

Commission of Inquiry into the Investigation of the Bombing
of Air India Flight 182
Honourable John C. Major, Q.C. Commissioner
Sheila-Marie Cook, Executive Director and Commission Secretary
Mark J. Freiman, Commission's Lead Counsel
Michel Dorval, Commission's Co-Counsel

P.O. Box 1298, Station B
Ottawa, Ontario K1P 5R3
CANADA

Dear Commissioner Honourable John C. Major, Q.C. and esteemed Staff, Sunday,
June 25, 2006

As required by the Rules of Procedure and Practice I hereby apply for standing as a
'person' by way of this motion supported by affidavit.

1. John Barry Smith
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2. I seek standing as a person for a portion of the mandate of the Inquiry.

3. The areas in which I have a clearly ascertainable interest and perspective which
would enhance the work of the Commissioner and the reasons in support thereof
are:

a. Aviation Safety in general. I am a survivor of a sudden fiery fatal jet
airplane crash which has motivated me to become an independent aviation accident
investigator to prevent similar accidents. In that role I have reviewed over a
thousand aviation accident reports and hundreds in detail. My perspective is that of
one who has been on scene before, during, and after the event, heard the
explosions, felt the fires, suffered the injury, witnessed the fatality, smelled the
ashes, and experienced the emotions caused by a sudden fiery fatal jet airplane
crash.

b. Air India Flight 182 in specific. My ascertainable interest is demonstrated by my Smith AAR (Aviation Accident Report) for Air India Flight 182, a 249 page exhaustive evaluation of the facts, data, and evidence regarding that event. The AAR is a result of ten years of research and will be presented, if standing is granted, at Stage 2 of the inquiry. (Available upon request)

4. If required, I will make an oral submission in mid July in Ottawa.

Dear Commission Members, please permit me at this time to direct you to a significant error in the basic premise for the establishment of the Commission of Inquiry which, if I may be so bold to suggest, should be corrected as soon as possible to prevent undermining the credibility of your Commission.

1. Please note that the Prime Minister states that the public inquiry is a route to obtain answers to the tragedy of Air India Flight 182. He does not limit the inquiry to investigating any one cause, such as a bombing, but rightfully calls it a tragedy and implies any reasonable explanation will be considered as there are several non-bombing reasons for an aircraft to explode in flight.

From the Commission website: "Opening Statement" June 21, 2006, Background,
"In announcing the launch of this Inquiry, the Prime Minister, the Right Honourable Stephen Harper, stated that a public inquiry is the only route left to obtaining answers to how the tragedy of June 23, 1985 occurred when Air India Flight 182 exploded over the Atlantic Ocean."

2. The above is correct and yet several sentences later the grievous error is stated:
"Opening Statement" June 21, 2006, Background,
"Yet, it was not until the following January that the Canadian Aviation Safety Board concluded that the destruction of this aircraft was caused by a bomb."

Not so. Absolutely incorrect. Terribly misleading. The Canadian Aviation Safety Board made no such conclusion. The below is the actual conclusion in 4.1.5.

Aviation Occurrence Report of the Canadian Aviation Safety Board for Air India Flight 182 of January 22, 1986

"4.0 CONCLUSIONS

The Canadian Aviation Safety Board respectfully submits as follows:

4.1 Cause-Related Findings

1. At 0714 GMT, 23 June 1985, and without warning, Air India Flight 182 was subjected to a sudden event at an altitude of 31,000 feet resulting in its crash into the sea and the death of all on board.
2. The forward and aft cargo compartments ruptured before water impact.
3. The section aft of the wings of the aircraft separated from the forward portion before water impact.
4. There is no evidence to indicate that structural failure of the aircraft was the lead event in this occurrence.
5. There is considerable circumstantial and other evidence to indicate that the initial event was an explosion occurring in the forward cargo compartment. This evidence is not conclusive. However, the evidence does not support any other conclusion."

Dear Commission Members, the above Canadian accident expert opinion is correct. There was an explosion in the forward cargo compartment. The cause is left unstated and, in fact, the internal text of the report generally rules out a bomb as the cause of the explosion and suggests a mechanically caused explosive decompression.

The Indian Report, on the other hand:

Report of the Honourable Mr. Justice B.N. Kirpal of the High Court of Delhi of February 26, 1986:

"Analysis and Conclusions

- 4.1 From the evidence which is available what has now to be determined is as to what caused the accident.
- 4.5 It is evident that an event had occurred at 31,000 feet which had brought down 'Kanishka'. What could have possibly happened to it? The aircraft was apparently incapacitated and this was due either to it having been hit from outside; or due to some structural failure; or due to the detonation of an explosive device within the aircraft.

4.9 Thus we are left with only two of the possibilities viz., structural failure or accident having been caused due to a bomb having been placed inside the aircraft.

4.10 After going through the entire record we find that there is circumstantial as well as direct evidence which directly points to the cause of the accident as being that of an explosion of a bomb in the forward cargo hold of the aircraft. At the same time there is complete lack of evidence to indicate that there was any structural failure."

