



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

December 6, 1996

Honorable Alfonse M. D'Amato
United States Senaté
Washington, D.C. 20510-3202

Dear Senator D'Amato:

This is in reply to your letter received in my office late Wednesday night, expressing your concerns about the pace of our investigation of the crash of TWA flight 800. Let me assure you that, despite what may be printed in newspaper articles, most of which are based on unnamed sources, the investigation of this tragedy is moving as expeditiously as humanly possible.

I would also like to note that not knowing the cause of an accident 4 ½ months after its occurrence is hardly unusual. Most investigations take 9 to 12 months, or more, before a final determination can be rendered. For an accident investigation that is this complex, involving such daunting logistical challenges, it is a significant accomplishment that we know as much as we do. Remember, unlike most accidents, we did not have immediate access to the wreckage. Once the deep-water salvage operation began, our initial efforts were aimed at retrieving the remains of the victims, a humane decision that I'm sure you'll agree was the right one to make. That decision has paid off for most of the victims' families; 215 of the 230 persons who perished in the accident have been recovered and identified, a remarkable achievement given the circumstances of the crash. In several past accidents that occurred on land, many victims were not identified.

We have expended enormous resources in staffing and funding to recover the wreckage of the aircraft. We have recovered a substantial portion of the aircraft while conducting a 24-hour salvaging operation for months. We are now trawling to find the smaller pieces that may have been buried by the ocean sands, and are continuing to find additional wreckage. The FBI has urged us to continue trawling until we stop finding pieces, and we concur. The trawling operation is expected to last well into the winter. Until we recover every shred of evidence that we can, it would be unwise to rule in or rule out any possible cause conclusively. If a cause were readily apparent, we certainly would make an announcement.

Honorable Alfonse M. D'Amato
page 2

I can assure you that we could not have brought any wreckage to the surface quicker than we did without endangering the lives of the recovery team, nor could we have done any other aspect of this investigation quicker than we did. There are only so many personnel qualified to reconstruct and analyze evidence of this nature, and we are utilizing all of those who are available. I'm certain the FBI has conducted its criminal investigation in the same total effort. I also note that the FBI today repeated its belief to us that the investigative work is proceeding as expeditiously as possible.

The issue you raised about the witness statements is an important one, and I am pleased to set the record straight. As you know, since the early hours of the accident, the FBI has been conducting a criminal investigation. Shortly after our organizational meeting on July 18, the FBI informed us that our usual procedures for conducting interviews, with representatives of all parties present, and open dissemination of investigative findings, was unacceptable because of the possibility of criminal charges being brought. The last thing we at the Safety Board wanted to do was to jeopardize our government's ability to bring perpetrators of a crime like this – if it turned out to be a crime – to justice. We agreed to modify our procedures, with the FBI conducting many interviews and with our investigators reviewing written records of those interviews. In the early days of the investigation, we reviewed approximately 2,000 statements in this manner.

In July and August, when we believed that more information was needed for our investigation from certain individuals, we accompanied the FBI for reinterviews; approximately 30 people were interviewed by NTSB investigators at this time.

As the possibility of a mechanical involvement in this accident increased in recent months, NTSB investigators have reinterviewed ground crewmembers and other persons who might have knowledge in that area, and are currently reinterviewing others, including eye witnesses. I think you'll agree with me that, while our accommodating the needs of our law enforcement colleagues might not have been ideal, it would be an unconscionable blunder if our insistence for adherence to our procedures would have eventually led to the failure of the people of the United States to seek justice in what might have been – and, indeed, still could prove to be – the worst terrorist attack in this country's history.

The California Institute of Technology is being retained to conduct tests that would determine the explosive properties of the particular fuel mixture that was aboard TWA flight 800. To schedule such a test, we first had to determine what needed to be done and who has the capability of doing it, and then develop a proper and thorough test protocol.

Alfonse M. D'Amato
page 3

As to your final point, although it is possible that when the NTSB issues its final report on this accident, it might not know the ignition source that caused the tank to explode, I am confident that we will learn the sequence of events that led to this tragedy. In any case, we still have much work to do. We are still trawling for wreckage, and we are about to begin a three-dimensional reconstruction of about 90 feet of the center fuselage of the aircraft. That process will probably take until next Spring.

I, too, was dismayed by the press reports that challenge the pace of our investigation. But it must be remembered that the NTSB's credibility, and its reputation for competence, thoroughness and objectivity are not an accident. Our comprehensive investigations are based on the painstaking, meticulous collection and examination of evidence, and on carefully designed and controlled testing and simulations. The understandable desire for swift determinations and quick fixes cannot trump the need for actions grounded in fact and accurate information. Like you and the families, I wish we had an answer today, but I want us to get it right. I know that is your goal, too, and I appreciate the support you have given us over the years, and in recent months.

I am also disappointed by recent news accounts attributed to unidentified, "senior" law enforcement officials intimating that the NTSB is not moving quickly enough. I need not recite examples of how government at any level can sacrifice respect, public confidence, and credibility by making speedy judgments that eventually turn out to be erroneous. We believe the Board's tenacious and methodical process of investigating helps ensure that we get it right.

As you may know, Senator, this is the most expensive investigation in the Board's 30-year history. We now estimate that by next summer, this investigation will have cost about \$27 million; this for an agency whose annual budget is about \$40 million. I will be seeking a supplemental appropriation to cover the expenses of this massive endeavor, and I hope I can count on your support.

I repeat my offer to you for a briefing on the progress of our investigation. The most illustrative location for such a briefing would be at our hangar in Calverton, but we will be happy to brief you here in Washington, if you prefer. My staff will call your office to schedule the briefing. Thank you again for your expressions of concern and support.

Sincerely,


Jim Hall
Chairman