either correct that or make some decisions.” (ID at 27). The policy implications of the priorities contained in that ruling are clear. The ruling stands for the principle that the efficiency of the service is undermined when an individual’s actions force an agency to correct its mistakes, even when those mistakes were undermining the government’s public safety mission.

Those priorities place an agency’s interests over the public interest. They are incompatible with the Board’s own mission. It is unacceptable to place merit system principles in an adversary relationship with the efficiency of the service. The Board’s role is to promote the efficiency of the service by enforcing merit system principles.

A. The Code of Ethics for Government Service is the First Principle for the Efficiency of the Service

Merit system principles are the framework to guide implementation of the Code of Ethics for Government Service, 5 CFR Part 2635. This Code of Ethics is required by law to be displayed in every government office. PL 95-303, 94 Stat. 855 (July 3, 1980); H.R. Con. Res. 175, 72 Stat. B12 (1958). As seventeen senators explained in a Dear Colleague letter before congressional passage of the Civil Service Reform Act of 1978, the whistleblower provisions were included “to vindicate the Code of Ethics for Government Service.... Under our amendment, an employee can fulfill those obligations without putting his or her job on the line.” (Reprinted in 124 Cong. Rec. S14302-03 [daily ed. Aug 24, 1978).

In relevant part, the Code requires every federal employee to—

“I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government Department...
"X. Uphold these principles, ever conscious that public office is a public trust."

Unfortunately, in the present proceeding the Board has not recognized the relevance of the Code of Ethics. The loyalty priorities of the Code of Ethics stand in opposition to the decision on appeal—that the extra work and embarrassment of correcting a mistake, which risked a national tragedy, are more important than preventing that tragedy.

Sadly, the Code of Ethics has not had a significant impact beyond its appearance on agency walls. The lesson from the decisions to date in this proceeding will make it worse—an employee will only be able to fulfill obligations under the Code of Ethics by putting his or her job on the line. This appeal is an opportunity for the Board to re-establish the Code’s relevance as the decisive factor in determining the efficiency of the service when balancing conflicting interests in merit system appeals.

B. The Administrative Judge’s priorities for efficiency of the service are incompatible with the merit system principles of the Whistleblower Protection Act.

When Mr. MacLean made public disclosures protesting plans to cancel Air Marshal coverage, the law for 25 years had been that Whistleblower Protection Act rights superseded conflicting agency restrictions. He was entitled to be guided by the principles behind that core merit system law. Despite MacLean 2009’s unjustifiable revision of the boundaries for protected speech, the corresponding merit system principles still apply to evaluate whether terminating him for those disclosures was necessary for the efficiency of the service.
By that standard, a review of the WPA's objectives again confirms that the priorities between government and public interests in the Initial Decision are backwards. Congressional intent has been clear from the start. As the Senate Committee Report, S. Rep. No. 969, 95th Cong., 2d Sess. at 8, reprinted in 1978 USCCAN 2725, 2733, emphasized,

Protecting employees who disclose government illegality, waste, and corruption is a major step toward a more effective civil service. In the vast federal bureaucracy, it is not difficult to conceal wrongdoing provided that no one summons the courage to disclose the truth.

Senator Charles Grassley (R.-IA.), an original sponsor of the Whistleblower Protection Act, applied that purpose directly to congressional oversight:

As a Senator, I have conducted extensive oversight into virtually all aspects of the Federal bureaucracy. Despite the differences in cases from agency to agency and from department to department, one constant remains: the need for information and the need for insight from whistleblowers. This information is vital to effective congressional oversight, the constitutional responsibility of Congress, in addition to legislating.

Documents alone are insufficient when it comes to understanding a dysfunctional bureaucracy. Only whistleblowers can explain why something is wrong and provide the best evidence to prove it. Moreover, only whistleblowers can help us truly understand problems with the culture of Government agencies, because without changing the culture, business as usual is the rule.


To defend this policy against hostile activism by administrative and judicial institutions that should, instead, be responsible for enforcing the Whistleblower Protection Act, Congress has worked since 1999 to restore its original mandate. The
2007 Senate Committee Report on S. 274 applied the effort to national security whistleblowers such as Mr. MacLean.

