

Affidavit of James Sanders

1. My name is James D. Sanders.

2. In July 1996, my wife worked for TWA.

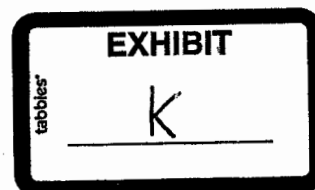
3. I am an investigative journalist. I am a retired Police Officer, Seal Beach, California.

Until July of 1996, I worked primarily on the American prisoner of war issue, having coauthored with reporter Mark Sauter two books, *Soldiers of Misfortune* and *The Men We Left Behind*, about America's prisoners of war from World War I, World War II, Korea, the Cold War and Vietnam.

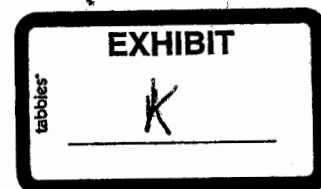
4. I have authored one book and co-authored another about Flight 800. In late April 1997, Kensington Publishing Corp. published The Downing of TWA Flight 800, which I authored. March 4, 2003, my fifth book, **First Strike**, co-authored with Jack Cashill, will be published by Thomas Nelson Publishing. Last year I co-produced the video documentary Silenced, with Jack Cashill, an Emmy award-winning producer.

5. October 30, 1996, I met Captain Terrell Stacey, a senior TWA pilot and flight manager who, because of his expertise in the operation of 747's, had been assigned to participate in the official Flight 800 investigation at Calverton, New York. Stacey himself had flown that very plane from Europe the day before the disaster, and had assigned the crew that staffed the fatal flight. We met at Newark Airport, at which time we discussed Stacey's observations of the investigation, including:

- (a) The FBI's practice of removing pieces of the aircraft from the hangar without documentation or any method of tracking what was removed, by whom or when;
- (b) The FBI's practice of failing to share the results of its testing with the NTSB;
- (c) The absence of the FBI's sharing of information with the NTSB and the concurrent divergence of the two agencies;



- (d) The failure to analyze the relationships of evidentiary items to one another, and the lack of cumulative review of the individual items of evidence;
- (e) That Dr. Merritt Birky, head of the Fire and Explosion Group, was the leader of an NTSB unit that periodically met on the hangar floor to discuss various hypotheses -- and shortly thereafter heard them broadcast on NBC news;
- (f) The absence of tracking, or maintaining chain-of-custody, of evidence prior to its arrival at the hangar;
- (g) That, had the center-wing-tank exploded, it would have been a low-level explosion incapable of producing enough energy to simultaneously disable both the cockpit voice recorder and the flight data recorder;
- (h) That FBI teams identified all missile witnesses thought to be credible, and that each witness' point of observation was established and that thereafter surveyor equipment was used to establish the flight path of the missile.
6. On November 14, 1996, Stacey provided me with a 33-page computer printout listing the various pieces of airplane found in two of the debris fields.
7. On November 24, 1996, Stacey told me that a reddish-orange residue was present on the upper backs of these seats, that the FBI had lifted several samples in late August 1996, and that the FBI had tested these samples but had refused to share the results of these tests.
8. On January 9, 1997, Stacey took two small pieces of residue-bearing seat-backing material (hundreds more remained), and I received them by Federal Express on January 10.
9. Stacey later testified why he decided to take a sampling of the residue:
- Again, there was a heavy burden with the investigation, frustration with the investigation, the lack of sharing the information by the NTSB and, of course, the FBI... I thought this would be a means of me obtaining some more information, more analysis to find out the cause of the accident of Flight 800.
10. In late January 1997, I delivered one of the samples to West Coast Analytical Services for elemental testing.
11. On March 10, 1997, the Riverside, California *Press-Enterprise* newspaper published a front-page article about Flight 800, which reported that I had received smuggled out debris field



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printouts, and tested the residue-bearing seat-backing material, and that about 150 were said to have seen a missile. The article, entitled, "New Data Show Missile May Have Nailed TWA 800," was subtitled "Debris Pattern Provides Key to Mystery." It states in part:

...[A]lmost all of the center wing tank ended up on the ocean floor, 12,000 feet east of the first fall of debris. It defies the science of accident reconstruction, Sanders said, that something located virtually at the end of such a long debris trail could have caused a disaster like the TWA Flight 800.

