

WHITE PAPER

on the immediate need for Cockpit Installed Physical Secondary Barriers 5 U.S.C. § 1213(e)(1) reply to the U.S. Office of Special Counsel

by
U.S. Federal Air Marshal Robert J. MacLean
with the assistance of other U.S. Federal Air Marshals

Page 158 of the 9/11 Commission Report:

“While in Karachi, [‘9/11 principal architect’ Khalid Sheikh Mohammed (KSM)] also discussed how to ease flights in Southeast Asia. KSM told them to watch the [cockpit] doors at takeoff and landing, to observe whether the [pilots] went to the lavatory during the flight, and to note whether the flight attendants brought food into the cockpit.”

Association of Flight Attendants President Sara Nelson’s testimony to Congress on February 13, 2019:

“We completely support secondary barriers in all of our aircraft. It’s an absurd practice to have flight attendants use their own bodies as the barrier between the cabin and the cockpit.”

Dedicated to:

- The late U.S. Department of Air Force Deputy Assistant Secretary Earnest “Ernie” Fitzgerald
- The late U.S. Navy Aviator and 9/11 United Airlines Flight 175 Captain Victor Sarancini
- The rest of the 9/11 victims and their loved ones
- To all of the U.S. military troops who have been injured or made the ultimate sacrifice after 9/11—and to all of their loved ones

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**Transportation
Security
Administration**

March 7, 2019

REPLY REPORT FOR: The President
Congress
Henry Kerner
Special Counsel
U.S. Office of Special Counsel

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SUBJECT: Solutions and reply to October 11, 2018 U.S. Department of Homeland Security Secretary Kirstjen Nielsen's response to the U.S. Office of Special Counsel's (OSC) 5 U.S.C. § 1213 violation of law and danger disclosure referral; OSC File No. DI-16-2046: Lack of flight deck ("cockpit") Installed Physical Secondary Barriers to protect pilots from rush, firearms, and opioid attacks

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Postpose the purchase of questionably effective computed tomography machines, implement the INTERIM cockpit transition procedures per IV.; and emplace Installed Physical Secondary Barriers in accordance to the existing 2002 FAA order and the Aviation and Transportation Security Act’s Section 104.....56

Cockpit Installed Physical Secondary Barrier systems must be modular, one-person replacement and operation capable, down-time for the aircrafts eliminated, minimally invasive for installation, rush / firearms / opioid attacks prevention, and sabotage free.....56

A TSA explosive expert asserted that it’s almost impossible to detect a well-made IED; he’s directed to embed metal into faux IEDs so that TSOs can find them.....56

Abbreviations

AFA.....Association of Flight Attendants

ALPA.....Air Line Pilots Association

ASAC.....Assistant Supervisory Air Marshal in Charge

DHS.....U.S. Department of Homeland Security

DSAC.....Deputy Supervisory Air Marshal in Charge

DEA.....U.S. Department of Justice (USDOJ) / Drug Enforcement Administration

FAA.....U.S. Department of Transportation / Federal Aviation Administration

FAM.....Federal Air Marshal

FBI.....USDOJ / Federal Bureau of Investigation

FLEOA.....Federal Law Enforcement Officers Association
 IED.....Improvised Explosive Device
 LE/FAMS.....DHS / TSA Law Enforcement Federal Air Marshal Service
 MSPB.....U.S. Merit Systems Protection Board
 OIG.....Office of Inspector General
 RSAC.....Regional Supervisory Air Marshal in Charge
 S/A.....Criminal Investigator / Special Agent
 SFAM.....Supervisory Federal Air Marshal
 SOCS.....Security Operations Center Specialist
 TSA.....DHS / Transportation Security Administration
 TSO.....Transportation Security Officer
 TSOC.....Transportation Security Operations Center / Freedom Center
 TSSE.....Transportation Security Specialist - Explosives
 TO.....DHS / TSA / LE/FAMS Training Officer
 TSA.....DHS / Transportation Security Administration
 USDOT.....U.S. Department of Transportation

I. Background; Page 158 of the 9/11 Commission Report is clear: The hijackers attacked when the cockpit doors were routinely unlocked in flight; the lack of secondary barriers are in violation of a January 11, 2002 executive order and Section 104 of the Aviation and Transportation Security Act of 2001; and the lack of secondary barriers are a substantial danger to public health and safety

Dear Mr. President, Mr. Senate Majority Leader, Madam House Speaker, Congressional Committee Chairpersons and Ranking Members, and U.S. Special Counsel Henry Kerner:

I'm grateful and honored for this opportunity to provide solutions to substantial dangers to public safety and security. As an aviation counter-terrorism law enforcement officer, it is my duty to assist all government agencies. Here I will present immediate interim measure and the long-term IPSB solution to protect commercial passenger air carrier aircrafts ("aircraft). Specially to 100% protect pilots and flight decks ("cockpits") when cockpit doors ("doors") are routinely unlocked.

I became a U.S. Department of Homeland Security (DHS) / Transportation Security Administration (TSA) / Law Enforcement Federal Air Marshal Service (FAMS) Federal Air Marshal (FAM) on October 14, 2001.¹ I was in the first class of FAMs to graduate after the 4 terrorist aircraft hijackings and attacks of September 11, 2001 (9/11).

I'm a well-paid public servant with extensive terrorism training. I have an obligation to provide you with scenarios on how terrorist organizations can easily exploit weaknesses in our aviation security systems. Up until 2016, I had an unblemished record and consistently rated as an **"exemplary"** FAM.

I begged for and was arbitrarily rejected for a 5 U.S.C. § 3352 transfer out of the TSA soon after beating its appeal to the Supreme Court of the United States on January 21, 2015. I'm exceptionally unpopular with TSA senior leadership on my insistence that

¹ On October 14, 2001, the U.S. Federal Air Marshal program was under the U.S. Department of Transportation / Federal Aviation Administration.

IPSBs be fully emplaced on all aircrafts so that FAM can prevent threats from going airborne. The past 4 years have been rougher on my family than when I had to be a janitor and a gypsy roofer to make ends meet after TSA illegally terminated my employment on April 11, 2006 based on only one charge associated with a July 2003 copycat-9/11-plan to attack unlocked cockpits.²

From 9/11 to July 2003, my fellow FAMs and I questioned our ability to react to a rush attack on a cockpit, draw our firearm, and perfectly place a shot to stop an attacker from breaching an unlocked cockpit. Many good FAMs resigned. After our unprecedented emergency training in July 2003, enough was enough and I complained to 3 DHS-OIG offices and a journalist in touch with key members of Congress. Those members railed against TSA senior leadership through Kirstjen Nielsen, who is now the Secretary of DHS. In July 2003, Ms. Nielsen was the TSA director for congressional affairs.

What you're about to read is going to be extremely difficult. The fact of the matter is that not enough key officials ever carefully read the 9/11 Commission Report—and who could blame them? No one wants to read an autopsy report of the worst attacks on U.S. soil since the December 7, 1941 attack on Hawaii. It already horrific for all of us to watch in on live television for 2 hours.

The 9/11 Commission Report—published on August 21, 2004—lends significant weight to the exceptional likelihood that the hijackers simply waited until the doors were routinely unlocked without any protection. Page 158 of the Report is one of the most crucial yet ignored facts about 9/11:

“While in Karachi, [‘9/11 principal architect’ Khalid Sheikh Mohammed (KSM)] also discussed how to case flights in Southeast Asia. KSM told them to watch the [cockpit] doors at takeoff and landing, to observe

² Mar 14, 2012 Nashville Channel 5 News television transcript titled, “Roofers Help Fight Crime” by Marcus Washington
<https://web.archive.org/web/20130529143615/http://www.newschannel5.com/story/17160786/roofers-help-fight-crime>

whether the [pilots] went to the lavatory during the flight, and to note whether the flight attendants brought food into the cockpit.”

Page 5 of the Report:

“[Using an inflight telephone, American 11 Flight Attendant Betty Ong told surface officials that the hijackers may have] **jammed their way** [into the cockpit.]” (*emphasis added*)³

While in flight and without an effective protective Installed Physical Secondary Barrier, pilots dangerously unlock cockpits in order to—

- conduct visual wing surface inspections,
- sleep during cross-ocean flights,
- obtain sustenance, and
- use the lavatory.

Most of TSA’s resources are focused on screening passengers who need to board their flights. **Most of the budget** is to address passengers as **suicidal-homicidal threats**, because any person with the intent to kill others during the flight will either be a successful death mission, or failing and spending the rest of their lives in a U.S. SUPERMAX prison like the shoe and underwear bombers now are. Even a successful take-over of a cockpit will result in fighter jet preventing it from reaching a potential ground target.

TSA spends significantly less resources to address the homicidal or unbeknownst threats that exists among airport workers. This is commonly referred to and the “Insider-Threat”.

Insider-Threats can kill with impunity—wittingly or unwittingly—in contrast to all non-PreCheck passengers who are considered potential suicidal-homicidal threats at agency airport security screening checkpoints. Case in point, **46 airport workers were indicted in one airport alone** in 2015 for sneaking unknown packages passed security

³ The 9/11 Commission Report (unclassified): <https://www.9-11commission.gov/report/911Report.pdf>

screening with packages they do not know—or claim to not know.⁴ 3 years later, 10 workers in the **same airport** were arrested for the same crimes.⁵

A 2011 DHS and U.S. Department of Transportation (USDOT) commissioned study report correctly asserted that **only 5 (five) seconds or less** is needed to stop an attacker so that the pilot can close the door and emergency land the aircraft.

Two years after 9/11, the OSC sustained pre-9/11 FAM and FAA Red Team Leader Bogdan Dzakovic’s danger disclosures.⁶ Also a former U.S. Coast Guard commissioned officer, Mr. Dzakovic recently retired from the TSA and authored a book titled, “Fortress of Deceit: The Story of a 9/11 Whistleblower”. On page 353 Mr. Dzakovic asserted that the emplacement of IPSBs is a priority:

“Installing double-hulled doors to the cockpits of commercial aircraft (in which one door has to be closed before the other can be opened) would effectively eliminate hijackings. The current single hulled doors are just a sloppy fix.”

The events in the past 2 months are signaling every mentally-ill and/or extremist to immediately attack unlocked cockpits while in flight. Such attacks can happen in two ways—

- sprint and vault and/or dive oneself into a cockpit; and
- throwing powdered synthetic opioids—fentanyl or carfentanil—at the pilots when the door is open.

There exist far-fetched theories that the 9/11 hijackers did not simply wait for the doors to routinely unlock, that the hijackers either—

- “broke open the 4 Boeing doors”
- “killed passengers or made bomb-threats until the pilots unlocked the doors”

⁴ July 15, 2015 The Washington Post article titled, “46 people indicted in drug-smuggling bust at Dallas-Fort Worth airport” by Ashley Halsey III:

https://www.washingtonpost.com/local/trafficandcommuting/undercover-sting-snags-would-be-airline-drug-smugglers-at-dallas-fort-worth/2015/07/15/4d016a0e-2b04-11e5-bd33-395c05608059_story.html

⁵ MAY 15, 2018 Star-Telegram article titled, “Feds: 10 schemed to load drugs, weapons and explosives on aircraft at [Dallas Forth Worth] Airport” BY Mitch Mitchell: <https://www.star-telegram.com/news/local/community/fort-worth/article211175769.html>

⁶ February 27, 2002 The New York Times article titled, “A NATION CHALLENGED: AIRPORTS; [U.S. Department of Transportation / Federal Aviation Administration] Is Accused of Ignoring Security Lapses” by Philip Shenon: <https://www.nytimes.com/2002/02/27/us/a-nation-challenged-airports-faa-is-accused-of-ignoring-security-lapses.html>

- “killed passengers until the flight attendants unlocked the doors”

(SEE Section III. for details)

► ► ► **Federal Air Marshals are trained to believe that two of the most primary non-IED concerns are that pilots will unlock cockpit doors under duress, or that the doors can be broken open if an attacker runs into it (summary)**

- The false concern that pilots will unlock doors under duress
- The LE/FAMS training program falsely asserts to FAMS that doors can be broken open

(SEE Section III. Page 45 for details)

► ► ► **Interim measures and the long-term solution (summary)**

INTERIM solution: Pilots need to stop notifying any potential bad-actor in the cabin that they are going to unlock the cockpit and switch out with a flight attendant. I will assuage all fears—potential incapacitated or suicidal pilots—and provide you with a safe end to having a flight attendant needlessly and dangerously switch out with a pilot, i.e., the cockpit “2-man rule”. *(Please see Section V page 52 for details)*

The LONG-TERM solution: There exist cost-effective and basic technology right now exists to fully encompass and seal the forward galley with a bullet and powdered opioids proof Installed Physical Secondary Barrier (IPSB). Similar measures were carried out between the terrorist attacks of September 11, 2001 (9/11) and the end of the cockpit reinforcement mandate, April 4, 2003.