The Federal Employee Protection of Disclosures Act is designed to strengthen the rights and protections of federal whistleblowers and to help root out waste, fraud, and abuse. Although the events of September 11, 2001, have brought renewed attention to those who disclose information regarding security lapses at our nation's airports, borders, law enforcement agencies, and nuclear facilities, the right of federal employees to be free from workplace retaliation has been diminished as a result of a series of decisions of the Federal Circuit Court of Appeals that have narrowly defined who qualifies as a whistleblower under the WPA and what statements are considered protected disclosures.


The rulings of the prior Board in this proceeding go far beyond "diminishing" WPA rights. They would make them discretionary for any agency whenever Congress requires general secrecy regulations to achieve its mission. There is no basis in legislative intent or public policy for a doctrine that an agency's mission can lawfully include negating the Whistleblower Protection Act. Nor is there any common ground between that approach and the efficiency of the service, as envisioned by Congress. Congress carefully drafted the WPA, with stated modifications and limitations to protect legitimate exercises of government secrecy. It is Congress' role to draw those boundaries for responsible disclosure, both for assessing the efficiency of the service and the scope of WPA coverage.
CONCLUSION

The decision in *MacLean 2009* is deeply flawed. If left undisturbed, it will remove important cornerstones of the merit system: 1) the WPA’s supremacy over agency secrecy regulations, and 2) the Code of Ethics and corresponding merit system principles as relevant criteria for the efficiency of the service. *Amici* urge the Board to correct these destructive doctrines without further delay, rather than make the merit system wait years for corrective legislative action.

Respectfully submitted,

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Counsel of Record for the *Amici*
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OVERVIEW
Al-Qaeda continues to plan attacks against commercial aircraft in the United States and abroad.

DETAILS
Al-Qaeda planners have primarily considered suicide hijackings and bombings as the most promising methods to destroy aircraft in flight, as well as to strike ground targets. Cognizant of changes in aviation security measures since September 11, 2001, Al-Qaeda is looking for new ways to circumvent enhancements in aviation security screening and tightening immigration requirements. At least one of these attacks could be executed by the end of the summer 2003.

Attack venues may include the United Kingdom, Italy, Australia, or the East coast of the United States due to the relatively high concentration of government, military, and economic targets. The extremists may plan to identify flights that transited the target country, so that the hijackers would not need visas for those countries.

The plan may involve the use of five-man teams, each of which would attempt to seize control of a commercial aircraft either shortly after takeoff or shortly before landing at a chosen airport. This type of operation would preclude the need for flight-trained hijackers.

The hijackers may try to calm passengers and make them believe they were on a hostage, not suicide mission. The hijackers may attempt to use common items carried by travelers, such as cameras, modified as weapons.

No equipment or operatives are known to have been deployed to conduct the operations.

SUGGESTED PROTECTIVE MEASURES
Airlines are reminded of their obligation to provide adequate security procedures at the airports for all passengers especially those passengers transiting the U.S. without visa. Airlines will identify to CBP any Transit With Out Visa (TWOV) passengers exhibiting suspicious behavior.
Advisories recommend the immediate implementation of protective actions, including best practices when available. The Department of Homeland Security (DHS) encourages recipients of this advisory to report information concerning suspicious or criminal activity to law enforcement, the DHS Watch Operations Center or the Transportation Security Intelligence Service (TSIS) watch office.
Homeland Infrastructure Threat & Risk Analysis Center (HITRAC)

18 May 2006

Strategic Sector Assessment:

(U//FOUO) U.S. Aviation

(U) Attention: Federal Departments and Agencies.
(U) Scope

(U) This Strategic Sector Assessment is one in a series of overall assessments of the potential terrorist threats to critical infrastructure/key resources. The series of assessments is intended to provide decision makers broad, analytically-based threat information that they can use to inform investment priorities and program design in conjunction with strategic planning. The series also provides the analytic foundation for incident reports and threat warnings produced by DHS and other federal partners. Federal infrastructure partners and the private sector assisted in the preparation of this report.
(U) Key Findings

