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11 UNITED STATES DISTRICT COURT
 12 CENTRAL DISTRICT OF CALIFORNIA
 13
 14 WESTERN DIVISION

15)	No. CV 03-08023-AHM (RZx)
16	H. RAY LAHR,)	
17	Plaintiff,)	DECLARATION OF DAVID M.
18)	GLASS
19	v.)	Date: October 31, 2005
20	NATIONAL TRANSPORTATION)	Time: 10 a.m.
21	SAFETY BOARD, <i>et al.</i> ,)	Judge: Hon A. Howard Matz
22	Defendants.)	
23)	

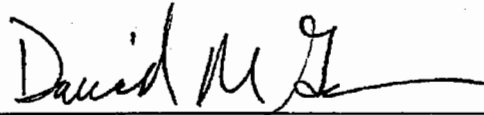
24 DAVID M. GLASS says:

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 26 1. I am an attorney for the Department of Justice, Civil Division, Federal
 27 Programs Branch. I am lead counsel for defendants in this action. I make this
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1 declaration in support of defendants' motion for partial summary judgment as to
2 the Central Intelligence Agency.
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4 2. Attached hereto as Exhibit A is a true and correct copy of the affidavit of
5 Thomas F. Stalcup, PhD. Plaintiff's counsel, John Clarke, sent me this affidavit
6 by e-mail dated March 10, 2005.
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8 3. I declare under penalty of perjury that the foregoing is true and correct.
9 Executed August 15, 2005.
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12 DAVID M. GLASS
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EXHIBIT A

Affidavit of Thomas F. Stalcup, PhD

Thomas F. Stalcup
332 Hatchville Rd.
East Falmouth, MA 02536

I, Thomas F. Stalcup, do hereby declare, under the pains and penalty of perjury, that the following is true and accurate.

- 1) I have reviewed a February 28, 2005 CIA release packet to Captain H. Ray Lahr totalling over 250 pages and referencing F-2004-00078 and F-2004-01212. The release "concerns [Captain Lahr's] 8 October 2003 Freedom of Information Act (FOIA) request and subsequent litigation (H. Ray Lahr v. National Transportation Safety Board and Central Intelligence Agency, Civil Action No. 03CV08023-AHM...)".
- 2) Page 211B in the release packet appears to be an internal CIA memo recommending to the CIA crash animation producers, how to animate the flight path of TWA 800.
- 3) This memo contains six positions "based on JFK radar data" and three of these positions contain associated altitude information.
- 4) The second altitude position "is an approximation based on eyewitness descriptions and [name redacted] modeling work."
- 5) The memo contains instructions for its recipient (name redacted) to "[g]enerate a spline fit (or equivalent fit)" to the six data points. The recipient is given approximately 39 days to complete this fit and produce the "final animation renderings" based on the fit to meet a deadline for the video's distribution.
- 6) The FOIA exemption, (b)(3), cited in the document to redact the individual's name who conducted "modeling work" upon which altitude data was based infers that this individual is or was a CIA employee. I did not locate any such modeling data in the release packet.
- 7) The memo also describes eyewitness descriptions as being used to approximate TWA 800's flight path. However, I was unable to locate in the release packet, any associated eyewitness analysis or statements, save a technical briefing (pg. 158B) apparently based upon some of that analysis..
- 8) The memo also describes an "analysis of sound propagation" of which at least one data point was derived. I could not locate this sound analysis in the release packet, save the same technical briefing which summarizes this analysis..
- 9) From my understanding of Captain Lahr's law suit, such modeling data, eyewitness analysis, and sound analysis should have been included in the release packet.
- 10) There is what appears to be a Power Point presentation that also references and summarizes (but does not contain) the above analyses.
- 11) This presentation repeatedly (no less than five times) displays a misleading graphic in the section "How do the eyewitness accounts match the proposed trajectory of TWA Flight 800."
- 12) This graphic shows Flight 800 traveling left-to-right, while Flight 800 was traveling from right-to-left to all but a very small group of eyewitnesses.
- 13) The graphic shows Flight 800 climbing, at times nearly straight up, and at an average angle of about 30 degrees from vertical. It shows Flight 800 climbing at this angle

until it appears to double its altitude. Even in the CIA's scenario, such a graphic would be representative of none to a small handful of witnesses. It is not representative of witnesses Mike Wire and Dwight Brumely's observations, two important witnesses cited in the CIA video.

14) It appears that most, if not all of the flight path calculations provided in the release packet were carried out after the animation's rendering. Most of these calculations were hand-written and created after the animation's public release.

15) One summary report (pg. 53A) of some of the later analyses was apparently never dated or the date was redacted without any exemption claimed.

Signed this 10th day of March 2005:

A small, dark, handwritten signature or mark, possibly initials, located below the signature line.

