



GOVERNMENT ACCOUNTABILITY PROJECT

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September 20, 2023

Honorable Henry Kerner
Special Counsel
1730 M Street, NW, #300
Washington, DC 20036
Attention: [REDACTED]

Re: Robert MacLean, 5 U.S.C. § 1213 referral for OSC disclosure file no. DI-16-2046

Dear Mr. Kerner:

This submission is the legal analysis for Mr. Maclean's previously-submitted, updated White Paper comments on the Federal Aviation Administration's (FAA) June 20, 2020 report and the Transportation Security Administration's (TSA) June 2, 2020 supplemental report into his disclosures of failure to implement significant post 9/11 recommendations. He alleged that the failures were illegal, and constituted abuse of authority, gross mismanagement, and a substantial and specific danger to public health or safety. The Office of Special Counsel (OSC) found a substantial likelihood Mr. Maclean's concerns were well-taken. On April 13, 2020 the OSC referred the following issues to the FAA Administrator, and separately requested supplemental information from TSA on the same issues:

1) FAA failed to aircraft operators to implement flight deck doors that open outward and away from the flight deck.

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2) FAA failed to require aircraft operators to implement installed physical secondary barrier systems, which function as another layer of protection between the passenger area and the flight deck.

Both reports found no misconduct and rejected any corrective action.

BACKGROUND

Neither agency report includes a history of actions on these issues. In fact, Mr. MacLean first disclosed the deficiencies to the OSC in 2016, after discovering them upon his reinstatement following legal victories at the Supreme Court, Federal Circuit Court of Appeals and Merit Systems Protection Board (MSPB) against his prior termination for whistleblowing. The Special Counsel found a substantial likelihood that disclosure was well-taken, referred them for investigation and report to the Transportation Security Administration (TSA) where Mr. MacLean worked. In October 2018, some two years later, a TSA official submitted a report.

In essence, TSA did not deny that both the law and public safety required enhanced protection of the flight deck, and that neither of these two reforms occurred despite an in-depth review and recommendations by an in-depth inter-agency study. However, TSA absolved itself of all responsibility and found no illegality, concluding that there will be no corrective action. Deputy Administrator Cogswell's reasoning was that relevant responsibility rests entirely with the Federal Aviation Administration (FAA) as the agency with primary authority. She resolved the issue with that excuse, although the Aviation Transportation Security Act (ATSA), PL. 107-71 (Nov. 19, 2001) assigns joint FAA-DHS responsibility.

Mr. MacLean submitted a vigorous rebuttal comment (Exhibit 1), including his original White Paper analysis. The White Paper was an exhaustive history of research supporting his disclosure. In addition to his personal experience, he supported his concerns with references ranging from the 9/11 Commission report and the Office of Inspector General ("OIG"), to the long-ignored findings and recommendations of the expert inter-agency 2011 Radio Technical Commission Aeronautics (RTCA DO-329) study.

He challenged the TSA response for virtually abdicating its role in a statutory partnership; failing to deny the public health and safety threat; failing to provide any response on abuse of authority or gross mismanagement; ignoring nearly all the research and analysis in the White Paper; and arbitrarily rejecting the RTCA expert findings and recommendations. The OSC also was dissatisfied and referred the issues for FAA response as the primary statutory partner.

After reviewing Mr. MacLean's comments, the OSC also sent the following additional questions for response by TSA.:

1. In the cover letter of the report, it states that the "ACI provided the three acceptable methods of secondary flight deck security listed in the RTCA study2 . . . To date, all aircraft carriers are in compliance with the AC by utilizing one of the three methods of secondary flight deck security." See Cover letter, page 2, para 2.

• What information is DHS relying on in making the latter statement regarding all aircraft carriers being in compliance?

• The report states that according to an "FAA Inspector who was interviewed, to the best of her knowledge, all U.S. air carriers are in compliance with the AC." See Report, page 6, "Finding #2."

□ Is this inspector's testimony the only basis for the agency asserting that "To date, all aircraft carriers are in compliance with the AC by utilizing one of the three methods of secondary flight deck security?"

□ If yes, please explain why DHS is solely relying on this inspector's statement as evidence of industry compliance.

2. In the cover letter of the report, it states that TSA sought guidance in 2018 from the Aviation Security Advisory Committee regarding the effectiveness of secondary barriers. It noted that the report was not finished at that time. See

Cover letter, page 2, para 3.

- *Has the report been completed? If not, what is the status and the expected completion date?*
- *If the report has been completed, we ask that the agency provide OSC with a copy of the report, its findings, and a summary of any actions taken in response to that report.*

On June 2, 2020 TSA responded. With respect to the first question, the agency explained that there was full compliance with RTCA recommendations, because the industry was complying with FAA recommendations to have written procedures. With respect to the second, TSA reported that the ASAC was in consensus on the need for secondary barriers, but not which type. Further, Congress had not passed a legislative requirement to retrofit secondary barriers, so the enhanced safety capacity is unnecessary for the existing fleet. TSA's third reason was that the enhanced security from secondary barriers was not worth the additional burdens on industry from retrofitting. As a result, TSA and FAA conferred, and decided not to do anything.

ANALYSIS

This analysis will not repeat Mr. MacLean's critique. Rather, it assesses whether the report complies with the statutory requirements of 5 USC 1213 to receive approval as a reasonable and complete response. The FAA report systematically ignores and violates both section 1213's purpose and statutory requirements.

STANDARD OF REVIEW

These comments apply the statutory requirements of 5 U.S.C. § 1213(d):

“Any report required under subsection (c) shall be reviewed and signed by the head of the agency and shall include—

- (1) a summary of the information with respect to which the investigation was initiated;
- (2) a description of the conduct of the investigation;
- (3) a summary of any evidence obtained from the investigation;
- (4) a listing of any violation or apparent violation of any law, rule, or regulation; and
- (5) a description of any action taken or planned as a result of the investigation, such as—
 - (A) changes in agency rules, regulations, or practices;
 - (B) the restoration of any aggrieved employee;
 - (C) disciplinary action against any employee; and
 - (D) referral to the Attorney General of any evidence of a criminal violation

OVERVIEW ON AGENCY CHIEFS' FAILURE TO TAKE RESPONSIBILITY

5 U.S.C. § 1213(d)(1) requires that “[a]ny Report required under subsection (c) shall be reviewed and signed by the head of the agency....: The agency head must include his or her findings from the Report. 5 U.S.C. §1213(c)(1)(B). OSC website guidance further explains,

Should the agency head delegate the authority to review and sign the Report,¹ the delegation must be specifically stated and include the authority to take the actions necessary under 5 U.S.C. § 1213(d)(5).

Both the FAA report and TSA supplement continue to ignore the law's mandate that the buck stops with agency chiefs for resolution of whistleblower issues referred by the OSC. The FAA's report came from Steven Bradbury, the FAA's General Counsel, without any indication the Administrator read or even received the report.

The TSA's defiance was even more brazen for this cornerstone requirement. TSA leadership assigned TSA investigators, to Mr. MacLean's 1213 OSC-referrals, who have bonafide conflicts of interest: The TSA investigators assigned to interview Mr. MacLean on another OSC 1213 referral, regarding airline food catering trucks security, were also assigned to the 2017 to 2018 retaliatory investigations now under review by the U.S. Merit Systems Protection Board (MSPB). The TSA investigators assigned to probe Mr. MacLean's off-duty activity were *Transportation Security Operations Center Herndon, Virginia* (TSOC) based TSA Special Agent / Criminal Investigator (1811 series) [REDACTED] and TSA Investigator (1801 series) [REDACTED]. TSOC TSA agents [REDACTED] were both supervised by TSOC TSA supervisory agents, who conducted the investigation and supervised the drafting of TSA's June 2, 2020 report of investigation responding to the OSC's 1213-referral for cockpit secondary barriers to protect cockpits that dangerously open away from the main cabin: TSOC-based TSA Investigations Special Agent in Charge [REDACTED] and TSA Investigations Supervisory Special Agent [REDACTED]. TSOC TSA supervisory agents [REDACTED] did not Cc: the TSA Administrator or the DHS Secretary for its June 2, 2020 report of investigation. TSOC TSA supervisory agents [REDACTED] supervised three years of serial, retaliatory investigations that were the basis to terminate Mr. MacLean, two of the TSOC TSA field agents were their subordinates, [REDACTED]. When Mr. MacLean protested TSOC TSA agents [REDACTED] direct involvement in the airline trucks OSC 1213-referral, TSOC TSA agent [REDACTED] threatened Mr. MacLean that he would terminate their interview of Mr. MacLean, omit Mr. MacLean's statements from the Memorandum of Interview/Activity, and also omit the audio of their interview of Mr. MacLean inside of the TSOC. audio. Mr. MacLean has submitted detailed evidence to the OSC that TSOC TSA agents [REDACTED] and [REDACTED] made criminal false statements to reinforce retaliation in their statements and reports of their probe into Mr. MacLean's legally protected, off-duty, and private online membership activity using his personal computers. TSOC TSA supervisory agents [REDACTED] are the top hatchet men in an adversary relationship, without any credibility as an objective factfinder.

¹ There is no statutory authority under § 1213 for an agency chief to pass the buck to subordinates when responding to an OSC order to investigate after finding a substantial likelihood of illegality or other serious public policy misconduct. Nor is this accountability loophole consistent with legislative intent. In 1978 when Congress passed the bi-partisan Leahy Amendment that created this structure, the point was that agency chiefs must take personal responsibility to clean their own houses of misconduct that betrays the public trust. Congress reasoned that agencies bury problems within bureaucratic ranks. In a 1978 Dear Colleague letter a bi-partisan group of 17 senators explained that the point of their proposed amendment, which was adopted as part of the Civil Service Reform Act -- to ensure that agency chiefs are aware of serious misconduct, and exercise leadership to address it. (Reprinted in 124 Cong. Rec. S14302-03. (daily ed. Aug. 24, 1978)

One of the TSA investigators was kept out of the loop of the cabal: during Mr. MacLean's February 15, 2018 interview for this 1213-referral one of the TSA investigators, TSA Special Agent [REDACTED], complained that TSA detailed him from Denver, Colorado. After Mr. MacLean asked him why he had to fly across the country, TSA agent Stone stated that he was selected so that there would be no perception of a conflict of interest because of the 2017-2018 internet group investigation being conducted by the TSA Investigations TSOC office in Herndon, Virginia. Mr. MacLean would later find out that the second agent in the February 15, 2018 interview was TSOC TSA supervisory agent [REDACTED].

Unfortunately, TSA and FAA are not alone in exempting agency leaders from taking responsibility for OSC referrals, In GAP's experience, agency leaders avoiding OSC referrals has become the rule., rather than the exception This is unacceptable, because Congress explicitly required accountability from agency leadership. In the legislative history, Congress explained that the referrals are so agency chiefs have an early warning system and record to exercise mandatory leadership. This will not stop, until the Special Counsel flunks reports on grounds that agency chiefs are avoiding and passing the buck.

FAILURE TO MEET MINIMUM STANDARDS FOR CONTENT

While the TSA supplemental report meets procedural requirements, the FAA response ignored the following requirements in 5 USC section 1213(d):

(1) *a summary of the information with respect to which the investigation was initiate.* FAA's General Counsel did not recognize the existence of any evidence supplied by Mr. MacLean, let alone summarize it. Nor did Mr. Yeager recognize, let alone respond to, any of Mr. MacLean's evidence.

(2) *a description of the conduct of the investigation.* There is none

(3) *a summary of any evidence obtained from the investigation.* The FAA report does not provide any evidentiary references, data or even academic research for its self-exoneration. The closest is a political appointee's incredible assertion that it could reduce aviation safety to have outward opening flight deck doors. The report does not cite either studies, experience on aircraft with outward-opening doors, or any citation at all for the assertion, and ignores Mr. MacLean's prior technical rebuttals.

Those unsupported assertions apply to topics whose existence the agencies recognized. It completely skipped such fundamental WPA categories as abuse of authority and gross mismanagement. Neither agency had that lawful option.

REASONABLENESS

A. FAA report. The FAA lawyer's conclusion that no recommended changes are necessary is worse than merely unreasonable. As seen below, it is intellectually insulting.

Initially, Mr. Bradbury concluded that FAA's actions "accommodate" aviation safety and security. This is a confession by omission that the agency has not achieved sufficient security. Reinforcing the inadequacy, Mr. Bradbury did not present any evidence to counter the RTCA and internal expert reviews that current safeguards fail to adequately protect the public. On its face, these vacuums render unreasonable the agency's decision not to take corrective action.

Second, the agency said its policies are adequate, because a 2018 statute only requires secondary barriers for new planes. It is unreasonable *per se* to conclude that the findings and corrective action are unnecessary unless an agency breaks the law. That is why Congress established whistleblowing channel for gross mismanagement, abuse of authority or a substantial and specific danger to public health or safety. There is no rebuttal or response for any of these consequences, all which Mr. MacLean alleged and defended, except that current legislation only requires heightened security for new planes. That default is unreasonable *per se*.

Third, while Congress enacted mandatory barriers for future airplanes in 2018, almost three years later the agency has not yet even issued a Notice of Proposed Rulemaking. Waiting three years to begin the formal process of plugging a major aviation security loophole is unreasonable on its face.

B. TSA Supplemental report. If anything, ██████████ answers to supplemental OSC questions are even more embarrassing. Initially the OSC asked for more support than one unidentified FAA inspector that all aircraft are complying with RTCA recommendations. His response is that the inspector thinks the industry is complying with the RTCA recommendations (which include secondary barriers) merely by writing procedures. He did not disclose whether the procedures have been assessed for adequacy; if the procedures require an acceptable substitute for secondary barriers; or whether the procedures are complied with in reality. His conclusion that the existence of airline procedures means there is no public health and safety threat is unreasonable on its face.

The Special Counsel also inquired to learn the Aviation Security Advisory Committee's recommendations, and any action the agency took in response. ██████████ reported that the ASAC completed its work in December 2018. There was a consensus that secondary barriers are necessary for security, but not on which type should be required. *FAA used the lack of consensus on which corrective action to adopt as an excuse to do nothing*. This is not merely unreasonable. It is grossly unreasonable.

██████████ also explained the actual underlying reason for inaction, which had been TSA's same reason to ignore the RTCA: It would be too much burden on the airlines industry. On its face, that is an admission of abuse of authority – TSA twice has arbitrarily rejected its own experts on security safeguards, because it would cost the industry too much time and money. That is the definition of abuse of authority – arbitrary action that results in favoritism (for industry profits) or disadvantage (leaving the public as vulnerable to relevant terrorist tactics as nearly two decades ago when 9/11 occurred).

On balance, OSC has referred these failures to take post 9/11 security reforms for Executive branch investigation three times. Each time, the TSA (twice) and FAA (once) have

ignored WPA subject categories; ignored all the methodology/transparency requirements in section 1213(d); and defended inaction with irrational justifications that are irrelevant, cannot withstand even superficially scrutiny, or are self-defeating. The bottom line is that two agencies are determined not to better protect the public, which remains as vulnerable to these terrorist tactics as in 2001.

Clearly, OSC action to require investigations of this issue alone will not make a difference. OSC can still have an impact, however, by holding TSA and the FAA accountable for bad faith responses to section 1213. The OSC needs to make a finding that the agency reports fail to meet statutory requirements for completeness and reasonableness. Neither Mr. MacLean nor GAP have any intention to give up on closing these security loopholes. An adverse OSC finding on the reports will allow us to continue this effort in Congress with credibility. In a high-profile case such as Mr. MacLean's, an adverse finding also will send a message to agencies that they cannot ignore or avoid the requirements of section 1213 with impunity.

Respectfully submitted,

s/Tom Devine/s

Tom Devine

Counsel for Mr. MacLean

In order to comply with the law, Section 104 of the Aviation & Transportation Security Act of 2001, commercial passenger airline companies must immediately emplace specialized nonporous flight deck (“cockpit”) installed physical secondary barrier systems (“IPSB”) on all aircrafts

I'm Robert J. MacLean, a former (2001 to 2006 and 2015 to 2019) U.S. Department of Homeland Security (“DHS”) Federal Air Marshal (“FAM”). For over 22 years, this post-September 11, 2001 terror attacks (“9/11”) federal law, the *Aviation and Transportation Security Act of 2001's* (“ATSA”) Section 104, gets repeatedly violated. Specifically, it mandates that all aircraft must have a “modification [or] redesign...to ensure the safety and security of the aircraft” to protect the cockpit when pilots must unlock them during flight:

“IMPROVED FLIGHT DECK INTEGRITY MEASURES. (a) IN GENERAL.— As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order (without regard to the provisions of chapter 5 of title 5, United States Code) requiring 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...and take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the aircraft.”

When pilots must perform inflight ad hoc wing-surfaces safety inspections, get food or drink during flight, and/or use the lavatory during flight, there exists no statutory exception to ATSA's Section 104 that requires “authorized persons”, from inside the main cabin, to enter the cockpit in order “to permit [‘authorized persons’] access and egress.”

4 months after the Air Line Pilots Association (“ALPA”) publicly complained that the government failed to mandate cockpit secondary barriers, that Israel has

always mandated on their airliners, I disclosed a July 2003 Al Qaeda terrorist group plot **to again breach unlocked cockpits** on long-haul flights that require pilots to open their doors when they need to sleep (cross-ocean), eat, hydrate, and/or use the lavatory. A year after my disclosure the unclassified 9/11 Commission report showed that the hijackers simply waited for the cockpits to eventually unlock for the pilots' breakfast service or to use the lavatory, 2 of the aircrafts attacked had cockpit doors that dangerously opened away from the main cabin. A year after my 2003 disclosure, cited in my 2015 U.S. Supreme Court decision, pages 158 and 245 of the unclassified / published 9/11 Commission Report show that the hijackers simply waited for the pilots to get their breakfast or use the lavatory.

Highlighting the ineffectiveness of the DHS Federal Air Marshal Service ("DHS-FAMS") and the need to equip all commercial aircrafts with IPSBs, I subsequently filed a formal "danger to public" disclosure with the U.S. Office of Special Counsel (OSC) that was summarily closed on December 7, 2006. In my November 13, 2006 OSC complaint I asserted:

"the U.S. Transportation Security Administration's (TSA) air marshal program is the worst threat to aviation security right now ... the current checkpoint bypass and pre-boarding policies that TSA and the airline companies insist on, an air marshal team is going to easily get ambushed and their weapons will be used to take another plane down. Air marshals right now are sitting ducks with current the current strategy. ... 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."