(U//FOUO) DHS continues to receive information on terrorist threats to the U.S. aviation industry and to the Western aviation industry worldwide:

(U) Threat Overview

(U//FOUO) An independent assault at the Los Angeles International Airport (LAX) in July 2002 that left two dead and four wounded near the El Al ticket counter, remains the sole successful aviation-related terrorist attack within the United States since 11 September 2001.
(U/FOUO) Al-Qa’ida Represents the Greatest Threat to the Aviation Industry

(U/FOUO) Al-Qa’ida continues to remain the greatest threat to the U.S. aviation industry and the traveling public.

— (U/FOUO) In December 1999, Ahmed Ressam was arrested on his way to attack LAX.

— (U/FOUO) In December 2001, Richard Reid unsuccessfully attempted to destroy American Airlines Flight 63 with a shoe bomb.¹

— (U/FOUO) In 2002, a Sudanese man had fired a man-portable air defense system (MANPADS) missile at a U.S. Air Force aircraft taking off from a base in Saudi Arabia.² It was a military aircraft in what DoD termed a combat zone.

— (U/FOUO) In 2002, al-Qa’ida planned a suicide hijacking to attack the U.S. Bank Tower/Library Tower in Los Angeles.³

— (U/FOUO) In May 2003, reports linked al-Qa’ida to a plan to fly an explosives-laden general aviation aircraft into the U.S. Consulate in Karachi, Pakistan.⁴⁷
— (U//FOUO) In the summer of 2003, al-Qa'ida planned to use camera flash attachments as stun guns. They also intended to use cameras to disguise bomb components in order to hijack commercial airliners and crash them into targets in Western countries, including along the U.S. East Coast and in Australia, Britain, and Italy.\textsuperscript{10,11}

— (U//FOUO) As of early July 2005, al-Qa'ida reportedly had planned to attack military and civilian airports in Los Angeles and San Diego in September or October of 2005. The possible tactics included the hijacking of an airliner on the way from India to the United States, or a flight from Mexico.\textsuperscript{12}

(U//FOUO) These plots and attacks provide insight into al-Qa'ida's tactics, adaptability, ingenuity, and tenacity. Al-Qa'ida has used suicide hijackings, an array of explosive devices, and standoff weapons to attack aviation targets. Al-Qa'ida has adapted to increased aviation security by shifting planned suicide hijackings from domestic carriers to international flights bound for the United States to take advantage of perceived less effective security screening at some foreign airports. The use of improvised explosive devices (IEDs) has evolved from using explosives to attack airports, to integrating an IED within a shoe to bring down an airliner, and to expectations that an IED could be used to gain access to an airliner flight deck. Al-Qa'ida's ingenuity was evident in its attempts to convert items into weapons (camera flash attachments into stun guns) and to design IEDs into apparently non-threatening forms (a shoe and a camera). Finally, nine of the plots took place after September 2001, demonstrating a continued commitment to attack aviation-related targets.
(U//FOUO) Table 1: Al-Qa‘ida-Affiliated and Other Groups Also Pose a Threat to U.S. Aviation

