

Exhibit 34 - Letter to Louis J. Freeh dated 9-26-98 - Added 10-2-98



William S. Donaldson, III - USN, Ret.
Associated Retired Aviation Professionals
P.O. Box 90, Clements, Maryland 20624

September 26, 1998

Mr. Louis J. Freeh - Director
Federal Bureau of Investigation
The J. Edgar Hoover Building
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535-0001

Subject: The Shinnecock Red Flare Incident, 26 June 1996
Reference: Interim Report to the House Aviation Subcommittee, July 17, 1998

Director Freeh,

On 17 March 1997 Retired FBI Special Agent Philip E. Kulman wrote a very professional letter to Mr. Kallstrom (see the letter at Ref., Exhibit 27). Mr. Kulman describes his concerns about the Shinnecock Red Flare Incident as being possible missile fire and describes his previous contacts about this event with the FBI.

The last line of Special Agent Kulman's letter was, "your reply to this letter is respectfully requested." Unfortunately Mr. Kulman's letter was never answered or even acknowledged. Why was that Mr. Freeh?

Assuming a non-reply to a retired agent reflects the amount of professional effort dedicated to investigating his incident, in the interest of national security, this letter provides the facts so far developed by outside investigators.

Mr. Kulman's concerns were well founded. The Facts:

- The night of 26 June 1996 at 10:29 p.m. EDT the sailing vessel "Dauntless" alerted the Shinnecock Coast Guard station by VHF radio of sighting three red flares launched immediately north of her position.
- Dauntless' coordinates 40° 29.5' N and 072° 07.5' W, placed her 27 nautical miles south south east of Shinnecock inlet.
- The Coast Guard assumed a vessel was in distress and established an initial search area from ½ NM to 5 NM north of Dauntless.
- C130 aircraft from Cape Cod, helicopters and 41 ft. boats from Shinnecock searched until dawn. No vessel was found.
- 26 June 1996 was the day after 17 US military personnel were killed in a botched bombing attack at Khobar Towers USAF barracks in Saudi Arabia.

- At 10:29 p.m., the moon was overhead 1 hour and 23 minutes past transit. Moon phase was waxing gibbous with 74% of the visible disk illuminated.
- Weather was clear, no clouds, temperature 63° light winds from west northwest, visibility 12 miles.
- TWA Flight 848 (New York to Rome) blocked out at exactly 10p.m. on 26 June 1996. Assuming normal handling, Flight 848 would have passed about 11 NM south of Shinnecock Inlet and 16NM North of Dauntless at 10:29 p.m. EDT.
- TWA Flight 884 (New York to Tel Aviv) was scheduled to depart before FL848 but blocked out late at 10:19 p.m. EDT.

Mr. Freeh, I can think of five explanations for this incident:

1. Dauntless radioed in a false alarm.
2. Dauntless was the victim of optical illusion
3. A vessel fired flares and sank
4. A vessel fired flares and ran
5. A vessel fired a TEL (3) SA6 missiles and ran

Option 3 didn't happen. There was no evidence of a sinking or of a missing boat or personnel.

Options 1 and 4 are doubtful. Mariners at sea over night are generally mature and responsible. They do not abuse lifeguard services.

Option 2 is extremely doubtful because:

- a. Three red flares were reported.
- b. The closest known source of red light to Dauntless was radio towers about 30 NM North
- c. Because of curvature of the earth, the first 500 feet of a tower at that distance would be below Dauntlesses' line of sight.
- d. One degree of arc on a 30 NM horizon is 3,140 feet.

$$\frac{pDft.}{360 \text{ degrees}} = \frac{3.14 \times 360,000 \text{ ft.}}{360 \text{ degrees}} = 3,140 \text{ ft.}$$

Therefore, in order for a light on a tower to project one degree above the horizon at 30 NM, it must be 3,640 feet tall (3,140' + 500). The towers are 1/3 that height.

- e. The towers were 2 ½ times the distance of reported surface visibility.
- f. Auto kinesis (the perception or illusion that a stationary light is moving) requires a point of light and otherwise total darkness. In this case there was a visible horizon illuminated by bright moonlight.

Mr. Freeh, all of the above point to Mr. Kulman's concern as not only an intelligent perception, but also a probable event. The two aspects I would expect to be challenged on this hypothesis are:

1. If the flares were SA6 missiles fired at TWA or any other carrier, why wasn't the aircraft shot down?
2. Why didn't search aircraft spot the shooter?

The answer to both questions is the essence of a tactical conflict that would have tested the courage of the attacker. If the Coast Guard's estimation as to flare launch position was correct, SA6's fired from that

area would have been just out of range of passing aircraft on the “Betty Track” or flying direct to Hampton.

The captain of the attacking ship would have been highly concerned about the 12-mile visibility, clear skies, bright moonlight and calm sea. These conditions would make it possible for rescue aircraft to possibly see the wake or even the darkened ship itself after an attack.

Additionally a tactically knowledgeable captain would wish to remain over the horizon from Long Island radars. To safely remain out of view of those radars, a 50-foot tall ship must be at least 22 miles off shore.

He would also have to consider “safe separation time”. That would be the time available between launch of missiles and the arrival of the first search aircraft. This time lets him separate from the downed aircraft or, if missiles miss, the launch zone.

Firing from maximum range provides the captain with two distinct advantages and one severe disadvantage: a) no radar detection or record would occur, and; 2) safe separation time would be about 30 minutes (15 minute helicopter reaction time to take off and 15 minutes transit to the search area). In 30 minutes a 20-knot ship would be 10 nautical miles further out to sea.

The severe disadvantage would be mission failure from range miscalculations at the edge of the weapon envelope. In good visibility, optimal range at night is easily under estimated.

I would further point out the failure of tactics described above would explain the stark differences and lessons learned in the plan executed three weeks later on TWA Flight 800.

- TWA Flight 800 was fired on at 8:31p.m., seven minutes after sunset. The aircraft at altitude was still brightly illuminated allowing optical range finders and trackers to function properly.
- Two platforms were used 10NM miles apart bracketing Flight 800’s track (from north and south). The ranges were optimum for the SA6 (about 7NM and 3NM respectively).
- 17 July 1996 was a very dark night. The moon was a 4% waxing crescent that set at 9:19 p.m. and civil twilight ended at 8:56 p.m. A darkened ship could expect to escape visual detection from other surface craft or aircraft after 8:56 p.m.
- Sadly, unless there were forewarned military units in the area searching for intruders, the successful shutdown under these conditions would have virtually assured escape. All surface and air efforts would be narrowly focused toward the fire on the water and a search for survivors.

Mr. Freeh, was the Justice Department aware of the Shinnecock incident before Flight 800 was shot down?

Sincerely,

A handwritten signature in black ink, appearing to read "William S. Donaldson III", followed by a vertical line.

William S. Donaldson, Cmdr. USN Ret.

Web Address: <http://members.aol.com/fl800/index.html>