

1 there. The bricks and the tile for the roof were made right  
2 there in the camp.

3 Q. In Thac Ba? Or in your camp?

4 A. Yes. And they were trucked out to Thac Ba. And  
5 they were telling me -- actually they were laughing and joking  
6 about when they made these barges, kind of like rafts, to  
7 float this stuff over to this island. And the problems that  
8 they were loading them up too heavy and they were sinking.  
9 And they would have to go out there -- and they would have to  
10 swim out there and bring them back to land, one by one, and  
11 retrieve these and then do it all over again. And they  
12 said -- the drivers said it was funny, it was comical. They  
13 get half way out, almost to the island, and they'd have motor  
14 problems. They had a little motor and it was attached to a  
15 dinghy, the motor that powered this dinghy, and with which  
16 they would tow this raft full of tile or brick. And the motor  
17 had a lot of problems -- keeping the motor running. And just  
18 things like that. And so I learned about that they were  
19 building a camp over there. And then when the sister  
20 generator -- when that arrived there, well, one of the truck  
21 drivers told me. I asked him, I said, where's that generator  
22 going to be set up? And he said, Thac Ba. And I naturally  
23 thought that since they had ordered me to put together and  
24 assemble this generator here, that I would assemble that one  
25 also. But I didn't. They used the ARVN's that helped me

1 assemble the generator, and then in Trai-1, they used those  
2 same ARVN's to assemble the generator at Thac Ba. I didn't  
3 go. So I knew about it and its existence. I did not know  
4 what type of prison system they had there or who was  
5 incarcerated there at that time.

6 Q. You were, for lack of a better term, partners. Kien  
7 and Quy.

8 A. Yes.

9 Q. It is accurate to say that you became friendlier  
10 with them than you had with your other guards?

11 A. Yes, I did.

12 Q. Did you have, when you were travelling with them and  
13 there were only the three of you in the car or in the jeep,  
14 were you able to have fairly free conversations?

15 A. Pretty much, yes.

16 Q. Did they treat you as almost an equal when you were  
17 just the three of you in the jeep?

18 A. Yes and no.

19 Q. But did you feel any limitation in their abilities  
20 to talk to you at that time? Did you feel they hesitated to  
21 talk to you about any subject?

22 A. Yes.

23 Q. What subject did you feel they hesitated to talk to  
24 you about?

25 A. I asked them what happened to -- what was

1 happening -- if they heard anything about what was happening  
2 at Bat Bat Prison Camp and Son Tay Prison Camp. And Bat --  
3 they talked pretty freely. I learned that there was a  
4 prisoner that escaped Bat Bat and through the help of some  
5 Vietnamese had made it all the way to Hai Phong before he was  
6 re-captured. He was an American.

7 Q. And when did they indicate this had happened?

8 A. 1976.

9 Q. That he had escaped?

10 A. Yes.

11 Q. But you had the discussion with them some time  
12 between Tet of '77 and before you went to Thac Ba? Or did it  
13 continue after that?

14 A. It was in that general time frame.

15 Q. Did they tell you what the American prisoner's name  
16 was?

17 A. Yes, they did, but I don't remember it now.

18 Q. Do you recall anything?

19 A. I remember they said it was a captain. That he had  
20 escaped through the help of -- through Vietnamese who it was  
21 later determined to be working for the CIA. They were CIA  
22 ground informants.

23 Q. That is what your driver and guard told you?

24 A. Yes.

25 Q. And he had been at Bat Bat?

1           A.    No.  He had -- I don't remember them saying he had  
2    been at Bat Bat.  You see, what they did is the guards and the  
3    drivers and whatever, when they came from these other camps,  
4    always the drivers -- usually they're the ones that like to  
5    talk a lot -- usually anything they've heard or seen they  
6    would discuss with the other drivers or any news from Hanoi  
7    they would bring up.  And so this was second hand from the  
8    drivers when they go into Hanoi.  And every time we went into  
9    Hanoi, we had to report at Ba Duong Thang that we were in  
10   Hanoi and what we were there for.  Well, when we were there,  
11   they had kind of like a little rec room, and it was drivers --  
12   that's where they hung out.  And they talked, et cetera, et  
13   cetera, and exchanged information about one camp to another.  
14   But the way they were talking about it, this was a big thing  
15   within the Cuc Quan Phap about this individual escaping and  
16   making it all the way to Hai Phong before he was re-captured.  
17   They also told me that in Bat Bat, that there were a lot --  
18   they didn't use the word American -- there were a lot of  
19   foreigners, Europeans, detained there.  These people were  
20   caught in hiding in Saigon and the Da Nang areas.  This was  
21   later -- five, six months after the fall of Saigon.

22           Q.    What else did they tell you about American  
23    prisoners?

24           A.    On one occasion there was a discussion about a  
25    secret convoy from Lang Son province in the middle of the

1 night.

2 Q. Would you spell that?

3 A. L-a-n-g S-o-n.

4 Q. What did they tell you about the secret convoy?

5 A. That there were several criminals -- were  
6 transferred secretly to a secret location in Lang Son. That  
7 these people -- they didn't say whether they were American or  
8 what, they just used the word criminals. That these people  
9 had been transferred to a secret location underground,  
10 secret, special location underground, for security reasons.

11 Q. Were these your drivers?

12 A. And the guards, the guards and the personnel, and  
13 the drivers had to meet the highest security -- well, direct  
14 translation, had to meet the highest security.

15 Q. Were these your drivers who were telling you this or  
16 other people?

17 A. No, my drivers.

18 They came to a point where they were actually --  
19 they expressed sympathy towards me, and that I was alone. And  
20 they loosened up a little bit in discussing other camps and  
21 Americans that I don't believe that they actually witnessed,  
22 but only knew about. They didn't understand why I was being  
23 held separate from the rest of the people. They felt that it  
24 would have been more humane if I would have been put together  
25 with these people, so I could have had some friends, as they

1 put it.

2 Q. Did you ever ask to be put together with those  
3 people?

4 A. Yes.

5 Q. And who did you ask?

6 A. He came down from Cuc Quan Phap. He inquired about  
7 my health and how I was doing.

8 Q. Was that Colonel Thai?

9 A. No, it was someone out of his office. He held rank  
10 of lieutenant colonel. This was in mid-'75, approximately  
11 mid-'75. I told him I knew there were other Americans in  
12 other camps, and he asked me how I knew that, and what did I  
13 base it on. And I told him that was through the POW  
14 grapevine, and he tried to establish who told me that, and how  
15 I learned that, et cetera, et cetera, and what did I know.  
16 And I said it was common knowledge through the POW grapevine,  
17 and I said I just wanted to know why I can't be with these  
18 people.

