

# THE STRUGGLE FOR GOVERNMENT OPENNESS

## THE NASA LAWSUIT SETTLEMENT and THE WASHINGTON PRESS CONFERENCE

By Leslie Kean

*ABSTRACT: In 2003, investigative reporter Leslie Kean of the Coalition for Freedom of Information became the plaintiff in a landmark Freedom of Information Act lawsuit against NASA. After promising to conduct an expedited search for files related to the 1965 Kecksburg UFO crash case, NASA had stonewalled and withheld documents. A settlement in October, 2007 requires NASA to provide hundreds of new documents and pay Kean's legal fees. One month later, an international press conference was held in Washington, DC, organized by Kean and James Fox, calling for a new official investigation into UFOs by the U.S. Government. Moderated by former Arizona Governor Fife Symington, the event featured high level military, aviation and government officials from seven countries.*

### I. THE NASA LAWSUIT AND SETTLEMENT

January 2003 – June 2008

#### THE LAUNCHING OF THE FOIA INITIATIVE

In 2002, I was asked by Larry Landsman, SCI FI Channel's Director of Special Projects, to spearhead an effort seeking new government records on a well-documented, American UFO case which included the retrieval of physical evidence. We selected the Kecksburg case, partly because Stan Gordon had been investigating and documenting the event since it happened.

In summary, witness and local news reports show that on December 9, 1965, an object landed near the village of Kecksburg, PA, about forty miles Southeast of Pittsburgh, after a fireball was observed in the sky across several U.S. Northern states and Canada. Some Pennsylvania residents saw the object moving slowly in the sky; others saw it make turns; and still others saw smoke in the woods when it first crashed. Five witnesses eventually provided independent, corroborated descriptions of the strange acorn-shaped object and its exact location in the woods. Dozens of others – including firefighters, newspaper reporters, and a radio news director (who was on the scene taping interviews) saw the large military and police presence at the crash site and the cordoning off of the area. Observers provided detailed descriptions of an object being transported out on a flatbed truck. (For more details, see [www.stangordonufo.com](http://www.stangordonufo.com))



*Artist's conception of the Kecksburg object by Charles Hanna. Witnesses describe a fifteen foot object, with no rivets, seams, doors, or windows, and odd "hieroglyphics" along the bumper.*

The next day, the Air Force stated that it sent out a three-man team to search for an object that started a fire, but that nothing was found. It announced that the object in the sky was simply a meteor, as documented in Project Blue Book. No other government agency has provided anything at all about the incident.

We assembled a team to engage in a Freedom of Information Act (FOIA) effort which would not accept the usual "no records" responses that are sent to citizens making FOIA requests. This included Lee Helfrich, an attorney with the Washington law firm Lobel, Novins & Lamont; a private investigator, formerly with the Congressional General Accounting Office; and the independent archival research firm History Associates, Inc. Working with the Washington public relations firm Podesta/Mattoon, we founded the Coalition for Freedom of Information (CFI), with the broader mission of achieving scientific, congressional and media credibility for the study of unexplained aerial phenomena while working for the release of official information and physical evidence.

This initiative quickly won the support of John Podesta, one of our country's strongest advocates for openness in government, who now heads the Center for American Progress in Washington, D.C. As President Clinton's former chief of staff, Podesta was instrumental in the declassification of 800 million pages of documents during the Clinton administration. "This initiative will help keep the pressure on," he explained at the time.

"I think it's time to open the books on questions that have remained in the dark, on the question of government investigations of UFOs," Podesta told the media at CFI's first press conference launching the Kecksburg initiative in



October, 2002. "It's time to find out what the truth really is that's out there. We ought to do it because it's right; we ought to do it because the American people quite frankly can handle the truth; and we ought to do it because it's the law."

## WHY TARGET NASA?

When we initially made a request for documents to NASA, it denied us records – previously released to other investigators - that we knew were in the agency's files.

We asked NASA for a range of documents pertaining to the Kecksburg case, including the two boxes of "Fragology Files" from 1962 to 1967, described as "reports of space objects' recovery, [and] analysis of fragments to determine national ownership and vehicle origin." Previously, researcher Stan Gordon had received a copy of the "records transmittal and receipt" from NASA, listing the files by name. In the margin on that list was a handwritten note that the files were still at the Federal Records Center in 1994. However, NASA informed Gordon in January, 1996 that these files "were destroyed prior to their request." In another letter two months later, NASA stated that the fragology files had been missing since 1987.

I was sent the same letter by NASA later in 2003, saying that the fragology files had been reported missing in 1987 and haven't been located since then. On my copy of the inventory list, the handwritten notation referring to 1994 had been removed.

Other files should have been sent, such as those on Richard Schulherr, the custodian of the fragology files who went out in the field and collected unknown space debris for NASA at the time. Even though we asked specifically for files on Schulherr and PROJECT MOONDUST for which he worked, I was told there were no such records. But there were – I had NASA's own records in my files!

In addition, I had documentation and news reports showing that one of NASA's jobs in the 1960's was to retrieve and analyze space debris that fell from the sky, often reported by civilians in remote locations.

The fact that we had proof of NASA's denying us responsive documents made the agency a logical focus for our FOIA effort. We had direct evidence that could be used to counter the agency's no-records response.

We also had witness reports that NASA officials were on the scene on the evening of the Kecksburg "crash" and during the days following. One witness lived so close to the site that the military used his family's home as a place to gather and use the phone. John Hayes, ten years old at the time, remembers one military official telling another in his home that NASA was on the way. Within an hour, several men arrived in white protective suits, and Hayes saw a NASA patch on one of the uniforms. A second witness who also lived near the site, an adult at the time, spoke to a man who identified himself as a NASA

employee on a number of occasions during the days following the incident. A third witness reported seeing men in white "moon" suits heading into the woods towards the object, carrying a large box.

