

My reply to the U.S. Department of Homeland Security (DHS) / Transportation Security Administration's (TSA) and U.S. Department of Transportation (DOT) / Federal Aviation Administration's (FAA) response to the U.S. Office of Special Counsel's (OSC) 5 U.S.C. § 1213 December 18, 2018 to present referrals concerning the following —

As soon as possible, equip all commercial passenger aircraft flightdecks ("cockpit") with naloxone (NARCAN®) antidotes and install MODULAR non-porous specialized cockpit secondary barriers to prevent potential synthetic opioid (i.e. fentanyl and carfentanil) attacks in order to incapacitate pilots; it took only 15 months (February 2002 to April 2003) to retrofit all aircrafts by bullet and ram-proofing all cockpits; modular secondary barriers would be the fastest and most cost effective way to protect cockpits—all modular concepts are being repeatedly BLOCKED by TSA and FAA study groups

Submitted by U.S. Federal Air Marshal (former) Robert J. MacLean

The Russian Army weaponized fentanyl and used it during a Moscow theater hostage stand-off in 2002. Last year (2023), the FBI and the U.S. Postal Inspection Service confirmed that fentanyl was mailed to several U.S. election voting offices.

***** Artificial Intelligence's solution *****

Artificial Intelligence Chat GPT 4o's response to protecting commercial airline pilots from weaponized fentanyl when they need to unlock their cockpits during flights:

"Protecting pilots from weaponized fentanyl or other hazardous substances during necessary cockpit door operations is a critical concern. Here are some ranked methods, from most to least effective, based on their ability to provide security and minimize exposure:

1. Secondary Barrier System with Full Containment

Description: Implementing a secondary barrier system that fully encloses the area between the cockpit and the rest of the cabin when the cockpit door is opened.

...

The fastest way to deploy cockpit secondary barrier systems to protect pilots from weaponized fentanyl or similar threats would be to install **modular** cockpit secondary barrier systems [that] can be designed for quick installation without significant modifications to the aircraft structure. They can be integrated into the existing cabin layout

more easily compared to monolithic fixed systems, which may require extensive structural changes and certification processes.

...

[T]he **modular** secondary barrier system offers greater flexibility, easier maintenance, and the ability to upgrade as needed, making it **a more cost-effective solution** in both the short-term and long-term compared to a fixed monolithic barrier system.

...

[T]he **modular** secondary barrier system with a primary unit hidden in a faux service trolley and an exact spare modular unit in the aircraft's cargo bay would likely be **the safest option** for both passengers and air crews in both the short-term and long-term."

<https://chatgpt.com/share/5678317f-0810-4b94-9ab8-fd7cb186a368>

October 8, 2016: From *The Associated Press* article titled, "Lethal chemical now used as a drug haunts theater hostages":

"Russian special forces...pumped an aerosol containing potent forms of the synthetic opioid fentanyl into the theater before storming it. ...more than 120 hostages died from the effects of the chemicals. Many survivors suffered lasting health effects. ...The Russian government acknowledged that the aerosol contained fentanyl-related compounds"

<https://apnews.com/256605b7679d4a61bde9a8eac8906ea9>

November 18, 2023: Both the U.S. Department of Justice / Federal Bureau of Investigation (FBI) and the U.S. Postal Inspection Service confirmed the weaponization of fentanyl on U.S. election voting offices; *The Associated Press* article titled, "Fentanyl-laced letters are being sent to election offices, so officials are stocking up on naloxone":

"Election offices are sent envelopes with fentanyl or other substances. Authorities are investigating ... Authorities were hunting [on November 9, 2023] for whoever sent suspicious letters — including some containing fentanyl — to elections offices in at least five states this week, delaying the counting of ballots in some local races in the latest instance of threats faced by election workers around the country. ... Four of the letters contained fentanyl, the FBI and U.S. Postal Inspection Service reported in a statement to elections officials [on November 9, 2023]. ... In the meantime, [Georgia's] Secretary of State Brad Raffensperger said officials were sending the overdose-reversal drug naloxone to the office as a precaution. 'This is domestic terrorism, and it needs to be condemned by anyone that holds elected

office and anyone that wants to hold elective office anywhere in America,' said Raffensperger, a Republican."

<https://apnews.com/article/election-offices-letters-evacuations-fentanyl-threats-5d39155be4b2fcd5481b570cc109cb9c>

May 12, 2024: DHS's Cybersecurity and Infrastructure Security Agency (CISA) discussed with *USA TODAY* its "threat intelligence on fentanyl" and proactive plans to thwart its weaponization:

"Exclusive: Homeland Security ramping up 'with intensity' to respond to election threats...DHS stepped in too, sharing threat intelligence on fentanyl and the mailings through its Election Infrastructure Information Sharing and Analysis Center. It put together guidance for election officials on how to safely and securely handle mail that could contain hazardous toxins like fentanyl, [CISA Senior Advisor Cait] Conley said."

<https://www.msn.com/en-us/news/politics/exclusive-homeland-security-ramping-up-with-intensity-to-respond-to-election-threats/ar-BB1m1hDI>

February 15, 2018: From my warning email to TSA *Investigations* about weaponizing synthetic opioids such as fentanyl or carfentanil:

"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"

4 (four) months after my 2018 warning: TSA's statement to *The New York Times* when TSA took some form of corrective action:

"[Fentanyl powder] could be used to irritate or harm aircraft passengers and aircrew if released during flight"

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

10 (ten) months after my February 2018 warning emailed to TSA *Investigations*: Public statements from former U.S. federal counter-terrorism agency leaders to *Bloomberg News*:

"[Fentanyl] is 'a significant threat to national security,' Michael Morell, the former acting director of the Central Intelligence Agency... 'It is a weapon of mass destruction'... As a tool of terror, the drug would work best in a closed space, said Daniel Gerstein...who served as acting

undersecretary in the Department of Homeland Security’s Science and Technology Directorate”

<https://www.bloomberg.com/news/features/2018-12-12/killer-opioid-fentanyl-could-be-a-weapon-of-mass-destruction>

The FAA has now reversed the former Central Intelligence Agency acting director’s 2018 assessment, from page 2 of the FAA’s November 14, 2023 Report of Investigation:

“The FAA also worked through the intelligence community to confirm the FAA’s understanding of the current assessment regarding the threat of an opioid dispersal attack. The investigation did not substantiate the allegations. While an opioid attack is a conceivable scenario, the current threat assessment has not identified any credible reporting about testing or planning for this type of attack on civil aviation operations. However, the FAA continually assesses requirements for on board emergency medical kit contents, and as part of that process will consider evolving intelligence reporting received from the intelligence community.”

1 (one) year after my 2018 warning: A memorandum sent from then-DHS Assistant Secretary for *Countering Weapons of Mass Destruction* to the sitting DHS Secretary who oversaw my second termination:

“Fentanyl’s high toxicity and increasing availability are attractive to threat actors seeking non-conventional materials for a chemical weapons attack. In July 2018, the FBI Weapons of Mass Destruction Directorate assessed that ‘...fentanyl is very likely a viable option for a chemical weapon attack by extremist or criminals’”

The FAA’s July 18, 2021 statement to *The Washington Post*:

“Biden administration put [cockpit secondary] barriers on its ‘priority list for 2021’”

November 21, 2022 U.S. Department of Justice / Drug Enforcement Administration’s (DEA) press release titled, “DEA Laboratory Testing Reveals that 6 out of 10 Fentanyl-Laced Fake Prescription Pills Now Contain a Potentially Lethal Dose of Fentanyl”:

“This is an increase from DEA’s previous announcement in 2021 that four out of ten fentanyl-laced fake prescription pills were found to contain a potentially lethal dose.”

