

BA 26/8/69

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OFFICE OF VICE PRESIDENT/SECRETARY-LEGAL COUNSEL

TRANSLATION NO. C-2433

CONFIDENTIAL

Petition No.

DATE:

TO : Civil Aeronautics Administration
FROM : Civil Air Transport Company Limited
SUBJECT : CONFIDENTIAL

1. We are in receipt of a letter telegram, dated July 27, from the Communications Committee of the Legislative Yuan, instructing us to submit, under confidential cover and in 500 mimeographed copies, all data we have, without concealment, pertinent to the crash of our round-the-island plane on June 20. It was by your Administration's order that this Company's responsible personnel went to the meetings of the Communications Committee of the Legislative Yuan as subordinates to your Director to meet interpellation requirements. At the 8th meeting of that Committee held on July 15, we found that the reports rendered by the authorities concerned were not in complete agreement with the information and data we had collected from accessible sources. For this reason, a reservation was made by the Company, the primary purpose being to point out that in the Company's opinion the conclusions made from the crash investigation were of doubtful validity inasmuch as the true cause of the accident had not yet been found. We feel that since our air transport business is conducted under direct supervision of, and in all respects in compliance with the directions of, your Administration, so that even on occasions when we address the Ministry of Communications we do so only via your Administration and seldom direct, it does not seem proper that we should communicate with the Legislative Yuan direct in response to the letter telegram from its Communications Committee. Furthermore, we are concerned with a leakage of information leading to possible misunderstandings. The mere process of mimeographic reproduction, even though handled with discretion, gives rise to the likelihood of a leakage. For these considerations, we have as yet not complied with the Committee's instructions.

Distribution:

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On the other hand, we have operated commercial air services in Taiwan for well over 10 years without a previous accident, and have held a safety record known all over the world. This record has now been shattered by this most deplorable disaster in which the aircraft was completely destroyed and over 50 passengers, plus a number of experienced personnel, met their untimely death. The public has been shocked by it and the Company has been the target of severe criticism from all directions, while the Company itself has suffered, tangibly and intangibly, not counting the loss of the aircraft, inestimable damages from which it will never fully recover. In view of the seriousness of this catastrophe, one which has been made the conspicuous object of nation-wide attention, the responsibility for its occurrence is naturally the one question of topmost importance. We feel that so long as any information or data exist, every effort should be made to conduct thorough investigations and careful research on them, and should continue unceasingly, until the responsibility can be established from truth to be uncovered from them. Failing this, we should never be at peace with ourselves and our conscience would forever wail in shame at the mere thought of those who so tragically lost their lives. For these considerations, therefore, we feel at the same time that whatever knowledge we have and whatever data we hold cannot be mutely withheld or lightly discarded.

2. Immediately after the occurrence of the accident, your Administration promptly acted under the regulations HANDLING OF ACCIDENTS OF CIVIL AIRCRAFT, conducted investigations, assisted by experts invited from abroad, and convened an Investigation Board Meeting which worked day and night to accomplish its mission. We were deeply impressed by the earnestness and sense of responsibility demonstrated by these activities. Because the Company itself was the party most directly and most deeply concerned with the subject under investigation, we on our part felt ourselves duty-bound to make extensive inquiries and to collect whatever information it was in our power to obtain pertinent to the subject, to serve as reference material for what it was worth. Notwithstanding our motivation and intent, however, we did not feel that such information as we had collected and compiled offered positive proof of the real cause of the accident. For this reason, we have maintained a complete silence and made no public announcements, and even at the Communications Committee meetings of the Legislative Yuan, at which some unrelated facts were reported by us in response to interpellations, we still refrained from fully divulging all that we knew in order not to introduce controversial issues. We further felt that, since Article No. 9 in the regulations HANDLING OF ACCIDENT OF CIVIL AIRCRAFT clearly provides for the owner, or operator, or agent of the aircraft, and flight crew and ground maintenance personnel concerned, to participate in the Investigation Board Meeting, this then was a proper place and the proper occasion for the Company to make a full presentation of the facts in its possession, and there was no need to discuss the subject with other parties. However, when the Company, on being notified, sent 3 responsible delegates to the Investigation Board Meeting convened on July 14, these delegates were unexpectedly denied admission, and it was not until representations were made based on the regulations HANDLING OF ACCIDENTS OF CIVIL AIRCRAFT, that only one was permitted to attend. Having gained admission, he was then isolated from other participants as if in the role of an observer only, and there was no opportunity for him to fully express the Company's views as an active member of the Board. The other two delegates waited in attendance without, and when they were successively called in for brief interrogations, it was only to respond to some cursory questions raised at random, none of which had much bearing on the cause of the accident under investigation. Thus the Company's delegates found no opportunity to submit the information and data they had prepared and brought along to the meeting, which to this day are still being kept undisclosed.