19 They're my people, we understand each other, and I  
20 said, if I'm going to die here, I wanted to be with my own  
21 people. I said at least I could be able to exchange stories  
22 or religion together, and I told him I was very lonely, and he  
23 just said, well -- he said, that's impossible. He said, you  
24 can never be put together with anybody, and he just said, your  
25 treacherous past has caught up with you and you can no longer

1 be trusted. I didn't really understand what he was talking  
2 about.

3 The only thing I could understand that he was  
4 talking about was the incident that had took place in South  
5 Vietnam, which, by that time, was 5 or 6 years ago. That I  
6 hadn't attempted to escape or anything, or hit any guards or  
7 anything, and I really didn't really understand what he was  
8 talking about when he talked about my treacherous past that  
9 had proven I couldn't be trusted. And he said that was  
10 impossible, that that could never be.

11 Q. What was that Lieutenant Colonel's name, do you  
12 know?

13 A. No.

14 Q. Was that the only time you ever saw him?

15 A. No. I saw him in and about the camp. He  
16 occasionally would be there.

17 Q. Was he under Col. Thai?

18 A. Yes. Out of the same office. The reason he came to  
19 the camp -- I remember the reason he came to the camp, there  
20 was an epidemic in the camp of which over 100 ARVN's died.

21 Q. An epidemic of what?

22 A. I don't know, but these were the same ARVN's -- these  
23 were the same ARVN's that built Thac Ba prison camp. They  
24 called it a mud virus. They quarantined the camps right when  
25 these people came back. They came back into camp and they

1 immediately quarantined the camp.

2 Q. When in 1975 was that?

3 A. Late -- late '75. I think the fall, October,  
4 November, somewhere in there. But every last one of them  
5 died.

6 Q. Was the lieutenant colonel a doctor?

7 A. No. He brought doctors with him.

8 Q. Is that who you related to after the virus struck?

9 A. No, over half of them already died before they even  
10 got there.

11 Q. Did you have other conversations with any other  
12 officers in South Vietnam, or in Vietnam, or in North Vietnam,  
13 about American prisoners?

14 A. With officers?

15 Q. Yes. Now, you told me about this lieutenant  
16 colonel. That you haven't already told me about?

17 A. With Xuan, Lt. Col. Xuan.

18 Q. When did that take place?

19 A. That took place both at Bat Bat and at Yen Bai.

20 Q. Have you told me about either of those  
21 conversations?

22 A. No.

23 Q. And what was the conversation you had with Lt. Col.  
24 Xuan at Bat Bat?

25 A. After Operation Homecoming, he came to the camp and

1 he came over, and he was inquiring basically to my health and  
2 my mental well being. And I asked him -- I said, why are all  
3 of the Americans -- why are all of the other Americans -- why  
4 did you let them go home and not me? And he just very frankly  
5 said, you're not the only one. And you don't think Vietnam  
6 would be so foolish as to turn over everybody and then have  
7 the United States continue to bomb Vietnam?

8 And I asked him -- I said, well, can I join these  
9 people? And he said, why, do you want to? And I said, yes,  
10 and he said, well, I will talk to my superiors about it, but I  
11 doubt it. And that was pretty much it, and then when I met  
12 him, I talked to him again about it actually. I reminded him  
13 of that conversation that we had had a couple of years before  
14 at Yen Bai. And his response was, I couldn't. He said that  
15 he had no control over it. He said he had no control over it.  
16 I have no control over your destiny, is what he said.

17 Q. When you had the conversation with Lt. Col. Xuan at  
18 Bat Bat, was anyone else present?

19 A. Yes. He always had one or two officers with him.

20 Q. Anybody you recognized and could name?

21 A. No, these are people that came down from Cuc Quan  
22 Phap with him.

23 Q. How about at the time you had the conversation at  
24 Yen Bai?

25 A. The same. The people that he was with, most of

1       them, all the time there were new faces.

2           Q.    Did it ever make any sense to you why they were  
3       keeping a marine PFC, Robert Garwood, and letting other people  
4       go home?

5           A.    No, it didn't. They, from South to North Vietnam --  
6       I had a very hard time convincing them that I was a marine  
7       PFC. They never seemed to believe that story. They believed  
8       that I was CIA-trained, and they did not believe and did not  
9       understand how I could learn Vietnamese so fluently, and so  
10      accurately, so quickly. They just didn't accept that I  
11      learned it in the prison camp.

12           Q.    Turning now to your summer of 1977, Thac Ba Island,  
13      is this the first time you went to Thac Ba?

14           A.    Yes.

15           Q.    And you've already described the circumstances  
16      leading up to having to go, that you were told you were going  
17      to fix a generator there?

18           A.    Yes.

19           Q.    Who took you?

20           A.    I didn't know the people. The people -- I believe  
21      the people that took me there were the people that were  
22      stationed on Thac Ba Island.

23           Q.    Was that unusual that you would be taken from Yen  
24      Bai?

25           A.    I was still in Yen Bai. I was still part of Yen

1 Bai.

2 Q. But was it unusual you would be taken by people you  
3 didn't know to some other location?

4 A. No, not unusual at all.

5 Q. So just whoever showed up and needed to take you?

6 A. Well, they had papers and they had orders to do so.  
7 And usually, the assistant commander would come down and tell  
8 me, or call me up there and tell me that I would be going with  
9 this individual.

10 Q. Did the assistant commander tell you who you were  
11 going to be going with?

12 A. Yes.

13 Q. And on the occasion you went to Thac Ba, did he tell  
14 you?

15 A. Yes.

16 Q. Is this the first time you'd ever seen that  
17 individual?

18 A. I can't even remember his face. I don't know. I  
19 really don't know.

20 Q. How many people -- how did you get to Thac Ba?

21 A. By jeep, well, by jeep to -- to that area of Thac Ba  
22 Island.

23 Q. How many people in the jeep?

24 A. Well, there was one jeep, and one motorcycle with a  
25 sidecar. Five in the jeep, and three on the sidecar, or on

1 the motorcycle with the sidecar. It was Chinese.

2 Q. So one riding it and two in the sidecar?

3 A. No. One riding it, one behind the driver, and one  
4 in the sidecar.

5 Q. And in the jeep there were five people?

6 A. Yes.

7 Q. There was a driver and who else?

8 A. A driver, one officer, and two guards.

9 Q. Guards on either side of you?

10 A. That's right.

11 Q. And you were in the middle?

12 A. That's right.

13 Q. And you didn't know any of the seven people who were  
14 on that trip?

15 A. I had seen the driver. I had seen him because he  
16 brought his vehicle to the motor pool and had the oil changed,  
17 and had it serviced.

18 Q. So he was one of the regular drivers?

19 A. Yes, but he wasn't there at that camp, he was at the  
20 other camp, and so the only time that he came to that camp,  
21 when I saw him, is when he brought the vehicle there to have  
22 it serviced. I mean, I never struck up a conversation. He  
23 usually dropped the vehicle off and went up to the command.