<https://www.dea.gov/alert/dea-laboratory-testing-reveals-6-out-10-fentanyl-laced-fake-prescription-pills-now-contain>

November 4, 2022 The San Diego Union-Tribune article titled, “Flight attendant accused of trying to board San Diego plane strapped with fentanyl”:

“An off-duty flight attendant tried to smuggle more than 3 pounds of fentanyl onto a plane last month in San Diego...she was trying to board a plane while off duty by going through a [TSA] ‘known crew member’ line that allows pilots and flight attendants to bypass normal security screening”

<https://www.sandiegouniontribune.com/news/courts/story/2022-11-04/prosecutors-flight-attendant-tried-boarding-san-diego-plane-strapped-with-3-pounds-of-fentanyl>

December 4, 2022 article in *View From The Wing*:

“U.S. Air Marshals are complaining about the President’s plan to send them to the U.S. border, claiming that it’ll leave 99% of flights ‘unprotected’. And they’re ‘prepared to defy the Biden administration’s latest border security plan’... Three things are striking[:] Armed federal officers publicly threatening to defy orders from the President seems like it’s getting insufficient attention[;] [t]he Biden administration largely continuing Trump’s border policies (he’s building the wall!) seems under-covered as well[;] and [t]he claim about vulnerable flights as a result is absurd. ... the Department of Homeland Security admits they do ‘not have information on [the air marshal program’s] effectiveness’ and they go on to say they do not ‘have data on the deterrent effect’ of the program at all.”

<https://viewfromthewing.com/air-marshals-will-refuse-orders-to-go-to-the-border-prefer-protecting-first-class-cabins/>

***** **The FAA’s November 14, 2023 responses** *****

From the FAA Acting General Counsel Subash Iyer’s November 14, 2023 letter to the OSC responding to my suggestions for corrective action:

“The investigation did not substantiate [Mr. MacLean’s] allegations. As the [FAA’s November 14, 2023 (issued the on same day as Acting General Counsel’s Iyer’s letter to OSC) Report of Investigation (“ROI”) explains, the FAA relies on intelligence reporting from interagency partners and the FAA’s own expertise to determine whether there are aviation vulnerabilities that warrant FAA action, using a risk-based approach. Here, the FAA is unaware of current credible reporting indicating extremist groups are planning to use opioids to attack civil aviation operations.”

Acting General Counsel Iyer omitted from her letter to the OSC that the FAA investigators considered such terrorism as “conceivable” on page 2 of their Report of Investigation.

The FAA’s dismissively cavalier response fails to address lone-wolf bad-actors who are radicalized by extremist groups who influenced them through social media and other low-tech propaganda that gets pass the U.S. Intelligence Community’s filters. The 9/11 Pentagon/New York World Trade Center, Christmas 2001 airline “shoe bomber”, Christmas 2009 airline “underwear bomber”, and the 2013 Boston Marathon bombers attacks all fell under the radar.

An inaccurate quote from Acting General Counsel Iyer’s November 14, 2023 letter:

“The whistleblower suggests that as one potential action, the FAA should mandate opioid antidotes in emergency medical kits on board commercial airlines.”

In order to protect the pilots, I only recommended that the federal government mandate that the inside of all cockpits first be equipped with naloxone antidotes. It would later be up to the airline companies to decide whether or not to supply the “emergency medical kits” inside of the main cabin in which flight attendants and passenger have access. The aircraft with incapacitated flight attendants and/or passengers can still safely land, it cannot with incapacitated pilots. Three major U.S. airline companies have been supplying main cabin “emergency medical kits” with naloxone antidotes.¹ On May 24, 2023, bipartisan Members of Congress introduced legislation mandating naloxone antidotes be mandatory in all main cabin “emergency medical kits”.²

From the FAA’s November 14, 2023 “Report of Investigation” issued the same day as Acting General Counsel’s Iyer’s letter to OSC:

“The whistleblower contends that opioid drugs are a growing threat because terrorists may weaponize opioids by using them in a powder or spray form, making the drugs airborne.”

¹ The U.S. National Library of Medicine titled, “Naloxone is becoming more available in airline medical kits”

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6019339/>

² May 24, 2023 U.S. House of Representatives official website press release titled, “Ellzey, Trone, Petterson Introduce Legislation Requiring Naloxone to be Included in Airplane Emergency Medical Kits”: <https://ellzey.house.gov/2023/5/ellzey-trone-petterson-introduce-legislation-requiring-naloxone-to-be-included-in-airplane-emergency-medical-kits>

This is now a reality in the U.S. given the recent fentanyl-laced mailed letters that have terrorized voting offices officials in six states—a direct threat to our elections systems and democracy.

To simply mandate equipping the inside of cockpits with naloxone antidotes, so that affected pilots can safely land the aircraft, the FAA first needs a smoking-gun:

“The FAA is unaware of any current credible reporting indicating extremist groups are testing or planning to use opioids as a threat vector to conduct attacks on civil aviation operations at this time.”

The FAA’s November 14, 2023 Report of Investigation cites and boasts about its half-baked operation when it bullet-proofed and ram-proofed all cockpits between 9/11 and April 2003—failing to comprehend that the 9/11 hijackers and future bad-actors will attack when the pilots have to unlock the cockpit. A suicidal bad-actor obviously does not have to go through all of the trouble of smuggling a firearm passed security when they can just wait for a pilot to use the lavatory, page 3:

“Following the September 11, 2001 terrorist attacks on the United States, the FAA implemented requirements for reinforced flightdeck doors (as well as other measures for flightdeck security), to be retrofit on the existing fleet. The retrofitted doors are intended to prevent forcible intrusion into the flightdeck or an attack on the flightdeck using ballistic weapons.”

For decades, the FAA was well aware that Israeli airliners—that flew in and out of numerous U.S. airports—had specialized installed secondary barriers (IPSB) protecting unlocked cockpits, yet the U.S. failed to take the same corrective action that would’ve prevented the 9/11 attacks. A year and a half before publication of the 9/11 Commission Report, the largest pilots union publicly complained to The Associated Press about the vulnerability of routinely unlocked cockpits:

“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. ‘[The newly armored cockpit door is] a barrier when it’s closed, it’s an entry when it’s open,’ said Capt. Steve Luckey, chairman of the Air Line Pilots Association’s national security committee. ... Israel’s national airline, EL AL, has among the most stringent security requirements. All its planes have double doors separated by a narrow hallway, said Offer Einav, former security

director for the airline. Pilots must close one door before opening the other, he said.”³

From page 5 of the 9/11 Commission Report, an eye-witness account dispelling the box-cutters/hostage theory:

“[American Airlines Flight 11 flight attendant Betty] Ong speculated that [the hijackers] had ‘jammed their way’ in [side the cockpit].”

The extended duration of a hostage stand-off, between the hijackers and the pilots, would have been obvious to all of the flight attendants having to hear the hijackers shouting at the pilots to unlock the cockpit or they will kill people. One of those pilots was a former U.S. Navy fighter pilot who attended the military’s grueling *Survival, Evasion, Resistance and Escape* (SERE) school. Four of the six 9/11 pilots were military pilot veterans who attended SERE. The hijackers would’ve been foolish to plan for years and hope on hostage negotiation when they knew the cockpits would soon open. One stubborn pilot would’ve foiled the entire 9/11 plot had he refused to unlock the door, alerted ground-control of the threat, and emergency-landed the aircraft. From page 158 of the 9/11 Commission Report:

“While in Karachi, [‘9/11 principal architect’ Khalid Sheikh Mohammed (‘KSM’)] also discussed how to case flights in Southeast Asia. KSM 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.”

