

The TWA 800 Project

David Tochen
General Counsel, NTSB
National Transportation Safety Board
490 L' Enfant Plaza S.W.
Washington, DC 20594
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Dear Mr. Tochen,

It was a pleasure meeting with you, Chairman Hersman's Chief of Staff Thomas Zoeller, Deputy Managing Director Stephen Klejst, Deputy Director Office of Aviation Safety Dana Schulze, and Assistant General Counsel Benjamin Allen at NTSB headquarters on January 10th, 2014. The TWA 800 Project's main investigative team, consisting of senior NTSB Investigator Hank Hughes, Ret., former Chief Accident Investigator/Director of Flight Safety for TWA Robert Young, and Thomas Stalcup, Ph.D., together with eyewitness and Suffolk Independent Living Organization Executive Director Joseph Delgado, greatly appreciated the opportunity to provide you with additional evidence, analysis, information and clarifications supporting our petition along with suggestions for procuring additional valuable evidence.

We are writing to follow up on some of the items presented at our meeting and to inform you that as we discussed, we will be providing the NTSB via postal mail a supplement to our petition that includes any and all new information provided to you at our meeting.

Most urgently however, we are formally repeating our request to give an oral presentation to the full NTSB Board as permitted in the code of federal regulations when, as in this case, the need is clear. This presentation is necessary given the NTSB staff's apparent misunderstanding of the evidence presented in our petition and because of the "show and tell" format we used to present our new information at the meeting to make it more clear and to eliminate all misunderstandings. For example, the critical Google Earth presentations that you saw at the meeting require simultaneous oral narration and computer manipulations to properly convey how the eyewitness accounts corroborate one another and collectively establish that NTSB Finding 8 is erroneous.

Also, the three new animations that do not come with, but require oral narration are critical to our position. In fact these animations detail the most significant debris items recorded on radar, since they are associated with the cause of the crash. Without accompanying narration, the aforementioned Google Earth presentation and these three debris animations are an "insufficient means to present [our] position to the Board," as stated in the regulations governing the NTSB's handling of our petition (49 CFR 845.41) for when the Board, as the these regulations also state, "may permit oral presentation".

NTSB Questions Regarding High Speed Debris and Radar Data

Chairwoman Hersman's Chief of Staff Thomas Zoeller asked about the well-observed high speed object that exploded and then generated a radar-recorded debris cloud that emanated in a direction that was perpendicular to TWA 800's flight path the moment the jetliner lost electrical power. Mr. Zoeller asked why this object was not recorded on radar before it detonated. We explained that FAA radar sites are specifically designed to filter out small radar cross section targets such as unexploded missiles that have smooth, rounded surfaces. We also told Mr. Zoeller that the NTSB Missile Visibility Study group confirmed this after reviewing radar data pertaining to three separate missile test launches from the Florida panhandle. In their radar supplement report, the group concluded that a radar site covering the test did not pick up any of the missiles prior to detonation. *After* detonation (self-destruct) however, they noted that the same site *did* record missile debris on radar. This is completely consistent with the radar evidence from the crash of TWA Flight 800.

Here is the relevant citation from page 2 of the NTSB Missile Visibility Study radar supplement (Exhibit 4 WITNESSES 4 - RADAR DATA FOR MISSILE VISIBILITY TESTS):

"In each case the primaries [radar returns] occurred after the time of missile self-destruct, and there is no identifiable ground track that can be associated with the test missiles [prior to self-destruct]."

Given the results of this important NTSB Missile Visibility Study, it is clear that FAA radar sites would not likely have recorded a missile ground track prior to Flight 800 losing electrical power even when that track was detected. This is why the NTSB should, as we have done, review the FAA radar data carefully for evidence of radar-recorded

post-detonation chaffing or fast-moving fragments of a detonated object near TWA Flight 800 around the time it lost electrical power. As we have pointed out, this data exists and was recorded by multiple FAA radar sites.

Mr. Zoeller also asked if military radar could have recorded a missile prior to detonation, and we responded in the affirmative. Military radar systems are designed to not only detect, but track missiles in flight. We urge the NTSB to request from the US Department of Defense and NATO countries any and all radar data covering an area within 100 miles of the accident site.

Eyewitness Presentation Shows NTSB Finding 8 is Erroneous

It is important to note that you are the first NTSB officials to ever speak to Mr. Joseph Delgado. Prior to our meeting, no CIA or NTSB official had done so. Unlike the misrepresentations of his eyewitness account that were presented at the final NTSB Sunshine Hearing, Delgado's descriptions at our meeting match nearly identically with the observations he provided to the FBI on three separate occasions, two of which were within 48 hours of the crash. We noted the significance of the trajectory of the streak of light he saw, which opposed the flight path of TWA 800 and matches numerous other accounts. Human memory expert Professor Ira Hyman explained to Dr. Stalcup that a detail such as this is most likely accurate since there is no evidence that investigators suggested it to Mr. Delgado or misled him about it.

