

Affidavit of James Speer

1. My name is James Speer. In the NTSB Flight 800 investigation, I was representative of an official party to the probe, the Air Line Pilots Association.

2. In 1963, I received my BS in Geology, and a minor in Engineering, from Ohio State University, Case Institute of Technology.

3. I was in the United States Air Force 1963-1968: (a) Pilot training at Reese Air Force Base, Texas; (b) Fighter Pilot training F-102 school at Perrin Air Force Base; (c) Three-and-a-half-year tour at Ramstein Air Force Base, Germany; (d) additional duties included Flying Safety Officer. I was a part-time Indiana Air National Guard pilot from 1969 through 1988 at Fort Wayne, Indiana, flying F-84's, F-100's, F-4C's and F-4E's. I retired as a Lieutenant Colonel.

4. In 1969 and 1970, I was a TWA Pilot and Flight Engineer on the Convair 880 aircraft (furloughed for 6 years (1970-1976) during the oil embargo).

5. From 1971 through 1976, I was employed by the Aeroquip Corporation in Van Wert, Ohio, as a Safety Environmental Engineer. Aeroquip built the first Cadmium electroplating process after Ohio adopted the Federal EPA standards, and I was in charge of the Water Treatment, and all chemical processing which involved Cadmium electroplating, Zinc phosphatizing, and chromic acid electropolish for brass.

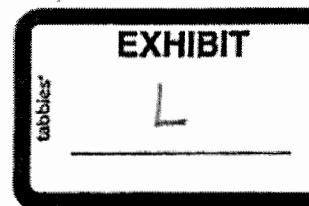
6. I was a B-727 pilot and flight engineer for TWA, 1976-1981 (furloughed 1981-1986).

7. I was a product support Pilot for General Electric Aircraft Engines in Cincinnati, Ohio, 1981-1983. A part of the product support engineering was the flight operations group, which provided flight operations seminars for customer airlines, in-flight observation of operations with line crews, troubleshooting, and testing.

8. 1983-1986, I was Product Support Manager for General Electric Aircraft Engines, in charge of Britannia 767's, Olympic A-300's, JAT DC-10's, Zambia DC-10's, Gabon 747's, and Zaire DC-10's. We coordinated all General Electric customer activity including Guarantee-Warrantee, engineering surveys, troubleshooting, maintenance, and engine overhaul.

9. From 1986 into 2000, I was a TWA pilot and First Officer on the DC-9, MD-80, L-1011, and Captain on the DC-9 and MD-80, until I retired at the mandatory age of 60.

10. Because of my employment with General Electric, and other safety experience, I served on the Air Line Pilots Association (ALPA) Accident Investigation



000183

Committee as the TWA ALPA Engine Representative. It was in this capacity that I became involved in TWA 800's accident investigation. Although engines were ruled out fairly early in the investigation, I was asked to stay with the investigation in the structures group due to my industry experience in failure analysis.

11. The quoted language appearing below in this Affidavit is substantially verbatim from a videotaped interview that I gave.

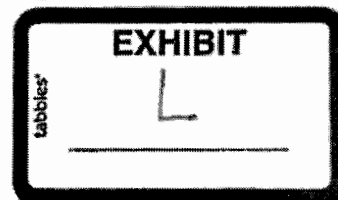
12. "They [NTSB] conducted the investigation and directed them [FBI] to what their concerns were but that didn't happen. They [FBI] took over like a bull in a China shop and they didn't know the nose from the tail or wheel about accident investigating and so they have screwed this investigation up so bad that it probably will never be straightened out. We have – well ever since we were there we have felt that the truth was not allowed to be sought out and discovered."

13. The NTSB should have been primary agency in conducting the investigation.

14. "This day, a Sunday, I was very concerned that this part wasn't being examined and I had done some chemical testing in college and in my job as [a safety/environmental engineer] so I looked up the FBI's Field Lab and asked them to show me how their nitrate sniffer worked. And eventually they agreed to do that and I just happened to have part, this little part outside the door, and asked them to swab that and test that in their demonstration, and they did, and the part tested positive for nitrates, upon which they picked up the phone, called somebody and three FBI guys in suits come running in. They [physically] excluded me from the conversation, turned to me, and said the machine has frequent false positives and we will conduct the test again and they did it four more times, maybe five, and would not let me watch the tests, and also when the test was complete, turned to me and said, all the rest of the tests were negative, we're going to record the overall tests as negative, and the first one you saw we'll call a false positive."

