



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)
)
 v.)
)
 ZACARIAS MOUSSAOUI)
 a/k/a "Shaquil,")
 a/k/a "Abu Khalid)
 al Sahrawi,")
)
 Defendant.)

Criminal No. 01-455-A

DECLARATION OF CAPTAIN DUANE E. WOERTH

I, Captain Duane E. Woerth, declare as follows:

1. I am the President of the Air Line Pilots Association, International (ALPA) and I am a pilot for Northwest Airlines. I have been a commercial airline pilot for 28 years. I submit this declaration in opposition to the Court's Order on April 5, 2006 that would make public the Flight 93 Cockpit Voice Recorder (CVR) absent a written objection from a family member of a Flight 93 victim.

2. As a result of my position and my long experience as a pilot, I am thoroughly familiar with the challenges and difficulties confronting investigators in determining the cause of airline accidents. Additionally, my experience as a pilot has given me a clear view of both the benefits and the potential dangers of recording devices in the cockpit.

3. The CVR records all verbal communications between pilots during a flight. In my experience as a pilot, such recordings have been invaluable in determining the causes of airline accidents. They have enabled the National Transportation Safety Board (NTSB) and the Federal Aviation Administration (FAA) to make safety recommendations, issue guidelines, and promulgate regulations to prevent future accidents for the benefit of the traveling public.

4. CVRs constitute an intrusive monitoring of the workplace of flight crews but have been accepted generally by the crews based upon two understandings. The first is the fact that the CVR is an essential component in accident investigation, by which safety is enhanced. The

second is the assurance that the invasion of privacy is carefully minimized by design of the equipment (due to erasure capability) and statutory protection. The CVR statute, 49 U.S.C. § 1154, requires that recordings be protected from widespread public disclosure even when they are used in a judicial proceeding. These confidentiality protections foster acceptance of the CVRs by the pilots because they do not have to fear widespread revelation of the content of their conversations.

5. Based on my experience, I believe that the public disclosure of the CVR tape of United Airlines Flight 93 will inhibit acceptance by the pilots, which is the bulwark of the entire CVR program. Without the protection that their conversations will be confidential, pilots will resist the imposition of such recording devices in the future. If the promise to limit the use of the CVR to accident investigation cannot be honored then pilots will not accept cockpit image recorders, which is the next generation of accident investigation tools.

6. The release of the CVR tape to the media in the Moussaoui case, along with a ruling that the public has a right to know the content of such recordings, will undermine any confidence the pilot community has in the airline industry's ability to ensure confidentiality of the CVR. I believe that such loss of confidence will result in the loss of support of other important voluntary safety programs by airline pilots. The potential loss of the ability to implement such programs in the future would adversely affect safety to the detriment of the public.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: April 10, 2006

 /s/
Captain Duane E. Woerth