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3. According to universal practice, the one purpose of a post-crash investigation is to determine the true cause of the crash. However, in cases where everyone on board has been killed leaving no survivors, investigation work is exceedingly difficult, sometimes years of research being spent without success. The investigation work in this case has been divided, the part concerning the plane itself being undertaken by your Administration jointly with experts called in, and the part concerning the guns found with wreckage being undertaken by the security authorities. Official announcement by the Provincial Police Department appeared in all the papers on July 14, which was summarized in four essential points as follows (quoted from the China Daily News):

- (1) The two .45 caliber pistols and the two English books which were hollowed out to secrete them had been traced to Tseng Yang, one of the passengers killed, who secretly carried them aboard.
- (2) After careful examination, (i) it had been determined that neither of the guns was loaded and neither showed traces of having been fired; (ii) according to the coroners' findings, the body of Bengee Lin had shown no indication of wounds from gunshot, explosion, cutting, stabbing, or suffocation; (iii) the plane in question had crashed after taking off from Taichung and approximately only one minute after signing off from the Control Tower.
- (3) Although no facts had yet come to light to indicate any connection in Tseng Yang's action of secretly carrying two guns aboard with the crash of the aircraft, the military authorities were still to be requested to thoroughly look into the motive behind Tseng's action.
- (4) As to whether the crash of this round-the-island scheduled plane had been caused by mechanical malfunction, an error in navigational directions, weather conditions, overloading, or pilot error, these factors were awaiting thorough investigation by experts invited from abroad by the Ministry of Communications, who had made it a subject of special research with factual data to be ascertained.

Of the four points above, point (3) was evidently the most significant one, that is to say, although no facts had yet come to light to indicate any connection in Tseng Yang's action of secretly carrying two guns aboard with the crash of the aircraft, the military authorities were still to be requested to thoroughly look into the motive behind Tseng's action. This statement expressed a point of doubt still to be taken into consideration, and not a point already determined arbitrarily. This attitude indicated a serious and cautious approach and an equitable and impartial process of reasoning which we highly appreciated and esteemed.

4. The Chinese and foreign experts assigned by your Administration completed their draft reports on the night of July 13 (the newspapers on the 14th carried a Central News release, in which Mr. T. K. Chao, Chief of your Administration's Flight Safety Division, stated that the experts were still busily engaged in writing their investigation reports on the afternoon of the 13th - China Daily News). According to the distinct understanding of the Company's delegate present at the Investigation Board Meeting held on the 14th, no positive

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conclusions were arrived at at that meeting. However on the following morning, the Minister of Communications released a statement before the Communications Committee of the Legislative Yuan, in which he gave the essential points in summarized form concerning the crash of CAT's aircraft B-908. The opening paragraph of this statement was: "A report on the autopsy of Captain Bengee Lin's body has been announced by the Taichung District Court on July 11. As to the carriage of pistols by passenger Tseng Yang, the Taiwan Provincial Policy Department officially made known its investigation findings on July 13. These reports of the court and the Police Department have combined to adjudge the cause and responsibility of the accident as to be not connected with security factors." This wording plainly credited the security authorities with a statement they had not made, carrying a meaning contradictory to that expressed by the security authorities themselves. What the security authorities had said was that even though no evidence had been uncovered to show any direct connections between the guns and the accident, this was no positive proof that no connections existed at all, especially since Tseng Yang's motive for bringing the guns aboard was still to be investigated. The position taken by the security authorities plainly showed an open mind, fair and unbiased, and a determination to search for truth. This worthy attitude had obviously been misinterpreted by our Minister of Communications. The Minister then went on to introduce a written statement entitled "SALIENT POINTS OF INVESTIGATION REPORT ON CAT B-908 (C-46) ACCIDENT", in which, after citing in part the views of the experts, the following conclusion was given:

"Based on substantial wear and tear of the left control cable and on the overspeeding of the left propeller, the Board deemed that normal time maintenance for the aircraft was not attentively carried out, and that there was also indication of improper handling on the part of the pilot."