<https://drive.google.com/file/d/10EvbebX-eXcH2w-WQT6uY4jltYHdOzik/>

The April 4, 2003 The Associated Press article about the lack of specialized IPSBs

My long-haul flights 2003 disclosure was 4 months after the largest pilots union publicly complained to *The Associated Press* about our government's failure to deploy cockpit specialized IPSBs on all aircrafts that Israel has implemented long before the Al Qaeda 9/11 attacks; the article is titled, "Bulletproof Cockpit Doors A Reality" and remains today on the CBS News website.

The abuse of the UNclassified “Sensitive Security Information” marking

Not only are federal agencies delaying the implementation of the 2018 law, that mandates the installation of IPSBs on **only newly-built** aircrafts, but they see no need for **all existing** aircrafts to be protected. Contradicting their dismissiveness of any vulnerabilities, since June 2005: both FAA and the DHS Transportation Security Administration (TSA) have hidden from the public its findings with regard to unlocked cockpits not being protected by specialized IPSBs. FAA and TSA withhold this information by designating it with an UNclassified making titled, “Sensitive Security Information” (SSI). An SSI-designated document is exempt from Freedom of Information Act (FOIA) requests. Any FAA or TSA employee can designate a document as SSI and can do so retroactively. TSA fired me in 2006 for failing to designate a danger warning message as SSI.

In 2021, FAA began to designate the unlocked cockpit vulnerability as CLASSIFIED information

Since 2021, the U.S. Department of Transportation (DOT) / Federal Aviation Administration (FAA) has begun to **classify its reports about unlocked cockpit vulnerabilities**. FAA classifies the unlocked cockpit vulnerability despite the fact that it “stood its ground” that newly-built aircrafts can wait until 2025 to get specialized IPSBs and that all existing aircrafts will never need them. As of March 3, 2023, FAA asserts in writing that specialized IPSBs are “equally” as effective as “human secondary barriers”.

My February 12, 2016 “danger to public” cockpit vulnerabilities refile with OSC; the redacted RTCA report showing that air marshals are ineffective in stopping 9/11-style unlocked cockpit attacks

Below are my 5 U.S.C. § 1213(e)(1) “violation of any law...danger to public” reply comments addressing FAA and TSA’s responses to my OSC referral that I initiated on February 12, 2016 and subsequently submitted countless supplemental disclosures. On January 7, 2016, I emailed TSA leadership a request that it grant me access to the unredacted 2011 *Radio Technical Commission on Aeronautics* (RTCA) study report No. RTCA DO-329. TSA leadership verbally rejected my initial requests. On February 2, 2016, I emailed an appeal to FAA headquarters to grant

me access to the unredacted RTCA DO-329 asserting that I was a Federal Air Marshal directed to lead international missions therefore I had a need to know of the study's findings. Weeks later, FAA contacted my now-retired DHS Federal Air Marshal Service Region One Director, [REDACTED], and I was finally allowed access to RTCA DO-329. On April 12, 2016, I emailed OSC a password-protected document proving the FAA and TSA's concealment that Federal Air Marshal teams can't prevent 9/11-style unlocked cockpit attacks as shown in the unredacted RTCA DO-

329:<https://drive.google.com/file/d/0B5QD7Ci6CgwwTHp1cVFBZFBsdGQ2UjAwc0FOckpOd1JkN3J3/>

In June 2023, the Congressional Research Service issued a report concluding that we will end up wasting \$22.4 [B]illion on a marginally effective air marshal program versus a one-time cost of \$207 million to deploy 100%-effective specialized IPSBs on ALL aircrafts

The annual budget of the DHS Federal Air Marshal Service is about \$800 million per year, a program that covers less than 1% of all daily U.S. flights. The total expenditure for a questionable security program would cost taxpayers approximately a total of \$22.4 [B]illion between 2023 and 2051 **before all U.S. aircrafts** would have specialized IPSBs under the *2018 FAA Reauthorization Act's* half-baked mandate that signals to all bad-actors to attack only the existing aircrafts' cockpits when pilots have to routinely unlocked them. The June 22, 2023 Congressional Research Service's report titled, "Secondary Cockpit Barriers for Airline Aircraft", states:

"At [the current specialized IPSBs for only newly-built aircrafts law mandate] rate, it would take roughly 28 years before most aircraft in passenger airline service would have secondary cockpit barriers installed ... If the entire passenger airline fleet of roughly 5,900 aircraft were to fall under such [specialized IPSB] requirements, the total fleetwide cost to comply would be approximately \$71 million under the [Congressional Budget Office ('CBO')] assumption of a top per aircraft cost of \$12,000, or \$207 million if the per aircraft cost is \$35,000 as FAA expects."

<https://crsreports.congress.gov/product/pdf/IF/IF12435>

Initially, on February 12, 2016, I refiled my November 16, 2006 OSC unlocked cockpits without specialized IPSBs / ineffective Federal Air Marshal Service “danger to public” disclosure after publicly testifying before Congress on June 9, 2015 about the lack of specialized IPSBs.

Prior to my February 12, 2016 OSC disclosure, I was a decorated Air Force nuclear missile and space systems “Master Technician”. After almost 6 years as a Border Patrol Agent, I was a certified academy Spanish language instructor, national recruiter, field training officer, and public affairs officer. A Federal Air Marshal Service senior leadership official testified in 2009 that I had an unblemished record and consistently performed my law enforcement duties “exemplary”.

Federal agencies are quietly dismissive of any unlocked cockpit vulnerabilities, yet they hide relevant study and investigative reports with unclassified “Sensitive Security Information” designations, and since 2021, they now CLASSIFY such reports making it illegal to disclose any information contained in them

What should deeply trouble the public is the fact that federal agencies are not only using the unclassified “Sensitive Security Information” marking to redact reports of investigation, with regards to specialized IPSBs, but since 2021, FAA is now CLASSIFYING such reports.

Our government deems CLASSIFIED: information about a door that a bad-actor knows will soon open because he just watched a flight attendant spin around a standard airline service-trolley (“food-cart” or “drink-cart”) sideways into the aisle. If such classified reports—or information from them that is classifiable—are released to the media or to the wrong staff members in Congress, that federal government employee will have no legal whistleblower protections and is subject to termination and/or criminal.

Federal agencies are hiding such information, despite the fact that they quietly assert that there exist “minimal” vulnerabilities to routinely unlocked cockpits on long-haul flights. Further proving their contradictory statements, federal agencies believe that the *FAA Reauthorization Act of 2018* law does not

require a mandate for specialized IPSBs on ONLY NEWLY BUILT aircrafts until 2025—7 years after the law’s passage.

The 2018 law and the government will never mandate specialized IPSBs on ANY EXISTING aircrafts; every 2 years, the ALL EXISTING aircrafts H.R. 911 bill dies before ever getting to both floors of Congress for a vote. The FAA and TSA bosses have long-term vision and know that they can keep ignoring the 2001 law’s “flight deck redesign, as may be necessary to ensure the safety and security of the aircraft” mandate because members of Congress and their staff come and go every 2 or 6 years. FAA and TSA bosses will be around much longer and will secure themselves post-retirement jobs with the companies that benefitted from ignoring the 2001 law; cases in point: the now-former TSA Branch Chief who “[a]cted as the contracting officer’s technical representative for \$88 million integration services contracts directly responsible for deploying \$350 million in security technology...[l]ed requirements group with assessing all airport screening equipment requests and coordinating all logistics”, [REDACTED], is now a “TSA Key Account Manager” for the airport screening equipment contractor *Smiths Detection* [<https://www.linkedin.com/in/ronshields>] and now former Federal Air Marshal [REDACTED] is “Vice President of Operational Security” of the airport passenger screening company *CLEAR* [<https://www.hstoday.us/industry/people-on-the-move/former-tsa-acting-deputy-administrator-rod-allison-becomes-a-vp-at-clear/>]. FAA and TSA bosses know that they will have enough *plausible deniability* or will already be retired and gainfully reemployed through *The Homeland Security Complex’s* “revolving-door” before another disaster will happen...

In summary, post-9/11 publications, and what commercial passenger aviation experts and I have found:

The current Title 49 of the U.S. Code of Federal Regulations (CFR) Section number 1544.237 that codifies the 2001 law but omits its provision mandating the “*modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the aircraft*”:

“Flight deck privileges. (a) For each aircraft that has a door to the flight deck, each aircraft operator must **restrict access to the flight deck** as provided in its security program.” (*emphasis added*)

January 11, 2002 excerpt from the presidential executive order, codified in 49 C.F.R. § 25.795, 100% fulfilling the mandate that all flight decks (“cockpits”) be person-ram and bullet proof no later than April 9, 2003:

“The doors will be designed to resist intrusion by a person who attempts to enter using physical force. This includes the door, its means of attachment to **the surrounding structure**, and the attachment structure on the bulkhead itself. 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.” (*emphasis added*)

April 4, 2003 excerpt from *CBS News*, a *The Associated Press* reprint, article titled “Bulletproof Cockpit Doors A Reality” **published four months prior** to DHS’s “Sensitive Security Information” marked July 26, 2003 hijacking warning cited by the Supreme Court of the United States in its 2015 decision, *Department of Homeland Security v. Robert J. MacLean*:

“[T]here 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.** ‘[The newly reinforced cockpit is] a barrier when it’s closed, it’s an entry when it’s open,’ said Capt. ██████████ chairman of the Air Line Pilots Association’s national security committee. ... All [Israeli commercial passenger] planes have double doors separated by a narrow hallway. ... Pilots must close one door before opening the other[.]” (*emphasis added*)

<https://www.cbsnews.com/news/bulletproof-cockpit-doors-a-reality/>

July 26, 2003 excerpt from DHS’s “Advisory[;] Title: Potential Al-Qaeda Hijacking Plot in the U.S. and Abroad” warning cited by the Supreme Court of the United States in its 2015 decision, *Department of Homeland Security v. Robert J. MacLean*:

“The plan may involve the use of five-man teams, each of which would

attempt to seize control of a commercial aircraft either **shortly after takeoff or shortly before landing** at a chosen airport. This type of operation would preclude the need for flight-trained hijackers.”
(*emphasis added*)

The Air Line Pilots Association’s July 30, 2003 Press Release #03.054 in response to the July 26, 2003 hijack warning cited by the Supreme Court of the United States in its 2015 decision, *Department of Homeland Security v. Robert J. MacLean*:

“Thanks to the numerous improvements that were implemented in the wake of 9/11, pilots have received detailed training on procedures for reacting to specific events on their airplanes. **We will not open locked cockpit doors in the face of a hijacking.**” (*emphasis added*)
<https://web.archive.org/web/20040615052647/http://www.alpa.org/alpa/DesktopModules/ViewDocument.aspx?DocumentID=4372>

The 9/11 “box-cutters/hostage stand-off” myth

Pages 5, 158, and 245 of the 9/11 Report show that the hijackers well plotted out their attacks and took the path of least resistance: they simply waited for the pilots to unlock the flight deck to either get their breakfast or use the lavatory. The the “box-cutters/hostage stand-off” is highly unlikely given that **most pilots were military/combat veterans** who are taught to never take down your best defense, i.e., voluntarily unlocking the flight deck to appease a self-identified murderer in order to save one or a few more passengers while risking your and everyone else’s life. In fact, four of the six 9/11 pilots were veteran military pilots. More likely than not, the box-cutters were used solely for killing the pilots once the hijackers “jammed their way in” to the flight deck; on page 5 of the 9/11 report, it describes that an American Airlines Flight 11 (“AA11”) flight attendants told ground-control that the hijackers likely “jammed their way in” to the flight deck. The report shows that AA11 hijackers took over the aircraft (8:24 AM) **within 23 minutes after take-off** (7:59 AM). Common sense prevails that a hostage stand-off could not have been negotiated within 23 minutes or less and without all of the flight attendants’ knowledge. Furthermore, AA11’s pilots would likely be difficult to negotiate so easily with: AA11 Captain [REDACTED] was a U.S. Air Force pilot during the

Vietnam War and his First Officer, [REDACTED], was a U.S. Navy fighter pilot. AA11 was a Boeing B767. B767 cockpit doors **opened away from the main cabin** making it even easier to breach the moment the door unlocks. From the 9/11 Report —

Page 5:

“[American Airlines 11 flight attendant [REDACTED] [REDACTED] speculated that [the hijackers] had **‘jammed their way’ in** [to the cockpit].”

Page 158:

“While in Karachi, [‘9/11 principal architect’ [REDACTED] [REDACTED] 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.**”

Page 245:

“[Lead hijacker [REDACTED] said]...[t]he **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.** ... While Atta 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*)

Title 14 Code of Federal Regulation §121.584:

“[N]o person may **unlock or open the flightdeck door unless the area outside the flightdeck door is secure.**” (*emphasis added*)

December 14, 2003 excerpt from *The Los Angeles Times* article titled, “New Doors Causing Cockpit Problems”:

“The incidents this year are examples of glitches that suggest **the new ‘fortress’ cockpit doors are hardly foolproof.** ... [S]ome pilots are questioning the overall design of the doors. They must be opened for **pilots to use the bathroom and receive food and drink**, creating a clear vulnerability. United Airlines is considering a second barrier -- perhaps a **Kevlar net** -- for better security. The fortified doors, required by U.S. and international aviation authorities after the Sept.

11 attacks, were designed to **withstand extreme pounding and a hail of bullets**. Developed and **installed in record time**, they are considered a crucial defense in the war on terrorism. But the security **door might be opened a dozen or more times** on a long flight, said [REDACTED], 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[.]' (*emphasis added*)
<https://www.latimes.com/archives/la-xpm-2003-dec-14-na-doors14-story.html>

September 10, 2007 excerpt from a *CNN* article titled, "Pilots: Cockpits remain vulnerable to terrorist assault", a reminder, TSA receives almost **\$1 billion a year** for its Federal Air Marshal Service (DHS-FAMS), its voluntary armed pilots program ("Federal Flight Deck Officer"), and its voluntary flight attendant martial arts program:

"In a June 2005 report to Congress, the Transportation Security Administration said the [**secondary**] **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 [TSA] 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." (*emphasis added*)
<http://www.cnn.com/2007/TRAVEL/09/10/protecting.cockpits/index.html>

March 11, 2014 excerpt from *The Washington Post* article titled "Lost: The mysterious, baffling disappearance of Malaysia Airlines Flight MH370, a Boeing B777; B777s have cockpit doors that open away from the main cabin":

"There were media reports Tuesday, quoting Malaysia's air force chief, Gen. [REDACTED], saying that military radar picked up the plane Saturday flying far off-course, to the west, hundreds of miles from its scheduled flight path. That would suggest foul play — for example, **a cockpit intrusion** and forced diversion[.]" (*emphasis added*)
https://www.washingtonpost.com/national/health-science/lost-the-mysterious-baffling-disappearance-of-malaysia-flight-370/2014/03/11/1b7e390e-a94f-11e3-b61e-8051b8b52d06_story.html

In my December 4, 2015 disclosure to TSA headquarters, I complained about the dangerous "two-person rule", enacted months prior, in which a flight attendant

needs to enter the cockpit when a pilot must exit:

“During our three-hour [Delta Airlines (‘DL’) flight [], each of the two pilots had to use the lavatory. During each occurrence, **a flight attendant entered the flight deck as a pilot exited, further increasing the time and opportunity for an attacker to leap in.** Because DL2063 did not have a secondary barrier system, a determined fanatic would have easily dashed by me and my one other team member seated in an aisle seat, and breach the flight deck. **I was seated in my assigned window seat, further giving a flight deck rusher an advantage.** Even if both of us were seated in the first row’s aisle seats, we still would not have been able to timely notice an amped-up suicidal attacker sprinting and diving into an open flight deck[.]” (*emphasis added*)

<https://drive.google.com/file/d/1fi0zo5yPBKJXFrrY-YTlyCwsMeS07TbD/>

On February 10, 2018, I conveyed the “two-man/person rule” danger to TSA Office of Inspection/Investigations and suggested a solution:

“SOLUTION: ‘No-Alert’ Door Transition Reducing Chances To ONLY ONE [;] The pilot only tells the other pilot in the flight deck that he will leave the flight deck. He/she alerts none of the flight attendants until he/she exits and locks the flight deck without allowing a flight attendant to enter. ... This is technically a violation of the FAA’s ‘two-man rule.’ A rule that is mostly nonsensical and needless[.]” (*emphasis added*)

https://drive.google.com/file/d/19sNB977_IiwHauWDk854mTNEFtb09IdU/

Six months after my verbal and emailed December 2015 disclosures to DHS-FAMS headquarters, both the Australian and German aviation safety authorities abolished the “two-person rule” asserting that it “**introduced an additional risk of flight deck incursion**”. This absurd rule was supposed to stop suicidal pilots from killing everyone on the Germany-flagged aircraft, i.e., Germanwings Flight 9525 disaster. All of the major U.S. airlines, if not all of them, still enact this dangerous practice that leaves the cockpit vulnerable for a substantial and unnecessary amount of time:

“Australia’s Civil Aviation Safety Authority [‘CASA’] said a review of the practice in Australia found [it] introduced **an additional risk of flight deck incursion,**’ CASA said in a recent briefing note. [European Union Aviation Safety Agency (‘EASA’) eased the two-person rule in August 2017, and German airlines revealed **they would abandon it** April

[2018], arguing **it increased security risks rather lowered them.**"
(*emphasis added*)
<https://www.airlineratings.com/news/australia-eases-germanwings-two-person-cockpit-rule/>

December 18, 2015, a nonstop United Airlines 100%-full flight from Los Angeles, California to Dulles, Virginia on a Boeing B757, my one partner and I were flying a Federal Air Marshal mission. Both of us were directed to sit in window seats. As usual, before a pilot exited to use the lavatory, a **flight attendant spun a drink-cart perpendicular into the aisle which alerts any bad-actor** that the cockpit will soon unlock. The flight attendant allowed passengers to stand in the aisle and line-up in front of her turned drink-cart while the cockpit was unlocked. Former U.S. Solicitor General [REDACTED] sat in an aisle seat in the row in front of me. [REDACTED] spouse, [REDACTED], was killed on a flight highjacked on 9/11. I electronically filed a Federal Air Marshal Service "Mission Report" to my first-line supervisor. Showing this common drink-cart method, the CBS TV series SEAL Team aired—on January 2, 2019—aired its Season 2 Episode 11 titled "Backwards in High Heels", here's a YouTube clip exploiting the dangerous buffoonery wholly endorsed by TSA leadership since 2002:<https://youtu.be/keKf2un03wI>

The following was confirmed in an unpublished March 3, 2023 U.S. Department of Transportation (DOT) General Counsel report transmitted to OSC addressing my 2016 disclosures to OSC with regard to this referral: a December 13, 2019 The Orange County Register article:

"MacLean has become skilled at mining public records. [In March 2016, he] found a 'quietly conducted [unpublished unredacted Radio Technical Commission on Aeronautics No. RTCA DO-329] study' in 2011 in which air marshal instructors, who were expecting an attack drill, were unable to stop role-playing hijackers who began their assault [REDACTED]."