On January 11, 2002, the U.S. Department of Transportation (USDOT) / Federal Aviation Administration (FAA) issued a mandate directing all U.S. air carriers to reinforce cockpits within 15 months. After the 15 months, the largest pilot union publicly complained about the lack of IPSBs to protect unlocked doors. 4 months after the union’s

public grievance, the terrorist group Al Qaeda plotted again to hijack aircrafts by rushing unlocked doors.

Section 104 of the Aviation and Transportation Security Act of 2001 (Title 49 of U.S.C.) states “As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

“(C) requir[e] that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit access and egress by authorized persons”⁷

This ATSA provision is violated every time a door opens without an IP SB emplaced.

▶ ▶ ▶ 3 ½-foot air carrier service trolley (“drink-carts”) and/or flight attendants are now the only protection between unlocked cockpits to stop another 9/11

DHS’s response to the U.S. Office of Special Counsel’s (OSC) referral (OSC File No. DI-2046) is missing the unredacted study reports commissioned by the USDOT and DHS. Both of the reports—that I requested for its response to this OSC’s referral—concluded that both the flight attendants/drink-carts and flight attendants/no drink-carts block methods are “ineffective”:

“Despite the important recommendations from the [September 28, 2011 Radio Technical Commission on Aeronautics (RTCA) No. DO-329] report, **only 5 of 63 air carrier representatives and none of the 34 FAA inspectors** we interviewed were aware of either the RTCA study or FAA’s guidance. According to FAA, this is because none of the airlines we interviewed had requested new blocking procedures, and inspectors were under the impression the guidance only applied to new procedures. As a result, critical information contained in the study was ineffectively communicated to the field to address safety risks as called for in FAA’s Safety Management System.

⁷ Aviation and Transportation Security Act of 2001 on the official website of the U.S. Department of Homeland Security / Transportation Security Administration; (page 10 in the PDF TSA.gov link) of: https://www.tsa.gov/sites/default/files/aviation_and_transportation_security_act_atsa_public_law_107_177_1.pdf

Lastly, FAA’s guidance omits some key information. While FAA’s guidance mentions the RTCA report, it does not highlight important conclusions from the report needed to select a door protection method. As an example, **the report concluded that some improvised secondary barriers, such as a flight attendant with a galley cart, were ineffective** ‘as tested,’ and additional enhancements were required to raise the effectiveness of certain barrier methods to an acceptable level.” (*emphasis added*)⁸

The USDOT-OIG’s findings were so disturbing, that it had to withhold specifics—with redactions—from TSA Federal Air Marshals with Top Secret security clearances.

\$5.9 Trillion in post-9/11 U.S. military expenditures in Iraq and Afghanistan, \$7 Billion “questionable” air marshal program, 2,977 victims killed on 9/11, and over 6,796 troops killed in Iraq and Afghanistan. It’s been reported that more than 2,000 have died since—10,000 first responders been diagnosed with cancer.⁹ All this mostly as a result of unlocked cockpits without secondary barriers to protect them like Israel’s national air carrier, El Al, had before the 9/11 attacks.

6 years after I disclosed it through 4 proper channels before going to a journalist in contact with several congressional leaders, TSA withheld—Freedom of Information Act (FOIA)—its July 26, 2003 warning that al Qaeda hijackers would rush post-April 4, 2003 reinforced and now bullet-proof cockpits—

“either shortly after takeoff or shortly before landing”¹⁰

⁸ March 19, 2018 Freedom of Information Act response providing a redacted copy, to Federal Air Marshal Robert MacLean, of the June 26, 2017 U.S. Department of Transportation (USDOT) / Office of Inspector General Audit Report No. AV2017063 titled, “[The USDOT Federal Aviation Administration (FAA)] Has Taken Steps to Identify Flight Deck Vulnerabilities but Needs to Enhance Its Mitigation Efforts”: https://www.oig.dot.gov/sites/default/files/FAA%20Cockpit%20Safety%20SSI%20Final%20Report%209132017_Redacted_508.pdf

⁹ March 4, 2019 “[Congressman Josh] Gottheimer Stands with First Responders, Victims, Calls for the Restoration of the 9/11 Victims Compensation Fund” by Josh Gottheimer: <https://www.insidernj.com/press-release/gottheimer-stands-first-responders-victims-calls-restoration-9-11-victims-compensation-fund/>

¹⁰ February 7, 2007 redacted Freedom of Information Act (FOIA) response and the unredacted July 14, 2009 FOIA response copy of the July 26, 2003 “Department of Homeland Security Advisory Title: Potential Al-Qaeda Hijacking Plot in the U.S. and Abroad” <http://bit.ly/2006foia2009>

Again, page 158 of the 9/11 Commission Report:

“KSM told them to watch the [cockpit] doors at takeoff and landing”

The July 26, 2003 warning was so sensitive that it withheld it from my U.S. Merit Systems Protection Board discovery requests after the TSA terminated me on April 10, 2006 for the single charge stemming from my disclosure of Al Qaeda’s second plot to attack cockpits when they were routinely unlocked. I did not obtain a fully unredacted copy of the warning until July 14, 2009. Citing the July 26, 2003 warning, the Supreme Court of the United States, on January 21, 2015, affirmed in a 7-2 ruling that my danger disclosures did not violate law.

The law firm that initially represented me for my 2006 termination warned me that I “shot [myself] in the head”. The firm believed that asserting my unlocked cockpit concerns would permanently prevent TSA from ever considering a settlement. For this reason, I called and emailed ABC News the day after I was fired.

►►► DHS withheld all 7 of the requested unredacted and classified reports proving the need for cockpit Installed Physical Secondary Barriers

DHS’s October 11, 2018 response to the OSC’s 5 U.S.C. § 1213 January 18, 2018 order is a long-winded blame-game that’s fluffed full of confusing bureaucratic bloviation about countless policies and regulations. 108-page report offered no effective solutions. It failed to provide any of the details **heavily redacted details** from the aforementioned—

- 1) June 2005 TSA congressional report on secondary barriers that was disclosed to CNN News in 2007
- 2) September 28, 2011 Radio Technical Commission on Aeronautics (RTCA) No. DO-329
- 3) December 14, 2014 TSA LE/FAMS U.S. Army Aberdeen Proving Grounds, Maryland study report or any associated documents
- 4) June 26, 2017 USDOT-OIG Audit Report (No. AV2017063)
- 5) October 24, 2017 DHS Office of Inspector General (DHS-OIG) report on the TSA LE/FAMS (No. OIG-18-04)
- 6) December 19, 2018 DHS Office of Inspector General (DHS-OIG) report on the TSA LE/FAMS (No. OIG-19-17)

Both the 2017 and 2018 DHS-OIG reports publicly assert that the TSA LE-FAMS's effectiveness is "questionable," its funds could "be put to better use," and the latter report: **49% of the program's \$803 million** funds could be spent on other security programs. \$3.5 Billion may have been wasted since 9/11 on an air marshal program that should have only been temporary until the cockpit was fully secured. Instead the program became a 20 to 39-year career law enforcement agency fraught with problems yet only able to cover a **single-digit percentage** of the almost 80,000 daily U.S. flights. In stark contrast, IPSBs 100% eliminate cockpit breaches.

► ► ► One of my top retaliators directed me to seek and pay for a private psychiatric examination after questioning an unwritten dangerous policy that exempts religious airport food truck inspections by law enforcement asserts that there is no need for cockpit Installed Physical Secondary Barriers

Almost 2 years ago, Supervisory Federal Air Marshal (SFAM) Steven W. Mosley filed a complaint accusing me of being a misogynist. To date, that complaint has yet to have been sustained.

In a case cited by The New York Times: 10 days after I made an inquiry to about a dangerous unwritten policy, SFAM personally initiated a process to have my firearm revoked and directed me to seek and pay for a private psychiatric examination. SFAM Mosley's filing forced me to exhaust 2 months of my earned Sick Leave only to have my general physician and a psychiatrist assert that my law enforcement duties be fully reinstated. A TSA physician concurred and the agency reinstated to full duty as a FAM.¹¹

The Metropolitan Washington Airports Authority (MWAA) and TSA have a policy in which it prohibits law enforcement officers from conducting "open and look" checks on airport cargo trucks containing religious airline meals. MWAA and TSA directed me and other FAMs to set up a vehicle checkpoint inside the Dulles International Airport operations area (AOA). Our surprise airport employee and vehicle inspections

¹¹ April 25, 2018 The New York Times article titled, "Scandals and Investigations, but Few Arrests, for Air Marshals Program" by Ron Nixon: <https://www.nytimes.com/2018/04/25/us/politics/air-marshals-scandals-investigations.html>

were named “Operation Guardian”: Immediately after every vehicle entered through the manned AOA security gate, it was directed to our area with marked law enforcement vehicles and we were all in “POLICE”-labelled uniforms. Every vehicle and employees’ bags were searched for dangerous contraband. When the religious airline meal trucks entered, we were ordered not to open them. This disclosure was also referred by the OSC to the DHS Secretary for a mandatory report of investigation now pending.¹²

►►► In lock-step with TSA’s dismissive report of investigation responding to the U.S. Office of Special Counsel, one of my top retaliators asserts that there is no need for cockpit Installed Physical Secondary Barriers

SFAM Steven W. Mosley has been with the Federal Air Marshal program since the attacks on 9/11 and long before. With the Federal Air Marshal program since before the 9/11 attacks, SFAM Mosley’s May 15, 2018 complaint affidavit addressing a question posed by TSA Investigations:

“Did you ever discuss secondary barriers with FAM MacLean?”

To the best of my memory, [Robert MacLean and I] might have discussed secondary barriers in a passing conversation but never in details. I personally do not believe in the need for secondary barriers because in my opinion we already have procedures in place that are adequate to deal with any attempt a breaching of the flight deck [(‘cockpit’)].”

SFAM Mosley’s sworn testimony summarizes the agency’s 108-page October 11, 2018 report of investigation in response to the OSC’s referral to the DHS Secretary about the need for IPSBs. SFAM Mosley and most all of his fellow TSA LE/FAMS senior managers perceive IPSBs as a threat to their careers that require little to no law enforcement activity. SFAM Mosley likes to tell us, “They pay me **\$187,063 a year** to avoid any and all police work, best job ever!”

¹² December 19, 2018 Government Accountability Project (GAP) press release titled, “Whistleblower Agency Orders New Investigations of Aviation Security Breakdowns Exposed by Air Marshal Robert MacLean” by Tom Devine, Legal Director of GAP: <https://www.whistleblower.org/press-release/whistleblower-agency-orders-new-investigations-aviation-security-breakdowns-exposed-air/>

Another one of my top retaliators was Supervisory Air Marshal in Charge (SAC) Rose Tancredi. SAC Tancredi was one of the five TSA LE/FAMS representatives to participate in the 2011 RTCA DO-329 study. The chilling results were never disseminated to rank-and-file FAMS and FAM instructors until my first-line supervisor I discovered the heavily redacted study report.

In February 2016, my first-line supervisor called me and then personally warned me that he was concerned about me flying FAM missions to locations such as the Arabian Peninsula. He said that TSA LE/FAMS leadership directed him to order FAMS to remove their photos, names, and locations from their open social media Internet sites. TSA received intelligence that terrorist groups were using open source Internet sites to develop “KILL LISTS” to target U.S. officers. Cc:ing my first-line, I filed a report with TSA Headquarters Security Services and Assessments about my first-line’s concern given the fact that my name, photos, and location was all over numerous main-stream media Internet sites. Given my 19-year clean and consistently “exemplary” past law enforcement record, I asked that I be afforded the same opportunity as other I Band FAMS to be reassigned a permanent position with the TSA Office of Inspection that required no flying. After being declined, I sat and did mostly nothing in a cubicle for 45 days. I subsequently requested to be reassigned to understaffed TSA LE/FAMS Fairfax County division that were sending out announcements that it needed to pay relocation benefits for “multiple FAMS” across the U.S. My request was also denied. For the next 4 months, I was ordered to sit in a building with no duties while operations Visual Intermodal Prevention and Response (VIPR) FAMS walked passed me ridiculing me daily. I’ve had nothing but involuntary directed reassignments (IDA) ever since.