24 Q. What time of the day or night did you go to Thac Ba?

25 A. About mid-morning.

1 Q. How long a time did it take you to get there?

2 A. We arrived there about noon, or thereabouts.

3 Q. And when you arrived, what did you observe about  
4 Thac Ba? Describe it physically.

5 A. There was a lake.

6 Q. How big a lake, could you see the other side?

7 A. You could see the highland, yes.

8 Q. Could you see across the lake?

9 A. No.

10 Q. So it was a large lake?

11 A. Yes. I could across the lake to the island, but not  
12 across the lake. No.

13 Q. Okay, I'm missing something here. You could see  
14 across the lake to the island, but not across the whole lake?

15 A. Right.

16 Q. So was the island in the center of the lake, or was  
17 it off to the side?

18 A. There were several islands.

19 Q. I'm going to pull this Exhibit No. 6 over, and if  
20 you could, would use our good marker and put where Thac Ba is  
21 located? We've got 1, 2, and 3 on there already.

22 A. It is approximately about here.

23 Q. Would you number that number 4, and the 776 district  
24 you said took in a large area? Would you just a circle around  
25 what you believe to be the entire 776 camp?

1 [Pause.]

2 [Recess.]

3 BY MR. CODINHA:

4 Q. Back on the record. On Garwood 6, you have now  
5 drawn a parallelogram, or a trapezoid around the area where  
6 you said encompassed camp 5, if that 776?

7 A. That encompassed the Duan, 776, or division -- 776  
8 division and the camps were broken up into battalions 5. Lien  
9 Trai 1, Lien Trai 2, Lien Trai 3, Lien Trai 4, and Lien  
10 Trai 5.

11 Q. Now, that's a large segment of space that you've  
12 indicated was for this camp area.

13 A. Yes.

14 Q. Were there civilians living in there too?

15 A. Yes.

16 Q. And do you know how much -- how populous this area  
17 is?

18 A. No, I do not.

19 Q. Now, over what distances were you allowed to travel  
20 within that area that you've shown?

21 A. Only Lien Trai 1, the division headquarters area,  
22 the Thac Ba area, and the Hanoi area.

23 Q. Now, going to Thac Ba Island, you started to  
24 describe it. A little earlier today, you said as you arrived  
25 at Thac Ba Island, you could see the island and the lake, and

1                   THE WITNESS: A man-made lake.

2                   BY MR. CODINHA:

3                   Q.    So the island wasn't man-made, but the lake was  
4    man-made?

5                   A.    Yes, which formed the island.

6                   Q.    And how was the lake formed?

7                   A.    It was dammed. It was dammed up somewhere, which  
8    backed up the water.

9                   Q.    Was there a river or something that fed into it?

10                  A.    I don't know.

11                  Q.    And is this on the Red River?

12                  A.    No. Not to my knowledge, no. I don't think so.

13                  Q.    But the Red River runs by Yen Bai?

14                  A.    Because this water was very clear. It was -- the  
15   Red River is very muddy or red, that's why they call it the  
16   Red River. It looks very dirty, clay.

17                  Q.    The Red River runs by Yen Bai, doesn't it?

18                  A.    Right down through the middle of it.

19                  Q.    And Thac Ba was clear lake?

20                  A.    Yes, very clear. The water was very clear.

21                  Q.    Could you tell how deep it was?

22                  A.    Only from the banks. It went from shallow to deep,  
23   and to where you couldn't see the bottom. The bottom was --  
24   the bottom of the lake, you could see stumps where there were  
25   once trees, grass or moss. You could see that it was, or once

1       wasn't a lake. I mean, just from the tree stumps. Nobody got  
2       underneath the water and cut the trees down.

3           Q.    Do you know when Thac Ba was flooded?

4           A.    No, I don't.

5           Q.    How large was the island?

6           A.    I don't know that either.

7           Q.    Can you make any estimate of the size?

8           A.    No, I can't.

9           Q.    And how much of a shoreline did it appear to have,  
10        that you could see? I mean, could you see to the end of the  
11        island as you looked at it?

12          A.    Not really the end. The island, from my viewpoint,  
13        was such that it was jagged, and so the trees and brush would  
14        obstruct me once I got to the island, from seeing, or even  
15        close to it, from seeing just actually the end of it. I mean,  
16        it would break up jagged, and it wasn't round, like there was  
17        no beach or nothing like that. It was all trees and  
18        overgrown. Shrubs, trees, bushes, and so there was no end or  
19        no point where I could determine that that was the end of the  
20        island or not.

21          Q.    As you approached, did you see anything built on the  
22        island?

23          A.    As I got closer, yes.

24          Q.    What could you see built?

25          A.    It was under the tree line. There were structures

1 that were made of masonry and brick.

2 Q. How large were the structures?

3 A. Well, actually the only structure I really could see  
4 and not that clearly, was a structure that has the generator  
5 itself, and I had to go up kind of a winding path to get to  
6 the generator, and once I got close to the generator, then I  
7 could see the other structures. If memory serves me, there  
8 were two on a hill, and by on a hill I mean just above the  
9 generator, to the right of it.

10 Q. How large were the structures?

11 A. They were long in length, and they had doors. Like  
12 each one was like a motel would be set up.

13 Q. Could you tell what purpose they served by looking  
14 at them?

15 A. No.

16 Q. Did you later find out what purpose they served?

17 A. Yes. They housed these people.

18 Q. What was the material they were constructed of?

19 A. Brick, mortar, and the roof was red tile. But the  
20 red tile, it had -- it looked like somebody had taken mud or  
21 something and discolored it, so that you could see the red  
22 tile on the edges. I knew where the tile came from, it came  
23 from Yen Bai, but it was discolored.

24 Q. Have you ever been shown aerial photographs of this  
25 area?

1           A.    Yes, but the views that I was shown -- yes.  Yes,  
2    they said that it was Thac Ba.  Yes.

3           Q.    Did you recognize it?

4           A.    No.  And the aerial photo that was shown me, it  
5    wasn't close.  I wasn't a close-up shot.  I looked like it was  
6    taken from outer space or something.  It was that far away.

7           Q.    And could you tell how big the lake was, as you  
8    looked at it in the photograph?  How much of the photograph  
9    did the lake take?

10          A.    If memory serves me right, I think it shows pretty  
11    much of the lake, and it showed a lot of islands, a lot of  
12    little islands.  A lot of them.

13          Q.    Were you able to tell whether that had been the  
14    place you'd been?

15          A.    There's no way.  The islands are like dots.  From  
16    the photographs they showed me, the islands were like little  
17    dots.