<table>
<thead>
<tr>
<th>Groups</th>
<th># of Attacks on Aviation</th>
<th>Year of Last Attack</th>
<th>Demonstrated Reach for Aviation Attacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>HAMAS</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Revolutionary Armed Forces of Columbia (FARC)</td>
<td>8</td>
<td>2002</td>
<td>Colombia / Peru</td>
</tr>
<tr>
<td>Abu Sayyaf Group</td>
<td>1</td>
<td>1994</td>
<td>Philippines</td>
</tr>
<tr>
<td>Armed Islamic Group (GIA)</td>
<td>1</td>
<td>1994</td>
<td>Algeria</td>
</tr>
<tr>
<td>Moro Islamic Liberation Front (MILF)</td>
<td>3</td>
<td>2003</td>
<td>Philippines</td>
</tr>
<tr>
<td>National Liberation Army (Colombia)</td>
<td>5</td>
<td>1999</td>
<td>Colombia</td>
</tr>
<tr>
<td>Popular Front for the Liberation of Palestine - General Command (PFLP-GC)</td>
<td>2</td>
<td>1974</td>
<td>Europe / Middle East</td>
</tr>
<tr>
<td>Liberation Tigers of Tamil Eelam (LTTE)</td>
<td>3</td>
<td>1995</td>
<td>South Asia</td>
</tr>
<tr>
<td>New People’s Army (NPA)</td>
<td>1</td>
<td>1996</td>
<td>Philippines</td>
</tr>
<tr>
<td>Popular Front for the Liberation of Palestine (PFLP)</td>
<td>20</td>
<td>1991</td>
<td>US / Europe / Middle East</td>
</tr>
<tr>
<td>Ryadus-Salameyn Martyrs’ Brigade</td>
<td>2</td>
<td>2004</td>
<td>Russia</td>
</tr>
<tr>
<td>Shining Path</td>
<td>5</td>
<td>1993</td>
<td>Peru</td>
</tr>
<tr>
<td>Communist Party of Nepal (Maoists) (CPNM)</td>
<td>4</td>
<td>2004</td>
<td>Nepal / India</td>
</tr>
<tr>
<td>Taliban</td>
<td>9</td>
<td>2005</td>
<td>Central Asia</td>
</tr>
</tbody>
</table>
(U//FOUO) **Hizballah**: A Lebanese-based radical Shia group inspired by the Iranian revolution and the teachings of Ayatollah Khomeini, Hizballah has established cells in Africa, Europe, North America, and South America.

(U//FOUO) Other Threats: Many other groups with anti-American views (see table 1) have attacked aviation targets in the Middle East and South America.

(U//FOUO) The lone terrorist, acting out of personal outrage and with no support or communication with other terrorists, also poses a serious threat to the U.S. aviation industry. A Muslim radical carried out the only aviation-related terrorist attack within the United States since 2001—a July 2002 armed attack near the El Al ticket counter at LAX.³

(U) Historical Background of Improved Security Measures*

(U//FOUO). The 2001 attacks on the World Trade Center and the Pentagon were of such a magnitude and impact that the number of previous terrorist attacks against the U.S. aviation targets often is overlooked. According to the Terrorism Knowledge Base maintained by the National Memorial Institute for the Prevention of Terrorism, 54 aviation-related terrorist attacks against the Homeland (including Puerto Rico) occurred between 1968 and 1984. Between 1985 and 2001 there were no aviation-related terrorist attacks within the United States, and only one since 2001.

(U//FOUO). The 15-year hiatus in terrorist hijacking incidents was probably due in large part to the introduction of increased security measures. In 1973, following the destruction of two U.S. airliners at the hands of the Popular Front for the Liberation of Palestine, President Nixon announced the comprehensive anti-hijacking program, which included putting "sky marshals" on selected flights. After additional hijackings, the Federal Aviation Administration issued an emergency rule in 1972 requiring U.S. air carriers to inspect all carry-on baggage for weapons or other dangerous objects and search each passenger physically or with a metal detector. Additional security measures were instituted for U.S. airlines operating in Europe and the Middle East. The al-Qaeda attacks in 2001 highlighted the limitations of these measures.


(U//FOUO) Scenarios of Concern
(U) Aircraft as Weapons

(U//FOUO) The aviation industry since 2001 has implemented additional security measures intended to thwart airline hijacking.

Figure 3: (U) PSAW Flight 182
operatives. Greenpeace protestors on two occasions have used powered parachutes to penetrate security measures and over-fly meetings between the U.S. President and European leaders, and to land a protestor on the roof of a nuclear reactor containment building in Switzerland.\(^3\)

Figure 4: (U) Greenpeace activists disrupting an international meeting
Towed Gliders and Hot-Air Balloons: These are unlikely terrorist choices. While a fiberglass glider may offer a stealth capability, it does not carry fuel, has a small payload, and depends more on weather than does a powered aircraft. In addition, towed gliders are often difficult to pilot and require pilot certification, which could result in law enforcement scrutiny. Similarly, balloons are easily spotted due to their size, low speed, and lack of unmanned precision guidance capability, making them unlikely terrorist attack platforms.