This statement amounted to a direct pronouncement of a grave blunder committed by Air Asia Company Limited, renowned for its professional excellence, in the discharge of their responsibility for the maintenance of the aircraft, and at the same time an obvious incompetence in emergency measures on the part of one of the best pilots selected from those retired from the Chinese Air Force.

In every field of endeavor, our Government has made tremendous progress since its removal to Taiwan. The very fact that in 15 years of civil aviation there has hitherto never been a fatal accident, this one being the very first, is already a remarkable record, one of distinction not only in the nation itself but in the world at large. Even in Europe and America, where much valuable experience has been gained from aircraft crash investigations, investigation specialists, with all their experience behind them, have not infrequently spent months and years on one crash without successfully reaching a conclusion. If it is indeed possible for an Investigation Board organized in this country to investigate its first air disaster in which the aircraft was completely broken up and everybody on board was killed, to be able to ascertain the cause of the crash and determine the responsibility for it in less than half a month's time and to be able to foretell the date, then the standard of technical skill and the high degree of competency in China have certainly established another record of excellence, setting an outstanding example for the world to look up to and follow. We understand, however, that there were two experts who called upon your Director after the announcement of the "SALIENT POINTS OF INVESTIGATION REPORT" to express their dissent in no uncertain terms. If this is the case, then it would appear that the

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- (1) "SALIENT POINTS OF INVESTIGATION REPORT" was finalized after the foreign experts had left the Investigation Board Meeting;
 - (2) The contents of the "SALIENT POINTS OF INVESTIGATION REPORT" did not correspond with the reports submitted by the experts;
 - (3) Vis-a-vis the Company, a judgment was handed down in absentia, entirely on an arbitrary basis, and without an opportunity given the absentee to produce evidences or make representations in a lawful manner. Under these circumstances, such findings of the Board were patently unfair and ungrounded. Perhaps the Investigation Board, a little too anxious to earn credit for itself, was too hurried in its action to bring the matter to a close, and, while pursuing this course hastily, took passages from the experts' reports out of context, in the course of which even though there was no deliberate act of distortion it is quite possible that matters were handled in such a thoughtless manner as to lead to a departure from true facts. This Company, for the sake of its own reputation and for the sake of the nation's prestige, now finds itself compelled to break its long-held silence.
5. There is a wide discrepancy between what is given in the "SALIENT POINTS OF INVESTIGATION REPORT" and what is given in the reports then available of the foreign specialists on the subject of maintenance, a fact demonstrable from records. While on the subject of pilot's handling, the specialists' reports did not even mention any connection it might have had with the cause of the accident. In point of fact, even passages within the "SALIENT POINTS OF INVESTIGATION REPORT" itself contained a number of contradictions which one finds hard to reconcile. These discrepancies could not have escaped the notice of the Director had it not been the fact that the work of composing this report was done under great pressure, late into the night of the 14th, for the purpose of rushing out a report to be presented to the Legislative Yuan the next morning.
- (1) The "SALIENT POINTS OF INVESTIGATION REPORT" stated "2. Mr. Pahl pointed out that from an inspection made of all airframe structural parts, there was no evidence that the aircraft had any crack from metal exhaustion or any crack that could lead to structural failure prior to crash, the burns and damages on all airframe parts being all found as to have arisen from fire upon impact with the ground." This statement serves to testify that as far as the airframe was concerned everything was in order, there being obviously no evidence to indicate poor maintenance.
 - (2) The "SALIENT POINTS OF INVESTIGATION REPORT" further stated: "3. USCAB experts who tested on the control cables affirmed in a report that the cable used for control of right elevator trim tab was broken upon impact with the ground, not during flight, but that the cable used for control of left elevator trim tab showed substantial wear and tear, although the breakage was more probably also due to impact with ground. The majority board opinion is that even if these cables became broken during flight prior to crash, the crew should have encountered no particular difficulty in controlling the plane in continued flight." However, it failed to point out whether the substantial wear and tear referred to were caused by use in flying prior to the crash, or caused by abrasion in contact with another part of the aircraft when it hit the ground. It is arbitrary to use this