15. "So, Sunday then, I confronted ah, or we talked about this at ALPA and they talked to the NTSB on Monday and they approached the FBI with some concern that maybe the part did need to have further investigation. And the FBI said all right, all right, we'll send it to our real lab in Washington and that was a Sunday, Monday, after the accident, four or five days later, and the part has not been seen since, for five years now."

16. "So, we walked over and looked at the part and I asked him what he thought, and he asked me what I thought, and I said it looked to me like a high velocity explosion. And he says, "well I have considered everything and I have decided that this happened by hydraulic action on impact on the water." And I looked at him right in the eye and I said well BS and I said you know as well as I that terminal velocity [of] these things falling to the atmosphere near sea level falling at terminal velocity is about 120 to 140 miles an hour. And at that kind of velocity does do this kind of damage to structural aluminum. And he looked back at the part and looked up at me and he says, 'hydraulic action on impact with the water.' And I said there's a piece of stringer attached to this and



I said since when have you seen hydraulic action on impact with the water cause sooting through the hole. And with that, he turned on his heels and stomped off."

17. Paragraphs 17-19 further explain paragraphs 14-16 above. This occurred the Saturday, Sunday and Monday after the accident. Two days after the accident, they had a structural part that had evidence of having been next to a high explosion. It was being ignored because Dr. Merrit Birky, head of the NTSB's TWA Flight 800 Fire & Explosion Team, claimed it was damaged on impact with the water.

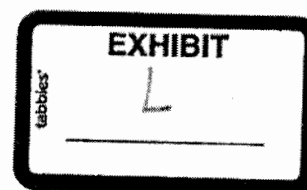
18. But the Fire & Explosion Team and Dr. Birky had the expertise in only fire, not explosions. The FBI and ATF did explosions. When I was discussing the part with Dr. Birky, he didn't even know the different blast front velocities between fuel-air and high explosions. That is very important in determining which type of explosion was involved because they produce very different damage patterns, the holes piercing the part in question were definitely from the high velocity blast front of a high explosion (20,000-30,000 feet per second), as opposed to a low order fuel-air explosion (10,000 feet per second).

19. I even went to the JFK hanger on Sunday, after Boeing identified the part as a wing leading edge rib, and had a TWA mechanic lower the leading edge slats so I could photograph the large cavity in the leading edge. I did this to help people in ALPA and the NTSB understand that the holes piercing the part had to have been caused by a directed jet of high velocity gas from a high explosion as opposed to a low velocity fuel-air explosion that simply would have rolled around the ribs.

20. My discussion with Dr. Birky took place before the facts above in paragraphs 14 and 15 (the FBI's use of their equipment tested positive for nitrates and the disappearance of the part). At this point, the FBI claimed not to know where the debris field was even though Major Meyer's Suffolk County Air Guard helicopter had a military GPS that was accurate to 5 feet or so and he was over the crash site as the final pieces were falling into the water. Therefore, this part was all the more important because it was one of the first structural parts they admitted having.

21. And one of the more important parts of the debris field is the keel beam. The NTSB/FBI has changed the recovery location tag of the keel beam from orange to red. That can mean only one thing to me: they're trying to make the recovery location of the keel beam fit a scenario that they've already decided has happened, and that's not how you do accident investigations."

22. The FBI's and NTSB's lack of establishing a computerized database for the thousands of parts that were obviously going to be involved was a concern of TWA pilots, and many others, from the beginning. The TWA pilots were instrumental in finally getting a database started, but the haphazard way the parts were handled and the incomplete tagging of the parts prevented an accurate accounting of how many parts there were and from where they were recovered.



23. There were three recovery ships operating with the divers and one transport barge. The divers would hand the part to an FBI agent on a recovery ship, a TWA mechanic or a Boeing representative would give his best description of the part, and the FBI was supposed to tag the part with the recovery location and date and time. Periodically a transport barge would come out and pick up the parts from all the ships and offload them on the dock at East Moriches where they would be loaded on a truck and then offloaded on the hanger floor at Calverton.

24. If a part arrived at Calverton without a recovery location tag, it was then "barge mix" because there was no way the recovery location of that part could be determined or even guessed since you could not tell which ship it came from.

25. In order to establish the breakup sequence of the airplane, you had to know the recovery location of all the parts and the FBI was not tagging approximately 20-25% of the parts.