18          Q.    When you say dot, are you talking about the size of  
19    the point of a pen?

20          A.    Yes.

21          Q.    Or are you talking about a dime size?

22          A.    No.  About the size of a point of a pen, maybe just  
23    a period, you know.

24          Q.    So in looking at the aerial photographs, you weren't  
25    able to say that's Thac Ba Lake, I recognize that?

1 A. No, I was not.

2 Q. Who showed you the photographs?

3 A. Gary Sedow and Bob Hyp.

4 Q. And how were they able to determine where they  
5 should get photographs of?

6           A.    I have no idea.  They just brought them out and told  
7    me this is -- this is Thac Ba Lake, and these are the islands,  
8    which was -- which one of these islands did you go to?

9           Q.    Let me see if I understand.  You mean they didn't  
10        show you a map like I did first, and ask you to circle where  
11        you were and then show you photography of that area?

12 A. No.

13 Q. Did they ever show you a map and ask you to point  
14 out where you were?

15 A. That type of map, no.

16 (Discussion off the record.)

17 MR. CODINHA: Let's go back on the record.

18 BY MR. CODINHA:

19 Q. Do you recall the first time that you discussed Thac  
20 Ba Lake with the DIA or Gary Sedow?

21 A. The DIA analyst, yes.

22 Q. Was it with Senator Smith?

23           A. Yes, in the presence of Senator Smith. My attorneys  
24       at that time was Vaughan Taylor and George Cripner. And also  
25       in the room was Chuck Trowbridge, Gary Sedow, Bob Hyp, and who

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1 was that colonel -- I can't think of his name -- Gonzalez,  
2 Colonel Gonzalez.

3 Q. And that was the first time you mentioned Thac Ba?

4 A. That is correct.

5 Q. And you indicated when you were off the record --

6 A. That was the first time I mentioned Thac Ba to DIA.

7 That wasn't the first time I mentioned it.

8 Q. You indicated when we were off the record that they  
9 didn't seem surprised to hear about Thac Ba Lake.

10 A. They didn't seem surprised about anything I said.

11 Q. And then there was a later time at Ocracoke, when  
12 photographs of what you were told was Thac Ba Lake were shown  
13 to you. Is that right?

14 A. Yes, that's correct.

15 Q. And that is the one where you described the islands  
16 were the size of the point of my pen?

17 A. Yes.

18 Q. And you were asked to identify which island you had  
19 gone to?

20 A. Yes.

21 Q. Did you ask for larger photographs?

22 A. No, I didn't. I wasn't even sure what they were  
23 showing me was Thac Ba Lake.

24 Q. Did you tell them that?

25 A. In a roundabout way, yes, because other photographs

1       they showed me of other areas -- and they told me this was  
2       that area, I did not even recognize it at all.

3           Q.    Well, they showed you one of Yen Bai?

4           A.    I recognized that. I did recognize that, but the  
5       other ones they showed me, I did not recognize any of them. I  
6       mean, the structures, even the streets. It was different,  
7       like Ly Nam De, they showed me ground photographs as well as  
8       aerial photographs of what they claimed was Ly Nam De, and  
9       some of the buildings look similar, but nothing was -- the  
10       whole street, nothing was as I remembered it. It didn't look  
11       quite the same.

12           MR. TAYLOR: Let me interject something here. I  
13       think it would be wise to also go in with Bobby to the lack  
14       clarity that DIA had, or at least pretended to have,  
15       concerning their own understanding with regard to this  
16       photography. The pictures of the lake were actually two or  
17       three different photographs that needs to be placed together  
18       to make a composite of the lake, because a single photograph,  
19       apparently, would not have encompassed the entire lake area.

20           And there was a good deal of time spent on their  
21       part, trying to figure out how these photographs pieced  
22       together, as if they were ignorant themselves of the way in  
23       which Thac Ba Lake really would appear in reality, as if they  
24       did not even understand their own photographs, which lent to a  
25       substantial amount of confusion in the room that day.

1 you said there was more than one island. How many islands did  
2 you see?

3 A. I'm not sure of that, because my viewpoint, it  
4 looked as though one island -- you could leap from one island  
5 to the other. I mean, that is just my viewpoint. That is  
6 what it looked like, but as you got to the island, the islands  
7 disappeared behind the island to which I was taken to, and so  
8 I was never taken to the other islands, or had another point  
9 of view.

10 Q. How could you tell it was an island?

11 A. There was the body of water, plus I was told it was  
12 an island.

13 Q. So someone told you?

14 A. Yes.

15 Q. Because I was trying to determine how you could tell  
16 it wasn't just a peninsula sticking out into the water.

17 A. Actually, from my point of view, you couldn't tell  
18 that it wasn't.

19 Q. But someone told you it was an island?

20 A. Yes. They told me it was an island. Actually, they  
21 even told me how the island was formed. It was man-made.

22 Q. It was a man-made island?

23 A. Yes. It was dammed up.

24 MR. TAYLOR: Do you mean it was a man-made island or  
25 a man-made lake?

1                   MR. CODINHA: I think what I will do is, I will  
2 cover that when we get up to that period of time.

3                   MR. TAYLOR: I wanted you mainly to be aware of that  
4 happening.

5                   BY MR. CODINHA:

6                   Q. Okay, you got to Thac Ba Island, and how did you get  
7 to the island?

8                   A. By dinghy.

9                   Q. And who went with you to the island?

10                  A. There were two guards, the officer, and there was  
11 one individual with the dinghy who operated the motor.

12                  Q. How long a time did it take you to get to the island  
13 by dinghy?

14                  A. Maybe 20 minutes, something like that.

15                  Q. When you arrived at the island, what time of day was  
16 it?

17                  A. Right around noon.

18                  Q. Did you see any people when you arrived at the  
19 island?

20                  A. When I first arrived, no. They took me straight to  
21 the generator shack, and it was when I took a rest, or when I  
22 took a break and I went out the doors, and just kind of was  
23 squatting, and I looked up at the other buildings and was  
24 looking, and caucasians came out and was standing in the  
25 buildings and was kind of milling around there.

1           Q.    Now you'll have to describe the area.  You'd gone  
2    into the area where the generator was.  How large a building  
3    was that?

4           A.    Approximately about 30 feet long, about 14 foot  
5    wide, and about 14 by 30.

6           Q.    It was a rectangular building?

7           A.    Yes.

8           Q.    Where was it in relation to the shoreline of the  
9    lake?

10          A.    Maybe 150, 200 feet from the lake.

11          Q.    And where were the other buildings in relationship  
12    to that building?

13          A.    They were built up on the hill, about, I don't know,  
14    maybe 75 -- maybe 75, 50, 75, 100 feet from the generators.