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as a basis for concluding that the normal time maintenance was not attentively carried out. Furthermore, since the experts have already assumed that the breakage was more probably due to impact with the ground and, at the same time, asserted that the right control cable, without any evidence of wear and tear, was also broken on impact with the ground, then it establishes the fact that there was no cause and effect relationship between the wear and tear and the breakage. Moreover, evidence has since been found by the Company to show that at the time of impact, when the aircraft was broken into pieces, the left cable in question (and others) was pulled so strongly that it was dragged through a part of the fuselage, actually cutting the aluminum several inches deep. This finding amply explains the so-called wear and tear and establishes the fact that the cable in question was intact at the moment of impact and so could not logically be cited as relating to accident cause. Besides this, even had this particular cable been faulty it still could not have logically been pointed to as an accident cause.

- (3) The "SALIENT POINTS OF INVESTIGATION REPORT" goes on to state: "4. Mr. Hallman who inspected the two engines stated in his report that the engines had no obvious trouble, but that because the power unit for left propeller was yet to be located from scene of crash, search for the power unit should continue in order to enable further study and evaluation of condition of flying for the very short moment just prior to crash. Mr. Hallman further pointed out that the engine manifold gage readings were similar for both engines and that blade butt gear damages sustained upon impact with ground were located at approximately similar positions and for an approximately similar number of gear teeth....." These statements are consistent with the actual statements contained in Mr. Hallman's report. They affirm (i) that the revolutionary speed of both the left and right engines and propellers were similar and (ii) that although the power unit (installed at the protruding portion of the propeller for automatic regulation of blade angle, and, thence, propeller and engine speed) for the left propeller has not been found, there is direct evidence there was no overspeeding of the left propeller. What followed under the same Point 4 is not only inconsistent with Mr. Hallman's report but in direct contradiction to the two affirmations made earlier under the same Point 4. As regards the "difference in RPM of more than 1,000", this was indicated by the tachometer, one of the many instruments in the cockpit for crew reference. The tachometer records engine speed, not propeller speed. Since the engines themselves have been found to perform at similar speed, little reliance can be placed in readings of the cockpit instrument which gives only indirect indication, especially where this instrument already had its pointer detached and sustained damage of its inner mechanism. The alleged propeller overspeeding is therefore without basis and runs counter to direct evidence. Furthermore, an overspeeding propeller, which occurs most frequently during the far more crucial takeoff regime, is an entirely manageable phenomenon which pilots are trained to handle and drilled on. The danger of an overspeeding propeller is not that it will materially upset the aircraft performance but rather that the propeller or its engine will be unable to withstand the higher than designed stresses generated by the higher rotational or reciprocating speeds involved and so the propeller may fail and throw pieces through the vitals of the aircraft or, becoming unbalanced from loss of a part, wring

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itself or its engine from the aircraft, the engine may come apart or a fire may start. Since none of these happened to B-908, further evidence is offered against the theory that the left propeller oversped.