We also attempted to access files from the US Army, which denied us records as well. In a second attempt to the Army, we sent newspaper articles that clearly state the Army was on the scene, along with excerpts from a detailed radio broadcast revealing the same. We included signed witness statements of encounters with army personnel, some stating that soldiers pointed weapons at civilians, and descriptions of clearly marked Army vehicles. A newspaper reporter from the *Greensburg Tribune-Review*, who wrote three stories on the incident, provided a statement that he saw ten or more Army personnel preventing reporters from entering the area where the object was believed to have landed, and that he even questioned some of them.

We documented all of this for the Army, but it made no difference. Army FOIA guidelines advise the public to provide "descriptive information" that "is event related and includes the circumstances that resulted in the record being created or the date and circumstances surrounding the event the record covers." Our information established the participation of the Army, including military personnel from the U.S. Army Support Detachment in Oakdale, in a publicly acknowledged investigation of a landed object on December 9, 1965 at 4:45 pm near the town of Kecksburg. Even so, the Army FOIA office told CFI that we had not described what we wanted with sufficient specificity to enable it even to begin a FOIA search!

In this case, we didn't have Army files to prove the withholding of documents. Our focus remained with NASA since we had in our possession the proof of an inadequate search – the ammunition we needed to appeal the agency's denial.

## FILING THE LAWSUIT

We appealed NASA's no-records response in May, 2003, sending copies of our previously released documents demonstrating that the agency had withheld the exact material we had requested, and had not conducted a reasonable search under the requirements of the FOIA.

In June, NASA granted the appeal – which was an unusual victory in itself - and remanded the request back to its FOIA office for a new search, at which time it committed to undertake responsive searches on an "expedited basis." Its letter stated that it would look for the missing fragology files, and that the new search would include six additional categories which we added in the appeal request.

For many months, the archival research firm History Associates, Inc. conducted extensive searches at federal records centers and other government and military repositories outside the Washington, DC area. History Associates was able to provide us with specific accession

numbers for files in various repositories that we then presented to NASA to aid in its search.

We waited, and waited, for the results of this “expedited” search, but nothing happened. On October 15<sup>th</sup>, 2003 we provided NASA with notice of our intent to commence litigation. On October 21, the Coalition for Freedom of Information (CFI) announced at a second Washington press conference that we had no choice but to take legal action to force the release of these records due us under the law.

As had occurred the year before, this event was widely covered by national and international media. John Podesta joined us at the National Press Club, telling the media that “I think its fair to say that we have truly entered the realm of science fiction in Washington, D.C. when it’s fair game to disclose the identity of a clandestine CIA agent [reference to Valerie Plame] but not the records of an unexplained crash in Kecksburg, Pennsylvania that occurred thirty-eight years ago.”

The day after the press conference, a NASA official contacted Helfrich to say the agency had completed the required search and had mailed 36 pages of “responsive” documents the previous afternoon – within hours of the press conference. “I apology [sic] for the delay with your client’s FOIA request” wrote the FOIA officer in his letter to Helfrich. This appeared to be simply a hasty attempt to cover up for a negligent failure to abide by the terms of the June 2003 remand and to avert legal action.

The press went wild with the announcement that the documents were on the way; the New York Post ran its own hyped-up story that “classified” documents were being released, which was picked up by Fox News, much to my consternation. I was doing multiple radio interviews on a daily basis, and there was quite a buzz in anticipation of these hot documents. Little did anyone know how thoroughly useless they would be.

The results were almost laughable: NASA simply returned to us some of the documents we had sent to the agency with our appeal; it sent back a short list of accession numbers we had provided to aid in their search; and lastly, NASA sent us over 30 pages of “reference information” – a list of publications available to the public through the national archives. In addition, NASA refused to “confirm or deny” that it had records on Schulherr, despite the fact that his name was on the fragology file list and that we had documented that he worked at NASA in 1965 by sending NASA some of its own records.

The lawsuit, with me as the plaintiff (Kean v. NASA), was filed in U.S. District Court for the District of Columbia on December 9<sup>th</sup>, 2003, the 38<sup>th</sup> anniversary of the Kecksburg incident. NASA had stonewalled for nearly a year, offering only empty promises, despite being handed sample documents by us that had come from its own files, and we had no choice but to take legal action.

In her historic complaint, Helfrich made the case that "the defendant's actions were in bad faith, arbitrary, capricious, and contrary to law." (for complete text of the lawsuit, go to <http://www.freedomofinfo.org/freedom.html>) She asked the court to demand that NASA supply the requested records and also award attorneys fees incurred during the proceedings.

## NEW DEVELOPMENTS

The lawsuit sat in federal court for the next two years, while both sides filed briefs. On the 40<sup>th</sup> anniversary of the Kecksburg incident, CFI announced that on that day, attorney Lee Helfrich had gone to court once again to demand that NASA comply with our longstanding request for information. "We are not giving up the fight," she said. "NASA has been stonewalling for too long, and in the process has given us a great record to show that it's recalcitrant and acting in bad faith. What is NASA trying to hide?"