A major incident 13 months before 9/11, the media reported that a man was killed by the passengers after he tried and failed to break open a Southwest Airlines Boeing B737 cockpit door.⁴ This incident would’ve further discouraged the hijackers from attempting to break open the four Boeing cockpit doors on 9/11. From the 9/11 Commission’s Report, page 245:

“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. ... While [lead hijacker Mohammed 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.”

³ April 4, 2003 The Associated Press—published on CBS News’s website—titled, “Bulletproof Cockpit Doors A Reality” <https://www.cbsnews.com/news/bulletproof-cockpit-doors-a-reality/>

⁴ August 13, 2000 The Washington Post, “Man Tries to Raid Cockpit, Dies”: <https://www.washingtonpost.com/archive/politics/2000/08/13/man-tries-to-raid-cockpit-dies/604c8205-7203-4f08-87bc-bda57b12688d/>

In April 2006, TSA first fired me after I warned the public, in July 2003, of another Al Qaeda terrorist suicidal hijacking plot to again rush cockpits—on nonstop, long-distance flights—when pilots unlock them in order to conduct ad hoc wing-surface inspections, sleep (cross-ocean flights), get food-trays, or use the lavatory. I continued to engage in protected activity and make protected “danger to public” disclosures from 2004 to 2005. My warning was 4 months after the pilots union’s April 4, 2003 warning to The Associated Press.

From page 3 of the FAA’s November 14, 2023 Report of Investigation:

“Although much of the review and assessment is classified, it did not identify the concern raised by the whistleblower as an active threat to aviation.”

If the FAA deems my disclosures as “not substantiated” as a substantial and specific danger to public health or safety, then this “review and assessment” should not be classified in any way.

From page 3 of the FAA’s November 14, 2023 Report of Investigation, that ignores a report it commissioned in a 2011 Special Committee and apparently destroyed sometime after April 12, 2016:

“To address potential security vulnerabilities when the flightdeck door is opened during operation, 14 CFR Section 121.584 requires certain security precautions be taken before the flightdeck door can be opened. Specifically, that regulation requires that an authorized person on the flightdeck utilize an audio and visual procedure to confirm that the area outside the flightdeck door is secure, and, if someone outside the flightdeck is seeking to have the flightdeck door opened, that the person is not under duress prior to opening the door. Operators use a variety of methods to satisfy this requirement. One method currently in limited use is an installed, physical secondary flightdeck barrier (IPSB).”

This statement contradicts the unpublished unredacted 2011 Radio Commission on Aeronautics study report No. RTCA DO-329, a report that the DOT Office of General Counsel (DOT-OGC) falsely told the OSC that it does not exist. Specifically, the DOT-OGC asserted—as relayed to it from the FAA—to the OSC in its March 3, 2023 “supplemental report”, that an unredacted version of the 2011 RTCA DO-329 does not exist. From the first page of the DOT-OGC’s report to the OSC:

“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 April 12, 2016, from my TSA email account (robert.maclea@tsa.dhs.gov) I emailed the OSC (via email accounts emcmurray@osc.gov and amiles@osc.gov) and the U.S. Department of Homeland Security / Office of Inspector General (DHS-OIG) a contemporaneous memorandum memorializing that I in fact was granted special access to the unredacted RTCA DO-329. The unredacted report confirmed what I’ve been disclosing for years: [REDACTED]

[REDACTED] as I specified in my previous disclosures to the OSC dating back to 2006. I also provided the OSC with a U.S. Merit Systems Protection Board affidavit affirmed by former U.S. Air Force pilot and United Airlines Captain Edwin Folsom, the co-chair of the RTCA DO-329 Special Committee (SC) 221 committee, affirming that an unredacted version of the RTCA DO-329 was in fact composed.

“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. The purpose of the redactions was supposedly to comply with the federal government’s unclassified Sensitive Security Information (SSI) regulations. When I refer to the government, I refer to both the Transportation Security Administration (TSA) and Federal Aviation Administration (FAA). ... During the RTCA study’s scenarios, the [REDACTED]

[REDACTED]. 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 [REDACTED]

[REDACTED] I would not second-guess Mr. MacLean’s contemporaneous 2016 [REDACTED]

If the FAA’s assertion is factual, then the unredacted RTCA DO-329 is either being withheld from Congress’s view or it was destroyed since my 2016 communications to the OSC about it.

Curiously, the TSA FOIA office has been unresponsive to my request for my April 12, 2016 email to the OSC.

The unredacted unpublished 2011 RTCA DO-329 totally discredits the FAA’s November 14, 2023 Report of Investigation’s unproven assumption that current procedures protect the flightdeck from unlocked attacks when “someone outside the

flightdeck is seeking to have the flightdeck door opened [and] that the [same] person is not under duress prior to opening the door”. It is next to impossible for a pilot [REDACTED]

I’m also a decorated and honorably discharged military veteran, and a former U.S. Border Patrol Agent. During my years working on remote U.S. Air Force nuclear intercontinental ballistic missile weapons systems, I operated and maintained their secondary barrier system—protecting the nuclear payload—called the “B-Plug”:

“This unusual [B-Plug] is literally the last line of defense between the bad guys and a missile with a live 400-kiloton nuclear warhead.”⁵

⁵ 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=721665086f56>

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XV. CONCLUSION and SOLUTION: As soon as possible, install MODULAR cockpit secondary barriers that SEAL the forward galleys; also equip all cockpits with naloxone antidotes; it took only 15 months (February 2002 to April 2003) to retrofit all aircrafts by bullet and ram-proofing all cockpits, modular secondary barriers would be the fastest and most cost effective way to protect cockpits—all modular concepts are being repeatedly BLOCKED by TSA and FAA study groups.....PAGE 42

Narrative

I. In February 2018, I warned TSA that exceptionally powerful synthetic opioids, such as fentanyl and carfentanil, could be used to attack pilots when they unlocked cockpits in order to sleep, get food, or use the lavatory; I explained that non-porous cockpit secondary barriers and naloxone (NARCAN®) antidotes would eliminate such a threat; a TSA Special Agent immediately responded to my warning

On February 15, 2018, I emailed TSA Special Agent [REDACTED] that exceptionally powerful opioids could be used to incapacitate pilots when they routinely unlocked flight decks (“cockpits”) in order to sleep, eat, or use the lavatory. Special Agent [REDACTED] probed my disclosures with regards to my OSC-referral on the lack of non-porous cockpit secondary barriers. I asserted that a bad-actor could easily 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 OSC on December 18, 2018 under the mandate of 5 U.S.C. § 1213.⁶

3 (three) weeks after my disclosure to TSA, 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.”⁷

⁶ February 15, 2018 response from U.S. Department of Homeland Security / Transportation Security Administration (TSA) Special Agent [REDACTED] to Robert MacLean’s warning with regards to potential weaponized synthetic opioids attacks on pilots:
<https://drive.google.com/file/d/0B5QD7Ci6CgwwTlhGZ3RCTU1fMDBQa0c2SUdnaWpQaEpic2hj/>

⁷ March 7, 2018 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>

II. 4 months after my 2018 disclosure, TSA enacted new security screening measures and notified the media that powerful synthetic opioids “could be used to irritate or harm aircraft passengers and aircrew if released during flight”

4 (four) months after my February 15, 2018 opioid/cockpit disclosure to TSA Special Agent Stone, TSA Administrator Pekoske changed cabin carry-on security policy and warned the public—via *The New York Times*—about the threat to unlocked cockpits by weaponizing powerful synthetic opioids in order to “harm aircraft passengers and aircrew if released during flight”.⁸

Equipping all cockpits with naloxone/NARCAN® doses and deploying non-porous cockpit secondary barriers systems would eliminate the threat of weaponized opioids.