<https://www.ocregister.com/2019/12/13/flight-security-hopelessly-inadequate-to-stop-another-9-11-style-attack-whistleblower-says/>

Testimony provided to the U.S. Merit Systems Protection Board (MSPB) by

██████████. The *Saracini Aviation Act* law—secondary barriers for **only new aircrafts built after 2019**—and the failed *Saracini Aviation Enhancement Act* bill—secondary barriers for **all existing aircrafts**—were named after ██████████ husband, ██████████, who was killed by the 9/11 hijackers when he was the Captain of United Airlines Flight 175. The hijackers flew his B767 aircraft into the New York World Trade Center. Several active-duty Federal Air Marshals (FAM) recently confirmed to me that now only one of them sits alone in the forward-most cabin.:

“I also have worked with the Air Line Pilots Association National organization and in 2014 the then President Lee Moak said if I worked with him **to remove the Federal Air Marshalls (sic) from first class then it would be ‘easy’ for him to get Secondary Barriers on planes**. I stated to him that he was putting the cart before the horse, that if he was able to achieve the installation of Secondary Barriers, he should do so, and then the FAA could reassess the needs of the Federal Air Marshalls position on airplanes. ... I’ve attended multiple meetings with Congressman Brian Fitzpatrick and Transportation Security Administrator David Pekoske. It was during one conversation that **Mr. Petoske (sic: ‘Pekoske’) announced he had moved the Federal Air Marshalls from first class to random areas in coach class seating**. I expressed that the ONE job the Federal Air Marshalls were deployed on airplanes was to protect the flight deck. He said the ‘threat on an airplane has evolved’ and ‘this way they are able to handle threats throughout the airplane’. I stated to him that his actions were putting passengers and crew at risk, that first he should have required a Secondary Barrier system to be installed on all aircraft, then make a decision to assess where to best use Federal Air Marshalls (sic) on airplanes.” (emphasis added)
<https://drive.google.com/file/d/1g0vEn7PIuQ8DSX4rMHRBxoD6d-zxIBVS/>

January 26, 2023 testimony provided to the MSPB by Captain ██████████. ██████████ graduated from the U.S. Air Force Academy and was both a veteran combat rescue and fighter pilot:

“I’m a retired United Airlines pilot. I finished my career flying B777 aircraft as a Captain and Line Check Airman. I represented United Airlines as the Co-Chairman of the Radio Technical Commission on Aeronautics’ (RTCA) Special Committee 221 (SC-221) from 2008-2011. The RTCA study was titled, ‘Aircraft Secondary Barriers and Alternative Flight Deck Security Procedures.’ In 2011, the SC-221

finalized two different RTCA reports: one was redacted and published (RTCA DO-329) and **another was unredacted and never published. ... During the RTCA study's scenarios, the FAMs were unable to prevent the bad-actor role-players, from breaching unlocked cockpits, when [the bad-actor role-players] left their assigned seats within a considerable amount of distance from the flight deck.** Mr. MacLean has provided me with an April 12, 2016 redacted memorandum that he provided to the U.S. Office of Special Counsel and Department of Homeland Security Office of Inspector General. Mr. MacLean states that he redacted from his 2016 memorandum that the **RTCA FAMs could not stop role-players when they began their attacks** [REDACTED]

I would not second-guess Mr. MacLean's contemporaneous 2016 [REDACTED] statement. ... Our tests were biased in favor of the defenders, and yet our tests were clear—none of the barriers currently being used by airlines could prevent a successful breach of the flight deck. Only the IPSB (secondary barrier) adequately protected the flight deck when the flight deck door was open. **Mr. MacLean's concern about dangerous FAM seating configurations is extremely unpopular with the government and airline companies, but he's correct.** Aircrews have been publicly complaining about the lack of secondary barriers since April 2003." (*emphasis added*)

<https://drive.google.com/file/d/1rw5afZZoFbQt8meFnBu8-k0hIjqKK7xu/>

From the U.S. Department of Transportation's (DOT) March 3, 2023 report to OSC accurately describes the [REDACTED] into the main cabin of typical U.S. aircrafts that have only two classes of seats—business and coach. The excerpt described on page 12 of the published June 26, 2017 DOT Office of Inspector General (DOT-OIG) Audit Report No. AV2017063 "*FAA Has Taken Steps To Identify Flight Deck Vulnerabilities But Needs To Enhance Its Mitigation Efforts*" **was actually fully redacted after the word "ensure":**

"[T]he [2011 RTCA DO-329] report states that airlines should **ensure** that passengers are clear of a specified distance from the flight deck door, as stated on page 12 of the OIG's final report. That distance would require the removal of the entire business class section and parts of the coach class section of some aircraft."

On July 21, 2021, DHS-FAMS Region No. Director [REDACTED] testified to MSPB Washington Regional Office the 2017 DOT-OIG Audit Report's redacted

information “so sensitive” that DHS-FAMS senior leadership and rank-and-file FAMS were not allowed to have access to it.

From page 12 of the 2017 DOT-OIG Audit Report that contains redactions. Approximately 5 lines were redacted. DOT-OIG emailed the redacted copy to my DHS-FAMS government email account, Robert.MacLean@tsa.dhs.gov, and addressed me as a “Federal Air Marshal”:

“The Advisory Circular also does not highlight that there was important information redacted from the study due to security concerns that must be requested separately from the actual RTCA report. [Footnote 14: ‘The RTCA report directs readers who wish to read the redacted information to contact FAA’s Flight Standards Service.’] For example, the redacted information shows that air carriers would need to ensure [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ”

<https://drive.google.com/file/d/0B5QD7Ci6CgwwMGVHZ3Z0b2tVbjZXVENqbExkM1FmWFRtdi0w/>

Below are my January 7, 2016 to February 12, 2016 emails to and their responses from FAA leadership and my DHS-FAMS senior leadership—**which included DHS-FAMS No. 1 Regional Director** [REDACTED]. I specifically requested access to the unredacted 2011 RTCA DO-329 given the fact that I was tasked with supervising FAM teams on our international flight missions. My requests were ignored and denied until March 2, 2016 when DHS-FAMS leadership backtracked and sent group emails to rank-and-file FAMS to enter their field offices to see the information that was redacted from the 2011 RTCA DO-329 report. I confirmed that other field offices across the nation made similar announcements for rank-and-file FAMS to see redacted Sensitive Security Information never provided to them. In his July 21, 2021 MSPB testimony to AJ Mehring, DHS-FAMS Region No. 1 [REDACTED] affirmed that DHS-FAMS senior leadership determined that the redacted information was beneficial for rank-and-file FAMS:

“The [Washington Field Office (‘WFO’)] has a copy of the DO 329 report ‘Aircraft Secondary Barriers and Alternative Flight Deck Security Procedures’ and the SSI information that was redacted from the

original document. **These documents are available in the office in hard copy only. They cannot be sent electronically and cannot be reproduced or taken out of the office.** Please see me at your convenience to review the documents. The FAA has also covered the report with an advisory circular http://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_120-110.pdf (see attachment AC_120-110).” (*emphasis added*)
<https://drive.google.com/file/d/0B5QD7Ci6CgwwN3lmVzdVcGRxWm5tMnFm d0xKSi0xN1Y0MFQ4/>

Below are my April 16 and 23, 2018 disclosures emailed to my TSA leadership and the OSC. After TSA ignored my concerns, on May 18, 2018, I forwarded them to the DHS Office of Inspector General (DHS-OIG), Complaint No. C1826017. Specifically, I disclosed the constitutional problems and the dangers of associated with the enhanced DHS Federal Air Marshal Service (DHS-FAMS) Special Mission Coverage Concept of Operations domestic warrantless surveillance program later dubbed, “Quiet Skies”:

“Not only is [Quiet Skies] **a tremendous waste of resources**, but it **dangerously draws FAMS away from their primary focus: Protecting a flight deck** without an Installed Physical Secondary Barrier (IPSB).

...
TSA’s Special Mission Coverage (SMC) Concept of Operations (CONOPS) plan **violates the Fourth and Fifth Amendments of the Constitution**: The Fourth: TSA’s Information Coordination Section (ICS) does not rely on ‘probable cause’ to direct FAMS to conduct surveillance on U.S. citizens on U.S.-flagged aircraft. The Fifth: ‘due process’; is not afforded to anyone placed on an ICS ‘Watch List.’”
https://drive.google.com/file/d/1lyKtR2Dt38lDA8ixwafLxB1e-n_1iXa5/

On November 25, 2020—over 2 ½ years after my “Quiet Skies” danger disclosures to DHS and OSC—the DHS-OIG published an unclassified version of its report of investigation into the DHS-FAMS “Quiet Skies” program. In its redacted 2020 publication, DHS-OIG sustained my April 2018 constitutional and danger to public concerns. The Boston Globe did not publicly expose “Quiet Skies” until July 2018, 3 months after my disclosures through proper channels—

Page 28:

“For those flights covered by **Federal air marshals, seating positions** on the aircraft, as well as aircraft layout, **impeded sightlines and may have prevented air marshals from visually identifying potential threats.**”

Page 2:

“In July 2018, various news media reported on TSA’s Quiet Skies, identifying it as a new domestic surveillance program that targeted passengers not included in any terrorist database. These articles **raised concerns regarding the program’s legality, impact on privacy and civil liberties, and extensive collection of passenger data.**”

Page 7:

“According to a TSA Privacy Office official, the Privacy Office did not immediately inform DHS offices of FAMS involvement with Quiet Skies **because of internal opposition to the program** due, in part, to the release of a Quiet Skies media article and pending an updated FAMS Concept of Operations. Subsequently, the Office for Civil Rights and Civil Liberties’ Programs Branch Director emailed TSA’s Executive Assistant Administrator for Law Enforcement/FAMS, expressing concerns about FAMS’ involvement in Quiet Skies operations. In the email, **the Director noted that FAMS’ Quiet Skies surveillance ‘...falls outside the intelligence activity** documented in the Implementation Memo and subsequently beyond the scope of the [DHS] Oversight offices’ quarterly review process.” *(emphasis added)*
<https://www.oig.dhs.gov/sites/default/files/assets/2020-11/OIG-21-11-Nov20-Redacted.pdf>

September 26, 2021 excerpt from the *NBC News* article titled, “JetBlue passenger attacked flight attendant and tried to rush flight deck, FBI says”:

“**[79-year-old ██████] ██████ observed the [cockpit] door open** and then grabbed the JetBlue [flight attendant] by their collar and tie with one hand while using his other hand to grab the overhead compartment to gain leverage to kick,’ the affidavit states. ‘As the JetBlue [flight attendant] was kicked in the chest, ██████ **yelled for the flight crew officer to shoot him.**’ Authorities said ██████ was grabbing the tie so hard that at one point the flight attendant was unable to breathe. [The FBI affidavit stated: ‘The struggle continued until **six (6) or seven (7) [people] restrain ██████** using makeshift restraints[.]’ *(emphasis added)*”

<https://www.nbcnews.com/news/us-news/jetblue-passenger-attacked-flight-attendant-tried-rush-flight-deck-fbi-n1280088>

February 13, 2019 testimony by *Association of Flight Attendants* President [REDACTED] testimony to Congress, specifically to a quest asked by Rep. Brian Fitzpatrick (R-PA):

“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.”

<https://youtu.be/cNRbgY5qhaw?si=mgkIrRVohUmMZMnP>

December 16, 2020 excerpt from U.S. Department of Justice indictment press release:

“Kenyan National Indicted for Conspiring to Hijack Aircraft on Behalf of the Al Qaeda-Affiliated Terrorist Organization Al Shabaab...While [REDACTED] was obtaining pilot training at the [Philippines] Flight School [from 2017 to 2019], he also conducted research into the means and methods to hijack a commercial airliner to conduct the planned attack, including security on commercial airliners and **how to breach a cockpit door from the outside**, information about the tallest building in a major U.S. city, and information about how to obtain a U.S. visa.” (*emphasis added*)

<https://www.justice.gov/opa/pr/kenyan-national-indicted-conspiring-hijack-aircraft-behalf-al-qaeda-affiliated-terrorist>

May 17, 2022 excerpt from *The Wall Street Journal* article titled “China Eastern Black Box Points to Intentional Nosedive”:

“Flight data suggests someone in cockpit pushed the Boeing 737-800 into near-vertical descent [on March 21, 2022], according to a preliminary U.S. assessment[.] ... There is also a possibility that someone else on the plane could have **broken into the cockpit and deliberately caused the crash**[.]” (*emphasis added*)

<https://www.wsj.com/articles/china-eastern-black-box-points-to-intentional-nosedive-11652805097>

January 1, 2018 excerpt from *The New York Times* article titled, “Those Seatback Screens on Planes Are Starting to Disappear”:

“[Built-in] **TVs can cost \$10,000 per seat**...’[Removal of the built-in television entertainment systems would] **reduce the expense associated with maintaining that equipment.**’ American and

United Airlines are phasing out screens on new short-haul aircraft in favor of content offerings that passengers can stream from their personal devices." (*emphasis added*)
<https://www.nytimes.com/2018/01/01/business/airlines-travel-entertainment.html>

The January 1, 2018 New York Times article was premature on the consensus that television screens would be phased out in coach-class seats: a May 20, 2022 photo of new the Delta Airbus A321neo economy seats, each with its own television set, from the *One Mile at a Time* article titled, "Delta Airbus A321neo: Cabins, Routes, & More" highlighting that "Delta gets first of 155 Airbus A321neos [aircrafts]":



February 15, 2018 excerpt from an email sent from me to DHS/TSA Investigations recommending nonporous secondary barrier devices in order to protect pilots from weaponized synthetic opioids, i.e., fentanyl and carfentanil, when they unlock the cockpit during flight:

"Subject: **Fentanyl cockpit grenade**...another reason why **we need a secondary barrier system that fully encompasses the forward galley/cabin entrance area**: An attacker can assemble an improvised-grenade loaded with finely powdered Fentanyl, an exceptionally powerful synthetic opiate painkiller, **toss it at or into the flight deck ("cockpit") during a pilot's door transition, it gets inhaled by the pilots for an instantaneous reaction, and results in a catastrophe**. Right now an attacker can toss such an improvised-grenade **over a galley cart, or over or in between the 12 cables in the few existing Installed Physical Secondary Barrier systems**[.] ... If you read the TSA [Federal Air Marshal Service ('FAMS')] and the U.S. Drug Enforcement Administration information attached, Fentanyl is manufactured by the tons and smuggled into the U.S. due to its extremely high demand by the growing number of opioid addicts. Fentanyl is easy to obtain due to its abundance. Fentanyl can be ONE-HUNDRED TIMES OR MORE POTENT THAN HEROIN." (*emphasis added*)

<https://drive.google.com/file/d/0B5QD7Ci6CgwwTlhGZ3RCTU1fMDBQa0c2S UdnaWpQaEpic2hj/>

June 21, 2018 excerpt, **4 (four) months after** my February 15, 2018 “Fentanyl cockpit grenade” warning, from *The New York Times* article titled, “T.S.A. Expands International Carry-On Limits to Powder”:

“[TSA public affairs] wrote in an email [to The New York Times]. He identified powders including **fentanyl**...`that could be used to irritate or **harm aircraft passengers and aircrew** if released during flight.”
(*emphasis added*)

<https://www.nytimes.com/2018/06/21/travel/tsa-powder-rules.html>

February 2022 excerpt from the RAND Corporation / bipartisan bicameral U.S. Congress report titled, “Commission on Combating Synthetic Opioid Trafficking”, page ix:

“In terms of loss of life and damage to the economy, illicit synthetic opioids have the effect of a slow-motion **weapon of mass destruction** in pill form. ... One fact is clear: The availability of illegally manufactured synthetic opioids supplied to meet the country’s appetite for narcotics is a national crisis.” (*emphasis added*)

<https://crsreports.congress.gov/product/pdf/IN/IN11902#:~:text=For%20example%2C%20the%20congressionally%20mandated,motion%20weapon%20of%20Omass%20destruction.%E2%80%9D>

October 21, 2021 YouTube video clip, the Chairman of the U.S. House Committee on Transportation and Infrastructure, Congressman Peter DeFazio (Oregon), testified that between October 10 and 16 in 2021, he watched a pilot standing outside the cockpit leaving its door unlocked after he “**came out and chatted for 20 minutes with the flight attendant**” while she was using her own body to shield the cockpit during the flight:<https://youtu.be/h7zOmoQpH74>

July 21, 2022, TSA Administrator David Pekoske admitted to the U.S. Congress during a public hearing that “illegal immigrants” are allowed to use their arrest warrants as “identification” to fly on U.S. commercial passenger aircrafts; TSA Administrator Pekoske also admitted that approximately 1,000 illegal aliens were authorized by TSA to fly in the past year:

<https://twitter.com/SenRickScott/status/1550193451899273216?t=eWyoie1LoRhabds>

[F5n3 OA&s=19](#)

The New York Post's September 4, 2022 front-page:



“[Widow of 9/11 United Airlines Flight 175 Captain ██████████] charges [that the FAA] has bowed to airline industry pressure.... The FAA was supposed to adopt the [secondary barriers for only newly built aircrafts] requirement in 2019, but skipped the deadline. It took the FAA until this past July 27 [2022] – another three years – to propose the requirement of secondary barriers on new planes. But after a 60-day public comment period and possibly months more to put out the final rule, it will not take effect for two more years – in 2025.”

<https://nypost.com/2022/09/03/21-years-after-9-11-secondary-barriers-for-cockpits-still-not-mandatory/>

February 15, 2021, retired U.S. Air Force Vietnam War combat pilot/Colonel/American Airlines B767 Captain ██████████ being interviewed by reporter ██████████:

██████████ “What do you think about the fact that older planes seem to be excluded from [installing cockpit secondary barriers]?”

██████████ “My opinion is if you don’t do them all [on every flight] it’s a total waste of money. Period. ... [The 9/11 hijackers] knew the routes. They knew everything. You think [terrorists are] not going know which planes have them and don’t? And are they going get on the ones that do or don’t? I mean it’s just, to me, It’s just mind-boggling anybody would recommend spending the money on just new airplanes and not the old ones. I don’t understand that at all.”