*Two women take on NASA – Leslie Kean and Lee Helfrich in front of a model of the Kecksburg object at the 40<sup>th</sup> anniversary celebration in Kecksburg*

We also announced three new breakthroughs in the case investigation which supported CFI's position that something highly unusual came down in Kecksburg:

- Dr. Ray Hicks, a Forestry expert from West Virginia University, discovered through taking core samples that dramatic damage to specific trees at the crash location, seen by witnesses after the incident, occurred in the year 1965;
- Archaeologist J. Steven Kite determined that the object did not fall rapidly from the sky and crash, or it would have left a crater, detectable today, and impacted the surrounding area; this supports witness reports of a slow, gradual descent;
- Chief Scientist for Orbital Debris at the NASA Johnson Space Center, Nicholas L. Johnson, a recognized international authority, eliminated the possibility of the object's being a Russian satellite or, according to him, any manmade object from

any country. He examined orbital coordinates and other internal records at his disposal, and discovered that the disabled Russian satellite Cosmos 96 passed over Pennsylvania in the very early morning of 9 December, 1965. "It was coming from the south, instead of the north. It would have been impossible for debris from Cosmos 96 to have fallen in Pennsylvania during the afternoon or early evening (local time) on 9 December," he wrote in an email.

In a series of interviews with me, Johnson said that anything either American or Russian reentering the atmosphere was always reported and recorded, and the chances of this having been some completely unreported event involving any country are "virtually nil."



*The Cosmos 96 capsule (above) could not have landed in Kecksburg, nor could any other manmade object from any country, according to NASA's leading authority on orbital debris. This capsule was only 3 feet in diameter.*

A few days after the anniversary, we were all stunned by a brand new statement by NASA, quoted in an Associated Press story headlined "NASA under pressure over UFO." The second paragraph stated that NASA spokesperson David Steitz said "the 'UFO' [Kecksburg object] was a Russian satellite, but government records documenting it have been lost."

We had a lawsuit in the courts because NASA had never given any answers to questions about the Kecksburg object; and now, suddenly, NASA says it was a Russian satellite? Even when NASA's own orbital debris expert Nicholas Johnson said it couldn't possibly be any satellite from any country? Even when the Air Force says it was meteor? We couldn't believe what we were reading.

The article went on to say:

The object appeared to be a Russian satellite that re-entered the atmosphere and broke up. NASA experts studied fragments from the object, but records of what they found were lost in the 1990s, Steitz said. "As a rule, we don't track UFOs. What we could do, and what we apparently did as experts in spacecraft in the 1960s, was to take a look at whatever it was and give our expert opinion," he said.

"We did that. We boxed (the case) up, and that was the end of it. Unfortunately, the documents supporting those findings were misplaced."

There were so many questions raised by this rather confused proclamation, including whether the boxed fragments still existed; what the lost records were; or what Russian satellite he was referring to. But the most fundamental one was this: Since he was saying that NASA had no records about this incident, how did Mr. Steitz know that the Kecksburg object was a satellite and that fragments were collected and analyzed? Who told him this?

I called Mr. Steitz and he offered to answer my questions by email. I wrote them out to him on December 16<sup>th</sup>, but no reply was forthcoming. Beginning Jan 6<sup>th</sup>, I sent him repeated follow-up emails, and he wrote me on January 17<sup>th</sup>, 2006 - a month after my initial email - that "I will try and get you answers by COB tomorrow." A week later, after not hearing a word, I tried him one more time, and then gave up. This remains an interesting story for another journalist to follow up on, who may have better luck than the plaintiff in a lawsuit against NASA!

#### THE SETTLEMENT: VICTORY IN FEDERAL COURT

Two more years passed. During the four years that the lawsuit remained in court, NASA conducted two additional searches, and repeated a previous search, in attempts to convince the judge of its compliance, arguing that these searches had been exhaustive and the case should be dismissed. I received about 1000 pages of documents during this process. Although many of them were responsive to our request, they did not cover all search terms and none shed any light on the Kecksburg incident.

From the beginning, adequate records describing NASA's search process were never provided. Many offices simply checked a box on a form saying "no records" and the supervisor expected us to accept this as documentation of an adequate search. Another problem was that different documents were released when two different people searched the same files, depending on who did the search.

The briefs and legal arguments became increasingly complicated, and eventually even the honorable Emmet G. Sullivan, the presiding judge who was an expert in dealing with FOIA cases, had trouble keeping track of NASA's co-called searches and grew increasingly frustrated.

Judge Sullivan never accepted NASA's claims that it had completed the required search or its pleadings for dismissal. Our side repeatedly made the strong case, thanks to Helfrich's brilliance and persistence, that NASA continuously: 1) did not conduct a reasonable search for documents; 2) withheld responsive documents; and 3) acted in bad faith.



I attended what turned out to be the final hearing before Judge Sullivan on March 20<sup>th</sup>, 2007, and was a witness to his outspoken exasperation with NASA when he reprimanded its attorney Marina Braswell. It was very clear he sympathized with our side.

At various points he wondered out loud if he would be forced to implement the last resort: a FOIA trial - something which has never occurred before - and he repeatedly asked both attorneys, what do you think I should do? Clearly at his wits end, he declared at one point that "heads should roll" at NASA, and he called NASA's case a "ball of yarn," stating that he sensed my frustration, because he felt it too.

Of course Ms. Braswell, the recently appointed counsel from the US District Attorney's office, was not responsible for the past actions of NASA in this case, and the judge graciously told her "it's not your fault" as he carried on with his reprove. I relished every word, of course, appreciative of what represented a moment of vindication for our team after a five year struggle against the US Government. It was an historical moment - particularly remarkable because we were dealing with a case involving the crash of an unidentified flying object.