III. 5 months after my 2018 disclosure, FBI distributed a warning memorandum that “fentanyl is very likely a viable option for a chemical weapon attack by extremists or criminals”

On July 6, 2018, 5 (five) months after my February 15, 2018 weaponized opioids disclosure to TSA, the U.S. Department of Justice / Federal Bureau of Investigation (FBI) issued this warning about weaponizing synthetic opioids such as fentanyl:

“The FBI assesses fentanyl is very likely a viable option for a [Chemical Weapon (CW)] attack by extremists or criminals because of its availability and toxicological properties. The impact and effectiveness of such an attack depends on factors including the fentanyl derivative used, method of dissemination, and target. Fentanyl itself, without any modification, will cause casualties and ill-effects. Because of its physical and toxicological properties, fentanyl can easily be used to contaminate food or water, causing casualties and inspiring fear and panic. Additionally, fentanyl can be aerosolized to maximize target selection. Previous use of fentanyl derivatives by a state actor against

⁸ June 21, 2018 *The New York Times* article by Elaine Glusac titled, “T.S.A. Expands International Carry-On Limits to Powder”:
<https://www.nytimes.com/2018/06/21/travel/tsa-powder-rules.html>

a large group exemplifies for extremists or criminals its viability as a CW.”⁹

IV. 8 months after my 2018 disclosure, a DHS Border Patrol Chief Patrol Agent warned that someone could use a drone in order to disperse “[a] single pound of fentanyl [dropped above a crowd] would devastate a whole stadium” during a Super Bowl football game

On October 31, 2018, 8 (eight) months after my February 15, 2018 disclosure to TSA, DHS Customs and Border Patrol / U.S. Border Patrol Chief Patrol Agent Roy Villareal went public about his concern about weaponizing synthetic opioids:

“‘It’s the perfect criminal tool,’ Villareal said. ‘A single pound of fentanyl [dropped above a crowd] would devastate a whole stadium.’”

¹⁰

V. 9 months after my 2018 disclosure, the State of Ohio’s Homeland Security Terrorism Analysis Unit issued a warning memorandum that “fentanyl can be purchased in person or online [by Islamic State] and can be deadly to a large group of people in very small doses”

On November 15, 2018, 9 (nine) months after my February 15, 2018 warning to TSA, the State of Ohio’s *Homeland Security Terrorism Analysis Unit Statewide Terrorism Analysis and Crime Center* issued this warning:

“Individual actors have been known to obtain the necessary materials for a biological or chemical weapon online. In the case of ricin production, people have bought castor beans or rosary peas online and done online research to find information on how to extract the ricin. In June 2018, an alleged terrorist plot involving ricin was uncovered by

⁹ July 6, 2018 U.S. Department of Justice / Federal Bureau of Investigation “Intelligence Bulletin[;] FBI Weapons of Mass Destruction Directorate[;]FBI[;] IB109 201876[;] “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/

¹⁰ October 31, 2018 *The Washington Examiner* article titled, “Drone activity by drug cartels surges on San Diego’s border with Mexico”:

<https://www.washingtonexaminer.com/news/drone-activity-by-drug-cartels-surges-on-san-diegos-border-with-mexico>

German security services. The suspect was a Tunisian extremist who lived in Cologne and was suspected of being inspired by the Islamic State. This case demonstrates how radicalized individuals are able to successfully produce biological weapons by using manuals and instructions posted online. Other chemicals such as **fentanyl can be purchased in person or online** and can be **deadly to a large group of people in very small doses.**" (*emphasis added*)¹¹

VI. 10 months after my 2018 disclosure, an ex-CIA director warned that fentanyl "is a weapon of mass destruction" and an ex-DHS Undersecretary warned that it's "a tool of terror, the drug would work best in a closed space"

On December 12, 2018, 10 (ten) months after my February 15, 2018, Bloomberg News cited a former Central Intelligence Agency director and a former DHS Undersecretary's warning about terrorists weaponizing opioids:

"The fatal potential of even glancing contact with fentanyl is a major reason why national security experts are becoming alarmed at the prospect of it being used to sow terror. The drug is **'a significant threat to national security,'** Michael Morell, the former acting director of the Central Intelligence Agency under President Barack Obama, wrote last year. **'It is a weapon of mass destruction.'**... As a tool of terror, the drug would work best **in a closed space**, said Daniel Gerstein, a senior policy researcher at Rand Corp. who served as acting undersecretary in the Department of Homeland Security's Science and Technology Directorate in the Obama administration."
(*emphasis added*)¹²

VII. On February 7, 2022, a collaboration of bipartisan executive agency senior leaders and Members of Congress issued this report published by

¹¹ November 15, 2018 State of Ohio Homeland Security Terrorism Analysis Unit Statewide Terrorism Analysis and Crime Center "Lingering Threats of Chemical/Biological Attacks":

<https://drive.google.com/file/d/1TptfiPj5IDd3lgg8xybWgKB5u5Mlqwx9/>

¹² 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>

the RAND Corporation: “Commission on Combating Synthetic Opioid Trafficking” The Commission characterized synthetic opioids, i.e., fentanyl and carfentanil, as a “weapon of mass destruction” and requesting that the federal government “should expand the availability of naloxone [i.e., ‘NARCAN®’] kits in public spaces and facilities”

The report supports several arguments I made in my replies to the agency’s response to your 5 U.S.C. § 1213 referral in response to my February 15, 2018 “cockpit fentanyl grenade” email to TSA Office of Investigations. The most notable objection to my concerns was the official who was delegated by the agency to address them, Regional Supervisory Air Marshal in Charge (SAC) [REDACTED]. SAC [REDACTED] dismissively told me in our February 19, 2019 meeting that the agency long ago already had protocols to counter chemical attacks on routinely unlocked cockpits specifically citing Ricin and VX, two mostly unavailable toxins that are not profitable to manufacture such as highly addictive synthetic opioids.

Page vii:

“These drugs are synthesized entirely from chemicals (sometimes unregulated chemicals) [i.e., “precursors”] that are easily acquired from countries with large chemical and pharmaceutical sectors, such as China and India. Not only does the highly profitable synthetic drug trade kill tens of thousands of Americans each year[.]”

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.”

Page xiii:

“Among the factors considered were...the ease of manufacturing and transporting synthetic opioids; the ability to evade law enforcement; and high profitability. These factors make solving the problem with an exclusively supply side-focused effort an insurmountable task.”

Page 1:

“[T]he supply of illegally manufactured synthetic opioids by criminals who purchase drugs and related chemicals from other countries, coupled with uncontrolled demand for opioids in the United States,

poses a direct and escalating threat to public health, public safety, and national security.”

Page 35:

“In addition, a restructuring of existing illegal markets, declining prices, and greater availability of novel synthetic opioids are likely to have far-reaching and difficult-to-predict effects.”