- (4). The aforesaid three paragraphs should afford ample evidence that the investigation work has not found any indication that maintenance of the aircraft "was not attentively carried out." The alleged wear and tear of left control cable and overspeeding of left propeller are not supported by facts, and objective analysis has further indicated to the contrary. As to alleged "indication of improper handling on the part of the pilot", such we find is entirely beyond our comprehension. The pilots died with the crash and no living person knows of what they actually did in the short moment just prior to crash. Not a single word on improper handling by pilot was noted in Points 1, 2, 3, and 4 of the "SALIENT POINTS OF INVESTIGATION REPORT." Our personnel who attended the July 14 investigation board meeting heard no one voicing any doubt on pilot performance. Thus, we are not aware if the so-called "indications" originated from information beyond the known scope of investigation. Bengee Lin was an experienced pilot. A graduate of Chinese Air Academy, he received advanced pilot and instrument training in the U. S. and served as CAF Captain and check pilot of the Far East Flying School in Hong Kong, before joining the Company as copilot in 1950. He was promoted to Reserve Captain in 1953 and to Captain in 1957. He had 14 years' service with the Company and had been known as one of the best and most cautious pilots among all Chinese and foreign pilot personnel. He had logged nearly 12,000 flying hours. Copilot M. H. Kung was likewise an experienced pilot. A former CAF Captain, M. H. Kung had had 16 years service with the Company and had logged over 13,000 flying hours, even more than Bengee Lin. Both had maintained an excellent record and from their rich flying experience in the long years of their air career within which they could hardly have failed to encounter every kind of accidental occurrence, there is no cause to doubt their proficiency in emergency procedures, particularly in C-46 type aircraft with which they were exceptionally familiar. There is yet no evidence that B-908 developed any mechanical trouble. Assuming that a control cable did break or a propeller did overspeed, either of the pilots could have discovered and corrected the situation easily and without hesitation. Their action would be almost automatic as if reaching to scratch an itch or allay a pain on one's own body. We have every confidence that they would be able to maintain flying, certainly not permitting the plane to descend and crash from an altitude of more than 1,000 feet over an interval of 20 to 30 seconds without any attempt to effect an emergency landing or without reporting by radio an emergency. We therefore deem the alleged improper handling on the pilot's part completely unfounded. For Bengee Lin who had served the Company faithfully for more than ten years and had died in the line of duty, the Company cannot do less than speak up to correct any erroneous or grossly unjust judgment, passed on him posthumously, which he himself could not defend.

From the foregoing, the conclusions contained in Point 5 of the "SALIENT POINTS OF INVESTIGATION REPORT" are obviously groundless and illogical, and certainly do not "represent the findings of Chinese and foreign experts arrived at pursuant to established procedure." The fact is the cause of the accident is yet to be determined and the investigation work is not yet complete. Fortunately,

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"the official report will have to be compiled according to ICAO format, the preparation of charts and the translation and printing of which will take some time," and thus there is still opportunity to supplement and correct. We are accordingly taking this opportunity to present all the data available to us, in responding to the Legislative Yuan's request for data, with the request that a closer look be made of the reports submitted by foreign experts and a correction statement be issued by you in regard to the "SALIENT POINTS OF INVESTIGATION REPORT".

6. The "SALIENT POINTS OF INVESTIGATION REPORT" state under Point 1 that the Board is unanimous in eliminating the following factors as possible causes of the accident:

- (1) Weather;
- (2) Air Traffic control;
- (3) Navigational aid;
- (4) Age of plane or metal exhaustion of part of airframe structure;
- (5) In-flight fire;
- (6) Crew time in excess of prescribed limits;
- (7) Fuel.

The allegations under Point 5 have also been shown to be no cause of the accident. Then, under such circumstances, is it more probable that the accident could have arisen from the human factor? The most striking points in relation to the human factor are the pistols found at crash site, the person who carried them and the motive behind such carriage, all of which, we understand, are still being actively investigated by the military authorities.

In the light of the Police Department's official announcement to pursue the motive behind Tseng Yang's taking pistols aboard, we do not propose to over-emphasize the value of the information we have but wish to note the following which may be useful as reference:

- (1) Tseng Yang's travel from Makung was made in the company of Wang Cheng-yi, an erstwhile colleague of Tseng's in the armed forces, who engaged himself in business at Makung following discharge from military service. To travel in company was by no means uncommon, but the strange thing was that Wang apparently followed Tseng's directions without having any say of his own. According to the local inhabitants, Wang left home in a great hurry on June 20, obviously unprepared. His secretive behavior should be a point of interest. Because the pistols were stolen and the books in which they were carefully concealed were borrowed by Tseng, attention has been concentrated on him only, while little mention has been heard about Wang. Regardless of the purpose of Tseng's travel, Wang obviously was a party to the scheme and therefore listened to Tseng and followed his every move.
- (2) On June 17, Wang bought from our Makung Office two Makung/Taipei one-way tickets for the June 18 flight and paid for the fare in full. In the morning of June 18, Tseng changed reservation for the two seats to June 20. By simple reasoning Wang should have known of the change. But the great haste in which Wang left Makung on June 20 would indicate that Tseng merely told Wang they were not leaving on June 18 but did not mention the exact