No harsh words were delivered to Helfrich when she approached the bench after Braswell, and tried to help the judge find a solution to the case, at his request. Following are some excerpts from the court transcript of Judge Sullivan's words delivered to NASA during that momentous hearing:

- Ø THE COURT [JUDGE SULLIVAN]: How can the public have any confidence in what NASA has been doing? I rarely schedule hearings in these FOIA cases. Normally the issues are fairly straightforward. Normally there's a need for some in camera submission poring over documents to determine whether the government has properly invoked an exemption. But here this is analogous to a ball of yarn. I mean, the government keeps searching. None of the affidavits are -- most are lacking, totally lacking in detail. There were four searches over the last several years. So how does anyone have any confidence that the government has done what it's supposed to do?
- Ø THE COURT [JUDGE SULLIVAN]: After every effort to search there have been more revelations, more documents, and yet still as late as two weeks ago there's still more documents. I mean, how in the world could this plaintiff, or the Court for that matter, have any confidence that NASA at this point has fully discharged NASA's responsibility?
- Ø THE COURT [JUDGE SULLIVAN]: I'm not quite sure what the remedy is. I was thinking about this last night. What is the remedy? Is the remedy one of these "the truly rare case" where summary judgment is denied and there's a trial in a FOIA case? I doubt that. I doubt it. But it's very frustrating. I can sense the plaintiff's frustration because I'm frustrated. It's totally frustrating. You didn't cause

the problem. If you were heading the search, you would probably have had the documents five years ago, but you weren't.

MS. BRASWELL: Well, Your Honor, I understand the Court's frustration and plaintiff's frustration.

THE COURT: And the public's frustration. I mean, the public has the right to know what its government is doing. And I feel very strongly about that. And unless documents are protected, then the government has a right to turn them over and not to dilly dally around for three or four years or so.

Ø THE COURT [JUDGE SULLIVAN]: Maybe the appropriate remedy is to tell the government, look, you have 30 days to go back and review all these documents and review all these sites and this is it. And heads are going to roll if detailed affidavits aren't filed that tell a reader what the government has done in an effort to persuade a judge that the government has discharged its responsibilities. Maybe that's the remedy in this case. To tell the government, look, you've got 30 days, do it over again. And if not, then the head of NASA is going to come in here and tell me the reasons why. And if you think I'm kidding, try me.

MS. BRASWELL: Your Honor, of course I don't.

THE COURT: Maybe that's the remedy. It seems heavy-handed, but I'll bring him in here, or her, or whoever it is.

MS. BRASWELL: Your Honor, you certainly obviously have the authority to order the agency to search again what it searched.

THE COURT: But I don't throw that power. I don't throw it around willy-nilly. But this is outrageous what's going on here. And it's not your fault. But it's a sad commentary to say the least. This is NASA. I never heard of a FOIA trial. But what do you do? And this is not one of these cases where -- well, I'm not sure. I'll hear from plaintiff. It's not one of these cases where the government is really accused of hiding the ball and hiding documents. But maybe it is. I'm not sure. That the plaintiffs have said, look, Judge, these documents we found as a result of our own investigation and they never turned these over. I don't hear that loudly being complained of, though, that the government is hiding the ball. It's just that the government hasn't done what it's supposed to do. And I'm not quite sure just what the remedy is. I don't think it's an award of money just because the government hasn't done what it's supposed to do. I'm not quite sure what it is. That's the reason why we're here today.



*The Honorable Emmet G. Sullivan*

Judge Emmet Sullivan was well known for chiding Dick Cheney during hearings for a lawsuit filed just two years before ours. After Cheney developed our nation's energy policy with industry executives and lobbyists in secret, he was sued in federal court by Judicial Watch for refusing to turn over documents about his "Energy Task Force." Judge Sullivan chastised Cheney for showing contempt for a Court Order by refusing to produce documents as directed by the court. In 2002, Sullivan stated that the Bush Administration's "stunning" arguments "fly in the face of precedent" and are a "problematic and unprecedented assertion...of Executive Power." We were extremely fortunate to have this powerful man overseeing our case.

Seven days after the hearing, Judge Sullivan issued an order stating that "Defendant has failed to demonstrate that its searches for responsive documents were adequate," and directed both parties to confer and jointly set forth agreed upon procedures for a proper search. Finally, after a frustrating series of negotiations between our side and NASA, lasting almost seven months, the settlement terms were approved and signed by Judge Sullivan on October 16, 2007.

The settlement requires NASA to comb through hundreds, if not thousands, of pages in specified locations; to declassify relevant documents and explain any redactions; and to pay \$50,000 in legal fees to my attorney. Many categories and search terms are specified in the settlement under which NASA is to retrieve files, covering anything that could possibly pertain to the Kecksburg incident or other similar events between 1962 and 1967. The court will keep an eye on the process through a joint status report, filed by Helfrich and Braswell, every 60 days informing the court of what has transpired. (The full 7-page settlement is posted on <http://www.freedomofinfo.org/freedom.html>)

When the settlement was announced, John Podesta, had this to say: "The time to pull the curtain back on this incident is long overdue. Leslie Kean's victory is a triumph for open government and the spirit of inquiry." Media coverage of the settlement was once again extensive, and the AP story about it even appeared on the AOL home page as the lead story for a day.

CFi's strategy, in presenting our releases to the media, was never to suggest that the Kecksburg object was "extraterrestrial," nor did we accuse NASA of involvement in a government cover-up. Despite our use of the acronym "UFO" in referring to the case, we clarified our position with the following: "CFi does not make any assumptions about the origin of the Kecksburg object, but defines UFOs simply as airborne phenomena that have not been identified or explained." Coverage was always serious and respectful.

