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UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

NATIONAL SECURITY AND  
INTERNATIONAL AFFAIRS DIVISION

SEPTEMBER 10, 1984

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The Honorable Glenn English  
Chairman, Subcommittee on  
Government Information, Justice,  
and Agriculture  
Committee on Government Operations  
House of Representatives

RELEASED

Dear Mr. Chairman:

Subject: Partial Videotape Erasure of 1982 Air Force  
Thunderbirds Crash (GAO/NSIAD-84-153)

This is in response to your June 12, 1984, letter requesting an investigation of the facts surrounding the partial videotape erasure of the Air Force Thunderbirds crash. This crash occurred on January 18, 1982, during an aerial practice session at the Indian Springs Air Force Auxiliary Field in Nevada. All four aircraft were destroyed and the pilots killed. An Air Force sergeant, as part of his normal duties, videotaped the practice session up to and including the crash. You specifically requested us to

- trace the chain of custody of the tape,
- determine when the tape was erased and under whose authority,
- determine if copies of the tape were made and the location and status of any such copies, and
- collect any other information that bears on the erasure of the tape or the decision to do so.

Air Force officials told us that the accident itself and the events surrounding the videotape erasure had been the subject of separate extensive Air Force investigations. We obtained and reviewed the reports and supporting documentation of the accident and the videotape erasure investigations. The supporting documentation included sworn testimony provided to Air Force investigators by the principal persons involved. We also interviewed Air Force officials involved in conducting the videotape erasure investigation and obtained additional records relevant to this request.



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The enclosure provides a summary of the key events associated with the erasure of the videotape. As shown in the enclosure, custody of the tape was controlled by General Wilbur L. Creech, Commanding General, USAF Tactical Air Command. Shortly after the accident he directed that (1) a copy of the mastertape be made and delivered to him and (2) the mastertape be turned over to the Aircraft Mishap Investigation Board with instructions to protect it from unauthorized disclosure. The Board, with General Creech's approval, also made a copy of the tape. Following the investigation, the mastertape and the Board's copy were turned over to General Creech, with assurances that no other copies were made. One of the two copies was then temporarily provided to an accident investigation board whose president, in returning the tape, assured General Creech that no copies were made. Following this investigation, ending in late March 1982, the mastertape and two copies remained in the custody of General Creech or his personal representative. General Creech testified that no additional copies were ever authorized to be made or retained by him or anyone else to his knowledge.

General Creech testified to Air Force investigators that on April 2, 1984, two copies of the crash videotape were erased at his direction, and that he personally erased the final few seconds of the mastertape showing the fireball. He stated that he erased that portion of the tape because it would likely be used for sensationalism purposes and he was concerned about the privacy of the victims' families. He further testified that to his knowledge no other copies of the tape existed and that, when the tapes were erased, he was unaware of any plans by the National Broadcasting Company (NBC) to sue for the tapes in federal court under the Freedom of Information Act (FOIA). General Creech's statements are supported by sworn testimonies of the principal persons involved as well as through other documented evidence.

On May 25, 1984, the Air Force released a copy of the partially erased Thunderbird crash videotape to NBC, and later filed a motion to have the then pending NBC suit for the tapes dismissed on the ground that it was moot. On July 18, 1984, the U.S. District Court for the District of Columbia agreed with the Air Force motion and dismissed the suit.

The Air Force, on May 14, 1984, amended its regulations regarding the retention and distribution of its documents. Previous Air Force regulations, unlike General Services Administration regulations, did not have any requirement or guidance for retaining records requested under the FOIA. The amended Air Force regulation requires retention of such records for a minimum of 2 years.

As requested by your office, we did not obtain official agency comments on this report. However, our findings were

discussed with Air Force officials involved in the videotape erasure investigation, and their comments were considered in preparing the report. As arranged with your office, we plan no further distribution of this report until 14 days from the date on this report, unless you publicly announce its contents earlier. At that time we will send copies to the Secretaries of Defense and the Air Force.

Sincerely yours,

A handwritten signature in cursive script that reads "Frank C. Conahan".

Frank C. Conahan  
Director

Enclosure

SUMMARY OF EVENTS  
SURROUNDING VIDEOTAPE ERASURE OF  
1982 THUNDERBIRDS CRASH

TIMEFRAMES

(\*=Approximation)

- January 18, 1982      Tech Sergeant Alfred R. King, as part of his normal duties, videotaped the Thunderbird flying session the day of the crash. Immediately following the crash, the videotape was turned over to Major General Jack Gregory, Commander, USAF Tactical Fighter Weapons Center, Nellis AFB, Nevada.
- \*January 20, 1982      General Gregory made a single copy of the crash tape and had the copy delivered to General Creech, Commander USAF Tactical Air Command (TAC). The tape was delivered by Air Force courier to TAC headquarters at Langley AFB, Virginia.
- \*January 22-25, 1982      General Creech took the videotape to the Pentagon and briefed Air Force Chief of Staff, General Lew Allen. They agreed to handle the tape as a privileged document and to make sure it was not released to any unauthorized person.
- \*January 25, 1982      General Gregory, at the direction of General Creech, furnished the mastertape to the AFR 127-4 Aircraft Mishap Investigation Board President, General Larson, who was instructed to protect the tape from unauthorized disclosure.
- \*February 13-18, 1982      At the conclusion of AFR 127-4 Aircraft Mishap Investigation, General Larson returned the mastertape, plus a copy he made (with General Creech's approval), to General Creech. According to General Creech, General Larson assured him that no other copies were made.
- \*February 15-25, 1982      General Creech provided a copy of the tape to the AFR 110-14 Accident Investigation Board President, Col. Henry D. Canterbury. At the conclusion of this investigation, in late March 1982, Col. Canterbury returned the tape and assured General Creech that there were no other copies known to him. From that time forward, according to General Creech, the mastertape and the two copies remained in his custody or that of his personal representative, and no additional copies were made.

