer,
19 a second lieutenant.

20 Q. Who was that?

21 A. I didn't know his real name, I only knew him by Sao,
22 Mr. Six.

23 Q. And he had a Vietnamese name?

24 A. Yes, but I didn't know it.

25 Q. You used a Vietnamese term, Sao?

1 A. Sao.

2 Q. And what involvement did he have in the black market
3 scheme?

4 A. Money.

5 Q. He provided the money?

6 A. Yes.

7 Q. Do you know what his job was at camp besides
8 providing money to you?

9 A. He never provided it to me.

10 Q. To the black market scheme?

11 A. Something to do with re-education.

12 Q. Was he also executed?

13 A. I never heard anything about him. Actually, I
14 didn't even ask about him.

15 Q. Between the time you started the black market
16 activities, in or around Tet of '77 and the summer of '77, had
17 you had occasion to see any American prisoners before you went
18 to Thac Ba?

19 A. My memory tells me no, but my instincts say yes. My
20 memory tells me that I didn't have another sighting until the
21 fall or late '77. The two sightings kind of blend together.

22 Q. Well, let's try to get to the one that you think
23 your memory tells you is first. Is that the summer of '77 at
24 Thac Ba?

25 A. Yes.

1 Q. What were you doing? Now, Thac Ba was the place
2 where this sister generator was to the one you had put in in
3 the camp.

4 A. Yes.

5 Q. And how did it happen that you had to go to Thac Ba?

6 A. I was called up to the command of Lien Trai-1, and
7 was told that the generator on Thac Ba -- the gas motor had
8 malfunctioned or burned up, and they were unable to start the
9 turbine diesel. They needed the gas engine to kick start the
10 turbo and they wanted me to go out there to see if I could
11 repair it, or if it could be repaired, because they were
12 having a lot of problems trying to start it by hand. You can
13 imagine with 600 pounds of pressure. And they basically told
14 me to go out and look at it.

15 Q. And this was in the summer of '77?

16 A. Approximately, yes.

17 Q. Had you ever been to Thac Ba before that?

18 A. No.

19 Q. Did you know what Thac Ba was?

20 A. Only in conversation.

21 Q. Conversation with whom?

22 A. The guards -- well, it wasn't the guards. The
23 drivers and the ARVN's.

24 Q. What did the drivers tell you about Thac Ba?

25 A. This was during -- when the camp was being built out