Another detail that the TWA 800 Project's investigative team did not highlight at our meeting with you but which is equally accurate is Delgado's description of the streak of light rising over and between two specifically identified buildings before apparently hitting TWA 800.

There is no evidence that FBI interrogators misled Mr. Delgado about these crucial landmarks that were subsequently confirmed to be on a line of sight to the jetliner. In fact, Dr. Stalcup's Google Earth analysis shows that TWA 800 lost electrical power on a line of sight directly above one of these buildings. That building also matches a line of sight in the first drawing made by investigators, which was also shown in Dr. Stalcup's Google Earth analysis. All of this corroborating evidence (including the debris cloud created by objects moving southward at high speed) substantiates Mr. Delgado's account and shows (together with many other equally accurate observations by credible, unrelated eyewitnesses) that NTSB Finding 8 stating that these eyewitnesses only saw TWA Flight 800 is erroneous.

Also included in our PowerPoint presentation to you were critiques

provided to the CIA (prior to the broadcast of their discredited eyewitness animation) by the FBI and the Missile and Space Intelligence Center. Officials from these agencies state in their critiques (as do we with supporting information from witness memory expert Ira Hyman) that the trajectory of the streak of light is a significant detail. Its trajectory does not match that of TWA Flight 800 and therefore cannot possibly be attributed to the jetliner.

Neglect of the Eyewitness Evidence

We note with concern that before our meeting, no NTSB employee had spoken to Joseph Delgado to corroborate his observations, even though our petition clearly and specifically mentions him and provides similar details. Also, given the fact that our petition details how Mr. Delgado's account was distorted and misrepresented by current Managing Director David Mayer at the final Sunshine Hearing on TWA 800, we do not see how the NTSB staff assigned to review our petition could have conducted a thorough review of its contents without, among other things, directly interviewing Mr. Delgado and verifying the accuracy of the details we provided versus those provided by Dr. Mayer. This demonstrates the need for our team to directly address the full NTSB Board with a similar Google Earth presentation so that the members can fully appreciate and understand this very important matter, which clearly shows that NTSB Finding 8 is erroneous. This will also allow us to directly answer any questions Board members may have.

We are also concerned that no one present from the NTSB would deny that prior to our meeting, NTSB staff members assigned to review our petition provided a recommendation or other communication regarding our petition to the NTSB Board. For the staff to provide any such recommendation/communication to the NTSB Board prior to our meeting and prior to interviewing Mr. Delgado and other critical eyewitnesses whose accounts were also misrepresented by Dr. Mayer at the final Sunshine Hearing, signals a failure to conduct the petition review with proper due diligence. This is a very serious matter since a previous lack of due diligence resulted in the original distortions of the eyewitness accounts which in turn led to the NTSB Board agreeing with Finding 8 on the basis of inaccurate information.

Possible Over-reliance on Discredited CIA Eyewitness Analysis and Avoidance of Direct Contact with the Eyewitnesses

In addition to our documentation of current NTSB Managing Director Dr. David Mayer's misrepresentations and crucial omissions at the final NTSB Sunshine Hearing, we questioned why, according to a March 15, 1999 letter from CIA Director George Tenet to NTSB Chairman Jim Hall (which is attached to this letter), Dr. Mayer was "working closely" for "16 months" with the CIA's lead analyst responsible for the incorrect CIA animation misrepresenting and discrediting eyewitness accounts. Specifically, we question why Dr. Mayer began working closely with the CIA at a time when he was not assigned to the NTSB eyewitness group. We are requesting that you review the attached letter and answer this important question. While doing so, please note that neither Dr. Mayer nor anyone at the CIA interviewed any of the more than 180 eyewitnesses who reported seeing a rising streak of light. Furthermore, neither Dr. Mayer nor anyone at the CIA visited any eyewitness locations in an official capacity to obtain critical trajectory or line of site information that would confirm or refute NTSB Finding 8 that attributes the streak to the jetliner itself.

Debris Cloud on Radar Refutes Finding 9 and Probable Cause

Regarding our conclusively showing that Finding 9 (together with the official probable cause determination) is erroneous via the animated comparison of official NTSB debris trajectories with actual debris trajectories that produced the highly visible but yet-to-be-explained debris cloud recorded by independent FAA radar sites, it is clear that NTSB staff either do not currently appreciate or understand this critical evidence or have not done their due diligence to properly review it. Had the NTSB staff properly reviewed and understood this hard evidence, a recommendation to reverse the probable cause determination would already have been made to the Board.