My first-line, who first complained about my lack of anonymity, was also given an undesirable IDA that would force his long commute from Prince William County to McLean, Virginia during regular business hours. Instead, he chose a demotion to go back to being an I Band flying FAM. This gentleman has been the only managerial TSA LE/FAMS official to overtly advocate on my behalf. He also demanded that TSA LE/FAMS senior leadership provide rank-and-file FAMS access to the unredacted 2011

RTCA DO-329 study report. He was astounded to learn about the RTCA DO-329 study since he just finished 3 years being the SFAM in charge of the WFO training division.

► ► ► TSA is designating as sensitive and/or classifying an issue of door that passengers can watch open and close

This is another absurdity of TSA's over-secrecy. The doors open and close **in plain view** of most passengers on any given flight. They also can see the pilots notifying the flight attendants of the fact that they're going to unlock the door to exit the cockpit, and that a drink-cart is getting spun around in a futile attempt to block a sprinting suicidal hijacker, the pilot exits while a flight attendant enters, and finally, they know a flight attendant is now going to exit while a pilot re-enters.

This unnecessary secrecy is just another attempt to protect a bloated \$803 million a year "questionable" in-flight security program that should be mostly eliminated. The TSA LE/FAMS career law enforcement agency will no longer be needed after IPSBs are emplaced in front of the now reinforced, and bullet and opioid attack proof cockpits.

► ► ► The expectant Federal Air Marshal teams' ability to stop cockpit breaches by role-playing hijackers had to be redacted from the 2011 RTCA DO-329 study's \$125 publication

The RTCA DO-329 study made a chilling conclusion on how effective the **expectant** FAM teams were able to prevent role-playing hijackers trying to rush unlocked cockpits.

In real life, a FAM team is sleepy, has seatbelts fasten, and/or tray-tables down. The RTCA DO-329 role-player hijackers were unwilling to seriously injure themselves by going at full speed and strength such as suicidal-homicidal fanatics. No professional law enforcement organizations were invited to the RTCA study such as FLEOA.

TSA declined my access to the **unredacted** RTCA report for my 5 U.S.C. § 1213(e)(1) reply.

I confirmed, the role-player terrorists were able to defeat a ready FAM-team if they began their attack within approximately 40 feet of the cockpit. A suicidal terrorist does not need to purchase a ticket upgrade at this distance.

► ► ► Bring back the air marshal surge-program if Congress believes there's a need for armed coverage of flights

From 2003 to 2005, there was an attempt to evolve the air marshal program into a temporary surge detail open to other law enforcement agencies. But sources told me that senior managers within TSA LE/FAMS saw it as a threat to their multi-million-dollar fiefdoms and sabotaged the effort that would have been a success. To date, rules allow both federal and local enforcement officers to fly armed. If Congress believes that an air marshal program is crucial, it should eliminate 90% of the top-heavy TSA LE/FAMS agency and open a new surge program that would deploy available officers to nearby airports to fly missions for specific threats.

► ► ► For over 2 years, Korean Air has equipped their aircrafts and trains its flight attendants to use the non-lethal electronic TASER device in order to restrain combative passengers

FAMs' primary mission is to protect the pilots, they should no longer be tasked with breaking their anonymity and dangerously walking deep into aircraft cabins to restrain combative or **verbally assaultive** passengers.¹³

One day terrorists' loud obnoxious performance will be a ruse to ambush, disarm, and incapacitate one or more FAMs.

¹³ July 11, 2018 ABC News article titled, "Disruptive passenger forced to reimburse Delta for emergency landing" by Jeffrey Cook: <https://abcnews.go.com/US/disruptive-passenger-forced-reimburse-delta-emergency-landing/story?id=56522799>

Rank-and-file flying FAMS have no reservations about TASER devices being on aircrafts so that they can focus on protecting the cockpit. For over 2 years, there have been no deaths since Korea Air began deploying TASER devices.¹⁴

► ► ► **TSA provided Congress its June 2005 report in favor of cockpit secondary barriers—that only one media organization was able to obtain a copy**

Two years after the fact, CNN News was finally able to obtain a 2005 unpublished report produced by the TSA regime in power. 2005 was the year in which TSA senior leadership—under TSA Administrator Kip Hawley—launched an investigation to terminate me, interviewed me, and proposed my termination. I was terminated on April 11, 2006. TSA’s 2005 report is bipolar—it admits that IPSBs are an absolute security necessity, but at the same time has to adhere to whatever the airline lobby orders it to do:

“In a June 2005 report to Congress, the Transportation Security Administration said the barrier ‘appears to be a simple solution that offers greater security at a relatively low cost.’ ‘Valuable time is gained in deterring the movement of an unauthorized individual towards the flight deck,’ the report said. But the TSA recommended against mandating secondary barriers, citing ‘the costs of engineering and installation that would be incurred by the [airlines] to retrofit’ aircraft. ‘The economic fragility of the industry due to increasing costs, including persistently rising fuel prices, makes this a decisive recommendation.’”¹⁵

At the same time, TSA was expanding its LE/FAMS Federal Air Marshal program and firing anyone who stood in the way. The TSA LE/FAMS annual budget since 2002 has been just a little shy of \$1 billion. Since then, approximately \$18 billion has been spent. This \$18 billion does not include the costs of litigating the terminations of the LE/FAMS whistleblowers such as me and FAM Frank Terreri.¹⁶ The \$17 billion also

¹⁴ January 19, 2017 British Broadcasting Corporation (BBC) article titled, “Korean Air used electric stun gun on five passengers” by Simon Atkinson: <https://www.bbc.com/news/business-38580804>

¹⁵ September 10, 2007 CNN News article titled, “Pilots: Cockpits remain vulnerable to terrorist assault” by Mike M. Ahlers: <https://web.archive.org/web/20070912153145/http://www.cnn.com/2007/TRAVEL/09/10/protecting.cockpits/index.html>

¹⁶ February 8, 2006 Americans for Civil Liberties Union (ACLU) press release titled, “Judge Says Air Marshal [Frank Terreri] Whistleblower Suit Will Move Forward”: <https://www.aclu.org/news/judge-says-air-marshall-whistleblower-suit-will-move-forward>

does not include the cost of investigating and/or litigating the damage caused by FAMS who should have never been hired in the first place.¹⁷

► ► ► **It's disingenuous when TSA LE/FAMS executives constantly assert: "*There have been no hijackings on our watch.*"**

Many active and former FAMS assisted me in providing me details to compose this report. Active FAMS are concerned about retaliation from TSA senior leadership. Retired FAMS are also concerned about retribution and having their pensions being garnished, suspended, or revoked. Another concern is the fact TSA can retroactively mark disclosures as unclassified "Sensitive Security Information" (SSI). Most of these individuals are glad to be served with federal subpoenas and provide testimony.

He "While in Karachi, ['9/11 principal architect' Khalid Sheikh Mohammed (KSM)] also discussed how to case flights in Southeast Asia. KSM told them to watch the [cockpit] doors at takeoff and landing, to observe whether the [pilots] went to the lavatory during the flight, and to note whether the flight attendants brought food into the cockpit."

He was right: On December 22, 2001 and on December 25, 2009 two U.S.-flagged air carrier flights coming from Europe to the U.S. survived IED attacks. Both flights had no FAMS on board. Both flights came from cities in which we station numerous U.S. counter-terrorism and law enforcement officers. The 2009 attack came from Amsterdam where TSA stations a "Transportation Security Administration Representative" to reside and pays a 6-figure salary with foreign compensation benefits.

► ► ► **Federal Air Marshals (FAM) anonymity is routinely exposed by foreign authorities, in response, TSA LE/FAMS senior leadership asserts that bad-actors will choose not to attack knowing that FAMS are on board their aircrafts**

The hypocrisy of this "security [theater]...layers" constantly propagandized:

¹⁷ November 13, 2008 ProPublica article titled, "Air Marshals: Undercover and Under Arrest" by Michael Grabell: <https://www.propublica.org/article/air-marshals-undercover-and-under-arrest-1113>

- One FAM was recently suspended for giving a food server a TSA pin thus compromising his team's anonymity.
- I was suspended in 2016 after foreign authorities arrived late to pre-board us in response to the TSA mandate that the aircrew must be given a needless briefing about FAMs' seating assignments. Anxious to avoid a late departure, the airline gate agent saw the uniformed officers leave the aircraft and allowed the passengers to immediately board our single-aisle aircraft. The host country does not allow FAMs to unlock the boxes containing our holsters and weapons. Arming up is not an instantaneous process, therefore passengers boarded and were alarmed. During the fracas, I dropped one of the 3 ammunition magazines that all FAMs are mandated to carry on their person. A cleaning crew later found my fallen magazine.

This flies in the face of TSA's assertion that FAMs add an extra security layer due to being an "unseen, unheard" deterrent. It's also in violation of Section 4016 of the Intelligence Reform and Terrorism Prevention Act Of 2004:

"FEDERAL AIR MARSHALS.

(a) FEDERAL AIR MARSHAL ANONYMITY. - The Director of the Federal Air Marshal Service of the Department of Homeland Security shall continue operational initiatives to protect the anonymity of Federal air marshals."¹⁸

► ► ► While there have been 2 failed shoe and underwear bomb attacks—without Federal Air Marshals on both flights—there have been no hijackings mostly in part to oversight outside of TSA

There have been no aviation disasters due to the fact that TSA senior leaders' endless reckless plans were exposed and stopped thanks to oversight and accountability by members of Congress, congressional committees, inspectors general, non-government organizations, responsible media, the OSC, and brave insiders who reported wrongdoing before it was too late.

¹⁸ Public Law 108–458 Intelligence Reform and Terrorism Prevention Act of 2004 108th Congress: <https://www.govinfo.gov/content/pkg/PLAW-108publ458/pdf/PLAW-108publ458.pdf>

▶▶▶ We see secondary barrier systems in everyday life

They exist in busy city centers' in front of jewelry stores, banks, all-night convenient stores, police stations, elementary schools, etc. They should be in front of cockpits to prevent another 9/11. In closing, my reply to DHS's October 11, 2018 response to OSC File No. DI-16-2046 violation of law and danger disclosures provides you the immediate interim cockpit security measures, and the long-term solution—emplacing Installed Physical Secondary Barriers—that must be implemented as soon as possible. The danger is imminent given recent publicity and videos exposing this gapping security lapse.

In closing, my reply to DHS's October 11, 2018 response to OSC File No. DI-16-2046 violation of law and danger disclosures provides you the immediate interim cockpit security solutions, and the long-term—emplacing Installed Physical Secondary Barriers—that must be implemented as soon as possible. The danger is imminent given recent publicity and videos exposing this gapping security lapse.

Respectfully submitted,

Robert J. MacLean
Federal Air Marshal

II. Soon after the 9/11 attacks, U.S. Government aviation oversight agencies and commercial air carriers failed to fully implement the mandate to reinforce cockpits

NOTE: This is not a timeline. The following times and events are not necessarily in sequential order.

January 11, 2002: U.S. Department of Transportation / Federal Aviation Administration (FAA) press release on President Bush's order to reinforce doors within 15 months in response to 9/11:

“Requires strengthening of cockpit doors. The doors will be designed to resist intrusion by a person who attempts to enter using physical force. [...] The FAA rule uses an impact standard that is 50 percent higher than the standard developed by the National Institute of Law Enforcement and Criminal Justice. In addition to intrusion protection, the FAA is using a standard sufficient to minimize penetration of shrapnel from small arms fire or a fragmentation device. [...] **Requires cockpit doors to remain locked.**” (*emphasis added*)¹⁹

15 months later...

April 4, 2003: The largest pilots union publicly complained that the January 11, 2002 FAA order is dangerously flawed due to the fact that the new bullet-proof doors are routinely unlocked throughout the flight:

“The Federal Aviation Administration requires that cockpit doors be locked during flight, according to agency spokesman Les Dorr. But there are times when a pilot may open the door — to visually check wing surfaces, use the bathroom and change flight crews during a long trip. That leaves the possibility the cockpit could be rushed by a hijacker.

‘It’s a barrier when it’s closed, it’s an entry when it’s open,’ said Capt. Steve Luckey, chairman of the Air Line Pilots Association's national security committee.

[...]

Luckey would like to see another safety measure — a [bullet-proof] Kevlar curtain that acts as a secondary barrier when the cockpit door is opened. He said the curtain would delay a terrorist long enough for passengers to attack him. Luckey wants Congress to order all planes to have it.