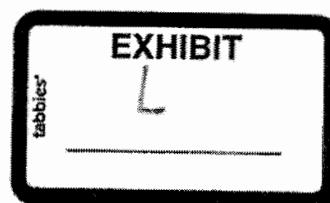
26. Twice the FBI asked that I be removed from the investigation (through NTSB and ALPA channels) because I was considered too confrontational in my attempts to get the FBI to tag all the parts. That might not have been as important as I thought since the FBI changed the recovery location of parts to suit their needs.

27. One of the most important parts, the keel beam, had its recovery location tag changed from orange to red, apparently to fit the scenario that they wanted to present. The keel beam is a very large structure as much as two-to-three feet high, 12" to 18" wide, and 30 plus feet long that runs along the bottom of the airplane and basically is the fore and aft foundation of the airplane. It supports both the center wing box (which also serves as the center fuel tank) and the landing gear.

28. The main explosion took place, then the center-fuel-tank explosion caused the keel beam to be ejected downward, allowing the nose of the aircraft to separate from the fuselage. To determine the exact sequence in which this all happened requires knowing where each part was recovered in the debris field, and that requires an accurate database and tagging system. This is common practice for any investigation and should have been initiated and accurately managed by either the FBI or, more correctly, the NTSB.

29. Serious questions must be raised about the intent of this investigation when the Controlling Agencies are not only NOT doing this, but, in fact, are only tagging 75-80% of the parts, failing to initiate and maintain an accurate database and even altering evidence!

30. "Another thing that was a little peculiar was, we were asked to watch video maps of the bottom for sometime, looking for engines at one point, and in doing this, we were chaperoned, as in everything we did, by an FBI agent, not to be trusted alone. And so we're watching these videotapes of the bottom of the ocean and I notice that the time clock stops in a given run. If you are running a path down[a line], it should



be continuous run, and they're gaps in the time clock. So I look up at our FBI agent chaperone and [said], 'You know, this tape has been edited.' He says, 'No, it hasn't.' And I said, 'Well look at the gaps in the time clock here. There's no reason for those gaps to occur unless the tape has been edited. I want to see the unedited version.' 'No,' was the response."


31. "And they said they'd have trouble getting just the propane air fuel mixture to blow up. They asked them to spice it up a little more. And they had a [little] data tag on the TV video of this event and it said simulated vapor, and they explained to the group that it was equivalent to kerosene fumes. And they had spiced it up [with] propane and hydrogen. I think anyone of you who has seen the Hindenburg blow up don't agree that propane and hydrogen and kerosene fumes are the equivalent to simply kerosene fumes. But that's what our government did. And then they put it on the evening news and so now everybody has seen that the government's opinion is that this fuel tank of a 747 is easy to blow up and it would blow up hard enough to wreck the airplane, because on the evening news [they] showed this thing as a huge fireball and a residual fire, which is, ah, is just about as close to lying to the public as you can get."

32. "Ah, enough to cause a Congressional investigation into the investigation, certainly enough evidence for that. I and several other people had tried to get the US Congress and Congressman Trafficant involved in a Congressional investigation and we got fairly close to that and he all of a sudden quit. Senator John McCain is a pilot and we thought he'd be a friend and we're from a pilot group, and, we couldn't get him to, he seemed to be interested and first and then all of a sudden he wouldn't return any more phone calls, or his staff. And so for whatever reason, it's been successfully covered up, the truth is not known, and there are many people fortunately still working on it trying to discover the truth for future accident prevention, to let the loved ones and family and friends know what happened to the airplane. They feel they have a right to know, since it was never declared a crime scene and, nor, did anybody look us in the eye and say, you know, you guys are military people, we say national security and you know what that means, and we would have. [Unintelligible] They could have told us that. But they didn't even have the courtesy to do that to us."

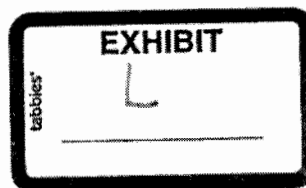
33. "So here we are in limbo, a dedicated group of people with a mission to seek the truth, obstructed by the government. And now we have a national terrorism war on our hands, and perhaps if the truth had been allowed to be brought out at that time, we could have begun our improvements in security five years ago, and [the 9-11] event wouldn't have happened."

I hereby certify and affirm under penalty of perjury that the foregoing is true.

Date: June 18, 2003.


James Speer

5



000005

000187