



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

July 14, 1999

Honorable Joanna Seybert
United States District Judge
Eastern District of New York
2 Uniondale Avenue
Uniondale, New York 11553

Re: United States v. Sanders, Criminal Docket No. 98-13 (JS)

Dear Judge Seybert:

I write in regard to the upcoming sentencing of the defendants in the above-referenced matter. We are not expert in sentencing considerations and offer no specific advice on an appropriate sanction. We do, however, believe the Court will wish to understand the importance of this case from our standpoint.

The Board uses the "party system" to conduct its investigations. Under this system, the Board invites private persons, government agencies, companies, and associations who were involved in the accident or incident, and who can provide suitable qualified technical personnel, to assist in the investigation. 49 C.F.R. § 831.11(a)(1) (1998). Using the TWA flight 800 accident as an example, the airline, aircraft manufacturer, engine manufacturer, pilots' union, flight attendants' union, and the Federal Aviation Administration, to name only some, were made parties to our investigation because they could provide persons, or party representatives, with technical expertise or knowledge useful to our work. This is the manner in which the Board ensures thorough fact-finding during an investigation.

For the party system to function as designed, however, the Board must be able to rely on all party participants to fulfill their obligation to safeguard information acquired as a result of participating in our investigation and, similarly, to conduct all investigation efforts cooperatively through our process. Sensitive information is routinely shared with parties with the understanding that public dissemination of such information will first be done by the Board. This sharing of information and the open dialogue that are routine between and amongst the Board and the parties are cornerstones of our investigative process. Although parties to our investigation are often likely to be involved in subsequent litigation, and much information that is disclosed during an investigation may be economically damaging in such later litigation, communication and the exchange of ideas continues, in our experience, to be strong. This is due, in large part, to the fact

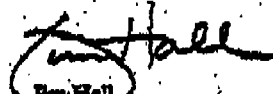
that parties share a common desire to discover with certainty what happened in the accident and to prevent it from ever happening again, and because the Safety Board's process seeks to prevent preliminary or incomplete investigative discussions from immediately finding an outside audience.

In this case, defendants were responsible for a serious breach of our party process. They successfully encouraged a TWA party representative, Mr. Stacey, to remove evidence from the hangar at Calverton without permission and deliver it to persons not affiliated with the investigation. Although, in and of itself, Mr. Stacey's conduct is reprehensible and unprecedented, we are equally troubled that his conduct, while clearly violating our regulations and processes, was done at the behest and in support of the defendants' private interests. The Board's party system can not function effectively in the public interest if its processes can be corrupted readily. Preservation of the integrity of this system of investigation is critical to the efficiency and quality of accident investigation.

Finally, this was not a so-called victimless crime. NTSB has recently been given a statutory responsibility to keep members of families affected by airline tragedies informed. These duties have put us in close contact with the families of the victims of TWA flight 800 and we are well aware of the confusion and distress caused by the perpetuation of groundless speculation about criminal destruction of the aircraft, and the even more insidious claims of a federal government cover-up. These defendants have traumatized the families with the release of misinformation, the only plausible cause for which is commercial gain.

We ask that the Court be mindful of the importance of the sentences in this case as a deterrent to those who would contemplate similar destructive behavior in the future.

Sincerely,


Jim Hall
Chairman