[...]

¹⁹ January 11, 2002 U.S. Department of Transportation / Federal Aviation Administration (FAA) press release titled, “September 11, 2001: Attack on America FAA Sets New Standards for Cockpit Doors”: http://avalon.law.yale.edu/sept11/faa_001.asp

Israel's national airline, El Al, has among the most stringent security requirements. All its planes have double doors separated by a narrow hallway, said Offer Einav, former security director for the airline. Pilots must close one door before opening the other, he said."²⁰

3 months later...

June 23, 2003: From an FAA senior executive's June 23, 2003 response to a pilot's lack of IPSBs complaint—a pilot who “often flies from coast to coast”. The Los Angeles Times cited the FAA response 4 months after my July 28, 2003 danger disclosure cited by the Supreme Court:

“But the [post April 4, 2003 reinforced ‘bullet-proof’] security door might be **opened a dozen or more times on a long flight**, said Robert M. Semprini, a New York-based Boeing 737 co-pilot who often flies from coast to coast. **‘That’s a huge loophole,’** he said.

‘If a passenger sees a pilot walk out of the cockpit to go to the lavatory, they know the guy’s got to go back in,’ said Semprini

[...]

‘A company or airline may develop a design that exceeds the existing requirements [and], for example, **provides for a secondary barrier door,**’ [FAA Associate Administrator Nicholas] Sabatini wrote in a June 23 letter to Semprini.

[...]

‘We can’t rely on the assumption that a secure cockpit has been guaranteed by the doors that were put in,’ said Robert W. Poole Jr., director of transportation studies at the Los Angeles-based Reason Foundation. **‘We haven’t finished dealing with the problem.’**”

In the same article, again, there was the concern that an unlocked cockpit can be attacked with firearms:

“United Airlines is considering a second barrier -- perhaps a **Kevlar net** -- for better security.” (*emphasis added*)²¹

1 month later...

July 28, 2003: After going through my TSA LE/FAMS chain of command and then 3 different field offices of the DHS-OIG, I contacted a journalist who was responsibly

²⁰ April 4, 2003 CBS News “Bulletproof Cockpit Doors A Reality” by Dan Collins: <https://www.cbsnews.com/news/bulletproof-cockpit-doors-a-reality>

²¹ December 14, 2003 The Los Angeles Times article titled, “New Doors Causing Cockpit Problems” by Ricardo Alonso-Zaldivar and Richard O’Reilly <http://articles.latimes.com/2003/dec/14/nation/na-doors14>

reporting on the questionable effectiveness of the air marshal program. This journalist was in direct contact with bipartisan members of Congress: Several U.S. Senators including Charles “Chuck” Schumer, John Kerry, and Hillary Clinton; and several U.S. House of Representatives Members including Hal Rogers, Bill Pascrell, and James Langevin.²²

For 6 years, TSA would deny my FOIA and U.S. Merit Systems Protection Board (MSPB) discovery requests for its July 26, 2003 warning that “**suicidal**” al Qaeda hijackers would rush unlocked **post-April 4, 2003 reinforced** and now bullet-proof cockpits—

“either shortly after takeoff or shortly before landing[.]”

This copycat-911 hijacking plot and the July 26, 2003 DHS warning document was disclosed to and made the **front page of The Washington Post** on July 30, 2003.²³ For the record: I did not disclose the July 26, 2003 warning to The Washington Post due to the fact it was always safeguarded inside my field office. All FAMS were given an unprecedented emergency training directive to drive to and enter their field offices to be briefed on the July 26, 2003 warning.

13 months later...

August 21, 2004: The 9/11 Commission Report is published with the evidence that the hijackers simply waited for the door to be routinely unlocked:

“While in Karachi, [‘9/11 principal architect’ Khalid Sheikh Mohammed (KSM)] also discussed how to case flights in Southeast Asia. KSM told them to watch the [cockpit] doors at takeoff and landing, to observe whether the [pilots] went to the lavatory during the flight, and to note whether the flight attendants brought food into the cockpit.”

August 31, 2004: United Airlines announces that it will begin installing IPSBs on all of its aircrafts. United Airlines asserted that it was the first air carrier to do so:

²² Official website of Robert J. MacLean v. U.S. Department of Homeland Security; page of congressional supporters: <http://www.maclean-scotus.info/congressional-supporters.html>

²³ July 30, 2003 The Washington Post front page article titled, “Memo Warns Of New Plots To Hijack Jets” by Sara Kehaulani Goo and Susan Schmidt:

https://www.washingtonpost.com/archive/politics/2003/07/30/memo-warns-of-new-plots-to-hijack-jets/ab4a69d8-3d55-490f-ba48-16e084574b1e/?noredirect=on&utm_term=.8602c04955e2

“United Airlines said [on August 31, 2004] it is installing steel barriers that can be quickly fastened across front aisles of planes to protect pilots from attacks when the cockpit door is opened during flight. The voluntary security move, **the first by a U.S. airline**, goes beyond the reinforced cockpit doors mandated by the Federal Aviation Administration after the suicide-hijackings of four airliners by terrorists on Sept. 11, 2001, authorities said.” *(emphasis added)*²⁴

August 20, 2003: 3 weeks after disclosing TSA’s July 26, 2003 Al Qaeda unlocked cockpits attacks warning, I co-founded the inaugural LE/FAMS chapter for the Federal Law Enforcement Officers Association (FLEOA) and I’m elected Executive Vice President by the FLEOA-LE/FAMS Executive Board.²⁵

February 24, 2006: A TSA LE/FAMS senior executive, Robert Bond, sent this email to 10 of his superiors expressing his displeasure protesting my work with the pilots’ unions to advocate for the emplacement of IPSBs—in less than 2 months, my employment was terminated:

“TSA/Legal as of this date [*REDACTED* by TSA Office of Chief Counsel (TSA-OCC)]. As of this date no decision remove MacLean has been rendered. In the meantime, MacLean continues to use the internet and email to contact our [pilot unions] partners and offer suggestion and ideas [such as emplacing cockpit IPSBs], as if he is representing FAMS management. He was so brazen to suggest that soon he would be back in FAMS/HQ in a position to effect changes. He is drawing a full pay check and doing nothing positive for the FAMS. I would suggest that we either go ahead and ‘decide to remove’ him or mitigate it down to a 14-day suspension. [TSA Policy Compliance Unit (PCU)] is open to any and all suggestions on this matter, **but let us do something sooner than later**. Please provide guidance and/or advice on how you would like us to proceed in this matter.” *(emphasis added)*

April 11, 2006 was the day after TSA terminated me. I called and emailed an American Broadcasting Company (ABC) News executive producer who was working on a “20/20” 20-minute segment about the LE/FAMS program. In my email, I attached the September 5, 2004 article about United Airlines being the first air carrier to emplace IPSBs. We later

²⁴ September 5, 2004 Chicago Tribune article titled, “Airline is adding to cockpit security” by Jon Hilkevitch: <https://www.chicagotribune.com/chi-0409010159sep01-story.html>

²⁵ October 29, 2006 Washington Times article titled “Ex-air marshal to sue over ‘SSI’ label” by Audrey Hudson: <https://www.washingtontimes.com/news/2006/oct/29/20061029-115609-8718r/>

spoke over the phone about the fact I had been working with the Air Line Pilots Association (ALPA) in my capacity as the Executive Vice President of the FLEOA-LE/FAMS. I explained to her that IPSBs were one of the primary concerns for both pilots and FAMS since August 2003. She later had to leave out any discussion of IPSBs out of her 20/20 primetime segment because the ABC lawyers and owners felt the topic was too sensitive to air on television:

“Here is [the September 5, 2004 Chicago Tribune [(*SEE FOOTNOTE 24*)] article about the steel cable barrier that I told you about. This is really a GREAT device. I was amazed when I first saw them. Put a shotgun in the flight deck, Kevlar in the wall and install these barriers and you won’t need FAMS on the planes.”

April 25, 2006: An active duty FAM breaks with his undercover status and identifies himself on the primetime television show ABC News 20/20. He describes the TSA LE/FAMS program as a danger to passengers due to the lack of anonymity for FAMS.²⁶

December 7, 2006: Under the leadership of U.S. Special Counsel Scott Bloch, OSC closes my danger disclosure (OSC File No. MA-07-0384) about the immediate need for IPSBs:

“Every time a pilot unlocks the flight deck door to use the lavatory or get food or water, the aircraft is in danger. The forward areas need to be protected with the same steel cable barriers like United Airlines uses. You do this on all aircraft, you can then put air marshals on the ground gathering intelligence and conducting investigations to prevent terrorists from boarding, or sneaking bombs on board.

October 24, 2017: DHS-OIG issued this report on the air marshal program that DHS subsequently classified:

“OIG HIGHLIGHTS FAMS’ Contribution to Aviation Transportation Security is Questionable[.]”
[...]
We identified limitations with FAMS contributions to aviation security. [...] We also identified a part of FAMS operations where, if discontinued, funds could be put to better use.”²⁷

²⁶ April 25, 2006 active duty Las Vegas Field Office Federal Air Marshal Spencer Pickard breaks his undercover status on ABC News 20/20 video segment titled, “ABC News 20/20: Federal Air Marshal Speaks Out”: <https://youtu.be/CAk5PIVwfAI>

²⁷ October 24, 2017 U.S. Department of Homeland Security / Office of Inspector General (OIG) report titled, “Unclassified Summary — OIG HIGHLIGHTS FAMS’ Contribution to Aviation Transportation

December 18, 2018: DHS-OIG issued another report on the air marshal program that DHS subsequently classified:

“DHS OIG HIGHLIGHTS FAMS’ Contribution to International Flight Security is Questionable FAMS’ Contribution to International Flight Security is Questionable [...]”

We identified vulnerabilities with FAMS’ contribution to international flight security. [...] We also identified \$394 million [of \$803 million] in funds that could be put to better use.²⁸

April 28, 2006: The Oscar-nominated Universal film about 9/11 “United 93” overtly shows that the hijackers most likely waited for the doors to be routinely unlocked. After minute-46 for 3 minutes, it twice shows the door being unlocked, with a lone flight attendant in the forward galley with her back to the cabin.²⁹ Given the fact that TSA deemed the 9/11 and July 26, 2003 plots’ vulnerability so sensitive, the movie’s creators chose not to have such a plot play out.

June 11, 2015: Former Chief Executive Officers (CEO) of 2 of the largest U.S. air carriers asserted to the media that the TSA LE/FAMS program is a gross waste:

Bob Crandall:

“Former American Airlines chair and president Bob Crandall thinks the air marshal safety program simply isn’t working and he wants it eliminated right away. [...] Crandall cited **the high costs of the program and insisted there was never enough added safety to justify the price.** Crandall also strongly criticized the marshals[.]” (*emphasis added*)³⁰

Gordon Bethune:

“Former Continental Airlines CEO and Chairman Gordon Bethune is joining former American Airlines Chairman Bob Crandall in their mutual disdain for the TSA’s air marshal program. [...] Bethune called the air marshal program ‘**the**

Security is Questionable”: <https://www.oig.dhs.gov/sites/default/files/assets/2017-10/OIG-18-04-UNSUM-Oct17.pdf>

²⁸ December 19, 2018 U.S. Department of Homeland Security / Office of Inspector General (OIG) report titled, “Unclassified Summary — DHS OIG HIGHLIGHTS FAMS’ Contribution to International Flight Security is Questionable”: <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-17-Dec18.pdf>

²⁹ 3-minute YouTube video clip from minute-46 of the 2006 motion Universal Picture movie film titled, “United 93”: <https://youtu.be/Yu8ByQPhryc>

³⁰ June 11, 2015 CNBC article titled, “Bethune joins anti-air marshal slam” by Jake Novak <https://www.cnbc.com/2015/06/11/aviation-expert-calls-air-marshals-a-complete-waste.html>

biggest waste of money we have going in the country today.’ Crandall made similar comments on Power Lunch earlier this week.” (*emphasis added*)³¹

On the same day...