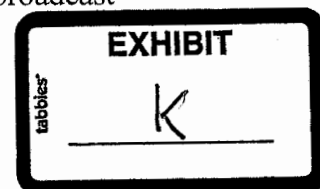
Things fall generally in the order in which they are impacted," Sanders said. "The center wing tank, if it were the initiating event (of the crash), would be among the first debris, not the last.

12. In April 1997, two DOJ prosecutors told me that if I did not disclose my source, both my wife and I would grand jury targets. We both refused to reveal that Captain Stacey was the source of the debris-field printouts and the residue-bearing seat-backing material.

13. On December 5, 1997, a complaint and arrest warrant issued for my wife and me. Following a jury trial, judgments of convictions were entered on July 16, 1999, in the United States District Court for the Eastern District of New York, for violations of 49 U.S.C. § 1155(b), removing property that was on a civil aircraft at the time of an accident, as well as conspiracy to commit that offense in violation of 18 U.S.C. § 371. I was later sentenced to a three-year term of probation and Liz given a one-year term of probation.

14. My lawsuit, James Dwight Sanders, et. al. v. The United States of America, et. al., is now pending in the federal Eastern District of New York, civil case number 01-CV-5447 (JS). The suit has four counts: (1) violation of 42 U.S.C. § 2000 et seq., Privacy Protection Act of 1980, (2) a Bivens-type count for violations of the First, Fourth and Fifth Amendments to the United States Constitution (3) intentional infliction of emotional distress, and (4) civil conspiracy. The lawsuit is before Judge Joanna Seybert, and dispositive motions are pending.

15. On November 19, 1996, Mr. James Kallstrom appeared on a nationally broadcast



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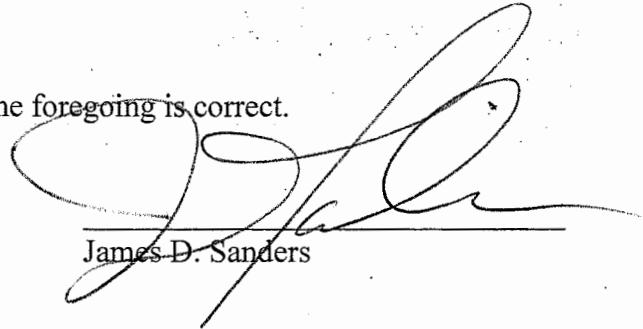
on-air interview with Jim Lehrer, wherein the following exchange took place:

JIM LEHRER: Now, the latest new public report was that of a Pakistan airlines pilot who said he saw "something with lights in the sky" near where this TWA plane went down that night. Have you determined what that might have been?

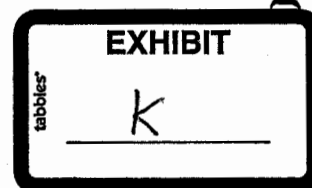
JAMES KALLSTROM: We think it was a meteorite shower, Jim. We're not absolutely sure. We've interviewed the pilot. He's a highly experienced pilot, appears to be very competent, has a good memory of what he saw. We have no doubt that he saw what he described, an object he thought ascending from his left to his right.

I hereby certify under penalty of perjury that the foregoing is correct.

Date: February 10, 2003.



James D. Sanders



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Affidavit of James Sanders

1. My name is James D. Sanders.

2. "Terry Stacy was identified as the one person not to bother even talking to about trying to get information, in that he was such a straight arrow go by the rules kind of guy. That's exactly the kind of person I wanted, and here I was face to face with him, and what he told me over those hours was that one, and it's the first thing out of his mouth is I know there's a cover up in progress."

3. "Terry Stacy began to feed me a series of documents that I analyzed had to do with the debris field. What falls off the plane first generally falls into the ocean is generally the first thing, second thing, third thing that, you can note sequence of how the plane broke up and it might give you an idea of what happened. But he gave me these documents, I analyze them and because I saw this trail going from right to left across that plane through the passenger cabin analysis. When I showed him this trail, he for the first time and this was at the end of November, it was at his house over in New Jersey when he looked at that, he goes my God there is a reddish orange residue trail right there. I think it the very same seats row 17, 18 and 19. That the FBI back in early September took samples and it refused to share the analysis on those samples."