15          Q.    How many buildings were there?

16          A.    I only saw two.

17          Q.    How large were those buildings?

18          A.    I'm totally guessing here.  I could give an estimate

19          Q.    Give me an estimate.

20          A.    Maybe 14 by 70, 14 by 80, something like that.

21          Q.    Were they parallel to the building with the  
22    generator?

23          A.    Pretty much, not quite, almost.

24          Q.    How much of the buildings could you see?

25          A.    The building behind the one that I was observing,

1 the roof line, mainly the roof line and just the end of it  
2 when I was leaving. The building that was facing the  
3 generator, I could see the entire building.

4 Q. And you said it had a series of doors, like a motel?

5 A. Yes.

6 Q. Did it have windows also?

7 A. No, it didn't have windows in the front. I don't  
8 know if it had windows on the other side or not.

9 Q. How many doors did you see?

10 A. About a dozen.

11 Q. And you said you saw caucasians. What were the  
12 lighting conditions when you were looking up the hill?

13 A. It was an overcast, but not that poor.

14 Q. Was there anything between you and the building  
15 where you saw the caucasians?

16 A. Some trees.

17 Q. How many trees?

18 A. I don't know. It was scattered throughout there.

19 Q. Were there like a single tree and then a space, and  
20 then another single tree, or was it a glade, or was it thickly  
21 forested?

22 A. It had been cleared of the underbrush, but I think  
23 the trees were native.

24 Q. About how many feet were between trees, could you  
25 tell?

1           A. It varied. Some trees were very close together, and  
2 some were maybe 10, 15 feet apart.

3           Q. Did you have any trouble seeing the people you were  
4 looking at?

5           A. Not really, not much.

6           Q. How long a time did you spend looking at them?

7           A. Not very long. A matter of minutes.

8           Q. How many did you see? How many caucasians did you  
9 see?

10          A. Three, four, five. That's just not as fresh in my  
11 memory as it used to be. I remember three for sure, but there  
12 were people that would kind of go back and forth in the  
13 doorways. I don't want to do any guessing here. Three  
14 definitely. I believe more.

15          Q. And how many of the doorways appeared to be  
16 occupied, could you tell?

17          A. No, not really.

18          Q. Were the doors open or shut?

19          A. Some were shut, some were open, and some looked like  
20 they didn't have any doors at all.

21          Q. Was anyone with you when you saw these caucasians?

22          A. No.

23          Q. And you were about 75 feet away from them?

24          A. Approximately, maybe 100 feet -- in that area. I'm  
25 a bad judge of distance, though. It was far enough away I

1 couldn't tell their eye color. Let's put it that way.

2 Q. What could you tell about the caucasians when you  
3 looked at them?

4 A. They were dressed very similar and looked to be in  
5 the same garb, and the same people as I'd seen in the boxcar.

6 Q. Well, they were dressed similar, in other words,  
7 they had the light blue windbreakers on?

8 A. Yes. No. Some of them had windbreakers, some of  
9 the had the shirts, short-sleeve shirts.

10 Q. Again, light blue?

11 A. Yes, light blue. Yes.

12 Q. And the trouser-type pants?

13 A. Yes.

14 Q. What about their -- could you see whether they had  
15 facial hair?

16 A. Yes, kind a like light beards, you know, like they  
17 hadn't shaved in a couple -- 2, 3 days.

18 Q. Could you see anything about their hair, color of  
19 hair? Did you see any redheads?

20 A. No.

21 Q. Did you see any blondes?

22 A. I just can't remember the color of their hair.

23 Q. Did you see the man with one leg?

24 A. No.

25 Q. You indicated that you thought they were the same

1       people you'd seen in the boxcar.

2           A.    Yes.

3           Q.    What about them, when you looked at them, made you  
4        think they were the same people you'd seen in the boxcar?

5           A.    The proximity matched, the clothes matched. They  
6        fit the time frame.

7           Q.    Well, wasn't that basically the standard prison  
8        uniform they were wearing, for American prisoners?

9           A.    They changed uniforms. They wore the same clothes  
10      that I did pretty much, except mine were darker. Mine was a  
11      darker blue. I don't know. The ARVN standard uniform was  
12      striped, like striped pajamas. I don't really know what their  
13      prison uniform was. I don't know if I'm qualified to say  
14      that, because my -- I had -- as well as other prisoners I  
15      knew, had various types of prison garb, I mean, as far as  
16      colors.

17           They were either pajama-type or kind of trousers  
18      with pockets, but it was a real thin material, a real thin  
19      cloth material. From a distance it looked like you were  
20      wearing khaki, but it is not khaki material. It is real thin  
21      material.

22           Q.    What else about these caucasians, when you looked at  
23      them, made you think they were the same people from the  
24      boxcars?

25           A.    That was just my conclusion. It was the same area;

1 it wasn't that far actually, from where -- it wasn't that far  
2 at all from where the boxcars were -- we ran into the boxcar  
3 situation. It just fit. It was common knowledge that there  
4 was a prison camp there and it was part of 776.

5 Q. Well, the boxcar was seen in October of '76, and now  
6 this is the summer of '77?

7 A. Approximately around June, July, somewhere in there  
8 -- May, June, July.

9 Q. So that was still within the same time frame as far  
10 as you were concerned, to make these the same prisoners?

11 A. Yeah.

12 Q. Well, the boxcar, you said you had seen  
13 substantially more prisoners?

14 A. Yes.

15 Q. But now you only were seeing three, four, or five  
16 prisoners?

17 A. Yes. I was only out there a matter of minutes, and  
18 these were the people -- I don't think these people even  
19 thought I was an American. I don't even know if they even  
20 believed I was.

21 Q. Did they see you?

22 A. Yes.

23 Q. Did you hear them talking?

24 A. Yes, I did.

25 Q. What language were they speaking?

1           A.    They were speaking English. I don't recall what the  
2 conversation was now.

3           Q.    Did they make any comment about you?

4           A.    I don't believe -- I could hear them talking, but I  
5 don't think I made out what they were saying. I don't  
6 remember.

7           Q.    Were these the Americans who thought you were a  
8 Cuban?

9           A.    No. That was at a warehouse in Gia Lam.

10          Q.    After you saw these individuals, what did you do  
11 next?

12          A.    That's not what I did. The officer was in charge.  
13 He came to the door. He looked up and seen those people and I  
14 was sitting there, and he told me to get back in and he closed  
15 the door, and he asked me if it could be repaired, and I said,  
16 no, it was burnt up. And he said fine, and so we left and  
17 went back in the dinghy and went back. He took me back to the  
18 camp.

19          Q.    Did he have any conversation with you about the  
20 prisoners you had seen?

21          A.    No.

22          Q.    Did you have any conversation with him?

23          A.    Absolutely not.

24          Q.    Was there any question in your mind that the  
25 prisoners you'd seen were Americans?

1           A.    At that time, there were questions in my mind, no.

2           Q.    Is there a question now?

3           A.    Doubt.

4           Q.    What makes you doubt now, if you were sure then?

5           A.    Basically, because people have instilled doubt in my  
6        mind.

7           Q.    But you were sure then?

8           A.    Yes.

9           Q.    Have you seen anything that makes you believe they  
10       weren't Americans?

11        A.    No.

12        Q.    Did you have any conversations with your black-  
13       market driver and guard about the Americans at Thac Ba?

