

1 experiences, with that Vietnam, against the U.S. And this  
2 school was in Son Tay. It was in, he said, it was in the old  
3 police compound.

4 Q. Right.

5 A. And, anyway he went on and he asked me, he says,  
6 have you been in that school. No, I don't know anything about  
7 it. He said, well it's very interesting. He says, have you  
8 had any chance, since you have been here, have you had any  
9 chance to meet or see any of the American prisoners. No. And  
10 he says, oh, we have. I said, really, I didn't know there  
11 were still American prisoners here now. He said, yeah, oh,  
12 there's quite a few.

13 And so, it kind of peaked my interest a little bit.  
14 And so I asked him. I asked him, I said, well, on what  
15 occasion did you get to see these people? He said, well,  
16 first we saw them on film, on video, you know on film, as part  
17 of the class.

18 And he explained that the class, the way he started  
19 out was the breaking down of a POW, psychologically. You saw  
20 -- Vietnam was teaching the classes how to break down the  
21 prisoner psychologically, that it was much more effective  
22 rather than brutality and that it was not --

23 It was much more effective and not only able to  
24 access information from the prisoner, but also to be able to  
25 control the prisoner, and that mere brutality of the prisoner

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1     only angered and made the prisoner resist more.

2             He said that the pictures of the film that they were  
3     shown, they were shown of pilots, from when they were shot  
4     down, when they were first captured and when they brought in,  
5     the resistance -- mere name, rank, and serial number; talked a  
6     very short period of time and they were talking about their  
7     family, where they were from, their growing up.

8             To a short time later that they would open up and  
9     start talking about their -- what schools they went to or  
10    attended, when they entered the service -- start off from what  
11    schools they had entered from elementary to high school to  
12    when they entered the service, to what schools they went to,  
13    and then on to as to what duty assignments and how they came  
14    to be bombing Vietnam, and they said -- he said, it was  
15    amazing.

16            From this person who was strong and hard core and,  
17    he said, an officer, U.S., who would come across as not being  
18    able to penetrate the individual, to where it was a meek lamb  
19    over a very short period of time. And I asked, what do you  
20    mean a meek lamb? And he said, we were actually sitting in on  
21    interviews. We saw, we actually saw the film of this  
22    individual and then they brought the individual in. And I  
23    said, you actually got to talk with him?

24            He said, no, not really, we just observed the  
25    Vietnamese. He said the Vietnamese would come in and they

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1 would question him, like an interview, and the individual  
2 would very meekly not only respond, but would elaborate on the  
3 question.

4 And I said, how many people -- how many people did  
5 you see like this? And he -- when I asked him that question  
6 he balked at it. He said, well, I don't know if I should be  
7 talking to you about this. He said, I don't know what your  
8 duties are here, maybe you don't have the right to know this.  
9 So I just shrugged it off like it was no big deal, because I  
10 definitely did not want him to be suspicious of me.

11 Well, this was talked about, again very briefly, by  
12 the Cuban. The Cuban, the two Cubans, one of them could speak  
13 English but it wasn't very good. His English wasn't that  
14 good. But it was a conversation between the Palestinian and a  
15 Cuban, they were having together and come to find out that the  
16 Cuban was here to join -- well he was going to Son Tay too and  
17 they were talking.

18 The Cuban had heard the Palestinian talk to me about  
19 this class, and so he started talking to the Palestinian about  
20 it, and evidently the Cuban hadn't, was either waiting or  
21 hadn't went through this yet and it perked the Cuban's  
22 interest and they were talking about it. And I was sitting up  
23 in bed and I was trying to listen to what they were talking  
24 about. The Cuban that was right straight across from me, he  
25 called to his comrade and he said something in Spanish. And

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1 the other Cuban just looked at me and they went on another  
2 subject. And so that was the pretty much the only time.

3 Q. Were you able to determine when the Palestinian said  
4 that there were still American prisoners in Vietnam and there  
5 were quite a few, how many he was talking about?

6 A. No, he didn't elaborate on that. That's exactly the  
7 words he used.

8 Q. Quite a few?

9 A. Yes.

10 Q. Did he describe where they were located?

11 A. Only that he saw them, that they brought him in the  
12 class at some time.

13 Q. He said that they had sat in on interviews and you  
14 had asked him how many and that's when he sort of clammed up?

15 A. Well, the way his story was going was that they'd  
16 see the film. After they saw the film and everything, then  
17 they would actually bring the individual in.

18 Q. Did you know where Son Tay was?

19 A. Yes.

20 Q. Son Tay is a province, right?

21 A. Yes.

22 Q. But there is also a prison camp at Son Tay?

23 A. Yes.

24 Q. Did he explain whether he was talking about Son Tay  
25 the province or Son Tay the prison camp?

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1           A.    No, he explained that, well, initially he said the  
2   old police compound is where the school is.

3           Q.    And did you know where that was?

4           A.    Yeah.

5           Q.    Had you ever been there?

6           A.    No, by there. Yeah I had to go by there every time  
7   you went to Bat Bat.

8           Q.    Had you ever seen Americans there?

9           A.    No.

10          Q.    Had you ever heard prior to this that there had been  
11   Americans there?

12          A.    No. I heard that there had been raid, some type of  
13   raid in '69 or '70, but they had -- the Vietnamese  
14   intelligence had found out about it several weeks before it  
15   was going to go down and they had moved the people out of  
16   there.

17          Q.    But the incident you are describing to me had  
18   happened in '77?

19          A.    Yes.

20          Q.    And did the Palestinian give you an impression of  
21   how recently the events he was describing to you had occurred?

22          A.    Um, had to be fairly recently because their course  
23   was a 2-month course there.

24          Q.    So within 2 months of this incident -- do you  
25   remember when in '77 it was?

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1 A. Yeah, just prior to the Tet.

2 Q. Do you remember what Abdullah's name was?

3 A. He told me his entire name. He even taught me some  
4 Arabic, Arabic. He told me he was in the battle of Tal-Al  
5 Zatar, somewhere in near Beirut, supposed to have been some  
6 big battle where just him and a couple of other people were  
7 the only survivors. Let me see, other words did he teach me,  
8 El alam, something, salute the flag or something like that.

9 Q. Do you recall anything else about him beside what  
10 you have already told me this morning?

11 A. I met the entire group that he was with, plus the  
12 person who was in charge of it. And I later recognized that  
13 individual from a photograph that I saw here in the United  
14 States. And when I told defense intelligence agencies that I  
15 had seen that individual they told me that I was mistaken,  
16 that according to their records, this individual was not in  
17 that area at that time.

18 Q. Do you recall when that incident took place that you  
19 saw the photographs?

20 A. I saw it in the paper. Yeah, it was during the  
21 hijacking. There was a hijacking took place about 4 or 5  
22 years ago.

23 Q. And you saw the individual's picture in the paper?

24 A. Yeah, as the person who had orchestrated the  
25 hijacking.

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1 Q. And then you --

2 A. They killed somebody.

3 Q. Was that the American sailor?

4 A. The incident was the incident where our Air Force  
5 turned the plane around and forced it to land; he was on  
6 board.