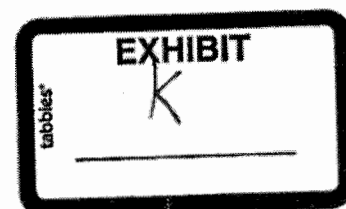
5. "When he found he couldn't scrape the residue off he as he testified in court on his own volition popped two small samples off, put them in a plastic bag, put them in his pocket, left the hangar, went down to FedEx over-nighted them to me and that night called me and told me they were en route."

6. A photograph of the samples is attached labeled Exhibit 1.

7. "We have a very specific document that proves that what Jim Kallstrom, of the FBI, Dr. Merrit Burkey and the rest that were out there saying, it nothing but glue, it's nothing but glue, and we the government are saying its nothing but glue because Charlie Bassett down at NASA independently confirmed it. Well Charlie Bassett, when he found out that what they were saying, he very courageously signed a notarized statement and I'm paraphrasing what he said, because it was two pages. I didn't test anything having to do with Sanders' residue being glue. In essence, he is saying their lying."

8. A copy of Charlie Bassett statement is attached as Exhibit 2. It is the same as the signed, notarized version.

9. "So, you have this U-shaped floor of the center wing tank straight down over it. [Q. As the plane is now reconstructed at Calverton?] Correct. I have the photos. [Q. How do you know that it's been bent down by somebody?] Because I have the photos of these large pieces of the floor of the center wing tank shortly after they were brought into the hangar. They don't have that bend in them."

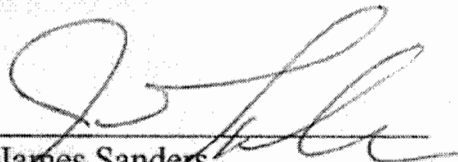


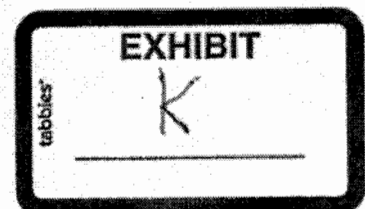
10. "I have extensive, they're just incredible series of photos that show what the right side of that plane. e wing, the inner portion of the ce / wing tank, what it originally looked like when it came into the hangar, it was swept up into the air. By measurement it had been blown all the way from the floor of that center wing tank all the way up into the passenger cabin. But they couldn't live with that, because you must have an external force coming into the airplane blowing it upwards and in. Now that's not mechanical, that's something from outside. So they cut off the upward bending metal, its huge, enormous piece, put it down into the bottom of center wing tank, and mashed it down, so that instead of having been blow upwards, it was mashed down, because a mechanical would have blown that same piece down instead of up."

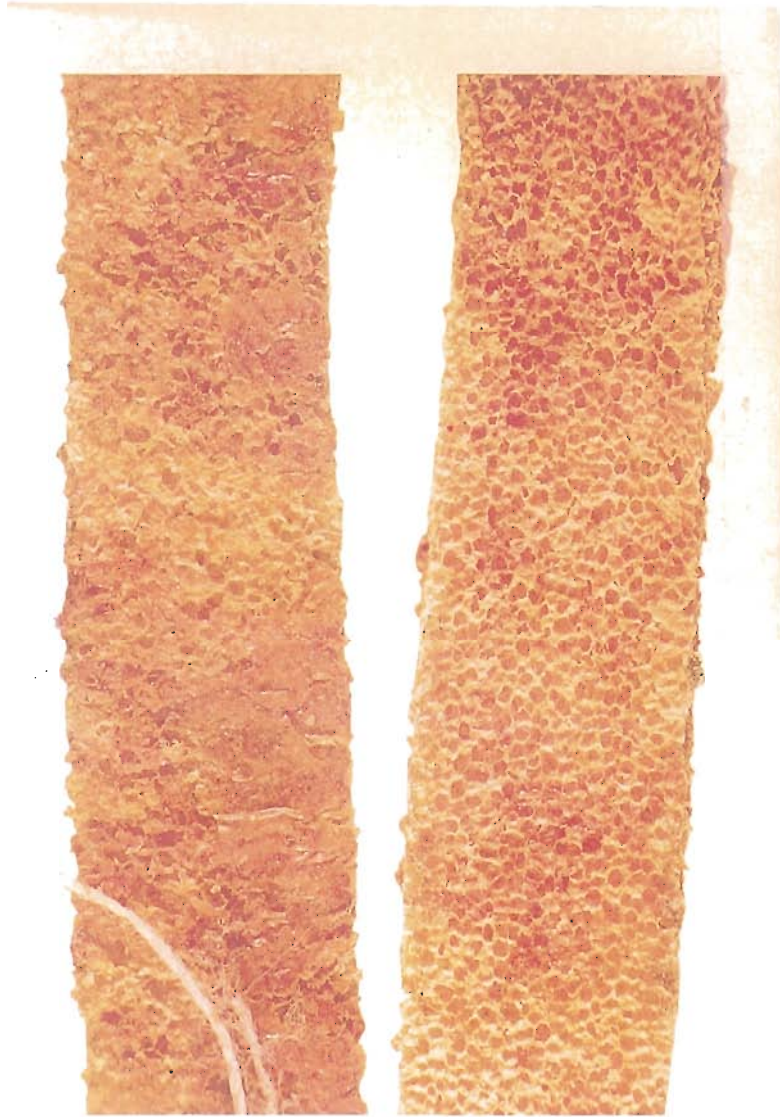
11. The photographs used in my videotaped statements are authentic, having been taken by both the NTSB, and by myself during formal discovery in my criminal proceedings.