<https://www.ocnews.com/news/local-news/cockpit-security-issues-exist-20-years-after-9-11/>

TSA and FAA's arbitrary responses that are resoundingly debunked:

This excerpt from an unpublished 2018 TSA report summarizes TSA management's endorsement of airline company managements desire to put profits over safety:

"Regarding [TSA] administrator's [(David Pekoske)] request to conduct a cost-benefit analysis, [the airline companies' lobby, Airlines for America ("A4A")] recommends reviewing the stringent requirements defined in [the 2011 Radio Technical Commission on Aeronautics No.] RTCA DO-329 [study report]. These requirements would cause a significant change in aircraft configuration requirements and some aircraft interior designs **may lose vital first-class seats** to accommodate [a specialized physical installed physical secondary barrier device ("IPSB")], which **would impact revenue opportunity for the airlines.**" (*emphasis added*)

These quotes perfectly summarize the dangerous arrogance of TSA management's fawning support for the airline companies' bottom-line; such a convenient and cavalier attitude to take expecting aircrew members to sacrifice their own bodies in order to stop a potential suicidal bad-actor:

"[The] [d]ifference of opinion isn't that interesting. Labor wanted the added protection, regardless of cost. Carriers didn't want to write the check for a marginal benefit."

— January 21, 2022 email sent by [REDACTED], TSA Counterterrorism Coordinator; from DHS's third report in response to OSC's referral

"[REDACTED] view was the risk was minimal and the cost for the installation fleet wide was cost prohibitive."

— From a TSA Investigations Memorandum of Interview or Activity (MOI) of [REDACTED]; from DHS's third report in response to OSC referral

"Note: my risk analysis team does NOT believe [that cockpit doors that open away from the main cabin and the lack of cockpit secondary

barriers] are 'high-priority' vulnerabilities that TSA should be diverting attention to; rather they are fairly mundane things that we do not see adversaries attempting to exploit, and that have other good layers of security protecting them."

— [REDACTED], TSA Manager of Operational Risk and Case Studies, Requirements & Capabilities Analysis; from DHS's third report in response to OSC referral

"Finding #2 In 2019, TSA completed a risk-based assessment on flight deck safety and security. The assessment, which was conducted separately from the ASAC report, concluded that the current security measures in place adequately address the threat to flight deck safety and security. ... The [Sensitive Security Information (SSI)-designated May 2019 informational memo entitled Section 1961(a) [o]f the TSA Modernization Act: Flight Deck Safety and Security] memo details various layers of security...such as sophisticated passenger pre-screening, rigorous physical screening, a vastly expanded Federal Air Marshal (FAM) Service, armed flight crews, hardened flight deck doors, enhancements in tactical capabilities, and a revamped mindset to dealing with potential hijackers."

— Page 5 of TSA's May 9, 2022 "Report of Investigation" No. I18 00099; from DHS's third report in response to OSC referral

From the DOT's March 3, 2023 response to OSC's request pursuant to this referral:

"OSC Request: An unredacted copy of the 2011 Radio Technical Commission on Aeronautics (RTCA) report entitled 'Aircraft Secondary Barriers and Alternative Flight Deck Security Procedures.'

Response (Provided by FAA): There is no unredacted version of this report. Rather, there was some sensitive information that RTCA ultimately decided not to include in any version of the report."

On or about April 12, 2016, I used my TSA email account to send OSC and DHS-OIG a synopsis of when my TSA leadership gave me access to the **unredacted** 2011 RTCA DO-329 report. After 2 months of my multiple emails to TSA and FAA leadership asserting that I had a right to have access to the unredacted report, Supervisory Federal Air Marshal (SFAM) [REDACTED] told me that he had what I was seeking. [REDACTED] escorted me into a vacant

office in the Chantilly, Virginia DHS-FAMS Washington Field Office. On a computer that I was not signed into, the screen showed a DOCX file. It appeared that someone had copied text from one document and pasted it onto the DOCX file that I was viewing. This is when I saw the excerpt that the expectant Federal Air Marshal teams were unable to stop the role-player hijackers, not going at suicidal speed, from breaching unlocked cockpits. The role-players could not be stopped from breaching when they [REDACTED]. The DOT's response is contrary to RTCA DO-329 co-chairman / Capt. [REDACTED] January 16, 2023 testimony provided to the MSPB (see above); Capt. [REDACTED] affirmed that an unredacted report in fact exists:

"The RTCA study was titled, 'Aircraft Secondary Barriers and Alternative Flight Deck Security Procedures.' In 2011, the SC-221 finalized two different RTCA reports: one was redacted and published (RTCA DO-329) and another was unredacted and never published."

Given their absurd criticisms, against specialized IPSBs that they quietly give to members of Congress and their staffers behind closed doors, TSA and FAA set up my April 2016 access in order to compartmentalize the evidence of the DHS-FAMS's ineffectiveness from the publicly available 2011 RTCA DO-329 report. They did this in the case that active duty FAMS, out of concern passengers' and their safety, would disclose the entire unredacted RTCA DO-329 report to Congress and/or the media.

If in fact an unredacted unclassified RTCA DO-329 report was destroyed, this should disturb anyone who travels on commercial airlines. Which leads to another troubling revelation in a previous FAA response to OSC with regard to my disclosures: a **CLASSIFIED** November 2021 report exists with regards to the danger of bad-actors breaching unlocked cockpits when pilots have to open them. Again, TSA and FAA have repeatedly rejected my requests to consider a **MODULAR** IPSB system that would require very minimal retrofitting of pre-existing aircrafts:

"OSC Request: The FAA report cites a **[November 2021] classified report** created pursuant to Section 1961 of the FAA Reauthorization

Act in **support of its decision not to require installed physical barriers in pre-existing aircraft**. Apart from a statement that the report identified no need for any design changes, we have virtually no information on this report and why it should be relied upon to support the status quo. Please provide us with sufficient information on the points at issue to be able to evaluate the reasonableness of the agency's reliance on this report in its assertion that there is no substantial and specific danger to public safety." (*emphasis added*)

The DOT's March 3, 2023 response to OSC's inquiry, about FAA's reliance on the November 2021 "classified report", was to attach an unclassified April 14, 2015 FAA "Advisory Circular" ("ATTACHMENT 1") that deflected OSC's question with no answer. Curiously, the "Advisory Circular" rehashes TSA and FAA's same old complaint and interference against **protecting all aircrafts**: non-modular / built-in installed physical secondary barriers (IPSB) "alteration" would "impact [the] aircraft's airworthiness":

"Installation of the IPSB is an alteration to the aircraft. The data approvals required for installation of the IPSB will vary based on the complexity of the design, the impact it has on the aircraft's airworthiness characteristics and the level of design and production approval of the IPSB. Work with your principal inspectors and/or the local [Aircraft Certification Office ('ACO')] to determine what type of data approvals are required for the alteration."

DOT's March 3, 2023 response twice cites to this assertion by FAA ignoring the 3-year-long RTCA study conducted by highly trained professionals that included FAMS:

"Air carriers do not physically test the effectiveness of their procedures after they have been approved by FAA because participants could be injured by those kinds of tests."

The whole point of the 3-year-long RTCA DO-329 study was to utilize paid professional role-players who were highly trained and worked in conjunction of FAMS who routinely subject themselves to injury while in arduous training and on duty. This study was done so that airline crewmembers would not have to do what the hidden and classified reports likely show: non suicidal role-players were easily able to breach unlocked cockpits even when FAMS were expectant of the attack

scenario with regard to the study's single purpose.

Also in response to OSC's "[November 2021] classified report" request, DOT's March 3, 2023 response contains an "ATTACHMENT 2" which was a February 23, 2023 ad hoc unclassified FAA "memorandum" citing my referral's OSC case number: No. DI-16-2046. Never mentioning the fact that we've paid over \$21 [B]illion—and counting—for armed air marshals and pilots programs to protect the post-April 2003 fortified cockpits that pilots need to unlock, the February 23, 2023 FAA memorandum rehashes TSA and FAA's tired old excuse that no one has breached an unlocked cockpit since the 9/11 attacks:

"The FAA and TSA updated their assessment in November 2021, and did not identify any new or significant threats to the flight decks of commercial aircraft that were not sufficiently mitigated by the reinforced cockpit doors and flight crew procedures implemented after the September 11, 2001 terrorist attacks. Foreign terrorist organizations likely remain interested in targeting aviation. The FAA and TSA continue to closely monitor emerging threats to commercial aircraft to inform suitable mitigation measures."

There's no valid reason for the government **to classify a report** about cockpit doors; doors that passengers watch open and close after flight attendants alert potential bad-actors that the door **will soon unlock** by ridiculously spinning drink-carts perpendicular into the aisle. Furthermore, **wrongfully classifying an obvious danger spreads a chill-factor** to any employee who considers disclosing such public safety lapses to a congressional staffer or intern who doesn't hold a security clearance. Because of the 1988 U.S. Supreme Court decision in *Navy v. Egan*, there exists no MSPB or judicial review for any federal government employee whistleblower whose clearance gets indefinitely suspended or revoked.

DOT's March 3, 2023 response to OSC's referral appears to expresses its frustration with the FAA's ongoing flagrant distortion of Section 104 of the *Aviation and Transportation Security Act of 2001* ordering that "[cockpit] doors remain locked while any such aircraft is in flight [and] take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the aircraft".

DOT's March 3, 2023 response also underlines the FAA's stubbornness against mandating specialized IPSBs on all aircrafts and recommends continuing to prop up "human secondary barriers" on them indefinitely:

"The FAA did not agree with all of the findings and [the specialized physical secondary barriers] recommendations contained in the 2011 [RTCA] report ... [A standing FAA rule] allows [commercial airline] operators to continue to rely on human secondary barriers as a method of secondary flight deck security, and an acceptable means of compliance with 14 C.F.R. § 121.584 ... the use of **human secondary barriers as an acceptable means** of compliance for flight deck security procedures ... [FAA] treats all three options [i.e., specialized IPSBs, carts/flight attendants' bodies, and flight attendants' bodies methods] **equally ... ultimately FAA stood its ground** and provided justification why the recommendations should not be implemented. We determined we would close the recommendations because further discussions and efforts would not result in concurrence on these issues." (*emphasis added*)

TSA and DOT senior leadership officials provided nonsensical excuses to me and the U.S. Office of Special Counsel, that cockpit doors must open away from the main cabin, excuses that no aerospace engineer has sustained

In December 2015, after I verbalized and filed a formal written report, citing Section 104 of the ATSA "flight deck doors [shall] remain locked" law, with regard to the danger of the Airbus A320 cockpit door opening away ("inward", "inward-opening") from the main cabin and without an IPSB, TSA headquarters provided me with the following arbitrary excuse in a December 7, 2015 email response:

"During a case in which the cabin pressure in the main cabin or in the cockpit changes, the doors need to vent to ensure that the pressure remains the same in both cabins. If this does not occur, it can affect the structural integrity of the bulkhead and cause a catastrophic failure of the aircraft. Unfortunately, due to the size of the [Airbus A320] flight deck and the placement of that bulkhead, it is necessary for some of these doors to open inward. Also, according to the FAA, there is currently no requirement to have a secondary barrier for the flight deck door."

The agencies' §1213-referral responses/reports of investigation failed to provide any scientific or technological reason (i.e., independent aerospace engineer) supporting this excuse. Most obvious is the fact that the B737, B757, and B787

Boeing aircrafts have cockpits doors that open toward (“outward” / “outward-opening”) the main cabin.

With no evidence, the TSA and DOT subjectively inferred that these single-aisle/short-haul Airbus A320 doors must open inward in the case of a rapid decompression; we only can see in their reports that they gave only one arbitrary reason: inward-opening doors are necessary due to the “size” of the aircraft. This conclusion does not make any sense given that **the largest** Airbus aircrafts among the U.S. airlines is an A330 and they have **inward-opening** doors:

<https://www.360cities.net/image/airbus-a330-7880-poland>

The largest Boeing aircrafts among the U.S. airlines are B777s and they also have inward-opening doors:

https://youtu.be/ZnQAIdzOz_0?si=rBv54dFgPAs2laux

Recently, *The Wall Street Journal* reporters Nancy Keates and Benjamin Katz wrote and published a January 10, 2024 article pay-wall titled, “*Blowout Reveals Cockpit Door Vulnerability on Jet / Alaska Airlines Blowout Reveals Cockpit Door Vulnerability on Boeing Jet Door was designed to open during a decompression incident, but plane’s manual didn’t say so*”: Boeing omitted from its pilots’ manual that the B737’s outward-opening cockpit doors, the second smallest of all Boeing commercial airliners, were designed and programed to automatically open into the main cabin during rapid decompression:

“[The Boeing B737 Alaska Airlines Flight 1282] made the cockpit accessible to anyone inclined to try to force their way in. What the flight crew didn’t know at the time, federal investigators said Monday, was that it was supposed to happen that way. Boeing had designed the cockpit door to open during a rapid decompression incident, they said. The company just hadn’t said so in the manual.”

Abbreviations

AJ.....U.S. Merit Systems Protection Board Administrative Judge
ASAC.....Aviation Security Advisory Council
FAMS.....Federal Air Marshal Service
FOIA.....Freedom of Information Act
DHS.....Department of Homeland Security
ICBM.....Intercontinental Ballistic Missile
ICE.....DHS Immigration and Customs Enforcement
IPSB.....Installed Physical Secondary Barrier
OIG.....Office of Inspector General
OSC.....U.S. Office of Special Counsel
MSPB.....U.S. Merit Systems Protection Board
RSAC.....Regional Supervisory Air Marshal in Charge
RTCA.....Radio Technical Commission on Aeronautics
SFAM.....Supervisory Federal Air Marshal
SOCS.....Security Operations Center Specialist
TSA.....DHS / Transportation Security Administration
TSO.....TSA Transportation Security Officer
TSOC.....TSA Transportation Security Operations Center / Freedom Center
TSSE.....TSA Transportation Security Specialist / Explosives
DOT.....U.S. Department of Transportation
FAA.....DOT Federal Aviation Administration
WMD.....Weapon of Mass Destruction

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July 21, 2022, a video of TSA Administrator David Pekoske’s public hearing responses to the U.S. Congress. A U.S. Senator generated this text with a video on twitter.com, “[Mr. Pekoske] ADMITTED that illegal migrants can catch a flight the SAME DAY they illegally cross our southern border:”

https://twitter.com/SenRickScott/status/1550193451899273216?t=eWyoie1LoRh-abdsF5n3_OA&s=19

January 19, 2024, excerpt from a U.S. Senator’s inquiry to Mr. Pekoske about “illegal immigrants” not having to subject themselves to facial recognition security systems for the safety of commercial U.S. flights—

“Administrator Pekoske:

I write concerning recent reports that your agency is permitting illegal immigrants to board commercial aircraft without standard forms of photo identification. This practice not only undermines the rule of law but also raises significant security concerns for commercial airflight. One recent report shows that at the Miami International Airport, migrants are not obligated to use photographic identification at security checkpoints.[1] Specifically, they are permitted to present their alien identification number or biographic information, and choose whether they would like to have their photo taken by the Transportation Security Agency (TSA). The report says this procedure is part of a test initiative between TSA and Customs and Border Protection (CBP), which uses the CBP One platform at select checkpoints to validate the travel documentation of illegal immigrants. If this report is accurate, this is outrageous. Millions of Americans are subject to the TSA screening process, which is often a burdensome, long inconvenience—and which includes photo identification. But every day, Americans take on this burden to increase the safety of their fellow passengers. Therefore, it makes no sense to give special privileges to illegal immigrants, who should not even be allowed in the United States in the first place, let alone allowed to board U.S. aircraft.”

II. My reply to FAA Administrator Steve Dickson July 10, 2020 false assertion in his response to OSC: the lack of specialized secondary barrier devices to protect unlocked cockpits is not a violation of any law or regulation, and that the lack of such devices is a not specific and

substantial danger to public safety or security; in March 2016, I notified OSC that the 2011 SSI-designated September 2011 unredacted RTCA report on secondary barriers revealed that air marshals could not stop a 9/11-style attack on unlocked cockpits; in December 2011, 2 universities issued a report doubting that air marshals could stop a 9/11-style attack

Below are my responses to the U.S. Department of Transportation / Federal Aviation Administration (FAA) Administrator Steve Dickson's July 10, 2020 response report to OSC titled, "Whistleblower Complaint Referral by the Special Counsel: OSC File No. DI-16- 2046 (Protection of Aircraft Flight Decks)". FAA Administrator Dickson has a recent and bonafide record of his contempt for whistleblowers and their valid disclosures of substantial and specific dangers to public safety:

"The Wall Street Journal...A Labor Department ruling determined that before becoming head of the Federal Aviation Administration, Steve Dickson participated in efforts by Delta Air Lines Inc. management to wrongly use a psychiatric evaluation to retaliate against a pilot who raised safety concerns." ¹

FAA Administrator Dickson's wrong conclusion, in his response to OSC, on regulations and laws—page 1:

"There are no laws, rules, or regulations that would require either flight deck doors to open into the cabin, or the installation of physical secondary barriers [devices] onto aircraft in the current fleet."

Citing existing regulations and law, FAA Administrator Dickson's assertion is provably false. Section 104 of the Aviation and Transportation Security Act of 2001 (Title 49 of U.S. Code) mandates —

"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"

¹ December 27, 2020 The Wall Street Journal article titled, "FAA Chief [Steven Dickson] Had Helped Delta Retaliate Against Whistleblower, Administrative Judge Rules": <https://www.wsj.com/articles/faa-chief-helped-delta-retaliate-against-whistleblower-in-previous-role-administrative-judge-rules-11609085771>

Title 49 Code of Federal Regulations (CFR) § 1544.237:

“Flight deck privileges. (a) For each aircraft that has a door to the flight deck, each aircraft operator must restrict access to the flight deck as provided in its security program.”

49 CFR § 1544.237:

“Flight deck privileges. (a) For each aircraft that has a door to the flight deck, each aircraft operator must restrict access to the flight deck as provided in its security program.”

In 2011, the FAA commissioned a *Radio Technical Commission on Aeronautics* (RTCA) study that issued 2 (two) reports (RTCA Report No. RTCA DO-329; the 2 (two) RTCA reports existed of a published pay-per-view report, that was redacted of unclassified Sensitive Security Information (SSI), and an unpublished/unredacted report. It wasn't until 2016 that DHS-FAMS rank-and-file and supervisory Federal Air Marshals could access the unredacted RTCA. After 2 (two) months of persistent phone and email requests to the FAA and the TSA-FAMS Regional Director [REDACTED] was compelled to provide all FAMS with access to the unredacted report in March 2016. The unredacted RTCA report concluded that



[REDACTED] I immediately notified OSC and DHS-OIG of this vulnerability in a password-protected document attached to an email.