Page 52:

“Further, [the U.S. Department of Health and Human Services (HHS)] should expand the availability of naloxone kits in public spaces and facilities[.]”¹³

VIII. 12 months after my 2018 disclosure, DHS’s director in charge of countering weapons of mass destruction warned the DHS Secretary that “Fentanyl’s high toxicity and increasing availability are attractive to threat actors seeking non-conventional materials for a chemical weapons attack”

On February 22, 2019, 12 (twelve) months after my February 15, 2018 disclosure to TSA, the DHS Assistant Secretary for Countering Weapons of Mass Destruction (CWMD) warned the Secretary of DHS about weaponizing synthetic opioids, such as fentanyl, but that countering such a threat “would be a minor adjustment to current activities”:

“Fentanyl’s high toxicity and increasing availability are attractive to threat actors seeking non-conventional materials for a chemical weapons attack. In July 2018, the FBI Weapons of Mass Destruction Directorate assessed that ‘...fentanyl is very likely a viable option for a chemical weapon attack by extremist or criminals.’...In the policy arena, the federal interagency has long regarded fentanyl as a chemical weapons threat. However, most CWMD planning efforts and program do not current focus on fentanyl as a target material for detection and interdiction...The development and deployment of new

¹³ February 2022 Final Report by U.S. Congress and Rand Corporation “Commission on Combating Synthetic Opioid Trafficking”:
https://www.rand.org/content/dam/rand/pubs/external_publications/EP60000/EP68838/RAND_EP68838.pdf

capabilities that include fentanyl as a target substance would be a minor adjustment to current activities.”¹⁴

Statement from Dr. Phillip Coffin, Director of substance use research for the San Francisco, California Department of Public Health:

“It is easy to produce, it is cheap to produce, it is easy to move from one location to another, and it is more efficient in terms of the effect you get for the dollar you spend,” said Coffin, who has helped develop overdose prevention and syringe exchange programs for the city. “The people who are trading in drugs have switched to fentanyl because it’s so much easier.”

IX. Months after I forwarded his office a copy of my weaponized fentanyl OSC disclosure and personally briefed him and his staff, U.S. Senator Edward Markey requested that the BARDA director and The White House National Security Council issued a response about the potential threat and singled out China as “the primary source” of the drug

On August 30, 2018, I emailed 4 (four) of U.S. Senator Edward J. Markey’s staffers a copy of my OSC disclosure with regards to my warning of bad-actors weaponizing fentanyl or carfentanil in order to incapacitate pilots after their routinely unlocked the cockpit.¹⁵

On September 5, 2018, I attended a hearing in which Sen. Markey questioned TSA Administrator David Pekoske, I subsequently introduced myself to Sen. Markey and 2 (two) of his staffers and explained to them my weaponized fentanyl disclosure to OSC. Sen. Markey asked me to forward my OSC disclosure to his

¹⁴ February 22, 2019 U.S. Department of Homeland Security Assistant Secretary for Countering Weapons of Mass Destruction James F. McDonnell’s memorandum to DHS Secretary Kirstjen Nielsen “Subject: Use of counter-WMD authorities to combat fentanyl”:

https://drive.google.com/file/d/1q_j9cWK0BpMVvAFwyq56dW-mvsLv6xnt/

¹⁵ August 30, 2018 email from Robert MacLean to 4 (four) of U.S. Senator Edward J. Markey’s (Massachusetts) staffers attaching Mr. MacLean’s weaponizing fentanyl disclosure to the U.S. Office of Special Counsel:

https://drive.google.com/file/d/1A4F_fs3oNQkzoG3GylBxtGPPbq3V-o3G/

staffer Daniel Greene, Mr. Greene promptly sent me an email reply confirming receipt of my OSC disclosure.¹⁶

On January 28, 2019, Sen. Markey's (Massachusetts) issued an inquiry letter to U.S. Department of Health and Human Services Deputy Assistant Secretary for Preparedness and Response, Director of Biomedical Advanced Research and Development Authority (BARDA) and Major General Julie Bentz, Acting Senior Director, Weapons of Mass Destruction Directorate, National Security Council, The White House.

Sen. Markey specifically wanted to know whether or not fentanyl could be weaponized by bad-actors. He **singled out China** as "the primary source for the drug, which is relatively easy and inexpensive to produce, and yields high profits for those who traffic in it":

"I write regarding the frightening prospect that the synthetic opioid fentanyl will be weaponized and used in terrorist attacks against civilians, and to seek your views on the likelihood of such an eventuality and what can be done to prevent it. ... China is the primary source for the drug, which is relatively easy and inexpensive to produce, and yields high profits for those who traffic in it. ... The combination of high demand, plentiful supply, and alarming potency has made fentanyl dangerously ubiquitous, and raised the prospect of it falling into the hands of those who would use it for even more nefarious purposes than selling it to those who struggle with substance use."¹⁷

¹⁶ September 5, 2018 email reply from U.S. Senator Edward J. Markey staffer Daniel Greene to Robert MacLean that he received his weaponizing fentanyl disclosure to the U.S. Office of Special Counsel:

<https://drive.google.com/file/d/1bM8MILDdtnX3L2yi6TJegooVISZwzFv8/>

¹⁷ January 28, 2019 U.S. Senator Edward J. Markey inquiry letter sent to U.S. Department of Health and Human Services Deputy Assistant Secretary for Preparedness and Response, Director of Biomedical Advanced Research and Development Authority (BARDA) and Major General Julie Bentz, Acting Senior Director, Weapons of Mass Destruction Directorate, National Security Council, The White House:

<https://www.markey.senate.gov/imo/media/doc/Letter%20to%20BARDA%20and%20Bentz%20re%20weaponized%20fentanyl.pdf>

To date, there is no open-source record on the Internet indicating that BARDA director Rick Bright or The White House National Security Council ever responded.

X. During interactions with addicts and smugglers, public safety officials/first responders are being seriously affected or totally incapacitated due to accidental exposure to fentanyl and carfentanil

May 2017 in Indiana:

“Patrolman Chris Green of the East Liverpool Police Department had just finished searching the car of two suspected drug dealers and was back at the police station when another officer spotted some white powder on his shirt. Without thinking, he brushed it off with his bare hand — and passed out about an hour later, Chief John Lane said. It took four doses of Narcan to revive him.”¹⁸

February 2021 in the State of Washington:

“An officer who handled a substance, suspected to be fentanyl, with latex gloves started struggling to breathe Sunday, and he and two other officers were eventually sent to the hospital, according to a Spokane Police Department news release.”¹⁹

May 2021 in Michigan:

“A Michigan State Police trooper is recovering after being exposed to fentanyl... According to a press release, the trooper adjusted his face mask and then began to feel disoriented, and fell to the ground. The trooper’s partner recognized the signs of an overdose and immediately administered a dose of Narcan, at which time the trooper recovered. ...

¹⁸ May 15, 2017 *NBC News* article titled, “Fentanyl Crisis: Ohio Cop Accidentally Overdoses During Drug Call”:
<https://www.nbcnews.com/storyline/americas-heroin-epidemic/fentanyl-crisis-ohio-cop-accidentally-overdoses-during-drug-call-n759741>

¹⁹ February 3, 2021 *The Spokesman-Review* article titled, “Three Spokane officers sent to hospital with possible fentanyl exposure”:
<https://www.spokesman.com/stories/2021/feb/03/three-spokane-officers-sent-to-hospital-with-poss/>

As a precaution, Michigan State Police equips all troopers with Narcan, which can reverse the effects of an opioid overdose.”²⁰

XI. Pages 5, 158, and 245 of the 9/11 Commission Report are clear: The hijackers “jammed their way” into the cockpits after their doors were routinely unlocked shortly after takeoff; the lack of secondary barriers is in violation of a January 11, 2002 executive order and Section 104 of the ATSA

The 9/11 Commission Report—published on August 21, 2004—shows irrefutable evidence that the hijackers simply waited until the doors were routinely unlocked.