Aircraft as Targets

U.S. aircraft, especially fully fueled and loaded large passenger aircraft, remain inviting targets for terrorists. The destruction of a large passenger airliner would garner terrorists immediate worldwide media attention, provide the desired terrorist symbolism, and deter the flying public at a time when many airlines are financially troubled.

Onboard Attack: In their 2004 study of terrorist threats against LAX, the Rand Corporation determined that plots involving the detonation of an IED aboard a commercial airliner had the greatest potential for loss of life. In spite of security improvements, a number of potential scenarios exist for getting a bomb aboard a passenger airliner. A disassembled bomb could be smuggled onboard in smaller, innocent-looking or easily concealed components. For example, IED components could be smuggled aboard as typical carry-on items, such as shampoo or medicine bottles and electronic devices, and later assembled in an aircraft lavatory. A bomb could also be smuggled aboard in checked baggage, cargo, or supplies. A trusted airline, airport, or aircraft maintenance employee could place the IED onboard, either in the United States or overseas. If properly placed, such a device would not have to be large or devastatingly powerful; terrorists used less than a pound of plastic explosives to destroy Pan American Airlines Flight 103 over Lockerbie, Scotland, in December 1988.

Hijacking an aircraft in order to take hostages is another possibility; however, carrying out such a hijacking would likely be difficult. The terrorists would have to overcome the same security measures facing a group of suicide hijackers. In addition, they would have to be able to control the passengers and convince the flight crew to follow their demands.

Standoff Attack: In spite of the United States' international effort to reduce and control their availability, MANPADS remain a serious potential threat to the U.S. aviation industry. While older missiles may be unreliable and newer, more-capable missiles may be hard to obtain and difficult to operate, these systems have the potential to inflict a high death toll with minimal risk to the operator.

Al-Qa'ida has used MANPADS-type weapons on at least two occasions overseas and in both cases, the operatives fired their missiles without being detected or apprehended. There is no reason to assume al-Qa'ida would not use them in the United States if the operatives...
Federal law enforcement officers have arrested individuals attempting to obtain these systems. In each case, however, the weapons did not physically exist or never came to the United States.

(U) Aviation Facilities and Systems as Targets

(U//FOUO) Airport Terminals:

Since 2001, enhanced security procedures and passenger and luggage screening have slowed the movement of passengers within terminals at peak periods.
(U) Reporting Notice:

(U) DHS encourages recipients of this document to report information concerning suspicious or criminal activity to the local FBI Joint Terrorism Task Force (JTTF) and the Homeland Security Operations Center (HSOC). The FBI regional phone numbers can be found online at http://www.fbi.gov/contact/files.htm, and the HSOC can be reached by telephone at or by email at @dhs.gov. For information affecting the private sector and critical infrastructure, contact the National Infrastructure Coordinating Center (NICC), a sub-element of the HSOC. The NICC can be reached by telephone at or by email at @dhs.gov. Each report submitted should include the date, time, location, type of activity, number of people and type of equipment used for the activity, the name of the submitting company or organization, when this information is available, and a designated point of contact.

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MSPB Decision 22 June 2009

To: Gavin_Parke@reid.senate.gov
Cc: "MacLean, Robert" <rjmaclean@gmail.com>

Sun, Jun 28, 2009 at 9:09 PM

Dear Mr. Parke:

I have been a Federal Air Marshal (FAM) assigned to the Las Vegas Field Office (LASFO) since March 2002.

I am emailing you because Robert MacLean says you can be trusted, and that you will be able to protect me if I suffer retaliation for sending you this information. I do not have much confidence in the Transportation Security Administration (TSA) - Office of Inspections nor the Department of Homeland Security Inspector General.

I have been wanting to file an affidavit in Robert MacLean's termination case, but I have been reluctant given my concern of retaliation. There is a history here at the Federal Air Marshal Service (FAMS) of retaliation against whistleblowers and anyone who cooperates with them.