June 9, 2015: I expressed concern again during my written and oral disclosures in a televised U.S. Senate committee hearing. During my oral testimony I stated at 00:26:32—

“It is an extreme hazard whenever a pilot opens the flight deck door to use the lavatory or to get food and drink. An amped-up attacker can dive inside and destroy the jet. There is a cheap and perfect solution to this: secondary barriers [...] This barrier buys the flight crew plenty of time to quickly get the pilot back into the flight deck and lock the door.”³²

July 16, 2015: In public testimonies from now-former TSA LE/FAMS Director Roderick Allison and now-former ALPA President Tim Canoll before a U.S. House of Representatives committee, both validated FAMs’ 12-year-old concern about not having IPSBs.³³

Airline Pilots Association President Canoll, at 01:12:13—

“Since 2001, we had secondary barriers in our agenda as something we wanted to see in our aircraft, real enhancement to our security. We had some voluntary compliance, but in the last seven to eight years, it has waned to zero. No one’s installing them because there’s no requirement -- in over a longer period of time. **That’s the best single enhancement we can do.**” (*emphasis added*)

TSA LE/FAMS Director Allison stated FDSB will allow FAMs to focus on other threats, at 00:15:17—

“As [House Subcommittee Transportation Security Chairman] and I discussed yesterday, the secondary barriers, so those things will be ongoing, and as we get

³¹ June 9, 2015 Crandall: Get rid of air marshals now! by Jake Novak

<https://www.cnn.com/2015/06/09/former-american-airline-chair-slams-air-marshals.html>

³² U.S. Senate Committee on Homeland Security & Governmental Affairs in a public hearing titled, “Oversight of the Transportation Security Administration: First-Hand and Government Watchdog Accounts of Agency Challenges.”

<https://www.hsgac.senate.gov/hearings/oversight-of-the-transportation-security-administration-first-hand-and-government-watchdog-accounts-of-agency-challenges>

³³ July 16, 2015 U.S. House Committee on Homeland Security’s public hearing Subcommittee on Transportation Security in a public hearing titled “Examining the Federal Air Marshal Service and Its Readiness to Meet the Evolving Threat”: <http://www.c-span.org/video/?326452-1/oversight-hearing-tsa>

to a place where we're satisfied that those things are in place, that has officially mitigates the threats that we see, we'll start looking elsewhere where [Federal Air Marshals] can be effective and where we can add value and make a difference.

...

I think [secondary barriers are] absolutely necessary to take a look at and see if it works result in less [flying FAMs] and more protection and security for the flight crews.”

In both of my written and oral testimonies, I told the U.S. Senate committee that IPSBs would allow more FAMs to investigate and gather intelligence on the ground to stop terrorists and IEDs from becoming airborne.

►►► **February 12, 2016, I sent TSA senior leadership a memorandum about a proposal for a substantially cost-effective modular cockpit Installed Physical Secondary Barrier system that would stop rush and other attacks on unlocked cockpits**

Prior to becoming a FAM, I was a Border Patrol Agent in which I was a certified Spanish instructor for the U.S. Border Patrol Academy. After DHS declined my multiple requests to transfer out of TSA under the Whistleblower Protection Act's authority (5 U.S.C. § 3352)—such as to an immigration enforcement agency—I provided my chain of command a cost-effective and safe IPSB solution proposal that would benefit both DHS and the air carriers:

I suggested an IPSB that is—

- **modular** so downtime is zero,
- **one-person capable** for operation and replacement,
- **minimally invasive** not requiring substantial retrofitting of cabins,
- **rush, bullet, and opioid proof**, and
- almost impossible to **sabotage**.

2 ½ years later...

During one of my interrogations by TSA Investigations Criminal Investigators/Special Agents (S/A), one S/A told me that he did a college paper on U.S. Patent and Trademark patent applications. S/A Robert Yeager asserted that I need to convert my February 12, 2016 modular IPSB proposal into a patent application. After the agency asserted that I may be mentally ill and dangerous, and immediately revoked my

firearm and directed me to exhaust 2 months of my earned Sick Leave, I filed a patent application on October 31, 2017.

October 27, 2016: My first-line and second-line supervisors praised my modular IPSB proposal in my annual performance appraisal. They also lauded my actions that compelled TSA senior leadership to finally disseminate the **unredacted** 2011 RTCA DO-329 study report in which most, if not all, rank-and file FAMs were not aware of for almost 5 years:

“FAM MacLean continuously looks for security threats and anomalies. For example, when he noticed an aircraft that had a flight deck door that opened inward, he submitted a Mission Report for the inward opening flight deck door. FAM MacLean not only reports issues, he also suggests solutions. He has submitted two proposals for flight deck [“cockpit”] secondary barriers that would enhance the security of the flight decks. One of his proposals was to add vertical window-shade type barrier and a special transforming galley cart that locks into the entrance of the forward galley containing a barrier that folds out from the top.

During FAM MacLean’s research into the secondary barriers, he found a redacted version of the September 28, 2011 Radio Technical Commission for Aeronautics (RTCA DO-329) ‘Aircraft Secondary Barriers and Alternative Flight Deck Security Procedures’ report. [8 months prior, FAM MacLean] requested a copy of the **un-redacted** version of the [2011 RTCA DO-329] report. As a result of his requests, a hard copy of the report was made available to the [Washington Field Office (WFO)] FAMs to view at the field office.”

January 2, 2019: The primetime network CBS show titled, “SEAL Team,” aired an episode titled “[flight attendant knocked] Backwards on High Heels” showing a hijacker simply vaulting over a drink-cart to breach an unlocked door.³⁴

February 8, 2019: The U.S. House of Representatives introduced a fix bill (H.R. 911) mandating cockpit secondary barriers for **ALL** jets—new and **OLD**:

“Congress last year imposed a requirement for secondary barriers, aimed at preventing would-be hijackers from rushing the cockpit when pilots take bathroom breaks or meals, for future, newly manufactured commercial airplanes. But that legislation **did not address existing aircraft.**

³⁴ 13 second YouTube video clip from CBS show “SEAL Team” episode titled “[flight attendant knocked] Backwards on High Heels”: <https://youtu.be/keKf2un03wI>

The new bill, introduced last week, would extend the requirement to all passenger jets.”(*emphasis added*)³⁵

The 2018 law leaves approximately 7,300 U.S. aircrafts vulnerable due to the fact it only mandates IPSBs on aircrafts built after October of this year. Even if H.R. 911 passed this congressional session, we have to consider that terrorists will then focus on the numerous international carriers that fly in and out of the U.S. These laws and bills are signaling to terrorists where to find the path of least resistance.

Even if a terrorist rushes an unlocked cockpit, without an IPSB, slips, hits his/her head, and thankfully falls unconscious onto to the threshold of the cockpit—such a failed attack could cripple the airline and tourism industry. Especially when Congress and the public finally realize that a simple IPSB would have 100% eliminated such a potential weaponless, lone-wolf attack.

October 31, 2018: The dangerous IPSB law—passed last year—only mandating them on **NEW jets BUILT AFTER** October of 2019:

“SEC. 313. SECONDARY COCKPIT BARRIERS. Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order requiring the installation of a secondary cockpit barrier on each aircraft that is **manufactured for delivery** to a passenger air carrier in the United States operating under the provisions of part 121 of title 14, Code of Federal Regulations.” (*emphasis added*)³⁶

December 23, 2018: An active duty FAM and the acting FLEOA TSA LE/FAMS president confirmed to ABC News that FAMs would be moved further away from the cockpit in order to conduct surveillance on passengers who are not on the TSA’s “Watch List”.³⁷

³⁵ February 8, 2019 Reuters News article titled, “U.S. lawmakers introduce bipartisan bill on cockpit safety” by Tracy Rucinski: <https://www.reuters.com/article/us-usa-aviation-safety/u-s-lawmakers-introduce-bipartisan-bill-on-cockpit-safety-idUSKCN1PX2AZ>

³⁶ October 31, 2018 Federal Aviation Administration (FAA) Reauthorization Act of 2018; 115th Congress (2017-2018); Sponsor: Rep. Shuster, Bill [PA-9]; Introduced 04/13/2018) <https://www.congress.gov/bill/115th-congress/house-bill/4/text#toc-H1F39EDC7964B474999CAA23705C7BCF0>

³⁷ December 22, 2018 “Exclusive: TSA planning major shift in air marshal operations” by Josh Margolin: <https://abcnews.go.com/US/exclusive-tsa-planning-major-shift-air-marshal-operations/story?id=59974300>

February 17, 2019: Congressional hearing testimony about a bill to fix the law requiring IPSBs on aircrafts built after October of 2019:

“During Wednesday’s [U.S. House of Representatives Committee on Transportation and Infrastructure] Aviation subcommittee meeting, [Congressman Brian] Fitzpatrick asked Sara Nelson, president of the Association of Flight Attendants International, about that. Nelson pulled no punches.

‘We completely support secondary barriers in all of our aircraft. It’s an **absurd practice to have flight attendants use their own bodies** as the barrier between the cabin and the cockpit.’” (*emphasis added*)³⁸

Southwest Airlines and potentially other air carriers do not have drink-carts to assist flight attendants’ unlocked cockpit blocking methods. The most senior flight attendants choose to or are directed to work in the first-class section of aircrafts. There is no age limit to how long a flight attendant can serve. Some are serving into their 80s.³⁹

2 months after the Government Accountability Project’s press release about the OSC’s referral regarding the lack of IPSBs⁴⁰ JetBlue Airways announced that it would start rolling 3 ½ foot drink-carts onto their Airbus aircrafts. ⁴¹

► ► ► One of the worst aircrew complacency incidents I ever witnessed involved one of my FAM mission flights with former U.S. Solicitor General Theodore Olson, the widower of a victim and passenger on one of the 4 flights on 9/11

Just one month after I began flying FAM missions, after over a decade battling for reinstatement, I had one of the most memorable experiences full of ironies. On December 18, 2015, I flew a non-stop FAM mission from California to Virginia in a single-aisle Boeing B757 aircraft with a first-class section. It was one of the original airlines to install

³⁸ February 17, 2019 The Intelligencer “Editorial: Commonsense airline cockpit safety act still faces barriers”: <https://www.theintell.com/opinion/20190217/editorial-commonsense-airline-cockpit-safety-act-still-faces-barriers>

³⁹ December 2, 2016 “Meet Bette Nash: She might just be the world’s oldest serving flight attendant” Michelle Cohan: <https://www.cnn.com/travel/article/bette-nash-oldest-flight-attendant/index.html>

⁴⁰ February 8, 2018 Government Accountability Project press release titled, “Office of Special Counsel Backs Whistleblower on Further Aviation Security Breakdowns”: <https://www.whistleblower.org/press/office-special-counsel-backs-whistleblower-further-aviation-security-breakdowns/>

⁴¹ March 27, 2018 Bloomberg News article titled, “JetBlue Swaps Trays for Carts to Speed Snack, Drink Service” by Mary Schlangenhein and Justin Bachman: <https://www.bloomberg.com/news/articles/2018-03-27/jetblue-swaps-trays-for-carts-to-speed-inflight-snacks-drinks>

12-cable IPSBs on all of its B757s—so I had thought. Myself and the rest of my team were seated in non-aisle seats on a 100% capacity flight. Former U.S. Solicitor General Theodore Olson was seated in front of me. I knew exactly who General Olson was due to the fact my case was heard by the Supreme Court. General Olson’s spouse, Barbara Olson, was killed on 9/11 as a passenger also on a Boeing B757 American Airlines Flight 77. There was no IPSB on this coast-to-coast B757 aircraft. When one of the pilots exited the cockpit, the aircrew allowed numerous passengers to stand and line up in the aisle waiting to use the forward aisle. It would have been impossible for my team to stop a someone in that line from killing all of us. I drafted an incident report and emailed it to my team for review. There was no interest because the situation was not unusual and no one wanted to bring attention to themselves.

February 27, 2019: Federal Law Enforcement Officers Association press release:

“Under the 2018 FAA Reauthorization Act, secondary barriers were legally required in all new commercial aircrafts. Unfortunately, this left a dangerous area of vulnerability still present in all existing aircrafts.”⁴²

February 20, 2019: Email sent from TSA LE/FAMS senior leadership about a U.S. air carrier’s inability to always seat FAMs close to the cockpit. Most of this air carrier’s aircrafts are Airbus with doors that open into the cockpits:

“Subject: [REDACTED U.S. air carrier name] Seating Issues

We continue to refine the [TSA LE/]FAMS tactical seating through collaboration with the air carriers. Most have been accommodating and have modified processes to ensure a smooth transition; our continuing issues tend to be with the smaller carriers.

