

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.)

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25