14        A.    I'm sure we probably did. They didn't know much  
15       about Thac Ba themselves. Most of what I learned about Thac  
16       Ba was from the ARVN's, the ARVN work force. They used the  
17       ARVN's to do any labor and construction.

18        Q.    Did the ARVN's say anything about the Americans at  
19       Thac Ba?

20        A.    Nothing significant. Nothing that I didn't already  
21       know.

22           No one, to my knowledge, was able to talk with them  
23       or be that close to them to be able to converse with them. A  
24       lot of people saw them.

25        Q.    Who were the people who saw them?

1           A.    The ARVN's.

2           Q.    Do you know the names of any ARVN's who saw them?

3           A.    I did then, but there's no names that come to  
4    recollection now.

5           Q.    Did the lieutenant general see them?

6           A.    No.   The generals never went out of the camp.

7           Q.    Did any ARVN who has come to the United States see  
8    them, if you know?

9           A.    I don't know that.

10          Q.    Did you have conversations with the ARVN's about  
11    having seen American prisoners at Thac Ba?

12          A.    In passing, yeah. Well, it was joking because of  
13    the thatched hut -- mud hooch that I lived in. One of them  
14    said that I should demand from the camp commander quarters  
15    like the other Americans over in Thac Ba, because they were  
16    cement mortar structures with tile roofs, et cetera.

17          Q.    Did they ever tell you -- did the ARVN tell you how  
18    many Americans were at Thac Ba?

19          A.    No.

20          Q.    Did you ask?

21          A.    I don't remember. It was one of those things, that  
22    it as a no-no, something that wasn't to be discussed. It was  
23    made very clear, you know, from the boxcar incident and from  
24    the precaution and the attitudes of the guards, and the  
25    officers and cadre that took me to Thac Ba, it's just

1 something that wasn't to be discussed, and we didn't.

2 These people that guarded this camp, that took over  
3 the division, these people were sappers. I mean, these were  
4 not just simple guards, and when they said -- or said don't  
5 talk about something, or you didn't see something, you didn't  
6 and you don't, and that was just it. It was just too  
7 dangerous a situation to even risk it, especially for me at  
8 this time. I didn't, because of my other activities. I  
9 wasn't going to jeopardize my other activities by throwing any  
10 type of suspicion on me to where they would curtail or confine  
11 me. And so I didn't even risk talking about it.

12 Like I said, I really wasn't that interested. It  
13 was -- personal curiosity just went as far as I knew they were  
14 there, not so much as how many or what they were doing there.  
15 But at that time I -- that's as far as my curiosity went. I  
16 requested to, you know, be with them. It was denied. Said it  
17 was impossible, forget it, it'll never happen. And so it was  
18 gone. It went out of my head pretty much.

19 Q. Did you request to be with the prisoners at Thac Ba,  
20 or were you talking about the Bat Bat and Yen Bai?

21 A. I didn't care. Any. One other American would have  
22 been fine with me. It didn't have to be with a group, just  
23 one more. Just another one, you know, put us together. I  
24 didn't care.

25 Q. After the Thac Ba Lake incident, did you have

1 occasion to see Americans after the Thac Ba Lake incident in  
2 the summer of '77?

3 A. In the time proximity in which I'm not absolutely  
4 sure. In Hanoi at Ly Nam De, 17 Ly Nam De.

5 Q. So, summer of '77?

6 A. Maybe towards the fall. I would say toward the  
7 fall, '77.

8 Q. 17 Ly Nam De?

9 A. Yes, that is correct.

10 Q. And how did you happen to be at 17 Ly Nam De?

11 A. I was on a mission. They took me in to fix a truck,  
12 a vehicle -- a vehicle was broke down, and at the same time,  
13 to pick up supplies -- spare parts from the Gai Lam warehouse.

14 Q. Who were you with?

15 A. There was no black market around that day. I wasn't  
16 with the normal people. I wasn't with the normal people or  
17 the regular driver, but when we got into Hanoi, it was late,  
18 so we stayed at 17 Ly Nam De. And the next day, I went out  
19 and repaired the vehicle.

20 All it was, I remember the vehicle. It was a jeep.  
21 All it was, was the gas tank. You had to smack it for it to  
22 get to working. It got stuck sometimes and you just had to  
23 hit it. You had to rap it for it to get pumping gas. It  
24 wouldn't get any gas. Basically, all it took was a couple of  
25 raps with a hammer.

1           Q.   Did you stay at the same place at 17 Ly Nam De that  
2    you had stayed before?

3           A.   Yes.

4           Q.   The same room?

5           A.   I believe so.

6           Q.   Was Sweeney's bed still there?

7           A.   No.   Sweeney's bed was never at Ly Nam De.

8           Q.   Oh, I'm sorry. Where was Sweeney's bed?

9           A.   At Ha Dong.

10          Q.   I'm sorry. I'm beginning to forget.

11          But you had stayed at Ly Nam De before. You'd been  
12        there 2 nights?

13          A.   Yes, when I was transferred to -- actually, I'd  
14        stayed at Ly Nam De numerous times. Every time we went to  
15        Hanoi, pretty much -- if we couldn't make it back to Yen Bai  
16        before late, because every time we would come to Hanoi, they  
17        would have to report to Ba Duong Thang. And every time,  
18        before we left Hanoi, they had to report to Ba Duong Thang.

19          Q.   So after you'd stayed overnight, and after you'd  
20        repaired the jeep, what happened?

21          A.   We went out to -- no. Yes. We went out and picked  
22        up spare parts and came back. And by the time we did all this  
23        -- we repaired the jeep, picked up the spare parts -- they  
24        decided that we would spend one more night at Ly Nam De, and  
25        then head back to Yen Bai very early the following morning.

1                   Well, when we got there it was early enough in the  
2                   evening. It was partially light, you know, like dusk. It  
3                   wasn't quite dusk. And the driver -- I don't remember if the  
4                   guard -- I think the guard was there too. Anyway, discussion  
5                   -- they asked me if I knew how to play ping-pong, and I said,  
6                   yeah.

7                   I'd played ping-pong. They had ping-pong tables for  
8                   recreation for the prisoners inside the motor pool, and so  
9                   they were going to take me up to the rec room to play ping-  
10                  pong, and we entered the building. I entered first, and the  
11                  guard and driver behind me. I'm pretty sure the driver was  
12                  behind me. There was no one in front of me. I went in first.  
13                  Anyway, I had to go up two flights of steps.