We have had some recent issues with JetBlue that stem from their business model and we have a continuing dialogue with them to work out a solution. Basically, seating for [REDACTED U.S. air carrier name] flights go into a sort of lock down 24 hours prior to departure. Any passenger that has already checked in cannot be moved within the system *even to accommodate* [Federal Air Marshals (FAMs)]. The system will not allow seats to be moved until the gate opens at the airport—about 90 minutes out. Which means that [TSA Security Operations

⁴² February 27, 2019 Federal Law Enforcement Officers Association (FLEOA) press release titled, “FLEOA endorses efforts to install secondary barriers on all commercial aircrafts” <http://bit.ly/HR911FLEOA>

Center Specialists (SOCS)] cannot get the seat we want even with the intervention of Corporate. Rather, the seat changes need to occur at the gate.

Obviously, this is creating some stress on our system especially for [Priority One (P1)] missions inside of 24 hours. [REDACTED U.S. air carrier name] has agreed to look at potential solutions and SOCS has implemented several measures to mitigate the issue. However, please advise [LE/FAMS field offices (FO)] that seating for last minute missions on [REDACTED U.S. air carrier name] will continue to be a challenge until we can engineer a more efficient, collaborative process with the airline.”

February 7, 2019: TSA issued a press release about a new annual record seizure of 4,239 firearms from passengers trying to go through airport security checkpoints.⁴³ This is another reason as to why a **firearms bullet-proof** IPSB system should be considered.

December 19, 2018: The OSC refers my danger disclosure to the Secretary of DHS, Kirstjen Nielsen. Secretary Nielsen must submit a report of investigation to Congress and the White House per the law 5 U.S.C. § 1213 regarding the potential of opioids—such as fentanyl or carfentanil—being used to incapacitate pilots and hijacking aircrafts. Again, this attack-opportunity presents itself when the pilots notify the cabin of their intent to unlock the cockpit.

November 9, 2018: U.S. Drug Enforcement Administration on the amount of fentanyl or carfentanil that is lethal if inhaled:

“The package, seized at John F. Kennedy International **Airport** in New York, contained a white powder that tested positive for **carfentanil**, the court document said. Carfentanil is an opioid **100 times stronger than fentanyl**, which itself is at least 50 times stronger than heroin, according to the federal Open Chemistry Database.

[. . .]

[As] little as **two milligrams of fentanyl could kill someone**, depending on how it’s administered, according to the Drug Enforcement Administration.” (*emphasis added*)⁴⁴

⁴³ February 7, 2019 USA Today article titled, “TSA found a record-setting number of guns at airports in 2018” by Harriet Baskas: <https://www.usatoday.com/story/travel/flights/todayinthesky/2019/02/07/guns-airports-tsa-record-2018/2799757002/>

⁴⁴ November 9, 2018 NJ.com News article titled, “Crazy dangerous’ opioid used on elephants seized at airport, N.J. man arrested” by Joe Brandt: https://www.nj.com/camden/index.ssf/2018/11/nj_man_arrested_carfentanil_seized_jfk_airport.html

March 4, 2019: A former U.S. Federal Election Commissioner, U.S. Department of Justice attorney, and a Senior Legal Fellow for the Heritage Foundation wrote that fentanyl is compact, inexpensive and easy to make and ship, and extremely profitable due to its ability “to produce a better high and be more addictive and [50 to 100 times more] potent than heroin” therefore it is exceptionally more available than ricin or VX nerve agent that only kills the end-user:

“The profit margin is remarkable: A \$3,000 investment can produce \$1,500,000 in earnings. A laboratory-made drug, fentanyl requires less time and space to produce than its agricultural counterpart, heroin. Chemists can manufacture fentanyl in small labs and use easy shipment methods. The amount of fentanyl necessary to produce its painkilling effect is so small that manufacturers can ship it in ordinary packages such as envelopes used for ordinary letters. Cheap production isn’t the only economic benefit suppliers have on their side.

[...]

[F]irst responders have inhaled airborne fentanyl, resulting in a contact overdose.”⁴⁵

Despite the TSA spokesman’s email to The New York Times, TSA LE/FAMS senior leadership continues to be dismissive about FAMS’ concerns about the availability of very large amounts of fentanyl and carfentanil—wrongly comparing the concern to ricin or VX nerve agent.

July 6, 2018: The U.S. Department of Justice / Federal Bureau of Investigation issued a sensitive but unclassified 9-page “Intelligence Bulletin” asserting—

“Fentanyl Very Likely a Viable Option for a Chemical Weapon Attack in the United States for Extremists and Criminals”

June 21, 2018: TSA disclosed to The New York Times that it is concerned about fentanyl inside passenger aircrafts’ and established a 12 oz. limit powder rule for carry-on:

⁴⁵ March 04, 2019 The Daily Signal article titled, “China Is Poisoning America With Fentanyl” by Peyton Smith and Hans von Spakovsky: <https://www.dailysignal.com/2019/03/04/china-is-poisoning-america-with-fentanyl/>

“[The TSA spokesperson] identified powders including **fentanyl** [...] ‘that could be used to irritate or **harm** aircraft passengers and **aircrew** if released during flight.’” (*emphasis added*)⁴⁶

July 28, 2018: In Canada, Maisum Ansari and Babar Ali were arrested with 33 firearms, and **enough carfentanil to kill tens of millions of people**. Mass-murder gunman, Faisal Hussain, shot 15 people killing 2. Hussain had direct personal and financial ties to Ansari and Ali. Their cases have since been declassified by Canadian law enforcement and reported in these articles—Toronto Sun:

“Durham Regional Police seized 53 kilograms of a suspicious substance and 33 firearms from a Pickering home [of Maisum Ansari] on Sept. 20, 2017. Testing later determined **42 kilograms [equal to 93 lbs.]** of the substance contained **carfentanil**.

[...]

Faisal Hussain was ordered to live with [Maisum Ansari] at a Pickering home — where police later found **the largest haul of the ultra-dangerous drug carfentanil in Canadian history** and a huge collection of illegal firearms.” (*emphasis added*)⁴⁷

Canadian Broadcasting Corporation (CBC):

“Babar Ali, 30, of Toronto, has also been charged [with **300 firearms-related offences and carfentanil possession**]. (*emphasis added*)”⁴⁸

December 12, 2018: Bloomberg News cited a former Central Intelligence Agency director and a former DHS Undersecretary’s warning about terrorists weaponizing opioids:

“The fatal potential of even glancing contact with fentanyl is a major reason why national security experts are becoming alarmed at the prospect of it being used to sow terror. The drug is ‘**a significant threat to national security,**’ Michael Morell, the former acting director of the Central Intelligence Agency under President Barack Obama, wrote last year. ‘**It is a weapon of mass destruction.**’ [...]

⁴⁶ June 21, 2018 The New York Times article titled, “T.S.A. Expands International Carry-On Limits to Powder” by Elaine Glusac; <https://www.nytimes.com/2018/06/21/travel/tsa-powder-rules.html>

⁴⁷ July 28, 2018 Toronto Sun article titled, “DANFORTH KILLER: Twisted trail that led to deadly rampage” by Chris Doucette <https://torontosun.com/news/local-news/danforth-killer-twisted-trail-that-led-to-deadly-rampage>

⁴⁸ July 28, 2018 Canadian Broadcasting Corporation (CBC) article titled, “Danforth killer had no criminal record, but guns, gangs and drugs weren’t far away — Brother of Faisal Hussain once lived at Pickering home where police found huge stash of guns, drugs” by Trevor Dunn: <https://www.cbc.ca/news/canada/toronto/danforth-background-brother-records-1.4764742>

As a tool of terror, the drug would work best **in a closed space**, said Daniel Gerstein, a senior policy researcher at Rand Corp. who served as acting undersecretary in the Department of Homeland Security’s Science and Technology Directorate in the Obama administration.” (*emphasis added*)⁴⁹

February 3, 2019: A DHS law enforcement senior executive goes public about his concern about weaponizing opioids:

“Last fall, [San Diego Sector U.S. Border Patrol] Deputy Chief Patrol Agent Roy Villareal told the Washington Examiner that someone could plant synthetic **fentanyl** on the drone and release it over a group of people. [...] ‘It’s the perfect criminal tool,’ Villareal said. ‘A single pound of **fentanyl [dropped above a crowd] would devastate a whole stadium.**’” (*emphasis added*)⁵⁰

February 12, 2019: The largest TSA LE/FAMS field office’s “Field Office Focus Group” sent all FAMS a survey about the demand that DHS provide them all with Naloxone Hydrochloride (NARCAN®) doses.

February 12, 2019: CNN News reported on DHS-OIG’s findings from October 24, 2017 to December 19, 2018 that the TSA LE/FAMS program has failed to evolve:

“[T]hen-inspector general, John Roth, told Congress that air marshal funding ‘gets wasted basically fighting the last war.’”⁵¹

► ► ► **Although dangerous without secondary barriers, it’s likely that the installation of doors—that open into the cockpit—was done as a convenience for aircrew passage**

DHS failed to make any inquiry to the Boeing and Airbus manufactures as to why Airbus A319, A320, and A321, and Boeing B767 and B767 aircrafts must have doors must open away from the cabin. The fact is, the doors were installed that way so that they

⁴⁹ December 12, 2018 Bloomberg News article titled, “This Killer Opioid Could Become a Weapon of Mass Destruction Fentanyl is so potent that a few milligrams can be fatal. Could it be used to attack the U.S.?” by Anna Edney: <https://www.bloomberg.com/news/features/2018-12-12/killer-opioid-fentanyl-could-be-a-weapon-of-mass-destruction>

⁵⁰ February 03, 2019 The Washington Examiner article “Feds versus illegal drones is the game within the game at Super Bowl LIII” by Anna Giaritelli: <https://www.washingtonexaminer.com/news/feds-versus-illegal-drones-is-the-game-within-the-game-at-super-bowl-liii>

⁵¹ February 12, 2019 CNN News article titled, “Homeland Security IG says half of money spent on air marshals is wasted” by Rene Marsh and Gregory Wallace: <https://www.cnn.com/2019/02/12/politics/tsa-air-marshal-waste-ig/index.html?no-st=1550160777>

would conveniently swing inside of the cockpit, toward the cockpit walls, and away from the exit passage. The aircrafts' designers didn't want the doors to swing into the forward galley causing the passage to be narrower. A large aircrew member could cause damage slamming the door into the forward galley. There's a reason why exit-hatches open into their submarines: The force of the water would sink submarines with such hatches. With these dangerous doors, there's no metal frame surrounding the door to protecting the pilots during a forward attack. On doors that open into the cabin, there's more of a chance that the doors will slam shut from a forward attack. Also, with doors that open into the cockpit, that door becomes a weapon when an attacker can slam into the pilot or flight attendant's face.

In its January 15, 2002 order, the FAA mandated doors that open away from the cockpit so that the door-jam surrounding the door gave the pilots extra protection:

FLIGHTDECK SECURITY INTRUSION BY PERSONS Section 25.795(a)(1) requires that the flightdeck ["cockpit"] door installation be designed to resist intrusion by any person who attempts to enter the flightdeck by physically forcing his or her way through the door. In this context, the door installation includes the door, its means of attachment to the surrounding structure, and the attachment structure on the bulkhead itself. The integrity of the locking/latching/hinge mechanism, as well as the door panel itself, can be improved so that intrusion resistance is significantly enhanced.⁵²

Regardless, it's unreasonable to spend money to retrofitting thousands of doors so that they open into the cabin.