## THE BEGINNING OF THE END

In December, 2007, I received 689 pages of detailed file inventory lists, called Standard Form 135s, on which NASA marked the files that it was planning to retrieve for me. There were many additional boxes of files I marked, which corresponded to the search terms spelled out in our agreement, and which NASA had not marked, knowing that I would be going over these lists with a fine tooth comb. This process was extremely tedious and time-consuming, involving additional research and difficult decisions. Following the timeline spelled out in the settlement, I sent a 5-page list itemizing each of my selected file groups for NASA.

Following is a sampling of a few of the more interesting files from this list which could shed light on one or more of the many facets of the Kecksburg event, and will definitely inform us about interesting aspects of NASA's space program related to the retrieval of unidentified objects:

- Navy/NASA Recovery Operations/ Trajectory and Orbits Panel
- Scientific Evaluation Advisory Team Corres. , Dec. 65 – Aug. 66
- Daily Activity Summary / Jan. 65 – Dec. 1965
- Aero Astro July – Dec 65, 1966
- Russ. Veh & Launch, 1964 -1965
- DOD-NASA Relationships
- Folder #3 Oct. thru Dec. 1965
- Planetology Subcommittee Corres. July 65 – Oct. 66
- Meteorological Program 10/26/65
- Space Vehicles (Jan.-Dec. 1965)
- EXTRA VEHICULAR ACTIVITY (EVA) – General
- Recovery Sites / NASA/DOD FY 65 Facilities
- ORBITING ASTRONOMICAL OBSERVATORY / General 3 files
- Aeronautics & Astronautics /Exit and Reentry of Earth's Atmosphere /Project Fire
- Aeronautics & Astronautics 1-3-1/Trajectories –Orbit-Courses /(Space Vehicles)
- Air Space Vehicles 1964-67
- Files (8) (12)(14) (15) – Orbital Debris, fragments; frag.

On May 1, 2008, I received word from the FOIA officer at NASA that she had requested four new searches of the missing fragology files, without any success. On June 6<sup>th</sup>, I learned that NASA had searched 291 boxes so far, and still had a few more to go. As of this writing, I haven't received any of the documents, but expect them within two weeks.

Even without the fragology files, there will likely be thousands of pages of documents retrieved. Results will be presented at the MUFON conference in July, 2008.

## II. THE WASHINGTON PRESS CONFERENCE November 12, 2007



About a month after the lawsuit was settled, another unprecedented, high-profile event took place in Washington DC, also calling for the release of information on unidentified flying objects by the US Government.

A distinguished panel of high-ranking government, aviation, and military officials from seven countries came forward at the National press Club to discuss close encounters and official investigations involving UFOs. Representatives from France, England, Belgium, Chile, Peru, Iran and the US called for the US Government to join in an international dialogue and re-open its investigation – which the Air Force shut down over 30 years ago

– in cooperation with other governments already investigating the phenomenon. While on active duty, each of the panelists had either witnessed a UFO incident or had conducted an official investigation into UFO cases relevant to aviation safety and national security. Organized by filmmaker James Fox and myself during the prior four months, the panel was moderated by former Arizona Governor Fife Symington.



*Former Governor Fife Symington reviewing his statement before moderating the press conference*

The date was chosen partly to commemorate the first anniversary of the O'Hare Airport incident, referenced numerous times by our panelists. As reported by the Chicago Tribune, pilots, mechanics and managers from United Airlines witnessed a metallic disc hovering over their terminal, which then shot straight up leaving a "cookie cutter" hole through the cloud bank. Despite the clear aviation safety issues involved, the Federal Aviation Administration (FAA) never investigated the incident and dismissed it as weather. This event provided a glaring example of US Government denial and avoidance of responsibility, in stark contrast to the approach of the other countries and airlines represented by the panel.

France has had a government agency investigating UFO cases since the 1970's, as part of it's National Space Agency (the equivalent of our NASA) and it released it's files last year. The British MOD has investigated cases officially and is releasing all it's files to the public. Chile has an official government agency investigating UFO incidents, particularly when they affect aviation safety, set up under our equivalent of the FAA, and the Peruvian Air Force set up its own agency to investigate UFO cases. The Belgium Air Force was actively involved in investigating the 1989-90 UFO wave and made its results public. The officials, current and retired, representing these agencies from these countries attended the press conference, clearly contrasting the US position on UFO investigations with their own countries, and providing an example to our government of how these operations are conducted, and why, in other countries around the world.

The speakers included some of the most authoritative people in the world on UFO encounters, but this was the first time they had ever been brought together in one

location. Most had not met the majority of their colleagues present. Especially important was the connection between Iranian General Jafari and Commandante Santa Maria of Peru. Their encounters, both documented in U.S. Government records after the close of Project Blue Book, are among the most astonishing, dramatic and well-documented military cases ever, involving frightening cat-and-dog chases between Air Force jets, piloted by these two in 1976 and 1980, and attempts to shoot down the intruding UFOs, viewed at very close range.

Jafari and Santa Maria met while sitting down for dinner with a few of us shortly after arriving from different parts of the globe, and soon began describing their encounters to each other. Neither knew much about the others very similar experience, and the conversation was unplanned and spontaneous. A Spanish-speaking gentleman sitting at a nearby table offered to be a translator for Santa Maria, and later each made a drawing of his UFO on the sugar packs served with our coffee. Jafari spoke in English, and in his open and animated style, he described the brilliant object coming after him as he prepared to return to the base. Someone at our table asked him how he felt. "At that moment," he replied, "I doubled my scare."