3 (three) months after issuance of the 2011 RTCA study, the Ohio State University and the University of Newcastle in Australia issued a joint study report doubting that FAMS could react fast enough to prevent an attack on unlocked cockpits without *Installed Physical Secondary Barriers* (IPSB)—page 12:

“In addition, if a door-transition attack (by highly trained, armed, and athletic attackers) can take place in seconds, it is not at all clear that

air marshals could act fast enough to waylay the attempt.”²

FAA Administrator Dickson made an irresponsible assumption in his response to OSC—pages 1-2:

“On January 15, 2002, FAA amended its regulations [14 CFR Part 121] to require certain U.S. air carriers to install reinforced flight deck doors that provide intrusion resistance and ballistic penetration resistance. Although there have been no flight deck breaches since the adoption of these hardened flight deck door requirements, flight deck security continues to be an issue of concern.”

DHS’s July 26, 2003 hijack warning memorandum, of numerous imminent Al Qaeda 9/11-style cockpit breaches, warned that hijackers would wait until the cockpits unlocked “shortly after takeoff”. Immediately after reaching cruising altitude and before turning off the seat-belt light, when numerous passengers rush to line up to use the lavatory, pilots generally take advantage of this early opportunity to use the lavatory. In its January 21, 2015 *DHS v. MacLean* decision, the U.S. Supreme Court cited DHS’s July 26, 2003 warning about hijackers attacking long-haul flights.

Investigations have not yet ruled out whether 2 (two) commercial airliner crashes, with no survivors, had their unlocked cockpits breached **shortly after takeoff**. Malaysia Airlines Flight 370 crashed on March 8, 2014. All of them had no problematic maintenance history, there existed no inclement weather, and they all zigzagged before disappearing:

Malaysia Airlines Flight 370 crashed on March 8, 2014:

“The Washington Post...There were media reports Tuesday, quoting Malaysia’s air force chief, Gen. [REDACTED], saying that military radar picked up the plane Saturday flying far off-course, to the west, hundreds of miles from its scheduled flight path. That would suggest

² December 2011 Report No. 281.12.2011 published by the Ohio State University and the University of Newcastle in Australia titled, “Cost-Benefit Analysis of Aviation Security: Installed Physical Secondary Barriers (IPSB), Federal Air Marshal Service (FAMS), and Federal Flight Deck Officer (FFDO) Program”: <http://fdx.alpa.org/Portals/26/docs/Security/FAMS%20Congressional%202012.pdf>

foul play—for example, a cockpit intrusion and forced diversion[.]”³

Sriwijaya Air Flight 182 crashed on January 9, 2021:

“The Wall Street Journal...The cockpit crew of the Sriwijaya Air jet, which plunged into the Java Sea minutes after takeoff, failed to acknowledge or respond to two radio transmissions from controllers questioning why the aircraft had shifted from its designated route during its climb away from Jakarta’s Soekarno-Hatta International Airport, the people said. Instead of flying northeast as expected, the plane veered northwest and at one point, a controller instructed the pilots to execute a turn to get back on track, one of these people said. It is too early to draw definitive conclusions about the sequence of events before the crash that killed all 62 people on board, according to these people and safety experts not connected with the probe.”⁴

December 18, 2015, a nonstop United Airlines 100%-full flight from Los Angeles, California to Dulles, Virginia on a Boeing B757: My one partner and I were flying a Federal Air Marshal mission. We were both directed to sit in window seats. As usual, before a pilot exited to use the lavatory, a **flight attendant spun a service trolley (“drink-cart”) perpendicular into the aisle which alerts any bad-actor**. The flight attendant allowed passengers to stand in the aisle and line-up in front of her turned drink-cart while the cockpit was unlocked. Former U.S. Solicitor General Theodore “Ted” Olson sat in an aisle seat in the row in front of Mr. MacLean. [REDACTED] was killed on a flight hijacked on 9/11. I subsequently emailed a Federal Air Marshal Service “Mission Report” DOCX file draft to his first-line supervisor. Showing this common drink-cart method, the

³ March 11, 2014 The Washington Post article titled, “Lost: The mysterious, baffling disappearance of Malaysia Airlines Flight MH370”:
https://www.washingtonpost.com/national/health-science/lost-the-mysterious-baffling-disappearance-of-malaysia-flight-370/2014/03/11/1b7e390e-a94f-11e3-b61e-8051b8b52d06_story.html

⁴ January 14, 2021 The Wall Street Journal article titled, “Indonesia Plane Crash Probe’s Focus Is on Lack of Pilot Response to Controllers”:
<https://www.wsj.com/articles/indonesia-plane-crash-probes-focus-is-on-lack-of-pilot-response-to-controllers-11610612161>

CBS TV series SEAL Team aired a scene exploiting the dangerous buffoonery wholly endorsed by TSA leadership since 2002.⁵

From a September 26, 2021 *NBC News* article titled, “JetBlue passenger attacked flight attendant and tried to rush flight deck, FBI says”:

“[79-year-old ██████] ██████ **observed the [cockpit] door open** and then grabbed the JetBlue [flight attendant] by their collar and tie with one hand while using his other hand to grab the overhead compartment to gain leverage to kick,’ the affidavit states. ‘As the JetBlue [flight attendant] was kicked in the chest, ██████ **yelled for the flight crew officer to shoot him.**’ Authorities said ██████ was grabbing the tie so hard that at one point the flight attendant was unable to breathe. [The FBI affidavit stated: ‘The struggle continued until **six (6) or seven (7) [people] restrain ██████** using makeshift restraints[.]”⁶ (*emphasis added*)

May 17, 2022 excerpt from *The Wall Street Journal* article titled “China Eastern Black Box Points to Intentional Nosedive”:

“Flight data suggests someone in cockpit pushed the Boeing 737-800 into near-vertical descent [on March 21, 2022], according to a preliminary U.S. assessment[.] ... There is also a possibility that someone else on the plane could have **broken into the cockpit and deliberately caused the crash**, these people said.”⁷ (*emphasis added*)

⁵ January 2, 2019: The CBS television show “SEAL Team” aired its Season 2 Episode 11 titled “Backwards in High Heels”: <https://youtu.be/keKf2un03wI>

⁶ Sept. 25, 2021 *NBC News* article authored by Minyvonne Burke titled, “JetBlue passenger attacked flight attendant and tried to rush flight deck, FBI says Khalil El Dhar was arrested in San Juan following a physical altercation on a flight Wednesday from Boston”: <https://www.nbcnews.com/news/us-news/jetblue-passenger-attacked-flight-attendant-tried-rush-flight-deck-fbi-n1280088>

⁷ May 17, 2022 *The Wall Street Journal* article authored by Andrew Tangel and Micah Maidenbergl titled, “China Eastern Black Box Points to Intentional Nosedive Flight data suggests someone in cockpit pushed Boeing 737-800 into near-vertical descent, according to a preliminary U.S. assessment”: <https://www.wsj.com/articles/china-eastern-black-box-points-to-intentional-nosedive-11652805097>

During a October 21, 2021 U.S. Congress hearing, the Chairman of the U.S. House Committee on Transportation and Infrastructure, Congressman Peter DeFazio (Oregon), testified that between October 10 and 16 in 2021, he watched a pilot standing outside the cockpit leaving its door unlocked after he **“came out and chatted for 20 minutes with the flight attendant”** while she was using her own body to shield the cockpit during the flight.⁸

To appease the airline companies and their lobby, TSA and FAA leadership repeatedly assert the same blind-faith mantra that they have full confidence in crew members always being fully alert and taking precautions to protect unlocked cockpits. Meanwhile, subsequent testimonies, like Rep. DeFazio’s, keep hitting the news.

FAA Administrator Dickson cited the TSA’s 2018 “secondary flight deck barrier working group” study report—page 2:

“The Transportation Security Administration (TSA) formed a secondary flight deck barrier working group under its Aviation Security Advisory Committee in 2018, but the group did not reach consensus on recommendations for secondary flight deck barriers.”

In my second reply to the OSC’s 5 U.S.C. § 1213 referral, on my behalf, I effectively discredited this unpublished TSA December 2018 “Aviation Security Advisory Council” (ASAC) study report on cockpit secondary barriers. Primarily, the 2018 TSA “working group” never considered mobile or modular cockpit secondary barrier devices. Modular barriers are exceptionally more cost-effective and safer than the existing built-in devices. The existing Garofani 12-cable devices and the Safran Delta Airbus A330 mostly-locked devices are built-into the aircraft and require significant aircraft modifications.

⁸ October 21, 2021 YouTube video clip of a U.S. Congress hearing, the Chairman of the U.S. House Committee on Transportation and Infrastructure, Congressman Peter DeFazio (Oregon), testified that between October 10 and 16 in 2021, he watched a pilot standing outside the cockpit leaving its door unlocked after he “came out and chatted for 20 minutes with the flight attendant” while she was using her own body to shield the cockpit during the flight:

<https://youtu.be/h7zOmoQpH74>

FAA Administrator Dickson makes a provably unsubstantiated and absurd assumption in his response that no independent subject matter expert has confirmed — page 2:

“Doors that open into the flight deck often accommodate compliance with important safety standards governing the certification and manufacturing of aircraft. For example, certification standards require that airplane designs provide a method to compensate for a sudden decompression of the airplane in a manner that avoids significant damage to the airplane.”

Hundreds, if not thousands, of Boeing B737, B757, and B787 aircrafts have cockpit doors that safely open towards the main cabin, i.e., “outward-opening”. Regardless, this danger would be eliminated with specialized secondary barrier devices.

FAA Administrator Dickson disregards the conclusion of the RTCA DO-329 report that the ongoing service trolley and/or flight attendants’ bodies methods were “ineffective”. During the RTCA DO-329 study, TSA FAM instructors not only anticipated unlocked cockpit breach attempts, but the role-player hijackers were naturally unwilling to subject themselves to serious injury or commit suicide as would a mentally sick passenger or trained terrorist—page 3:

“FAA does require use of a secondary barrier system to address flight deck door transitions. However, a secondary barrier system can consist of installed physical barriers, as well as improvised [rotating drink-carts into the aisle] and human [flight attendants] barriers.”

FAA Administrator Dickson fails to comprehend natural human complacency which was cited in the unredacted RTCA DO-329 report’s page 18. He also fails to address the time that elapses between moment that pilots look through the cockpit doors’ peep-holes and when pilots open cockpit inward-opening doors toward themselves—page 3:

“The regulations address this subject by requiring a means for the pilots to view the area outside the flight deck and to only open the flight deck door when it is safe to do so.”

FAA Administrator Dickson cites the 2020 “working group” report. That

group never considered **modular** cockpit secondary barrier devices that are substantially cost-effective and safer—page 3:

“FAA determined that use of an Aviation Rulemaking Advisory Committee (ARAC) working group would be the most effective way to obtain the information necessary to develop the rule. The ARAC working group produced recommendations that FAA is using to prepare a Notice of Proposed Rulemaking (NPRM), with an announced publication target of April 2021.”

FAA Administrator Dickson cites the obvious, the publishing of the dangerous FAA Reauthorization Act of 2018 alerts every terrorist group of the 9/11 vulnerability that exists today: Attack the unlocked cockpits of existing aircrafts and avoid newly-built aircrafts that must comply with the 2018 law—page 3:

“Unfortunately, some have misconstrued the statutory requirement for FAA to mandate physical secondary flight deck barriers on new aircraft, and have suggested that a retrofit of the existing fleet is required. This is an erroneous interpretation of the statute, which states expressly that the requirement applies to ‘each new aircraft that is manufactured for delivery to a passenger air carrier...operating under the provisions of part 121....’ Congress itself continues to propose legislation that would mandate a retrofit, further confirming that such action is not required by existing law. FAA does not have data indicating any relative increase in security from a mandatory retrofit would be justified in light of the additional costs and potential to take resources away from other important safety initiatives.”

In June 2021, the worlds largest pilots union complained about the FAA’s failure to implement a law, passed 3 (three) years ago, mandating that IPSBs be installed on **only newly built** aircrafts:

“‘Enough is enough’ tweeted Captain ██████████ president of the Air Line Pilots Association (ALPA) which represents more than 59,000 flight crew at 35 airlines including Delta...‘Nearly 20 years after 9/11, airlines have failed to fully protect the flight deck and the FAA has dragged its feet implementing a law passed in 2018’”⁹

⁹ June 13, 2021 Paddle Your Own Kanoo article by titled, “ ‘Enough is Enough’: U.S. Pilots Demand More Protection After Surge in Unruly Passenger Behavior”:

The U.S. representative for the International Civil Aviation Organization, retired airline captain and pilot/hero of the January 15, 2009 “Miracle on the Hudson” emergency landing, [REDACTED], replied to Capt. [REDACTED]

Tweet:

“[REDACTED] is absolutely right. In light of the huge surge in dangerous behavior on airliners, we need secondary barriers to protect the cockpit now.”¹⁰

Once again the FAA, formerly under Steve Dickson’s leadership, flagrantly ignored the 2001 law’s section 104 enacted in response to the 9/11 attacks.

III. Air carriers, FAA, and TSA’s repeated false-sense of security ‘layers’ myth in response to specialized physical secondary barriers to prevent 9/11-style breaches on unlocked cockpits; their complaint that barriers are too costly; their failure to address that \$20 Billion has been spent on the TSA Federal Air Marshal Service teams that a 2011 TSA/FAA-commissioned Radio Technical Commission on Aeronautics study concluded was almost entirely ineffective against 9/11-style unlocked cockpit breaches

The U.S. Department of Transportation (DOT) / Federal Aviation Administration’s (FAA), U.S. Department of Homeland Security (DHS) / Transportation Security Administration’s, aircraft manufacturers’, and air carriers’ response to the need for specialized flight deck (“cockpit”) secondary barriers—page 3 of the December 2018 Report of the Aviation Security Advisory Committee Secondary Barriers on Commercial Passenger Aircraft’s Working Group (WG). I’ve come to learn that this is the TSA and FAA bosses’ “layers” myth repeated ad nauseum to Member of Congress and their staff:

“FAA has informed the WG that it believes that any of the methods described above are adequate and that the cost of mandating

<https://www.paddleyourowncanoo.com/2021/06/13/enough-is-enough-u-s-pilots-demand-more-protection-after-surge-in-unruly-passenger-behavior/>

¹⁰ June 21, 2021 8:21PM Tweet by Capt. [REDACTED]:
<https://twitter.com/CaptSully/status/1407131631106809856>

[specialized cockpit secondary barriers] outweighs any safety or security benefits obtained thereby.”

Page 9:

“The FAA-accepted methods, along with the other layers of security in a multilayer security approach as exists today in the industry, have demonstrated that they provide the industry with flexibility and are effective as demonstrated by the fact that no breaches of the flight deck have occurred domestically since their institution. Mandated [specialized cockpit secondary barriers] will essentially remove that flexibility which could, in fact, increase the security risk, not lessen it.”

IV. While I was a nuclear intercontinental ballistic missile Airman and Border Patrol Agent, I daily traversed through and maintained secondary barrier security systems

I'm a former U.S. Air Force Missile and Space Systems Electronic Maintenance Specialist for Minuteman II nuclear intercontinental ballistic missiles (ICBM).¹¹ Every unmanned ICBM launch facility has a secondary barrier system referred to as a “B-PLUG”. One of my duties was to maintain the B-PLUGS. B-PLUGS are solid steel and weigh over 14,000 pounds:

“Opening the B-Plug requires a second security code, and a time delay of at least 20 minutes. This is a security feature so that even if bad actors have the codes and get access, there is enough time to reach the area with overwhelming force. Once the time is up, the plug slowly lowers itself to give access to the silo via an extending ladder.”¹²

Every DHS Customs and Border Protection Border Patrol station has secondary barrier system in order to prevent attacks on Border Patrol Agents and

¹¹ U.S. Air Force official website article on the position of “Missile and Space Systems Electronic Maintenance Specialist”:
<https://www.airforce.com/careers/detail/missile-and-space-systems-electronic-maintenance>

¹² September 16, 2020 Forbes article titled, “U.S. Enhances Last Line Of Nuclear Missile Silo Defense”:
<https://www.forbes.com/sites/davidhambling/2020/09/16/us-enhances-last-line-of-nuclear-missile-silo-defense/?sh=5171095f6f56>

their detainees. Border Patrol vehicle entrances consist of 2 (two) or more automated gates, and Border Patrol administrative buildings and/or detention centers' pedestrian entrances have doors of the same.

Prior to joining the first class of FAA 35 in-flight security Civil Aviation Security Specialists (CASS) to graduate after 9/11, I was a Border Patrol Agent for almost 6 (six) years.¹³

In-flight security CASSs were then nicknamed "Sky Marshals" or "Federal Air Marshals" (FAM). Through coordination with the Intelligence Community and law enforcement agencies, CASSs's primary mission was to prevent weapons, improvised explosive devices (IED), and hijackers from ever boarding aircraft. CASS's secondary mission was to respond to a perceived terrorist group's intention to hijack aircrafts, fly FAM missions aboard commercial aircrafts, and react to a potential attack.

After the post-9/11 Homeland Security Act and Aviation and Transportation Security Act (ATSA) were passed, CASSs were reclassified as DHS TSA "Federal Air Marshals".

In summary, the Aircraft Manufacturers and Air Carriers, since 9/11 to present day, repeatedly assert that a 9/11-style breaches of unlocked flight decks (herein: "cockpits") are not longer a threat. Both groups believe that the cost to deploy specialized physical secondary barrier devices will never be cost effective.

V. The aircraft manufacturers and air carriers within the 2018 Report of the Aviation Security Advisory Committee (ASAC) Secondary Barriers On Commercial Passenger Aircraft Working Group, against deploying existing Installed Physical Secondary Barrier (IPSB) devices on all existing aircrafts, repeatedly cite only the deployment of built-in IPSBs require massive modifications of aircrafts; a modular physical secondary barrier system would require almost no modification of aircrafts; none of the existing IPSB devices are compliant with 14 CFR § 25.795; in the 2018 ASAC Report, air carriers complained that installing secondary barriers

¹³ During my tenure as a Border Patrol Agent, the U.S. Border Patrol was under the purview of the U.S. Department of Justice / Immigration and Naturalization Service.

would force them to remove “vital first-class seats to accommodate” them

The December 2018 Report of the Aviation Security Advisory Committee (“the 2018 ASAC Report”) Secondary Barriers on Commercial Passenger Aircraft’s Working Group (WG) **only considered existing and currently built-in** Installed Physical Secondary Barrier (IPSB) devices and **never considered a modular** physical secondary barrier system—the 2018 ASAC Report’s page 2:

“Following are the specific requests listed in the administrator’s letter:
... 3. Evaluate the types of secondary barriers that are currently installed and in use onboard commercial passenger aircraft and/or are available to install onboard aircraft”

The WG never evaluated a mobile or modular physical secondary barrier system only the existing built-it devices that have been mostly removed due to routine and unscheduled maintenance problems that cause costly aircraft downtime.