7 Q. And you told DIA that that was the person you had  
8 seen in --

9 A. That was in charge of the group of Palestinian  
10 commandoes. These Palestinian commandoes, from what this one  
11 Palestinian told me, they were all battalion commanders.

12 Q. Was that at an interview that you had this  
13 conversation with DIA?

14 A. It was during -- yeah, it was during an interview.

15 Q. One of the ones at either Ocracoke or in Senator  
16 Smith's office or some place like that?

17 A. No, it wasn't at Senator Smith's office. I didn't  
18 take any notes on this. I think it was one of the initial  
19 interviews.

20 Q. Okay. One of the initial interviews?

21 A. Yeah.

22 Q. Was that after '85?

23 A. Yes. But they classified, if I understand, they  
24 made a whole separate report aside from the debriefing and  
25 classified the thing separately. I gave descriptions of the

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1 22 people -- well, it was 23 altogether. They came, the whole  
2 group came to visit these Palestinians in the hospital, almost  
3 everyday.

4 Q. The whole group of what?

5 A. This whole group of Palestinians that were this  
6 guy's friends.

7 Q. And you said you knew who was in charge of that  
8 group. Was the person in charge Vietnamese?

9 A. No, Palestinian.

10 Q. Did you ever meet the Vietnamese who was in charge  
11 of that group?

12 A. I never seen any Vietnamese. Those people seemed to  
13 have free run of the country. They had an embassy or  
14 something there.

15 Q. Going back to your own personal live sightings, have  
16 you now completed what you wanted to tell me about that  
17 incident that happened in '77, at hospital 108?

18 A. Yes.

19 Q. Was there any other information that you were able  
20 to gain about American prisoners being held in Vietnam that  
21 came out of that?

22 A. My recollection -- I think the topic only come up  
23 twice, once when he was talking to me and once when he was  
24 talking to the Cuban. I don't remember any other instances  
25 come up.

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1 Q. Going back to your own live sightings, the last one  
2 that I have is '78, after Tet, Gia Lam warehouse where you saw  
3 five or six caucasians. Do you recall any happening after  
4 that?

5 A. It's so hard because all the instances just run  
6 together now. It's just not as clear in my mind now as it was  
7 5 or 6 years ago. It's hard for me to separate them.

8 Q. But you don't recall any other incidents where you  
9 saw live American POW's after the incident at Gia Lam  
10 warehouse, '78 after Tet?

11 A. I am not sure.

12 Q. Okay. Are there any other incidents that you can  
13 recall that I haven't asked you about? That may be an unfair  
14 question. Let me see if we can get to it another way.

15 I am going to start in 1973, and I am going to go  
16 through the incidents that you have told me about and you may  
17 recall others, okay.

18 A. All right.

19 Q. Beginning in 1973 you were at Bat Bat.

20 A. Yes.

21 Q. And you made a live sighting and you described the  
22 25 small buildings that were over the hill in Bat Bat.

23 A. Yes.

24 Q. And at that time it was after Operation Homecoming,  
25 and you saw some people in that area. Do you recall how many

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1     you saw?

2           A.    No more than two or three at a time, maybe four but  
3     I'm not sure.

4           Q.    And you were not able to tell whether they were the  
5     same two or three that you were seeing, because?

6           A.    It was a distance.

7           Q.    You had seen them coming out of different huts.

8           A.    I didn't actually see them coming out.

9           Q.    You had seen them near different huts at different  
10    times.

11          A.    Yes, because I didn't have a view of the doorways.

12          Q.    And then at Ha Dong you saw some individuals, do you  
13    recall that? At Ha Dong you saw three POW's, and if you do  
14    not recall that, because I am taking that from two sets of  
15    notes, do you recall that?

16          A.    No, I'm trying to figure if you had the name wrong.

17          Q.    And there came a time when you saw Earl Clyde  
18    Weatherman and a black individual.

19          A.    Yes.

20          Q.    And do you recall where that was?

21          A.    That was in front of Ba Duong Thang Street.

22          Q.    And that was number 3.

23          A.    Yes.

24          Q.    And then you saw individuals, American POW's at Yen  
25    Bai.

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1           A.   Not Yen Bai town, on the railroad track, the  
2   boxcars.

3           Q.   Well, let us call it the Yen Bai boxcar. And you  
4   believe you saw a group of --

5           A.   30, give or take a few.

6           Q.   Approximately 30. And then at camp 776, I am sorry  
7   at camp number 5, the Thac Ba island, you saw a number of  
8   individuals, and I believe you told me it was two or three.  
9   Do you recall that?

10          A.   They were standing up in the doorways.

11          Q.   I am sorry, you told me three, four or five at that  
12   time.

13          A.   My memory is not clear on the numbers. I remember  
14   the individuals, but my vision was not clear enough to  
15   remember or to be able to count them.

16          Q.   When you say your vision is not clear enough, do you  
17   mean your memory?

18          A.   In order to remember stuff I have to literally try  
19   and put myself back and put that picture back in my mind, and  
20   therefore I get the vision, I get the picture. And that  
21   picture is much more foggy today than it used to be.

22          Q.   And in 1977 at number 3, Ba Duong Thang, you saw a  
23   POW and then you saw him again the next day.

24          A.   A person that I concluded that was, or at least  
25   looked like the same individual that I saw the night before.

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1 Q. And then in the fall of 1977 at 17 Ly Nam De, you  
2 saw -- I am sorry, you heard what you believed to be three or  
3 four Americans.

4 A. Yes.

5 Q. But you did not see them.

6 A. No, I didn't see them, I didn't know if they were  
7 under guard or what.

8 Q. And then at 1978, after Tet, either just before or  
9 just after the summer, at Gia Lam warehouse you saw five or  
10 six American POW's.

11 A. Yes, there could have been more.

12 Q. And that was the last of the American POW's that you  
13 recall seeing alive in Vietnam.

14 A. I seem to remember an incident at Ba Duong Thang,  
15 more than once, but I can't place when the other time took  
16 place. In front of Ba Duong Thang, it was more than just that  
17 one sighting, well there was two sightings, but there was two  
18 of them outside. I just can't remember when the other one  
19 took place. The one with the two, the white and the black,  
20 that, for whatever reason, stands out in my mind. I remember  
21 there was only one individual in the vehicle, and I passed by  
22 Ba Duong Thang but didn't stop. But I can't put a time frame  
23 on it. I'm going to have to really think about that one.

24 Q. Was that someone you believed to be a caucasian?

25 A. That is what is not clear in my mind right now. I

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1 have had to do some, since I've been back through, some  
2 psychological help from a psychiatrist in order to deal with  
3 my psych well-being. I have, over the years, in order to be  
4 able to function like a normal human being, to be able to live  
5 here in the U.S. and not regress.