General Parviz Jafari (left) and Commandante Oscar Santa Maria (right)

That anyone could listen to these extraordinary, yet humble men and not accept their accounts – knowing about the numerous other military witnesses, radar data, and US Government documents which prove these occurrences beyond a shadow of a doubt - was inconceivable at that moment. The four days that our panel spent in Washington provided a unique opportunity for discussions such as this, and for the establishing of a group that will hopefully continue to meet and pool resources in the future, while continuing to request participation from the U.S. Government. The panel included:

**Fife Symington III**, Former Arizona Governor, Moderator

**Ray Bowyer**, Captain, Aurigny Air Services, Channel Islands

**General Wilfried De Brouwer**, former Deputy Chief of Staff, Belgian Air Force (Ret.)

**John Callahan**, Chief of Accidents and Investigations for the FAA, 1980's (Ret.)

**Dr. Anthony Choy**, founder, 2001, OIFAA, Peruvian Air Force

**Jean-Claude Duboc**, Captain, Air France (Ret.)

**Rodrigo Bravo Garrido**, Captain and Pilot for the Aviation Army of Chile

**Charles I. Halt, Col. USAF (Ret.)**, Former Director, Inspections Directorate, DOD I.G.

**General Parviz Jafari**, Iranian Air Force (Ret.)

**Jim Penniston**, TSgt USAF (Ret.)

**Dr. Claude Poher**, Centre National d'Etudes Spatiales, founder, French GEPAN

**Nick Pope**, Ministry of Defence, UK, 1985-2006

**Dr. Jean-Claude Ribes**, Centre National de la Recherche Scientifique, France, 1963-98

**Comandante Oscar Santa Maria**, Commander, Peruvian Air Force (Ret.)

The following excerpts are from some of the presentations, one from each country:

"Hundreds of people saw a majestic triangular craft with a span of approximately 120 feet, powerful beaming spot lights, moving very slowly without making any significant noise but, in several cases, accelerating to very high speeds...I was confronted with numerous questions about the origin and nature of these craft. In the first instance, and in consultation with other NATO partners, I could confirm that no flights of stealth aircraft or any other experimental aircraft took place in the airspace of Belgium."

General Wilfried De Brouwer, Belgian Air Force

"GEIPAN's Steering Committee plays an important role, with representatives from the Army, Police, Civil Aviation, Meteorology and the scientific community. This Committee insures the best conditions for gathering reports by instructing the agencies involved in investigations, and by protecting any witnesses who request anonymity for fear of ridicule."

Dr. Jean-Claude Ribes, Centre National de la Recherche Scientifique, France

"Both objects were of a flattened disk shape with a dark area to the right side. They were brilliant yellow with light emanating from them. I estimated them to be up to a mile across... I would have been shocked if I was told that the Civil Aviation Authority would obstruct an investigation, or if the CAA told me that what I had seen was something entirely different. But it seems that pilots in America are used to this kind of thing, as far as I can tell."

Captain Ray Bowyer, Aurigny Air Services, UK

"I approached the object, which was flashing with intense red, green, orange and blue light so bright that I was not able to see its body. The sequence of flashes was extremely fast, like a strobe light. We locked on it with radar; it was at 30° left, at a range of 25 miles. The size on the radar scope was comparable to that of a 707 tanker. Four other objects with different shapes separated from the main one, at different times during this



close encounter. Whenever they were close to me, my weapons were jammed and my radio communications were garbled.”

General Parviz Jafari, Iranian Air Force

“We now make the call to all the countries that are presently working on this issue in a serious and factual way, to unite their efforts. We would like this to include the United States of America. This cooperative effort would help all of us counteract the potentially unsafe effects of UFOs on air operations around the world.”

Rodrigo Bravo Garrido, Captain and Pilot for the Aviation Army of Chile

“At this point, I came to within about 300 feet of the UFO. It was about 30 feet in diameter. It was an enamelled, cream-colored dome, with a wide, circular, metallic base. It had no engines, no exhausts, no windows, no wings or antennae. It lacked all the typical aircraft components, with no visible propulsion system. It was at that moment that I realized this was not a spying device, but that it was a UFO, something totally unknown. I was almost out of fuel, so I couldn’t attack or maneuver my plane, or make a high speed escape. I was afraid. I thought I might be finished.”

Comandante Oscar Santa Maria, Commander, Peruvian Air Force

“I now know that I am not alone in witnessing something extraordinary. There are many high ranking military, aviation and government officials who share my concerns; some of them have joined me here today... We want the US government to stop putting out stories that perpetuate the myth that ALL UFOs can be explained away in down-to-earth, conventional terms. Instead, our country needs to re-open its official investigation that it shut down in 1969. The US government can no longer shun an international dialogue about this, and we invite the government to work in cooperation with the countries represented at this table.”

Fife Symington III, Former Arizona Governor, USA



*(left to right) De Brouwer, Poher, Duboc, Ribes, Jafari, Garrido, Symington*



*(left to right) Santa Maria, Choy, Bowyer, Pope, Penniston, Halt, Callahan  
Photo by Randall Nickerson*

## THE INTERNATIONAL DECLARATION: A CALL-TO-ACTION

The Coalition for Freedom of Information released an “International Declaration to the United States Government” on that day, signed by most of the panelists and others from additional countries, including five Generals. The document requests that the U.S. Government join the international community in a cooperative venture to address the UFO problem by opening a new official investigation. It reads as follows:



## **International Declaration to the United States Government**

**Facilitated by the Coalition for Freedom of Information  
November 12, 2007**

Preamble:

We, the signatories below, with backgrounds and careers in government, aviation, or the military, hereby present this declaration as a result of our common experience and purpose. While on active duty, each of us has either been a witness to an incident involving an unidentified flying object or has conducted an official investigation into UFO cases relevant to aviation safety, national security, or for the benefit of science.