My Modular Physical Secondary Barrier (“modular barrier”) concept would require **almost no invasive modification** of existing aircraft cabins and **the minutest reconfiguration** of future aircrafts’ cabins. The **existing IPSB** devices require significant cabin alterations all while still failing to prevent or mitigate evolving low technology and “lone wolf” threats. None of the existing IPSBs are compliant with 14 C.F.R. § 25.795 because all of them are porous and 100% ineffective in stopping IED or firearms fragments, i.e., “bullet-proof”.

Since April 9, 2003 everyone has known that all cockpits have been bullet-proof and ram-proof, at least anyone with access to the Internet. This mandate was enacted as a result of a January 11, 2002 FAA order. This statement to the media by the pilots’ union ALPA was published by CBS News **4 (four) months before my July 2003 disclosure** that Al Qaeda terrorists plotted to breach unlocked cockpits “shortly after takeoff or shortly before landing”:

“Bulletproof Cockpit Doors A Reality...
Every large commercial plane flying in the United States will have bulletproof cockpit doors by [April 9, 2003], but airline security experts say the design doesn't provide the best possible protection against a hijacker entering. The Federal Aviation Administration **requires that**

cockpit doors be locked during flight, according to agency spokesman [REDACTED]. 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 [ram and bullet-proof] barrier when it’s closed, it’s an entry when it’s open,’** said Capt. [REDACTED], chairman of the Air Line Pilots Association’s [‘ALPA’] national security committee.... [REDACTED] **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. [REDACTED] **wants Congress to order all planes to have it....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 [REDACTED], former security director for the airline. Pilots must close one door before opening the other, he said.” *(emphasis added)* ¹⁴

In early 2016, I offered to assist the DHS in developing a modular physical secondary barrier system. I never asked for any extra monetary compensation other than continuing to receive a FAM salary.

On April 7, 2020 and December 1, 2020, I successfully obtained a patent (U.S. Patent No. 10,850,865) for the modular barrier after the DHS rejected my concept.¹⁵ During both application processes—that I initiated on October 31, 2017—the U.S. Patent and Trademark Office never objected to any issues nor delayed its approval.

The modular barrier would significantly minimize times and costs of the installation of material. It would reduce to a fraction the costs of built-in IPSBs would cost and causing retrofit downtime. The mobile / modular barrier is approximately 7 cubic-feet would replace 1 (one) airline drink-cart. Numerous

¹⁴ April 4, 2003 CBS News article titled, “Bulletproof Cockpit Doors A Reality” by Dan Collins:

<https://www.cbsnews.com/news/bulletproof-cockpit-doors-a-reality>

¹⁵ U.S. Patent and Trademark Office official online publication of Robert J. MacLean’s modular physical secondary barrier system, U.S. Patent No. 10,850,865: <https://patents.google.com/patent/US10850865B2/en?q=10%2c850%2c865>

drink-carts go unused do unsold meals and alcoholic beverages. An article about passengers refusing airline meals to avoid food poisoning.¹⁶

The modular barrier resolves the WG Aircraft Manufacturers and Air Carrier units' frequent complaint that “very significant design layout changes [are necessary] to accommodate secondary barriers”—the 2018 ASAC Report's pages 5-6:

“Unlike when the requirement was introduced for hardened flight deck doors (i.e., 14 CFR 25.795), where existing bulkheads and door structures were in place and simply modified, an IPSB would require additional aircraft design layout changes beyond the installation of a device. Interior configurations without monuments on either side of the aisle or a single monument on only one side of the aisle involve still more very significant design layout changes to accommodate [specialized] secondary barriers.”

The modular barrier is a solution to the WG Air Carriers unit's grievance that a “significant change in aircraft configuration” is required for a secondary barrier device—the 2018 ASAC Report's page 14:

“Regarding the administrator's request to conduct a cost-benefit analysis, A4A recommends reviewing the stringent requirements defined in [the 2011] RTCA DO-329 [study report]. These requirements would cause a significant change in aircraft configuration requirements and some aircraft interior designs may lose **vital first-class seats** to accommodate an IPSB, which would impact revenue opportunity for the airlines.” (*emphasis added*)

Page 6:

“Establishing a requirement for an IPSB that conforms to the current DO-329 definition would limit the ability to use high-density cabin configurations and likely reduce the number of possible seats, because of requirements to have a distance between the hardened flight deck door and the IPSB. This could directly impact the operator's revenue opportunity.”

The Air Carriers' “additional fuel and maintenance” criticism of the existing

¹⁶ December 27, 2019 NBC News article titled, “Mile high ugh: What you should know before you eat airplane food”: <https://www.nbcnews.com/health/health-news/mile-high-ugh-what-you-should-know-you-eat-airplane-n1060461>

IPSBs is factual. Such concerns are 100% prevented with the modular barrier because a spare unit is stored in the aircraft's cargo bay—the 2018 ASAC Report's page 14:

“Further, this would place the U.S. airlines at an **economic disadvantage compared to foreign airlines** that are not required to purchase aircraft with these costly airframe modifications. It is critical that such costs are only incurred when there is a clear security benefit.” (*emphasis added*)

Again, this would be a nonissue for modular barriers because only very minor modifications would require screwing in approximately 9 feet of one-inch female channel into the surrounding area of the cabin/forward galley entrances.

VI. The aircraft manufacturers and air carriers' complaints about weight and space, and that it “may lose vital first-class seats to accommodate a [specialized secondary barrier device]” are completely unwarranted given the fact that most air carriers have decided to remove multi-million-dollar television monitor systems; the service of problem-causing alcoholic beverages/“air-rage” could be significantly reduced; 3 years after its lobbyist A4A asserted its “weight and space” complaint in the 2018 ASAC Report, United Airlines announced that it will install WIFI and entertainment systems inside of every seat of its 270 aircrafts order

The complaints about weight and space issues are completely unfounded. A reduction of unnecessary alcoholic beverages would relieve these concerns of WG units all while making the cabin safer from unruly and combative passengers—the 2018 ASAC Report's page 7:

“**Weight penalty**, including required additional fuel. Estimates from [the airline companies' lobby, Airlines for America ('A4A')] of the overall weight are approximately 75 pounds on current installations for cables and nets that use existing monuments. Secondary barrier requirements that establish a need to reinforce aircraft structure would significantly increase the weight penalty on the operator.” (*emphasis added*)

Airlines for America (“A4A”) is a highly-paid lobby for United Airlines and represented the airline for the 2018 ASAC Report. A4A's [REDACTED] was a member of the 2018 ASAC group that gave its opinion on installing secondary barriers. In a United Airlines June 29, 2021 press release it boasts that it will not only install new

WIFI systems, but a television/computer system into every seat for passengers who do not bring a personal smart-phone, tablet, or laptop with them:

“United’s new aircraft order – 50 737 MAX 8s, 150 737 MAX 10s and 70 A321neos – will come with a new signature interior that includes **seat-back entertainment in every seat**, larger overhead bins for every passenger’s carry-on bag and the industry’s **fastest available in-flight WiFi**” (*emphasis added*)¹⁷

May 20, 2022 photo of new the Delta Airbus A321neo economy seats, each with its own television set, from the *One Mile at a Time* article titled, “Delta Airbus A321neo: Cabins, Routes, & More” highlighting that “Delta gets first of 155 Airbus A321neos [aircrafts]”:¹⁸

¹⁷ June 29, 2021 United Airlines press release titled, “United Adds 270 Boeing and Airbus Aircraft to Fleet, Largest Order in Airline’s History and Biggest by a Single Carrier in a Decade”:

<https://hub.united.com/united-adds-270-boeing-and-airbus-aircraft-to-fleet-largest-order-in-airline-s-history-and-biggest-by-a-single-carrier-in-a-decade-2653586391.html>

¹⁸ May 20, 2022 article and photo of new the Delta Airbus A321neo economy seats, each with its own television set, from the *One Mile at a Time* article titled, “Delta Airbus A321neo: Cabins, Routes, & More” highlighting that “Delta gets first of 155 Airbus A321neos [aircrafts]”: <https://onemileatitime.com/news/delta-airbus-a321neo/>



The modular barrier would weigh less than 60 (sixty) pounds. But regardless, a reduction of the stocking of alcoholic beverages would significantly reduce nonessential weight and mass to accommodate a modular barrier and a spare one stored in the cargo bay—the 2018 ASAC Report’s page 14:

“IPSBs would also create ongoing costs associated with additional fuel and maintenance.”

Reducing alcoholic beverages on flights would not only free up extra space for a modular barrier, but it would reduce the potential of alcohol-related incidents causing passengers to be unruly or combative.

Television systems in individual seats, costing up to \$10,000 per unit, have considerable amount of wiring which takes up space and adds more weight:

“[Built-in] TVs can cost \$10,000 per seat, estimated [REDACTED], managing director and head of the travel and transportation practice at the consulting firm L.E.K. ... ‘[Removal of the built-in TVs would] reduce the expense associated with maintaining that equipment.’ American and United Airlines are phasing out screens on new short-

haul aircraft in favor of content offerings that passengers can stream from their personal devices.”¹⁹

It’s hypocritical that the air carriers would complain about the deployment of specialized IPSBs to protect itself from another 9/11. Specialized IPSBs and their lifetime maintenance would cost no more than \$35,000 an aircraft, whereas the air carriers were willing to spend at least \$1.5 Million per aircraft to entertain passengers would could alternatively read a book.

Aircraft downtime for routine and unscheduled maintenance of a **modular** IPSB is 100% eliminated. In the case that the modular barrier malfunctions, a spare unit is strapped to the ceiling of the cargo bay. After an aircraft lands, with a broken modular IPSB, a single flight crew member or maintenance member switches out the spare with the one that was inside the cabin. The out-of-service modular IPSB is then shipped to the manufacturer for a functioning replacement that is against strapped to the ceiling of the aircrafts’ cargo back. Existing standard pick-up truck vehicles have full-size tires strapped underneath the beds and use systems that an average person can operate in order to replace a destroyed tire and wheel with the spare.

VII. All of the existing Installed Physical Secondary Barrier (IPSB) devices are exceptionally susceptible to low-technology sabotage; it is almost impossible to tamper with modular barriers due to the fact it can only be accessed by an aircrew member

The existing IPSB devices can be rendered undeployable with a small piece of metal wedging into the locking mechanism or with a small amount of cyanoacrylate or “super glue”. After a bad actor sees a flight attendant unable to deploy an IPSB, he now knows that the cockpit door will soon unlock.

The modular barrier would be secured from inflight sabotage because it’s stowed inside a faux Service Trolley, locked inside a Service Trolley slot, and

¹⁹ January 1, 2018 The New York Times article titled, “Those Seatback Screens on Planes Are Starting to Disappear”:
<https://www.nytimes.com/2018/01/01/business/airlines-travel-entertainment.html>

protected with a tamper-circuit alarm; for hours, the always-closed Airbus A330 Safran IPSB gates are exposed to the main cabin and can be sabotaged by a bad-actor flying out of the U.S. who can notify a second bad-actor to attack going back to the U.S. from a foreign country that does not have a contractor to repair the broken IPSB gate. The faux Service Trolley also camouflages inside the forward galley and confuses a bad-actor probing to determine which Service Trolley has the modular barrier inside of it.

Another danger the Airbus A330 Safran IPSB gates poses: the potential of it permanently jamming shut after severe turbulence and/or an emergency hard-landing. The pilots would then have to egress out the aircraft's windshield causing severe bodily injury or death from falling to the ground, fire, and/or smoke-inhalation.

VIII. The aircraft manufacturers, air carriers, FAA, and TSA express the unfounded concern that the flight crew could unwittingly allow a bad-actor to go unseen and hide inside a forward galley lavatory during deployment of a physical secondary barrier system therefore the FAMS must be able to dismantle or shoot through it

This could be the most absurd concern asserted by both FAA and TSA, from the FAA's published February 27, 2020 Flightdeck Secondary Barrier Working Group report ("2020 FAA report")—page 16:

"7.3 RECOMMENDATION 3

IPSB shall be transparent such that situational awareness can be maintained between the passenger cabin and the vestibule area. The transparency could be accomplished via a transparent material or open space in the IPSB. If a transparent material, consideration should be given to allow materials to not adversely impact the ballistic effects from [Federal Air Marshal Service (FAMS)] protection."²⁰

²⁰ U.S. Department of Transportation / Federal Aviation Administration (FAA) February 27, 2020 publication titled, "Recommendation Report to Aviation Rulemaking Advisory Committee for Implementation of Section 336 of P.L. 115-254 Flightdeck Secondary Barrier Working Group":
[https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/SBWG%20Recommendation%20Report%20\(submitted%20to%20FAA%203-20-2020\).pdf](https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/SBWG%20Recommendation%20Report%20(submitted%20to%20FAA%203-20-2020).pdf)

So absurd this concern, that it had to be needlessly redacted from the 2018 ASAC Report that FAA provided to OSC—pages 7-8:

“Additional Considerations—There are other considerations that would need to be addressed should the government require IPSBs, including the following:

[. . .]

Consideration should be given to the FAMS’ requirement

[

added)

Prior to issuance of its heavily redacted published report, one of the co-chairpersons of the 2011 RTCA DO-329 went public about the its disturbing conclusion, that FAMs are ineffective in stopping a 9/11-style breach of unlocked cockpits:

"How to Hijack an Airplane in 3 Seconds... 'We're in a race against time, frankly, because there is going to be another attack,' said Capt. [REDACTED] a United Airlines pilot who has played an active role in the development of the secondary barrier system since 2002. 'I'm no rocket scientist, so if I can see the vulnerability, so can everyone else.' ... [REDACTED], a co-chairman of the [RTCA DO-329] committee, said the group is currently working on a report that will outline minimum performance criteria, installation instructions, and other issues for secondary barriers. ... What's more, [REDACTED] added that the drills, while grim, likely offer a best-case scenario. **'We looked at some highly trained [expectant FAMs] playing the role of flight attendants and crew members and even they couldn't prevent a breach** of the [cockpit against faux role-player hijackers unwilling to serious hurt or kill themselves],' [REDACTED] said. 'If they can't do it, then little 57-year-old, 40 percent body fat [REDACTED] isn't going to do it.' ... In recent years, according to [2011 RTCA D-329 member and a commercial airline pilot and former president of the Coalition of Airline Pilots Associations Captain [REDACTED], the coalition has set up scenarios where a handful of would-be terrorists are seated in the first few rows of an airplane. These scenarios have shown that **terrorists are able to 'blow past' both a flight attendant and galley cart and get into the cockpit within three seconds.**" (emphasis added) ²¹

Capt. [REDACTED] 2011 "I'm no rocket scientist, so if I can see the vulnerability, so can everyone else" hijack warning came true in 2020:

"While [REDACTED] was obtaining pilot training at the Flight School, he also conducted research into the means and methods to hijack a commercial airliner to conduct the planned attack, including security on commercial airliners and how to breach a cockpit door from the

²¹ August 16, 2011 The Atlantic article titled, "How to Hijack an Airplane in 3 Seconds": <https://www.theatlantic.com/national/archive/2011/08/how-to-hijack-an-airplane-in-3-seconds/243631/>

outside, information about the tallest building in a major U.S. city, and information about how to obtain a U.S. visa.”²²

The deployment of physical secondary barrier devices on all aircrafts would have cost less than 9% of the over the \$21 Billion spent on the provenly ineffective DHS/TSA Federal Air Marshal Service since 9/11.

IX. Modular barriers will prevent or significantly mitigate an aerosolized chemical attack using the synthetic opioids fentanyl or carfentanil in order to “harm aircraft passengers and aircrew” as warned by TSA in its June 2018 official disclosures to the media

On February 15, 2018, I emailed a chemical attack, on unlocked cockpits, warning to the DHS/TSA Criminal Investigator [REDACTED]. Special Agent [REDACTED] probed my disclosures with regard to this reply. I disclosed that a bad-actor could aerosolize a synthetic opioid, such as fentanyl or carfentanil, and toss it into an unlocked cockpit in order to incapacitate the pilots. My disclosure was subsequently referred to Secretary of DHS Kirstjen Nielsen by the U.S. Office of Special Counsel to DHS on December 18, 2018 under the mandate of 5 U.S.C. § 1213.

On March 7, 2018 the current TSA Administrator, David Pekoske, warned the public of the threat of “low-tech” attacks:

“Today we are also confronted by a current of less sophisticated techniques and tactics, where lone wolves, many radicalized on the internet, are using inexpensive and low-tech methods to target Americans.”²³

²² December 16, 2020 U.S. Department of Justice Official Press Release titled, “Kenyan National Indicted for Conspiring to Hijack Aircraft on Behalf of the Al Qaeda-Affiliated Terrorist Organization Al Shabaab”:
<https://www.justice.gov/opa/pr/kenyan-national-indicted-conspiring-hijack-aircraft-behalf-al-qaeda-affiliated-terrorist>

²³ March 7, 2018 U.S. Department of Homeland Security / Transportation Security Administration (TSA) Administrator David Pekoske public warning titled, “2018 State of TSA Administrator David P. Pekoske Wednesday”:
<https://www.tsa.gov/news/speech/2018/03/07/tsa-administrator-david-pekoske-2018-state-tsa>

Several months after my February 15, 2018 opioid/cockpit disclosure to DHS/TSA Special Agent [REDACTED], TSA Administrator Pekoske changed cabin carry-on security policy and warned the public about the threat to unlocked cockpits: weaponized synthetic opioids such as fentanyl and carfentanil being aerosolized and thrown into cockpits in order “to irritate or harm aircraft passengers and aircrew if released during flight”.²⁴

Like a standard automobile’s passenger windows extend “roll-up” into the V-channel in the doors, the modular barrier does the same in order to seal the forward galley from aerosolized synthetic opioids.

X. Pages 158 and 245 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 FAA 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

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 late July 2003, enough was enough and I complained to 3 (three) 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.

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.

²⁴ June 21, 2018 The New York Times article titled, “T.S.A. Expands International Carry-On Limits to Powder”: <https://www.nytimes.com/2018/06/21/travel/tsa-powder-rules.html>

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’ ██████████ ██████████] also discussed how to case flights in Southeast Asia. ██████████ 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.”