6 I have had to work very hard on repressing, and that  
7 includes my memory, in order to be able to function. I've had  
8 to repress my memory, my feelings, and what that has done is  
9 that it has -- I've found that each time I do that, the  
10 instances themselves, when I recall them, I can remember them,  
11 but it is like my mind, my psyche, it's trying to protect me  
12 or something. Because I get really screwed up, I get really  
13 in depth in this, and what comes out of it is when you people  
14 are through with me, my psychiatrist gets me for about another  
15 couple of months.

16 Q. Well, I certainly apologize for that and I am  
17 grateful to you. And, as you know, Senator Smith and Senator  
18 Kerry are grateful to you for making yourself available to us.  
19 This committee has a 1-year life span, and your information  
20 may help us to get some people back or have more information  
21 than we would otherwise have, and that is very useful and I  
22 thank you for that.

23 A. Well, I feel as an American, and not just an  
24 American fighting man, but I feel that it is my responsibility  
25 to be here, and the moral obligation and moral responsibility

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1 as well as brotherhood to people who are still incarcerated.  
2 And it is a very -- I want to do something to help them very  
3 bad, but I feel I'm trying to balance this thing. If I end up  
4 in a mental ward, I can't help nobody. And I have a home, I  
5 have a job, things that I have to maintain, and I have to try  
6 to do that, to help work with the committee.

7 But if I go back like I was several years ago, if I  
8 get that in depth again, I'll withdraw. And it gets really  
9 bad, I withdraw from everything, everybody. I am not able to  
10 control that. And my nightmares and things come back, and I  
11 literally, I am there again. I live it; it's real. It is no  
12 longer remembering -- suddenly it is no longer memory, it is  
13 real, it is very real.

14 And I have a lot of anger for the Vietnamese, and  
15 towards those people, a lot of anger. And I'm afraid -- I'm  
16 very much afraid that I've got all this anger locked up  
17 somewhere inside me, and deep down. And I'm afraid that this  
18 will all come out at once one day, and it will destroy me  
19 totally.

20 Q. Well, we will try to avoid doing anything that is  
21 going to be a trigger for that.

22 A. I really want -- I want to help the committee, I  
23 want to do everything I can and give them all the information  
24 and the details I can about these people. But you have no  
25 idea, you don't know how hard it is when a family member calls

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1 me because they want to find out something about their person.  
2 And it is the anxiety when they first talk to me, and their  
3 sadness when I tell them that I don't know anything about  
4 their loved one. I feel very guilty about that.

5 I feel guilty because I think to myself, why in hell  
6 didn't you take the time, why didn't you try and probe and  
7 find out who these people were. Why didn't you ask more  
8 questions. And, yes, I feel I have a major guilt about that.

9 Q. Mr. Garwood, let me tell you something. A lawyer's  
10 job is to ask questions. I have posed lots of questions in  
11 the last 3 days. There is no one who could be expected to  
12 give me answers to all the questions I have asked. If I had a  
13 video camera there I would not expect you to do any better  
14 than you have. All you can do is the best you can.

15 And so when I ask you questions I am not trying to  
16 indicate that I do not believe you, or that you did not try  
17 hard enough, or that someone else could have tried harder.  
18 All I am trying to do is to get all the information you have,  
19 so we can put it together with the other information we have.

20 And from my personal observation, you did a fine job  
21 in terms of recording the information, and now in telling it  
22 back to me. You have nothing to be embarrassed about or  
23 ashamed about, that you did not try harder.

24 So having said that, if you have taken any of my  
25 questions to mean that I do not think you tried hard enough,

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1 that is not what I was trying to convey. What I was trying to  
2 do was to ask questions in a particular way, and in a  
3 particular sequence, that might help you to recall that, and  
4 recall that time. And they were not meant to have any  
5 criticism attached to them, or any, as it were, load attached  
6 to them. I do not believe anyone could have done better.

7 So having said that, perhaps -- and I think I am  
8 just about to leave Vietnam anyway so this may make it  
9 somewhat easier, okay. Do you want to take a break now for a  
10 minute or two?

11 A. Yes, please.

12 (Whereupon, at 12:30 p.m, the deposition in the  
13 above-entitled matter was recessed, to reconvene at 1:50 p.m.,  
14 this same day.)  
15  
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## AFTERNOON SESSION

(1:50 p.m.)

Whereupon,

ROBERT GARWOOD,

the witness on the stand at the time of recess, having been previously duly sworn, was further examined and testified as follows:

## FURTHER EXAMINATION BY COUNSEL FOR THE COMMITTEE

BY MR. CODINHA:

Q. Mr. Garwood, I would like to now jump a little ahead. It has been reported, with probably fairly good accuracy, how you left Vietnam, how you got a note to a Finnish -- I believe it was, a Finnish diplomat, or you got a note to someone.

A. That was the second time I has passed a note.

Q. The second time. And, again, because we are really trying to dwell on live sightings and not on the entire 14 years you were in Vietnam, I will jump around a little. We have been, over the break, looking at a videotape that was made. And you described to us that that videotape is an edited version. You said that there was an unedited version someplace. Where is that?

A. It is in the possession of Monica Jensen Stevens.

Q. And have you seen that unedited version?

A. Yes, I have.

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1 Q. When was that videotape created?

2 A. It was created just prior to my release from  
3 Vietnam, about March 18th or 19th of 1979.

4 Q. At whose request was that videotape created?

5 A. Vietnam.

6 Q. And were you acting as a free agent in that  
7 videotape?

8 A. No, I was not.

9 Q. And were your actions controlled in that videotape?

10 A. Yes, they were.

11 Q. How were they controlled?

12 A. I was walked through. First of all, what was told  
13 to me was that there was a journalist from the United States  
14 in Vietnam, and that he was cooperating with Vietnam in  
15 filming me in daily activities. And they said that my release  
16 would depend upon my cooperation with these people.

17 Q. Is it accurate to say, and I will just give a short  
18 condensation of that videotape -- is it accurate to say that  
19 that entire videotape was a sham?

20 A. Yes, it was.

21 Q. A fake.

22 A. I never lived in Hanoi.

23 Q. You did not live in Hanoi.

24 A. No, I didn't.

25 Q. You were not using your own wallet.

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1 A. No.

2 Q. You were not using your own money.

3 A. No.

4 Q. And for the most part, you did not know the people  
5 that you were told to say that you knew.

6 A. I didn't know any of them. That was the first time  
7 I was ever at that location.

8 Q. Now, at the end of the videotape, which you have not  
9 had an opportunity to see recently, there are a couple of  
10 messages. One is that you are asked a question, if you had a  
11 message to give your folks. And your response is, after 15  
12 years I will be coming home, please do not misunderstand me  
13 until you have met me and heard what I have to say. My life  
14 here has not been an easy one. Believe in me, please, I am a  
15 true American, not as thus, who would make you see me.

16 Now what did you mean by that?

17 A. That this film, that may be aired and they may view,  
18 is not the truth of what happened over there, or what happened  
19 to me. I tried to get across to them that this whole thing  
20 was just that, it was made up, it was a charade for  
21 propaganda, it was nothing more than mere propaganda, that  
22 there was no truth to it.