I was assigned to the LASFO Operations Branch when pertinent actions concerning Robert Maclean's case were done. However, based on the retaliatory actions this office and agency have become infamous, I feel that talking about what I know will put my job in jeopardy along with my prospects for employment in another agency.

Pending a medical clearance approval, I am very close to leaving the FAMS LASFO for my dream position: A Criminal Investigator / Special Agent (Series 1811) with DHS - Immigration & Customs Enforcement - Federal Protective Services. I am concerned that my cooperation with Robert MacLean's case will jeopardize this application. The mere fact that I have been trying to leave the agency has been enough for the Special Agent in Charge to create a hostile environment for me; I can only imagine how much worse it will get if/when he learns that I have contacted your office.

Additionally, after reading the judges finding in Mr. MacLean's case regarding Security Sensitive Information (SSI) material, I'm unsure how to get you the pertinent information I have. As Mr. Maclean's attorney has stated, information that was not originally classified as SSI was, after the fact, deemed SSI. So I am in a quandary, provide you with the information I know; that is pertinent to Mr. MacLean's case, but violate the SSI disclaimer and face the wrath of the TSA which could include civil penalties or further actions. The pertinent information I have is in regards to the mission briefings which were specifically addressed by the MSPB, and available on their web site (issued July 22, 2009). My knowledge of these incidents is first hand, as I was intimately involved in key aspects within the LASFO Operations Branch during late July 2003. I specifically remember these incidents since they were mandatory and individually given and never happened before or after.
As a former Naval Officer, I was always taught and trained to do the right thing. However, I am the father of two young boys ages 3 and 8 months, and a husband who takes care of his family. Giving you the Information is the right thing, but in doing so I could be taking the food out of my children's mouth. I am willing to testify if needed in this matter, because it is the right thing to do. However, I need to know that in giving you the Information I will be protected from any possible retaliation.

Regards,

Federal Air Marshal
FAMS, Las Vegas Field Office
TO:

Bridget_Petruczok@boxer.senate.gov, Marco_DeLeon@judiciary-dem.senate.gov, 
Lane_Dilig@judiciary-dem.senate.gov, Peg_Gustafson@mccaskill.senate.gov, 
Nick_Podsidiely@judiciary-rep.senate.gov, Gavin_Parke@reid.senate.gov, 
Lisa_Powell@hsgac.senate.gov, Amanda_Wood@hsgac.senate.gov, 
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Lydia_Griggsby@judiciary-dem.senate.gov, Matthew_Johnson@judiciary-rep.senate.gov, 
Caryn_Compton@byrd.senate.gov, Nick_Podsidiely@judiciary-rep.senate.gov, Benjamin.Chevat@mail.house.gov, Doug_Farrar@mail.house.gov, 
Bill_Richard@mail.house.gov, Maria_Bowie@mail.house.gov, 
Deena_Contreras@mail.house.gov, Michael_Darner@mail.house.gov, 
Michael_Lenn@mail.house.gov, Tyler_Smith@cornyn.senate.gov, 
Lillian_German@mail.house.gov

Dear Members of Congress,

It has come to my attention that you are reviewing the cases of Federal Air Marshals (FAMs) Frank Terreri, Phillip Black, Spencer Pickard, and Robert MacLean regarding their potentially non-frivolous whistleblower disclosures. I am pleased to know that their concerns and issues are getting the light of day and attention they long deserved.

Given my current executive position in the government, I cannot comment on the merits of their specific whistleblower cases, but I can tell what I observed, and what these officers attempted to accomplish, and the witch-hunts they endured, directly attributable and because of their selfless efforts on behalf of their colleagues and the American public.

From January 2004 until November 2004, I was a Supervisory Criminal Investigator and the director for the Joint Intake Center (JIC) for the Immigration & Customs Enforcement/Office of Professional Responsibility (ICE/OPR) in Washington DC, and at the same time, the Federal Law Enforcement Officers Association (FLEOA) National Vice President of Legislative Affairs.

As they were members of FLEOA, I first started communicating with FAMs Frank Terreri and Robert MacLean in 2003, about the obvious safety and security issues plaguing their new fast-growing agency, the Federal Air Marshal Service (FAMS).