Page 5 of the Report:

“[Using an inflight telephone, American 11 Flight Attendant ██████████ told surface officials that the hijackers may have] **jammed their way** [into the cockpit.]” (*emphasis added*)²⁵

While in flight and without an effective specialized secondary barrier device, 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

²⁵ The published 9/11 Commission Report (unclassified):
<https://www.9-11commission.gov/report/911Report.pdf>

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 screening with packages they do not know—or claim to not know.²⁶ 3 years later, 10 workers in the **same airport** were arrested for the same crimes.²⁷

The redacted and published 2011 RTCA DO-329 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 [REDACTED] danger disclosures.²⁸ Also a former U.S. Coast Guard commissioned officer, [REDACTED] retired from the TSA and authored a book titled, “Fortress of Deceit: The Story of a 9/11 Whistleblower”. On page 353 [REDACTED] [REDACTED] asserted that the emplacement of specialized secondary barriers must be a

²⁶ 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

²⁷ 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>

²⁸ 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>

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.”²⁹

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”
- “killed passengers until the pilots unlocked the doors”

FAMs 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

XI. Interim measures and the long-term solution (summary); the German and Australian aviation safety authorities also agree that there “*must-always-be-two-people-in-cockpit rule*” creates more of a danger than it

²⁹ July 21, 2016 publication of “Fortress of Deceit: The Story of a 9/11 Whistleblower” by Bogdan John Dzakovic: <https://www.amazon.com/Fortress-Deceit-Story-11-Whistleblower/dp/1535033134>

prevents

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 “*two-person rule*”.

Six months after my disclosure to TSA, both the Australian and German aviation safety authorities abolished the “two-person rule” asserting that it “***introduced an additional risk of flight deck incursion***”. This absurd rule was supposed to stop suicidal pilots from killing everyone on the **Germany-flagged** aircraft, i.e., Germanwings Flight 9525 disaster. All of the major U.S. airlines, if not all of them, still enact this dangerous practice that leaves the cockpit vulnerable for a substantial and unnecessary amount of time:

“Australia’s Civil Aviation Safety Authority [‘CASA’] said a review of the practice in Australia found [it] introduced **an additional risk of flight deck incursion,**’ CASA said in a recent briefing note. [European Union Aviation Safety Agency (‘EASA’) eased the two-person rule in August 2017, and German airlines revealed **they would abandon it** April [2018], arguing **it increased security risks rather lowered them.**” (*emphasis added*) (see section XXXI. of this document) ³⁰

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 FAA issued a mandate directing all U.S. air carriers to reinforce cockpits within 15 months. After the 15 months, the largest

³⁰ August 03, 2018 Airline Ratings article by Steve Creedy titled, “Australia Eases Germanwings Two-Person Cockpit Rule”:
<https://www.airlineratings.com/news/australia-eases-germanwings-two-person-cockpit-rule/>

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—

"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" ³¹

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

XII. Three and a half-foot airline service trolley ("drink-cart") and/or flight attendants are now the only protection between unlocked cockpits to stop another 9/11

DHS's response to the OSC's referral (OSC File No. DI-2046) is missing the unredacted study reports commissioned by the DOT 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 [unlocked cockpit] blocking procedures, and inspectors were under the impression the guidance only applied to new procedures. As a result, critical information

³¹ 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_at_a_public_law_107_1771.pdf

contained in the study was ineffectively communicated to the field to address safety risks as called for in FAA's Safety Management System.

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*)³²

The DOT-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.³³ 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

³² 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 (DOT) / Office of Inspector General Audit Report No. AV2017063 titled, "[The DOT 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](https://www.oig.dot.gov/sites/default/files/FAA%20Cockpit%20Safety%20SSI%20Final%20Report%209132017%20Redacted%20508.pdf)

³³ 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/>

Information Act (FOIA)—its July 26, 2003 warning that al Qaeda hijackers would rush post-April 9, 2003 reinforced and now person-ram and bullet-proof cockpits:

“The plan may involve the use of five-man teams, each of which would attempt to seize control of a commercial aircraft either shortly after takeoff or shortly before landing at a chosen airport. This type of operation would preclude the need for flight-trained hijackers.”³⁴

Page 158 of the 9/11 Commission Report published on July 22, 2004 shows that the hijackers simply waited for the pilots to get their breakfast trays or use the lavatory:

████████████████████ told [the hijackers] 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.”

The July 26, 2003 warning was so sensitive that it withheld it from Freedom of Information Act (FOIA) requests. The warning was about Al Qaeda’s second plot to attack cockpits when they would be routinely unlocked by the pilots. 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 any law.

The Air Line Pilots Association’s July 30, 2003 Press Release #03.054 in response to the July 26, 2003 hijack warning cited by the Supreme Court of the United States in its 2015 decision, *DHS v. MacLean*:

“Thanks to the numerous improvements that were implemented in the wake of 9/11, pilots have received detailed training on procedures for reacting to specific events on their airplanes. We will not open locked cockpit doors in the face of a hijacking.”³⁵

³⁴ 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>

³⁵ July 30, 2003 Air Line Pilots Association Press Release titled, “ALPA Statement on Recent Airline Security Bulletin ALPA Statement on Recent Airline Security

XIII. DHS withheld from me all seven of the requested unredacted and classified reports proving the need for cockpit specialized 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 DOT-OIG Audit Report (No. AV2017063)
- 5) October 24, 2017 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

Bulletin”:

<https://web.archive.org/web/20040615052647/http://www.alpa.org/alpa/DesktopModules/ViewDocument.aspx?DocumentID=4372>

the almost 80,000 daily U.S. flights. In stark contrast, IPSBs 100% eliminate cockpit breaches.

XIV. 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 pay-per-view 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 fastened, 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 2011 RTCA study such as FLEOA.

After 2 (two) months of written requests that were initially denied, the FAA asserted to TSA-FAMS senior leadership that I should have access to the SSI-marked UNredacted RTCA study report in March 2016. I discovered that the role-player terrorists [REDACTED]

[REDACTED] A suicidal terrorist does not need to purchase a ticket upgrade at this distance.

XV. 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.

XVI. For almost three 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.³⁶

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

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.³⁷

XVII. TSA provided Congress its June 2005 report in favor of cockpit specialized physical secondary barriers, 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. TSA's 2005 report is contradicting itself that specialized IPSBs are an absolute security necessity, but at the same time has to adhere to whatever the airline lobby orders it to do in order to cut costs:

"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

³⁶ 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>

³⁷ 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>

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.'" ³⁸

XVIII. It's disingenuous when DHS-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 security clearances—currently working contractor jobs to supplement their retirement income—suspended or revoked. Other FAMS even believe that TSA could revoke their pensions for speaking out. Despite my U.S. Supreme Court decision dismissing such concerns, FAMS are concerned that their disclosures can be retroactively marked as unclassified "Sensitive Security Information" (SSI). Most of these individuals are glad to be served with federal subpoenas and provide testimony.

On two different flights 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.

XIX. Federal Air Marshals' 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

³⁸ 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>

The lack of anonymity to protect FAMs violates 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.”³⁹

XX. While there have been two failed attacks, the Christmas “shoe” and “underwear” bomb attacks—without Federal Air Marshals on both flights—there have been no hijackings mostly in part due 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.

XXI. Soon after 9/11—air carriers, FAA, and TSA failed to fully implement the mandate to reinforce cockpits despite the January 11, 2002 FAA order and Section 104 of the Aviation and Transportation Security Act of 2002

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**

³⁹ 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>

cockpit doors to remain locked.” (*emphasis added*)⁴⁰

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. (*see section IV. of this document*)

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 [REDACTED], 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 [REDACTED] ... ‘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] [REDACTED] wrote in a June 23 letter to [REDACTED] ... ‘We can’t rely on the assumption that a secure cockpit has been guaranteed by the doors that were put in,’ said [REDACTED] 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

⁴⁰ January 15, 2002 Federal Register announcement titled, “Security Considerations in the Design of the Flight deck 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>

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

can be attacked with firearms:

“United Airlines is considering a second barrier -- perhaps a **Kevlar net** -- for better security.” (*emphasis added*)⁴¹

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 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.⁴²

For 6 years, TSA would deny my Freedom of Information Act (FOIA) and U.S. Merit Systems Protection Board 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—

“The plan may involve the use of five-man teams, each of which would attempt to seize control of a commercial aircraft either shortly after takeoff or shortly before landing at a chosen airport.”⁴³

⁴¹ 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>

⁴² 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>

⁴³ The redacted February 7, 2007 later unredacted June 14, 2009 Freedom of Information Act responses to Robert MacLean request for the U.S. Department of Homeland Security / Transportation Security Administration’s July 26, 2003 global hijacking warning of the terrorist group Al Qaeda’s plot to wait for pilots to unlock the post-April 2003 reinforced cockpit doors when pilots open them to sleep, eat, or use the lavatory:
https://drive.google.com/file/d/1eoeluO0nf6dK4S6TO6LYB8jBIa_MYFh3/

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, 2003.⁴⁴ 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—page 158:

“While in Karachi, [‘9/11 principal architect’ ██████████ ██████████] also discussed how to case flights in Southeast Asia. ██████████ 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:

“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

⁴⁴ 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

on Sept. 11, 2001, authorities said.” (*emphasis added*)⁴⁵

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.⁴⁶

February 24, 2006: A TSA LE/FAMS senior executive, [REDACTED], sent this email to 10 of his superiors expressing his displeasure protesting my work with the pilots’ unions (i.e. “our partners”) to advocate for the emplacement of IPSBs. In 2006, [REDACTED] was the TSA Assistant Chief Counsel for the TSA-FAMS. In 2018, [REDACTED] was the director of the TSA Office of Professional Responsibility:

“The decision to ‘propose his removal’ was [REDACTED by TSA Office of Chief Counsel (TSA-OCC)] at the time and our own [REDACTED]. TSA/Legal as of this date [REDACTED by 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*)⁴⁷

⁴⁵ September 5, 2004 Chicago Tribune article titled, “Airline is adding to cockpit security” by Jon Hilkevitch:

<https://www.chicagotribune.com/chi-0409010159sep01-story.html>

⁴⁶ 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/>

⁴⁷ February 24, 2006 email from U.S. Department of Homeland Security / Transportation Security Administration Headquarter Supervisory Air Marshal in Charge [REDACTED] to TSA Assistant Chief Counsel [REDACTED]:

<https://drive.google.com/file/d/1eIPTeDUdD9w208pVCOMWj5gNFlg2qYW2/>

On April 11, 2006, I called and emailed an ABC News executive producer who was working on a “20/20” 20-minute segment about the DHS-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 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] article about the steel cable [cockpit secondary] 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.”⁴⁸

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.⁴⁹

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 specialized IPSBs:

⁴⁸ April 11, 2006 email from Robert MacLean to ABC News that cockpit secondary barriers can replace air marshals:

<https://drive.google.com/file/d/1dlOa6-DVpIsiXsDPODXTmJkPaccgQztO/>

⁴⁹ 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/CAk5P1VwAI>

“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.”⁵⁰

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.”⁵¹

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,

⁵⁰ 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 Security is Questionable”:
<https://www.oig.dhs.gov/sites/default/files/assets/2017-10/OIG-18-04-UNSUM-Oct17.pdf>

⁵¹ 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>

with a lone flight attendant in the forward galley with her back to the cabin.⁵² 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:

██████████:

"Former American Airlines chair and president ██████████ thinks the air marshal safety program simply isn't working and he wants it eliminated right away. [...] ██████████ cited **the high costs of the program and insisted there was never enough added safety to justify the price.** ██████████ also strongly criticized the marshals[.]" *(emphasis added)*⁵³

██████████:

"Former Continental Airlines CEO and Chairman ██████████ is joining former American Airlines Chairman ██████████ in their mutual disdain for the TSA's air marshal program. [...] Bethune called the air marshal program **'the biggest waste of money we have going in the country today.'** ██████████ made similar comments on Power Lunch earlier this week." *(emphasis added)*⁵⁴

On the same day...

⁵² 3-minute YouTube video clip from minute-46 of the 2006 motion Universal Picture movie film titled, "United 93":

<https://youtu.be/Yu8ByQPhryc>

⁵³ 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>

⁵⁴ June 9, 2015 Crandall: Get rid of air marshals now! by Jake Novak

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

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.”⁵⁵

July 16, 2015: In public testimonies from now-former TSA LE/FAMS Director [REDACTED] and now-former ALPA President [REDACTED] before a U.S. House of Representatives committee, both validated FAMS’ 12-year-old concern about not having IPSBs.⁵⁶ Airline Pilots Association President [REDACTED], 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.**”

Then- TSA-FAMS Director [REDACTED] stated FDSB will free up FAMS to perform substantive ground-based assignments, at 00:15:17—

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

⁵⁵ 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>

⁵⁶ 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>

ongoing, and as we get 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.

XXII. On February 12, 2016, I submitted to TSA senior leadership a detailed memorandum about a proposal for a substantially cost-effective modular physical secondary barrier concept that would stop rush and other attacks on unlocked cockpits

In February 2016, 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**.

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.”⁵⁷

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.⁵⁸

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**. The new bill, introduced last week, would extend the requirement to all passenger jets.”(*emphasis added*)⁵⁹

Hollywood continues to poke fun at this obvious security lapse. Earlier this

⁵⁷ Robert MacLean’s October 1, 2015 to September 30, 2016 annual appraisal issued by U.S. Department of Homeland Security / Transportation Security Assistant Supervisory Air Marshal in Charge [REDACTED] on October 27, 2016:

<https://drive.google.com/file/d/1KKFGBnt6tjKjy8qgNp3EhoapgOaRNngEY/>

⁵⁸ 13 second YouTube video clip from CBS show “SEAL Team” episode titled “[flight attendant knocked] Backwards on High Heels”:

<https://youtu.be/keKf2un03wI>

⁵⁹ 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>

year, the movie “7500” was released. The plot entirely consisted of a terrorist pushing past a flight attendant to breach a cockpit. Because then there would be no plot, a pilot—played by the lead actor—got out of his seat and killed the terrorist with his bare hands.⁶⁰

The 2018 law leaves approximately 7,300 U.S. aircrafts vulnerable due to the fact it only mandates IPSBs on aircrafts built after 2025. Even if H.R. 911 passes the Senate in 2023, 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 2025**:

“SECTION 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*)⁶¹

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

⁶⁰ Movie “7500” showing hijack rush attack on unlocked cockpit with no secondary barriers <https://youtu.be/uirXU2ULZ4U>

⁶¹ 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>

away from the cockpit in order to conduct surveillance on passengers who are not on the TSA's "Watch List".⁶²

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 ██████████, president of the Association of Flight Attendants International, about that. ██████████ 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)*⁶³

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.⁶⁴

2 months after the Government Accountability Project's press release about the OSC's referral regarding the lack of IPSBs⁶⁵ JetBlue Airways announced that it

⁶² 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>

⁶³ 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>

⁶⁴ 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>

⁶⁵ February 8, 2018 Government Accountability Project press release titled, "Office of Special Counsel Backs Whistleblower on Further Aviation Security Breakdowns":

would start rolling 3 ½ foot drink-carts onto their Airbus aircrafts. ⁶⁶

XXIII. One of the worst aircrew complacency incidents I ever witnessed involved one of my 2015 FAMS mission flights with former U.S. Solicitor General Theodore Olson, the widower of a victim and passenger on one of the four flights on 9/11; 4 months after my February 15, 2018 weaponized synthetic opioids “fentanyl [unlocked] cockpit-grenade” warning to TSA Investigations, TSA echoed it to The New York Times

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 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. [REDACTED] 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: The Federal Law Enforcement Officers Association’s press release:

<https://www.whistleblower.org/press/office-special-counsel-backs-whistleblower-further-aviation-security-breakdowns/>

⁶⁶ March 27, 2018 Bloomberg News article titled, “JetBlue Swaps Trays for Carts to Speed Snack, Drink Service” by Mary Schlangenstein and Justin Bachman: <https://www.bloomberg.com/news/articles/2018-03-27/jetblue-swaps-trays-for-carts-to-speed-inflight-snacks-drinks>

“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.”

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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 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

⁶⁷ 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>

checkpoints.⁶⁸ This is another reason as to why a **firearms bullet-proof** IP SB system should be considered.