23 Q. And was that your way of giving that piece of  
24 information to the Americans and to the American public?

25 A. That is correct.

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1 Q. And then at the end of the tape, or at least the end  
2 of the version that I have, it says, you are asked one more  
3 time do you have a message to give to your folks. And you  
4 say, especially Dad, it is harder for you to know. After the  
5 reunion, you will understand why I did what I did and who I  
6 did it for. Please do not believe what they try to say that I  
7 am. I am a true American, and I will show you that I am so.

8 What were you trying to indicate when you said that?

9 A. That everything -- of what I was trying to get  
10 across to him, that everything or anything he ever heard about  
11 me, or anything that he had viewed about me, that it was  
12 totally under duress, and I was forced to do or say what I  
13 did. My actions, anything he had seen on tape or anything I  
14 said, that it was done -- wasn't done of my own free will.

15 Q. When you left Vietnam, how did you leave? What was  
16 the method by which you left Vietnam?

17 A. By Air France.

18 Q. Do you know how that was set up?

19 A. I didn't know at the time, only found out later.

20 Q. And while you were in Vietnam, did you speak to any  
21 Americans after you had passed the note? Did anybody from the  
22 embassy or -- I am sorry, we did not even have an embassy.  
23 But did any Americans come and contact you?

24 A. Only at the so-called press conference when I was  
25 supposed to have been turned over to the International Red

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1 Cross representative.

2 Q. Now after you passed the note, the second note, and  
3 before you left on the Air France jet, did you have a meeting  
4 with the Vietnamese?

5 A. Yes, I did.

6 Q. And were you given certain instructions at that  
7 meeting?

8 A. Yes, I was.

9 Q. Who did you have the meeting with?

10 A. Colonel Thai.

11 Q. And was that the same Colonel Thai that you had seen  
12 at different times during the period you had been in Vietnam?

13 A. That is correct.

14 Q. And is he Cuc Quan Phap?

15 A. Yes.

16 Q. And where did the meeting take place?

17 A. In this -- well, it took place in two places. The  
18 first meeting took place in Yen Bai. They took me back to Yen  
19 Bai. There was an execution, and there was an interrogation.  
20 They wanted to know everyone involved in the black market  
21 activities. They wanted names, they wanted to know how long  
22 that it had been going on. They wanted to know where the  
23 money came from, et cetera, et cetera, everything about it.

24 They wanted to know what hotel, how I knew what  
25 hotel to go to, to meet these people who I contacted. They

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1 strongly believed that I had a CIA contact the last 2 years in  
2 these hotels, and that I was only using the black market as a  
3 front to pass information to the -- through these hotels to  
4 operatives.

5 Q. That is what Colonel Thai told you?

6 A. Yes, that that was their belief, yes.

7 Q. Was that essentially the first meeting? Have you  
8 just given me a synopsis of what happened?

9 A. Yes, that was a synopsis of the first meeting. The  
10 second meeting was just prior, before I was taken to the  
11 airport.

12 Q. And where did that meeting take place?

13 A. That meeting took place somewhere in Hanoi. It was  
14 a building, in a small room.

15 Q. Was in Ly Nam De Street?

16 A. No, I didn't recognize the street at all.

17 Q. What took place?

18 A. He told me quite bluntly that -- he said, you're not  
19 as smart as you think you are, and you haven't escaped  
20 Vietnam, you haven't escaped us. He said, we know of all your  
21 activities, and he told me, he said the Palestinians, they  
22 know who you are, they know where your family lives. And he  
23 said we, the Vietnamese, have been very lenient with you. He  
24 said your being alive today proves that.

25 He said, but the Palestinians, they are without a

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1 homeland, they won't be so lenient. You being able -- your  
2 meeting with them was a mistake on our part, but nevertheless  
3 if you meet with any agents or disclose their identities or  
4 the circumstances or what they were doing here or anything you  
5 learned about them, that will put your family in serious  
6 danger. And he said that they needed to get this across to  
7 you.

8 MR. CODINHA: I am sorry, we are going to have to go  
9 off the record.

10 (Pause.)

11 BY MR. CODINHA:

12 Q. Would you pick up, please?

13 A. He said that they would be closely monitoring  
14 everything I said and all my movements on my return, and that  
15 the Palestinians had in excess of 100 Palestinians living  
16 right in the Indiana area who were faithful and sympathetic to  
17 the PLO. And he said it's in the best interests just to  
18 forget anything, any involvement that you ever had with these  
19 people and then he went on: and about the other Americans  
20 that you think you saw, over the years.

21 He said I strongly suggest that you let us deal with  
22 the United States about those people. It is none of your  
23 concern. There is nothing you can do about their situation.  
24 If you try to speak or tell anything about what you saw, what  
25 you have heard, where you have been, then the blood of these

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1 people will be on your hands, and not ours. He says, because,  
2 he says, for Vietnam, whether they go home as you are now, or  
3 they go home in a box, it makes no difference to us. The  
4 blood of foreigners has enriched Vietnam for thousands of  
5 years.

6 And he asked me, he says, there will be some groups  
7 who are with, in moratorium with Vietnam, who are friends of  
8 Vietnam, who will contact you upon your return. He says they  
9 will help you and they will keep you safe, but you need to  
10 know that you are not going home as a hero. Your status when  
11 you get home, you will have wished that you had never sent  
12 that note out -- got that note out.

13 You would have prayed to your God that things were  
14 back to where they were and you were back at Yen Bai prison  
15 camp. And he asked me if I -- this was all spoken in  
16 Vietnamese -- and he asked me if I had any regrets. I didn't  
17 understand what he was talking about. I had not told him, I  
18 said, I don't understand. And he said, do you regret your  
19 actions, what you have done. And I said, no. He said, this  
20 is how you repay Vietnam, and Vietnam Government for taking  
21 care of you and feeding you and housing you and letting you  
22 live.

23 You have no remorse, you have no guilt. And my  
24 response to him was I just want to go home. I want to go home  
25 to my family and he asked me if I had any hatred for the

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1 Vietnamese. I said, my response is Vietnam is a country of  
2 people, and I said, no, and that's my response. And he says,  
3 well, you love your family, you really care what happens to  
4 your family, and I said, yes I do.

5 And he says, I don't understand you. You are  
6 bringing great hardship and great burden to your family. And  
7 he just expressed he had sympathy for me, that I would have  
8 been much better off if I had stayed in camp, if I had stayed  
9 in Vietnam.

10 Q. Did you understand what he was talking about that  
11 when you went home you weren't going to be treated as a hero?

12 A. Kind of -- yes and no, and that was only through  
13 Albert. Albert told me that some of the other --

14 Q. Just to explain. Albert was the person who did the  
15 filming of the film that you have just described?

16 A. Right. Albert had told me that there had been some  
17 allegations by people that I wasn't the model prisoner. I  
18 think that was pretty much quote, unquote. I think that is  
19 the way he phrased it. And wanted to know if I had any  
20 comments on it, and I said, no.