Dear Commission Members, a Canadian Commission of Inquiry should use the Canadian aviation accident experts' opinions as a starting frame of reference, not that of an Indian Judge's opinion, (a criminal judge with no aviation accident investigation experience.) To claim that the Canadian Aviation Safety Board concluded that the destruction of this aircraft was caused by a bomb is absolutely incorrect and injects a dangerous bias into the supposedly objective proceedings so much so that the title is even incorrect: "Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182". The title could be corrected to "Commission of Inquiry into the Investigation of the Tragedy of Air India Flight 182".

(The bombing statement error is understandable after twenty years of constant media and police opinions about terrorists everywhere and desires for grieving family members for revenge. However, there are no conspiracies to hide any truths, just passionate persons acting in their own perceived best interests.)

Please note that both of the quotes from the documents referenced above are specifically allowed by the Commission's Terms of Reference:

Terms of Reference: "...the Commissioner to conduct the Inquiry as he considers appropriate with respect to accepting as conclusive or giving weight to the findings of other examinations of the circumstances surrounding the bombing of Air India Flight 182, including
the report of the Honourable Mr. Justice B.N. Kirpal of the High Court of Delhi of February 26, 1986,
the Aviation Occurrence Report of the Canadian Aviation Safety Board into the crash involving Air India Flight 182 of January 22, 1986"

The points for my presentation at the Inquiry shall be:

1. The Canadian Aviation Safety Board conclusion of 1986 was correct and the Indian finding was wrong.
2. The verdict in the Canadian trial of the two accused as not guilty was correct. The criminal justice system did not fail the families or all Canadians. There were no bombs, no bombers, no conspiracies, no crimes, no criminals, no guilt.
3. Based upon the benefit of 20 years of hindsight and several similar early model Boeing 747 accidents and in particular United Airlines Flight 811, the actual probable cause of Air India Flight 182 is the shorted wiring/ruptured open forward cargo door/explosive decompression/inflight breakup explanation.
4. A request by the Commission to the Transportation Safety Board (Air) for an updated version of the Aviation Occurrence Report for Air India Flight 182 would be prudent and wise. The older report is now over twenty years old. Safety related explanations are constantly being updated after new accidents. There have subsequently been several similar early model Boeing 747s that have suffered a fatal inflight explosive decompression in the forward cargo compartment after a sudden loud sound on the cockpit voice recorder followed by an abrupt power cut to the flight recorders.

In summary:


I apply for standing in the Inquiry as a person with an ascertainable interest and perspective. I have demonstrated with this letter a review of the Commission's mandates, a close observation of its premises, the detection of a serious error of fact, a suggested correction, provided confirming documentation quotes, and referenced supporting documents. I will do the same in principle at the Inquiry for the wiring/cargo door explanation.

From the Commission Opening Statement of Commissioner John Major:

"We can, however, attempt to understand how this happened and to recommend safeguards and systemic changes to prevent future threats to our national security and intrusions into the lives of so many innocent people."

Yes, sir, we certainly can, and must, attempt to understand how this {Air India Flight 182} happened, recommend safeguards and changes to prevent future threats and intrusions. Please assign me as a person with standing the opportunity to explain how.

Regards,


John Barry Smith

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<http://www.montereypeninsulaairport.com>

Attached below:

Relevant excerpts from the Commission's website,

Relevant excerpts from Canadian and Indian AAR for Air India Flight 182.

OPENING STATEMENT

June 21, 2006

In announcing the launch of this Inquiry, the Prime Minister, the Right Honourable Stephen Harper, stated that a public inquiry is the only route left to obtaining answers to how the tragedy of June 23, 1985 occurred when Air India Flight 182 exploded over the Atlantic Ocean. The aircraft was flying at an altitude of 31,000 feet (9500 m) just south of Ireland, when all 329 on board were killed. Eighty-two of those victims were children and 280 were Canadian citizens.

Yet, it was not until the following January that the Canadian Aviation Safety Board concluded that the destruction of this aircraft was caused by a bomb.

STANDING

10. A person may be granted full or partial standing as a party by the Commissioner if the Commissioner is satisfied that the person is directly and substantially affected by the mandate of the Inquiry or portions thereof.

12. Any person wishing to be granted standing must apply by way of a motion in writing supported by affidavit on or before July 7, 2006, or at the discretion of the Commissioner at any other date, which must include the following information:

1. name, address, telephone and fax numbers, and e-mail addresses of the person;
2. whether the person seeks standing as a party or as an intervenor for all or a portion of the mandate of the Inquiry;
3. the areas and issues where the person is directly and substantially affected

ACKNOWLEDGMENT

State of California
County of Monterey

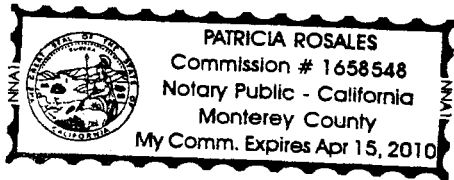
On June 26, 2006 before me, Patricia Rosales
(here insert name and title of the officer)

personally appeared John Barry Smith

~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Patricia Rosales



(Seal)