February 15, 2018 excerpt from an email sent from me to DHS/TSA Investigations recommending nonporous secondary barrier devices in order to protect pilots from weaponized synthetic opioids, i.e., fentanyl and carfentanil, when they unlock the cockpit during flight:

“Subject: **Fentanyl cockpit grenade**...I forgot to mention to you another reason why **we need a secondary barrier system that fully encompasses the forward galley/cabin entrance area**: An attacker can assemble an improvised-grenade loaded with finely powdered Fentanyl, an exceptionally powerful synthetic opiate painkiller, **toss it at or into the flight deck (“cockpit”) during a pilot’s door transition, it gets inhaled by the pilots for an instantaneous reaction, and results in a catastrophe**. Right now an attacker can toss such an improvised-grenade **over a galley cart, or over or in between the 12 cables in the few existing Installed Physical Secondary Barrier systems**[.] ... If you read the TSA [Federal Air Marshal Service (“FAMS”)] and the U.S. Drug Enforcement Administration information attached, Fentanyl is manufactured by the tons and smuggled into the U.S. due to its extremely high demand by the growing number of opioid addicts. Fentanyl is easy to obtain due to its abundance. Fentanyl can be ONE-HUNDRED TIMES OR MORE POTENT THAN HEROIN.” (*emphasis added*)⁶⁹

June 21, 2018: 4 (four) months after my “Fentanyl cockpit grenade” warning emailed to TSA Investigations, TSA disclosed to The New York Times that it is also

⁶⁸ 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/>

⁶⁹ February 15, 2018 email warning to U.S. Department of Homeland Security / Transportation Security Administration Investigations regarding weaponizing synthetic opioids in order to incapacitate pilots when they routinely unlocked the cockpit without a nonporous secondary barrier device:

<https://drive.google.com/file/d/0B5QD7Ci6CgwwTlhGZ3RCTU1fMDBQa0c2SUdnaWpQaEpic2hj/>

concerned about fentanyl inside passenger aircrafts' and established a 12 oz. limit powder rule for carry-on:

"[TSA emailed The New York Times and] identified powders including **fentanyl**... 'that could be used to irritate or **harm** aircraft passengers and **aircrew** if released during flight.'" (*emphasis added*) ⁷⁰

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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*) ⁷¹

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,

⁷⁰ 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>

⁷¹ 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

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.”⁷²

Despite the TSA spokesman’s email to The New York Times, DHS-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”⁷³

July 28, 2018: In Canada, [REDACTED] and [REDACTED] were arrested with 33 firearms, and **enough carfentanil to kill tens of millions of people.** Mass-

⁷² 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/>

⁷³ FBI Weapons of Mass Destruction Directorate 6 July 2018 FBI IB109 201876 (U//FOUO) Fentanyl Very Likely a Viable Option for a Chemical Weapon Attack in the United States for Extremists and Criminals, Low Probability High Impact Event https://drive.google.com/file/d/14_gtR2fSRFF6DIOKJINGQF_ICrI-jrvb/

murder gunman, [REDACTED], shot 15 people killing 2. [REDACTED] had direct personal and financial ties to [REDACTED] and [REDACTED]. 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 [REDACTED]] on Sept. 20, 2017. Testing later determined **42 kilograms [equal to 93 lbs.]** of the substance contained **carfentanil**. ... [REDACTED] was ordered to live with [REDACTED] 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*)⁷⁴

Canadian Broadcasting Corporation (CBC):

“[REDACTED], 30, of Toronto, has also been charged [with **300 firearms-related offences and carfentanil possession**]. (*emphasis added*)”⁷⁵

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

⁷⁴ 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>

⁷⁵ 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 [REDACTED] 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>

Obama, wrote last year. **'It is a weapon of mass destruction.'** ... As a tool of terror, the drug would work best **in a closed space**, said [REDACTED] 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)* ⁷⁶

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 [REDACTED] told the Washington Examiner that someone could plant synthetic **fantanyl** on the drone and release it over a group of people. ... 'It's the perfect criminal tool,' [REDACTED] said. 'A single pound of **fantanyl [dropped above a crowd] would devastate a whole stadium.**'" *(emphasis added)* ⁷⁷

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.'" ⁷⁸

⁷⁶ 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>

⁷⁷ 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>

⁷⁸ 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:

XXIV. Although exceptionally dangerous without specialized cockpit physical 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 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."⁷⁹

<https://www.cnn.com/2019/02/12/politics/tsa-air-marshal-waste-ig/index.html?no-st=1550160777>

⁷⁹ 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

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 XXX. of this document)

XXV. 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.^{80 81 82} The passengers subsequently killed him to protect themselves. [REDACTED] was highly intelligent

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>

⁸⁰ 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>

⁸¹ 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>

⁸² 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>

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. [REDACTED] 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, [REDACTED] would have feared that one or more of the 8 pilots would be combat-hardened former or 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 SERE-trained military pilots:

- United Airlines Flight 175 Captain [REDACTED] was a former U.S. Navy aviator (pilot)
- United Airlines Flight 175 First Officer [REDACTED] was a retired U.S. Marine pilot
- United Airlines Flight 93 First Officer [REDACTED] was a former U.S. Air Force pilot
- American Airlines Flight 11 Captain [REDACTED] was U. S. Air Force pilot during the Vietnam War
- American Airlines Flight 11 First Officer [REDACTED] was a former

U.S. Navy fighter-aviator

- American Airlines Flight 77 Captain ██████ 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 FAMs are trained to 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, ██████ 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 █████ prior meticulous casework directing his operatives to study how often the doors routinely open:

"[9/11 key facilitator' █████ and American Airlines Flight 11 ring-leader / hijacker █████ 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.** █████ 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*)

XXVI. 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 Officers⁸³ (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 PERSON-RAM AND BULLET PROOF DOOR. UNLOCKING THIS DOOR UNDER DURESS WILL RESULT IN A CATASTROPHE SUCH AS 9/11. 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

⁸³ 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.

results it “would be the end of the [TSA LE/FAMS] program as we know it [.]”

The TSA-FAMS training program falsely asserts to FAMs that doors can be broken open: Training Officers convey that another primary concern is that attackers will break open a door. On or about March 23, 2018, I challenged a Training Officer about this concern. After the Training Officers 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 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.

The Training Officers 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.

One of the FAMs who attended the December 2014 APG study provided me with 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.

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

► ► ► 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 main 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.

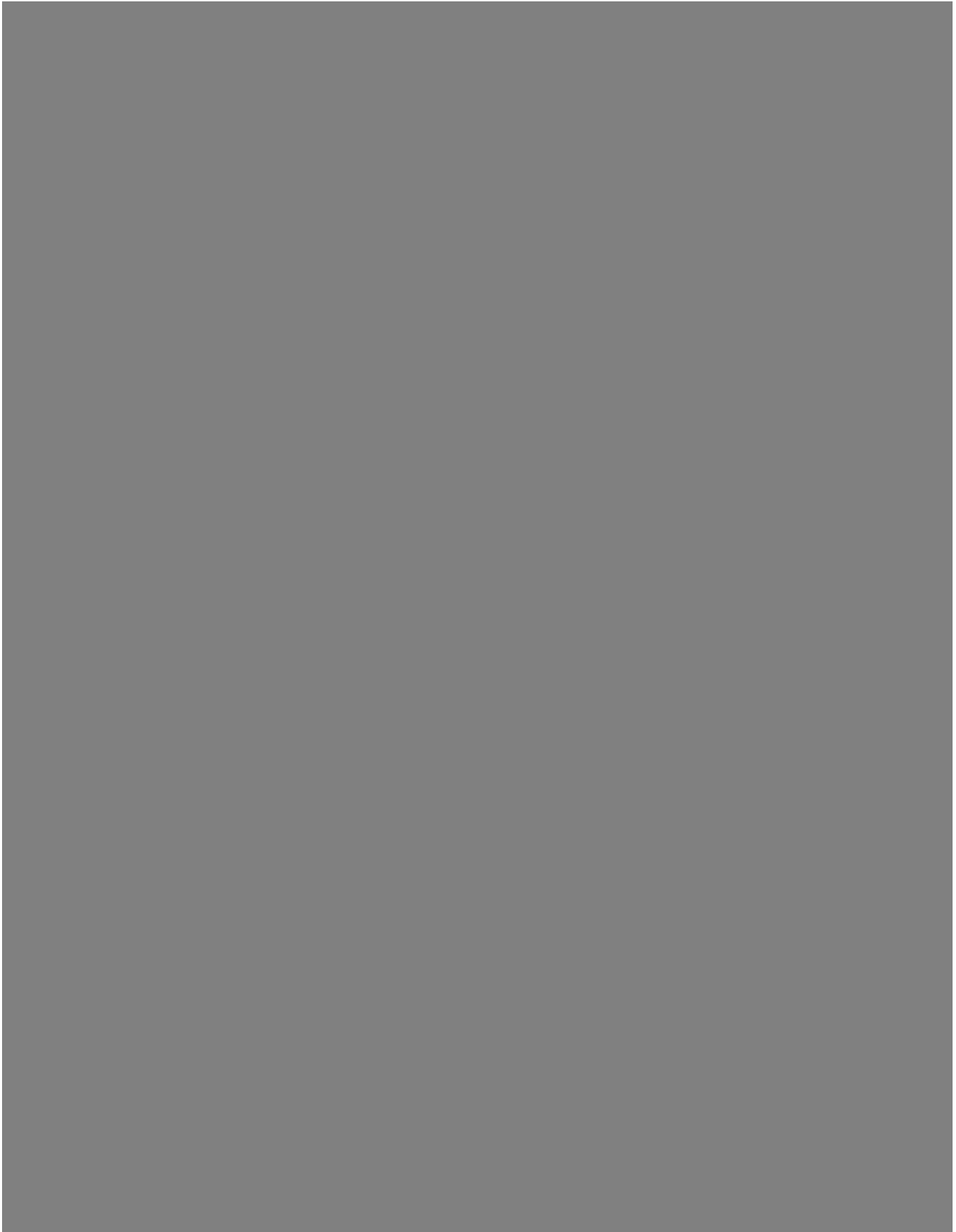
The 2011 RTCA study report and the 2017 DOT-OIG Audit Report concluded that drink-carts are “ineffective” secondary barriers because an attacker can instantly—

- tip it over,
- push it aside,⁸⁴
- hurdled it, or
- vaulted over it.

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.

⁸⁴ April 5, 2014 YouTube video titled “2 Seconds to Breach a cockpit” Description: “[The widow of 9/11 United Airlines Flight 175 Captain ██████████] ██████████ 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>







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.”⁸⁵

XXVIII. Interim measures recommended until specialized cockpit 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.

XXIX. The 2015 Germanwings Flight 9525 tragedy-concern: Such a tragedy becomes 100% unavoidable after the suicidal-homicidal pilot becomes airborne; in 2018, both Australia and Germany abolished the “two-person

⁸⁵ 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>

rule” that was a result of the Germanwings disaster

A flight attendant cannot pilot an aircraft nor can a flight attendant prevent a suicidal-homicidal pilot from crashing the **Germany-flagged** aircraft like the March 24, 2015 Germanwings Flight 9525 tragedy. In 2018, both the Australian and German aviation safety authorities abolished their 2015 “two-person rule” because it ***“introduced an additional risk of flight deck incursion...arguing it increased security risks rather lowered them”***. 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 the pilot exiting the cockpit—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.

Airlines and the federal agencies should—

1. 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.
2. 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.
3. Mandate that every FAM carry NARCAN® doses in order to stop hijackers and inoculate the pilots and themselves.

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

A year after July 2003 disclosures—United Airlines boosted that it is the first airline to deploy steel the 12-cable IPSB commonly referred to as the “wire-mesh”

barrier. See photo.⁸⁶

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 synthetic opioid attack—two concerns that TSA has gone public about and enacted more screening procedures in June 2018. 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 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.⁸⁷

In 2013, United Airlines paid to have IPSBs removed from its Boeing B787 “Dreamliner” fleet.⁸⁸

XXX. DHS-OIG substantiated my April 16, 2018 “danger to public”

⁸⁶ 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>

⁸⁷ 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>

⁸⁸ 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/>

disclosure about the TSA’s “Quiet Skies” in-flight surveillance program; the program distracts FAMS from defending unlocked cockpits

Over 3 (three months) before the embarrassing Boston Globe article came out on July 28, 2018, I disclosed this through my chain of command and DHS-OIG on April 16, 2018 and days after. I not only about the legality, waste of resources and mismanagement of “Quiet Skies”, but that it caused FAMS to be in a disadvantaged position to respond to threats. DHS-OIG issued a scathing 36-page report. The report cited “internal opposition to the program” and its “legality”.

DHS-OIG report’s third cover-page:

“What We Found

TSA did not properly plan, implement, and manage the Quiet Skies program to meet the program’s mission of mitigating the threat to commercial aviation posed by higher risk passengers. Specifically, TSA did not:

- develop performance goals and measures to demonstrate program effectiveness, or
- always adhere to its own Quiet Skies guidance.

This occurred because **TSA lacked sufficient oversight to ensure the Quiet Skies program operated as intended.** For example, TSA did not have a centralized office or entity to ensure the various TSA offices properly managed Quiet Skies passenger data.

Without sufficient metrics, analysis, and controls, **TSA cannot be assured the Quiet Skies program enhances aviation security through FAMS as intended.**

...

In July 2018, various news media reported on TSA’s Quiet Skies, identifying it as a new domestic surveillance program that **targeted passengers not included in any terrorist database.** These articles raised concerns regarding the **program’s legality,** impact on privacy and civil liberties, and extensive collection of passenger data.”
*(emphasis added)*⁸⁹

My danger concern emailed to my TSA-FAMS chain of command on April 16,

⁸⁹ November 25, 2020 Department of Homeland Security / Office of Inspector General Report No. OIG-21-11 titled, “TSA Needs to Improve Management of the Quiet Skies Program” (REDACTED):

<https://assets.documentcloud.org/documents/20420422/tsa-quiet-skies-oig.pdf>

2018:

“Again, barring a deadly international incident, the new primary CONOPS focus on SMCs may soon **embarrass the agency**, and the U.S., after a passenger-seating spat and expose the SMC CONOPS strategy.” *(emphasis added)*

DHS-OIG report pages 6-7:

“Moreover, TSA informed us the DHS Reviewing Offices may not have become fully aware of FAMS’ surveillance of Quiet Skies passengers until nearly five months after FAMS began those operations. According to a TSA Privacy Office official, the Privacy Office did not immediately inform DHS offices of FAMS involvement with Quiet Skies **because of internal opposition to the program** due, in part, to the release of a Quiet Skies media article and pending an updated FAMS Concept of Operations. [Footnote 10] Subsequently, the Office for Civil Rights and Civil Liberties’ Programs Branch Director emailed TSA’s Executive Assistant Administrator for Law Enforcement/FAMS, expressing concerns about FAMS’ involvement in Quiet Skies operations. In the email, the Director noted that FAMS’ **Quiet Skies surveillance ‘...falls outside the intelligence activity documented in the Implementation Memo** and subsequently beyond the scope of the [DHS] Oversight offices’ quarterly review process.” *(emphasis added)*

My danger concern emailed to my TSA-FAMS chain of command on April 16,

2018:

“Due to their concern about unaccountable retaliation, **numerous Federal Air Marshals (FAM) have expressed to me their exceptional concern** about Federal Air Marshal Service (FAMS) senior leadership’s new primary Concept of Operations (CONOPS)” *(emphasis added)*

My concern emailed to the DHS National Protection and Programs

Directorate’s (NPPD) leadership on June 1, 2018:

“FAMs cannot conduct surveillance in foreign countries due to the fact they are **not members of the U.S. Intelligence Community**. ... The difference between the common front-of-the plane situation is that there wasn’t an SMC under surveillance by two or more **officers who aren’t trained U.S. Intelligence Community operatives**—which brings up another danger: A foreign government may arrest FAMs for

suspicion of espionage, **or arrest an innocent SMC [passenger].**" *(emphasis added)*

My concern was emailed to my TSA-FAMS chain of command on April 16, 2018:

"The difference between the common front-of-the-plane situation is that there wasn't an SMC under surveillance by two or more FAMS who aren't trained Intelligence Community operatives—which brings up another danger: **A foreign government may arrest FAMS for suspicion of espionage.**" *(emphasis added)*

DHS-OIG report page 28 (Appendix F):

"FAMS Involvement in the Quiet Skies Program
In three previous reports, [FOOTNOTE 16] we identified limitations with FAMS' contributions to TSA's layered security approach. Specifically, we determined that FAMS **lacked performance measures and budget data to show its contributions and cost-effectiveness to address aviation transportation security risks.**" *(emphasis added)*

My concern emailed to my chain of command on April 16, 2018:

"Our resources may be better used for ground-based activities such as liaisons for foreign governments' antiterrorism or intelligence agencies, or performing highly productive insider-threat investigations such as this one that resulted in 46 Dallas-Fort Worth International Airport workers indicted for being bribed to sneak unknown packages by security:
https://www.washingtonpost.com/local/trafficancommuting/undercover-sting-snags-would-be-airline-drugsmugglers-at-dallas-fort-worth/2015/07/15/4d016a0e-2b04-11e5-bd33-395c05608059_story.html" *(emphasis added)*

DHS-OIG report page 28 (Appendix F):

"For those flights covered by Federal air marshals, seating positions on the aircraft, as well as aircraft layout, **impeded sightlines and may have prevented air marshals from visually identifying potential threats.**" *(emphasis added)*

My concern emailed to the DHS NPPD leadership on June 1, 2018:

“Not only is the new SMC CONOPS a tremendous waste of useful resources, but it **dangerously draws FAMS away from their primary focuses**: Protecting a flight deck and its pilots without an IP SB, allowing the aircraft to turn into a missile for a crowded ground target, and the integrity of the aircraft, i.e., fire. FAMS protecting passengers—from armed attackers confined inside the cabin—was for many years a 4th-tier priority due to the fact such provocations would draw/ruse FAMS away from the flight deck and into an ambush and be disarmed.”

DHS-OIG report page 28 (Appendix F):

“Further, **improvised explosive device** training provided to Federal air marshals could be of limited use during unannounced detonations.” *(emphasis added)*

My concern emailed to my chain of command on April 16, 2018:

“These 46 airport workers innocently never knew if they were loading an **Improvised Explosive Device.**” *(emphasis added)*

DHS-OIG report page 28 (Appendix F):

“FAMS’ surveillance of Quiet Skies passengers was **an effort to reallocate FAMS resources** based on intelligence-driven information, **as opposed to best professional judgment, aircraft size, or arrival and departure cities.**” *(emphasis added)*

My concern emailed to the DHS National Protection and Programs

Directorate’s (NPPD) leadership on June 1, 2018:

“50% or more of **FAMS resources are wasted** due to the fact the team of FAMS are on a one-way mission with the SMC because the same team of **FAM cannot stay at the same city with the SMC until he decides to return.** FAMS cannot conduct surveillance in foreign countries due to the fact they are not members of the U.S. Intelligence Community. **Almost always, the same FAM team will fly back home on flight without an SMC and on a route and aircraft with a low-threat priority. So resources have now been taken away from high-threat routes** such as the U.S. east coast/Paris and Amsterdam flights that were attacked by the “Shoe” (2001) and “Underwear” (2009) bombers, respectively.” *(emphasis added)*

DHS-OIG report page 28 (Appendix F):

“FAMS Involvement in the Quiet Skies Program
In three previous reports, [FOOTNOTE 16] **we identified limitations with FAMS’ contributions** to TSA’s layered security approach.

...
FOOTNOTE 16: **FAMS’ Contribution to Aviation Transportation Security is Questionable**, OIG-18-04, October 24, 2017

...
FAMS’ Contribution to International Flight Security is Questionable, OIG-19-17, December 19, 2018.” (*emphasis added*)

XXXI. CONCLUSION

Postpose the purchase of questionably effective computed tomography machines, implement the INTERIM cockpit transition procedures per my aforementioned suggestions; and emplace modular 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 a modular barrier.

► ► ► **Specialized 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 was contacted by a TSA Transportation Security Specialist -

Explosives (TSSE). The TSSE 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.

The TSSE has decades of high-level military and civilian law enforcement Explosive Ordinance Disposal (EOD) experience. They've been with TSA for over a decade.

The TSSE's most disturbing disclosure to me: If TSA senior managers were to allow them 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 their device-creations “100%” of the time. They 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, the TSSE told me that was “very true” given the inherent monotony of the TSO-operator's job and the creativity of terrorist organizations' IED-makers.

The TSSE constantly asserted to me that they have absolutely **no confidence** in their senior managers and would only trust officials who I recommend they make the aforementioned disclosures to. They 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. They 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 the TSSE is working with the DHS-OIG and congressional committee oversight investigators about the lapses they told me about. They have since gone public with his disclosures that are a danger to public safety.⁹⁰

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*)⁹¹

* * * * * END OF MY REPLY COMMENTS * * * * *

⁹⁰ April 10, 2019 ABC News WFTV Channel 9 "TSA worker 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>

⁹¹ U.S. Department of Homeland Security Customs and Border Protection's official website (via Archive.org) titled, "Remembering Two 9/11s":

<https://web.archive.org/web/20170521011936/https://www.cbp.gov/about/history/history-leads-to-the-present/remembering-two-911s>