Instead in the interim, pilots need to immediately stop the unnecessary and dangerous practices of—

- notifying the cabin of their intention to unlock the cockpit, and
- the cockpit "two-man rule" mandating that a flight attendant switch with a pilot after exit. (*SEE Section V page 52*)

⁵² January 15, 2002 "The National Archives Federal Register A Rule by the Federal Aviation Administration on 01/15/2002 Security Considerations in the Design of the Flightdeck on Transport Category Airplanes": <https://www.federalregister.gov/documents/2002/01/15/02-965/security-considerations-in-the-design-of-the-flightdeck-on-transport-category-airplanes>

III. False conclusions about 9/11 and far-fetched training scenarios that TSA senior leadership verbally circulates to Federal Air Marshals

There exist far-fetched theories that the 9/11 hijackers did not simply wait for the doors to routinely unlock, that the hijackers either—

- **“broke open the 4 Boeing doors”**: This theory is highly not plausible given the fact that 13 months prior, The New York Times subsequently published three stories about a mentally disturbed man who failed to break open a Southwest Airlines Boeing B737 door.^{53 54 55} The passengers subsequently killed him to protect themselves. KSM was highly intelligent and spent significant resources studying and planning. There should be no doubt that if he well knew that the doors routinely opened without protection, he would not risk a violent revolt by the passengers. KSM also would have known that both of the Boeing B767s—that destroyed with World Trade Center—had doors that opened into the cockpit thus making it significantly easier for the hijackers to jam their way inside after being unlocked.
- **“killed passengers or made bomb-threats until the pilots unlocked the doors”**: This theory is understandably more feasible, but it still would have been too risky. It’s common knowledge that many pilots are military trained, thus having endured the torturous yet a primal life-saving course taught by the U.S. Air Force: “Survival, Evasion, Resistance, and Escape (SERE)” Given what the 9/11 Commission Report states on page 158, KSM would have feared that one or more of the 8 pilots would be combat-hardened former or

⁵³ September 20, 2000 The New York Times article titled, “An apparent case of air rage on Southwest Airlines ends in what is later ruled homicide” By Joe Sharkey: <https://www.nytimes.com/2000/09/20/business/business-travel-apparent-case-air-rage-southwest-airlines-ends-what-later-ruled.html>

⁵⁴ September 21, 2000 The New York Times article titled, “U.S. Declines to Prosecute in Case of Man Beaten to Death on Jet” by Michael Janofsky: <https://www.nytimes.com/2000/09/21/us/us-declines-to-prosecute-in-case-of-man-beaten-to-death-on-jet.html>

⁵⁵ September 23, 2000 The New York Times article titled, “Neighbors’ Gentler View Of Man Killed on Plane” by Michael Janofsky: <https://www.nytimes.com/2000/09/23/us/neighbors-gentler-view-of-man-killed-on-plane.html>

reservist Airmen, Soldiers, Sailors, or Marines who would refuse to unlock the door and instead emergency land the aircrafts.

6 of the 8 pilots killed on 9/11 were former military pilots:

- United Airlines Flight 175 Captain Victor Saracini was a former U.S. Navy aviator (pilot)
- United Airlines Flight 175 First Officer Michael Horrocks was a retired U.S. Marine pilot
- United Airlines Flight 93 First Officer LeRoy Homer Jr. was a former U.S. Air Force pilot
- American Airlines Flight 11 Captain John Ogonowski was U. S. Air Force pilot during the Vietnam War
- American Airlines Flight 11 First Officer Tom McGuinness was a former U.S. Navy fighter-aviator
- American Airlines Flight 77 Captain Charles was a former U.S. Navy fighter-aviator

The pilots knew that the hijackers were all standing and the passengers were belted in or would have been ordered to do so by the cockpit or the hijackers. A rapid descent would have substantially disoriented the hijackers or disabled them. Pilots and FAM are also trained to know that improvised explosive devices (IED) often fail, or IED detonations inside the passenger cabin are survivable if the aircraft reaches low altitude and is ventilated. Just one stubborn pilot would have foiled one or more of the four hijackings.

The hijackers believed that they had to murder the pilots because of the risk of them giving the passengers hope. The pilots would have known there were only 2 or 3 muscle-hijackers—the other two were in the cockpit flying the aircrafts or protecting passengers from breaking open the door. There were 33 passengers on United Flight 93, 51 on United Flight 175, 53 on American Flight 77, and 81 on American Flight 11. Pilots would have convinced such a

large number of passengers to defend their lives like the Southwest Airlines passengers did in 2000.

Many veteran FAMs believe that the 9/11 hijackers' fake IEDs, the pepper-spraying, and killing of passengers—other than the pilots—was to prevent the 33 to 81 passengers from getting hope and attempting to over-power the 2 to 3 muscle-hijackers protecting the cockpit.

We take too much for granted assuming that these passengers would be passive, or that the hijackers would assume they would not fight for their lives as the passengers did on the 2000 Southwest Airlines flight.

- **“killed passengers until the flight attendants unlocked the doors”**: In footnotes 26 and 41 of the 9/11 Commission Report state that either American Airlines flight attendants carried cockpit keys or they would be stowed someplace in a United Airlines first class area. Again, knowing about the August 11, 2000 Southwest Airlines killing, KSM would not have taken a risk of just one missing or inoperable key foiling one or more of the four operations.

Page 245 of the 9/11 Report reinforces KSM's prior meticulous casework directing his operatives to study how often the doors routinely open:

“[‘9/11 key facilitator’ Ramzi Binalshibh and American Airlines Flight 11 ring-leader / hijacker Mohamed Atta believed the] best time to storm the cockpit would be about **10-15 minutes after takeoff, when the cockpit doors typically were opened for the first time**. Atta did not believe they would need any other weapons. He had no firm contingency plan in case the cockpit door was locked. While he mentioned general ideas such as using a hostage or claiming to have a bomb, **he was confident the cockpit doors would be opened** and did not consider breaking them down a viable idea.” *(emphasis added)*

►►► **Federal Air Marshals are trained to believe that two of the most primary non-IED concerns are that pilots will unlock cockpit doors under duress, or that the doors can be broken open if an attacker runs into it (detailed)**

Pilots unlocking doors under duress: TSA LE/FAMS Training Officers⁵⁶ (TO) assert that one of the 2 top non-IED primary concerns is a hostage situation that would compel a pilot to unlock the door. If such a concern exists, a large placard should be riveted on every inside of the doors stating—

“IF YOU ARE UNDER DURESS DUE TO PEOPLE IN THE CABIN BEING HARMED OR WILL POTENTIALLY BE HARMED, DO NOT OPEN THIS BULLET-PROOF DOOR. OPENING THIS DOOR UNDER DURESS WILL RESULT IN A CATASTROPHE. EMERGENCY LAND NOW”

On or about December 14, 2014, the TSA LE/FAMS participated in a study conducted at the U.S. Army Proving Ground, Maryland (APG). The results prompted a manager to assert: If Congress or the public finds out about these results it “would be the end of the [TSA LE/FAMS] program as we know it [.]”

The LE/FAMS training program falsely asserts to FAMS that doors can be broken open: TOs convey that another primary concern is that attackers will break open a door. On or about March 23, 2018, I challenged a TO about this concern. After the TO vehemently insisted that the doors could be broken open, an acting Supervisory Federal Air Marshal (SFAM) entered the classroom after a Field Office FAM Instructor (FI) summoned him. The FI knew about a December 14, 2014 TSA LE/FAMS door test study conducted at APG. The SFAM spent a five-year assignment a TSA LE/FAMS Training Center Instructor in Atlantic City, New Jersey. The SFAM had participated in the 2014 APG study. The SFAM explained to all of my fellow FAM students that the post-April 4, 2003 doors were impossible to break open without a large steel impact tool or an IED.

⁵⁶ U.S. Department of Homeland Security / Transportation Security Administration / Law Enforcement Federal Air Marshal Service Training Officers are I Band Federal Air Marshals (FAM) who lead FAM Instructors and are in charge of providing recurring training to other FAMs.

The TO also asserted that there are sections in the forward lavatory that are not bullet-proof. If this is an issue, then those portions **should be patched** with the same material the bullet-proof doors are made of.

After politely challenging the TO about these 2 primary concerns, he initiated a complaint against me. LE/FAMS senior leadership subsequently filed a derogatory “Internal Tracking Report” (ITR) or about, March 23, 2018 which launched a formal disciplinary investigation targeting me. TSA Criminal Investigators/Special Agents later ordered me to be interviewed by them. As of the date of this reply, the probe is ongoing and I have yet to receive a Letter of Closure.

Later that week, the SFAM asked to me with me privately in his office. He told me that he was aware of the ITR complaint against me. He told me that no one has made more contributions to aviation security than I have. He also provided me with more details about the APG study stating that multiple 125 grain hollow-point .357 Sig rounds were fired into the post-April 4, 2003 doors; the rounds did not penetrate them and they still remained locked. One of the managers overseeing the study asserted that the APG study’s results it would be the end of the LE/FAMS “program as we know it” if Congress or the public was aware.

▶ ▶ ▶ MYTH: Explosive decompression can occur when a bullet is fired through the fuselage of a pressurized airplane

“REVISITED: (From Episode 10) RE-BUSTED — The Build Team tested the effect of air rushing past an open bullet hole, and surmised that the extra internal pressure caused by this would still not be enough to cause an explosive decompression.”⁵⁷

⁵⁷ October 12, 2005 Television Show MythBusters titled, “REVISITED: Explosive decompression can occur when a bullet is fired through the fuselage of a pressurized airplane — Episode 38”:
<https://mythresults.com/episode38>

IV. The 4 to 6 unlocked cockpit attack opportunities that can be eliminated to just one difficult one

► ► ► 6 attack opportunities during INWARD-opening (into the cockpit) door transition

On Airbus A319, A320, and A321, and Boeing B767 and B777 aircrafts there are up to 6 opportunities for a rush or opioid attack. These aircrafts have doors that—without an IPSB—dangerously **open away from the cabin**. There’s a reason why exit hatches open away from the inside of submarines—the force of the water would breach the hatch after submerging.

For all attack opportunities, the pilot needlessly and dangerously alerts the flight attendants that he/she is going to unlock the door. The flight attendant then alerts the passengers in the cabin that a pilot will unlock the door; alerting the passengers to the door transition, two or more flight attendants enter the forward galley and then roll a drink-cart sideways into the main cabin entrance of the forward galley.

The 2011 RTCA study report and the 2017 USDOT-OIG Audit Report concluded that drink-carts are “ineffective” secondary barriers because an attacker can instantly—

- tip it over,
- push it aside,⁵⁸
- hurdled it, or
- vaulted over it (***SEE FOOTNOTE 34***).

It’s worth noting that the doors are approximately two and a half feet wide, so a pilot and flight attendant cannot be together inside a threshold in an attempt to reduce the time of a chance.

Inward Attack (1): A pilot unlocks and opens the door swinging it in front of him and into the cockpit.

⁵⁸ April 5, 2014 YouTube video titled “2 Seconds to Breach a cockpit” Description: “[The widow of 9/11 United Airlines Flight 175 Captain Victor Saracini,] Ellen Saracini used [the September 28, 2011 Radio Technical Commission Aeronautics No. RTCA DO-329] study to demonstrate how quick terrorists could takeover a cockpit when door is opened in flight.”: <https://youtu.be/zV3iLanISlw>

This is the easiest and most opportune time to attack because the pilot's view of the cabin is obscured by transitioning from the peep-hole to peaking around the edge of the door with two or more flight attendants standing in front of the door. The pilot's view of the cabin is also hindered because of the two or more flight attendants are crowding the inside of the forward galley. This attack chance is further enhanced because an attacker can dive passed or into the standing flight attendants, knock them onto the floor, hit the door violently against the pilot standing inside the flight deck, potentially knocking him/her down and temporarily or permanently unconscious, and finally assault the seated and belted-in pilot in control of the aircraft. Due to being inside the flight deck, the pilot may not hear one or more of the flight attendants trying to alert him/her of an attacker sprinting toward them. The door has now become a weapon to disorient or incapacitate the exiting pilot.

Inward Attack (2): The pilot walks into the threshold of the flight deck entrance, enters the flight deck, wedges the door between himself/herself and the inside of the flight deck, walks several feet into the forward galley, and steps aside for the flight attendant to enter.

During this opportunity, an attacker can dive passed or into one or two crew members against the door, knock them down onto the floor, and breach the flight deck. This opportunity is similar to Inward Attack (1), but without the availability of the door hitting the pilot.

Inward Attack (3): A flight attendant walks into the threshold, enters the flight deck, wedges the door between himself/herself and the inside of the flight deck, and swings the door in front of him/her and pushes it until closed and locked.

During this attack chance, an attacker can dive passed or into one or more crew members against the door, knock them down into cockpit, and breach the cockpit.

Inward Attack (4): After the pilot has finished and is ready to re-enter the cockpit, he/she stands in front of the door alerting the passengers that the door will be unlocked pushed back into the flight deck again.

This chance is similar to Inward Attack (1) because the flight attendant unlocks the door and transitions from looking out the peep-hole to peaking around the edge of the door hence hindering his/her ability to see an attack in front of the crew members crowded inside of the flight deck. Because the flight attendant is inside the flight deck, his/her ability to hear a crew member alerting him/her is also hindered.

During this attack chance, an attacker can dive passed or into one or two aircrew members, knock them onto the floor, make the door violently hit the flight attendant inside the flight deck and knock him/her down or unconscious, and breach the cockpit.

Inward Attack (5): The flight attendant wedges the door between himself/herself and the inside of the flight deck, exits the flight deck, walks several feet into the cockpit, and steps aside for the pilot to re-enter.

