

EXHIBIT 31 - FBI RESPONSE TO QUESTIONS FROM REP. TRAFFICANT – Added 8/6/98

July 27th Letter from Lewis D. Schiliro, Acting Assistant Director in Charge, FBI.

In response to an April letter to the FBI from Congressman James A Trafficant, (D) Ohio

Question 1. In previous correspondence, the FBI indicated it would not make public eyewitness statements and other undisclosed evidence collected by the FBI because of the remote possibility that new evidence could be discovered in the course of the NTSB's continuing accident inquiry. Given the fact that the NTSB's inquiry has yet to discover any such evidence, and is nearing a close, does the FBI intend to make public the eyewitness statements and other evidence in the TWA Flight 800 that has previously been withheld from the public?

FBI Answer: Much of the FBI's investigative material has been subpoenaed in connection with the ongoing civil litigation over Flight 800, now pending in the United States District Court in the Southern District of New York. The FBI has agreed to produce relevant non-privileged material in response to the subpoena and has been working with the United States Attorney's office to craft an appropriate order to satisfy the requirements of the Privacy Act, Title 5, United States Code, Section 552a, and to fashion a protective order that will, essentially, restrict the use of this information to the litigation. The FBI has agreed to produce the results of eyewitness interviews to the parties with the names and addresses redacted from the documents. This production will take place as soon as the Privacy Act and protective orders have been finalized.

In light of the FBI's planned production of eyewitness statements in response to the subpoena, in April, 1998, this office provided the NTSB with copies of the materials we will be producing in connection with the litigation. Since then, NTSB has been reviewing the material and the FBI is working with NTSB in an effort to satisfy NTSB's needs with respect to this material while at the same time protecting the FBI's concerns regarding making public the results of a criminal investigation into this still unresolved tragedy and to protect the legitimate privacy interests of those interviewed by the FBI. It is our understanding that NTSB, upon completion of its review and discussions with the FBI, will make these materials part of its public docket. We also note that, since early on in the FBI's investigation, NTSB has been afforded full access to the FBI's investigative work.

The FBI's investigation will remain in a pending inactive status at least until such time as NTSB determines a probable cause for the accident that excludes the possibility of criminal conduct being the cause of the Flight 800 tragedy. Therefore, except for our production in response to the subpoena issued in the civil litigation, which will be subject to a protective order, and the release of redacted eyewitness statements to NTSB, the FBI has no current intentions to release publicly other evidence in this case.

Question 2. In its analysis of radar tapes, has the FBI been able to positively identify every single aircraft and surface vessel that was in the proximity of TWA Flight 800 at the time of the accident?

FBI Answer: No. Following extensive analysis of raw radar returns by the FBI, the NTSB and an outside expert, in January, 1997 the FBI first noted the presence of a surface vessel, which, because of its speed of between 25 and 35 knots, is believed to be at least 25-30 feet in length, approximately 2.9 nautical miles from the position of Flight 800 at the time of the initial explosion. The analysis first noted the boat's presence at approximately 8:11 P.M., traveling in a South, Southwesterly direction. The last radar contact was noted at approximately 8:45 P.M. Despite extensive efforts, the FBI has been unable to identify this vessel. However, based on our investigative efforts, we are confident it was not a military vessel.

Question 3. If the answer to question number two is yes, can the FBI positively match every surface vessel and aircraft with an individual or individuals? Has the FBI interviewed every one of these individuals?

FBI Answer: With the exception of the vessel discussed in the response to question 2, all other vessels and aircraft noted on radar have been identified and appropriate interviews conducted.

Question 4. Can the FBI share with my office the results of its radar analysis, specifically, the identities of all the surface vessels and aircraft in the proximity of TWA Flight 800?

FBI Answer: No, for the reasons stated in response to question number 1, above.

Question 5. I applaud the FBI for the work it did, in conjunction with the Department of Defense, in examining the possibility that Flight 800 was struck by a missile or missile fragments. However, did the FBI fully examine the possibility that the accident may have been caused by an over pressure explosion outside the aircraft which did not result in any shrapnel or fragments hitting the aircraft but which caused enough over pressure to cause the nose of the aircraft to break off?

FBI Answer: The FBI, with the assistance of the missile experts a China Lakes and other experts who assisted in the investigation, considered the possibility of a proximity explosion, including a proximity explosion that did not result in shrapnel or fragments hitting the aircraft. According to the missile experts, the possibility that TWA 800 was destroyed by a proximity explosion that did not result in shrapnel or fragment damage to the aircraft is so extremely remote as to be virtually non-existent. According to the experts, such an explosion would be manifested by some inward protrusion on the aircraft. Extensive and detailed metallurgical examination of the aircraft did not identify any damage that would support this extremely remote theory.

Question 6. Has the FBI consulted with any eyewitness experts to explain why so many eyewitnesses allegedly saw a streak of light rising from the horizon (not half way above the horizon), even though such a scenario runs directly counter to the flight break-up scenario postulated by the NTSB and the CIA?

FBI Answer: Of the(sic) all the individuals who reported seeing events in the sky, only approximately 20 reported a streak of light rising from the horizon. None of these individuals were closer than ten miles to the aircraft and some were much farther away. Given their distance from the aircraft and the aircraft's altitude at the time of the initial explosion, it could appear to those eyewitnesses that the streak of light they observed rose from the horizon. However, because the position and distance of the eyewitnesses are know(sic), as is the position and altitude of the aircraft, a relatively straightforward mathematical analysis does show that what these people reported seeing was not, in reality, what occurred. Due to the acute angle of their observations, the trailing flame of the stricken aircraft would appear to be rising from the horizon. In addition, all of the missile systems which were analyzed as potentially involved in a missile engagement on the aircraft have sustainer motors which burn out several seconds after launch. Thus, there would be no visible flame from such systems above several thousand feet. Any streaks of light described by the witnesses as culminating in an explosion could not have been a missile engagement due to the fact that there would have been no continuous flame and the missiles themselves would not have been visible to the naked eye, particularly given the distances of the witnesses' observations. Thus, the observations of those who reported seeing a streak rising from the horizon are far more consistent with the FBI/CIA and NTSB scenarios.

The FBI fully understands the difficulties of eyewitness testimony. The FBI believes that the experts a the CIA who assisted the FBI in analyzing the eyewitness reports were more than qualified for this task.