March 30, 1982 NBC requested in writing that the Department of the Air Force release the tape under the Freedom of Information Act (FOIA).

May 11, 1982 Tactical Air Command Chief of Staff, Brigadier General James G. Jones denied NBC's request.

September 27, 1982 NBC, by letter, appealed the denial of its FOIA request.

November 2, 1982 Office of the Secretary of the Air Force denied the appeal on the grounds that the tape was not a record within the meaning of the FOIA, and its release could result in an unwarranted invasion of privacy of the pilots' families.

Dates Not Obtained Families of Thunderbirds pilots filed suit against Northrup Corporation. Litigants requested copies of the crash videotape.

April 22, 1983 U.S. District Court in Nevada issued an Air Force requested protective order. The order gives the Air Force exclusive custody of the tapes and contains provisions designed to protect the tapes from unauthorized disclosures. The parties involved in the lawsuit signed a document stating that they fully understood the terms of the court order. Lt. Col. James Vance Williford, General Creech's Executive Officer, was custodian of the tapes during the litigation viewings.

January 10, 1984 Lt. Col. Allen B. Hoppe of the General Litigation Division, Office of the Air Force Judge Advocate General (JAG), was verbally informed, during a chance meeting with Mr. Carl Stern of NBC, that NBC planned to bring suit against the Air Force for release of the crash videotape. The same day Lt. Col. Hoppe phoned Col. David C. Morehouse, the Tactical Air Command Staff Judge Advocate at Langley AFB, and informed him of the expected lawsuit. Col. Morehouse states that he does not recall informing General Creech of the expected lawsuit, although he (Morehouse) did discuss the suit with people in his office.

March 25-31, 1984 General Creech scheduled a review of the crash tapes for April 2, 1984.

April 2, 1984 General Creech reviewed the tapes with Lt. Col. Williford, Lt. Col. John R. Jumper, and Sgt. Paul Nickel. During the review session, two copies of the videotape were erased. At one point, General Creech asked Williford and Jumper to leave the room. In the presence of Sgt. Nickel, General Creech stated that he personally erased the last few seconds of the tape showing the fireball. General Creech stated that he did not seek or receive legal guidance from the Staff JAG regarding his decision to erase the tapes. General Creech further stated that he was aware that NBC had requested the tape under the FOIA in the spring of 1982, and that the request and a subsequent appeal had been denied by the Air Force. He stated that he did not know, when he decided to erase the tapes, whether or not NBC intended to seek reversal of the Air Force denial in federal court.

April 4, 1984 NBC filed suit in federal court for release of the crash tape.

April 9, 1984 General Creech informed Col. Morehouse (TAC Staff Judge Advocate) that he had erased the fireball portion from the crash videotape. Col. Morehouse stated that he did not give General Creech any advice at that time.

April 9, 1984 Office of the Secretary of the Air Force received written notification of NBC suit.

April 11, 1984 The Air Force JAG office received written notification of the NBC suit. Col. Morehouse, after being informed of the NBC lawsuit by the JAG office, called General Creech and advised him that NBC had filed suit. Col. Morehouse stated that to his knowledge, General Creech was not previously aware of the lawsuit.

April 12, 1984 Col. Morehouse advised General Creech that JAG Litigation Division needed to be informed that the fireball portion of the crash tape had been erased. General Creech agreed. Col. Morehouse then called the Deputy JAG and advised him that the fireball had been erased.

April 17, 1984 Secretary of the Air Force directed the Air Force Chief of Staff, General Charles A. Gabriel, to investigate allegations surrounding the videotape

erasure and determine the reason behind "such destruction of government property." The Secretary also directed the Chief of Staff to ascertain, under oath, whether there existed duplicate copies of the tape anywhere in the Air Force.

April 20, 1984

Air Force Chief of Staff, General Gabriel, assigned his Vice Chief of Staff, General Lawrence A. Skantze, responsibility for conducting the investigation. General Skantze, on April 20, 1984, appointed the Air Force Inspector General, Lt. General Robert W. Bazley, to gather the facts and prepare a report on the matters concerning the videotape erasure.

May 14, 1984

General Bazley submitted an investigation report to Vice Chief of Staff, General Skantze. The report, based on sworn testimony from General Creech and other involved officials, concluded that (1) all copies of the crash tape, other than the master tape, had been destroyed, and the final two seconds of the crash tape depicting the fireball had been deleted, (2) General Creech was neither advised nor was he aware of any requirement in Air Force regulation 12-50 to preserve the crash tape, and (3) General Creech was not advised of the NBC lawsuit until April 11, 1984.

May 14, 1984

Air Force revised regulations governing the handling of records requested under the FOIA. Previous Air Force regulations, unlike GSA regulations, did not have any requirement or guidance for retaining records requested under FOIA. Revised Air Force regulations require retention of such records for a minimum of 2 years.

May 25, 1984

Air Force released a copy of the crash videotape as it existed at the time NBC filed lawsuit.

May 25-July 18, 1984

Air Force filed motion in U.S. District Court to dismiss NBC's lawsuit as being moot. NBC files memorandum of points, and authorities in opposition to motion to dismiss.

July 18, 1984

U.S. District Court dismissed NBC's suit as being moot.