During this attack chance, an attacker can dive passed or into one or two aircrew members against the door, knock one or more down onto the floor, and breach the flight deck.

Inward Attack (6): The pilot walks into the threshold, re-enters the cockpit, wedges the door between himself/herself and the inside of the flight deck, and pushes the door until closed and locked.

During this attack chance, an attacker can dive passed or into one or two crew members against the door, knock one or more down onto the floor, and breach the flight deck.

► ► ► **4 attack opportunities during OUTWARD-opening (away from the cockpit) doors**

The doors are approximately two and a half feet wide, so a pilot and flight attendant cannot be together inside a threshold in an attempt to reduce the time of a chance.

Unlike an inward-opening door, an outward-opening door gets wedged in between the exiting crew member's shoulder and the forward galley wall. The exiting crew member must completely step several feet into the forward galley and step to the side to allow another to enter the threshold, wedge the door again, enter the flight deck, and pull the door shut or a crew member inside the forward galley pushes it closed. An aircrew member inside the threshold allows the four chances of a suicidal attack.

Outward Attack (1): A pilot opens the door swinging toward a flight attendant; this allows the flight attendant to quickly close it in the case he/she sees an imminent attack or the attacker's force closes the door shut before the pilot goes into the threshold.

The pilot walks into the threshold of the flight deck, wedges the door between him/herself and the galley wall, walks several feet into the forward galley, and steps aside to allow a flight attendant to enter the threshold.

During this attack chance, an attacker can dive passed or into one or more aircrew members, knock one or more down onto the floor, and breach the flight deck.

Outward Attack (2): A flight attendant walks through the threshold, wedges the door against the galley wall, enters the flight deck, and pulls the door shut.

During this attack chance, an attacker can dive passed or into one or more aircrew members, knock one or more down onto the floor, and breach the cockpit.

Outward Attack (3): After the pilot has finished and is ready to enter back into the flight deck, he stands in front of the door and further alerts the passengers that he will have the flight attendant—inside of the cockpit—open the outward-opening door so that he can

enter. From inside the flight deck, the flight attendant opens the door swinging it against the galley wall.

The flight attendant exits the flight deck, wedges the door between him/herself and the galley wall, walks several feet into the forward galley, and steps aside to allow the pilot to enter the cockpit.

During this attack chance, an attacker can dive passed or into one or more aircrew members, knock one or more down onto the floor, and breach the cockpit.

Outward Attack (4): The pilot walks through the threshold of the door, wedges the door between him/herself and the galley wall, re-enters the flight deck, and he/she pulls the door shut.

During this attack opportunity, an attacker can dive passed or into one or more aircrew members, knock one or more down onto the floor, and breach the cockpit.

V. Interim measures recommended until Installed Physical Secondary Barriers are emplace on all aircrafts (detailed)

- 1) Rescind the mandate that pilots alert potential bad-actors in the cabin of imminently unlocking the cockpit which prompts the flight attendants to set up the “ineffective” flight attendants with drink-carts or flight attendants and no drink-carts blockades.
- 2) Rescind the “two-man rule” mandating that a flight attendant switch out with a pilot leaving the cockpit. This allows the door to dangerous stay open three to four times too long.
- 3) End the inane mandate that Federal Flight Deck Officer (FFDO) pilots lock their TSA firearms inside the cockpit when they exit to use the lavatory. FFDOs need to defend themselves of a potential attack when the cockpit gets unlocked for them to re-enter.

► ► ► The Germanwings Flight 9525 concern: Such a tragedy becomes 100% unavoidable after the suicidal-homicidal pilot becomes airborne

A flight attendant cannot pilot an aircraft nor can a flight attendant prevent a suicidal-homicidal pilot from crashing the aircraft like the March 24, 2015 Germanwings Flight 9525 tragedy. A suicidal-homicidal pilot can manipulate the instruments and put the aircraft in a fatal dive long before a flight attendant can react and attempt to unlock the door. In most jurisdictions, a suicidal-homicidal pilot will not be subject to full screening in order to bring a weapon to incapacitate the one person inside the cockpit with him/her. A suicidal-homicidal pilot may also become a TSA Federal Flight Deck Officer and use his/her TSA-issued firearm to incapacitate the one person inside the cockpit.

► ► ► The lone incapacitated pilot concern: This “solution” creates more vulnerabilities than it solves

In the case of a pilot going unconscious, most—if not all—doors have override systems for the lock, i.e., keypad or standard mechanical keys. One cockpit key can remain locked inside the cockpit. Before exiting, the key is removed from its lock-box, and worn around the neck of an exiting pilot—this procedure is similar to the U.S. Air Force’s procedure for intercontinental ballistic missile officers during launch. Pilots shall only unlock the door when the aircraft is in auto-pilot mode and the pilot remaining in the cockpit is donning an oxygen mask.

A pilot will never exit the cockpit if there are any existing weather or mechanical problems. A pilot has the good judgment to immediately leave the lavatory and re-enter the cockpit if he/she feels serious turbulence or a rapid descent as a result of an incapacitated pilot. The seconds-delay before the pilot re-enters the cockpit will not be long enough to put the aircraft in danger while in auto-pilot.

This leaves only one attack opportunity that is significantly difficult to the multiple optimal ones. The sole short period is when the pilot re-enters the cockpit. Now a potential attacker knows that the decades old standard procedure has changed. The attacker now knows that he only has less than 3 seconds to attack. 3 seconds because the pilot no longer has to switch out with a flight attendant already inside the cockpit. The pilot now—

- a) sets up a barrier of his/her wishes which may incorporate multiple drink-carts and/or flight attendants,
- b) gets on the phone with the pilot alone in the cockpit,
- c) makes certain that no passengers are in the aisle,
- d) orders the pilot to unlock the door while the aircraft is in auto-pilot,
- e) the pilot re-enters the cockpit, and
- f) closes the door.

3) Have a plan of immediate action for pilots under an opioid attack such as dropping the oxygen masks so that passengers will not inhale the affected cabin air containing residual opioid.

4) Mandate that every aircraft have naloxone hydrochloride (NARCAN®) doses in their medical kits and inside the flight deck for the pilots to access in order for them to inoculate themselves.

5) Mandate that every FAM carry NARCAN® doses in order to stop hijackers and inoculate the pilots and themselves.

► ► ► **The 12-cable “wire-mesh” Installed Physical Secondary Barrier system—first installed by United Airlines in 2004—was not cost-effective and dangerous**

A year after July 2003 disclosures—United Airlines boasted that it is the first airline to deploy steel the 12-cable IPSB (*SEE FOOTNOTE 24*) commonly referred to as the “wire-mesh” barrier. See photo.⁵⁹

The 12-cable IPSB consisted of 12 spring-loaded, coiled cables that retracted across the forward galley/main cabin entrance. It only had the ability to stop suicidal attackers from rushing the cockpit, but it could not stop a firearms or opioid attack—two concerns that TSA has gone public about and enacted more screening procedures over (*SEE FOOTNOTE 46*). Due to being cost-prohibited—caused by the aircrafts’ downtime to repair them—the U.S. Air carriers have stopped installing 12-cable IPSBs or removed them from entire fleets. A United Airlines mechanic stated to me that the 12-cable IPSB required 2 contractors to repair them: The company that built them and another one to fix the bulkhead area where the system anchored into the forward bulkheads.

The 12-cable IPSB is also dangerous due to the fact they get damaged from drink-carts and passengers’ roller-bags, and can fall into the main egress area and hinder

⁵⁹ February 17, 2017 “Members of Congress Fight to Prevent 9/11-Style Terror Attack Reps. Fitzpatrick, Carson, King & Gottheimer introduce bipartisan ‘Saracini Aviation Safety Act’ to protect America’s skies” by Congressman Brian Fitzpatrick (Pennsylvania): <https://medium.com/@RepBrianFitz/members-of-congress-fight-to-prevent-9-11-style-terror-attack-3caaad72b6d5>

evacuation. Being exposed to the main cabin, the 12-cable IPSB can also be sabotaged with a steel TSA-approved carry-on item or nonflammable glue.⁶⁰

In 2013, United Airlines paid to have IPSBs removed from its Boeing B787 “Dreamliner” fleet.⁶¹

⁶⁰ J-B Weld EXTREMEHEAT™ 3-ounce water based, non-flammable and contains no solvents or Volatile Organic Compounds glue: <https://www.jbweld.com/products/j-b-extremeheat>

⁶¹ June 20, 2012 The Seattle Times article titled, “Union says United is removing 787 cockpit barriers” by Joshua Freed: <https://www.seattletimes.com/business/union-says-united-is-removing-787-cockpit-barriers/>

VI. CONCLUSION

Postpose the purchase of questionably effective computed tomography machines, implement the INTERIM cockpit transition procedures per Section IV; and emplace Installed Physical Secondary Barriers in accordance to the existing 2002 FAA order and the Aviation and Transportation Security Act's Section 104

Postpone the purchase of computed tomography machines until every aircraft has emplaced an IPSB.

► ► ► **Cockpit Installed Physical Secondary Barrier systems must be—**

- **modular,**
- **one-person** replacement and operation capable,
- **down-time** for the aircrafts is eliminated,
- **minimally invasive** for installation,
- **rush, firearms, and opioid** attacks prevention, and
- **sabotage** free.

► ► ► **A TSA explosive expert asserted that it's almost impossible to detect a well-made IED; he's directed to embed metal into faux IEDs so that TSOs can find them**

I recently was contacted by a TSA Transportation Security Specialist - Explosives (TSSE) David Platt. TSSE Platt is aware of my proposal to place an **indefinite hold** on the procurement of new computed tomography (CT) machines until after all commercial aircrafts have IPSBs emplaced.

TSSE Platt has decades of high-level military and civilian law enforcement Explosive Ordinance Disposal (EOD) experience. He has been with TSA for over a decade:

TSSE Platt's most disturbing disclosure to me: If TSA senior managers were to allow him to build the **least detectable as possible** IED—with either faux or actual explosive material—that detection machines and/or their Transportation Security Officers (TSO) screening machine-operators would fail to detect his device-creations “100%” of the time. He stated that TSA senior managers direct TSSEs to embed **unnecessary metallic material** inside faux IEDs so that TSOs can more easily find them. Such metallic material was metal adhesive tape or pennies and nickel coins packed in epoxy. The goal of the needless metallic material directive is in order to build TSO's confidence, and also to avoid them going to Congress about the inevitable failure to detect common to well-made IEDs.

With regards to my assertion that the TSO computed tomography (CT) machine operators will almost always fail to detect terrorist organizations' average to best IEDs, TSSE Platt told me that was “very true” given the inherent monotony of the TSO-operator's job and the creativity of terrorist organizations' IED-makers.

TSSE Platt constantly asserted to me that he has absolutely **no confidence** in his senior managers and would only trust officials who I recommend he make the aforementioned disclosures to. He stated that there is no accountability for retaliation and senior managers do not care about improving IED-detection—only useless screening statistics and passenger wait-times. He often cited that the agency's IED-detection program is mostly “security theater”.

Given the time and effort invested, a terrorist organization will utilize an Insider-Threat to avoid the risk of walking through the gauntlet of TSOs and screening machines.

Currently TSSE Platt is working with the DHS-OIG and congressional committee oversight investigators about the lapses he told me about. He has since gone public with his disclosures that are a danger to public safety.⁶²

⁶² April 10, 2019 ABC News WFTV Channel 9 “TSA worker [David Platt] claims he witnessed boss approve bomb loading a plane at OIA” by Field Sutton: <https://www.wftv.com/news/local/tsa-worker-claims-he-witnessed-boss-approve-bomb-loading-a-plane-at-oia/938835916>

We need to refocus the \$803 million TSA LE/FAMS budget toward addressing the threat before it gets airborne, such as the insider-threat of airport workers who get little to no scrutiny such as surprise law enforcement checks.

From a DHS subcomponent's official website in an article titled, "Remembering Two 9/11s":

"In-flight surveillance was short lived for the Customs Air Security Officers [air marshal program]. On December 5, 1972, [retired U.S. Air Force four-star General] Transportation Assistant Secretary Benjamin Davis announced a change in emphasis for the program. According to Davis, '**...the best place to prevent a hijacking is on the ground before the plane goes into the air.**'" (*emphasis added*)⁶³

⁶³ U.S. Department of Homeland Security Customs and Border Protection's official website titled, "Remembering Two 9/11s": <https://www.cbp.gov/about/history/history-leads-to-the-present/remembering-two-911s>