21 And also there were some questions at the -- of some  
22 of the reporters at the news conference during when they were  
23 -- well, went through the ceremony to turn me over to the  
24 International Red Cross but didn't. Then reporters' questions  
25 -- asked me questions, like did I ever carry arms for

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1 Vietnamese, was I ever in the army for the Vietnamese, did I  
2 hold a position of authority over other prisoners of war, et  
3 cetera, and -- so I kind of related those questions to Colonel  
4 Thai.

5 Q. Did you identify with those questions, I mean, did  
6 you know what the people were talking about?

7 A. Not really. I had been brief prior -- I had a major  
8 problem with English. I had been briefed prior to that by the  
9 Vietnamese as to probably what questions would be asked me and  
10 what answers to give them.

11 Most of the questions that were asked of me and my  
12 answers were not the same. I didn't give the answers that I  
13 was primed to give. What the Vietnamese wanted me to do is  
14 they wanted me to explain to the reporters that I -- anything  
15 that I was accused of, that I was part of the peace movement  
16 in the United States, this anti-war movement.

17 They wanted me to stress that, and I think to a  
18 point -- I didn't stress it, but I read -- they pre-wrote on  
19 paper, because the problem was I was to read from the  
20 document, that I was not -- against the war or something, that  
21 I was for peace-loving people, or something, I don't remember  
22 what it was now. It was something to that effect. It was  
23 pre-written. I just read from it.

24 Q. When you got aboard the Air France jet and after  
25 you'd taken off, were there any Americans with you on that

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1 jet?

2 A. No, just a Frenchman.

3 Q. And the person from the International Red Cross?

4 A. Yes.

5 Q. And he had given you certain instructions about  
6 things not to say to him?

7 A. I immediately wanted to start talking to him, about  
8 anything, really, and he begged with me, he begged me and  
9 pleaded with me that, he said I know you have a lot of things  
10 you want to talk about, you want to say, but please don't tell  
11 me, don't talk to me, don't tell me anything. He said there  
12 will be -- he said, your people will be waiting for you in  
13 Bangkok. He said I have 2 more years left to serve my post in  
14 Vietnam, and he didn't want anything to jeopardize that.

15 What he was telling me that he knew he was going to  
16 be questioned upon his return to Vietnam as anything I may  
17 have said and didn't say to him.

18 Q. Did you talk to anyone aboard the plane about what  
19 had happened to you in Vietnam before you arrived in Bangkok?

20 A. No. I still believed that everything was happening  
21 was part of some type of charade or propaganda.

22 Q. About Vietnam?

23 A. Yes. I didn't understand. I just did not  
24 understand why I was being turned over to the French  
25 International Red Cross and not to my own people. I knew of,

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1 just through the re-education at the camps that the Vietnamese  
2 put me through, of the French involvement in Vietnam and that  
3 Ho Chi Minh had -- was -- initially was part of the French  
4 communist party and these people were French and Air France.  
5 It wasn't the same.

6 When they turned me over and when they put me aboard  
7 Air France, it wasn't the same as when Operation Homecoming,  
8 when the U.S. and the planes came in and then the Vietnamese  
9 and they turned the prisoners over to the U.S. and they were  
10 flown out. So, no, I didn't believe that what happened was  
11 going to happen.

12 Q. How did you know that U.S. planes flew into Vietnam  
13 in Operation Homecoming?

14 A. I saw films of it.

15 Q. Where did you see a film?

16 A. In Bat Bat, at the camp.

17 Q. They showed films there?

18 A. Yeah.

19 Q. When you arrived in Thailand, were you contacted by  
20 an attorney?

21 A. No.

22 Q. Did someone tell you not to say anything when you  
23 first arrived?

24 A. When the plane landed, the people who were on the  
25 plane immediately evacuated the plane. The captain of the

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1 aircraft came back and told me -- well, he didn't tell me, he  
2 asked me, he requested that I remain seated, I remained seated  
3 because the Ambassador to Thailand was going to greet me  
4 aboard the plane, and he was going to come and board the  
5 aircraft -- the American Ambassador. And I remained seated  
6 and an entourage of people came aboard the aircraft and I  
7 think he introduced himself.

8 He asked me if I was Robert O. Garwood, and I  
9 confirmed that I was. And he told me, he says, there are  
10 literally hundreds of media out in the airport and the  
11 surrounding area, and he strongly advised me -- he strongly  
12 advised me not to talk to them, answer any of their questions,  
13 say anything, and that he had ample security force to keep me  
14 away from them, keep them away from me, and I was to leave the  
15 plane and enter the vehicle and I would be taken straight to  
16 customs.

17 He said that was just a formality, that they had  
18 already worked it out with customs and I would be shuffled  
19 through and then immediately taken to C-130, a waiting C-130  
20 and then taken to Okinawa.

21 Q. When was the first time that anyone talked to you  
22 about the incidents that happened in Vietnam?

23 A. I was back in the United States about --

24 MR. TAYLOR: Let me interrupt for a minute because I  
25 think this is important. Bill asked you a question about when

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1 you first saw a lawyer. Why don't you pick up with that  
2 because you never did get to that point. You went off on this  
3 tangent about the Ambassador coming aboard.

4 THE WITNESS: When they went through all that. They  
5 took me to the C-130, and I boarded the C-130. And there was  
6 three officers, two enlisted, both sergeants, I don't remember  
7 the officers name, I remember Gunny Sergeant Langlois and one  
8 of the officers was Captain Composto. He introduced himself  
9 to me as military -- he was assigned military counsel for me  
10 and he told me before anything else was said, he said please  
11 don't say anything, ask -- answer anybody's questions. Don't  
12 talk to anybody, don't answer anybody's questions, about  
13 anything.

14 And that hurt, really. I didn't understand it. I  
15 mean, that's what I wanted to do. I wanted to talk. I was  
16 back with my people and this Gunny Sergeant Langlois, he told  
17 me that he had been assigned to personally escort, to take  
18 care of me, and he also told me that -- he asked me not to  
19 tell him anything of my experiences, that he was only assigned  
20 there to make sure that nobody bothered me, that I wasn't  
21 uncomfortable, et cetera, that I was taken care of.

22 Right after that happened, the senior officer read  
23 me my Miranda rights. After reading my Miranda rights, that  
24 officer he took out an album. Captain Composto started to  
25 intervene and he said something to him but it was an album

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1 that my family had prepared as photographs of as I remembered  
2 them and photographs how they looked now and also some  
3 letters. Before he handed it to me, he said, he said Private  
4 Garwood, I don't know how to put this in words.

5 First he asked, do you understand. Can you  
6 understand me? And I said, yes. And he says, I don't know  
7 how to really put this in words, but during your time in  
8 hostile hands your mother, your grandmother, your uncle Bud,  
9 and your niece have all passed away, and this album here is to  
10 show you how your family as you remember them and how they are  
11 today. I took the album and it shook me up right there.