14                  As you went in, you went up one flight, and then  
15                  there was a landing and you turned around and come back up  
16                  this way, up another flight. And as I got up that flight of  
17                  stairs and started to turn right, there was a guard. There  
18                  was an NVA sitting in a chair there with an AK-47, and he saw  
19                  me and he immediately jumped up and wanted to know what I was  
20                  doing there. And I don't remember, the guard or the driver,  
21                  one of them was right behind me, and he just told him that we  
22                  were going to the rec room to play ping-pong, and the guard  
23                  said no, he cannot come up here, he cannot be here. And about  
24                  the same time, caucasian, he stuck his head out the door,  
25                  almost down at the end of the hallway.

1           Q.    How far away was it?

2           A.    Maybe 30, 40 feet, something like that.

3           Q.    How long did his head stay outside the door?

4           A.    Quite awhile.

5           Q.    How long is quite awhile?

6           A.    I didn't stay there very long. I mean, when the  
7        guard started yelling and stuff. This guy looked in pretty  
8        bad shape. He was either real sick or malnourished. His face  
9        was very sunk in, beard, sandy haired, reclining hairline. He  
10      looked in pretty bad shape.

11        Q.    How much of him could you see?

12        A.    His head part, up to about his shoulders, part of  
13      his shoulder.

14        Q.    Could you tell from the way he was how tall he was?

15        A.    No. It looked like he might be half sitting down,  
16      half standing up or something.

17        Q.    When you say he looked like he was in bad shape, was  
18      he bleeding?

19        A.    No, just very thin, malnourished. It reminded me  
20      very much of the situation in South Vietnam, the way the camps  
21      were in South Vietnam.

22        Q.    Did he say anything?

23        A.    No.

24        Q.    Were there any Vietnamese with him?

25        A.    Just the guard.

1           Q.    But the guard was dealing with you?

2           A.    Yes, he wanted me out of there.

3           Q.    Was the guard's back to this guy who stuck his head  
4 out?

5           A.    Yes.

6           Q.    Were there any other guards there?

7           A.    I don't remember any. There were some people. Some  
8 people did come out of the rec room.

9           Q.    Where was the rec room in respect to where the  
10 caucasian was?

11          A.    The first room as you got to the landing of the  
12 stairs, you turn -- you got up, there was a hallway and you  
13 just turn right there. It was right there.

14          Q.    Had you been in the rec room before?

15          A.    Yes.

16          Q.    And had you used the ping-pong tables before?

17          A.    Yes.

18          Q.    Was there a mess hall or kitchen in 17 Ly Nam De?

19          A.    Yes. Yes, there was.

20          Q.    Where people used to eat?

21          A.    Yes.

22          Q.    Did you used to eat in that kitchen?

23          A.    Yes, I did.

24          Q.    And when you were with your guards, would you come  
25 in and go to a table and sit and eat with them?

1           A. I ate after the camp personnel did. After they  
2 finished eating, then I ate there. I wouldn't eat with them.  
3 I ate after they did.

4           Q. So the guards, your guards would eat first?

5           A. Everybody in the whole compound, whoever was in the  
6 compound that was NVA or -- they would all eat together first,  
7 and then if -- me and the ARVN's would eat after the guards  
8 did.

9           Q. Were there ARVN's at 17 Ly Nam De?

10          A. Yes, there were ARVN's there. I don't know what  
11 camp they came from. They used them for maintenance -- work  
12 force.

13          Q. Was this mess hall at 17 Ly Nam De -- would you like  
14 get a tray or get a plate of food?

15          A. No.

16          Q. How did it work?

17          A. You took your bowl with you. You had a bowl and  
18 chopsticks, and you took those with you wherever you went. It  
19 was ceramic, kind of -- yeah, it was a ceramic bowl, and  
20 chopsticks made out of bamboo, and basically anywhere you  
21 went, you took those with you. And what you usually had was a  
22 basket of rice, cooked rice, some boiled vegetable, and  
23 usually dried fish, dried salted fish, and that was the meal.  
24 On occasion, they had tea, green tea.

25          Q. How long did you see the caucasian at 17 Ly Nam De,

1 this time in the summer or fall of 1977?

2 A. Maybe a minute.

3 Q. Did you know who that was?

4 A. No.

5 Q. Have you been able to determine who it was?

6 A. No, I haven't.

7 Q. Were you shown pictures by DIA to see if you could?

8 A. Yes, I was.

9 Q. Were you able to make any identification at all?

10 A. No. The pictures they showed me were young, like  
11 they had just come out of boot camp.

12 Q. After this incident, did you have occasion American  
13 POW's -- either see or come in contact with American POW's,  
14 following this fall of 1977 incident?

15 A. Yes.

16 Q. When was the next time? And let's go off the record  
17 first.

18 (Discussion off the record.)

19 MR. CODINHA: Why don't we break for the day?

20 (Whereupon, at 5:50 p.m., the deposition in the  
21 above-entitled matter was recessed, to be resumed on Thursday,  
22 January 23, 1992.)

23

24

25

Stenographic Transcript of  
**HEARINGS**  
Before the

**SELECT COMMITTEE ON  
POW/MIA AFFAIRS**

**UNITED STATES SENATE**

*CONTINUED*

**DEPOSITION OF ROBERT GARWOOD**

Thursday, January 23, 1992

Washington, D.C.

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## DEPOSITION OF ROBERT GARWOOD

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3 Thursday, January 23, 1992

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5 U.S. Senate

6 Select Committee on

7 POW/MIA Affairs

8 Washington, D.C.

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10       Continued deposition of ROBERT GARWOOD, a witness  
11   herein, called for examination by counsel for the Select  
12   Committee, pursuant to notice, the witness having been duly  
13   sworn by RAYMOND R. HEER, a Notary Public in and for the  
14   District of Columbia, taken at the office of Hon. Robert D.  
15   Smith, Room SD-336, Dirksen Senate Office Building, commencing  
16   at 9:45 a.m., and the proceedings being taken down by  
17   Stenomask by RAYMOND R. HEER, and transcribed under his  
18   direction.

19

PRESENT:

20

HON. ROBERT C. SMITH

21

U.S. Senator from New Hampshire

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1 APPEARANCES:

2 On behalf of the Committee:

3 J. WILLIAM CODINHA, ESQ., Chief Counsel

4 FRANCES ZWENIG, Staff Director

5 DINO CARLUCCIO, Staff of Senator Smith

6

7 On behalf of the Witness:

8 VAUGHAN E. TAYLOR, ESQ.

9 Taylor, Dowell and Horbaly

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## I N D E X

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Examination by Counsel for the

3 ROBERT GARWOOD

Committee

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By Mr. Codinha

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## P R O C E E D I N G S

2 Whereupon,

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ROBERT GARWOOD

4 was called as a witness by counsel for the committee and,  
5 having been duly previously sworn by the Notary Public, was  
6 further examined and testified as follows:

7 CONTINUED EXAMINATION BY COUNSEL FOR THE COMMITTEE

8 BY MR. CODINHA:

9 Q. Good morning, Mr. Garwood. This is our third  
10 morning, so I don't have to remind you you're still under  
11 oath.12 Have you had an opportunity to think about what you  
13 testified to yesterday? And if so, are there any changes in  
14 your testimony, or corrections, or alterations, or  
15 improvements, or deletions you would like to make?16 A. The year of 1977 -- so much happened in 1977 that  
17 now a lot of things tend to run together. And there have just  
18 been some doubts in my mind as to the specific dates.