Page 5 of the Report gives you eyewitness evidence that the cockpit doors were not broke open nor was there a hostage negotiation that compelled the American Airlines Flight 11 (“AA11”) pilots, both former combat military pilots, to voluntary unlock the cockpit. AA11 was hijacked within **14 (fourteen) minutes after takeoff**, there’s no possibility that the door was broken or there was a hostage situation in such short time:

“[During her phone call with ground control, AA11 Flight Attendant Betty] Ong speculated that [the hijackers] had **‘jammed their way’** in.” (*emphasis added*)

The term “jammed” is not synonymous with ramming a door to force it open nor it being unlocked under duress.

Page 158 of the Report is one of the most crucial yet ignored facts about 9/11 dispelling the rumors that the hijackers took hostages to compel the pilots to unlock their cockpits:

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

²⁰ May 19, 2021 *ABC News Local Channel 12* article titled, “Michigan State Police trooper saves partner with Narcan after drug exposure on traffic stop”:

<https://www.abc12.com/2021/05/20/state-trooper-saved-by-partner-and-narcan-during-bay-county-traffic-stop/>

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.”²¹

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

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

The Report proves that there was a hostage situation causing the pilots to unlock their cockpits under duress. Hijackers would not need to “jam[] their way” into cockpits if the pilots entered into an agreement with them to stop killing passengers—page 5:

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

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

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

Most of TSA’s resources are focused on screening passengers who need to board their flights. **Most of the budget** is to address passengers as **suicidal-homicidal threats**, because any person with the intent to kill others during the

²¹ The published 9/11 Commission Report:
<https://www.9-11commission.gov/report/911Report.pdf>

flight will either be a successful death mission, or failing and spending the rest of their lives in a U.S. SUPERMAX prison like the shoe and underwear bombers now are. Even a successful take-over of a cockpit will result in fighter jet preventing it from reaching a potential ground target.

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

Insider-Threats can kill with impunity—wittingly or unwittingly—in contrast to all non-PreCheck passengers who are considered potential suicidal-homicidal threats at agency airport security screening checkpoints. Case in point, **46 airport workers were indicted in one airport alone** in 2015 for sneaking unknown packages passed security screening with packages they do not know—or claim to not know.²² 3 years later, 10 workers in the **same airport** were arrested for the same crimes.²³

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 Bogdan Dzakovic’s danger disclosures.²⁴ Also a former U.S. Coast Guard

²² July 15, 2015 *The Washington Post* article by Ashley Halsey III titled, “46 people indicted in drug-smuggling bust at Dallas-Fort Worth airport”:

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

²³ May 15, 2018 *Star-Telegram* article titled, “Feds: 10 schemed to load drugs, weapons and explosives on aircraft at [Dallas Fort Worth] Airport” BY Mitch Mitchell:

<https://www.star-telegram.com/news/local/community/fort-worth/article211175769.html>

²⁴ 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:

commissioned officer, Mr. Dzakovic retired from the TSA and authored a book titled, “Fortress of Deceit: The Story of a 9/11 Whistleblower”. On page 353 Mr. Dzakovic asserted that the emplacement of IPSBs is a priority:

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

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

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

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

- “broke open the 4 Boeing doors”
- “killed passengers or made bomb-threats until the pilots unlocked the doors”
- “killed passengers until the pilots unlocked the doors” (see IX. of this document)

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 TSA LE/FAMS training program falsely asserts to FAMs that doors can be broken open (*see section XI. of this document*)

<https://www.nytimes.com/2002/02/27/us/a-nation-challenged-airports-faa-is-accused-of-ignoring-security-lapses.html>

XII. On May 16, 2024, President Joe Biden signs into law a mandate that all existing aircrafts must have cockpit specialized installed physical secondary barriers

Passed 387 to 26 in the U.S. House of Representatives and 88 to 4 in the U.S. Senate,²⁵ President Joe Biden signed into law a mandate that cockpit specialized installed physical secondary barriers be deployed on all existing aircrafts:

“Nearly 23 years after 9/11, a critical flaw that helped terrorists storm the cockpits of four jetliners, kill the pilots and turn the planes into weapons of mass murder is finally being corrected. President Joe Biden on Thursday signed into law provisions requiring secondary cockpit barriers on all commercial airplanes – the last of the 9/11 Commission’s recommendations yet to be implemented. ... ‘The airlines have had great lobbying efforts against this over the years...’ [the widow of 9/11 United Airlines Captain Victor Saracini, Ellen Saracini] told The [New York] Post.”²⁶

XIII. Interim measures and the long-term solution (summary)

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

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.

²⁵ May 9, 2024 CBS News article titled, “Senate passes FAA reauthorization bill ahead of deadline”: <https://www.cbsnews.com/news/senate-passes-faa-reauthorization-bill/>

²⁶ May 18, 2024 *The New York Post* article titled, “Critical flaw that allowed terrorists to storm the cockpits of four jetliners on 9/11 finally fixed after 23 years”: <https://nypost.com/2024/05/18/us-news/9-11-flaw-corrected-secondary-cockpit-barriers-now-required/>

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 pilot union publicly complained about the lack of IPSBs to protect unlocked doors. 4 months after the union's public grievance, the terrorist group Al Qaeda plotted again to hijack aircrafts by rushing unlocked doors.

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

"(C) requir[e] that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit access and egress by authorized persons" ²⁷

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

XIV. Soon after 9/11, air carriers, FAA, and TSA failed to fully implement the mandate to protect unlocked cockpits despite the January 2002 FAA order and Section 104 of the ATSA

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

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

"Requires strengthening of cockpit doors. The doors will be designed to resist intrusion by a person who attempts to enter using physical force. ... The FAA rule uses an impact standard that is 50 percent higher than the standard developed by the National Institute of Law Enforcement and Criminal Justice. In addition to intrusion protection, the FAA is using a standard sufficient to minimize penetration of

²⁷ 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

shrapnel from small arms fire or a fragmentation device. ... **Requires cockpit doors to remain locked.**" (*emphasis added*)²⁸

15 months later...

April 4, 2003: 4 months before my July 2003 cockpit vulnerability disclosure, cited in my 2015 U.S. Supreme Court decision (No. 13-894), the largest pilots union publicly complained to The Associated Press 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 and bullet-proof Israeli-style cockpit "secondary barriers" are necessary:

"Bulletproof Cockpit Doors A Reality...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. '[The newly armored cockpit door is] a barrier when it's closed, it's an entry when it's open,' said Capt. Steve Luckey, chairman of the Air Line Pilots Association's national security committee. ... Israel's national airline, El Al, has among the most stringent security requirements. All its planes have double doors separated by a narrow hallway[.]"²⁹

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

²⁸ 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

²⁹ April 4, 2003 CBS News article (The Associated Press reprint) titled, "Bulletproof Cockpit Doors A Reality" <https://www.cbsnews.com/news/bulletproof-cockpit-doors-a-reality/>

Angeles Times cited the FAA response 4 months after my July 28, 2003 danger disclosure cited by the U.S. Supreme Court in my case:

“But the [post April 4, 2003 reinforced ‘bullet-proof’] security door might be **opened a dozen or more times on a long flight**, said Robert M. Semprini, a New York-based Boeing 737 co-pilot who often flies from coast to coast. **‘That’s a huge loophole,’** he said. ‘If a passenger sees a pilot walk out of the cockpit to go to the lavatory, they know the guy’s got to go back in,’ said Semprini... ‘A company or airline may develop a design that exceeds the existing requirements [and], for example, **provides for a secondary barrier door,**’ [FAA Associate Administrator Nicholas] Sabatini wrote in a June 23 letter to Semprini. ... ‘We can’t rely on the assumption that a secure cockpit has been guaranteed by the doors that were put in,’ said Robert W. Poole Jr., director of transportation studies at the Los Angeles-based Reason Foundation. **‘We haven’t finished dealing with the problem.’”**

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

“United Airlines is considering a second barrier -- perhaps a **Kevlar net** -- for better security.” (*emphasis added*)³⁰

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.³¹

³⁰ 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>

³¹ 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>

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 ram and bullet-proof cockpits—

“either shortly after takeoff or shortly before landing”

This copycat-911 hijacking plot and the July 26, 2003 DHS warning document was disclosed to and made the **front page of The Washington Post** on July 30, 2003.³² 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 TSA’s July 26, 2003 unlocked cockpit breach warning.