12 Q. Did you take your lawyer's advice and not talk to  
13 anybody about what had happened?

14 A. Yes.

15 Q. In fact you didn't talk to anyone about the live  
16 Americans you had seen until some time in 1984, or 1985?

17 A. Correct.

18 Q. Who had you talked to?

19 A. I had talked to briefly, but not in detail, only  
20 because I was asked not to go in those parameters and in  
21 detail by a military psychiatrist, Dr. Ogburn, I believe his  
22 name was -- San Antonio.

23 Q. But you had followed your lawyer's instructions not  
24 to talk to anybody else except the psychiatrist?

25 A. I wasn't even supposed to talk to him about that.

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1 My lawyer's advice really was to, basically what they wanted  
2 to center around the time era of 1967 to 1973 and not beyond  
3 that because it was a government psychiatrist and it would be  
4 made part of the record. They didn't want to open a new can  
5 of worms.

6 Q. Okay, I don't want you to go into a lot of detail  
7 about what your lawyer told you, but it serves the purpose to  
8 say that you were supposed to stop at '73 and you weren't  
9 supposed to go on and explain what happened after that?

10 A. That's correct. But I did. I did tell Dr. Ogburn.

11 Q. Yeah, so you told your psychiatrist?

12 A. Yes.

13 Q. And at a certain time you told Bill Paul from the  
14 Wall Street Journal?

15 A. Yes, well I told quite a few other people,  
16 nongovernment related. I had spoken occasionally to Donald  
17 Long about it, about some of the people. I had talked to  
18 Dermitt Foley.

19 Q. He was your attorney?

20 A. Yes. I talked to him at length about it. Actually  
21 it was Dermitt Foley --

22 Q. Again, I don't want to get into anything you talked  
23 to your lawyer about.

24 A. Well, I told him about the Americans and my  
25 sightings. This was just in the matter of a few days.

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1 Q. After you arrived?

2 A. Yes, and when I told him about it. When I told  
3 Dermitt about the other Americans and the camps that I knew  
4 about it was only a matter of a day or 2 days after that, that  
5 people who I guess were NIS brought in some maps -- I was  
6 still at Great Lakes Naval Hospital -- brought in some maps  
7 and wanted me to circle spots on the maps where I thought  
8 other Americans were being held.

9 Q. Did you try to do that?

10 A. Dermitt Foley told me that not to give definite -- do  
11 not say, I think they are here, et cetera, because he said  
12 that was important. He didn't want me to give definite  
13 answers to any questions.

14 Q. Was it explained to you that you could be charged  
15 with offenses for -- if you identified certain things that you  
16 did and so you were acting on your attorney's advice. Is that  
17 what he told you?

18 A. I just, anything he told me to do I did. My family  
19 told me to follow any and all instructions.

20 Q. And that's what you did?

21 A. Yes.

22 Q. Now there came a time when you saw an individual's  
23 picture in the paper.

24 MR. TAYLOR: Before we get into that, let me clear up  
25 one thing for the record, and obviously we can do this in a

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1 way that makes it Bobby testifying and not me.

2 But I think Bobby misspoke when he said he talked to  
3 his psychiatrist, Dr. Ogburn. Dr. Ogburn is a Navy captain  
4 who was a Government psychiatrist evaluating Bobby, as opposed  
5 to this psychiatrist who were evaluating Bobby for the defense  
6 team which comprised -- those who were doing it for the  
7 defense team comprised both civilian and military doctors.  
8 But Dr. Ogburn was the doctor to whom Bobby was sent for his  
9 second round of psychiatric evaluations, not at San Antonio,  
10 Bobby, but at Pensacola Naval Air Station.

11 BY MR. CODINHA:

12 Q. Does that refresh your memory?

13 A. I've seen so many psychiatrists, about eight or nine  
14 of them.

15 MR. TAYLOR: I just wanted the record to be clear  
16 that the doctor that Bobby was talking to, to whom Bobby did  
17 mention that there were some Americans that he had seen in  
18 Vietnam, was the Government's doctor, Dr. Benjamin Ogburn.  
19 And that's a Navy captain.

20 THE WITNESS: I remember the individual.

21 BY MR. CODINHA:

22 Q. I understand or I think I understand that you have  
23 given permission for the select committee to see those  
24 portions of your psychiatric reports which deal with that  
25 interview. Is that right? Let's go off the record.

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1 (Discussion off the record.)

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

3 BY MR. CODINHA:

4 Q. Is Dr. Ogburn, now that it's been clarified that he  
5 was the psychiatrist representing the prosecution, do you  
6 know, is he still alive?

7 A. I don't know.

8 Q. And would we have your permission, if we needed it,  
9 to interview him about these incidents that you reported to  
10 him?

11 A. Absolutely, sure.

12 Q. And if we need an authorization from your attorney,  
13 would you authorize him to give us such an authorization?

14 A. Yes.

15 Q. There came a time when you were looking at a  
16 newspaper or someone showed you a newspaper. It may have been  
17 during the period of your court martial. And a Vietnamese had  
18 testified before Congress. Do you recall that?

19 A. I recall that, yes.

20 Q. And you looked at a newspaper and you said, I know  
21 that man, or words to that effect.

22 A. That's correct.

23 Q. Do you recall that? And who did you recognize the  
24 man in the photograph to be?

25 A. Tran Van Loc.

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1 Q. And that's --

2 A. Colonel, Colonel Van Loc.

3 Q. Colonel T-r-a-n --

4 A. V-a-n L-o-c.

5 Q. And when had you previously seen Colonel Tran Van  
6 Loc?

7 A. In my prison camp at Cuc Quan Phap and at 17 Ly Nam  
8 De.

9 Q. When was the first time you saw Colonel Tran Van Loc?

10 A. Right after -- I don't remember the time period, but  
11 it was not too long after my arrival in my prison camp.

12 Q. And do you remember any year? Can you recall that at  
13 all?

14 A. That was 1975.

15 Q. In 1975 in Yen Bai and what did you see Tran Van Loc  
16 doing?

17 A. He was with other officers going about the compound.  
18 He saw he. He inquired as to my health and he was checking  
19 out the coffins that the ARVN's were making.

20 Q. When you referred to him as Colonel Tran Van Loc, how  
21 did you know he was a colonel?

22 A. His rank insignia.

23 Q. And what did that look like?

24 A. Lieutenant colonel, low colonel, lieutenant colonel.

25 Q. What did the lieutenant colonel insignia look like in

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1 the North Vietnamese army?

2 A. Two slashes and three stars.

3 Q. Was he in uniform when you saw him?

4 A. Yes.

5 Q. Was he in full uniform?

6 A. Yes, white shirt, yeah, boots, black boots.

7 Q. Did the officers wear white shirts?

8 A. Yes.

9 Q. Did you have any conversations other than the one  
10 you've just described with Tran Van Loc when you first met him  
11 at Ly?

12 A. Only briefly. I had brief conversations. I don't  
13 -- I can't remember the gist of the conversations right now.

14 Q. Okay. When was the next time you recall seeing him?

15 A. I saw him both at Cuc Quan Phap and at Yen Bai. I  
16 saw him several times, from 1975 to right up just before I was  
17 released, a couple of months before I was released.