This unquestionable, hard radar evidence not only refutes the NTSB's probable cause determination, it confirms the eyewitness observations of a fast-moving object that approached on a southerly trajectory and exploded at or near TWA 800. As Professor Ira Hyman stated to us, independent verification of eyewitness accounts by other evidence (in this case, the radar evidence) greatly increases the likelihood that the many eyewitness observations (like Joe Delgado's) that included descriptions of separate and distinct object(s) traveling from locations and on trajectories inconsistent with TWA 800's crippled flight path, are correct.

Other evidence such as the explosive traces in the wreckage, penetrations and fractures in the fuselage created by objects moving inward, and high energy (spike tooth) fractures throughout the wreckage confirm the fact that at least one external object that was well observed and highly visible on radar after detonation most likely initiated the destruction of the aircraft. Here again, we have shown that the NTSB Board made their determination based on invalid and incomplete testing and analysis of the hard evidence.

Probable Cause and Finding 9 Break Physical Laws

As Dr. Stalcup emphasized at our meeting, the laws of physics are as important as the evidence discussed above. When the totality of the evidence presented in our petition is expertly reviewed in good faith and considered without bias and within the context of the relevant, applicable laws of physics, only one conclusion can be drawn: the NTSB probable cause determination, including Finding 9, is erroneous.

Any other conclusion drawn by NTSB staff clearly demonstrates a lack of understanding of the laws of physics and how the current probable cause breaks those laws, as well as shows how imperative it is for us to provide an oral presentation to the Board.

The NTSB official probable cause finding breaks 'Newtons Second Law of Motion' and the 'law of conservation of energy'.

Newton's Second Law of Motion states that objects accelerate in the same direction as the direction of an applied force. The NTSB forward-moving forces detailed in the NTSB final report were not sufficient to accelerate debris at the speeds indicated on radar. Secondly, those forces were applied in a different direction to that in which significant quantities of debris "kicked out to the right" when the jetliner lost electrical power (An FBI radar consultant identified and reported the debris "kicking out to the right" during the official TWA 800 investigation). For these two reasons, the NTSB probable cause and Finding 9 defies Newton's Second Law of Motion.

The law of conservation of energy states that energy can always be accounted for and is not created out of "thin air". Every NTSB and CIA simulation of TWA Flight 800 defies this fundamental law of physics. TWA Flight 800 could only have climbed as sharply as shown in the NTSB and CIA simulations if its airspeed was simultaneously and drastically reduced by converting kinetic energy (related to its speed) into potential energy (a gain in altitude) to achieve the climb depicted.

The radar sites recorded the jetliner maintaining or slightly increasing speed, proving that the necessary conversion of airspeed into altitude did not occur. This is why the official crash sequence animation shown to the media as recently as July 2013 during a briefing at the NTSB Training Facility is inaccurate. That animation contains an unaccounted-for addition of energy for a climb, which defies the law of conservation of energy. This incorrect animation was shown to the media to explain the eyewitness accounts of a rising streak that had additionally been misrepresented by, among other things, Dr. Mayer citing Professor Hyman's childhood memory studies out of context.

Given the facts and circumstances discussed in this letter; the new eyewitness analysis requiring an oral presentation with attending Google Earth visuals; the three new animations and other information that require narration detailing the significant debris cloud associated with the cause of the crash and the official wreckage trajectories; and the NTSB staff's misinterpretation of the facts in the written petition such as the radar evidence; federal regulations (49 CFR 845.41) permit us to provide an oral presentation to the NTSB Board. Indeed these regulations state:

"...the Board may permit oral presentation where a party or interested person makes an affirmative showing that the written petition for reconsideration or modification is an insufficient means to present the party's or person's position to the Board."

We have clearly made such an "affirmative showing" above and hope the Board will permit such a presentation.

Keeping in mind the concerned family members of crash victims who are following our work closely and the growing number of law makers and citizens who have become aware of our efforts and support us, we look forward to this opportunity.

Thank you,

The TWA 800 Project Investigative Team: Hank Hughes, Tom Stalcup, Ph.D., Bob Young

cc: Hank Hughes; Bob Young; Tom Stalcup; Kristina Borjesson; Benjamin Allen

Attachment: March 15, 1999 letter from CIA Director George Tenet to NTSB Chairman Jim Hall: Tenet-Letter-to-Hall.pdf