13 months later...

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

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

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

³² July 30, 2003 *The Washington Post* front page article by Sara Kehaulani Goo and Susan Schmidt titled, “Memo Warns Of New Plots To Hijack Jets”:
https://www.washingtonpost.com/archive/politics/2003/07/30/memo-warns-of-new-plots-to-hijack-jets/ab4a69d8-3d55-490f-ba48-16e084574b1e/?noredirect=on&utm_term=.8602c04955e2

“United Airlines said [on August 31, 2004] it is installing steel barriers that can be quickly fastened across front aisles of planes to protect pilots from attacks when the cockpit door is opened during flight. The voluntary security move, **the first by a U.S. airline**, goes beyond the reinforced cockpit doors mandated by the Federal Aviation Administration after the suicide-hijackings of four airliners by terrorists on Sept. 11, 2001, authorities said.” (*emphasis added*)³³

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.³⁴

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 to advocate for the emplacement of IPSBs—in less than 2 months, my employment was terminated **the first time**:

“The decision to ‘propose [Robert MacLean’s] 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

³³ September 5, 2004 *Chicago Tribune* article by Jon Hilkevitch titled, “Airline is adding to cockpit security”:
<https://www.chicagotribune.com/chi-0409010159sep01-story.html>

³⁴ October 29, 2006 *Washington Times* article by Audrey Hudson titled “Ex-air marshal to sue over ‘SSI’ label”:
<https://www.washingtontimes.com/news/2006/oct/29/20061029-115609-8718r/>

advice on how you would like us to proceed in this matter.” (*emphasis added*)³⁵

Since April 4, 2018—2 months before I was fired a second time— [REDACTED] [REDACTED] has been the director of the TSA Office of Professional Responsibility (TSA-OPR). Mr. [REDACTED] was the TSA-OPR director at the time I was proposed my **second termination** in June 2018.³⁶ After one of Mr. [REDACTED] former subordinate leadership officials learned that I was fired again, she voluntarily provided my attorneys with an affidavit with regard to Mr. [REDACTED] intimidating TSA-OPR Case Manager, [REDACTED]. Mr. [REDACTED] engaged in such criminal conduct, see 18 U.S.C. § 1512(b) and §1512(e), just before Ms. [REDACTED] issued me a June 13, 2018 proposal for my second termination.

Some of the language in former TSA-OPR Unit Chief [REDACTED], then Ms. [REDACTED] superior, wrote in her September 24, 2021 affidavit. MSPB Administrative Judge (AJ) Melissa Mehring was a former GS-15 headquarters “Associate Legal Advisor” who represented the DHS Federal Air Marshal Service from 2003 to 2005.³⁷ AJ Mehring would not allow [REDACTED] affidavit into the open MSPB record that did not close until December 15, 2021:

³⁵ February 24, 2006 U.S. Department of Homeland Security / Transportation Security Administration (TSA) Supervisory Air Marshal in Charge [REDACTED] email to TSA Assistant Chief Counsel [REDACTED] urging quick disciplinary action against Robert MacLean:

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

³⁶ U.S. Department of Homeland Security / Transportation Security Administration’s (TSA) official website and biography for TSA Office of Professional Responsibility Director [REDACTED]:

<https://www.tsa.gov/leader-bios/director-professional-responsibility>

³⁷ Melissa Mehring’s successful 2004 to 2005 litigation against Federal Air Marshal Service Federal Air Marshal Scotty W. Beets before the U.S. Merit Systems Protection Board’s full board, *Beets v. Department of Homeland Security*, 98 M.S.P.R. 451 (April 27, 2005):

https://www.mspb.gov/decisions/precedential/BEETS_SCOTTY_W_DA_0752_04_05_18_I_1_OPINION_AND_ORDER_246526.pdf

“[Inside his office, ██████████ organized] pressured [and] inappropriate [meetings with me and Ms. ██████████ and TSA Office of Chief Counsel (OCC) leadership officials who] expressed displeasure [with Ms. ██████████ original draft of charges]... I was very uncomfortable... My impression was that OCC wanted to drum up additional charges against Mr. MacLean.”³⁸

While then “Associate Legal Advisor” Mehring represented the DHS Federal Air Marshal Service, from 2003 to 2005, Mr. ██████████ was the headquarters “Assistant Chief Counsel, Federal Air Marshal Service” throughout the same period.³⁹ Throughout my 2019 to 2021 MSPB proceedings, DHS nor AJ Mehring disclosed her employment history at DHS Federal Air Marshal Service headquarters during my 2003 to 2005 protected activity and disclosures. As of the date of these reply comments, AJ Mehring has yet to issue her decision with regard to my March 2019 termination.

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

³⁸ Now former U.S. Department of Homeland Security / Transportation Security Administration’s (TSA) Office of Professional Responsibility Unit Chief ██████████ s September 24, 2021 affidavit that U.S. Merit Systems Protection Board (MSPB) Administrative Judge (AJ) Melissa Mehring would not allow into the open MSPB record that did not close until December 2021:

<https://drive.google.com/file/d/1vt8jSYK1i71OMfZL0fXCPCVAr3TDv9Y6/>

³⁹ ██████████ active LinkedIn.com biography in which he asserts that he was the headquarters “Assistant Chief Counsel, Federal Air Marshal Service” from July 2002 to November 2005: <https://www.linkedin.com/in/██████████details/experience/>

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 barrier that I told you about. This is really a GREAT device. I was amazed when I first saw them...install these barriers and you won’t need FAMs on the planes.”⁴⁰

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.⁴¹

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

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

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

⁴⁰ Robert MacLean’s April 11, 2006 email to ABC News executive producer, Rhonda Schwartz regarding cockpit secondary barriers:

<https://drive.google.com/file/d/1zTFBjK2mUt1WIZdSQCG2Q2heRut2Hik3/>

⁴¹ 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/CAk5P1VwfAI>

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.”⁴²

July 16, 2015: In public testimonies from now-former TSA LE/FAMS Director Roderick Allison and now-former ALPA President Tim Canoll before a U.S. House of Representatives committee, both validated FAMS’ 12-year-old concern about not having IPSBs.⁴³ Airline Pilots Association President Canoll, at 01:12:13—

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

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

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

⁴² June 9, 2015 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>

⁴³ 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>

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

February 7, 2019: TSA issued a press release about a new annual record seizure of 4,239 firearms from passengers trying to go through airport security checkpoints.⁴⁴ This is another reason as to why a **firearms bullet-proof** IPSB system should be considered.