18 Q. When you saw him at Cuc Quan Phap, what was he doing?

19 A. I saw him in the building, I mean, going in and out  
20 of the building.

21 Q. Was he in uniform when you saw him?

22 A. Yes, he was.

23 Q. Was he always in uniform when you saw him?

24 A. Yes, he was. There was one time he was kind of a  
25 half uniform. He didn't have his jacket on with the chevrons,

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1 but yeah, I mean, you're talking about full uniform. There's  
2 only like one time that I remember that he didn't have his  
3 jacket on.

4 Q. On how many of these occasions that you saw him did  
5 you talk to him?

6 A. Maybe a couple of times.

7 Q. What were the circumstances under which you talked to  
8 him?

9 A. His authority over me.

10 Q. What was his authority over you?

11 A. He was lieutenant colonel at Cuc Quan Phap. I was a  
12 detainee at Yen Bai prison camp.

13 Q. Did you have conversations with him about that?

14 A. No. He was God.

15 Q. Did you ever talk to him individually besides the  
16 time that he just asked you how you were doing?

17 A. Yeah, there was a couple of instances, but they  
18 were -- I remember they had to do with my health or was my  
19 ration okay or congratulating me on my performance or  
20 something about keeping the generator going. I don't really  
21 remember the gist of the conversation.

22 Q. What was his role, as you understood it, in the North  
23 Vietnamese army?

24 A. I didn't really understand what his role was. Every  
25 time he came to Yen Bai prison camp, he was, his main

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1 attention was focused on the coffins that the ARVN's were  
2 building. There was an order for 500 coffins and he had the  
3 diagrams.

4 I noticed a lot of the coffins had to be redone  
5 because the wood, the type of wood was the wrong type of wood.  
6 The wood was kind of like teak. He wanted kind of like a teak  
7 wood or something, his coffins. They were supposed to put  
8 American remains, bones, in these coffins.

9 Q. During the course of time that you were in Vietnam,  
10 how long in total time did you spend with Tran Van Loc?

11 A. Spend with him?

12 Q. Yes. In his company.

13 A. That include eyesight?

14 Q. When you were actually within the proximity that he  
15 would see you and you would see him.

16 A. I don't know how to answer that. I never really put  
17 any emphasis on it at the time.

18 Q. But you recognized a picture of him that you saw in a  
19 newspaper, and in that photograph, he was wearing a motorcycle  
20 helmet and had a visor down. Yet you recognized him as being  
21 Tran Van Loc.

22 A. Yeah. First of all, a mortician, there was no such  
23 thing as a mortician in Vietnam. They're non-existent.  
24 Casualty officer, maybe, but there is no such thing as a  
25 mortician in Vietnam. They don't have funeral homes in

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1 Vietnam. Anyone dies in Vietnam, it's taken care of by the  
2 immediate family or that village.

3 That originally drew my attention to the article. It  
4 say mortician, Vietnam mortician. Well, that was ludicrous.  
5 To my own knowledge, there's no such thing as a mortician.  
6 And I looked at the photograph they had of him -- see, he  
7 stood out, he's different from most Vietnamese that you see.  
8 He's huge, very large. His face is very round. He's a fat  
9 Vietnamese. That's one thing. And there's very few of them.  
10 Only those that are of high, I guess, high structure in the  
11 government, that you ever see that have that type of weight.  
12 Most Vietnamese are small, thin, you know. He stood out. He  
13 always stood out, because he was big. It was like a  
14 Vietnamese football player. And you just don't forget someone  
15 like that, especially -- I heard a lot of stories about him  
16 through the POW grapevine.

17 They attributed the, most of the executions to  
18 Colonel Loc. Colonel Loc was supposed to have been on the  
19 board of the tribunal that decided who would be executed and  
20 who wouldn't amongst the Vietnamese population, the new  
21 prisoners.

22 There was a panel of four of five high cadre from Cuc  
23 Quan Phap and who supposedly held this tribunal and decided  
24 who would be executed and who wouldn't. And Colonel Loc was  
25 supposed to be one of those people who was on this tribunal.

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- 1 Q. Who told you that?
- 2 A. That was common knowledge amongst the POW and then by
- 3 the grapevine there.
- 4 Q. The ARVN POW.
- 5 A. The ARVN POW's, that's correct.
- 6 Q. Did you ever see that panel?
- 7 A. No.
- 8 Q. Did you ever have any contact with it yourself?
- 9 A. No.
- 10 Q. Did he deal with American prisoners to your
- 11 knowledge?
- 12 A. Did he?
- 13 Q. Yes.
- 14 A. Not to my knowledge. I never heard anything about
- 15 that, no.
- 16 Q. Do you know what the source of the information by the
- 17 ARVN prisoners was that he was on this panel?
- 18 A. What source?
- 19 Q. Yeah, what source.
- 20 A. His signature to the execution.
- 21 Q. Someone told you that they'd seen his signature on an
- 22 execution document?
- 23 A. They read the document before the individual was
- 24 executed.
- 25 Q. And someone reported to you that that's what they had

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1 heard?

2 A. No, we were all -- the whole camp, when these  
3 executions, the whole camp witnessed the executions. They  
4 were public executions and I read the document. And one of  
5 the ARVN prisoners, you know, when the names are read, who  
6 signed the execution, he turned to me and he says, remember,  
7 don't you remember who that is. And I think I said, no, I  
8 don't. And he told me it was the lieutenant colonel who came  
9 that was in charge, in charge of the making of the coffins and  
10 such as overseer. I says, oh, okay, I know how you're talking  
11 about.

12 Q. And was the name Tran Van Loc read out?

13 A. Yes.

14 Q. Was that his actual name or was this one of the names  
15 like the Viet Minh talk?

16 A. It sounded more Vietnamese, yeah. I mean, it sounded  
17 like an original name, not a hypothetical name.

18 Q. Was his the only name that was read out or were the  
19 other four or five --

20 A. No.

21 Q. Did you have occasion to see Tran Van Loc in the  
22 United States?

23 A. Yes, I did.

24 Q. And did you see him in Atlanta?

25 A. That's correct, I did. I picked him out of a lineup

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1 three times. And he picked me out of a lineup.

2 Q. How do you know he picked you out of a lineup?

3 A. Because they put me in it.

4 Q. Was that at the same time?

5 A. Yes.

6 Q. And you saw him identify you?

7 A. There's no way I could see him identify me. It was  
8 afterwards, after this was, the whole thing. I was allowed to  
9 meet directly with him.

10 Q. And were you alone or were you with other people?

11 A. I was with other people.

12 Q. And who were the other people you were with?

13 A. My counsel and were DIA people there, people that I  
14 understood to be DIA and NIS.

15 Q. And did you have a conversation with Mr. Loc?

16 A. Yes.

17 Q. Was it in English or in Vietnamese?

18 A. Both.

19 Q. And what was the conversation?

20 A. Mr. Loc was kind of pleading with me, through his  
21 eyes, through his actions, and through words. In Vietnamese,  
22 the tone of a word --

23 MR. TAYLOR: Let's distinguish between when you were  
24 speaking English through an interpreter and an interpreter who  
25 was translating Mr. Loc's language into Vietnamese and then

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1 the Vietnamese discussion you had with Mr. Loc, just for  
2 clarity purposes.