We use the term “unidentified flying objects” (UFOs) simply to mean any airborne phenomena that cannot be identified or explained, a definition first used by the U.S. Air Force in the 1950’s. We make no claim as to the nature or origin of these objects.

While most UFO sightings can be explained as misidentifications of known objects or natural phenomena, those governments that have studied them, including some with which these signatories have been on staff, have consistently found that a small percentage of sightings defy conventional explanation. Reports of these incidents often involve credible witnesses such as police officers, military personnel, pilots and air traffic controllers, and include solid, official documentation.

Therefore:

We believe that for reasons of both national security and flight safety, every country should make an effort to identify any object in its airspace. Especially after the attacks of 9/11 it is no longer satisfactory to ignore radar returns for which no transponder data are available and/or which cannot be associated with performances of existing aircraft and helicopters. While civil aviation radars and air traffic controllers mainly rely on secondary radar, military air defense radars should be configured such as to detect and track any object in the air, even when static or operating at very slow or very high speeds.

In this regard, we refer to the incident that occurred at O'Hare International Airport in November, 2006 when a metallic disc was observed hovering over the United Airlines terminal for several minutes. Since it was not detected on radar, the Federal Aviation Administration declined to investigate. The FAA also did not accept the many corroborating reports from United Airlines pilots and other personnel at face value, dismissing the sighting as "weather." We suggest that prejudice against the term 'UFO' and against reports of unknowns could lead officials to dismiss sightings that involve unconventional aircraft or unmanned aerial vehicles engaged in espionage or terrorist activity, especially when radar returns are not available.

However, important sightings have also been ignored when radar is not a factor. Even though hundreds of citizens witnessed a massive triangular object traveling over Arizona in 1997, the U.S. government ignored inquiries from state officials about the incident, and never offered the public any explanation about this invasion of US airspace by a strange, unknown flying machine. We believe this kind of disengagement represents both a missed opportunity and a potential risk.

We maintain that a restive, concerned public has the right to be informed of the facts about UFO incidents that are well-documented and involve multiple witnesses. In addition, science lacks potentially important knowledge that may be gained by the study of these events involving objects demonstrating speeds, maneuvers or other characteristics that challenge our current scientific paradigm.

Call-to-Action:

We, the undersigned, ask the United States to join in cooperation with those governments which, recognizing the reality of unidentified flying objects and related aviation safety concerns, have already set up their own investigative agencies. Following in the footsteps of its now defunct Project Blue Book, we propose that the United States Air Force reopen its research effort, or that the National Aeronautics and Space Administration initiate such a research effort, to address the international concerns stated herein, provide needed reassurance and increase scientific understanding.

We call on the United States of America to engage with us and with currently active officials around the world to address this problem in an ongoing dialogue, beginning with the gathering of some of the signatories below in Washington, DC on this 12<sup>th</sup> of November, 2007.

Signed,

**Vasily Alexeyev** - Major General, Russian Air Force, Space Communications Center in Russia  
**Ricardo Bermudez S.** - General, Brigada Aérea ( Ret.); Former President of the CEFAA, Chile  
**Ray Bowyer** - Captain, Aurigny Air Services, Channel Islands, UK  
**Wilfried De Brouwer** - Major General, (Ret.), Belgian Air Force  
**John Callahan** - Division Chief of Accidents, Evaluations and Investigations, FAA (Ret.)  
**Don C. Donderi**, Ph.D. - McGill University; Researcher, Dept. of National Defence, Canada  
**Julio Cesar Chamorro Flores** - Comandante Peruvian Air Force (Ret.); Founder of OIFAA, 2001  
**Rodrigo Bravo Garrido** - Officer Chilean Army, Military Pilot, Associate with CEFAA  
**Richard F. Haines**, Ph.D. - Sr. NASA Research Scientist (Ret.)  
**Charles I. Halt** - Col. USAF (Ret.), Former Director, Inspections Directorate, DOD I.G.  
**Parviz Jafari** – General, Iranian Air Force (Ret)  
**Denis Letty** - Major General, French Air Force (Ret.); Chairman of COMETA  
**Oscar Santa Maria** - Commander and Fighter Pilot of the Peruvian Air Force (Ret).  
**Anthony Choy Montes** - Lawyer, researcher with the OIFAA, Peruvian Air Force, 2001-2003  
**James Penniston** – TSgt, US Air Force (Ret.)  
**Nick Pope** - Ministry of Defence, UK, 1985-2006  
**Jean-Claude Ribes** - Centre National de la Recherche Scientifique, France, 1963-1998  
**Yves Sillard** - Chair of the Steering Committee, GEIPAN in France  
**Fife Symington III** - Governor of Arizona, 1991-1997

I am now in the process of holding meetings in Washington, finding new support and asking for assistance in moving this effort forward. Successful steps have been taken towards this goal.



Jacques Patenet (Director of GEIPAN) and Yves Sillard, (Chairman of GEIPAN), outside CNES headquarters in Paris. M. Sillard has signed the Declaration.

General Denis Letty, former Head of French Air Defence South East Zone and Chairman of the COMETA group, meeting with James Fox and Leslie Kean in his home last February. Letty also signed the Declaration.