19 Q. In 1977?

20 A. Yes, as the events took place -- I remember the  
21 events. I have no problems with those. It is just the exact  
22 time period. The more I think about it, or the more I dwell  
23 on the dates, or say the month -- like the time-frames, okay?  
24 The year, I have no problem with that.

25 But spring -- whereas you know, 5, 6 years ago I

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1 could narrow it down practically to the day, now I have  
2 trouble narrowing it down even to the month. The events, I  
3 have no problem with.

4 Q. Did you keep notes 5 or 6 years ago when you could  
5 remember this?

6 A. I have never kept notes.

7 Q. So what you're telling me, is basically your memory,  
8 as you recall it from 10 or 12 or 14 years ago?

9 A. Yes -- I've never kept notes for the specific  
10 purpose I didn't want anything like that falling into the  
11 media or wherever. I didn't have any place secure to keep  
12 them and so I never kept them.

13 Q. Yesterday, we completed Thac Ba Lake -- at least the  
14 summer of 1977 -- Thac Ba Lake incident. And I think after  
15 that you said after you went back to Thac Ba Lake -- I'm  
16 sorry, after you had left Thac Ba Lake, I asked you when was  
17 the next occasion you had an opportunity to come into contact  
18 with American POWs. And I don't recall when that was.

19 So why don't we start there today, after Thac Ba  
20 Lake?

21 (Pause.)

22 MR. TAYLOR: Bill, perhaps it would help -- my notes  
23 reflect you got into the sighting at 17 Ly Nam De Street,  
24 concerning the ping pong table.

25 MR. CODINHA: Yes, I have that.

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1                   MR. TAYLOR: That's where you guys ended up.

2                   BY MR. CODINHA:

3                   Q. You told us you had occasion to go to 17 Ly Nam De  
4 and you had been the first through the door, and you had gone  
5 up the stairs, the second flight of stairs, and you had seen a  
6 guard at the top of the stairs.

7                   At that point, the guard had some conversation with  
8 you, and a POW -- or, strike that -- a caucasian leaned out  
9 from down the hall. Do you recall that?

10                  A. Yes.

11                  Q. And I think that is where we stopped yesterday. And  
12 I asked you for a description of that caucasian. And you had  
13 told me that he had a receding hairline; he had sandy hair; he  
14 had a growth of beard; and that he looked -- and you didn't  
15 use the term emaciated, but I would characterize it as  
16 emaciated. You said he wasn't in good shape. Do you recall  
17 that?

18                  A. When I say he wasn't in good shape, I only compare  
19 it to -- I can only compare it to what my health was then.

20                  All right, I wasn't -- I considered myself healthy  
21 at the time, even though my weight was only about  
22 130 -- approximately 130, 135.

23                  And he looked to be much thinner than me.

24                  His -- you know, his face sunken in, his eyes -- that's the  
25 only way I can -- you know, if he was healthy and he looked

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1       fat -- he just looked weaker than myself.

2           Q.    Okay, were you able to make any  
3       determination -- other than he was -- was he light-skinned,  
4       dark-skinned caucasian?

5           A.    No, caucasian --

6           Q.    How long a time did you get a look at him?

7           A.    A very short period of time. The guard was quite  
8       upset that I was even there. I came unannounced -- 30  
9       seconds, maybe? I don't know.

10          Q.    Is there any question in your mind that that person  
11       was a caucasian?

12          A.    No, no question. None at all.

13          Q.    Were you able to make any determination whether that  
14       person was in custody or was free to move around?

15          A.    There was no question the individual was in custody,  
16       basically because he was there. That building was controlled  
17       by Cuc Quan Phap. That was part of their compound, or  
18       whatever. And the only people outside the Army that were  
19       there were myself and ARVN prisoners. I never saw -- I never  
20       witnessed any civilians in the compound.

21          Q.    Now, the ARVN prisoners -- you described yesterday  
22       that I asked you whether you ever ate at 17 Ly Nam De?

23          A.    Yes.

24          Q.    Do you recall that?

25          A.    Yes.

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1       Q.    And you told me that you did.  And I think you told  
2   me yesterday that what would happen is the North Vietnamese  
3   guards would eat first --

4       A.    Yes.

5       Q.    -- and then you and the ARVN prisoners would eat  
6   after that?

7       A.    That's correct.

8       Q.    Do you recall that happening, that you and the ARVN  
9   prisoners would eat after that?

10      A.    Of course.

11      Q.    And on how many occasions would that have happened,  
12   that you and the ARVN prisoners would eat after that?

13      A.    Well, when the ARVNs were in the camp -- or in the  
14   compound, then we'd eat.  But most of the time I ate by  
15   myself.

16      Q.    On the occasions that you ate with the ARVN  
17   prisoners, do you recall -- were they dressed in the typical,  
18   ARVN prison guard -- prison garb?

19      A.    No, no they weren't.

20      Q.    How were they dressed?

21      A.    The same garb only without the stripes.  It was all  
22   red.  It was all kind of a -- not burgundy.

23      Q.    Was that a different color than the uniforms of the  
24   NVA guards?

25      A.    Oh, absolutely.

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1 Q. Okay, and what color were their uniforms?

2 A. Olive, drab green.

3 Q. And the Cuc Quan Phap guards that were there, did  
4 they normally dress in uniforms at 17 Ly Nam De?

5 A. Always.

6 Q. Would one looking at the ARVN prisoners -- just from  
7 the way they were dressed -- know that they weren't -- that  
8 they weren't guards?

9 A. Absolutely.

10 Q. Okay, so then there'd be no question that somebody  
11 might mistake them for North Vietnamese army?

12 A. No question.

13 Q. Do you recall any occasions in 1977 when you ate  
14 with the NVA guards -- when you ate with the North Vietnamese  
15 guards as opposed to the ARVN prisoners?

16 A. The only time I ever ate with the guards was when we  
17 were in transit.

18 Q. Would Ly Nam De be considered "in transit"?

19 A. No.

20 Q. So that would be a location, rather than some place  
21 that you were stopping off at.

22 A. Right.

23 Q. So then you have no memory of eating with the guards  
24 at 17 Ly Nam De?

25 A. Drinking tea -- I don't know if that would be

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