3 THE WITNESS: I got a little frustrated because  
4 that's true, we went through a translator to talk to the man.  
5 And the translator, I wasn't satisfied of his translation. He  
6 wasn't getting the full meaning across as to what I was trying  
7 to say to Mr. Loc. And out of that frustration, I spoke  
8 directly to him in Vietnamese.

9 BY MR. CODINHA:

10 Q. What did you say to him?

11 A. Per quote, I don't remember. But what his word came  
12 back to me is that he pleaded with me that and said that he  
13 could not help me. That's what he told me. He said, I cannot  
14 help you. Please, I cannot help you.

15 Q. Were you told at that point that he said he didn't  
16 know you?

17 A. I don't believe so, no.

18 Q. But you were told or he told you, I can't help you?

19 A. Yes.

20 Q. What did you interpret that to mean?

21 A. His family was still in Vietnam and that he was under  
22 some type of threat.

23 Q. Now this is a colonel, a person you knew to have been  
24 a colonel in the North Vietnamese Government, who was one of  
25 your captors who have given execution orders for ARVN.

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1 A. That's correct.

2 Q. Some of those ARVN may have even been people you knew  
3 or were friends with.

4 A. That's true.

5 Q. And he looked at you pleadingly and said, I can't  
6 help you and your response was to do what?

7 A. I think I asked him about his family, was his family  
8 still in Vietnam and he said yes. I think I asked him if he  
9 feared safety of his family. I think his response was yes. I  
10 told him that he had lost some weight and he told me that I  
11 had gained some weight. The conversation, I don't think,  
12 lasted that long, but I understood exactly what he was saying,  
13 what he was telling me, that there was restraint on him.

14 And that he could not -- I think during that time  
15 there was still like the charges of desertion or something  
16 that I wasn't a prisoner for. And basically, I just needed  
17 him to verify that I was, in fact, a status of a prisoner or  
18 war in a camp.

19 And what he was telling me was that he could not help  
20 me. He could not testify for me. He could not -- he was in  
21 fear. The man was scared out of his mind. I knew that. And  
22 he wasn't going to sacrifice his family for me.

23 Q. So even though your life was at risk at that point,  
24 in terms you were charged with desertion, you were going to be  
25 put to courts martial and this was a witness who had been

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1 present and had seen you as a prisoner in Vietnam as you've  
2 described over the last 3 days, you didn't press him and say,  
3 you've got to do it. You have to testify for me.

4 A. No, I didn't.

5 Q. Did you say, I'll tell these people that you were at  
6 Cuc Quan Phap?

7 A. I already had told them. He knew that. He knew  
8 that. The man was actually frightened of me. It was -- he  
9 was very nervous. He was extremely nervous. He was  
10 frightened. He -- through his eyes, he was asking me for  
11 pity. He was begging me.

12 Q. He hadn't shown very much pity to the ARVN prisoners,  
13 had he, in Vietnam?

14 A. No, he had not.

15 Q. Did you feel pity for him?

16 A. No, I did not. The conclusion I come out of that,  
17 that he would not, under no circumstances at all would he help  
18 or would he say. He wasn't going to tell anybody anything. I  
19 still believe today that the people who are in charge of him  
20 know and that he had talked to them.

21 Q. Is there any basis that you have for believing that?  
22 Let me withdraw that question.

23 With respect to conversations that you had with  
24 anyone in the administration in the United States, did anyone  
25 in the administration talk to you about prisoners you had

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1       seen? Well, let me see if I can focus that.

2               Did you have any meetings with people from the  
3       executive branch of the Government?

4               A.    Yes, I did.

5               MR. TAYLOR: Before we go into that next thing, let  
6       me just try to add a little clarity here if I can. Where I  
7       see ambiguity, I just feel compelled to see if we can't get a  
8       couple of things clarified.

9               Bobby, Bill Codinha just asked you if you had been  
10       told that this Tran Van Loc had said he did not recognize you  
11       during the interview. Can you distinguish with Bill the  
12       difference between what you recall, the translator told you  
13       Mr. Loc said concerning Mr. Loc's ability to identify you.  
14       Contrast that with what Mr. Loc let you know in Vietnamese  
15       concerning his ability to identify you. That's not clear on  
16       the record.

17               Let me put this question to you. When Mr. Loc was  
18       testifying or answering questions through the interpreter, do  
19       you recall what he said about whether or not he knew you or  
20       recognized you?

21               THE WITNESS: Yes, he said he didn't recognize me.  
22       He didn't know me.

23               MR. TAYLOR: And that's what he said, according to  
24       the interpreter who gave us those statements in English  
25       purporting to be the statements of Mr. Loc which he spoke in

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1 Vietnamese?

2 THE WITNESS: Yes.

3 MR. TAYLOR: And in contrast to that, when you spoke  
4 to Mr. Loc in Vietnamese, he let you know that he did, in  
5 fact, recognize you but couldn't help you. Is that right?

6 THE WITNESS: That is correct.

7 MR. TAYLOR: I just wanted to make that clear.

8 THE WITNESS: And that recognition was when I told  
9 him that he had lost some weight and he said, you've gained  
10 some weight.

11 BY MR. CODINHA:

12 Q. Turning to individuals in the administration, did you  
13 have conversations at any time after you came back to the  
14 United States with officials who were in the administration  
15 about live Americans?

16 A. Yes I did.

17 Q. When was the first one you can recall having?

18 A. I believe that would have been Dick Childress,  
19 Richard Childress.

20 Q. Who did you know Richard Childress to be?

21 A. My understanding he was the head of the POW/MIA  
22 office of NSC or NSA or something over in the Pentagon.

23 Q. When did you first meet Mr. Richard Childress?

24 A. The exact date I am not sure.

25 Q. The year will do?

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1 A. My recollection is like '84. Right after the Wall  
2 Street Journal article.

3 Q. So it was after the Wall Street Journal article came  
4 out?

5 A. Yes.

6 Q. How close to the Wall Street Journal coming out did  
7 you talk to Childress?

8 A. It was pretty close, not too far, I saw him after.  
9 Just prior to the international press conference.

10 Q. If we got the date of the Wall Street Journal article  
11 would that help pin down the date you first met Childress?

12 A. No, I can't remember the exact date.

13 Q. Okay, but it was around the same time?

14 A. Yeah, about the same, yeah.

15 Q. Within a week or two?

16 A. I am not absolutely sure, I would have to sit and  
17 think about that one.

18 Q. Where did the meeting with Mr. Childress take place?

19 A. In Arlington, about two or three blocks from where I  
20 worked as a gas station attendant, mechanic.

21 Q. How did the meeting take place?

22 A. He called me at my place of work, and wanted to meet  
23 with me.

24 Q. Did he tell you who he was?

25 A. Yes he did, and what he wanted to talk to me about is

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