

Affidavit of Dr. Frederic W. Whitehurst
December 2, 2002

I, Frederic Whitehurst, do hereby swear and affirm, under penalty of perjury, that the following is true and correct:

1.) I hold a B.S. in Chemistry from East Carolina University and a Ph.D. in Chemistry from Duke University. I was employed as a Special Agent of the Federal Bureau of Investigation (FBI) from February 1982 to March 1998. From June 1986 until March 1998 I was assigned as a forensic chemist in the FBI's crime laboratory which is located in Washington, D.C.. My duties were principally to conduct chemical analysis of explosives and explosives residues in bombing and terrorism cases. During this period of time I also conducted analyses of other types of materials. During my tenure at the FBI crime laboratory that laboratory was involved in the investigation of the crash of Trans World Airlines (TWA) flight 800. Though I was not personally involved in the forensic analysis of evidence from that incident, I had many conversations with individuals who were engaged in those analyses and saw evidence from the investigation being analyzed.

2.) Due to my position and responsibilities at the FBI Crime Lab, I have extensive knowledge of the forensic procedures and record keeping facilities of the FBI Crime Lab.

3.) During my tenure at the FBI Crime Lab, a new records management system for laboratory records was initiated in order to facilitate search and retrieval of such records. This new records management system was instituted in about 1997. Nearly all the

forensic results, reports, and analyses from all FBI criminal investigations are stored in this FBI laboratory records system. This system is physically separate from the main FBI central records files storage and is in FBI laboratory space.

4.) The FBI laboratory's analytical results of physical evidence from cases from the middle 1990's onward would likely not be found in the FBI's central records system. This is due to the fact that for years FBI laboratory files which were placed in the FBI's central records storage were difficult to retrieve when laboratory examiners needed them for review and for trial preparation. In the June 1998 follow up report on the FBI crime lab issued by the US Department of Justice Inspector General's Office, entitled "The FBI Laboratory One Year Later: A Follow-Up to the Inspector General's April 1997 Report on FBI Laboratory Practices and Alleged Misconduct in Explosives-Related and Other Cases" the IG noted the "In response to the OIG's recommendation, the FBI has relocated the Laboratory file room and adopted new policies concerning the maintenance and custody of Laboratory examination documents and files." A search of the FBI crime laboratory's record system in that "Laboratory file room" for analytical data/results/reports would be more appropriate and more successful and would likely yield the records being queried. Such a search would be very simple and could be quickly accomplished by simply reviewing the specific identifiable files related to any case where forensic analysis of evidence was utilized.

5.) At virtually all crime scene investigations involving bombings in which bodies are examined by forensic pathologists and/or medical examiners, careful and extensive

searches are made for the presence of bomb components or any potentially residue-contaminated debris which might have lodged within bodies of victims. Any such objects are removed, documented, catalogued and analyzed. This is a standard practice which I was taught at bombing crime scene schools conducted by the FBI crime laboratory during my tenure in that laboratory. All forensic examiners of bombing crime scene evidence with whom I am acquainted are aware of this practice. FBI bombing crime scene personnel collect such evidence. The FBI laboratory catalogued all such bombing crime scene evidence into computer data bases as it was processed into FBI laboratory.

6.) I recall having conversations with FBI laboratory personnel who were present during the medical examination of bodies from the TWA 800 crash. In those conversations I was told, among other things, that FBI bombing crime scene personnel collected debris evidence at the autopsies of victims of the crash of flight TWA 800. The documentation describing this evidence will be in the TWA 800 crash investigation files which exist in the FBI crime laboratory's record retention system. As the evidence at major crime scenes is logged into computer files by the FBI, the computer files can be easily searched for records of such materials found in the bodies of victims of the crash of TWA 800.

7.) The FBI crime laboratory also maintains a searchable computer data base within its Scientific Analysis Section which contains images of every document from every bombing or suspected bombing investigation conducted by personnel from the FBI's Explosives Unit since the beginning of the unit in 1972. The file was constructed with Department of Defense funding starting in about 1994 under the supervision of the FBI's Explosives Unit

personnel. The file allows personnel within that unit to compare devices and descriptions of devices from every bombing case the unit ever investigated. Initially the computer data base containing all of these documents was referred to as the EXPRESS data base. The TWA 800 documents will reside in that data base.

8.) Under FOIA I have received the contents of over 2000 FBI laboratory files as a result of my request for files spanning the period from 1972 to 1997. To the best of my knowledge the FBI had not destroyed files that I requested. I have reviewed most of those files and found them to be complete. In my opinion the FBI will not have destroyed any documents from the investigation of the crash of TWA 800. Considering the high profile nature of that investigation, such documents should be easily retrievable.

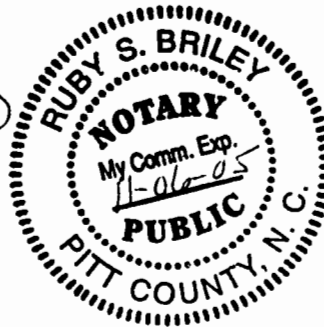
DATED: 12/2 2002

Signed under the pains and penalties of perjury,

Frederic W Whitehurst

Frederic W. Whitehurst, J.D., Ph.D.
Bethel, North Carolina

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I attest this is a
true copy of original
Mulder
12/16/02