I declare under penalty of perjury that the foregoing is true and correct.

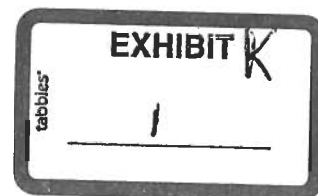
Date: October 21, 2003.


James Sanders





Front and back view of seat padding material showing reddish residue from missile exhaust.



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AFFIDAVIT OF C.W. BASSETT

C.W. BASSETT, having been duly sworn, deposes and says:

I am a chemist working for NASA, Kennedy Space Center (KSC), Florida.

In early 1997, Dr. Merritt Birky, in connection with the NTSB's investigation into the cause of the crash of TWA Flight 800 forwarded to me residue samples identified as being removed from seats that were recovered from the airplane's wreckage.

Dr. Birky requested that I compare the chemical composition of those samples to 3M Scotch-grip 1357 HP adhesive.

This affidavit is submitted to provide a general synopsis, in layman's terms, of certain aspects of the laboratory analysis I conducted, and general observations regarding the conclusions that can and cannot be drawn from them.

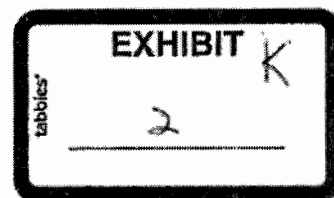
Particularly since this subject entails technical matters of a complex nature, this affidavit does not attempt to discuss the full scope of the testing or conclusions drawn from it.

The tests performed by me at NASA-KSC on samples Dr. Birky said were from rows 17, 19, 24 and 27 of the flight 800 cabin interior did not address the issue of origin of any reddish-orange residue. The tests I performed for the NTSB cannot answer such a question.

The tests conducted by me at NASA-KSC did not identify specific elements, by quantity, within the reddish-orange residue of the sample submitted to them by Mr. Sanders. At NASA, we used Fourier-Transform Infrared ("FT-IR") spectroscopy to analyze the reddish colored samples provided by the NTSB. Since FT-IR is specifically a technique used fore characterizing by functional groups the molecular structure of organic materials, we would not be able to corroborate the presence of elemental compounds other than by subjective context. FT-IR does not objectively identify elemental quantity within a sample, which would be a necessary first step in determining 3M Scotch-grip 1357 adhesive is consistent with the other samples identified by specific elements.

FT-IR analysis alone would not be my choice of tools to determine the presence of specific elements. To accurately identify, and to quantify, amounts of each constituent, one would need to employ a technique specifically designed to provide quantitative elemental analysis.

In the course of my testing, I observed the color of 3M Scotch-grip 1357 HP adhesive under different conditions. The adhesive, when cured, is dark green to olive drab in color. Depending on degrees and intervals of elevated temperatures,



the adhesive progresses towards a darker shade of green and then to varying shades brown, mostly very dark in either case. I did not achieve a red coloration during my analysis of the residue.

(signed)

C.W. Bassett

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BREVARD

Before me this day personally appeared C.W. BASSETT who, being duly sworn, deposes and says the statements presented in the above affidavit are true and correct to the best of his knowledge.

Sworn to and subscribed before me this 23rd day of July, 1998.

(signed)

Carolyn B. Pecquet
NOTARY PUBLIC
CC 523345