## MEDIA COVERAGE

Reuters released the first news story about the press conference that evening, with the headline "U.S. urged to reopen UFO investigations" and the media reports that followed stressed this theme as well. *The Washington Times* piece the next day, headlined "Panel: Reopen study of UFOs," began this way: "An international panel of scientists, retired military personnel and former high-ranking officials called on the U.S. government yesterday to reopen investigations into UFO phenomena." And ABC News posted the headline: "Former pilots and officials call for a new U.S. UFO probe."

Print coverage was extensive throughout all the major media in the US, much of it on websites if not on TV or in newspapers, and, once again, the story was the leading news on AOL's homepage. It was picked up in 16 other countries, including India, South Africa, and Kuwait, mostly through the distribution of the Reuters or AFP wire story in different languages. However, along with the U.S., Canada and Australia provided extensive additional coverage through their own reporters.



*Jim Penniston with the media after the press conference*

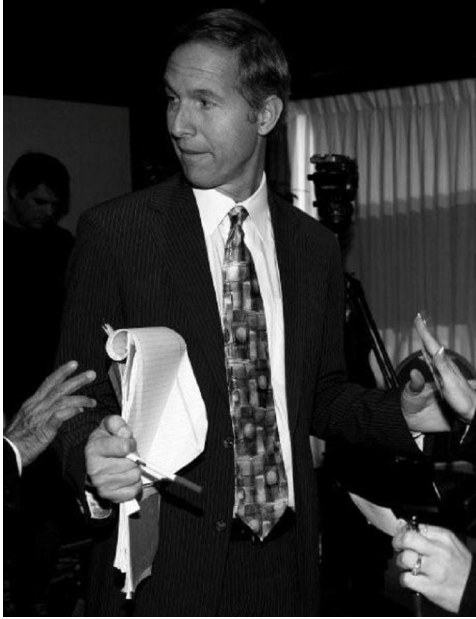


John Callahan interviewed by television media

Our panelists did not provide the press with material that could be ridiculed, staying only with verifiable facts. Consistent with our successful approach to the Kecksburg case, we avoided making any reference to extraterrestrial spacecraft, in order not to distance policy makers and the scientific community. Throughout the press conference, we clearly defined the acronym 'UFO' as simply meaning something unexplained of unknown origin. Our strategy was not to accuse our government officials of a cover-up, or to demand "disclosure," but to point out aviation safety and national security concerns at high levels, and invite our government to join in an international effort. We purposely kept the event under wraps until about a week before, to avoid any media misrepresentation that could taint the event before it happened.

A *Los Angeles Times* editor spent a long time on the phone with me in preparing a lengthy piece for the editorial page, which appeared on Dec. 1. Unfortunately, Dennis Kucinich was the focus of ridicule in the editorial, and although it was written in a silly tongue-and-cheek style, it did cover the O'Hare incident, press conference, the NASA lawsuit, CFI and John Podesta.

Three days before the event, CNN's Larry King Live produced a show promoting the press conference and James Fox's new film "Beyond the Blue," which led to a media frenzy in the days approaching the event. CNN featured the press conference on that day's evening news and on "Anderson Cooper 360," reported by Gary Tuchman.



CNN's Gary Tuchman at the press conference

The coverage was greatly appreciated, and had many positive elements, but CNN still has a problem taking this subject seriously. As the news anchors made fun of UFOs, Tuchman did his best to counter the barbs, being the only one to have actually heard the speakers. "When you think of people saying 'Oh hey, I saw a UFO,' you kinda think of freaks; I'm not gonna lie to you," CNN host Nicole Lapin opined to Tuchman during the broadcast.

Researcher and UFO historian Richard Hall, editor of NICAP's landmark 1964 compendium "The UFO Evidence," wrote a commentary for the CFI website, part of which deals with this coverage:

Serious testimony from highly credible witnesses whose reports are confirmed by additional expert witnesses, radar, film, physical trace evidence, and official documentation establishes the bedrock basis for taking UFOs seriously and provides the fundamental reason why a large-scale international investigation is needed. The focus of inquiry should be on what the evidence shows, not on entirely speculative matters or political issues such as "why would the government cover it up?" or "why would extraterrestrial beings want to visit earth?"

Sadly, the news media gets fixated on unanswerable questions such as these rather than simply looking at the documented facts of the phenomenon, as any journalist should. Often the TV pundits use such speculative puzzles to keep the whole business at arms length. CNN's November 12<sup>th</sup> coverage of the press conference included Gary Tuchman telling Wolf Blitzer that "One thing we always tell the enthusiasts: If one of these craft came down on earth and did an interview with us, the debate would be over. But that hasn't happened yet." This is a version of the "Why don't they land on the white house lawn?" syndrome.

The question should be "What?" not "Why?"

And the only way to explore the "what," is to carefully examine the data at hand. The media, which should be reporting the straightforward facts to the public, seems to have a hard time doing the job. CNN continuously infused its coverage with the terms "enthusiasts" and "believers" to describe the members of the distinguished panel, as if the facts the panelists were presenting -- real events that actually did occur -- are somehow due to either enjoyment or some kind of religion.

We have to ask “what” while being willing to drop the filters and preconceived prejudice that contaminate a clear presentation of the subject.

As illustrated by these witnesses and the thousands more like them, totally unexplained craft-like objects that display extraordinary performance have been observed repeatedly in our airspace and tracked on radar for decades. What are they?

Transcripts of all the press conference presentations and information about the panelists are posted at [www.freedomofinfo.org](http://www.freedomofinfo.org). A DVD of the complete event, including much of the media Q & A, is available at [www.outofthebluethemovie.com](http://www.outofthebluethemovie.com).