As a federal law enforcement officer myself who traveled armed frequently in and out of Washington DC area airports, I observed first hand FAMs on my flights trying to carry out their missions under ridiculous and onerous circumstances. It was not just the fact that they were required to wear suits and ties and maintain military-style grooming, but the plainly obvious way they were being escorted by uniformed officers up exit lanes to bypass airport security checkpoints and then get pre-boarded in plain view of the general passengers. Any individual who cared to observe this folly could pick out and identify the FAM's for any given flight or airport by simply watching the gate and exit areas. You might as well have made them wear colorful uniforms!
As previously mentioned, during this time I was the Federal Law Enforcement Officers Association (FLEOA) National Vice President of Legislative Affairs. As our FLEOA FAMS Chapter Agency President Frank Terreri and his Executive Vice President, Robert MacLean had formed the first FLEOA FAMS Agency Chapter, and we were truly moved when over 2,000 FAMS quickly applied for membership. Our National Executive Board was getting inundated with complaints from FAMS, and thankfully Terreri and MacLean took a leadership role given these FAMS were understandably concerned about being the target of retaliation from FAMS executives. As we advise all of our agency chapter officers, we instructed Terreri and MacLean to write a courteous and professional letter to then-FAMS Director Thomas Quinn outlining the problems frontline FAMS were experiencing, potential solutions to those problems, and a request to schedule a meeting. Director Quinn ignored their letter, and proceeded to publicly call our National Executive Board members and our FAMS Agency Chapter executive officers: "amateurs," "de facto union thugs," "FLEAS," "pinheads," "insurgents," and most disturbing, "organizational terrorists." At the time, FAMS was under the purview of ICE, and I was with the ICE/OPR. I was incredulous of the steady stream of allegations from Director Quinn and his Assistant Director Kent Jeffries, requesting investigations of FAM Terreri and other vocal FAM FLEOA Agency Chapter Vice Presidents for frivolous charges. It was plainly obvious to me that Director Quinn's main focus was to revoke their security clearances, which he actually did in one case, (even though he lacked any authority or delegation to do so, and which we quickly reversed, which enraged Quinn further!) - a grave act that would eventually result in their terminations, that could not be appealed, due to the U.S. Supreme Court decision in the case of Department of Navy v. Egan. Director Quinn kept complaining to ICE/OPR of how "slow" our investigations were and insisted that we act faster, and used the security clearance revocation to get around this. I distinctly remember the fact that after FAM Terreri was CLEARED of all charges in his first of two ICE/OPR investigations, Quinn continued to keep FAM Terreri from going back to active duty six weeks after Quinn was notified that the allegations were determined to be "UNFOUNDED." Director Quinn was extremely angry of the OPR findings and then proceeded to initiate more witch-hunt investigations of him and his fellow FLEOA Agency Chapter Vice Presidents: Robert MacLean, Spencer Pickard, and Philip Black.

From my experience at ICE/OPR, I considered Director Quinn a raging megalomaniac who was desperate to silence any descent within the FAMS. FAMS Terreri and his fellow Agency Chapter officers had common sense solutions to serious safety and security issues. They attempted to professionally and respectfully address these issues with FAMS executives, but they were ignored and got crucified for their efforts. I think it is safe to say that the House Committee on the Judiciary investigation directed by then-Chair F. James Sensenbrenner and the San Diego ICE/OPR investigations conducted by my long-time friend, Associate Special Agent In Charge, James Wong, were the events that forced Director Quinn and other abusive FAMS executives into their second retirements. Without specifically judging whether these brave officers made valid legal whistleblower disclosures or not, I firmly believe their bold actions and the subsequent positive changes that improved aviation security should be seriously considered. I can also state that at no time did they disclose classified or critical-sensitive information.
They stood up and spoke out while their coworkers played it safe - now they are marginalized or jobless while those who remained silent enjoy safer working conditions and flourishing careers. I certainly hope there is some closure to this so that these gentlemen can get on with their careers soon.

Please feel free to contact me at anytime for any additional information you may need. Thank you for your time and consideration.

Matthew L. Issman
Washington, DC