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

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

“The package, seized at John F. Kennedy International **Airport** in New York, contained a white powder that tested positive for **carfentanil**, the court document said. Carfentanil is an opioid **100 times stronger than fentanyl**, which itself is at least 50 times stronger than heroin, according to the federal Open Chemistry Database. ... [As] little as **two milligrams of fentanyl could kill someone**, depending on how it’s administered, according to the Drug Enforcement Administration.”
(*emphasis added*)⁴⁵

⁴⁴ February 7, 2019 *USA Today* article by Harriet Baskas titled, “TSA found a record-setting number of guns at airports in 2018”:

<https://www.usatoday.com/story/travel/flights/todayinthesky/2019/02/07/guns-airports-tsa-record-2018/2799757002/>

⁴⁵ November 9, 2018 *NJ.com News* article by Joe Brandt titled, “Crazy dangerous’ opioid used on elephants seized at airport, N.J. man arrested”:

https://www.nj.com/camden/index.ssf/2018/11/nj_man_arrested_carfentanil_seized_jfk_airport.html

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

“The profit margin is remarkable: A \$3,000 investment can produce \$1,500,000 in earnings. A laboratory-made drug, fentanyl requires less time and space to produce than its agricultural counterpart, heroin. Chemists can manufacture fentanyl in small labs and use easy shipment methods. The amount of fentanyl necessary to produce its painkilling effect is so small that manufacturers can ship it in ordinary packages such as envelopes used for ordinary letters. Cheap production isn’t the only economic benefit suppliers have on their side. ... [F]irst responders have inhaled airborne fentanyl, resulting in a contact overdose.”⁴⁶

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

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

“Fentanyl Very Likely a Viable Option for a Chemical Weapon Attack in the United States for Extremists and Criminals”⁴⁷

⁴⁶ March 4, 2019 *The Daily Signal* article by Peyton Smith and Hans von Spakovsky titled, “China Is Poisoning America With Fentanyl”:
<https://www.dailysignal.com/2019/03/04/china-is-poisoning-america-with-fentanyl/>

⁴⁷ July 6, 2018 U.S. Department of Justice / Federal Bureau of Investigation (FBI) Intelligence Bulletin; FBI Weapons of Mass Destruction Directorate “Fentanyl Very Likely a Viable Option for a Chemical Weapon Attack in the United States for Extremists and Criminals, Low Probability High Impact Event”:

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

“Durham Regional Police seized 53 kilograms of a suspicious substance and 33 firearms from a Pickering home [of Maisum Ansari] on Sept. 20, 2017. Testing later determined **42 kilograms [equal to 93 lbs.]** of the substance contained **carfentanil**. ... Faisal Hussain was ordered to live with [Maisum Ansari] at a Pickering home — where police later found **the largest haul of the ultra-dangerous drug carfentanil in Canadian history** and a huge collection of illegal firearms.” (*emphasis added*)⁴⁸

The Canadian Broadcasting Corporation (CBC) broke this story about the same case:

“Babar Ali, 30, of Toronto, has also been charged [with **300 firearms-related offences and carfentanil possession**]. (*emphasis added*)”⁴⁹

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

https://drive.google.com/file/d/14_gtR2fSRFF6DIOKJINGQF_ICrI-jrvb/

⁴⁸ 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>

⁴⁹ July 28, 2018 *Canadian Broadcasting Corporation* article by Trevor Dunn titled, “Danforth killer had no criminal record, but guns, gangs and drugs weren’t far away—Brother of Faisal Hussain once lived at Pickering home where police found huge stash of guns, drugs”: <https://www.cbc.ca/news/canada/toronto/danforth-background-brother-records-1.4764742>

“The fatal potential of even glancing contact with fentanyl is a major reason why national security experts are becoming alarmed at the prospect of it being used to sow terror. The drug is **‘a significant threat to national security,’** Michael Morell, the former acting director of the Central Intelligence Agency under President Barack Obama, wrote last year. **‘It is a weapon of mass destruction.’** ... As a tool of terror, the drug would work best **in a closed space,** said Daniel Gerstein, a senior policy researcher at Rand Corp. who served as acting undersecretary in the Department of Homeland Security’s Science and Technology Directorate in the Obama administration.” *(emphasis added)* ⁵⁰

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

“Last fall, [San Diego Sector U.S. Border Patrol] Deputy Chief Patrol Agent Roy Villareal told the Washington Examiner that someone could plant synthetic **fentanyl** on the drone and release it over a group of people. ... ‘It’s the perfect criminal tool,’ Villareal said. ‘A single pound of **fentanyl [dropped above a crowd] would devastate a whole stadium.’**” *(emphasis added)* ⁵¹

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. ⁵²

⁵⁰ December 12, 2018 *Bloomberg News* article by Anna Edney 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.?”:

<https://www.bloomberg.com/news/features/2018-12-12/killer-opioid-fentanyl-could-be-a-weapon-of-mass-destruction>

⁵¹ February 03, 2019 *The Washington Examiner* article by Anna Giaritelli “Feds versus illegal drones is the game within the game at Super Bowl LIII”:

<https://www.washingtonexaminer.com/news/feds-versus-illegal-drones-is-the-game-within-the-game-at-super-bowl-liii>

⁵² February 12, 2019 U.S. Department of Homeland Security / Transportation Security Administration / Federal Air Marshal Service / Washington Field Office Focus Group “Narcan Survey”:

<https://drive.google.com/file/d/0B5QD7Ci6CgwwWVFFbHVTTEhzZnh3ZnVLQkRKY29xMHc2Y3cw/>

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.’”⁵³

► ► ► **The 12-cable “wire-mesh” IPSB system—first installed by United Airlines in 2004—was cost-ineffective and dangerous**

A year after July 2003 disclosures—United Airlines boasted that it is the first airline to deploy steel the 12-cable IPSB commonly referred to as the “wire-mesh” barrier. See photo.⁵⁴

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.

⁵³ February 12, 2019 *CNN News* article by Rene Marsh and Gregory Wallace titled, “Homeland Security IG says half of money spent on air marshals is wasted”: <https://www.cnn.com/2019/02/12/politics/tsa-air-marshal-waste-ig/index.html?no-st=1550160777>

⁵⁴ 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>

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.⁵⁵

XV. CONCLUSION and SOLUTION: As soon as possible, install MODULAR cockpit secondary barriers that SEAL the forward galleys; also equip all cockpits with naloxone antidotes; it took only 15 months (February 2002 to April 2003) to retrofit all aircrafts by bullet and ram-proofing all cockpits, modular secondary barriers would be the fastest and most cost effective way to protect cockpits—all modular concepts are being repeatedly BLOCKED by TSA and FAA study groups

- 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 Federal Air Marshal (FAM) carry NARCAN® doses in order to stop hijackers and inoculate the pilots and themselves.
- 4) Postpose the purchase of questionably effective computed tomography machines, implement the INTERIM cockpit transition procedures per Section IV; and emplace MPSBs in accordance to the existing 2002 FAA order and the Aviation and Transportation Security Act's Section 104.
- 5) Postpone the purchase of computed tomography machines until every aircraft has emplaced a nonporous secondary barrier system that seals the forward galley area.

► ► ► Specialized physical secondary barrier systems must be—

- able to **surround and seal the entire forward galley** in order to protect it from aerosolized chemicals such as fentanyl or carfentanil,

⁵⁵ J-B Weld EXTREMEHEAT™ 3-ounce water based, non-flammable and contains no solvents or Volatile Organic Compounds glue: <https://www.jbweld.com/products/jb-extremeheat>

- **modular**,
- replaceable and operatable by **a single person**,
- free of **down-time** caused by unscheduled maintenance,
- **minimally invasive** for installation,
- **protected from rush and firearms attacks** in accordance with Title 14 Code of Federal Regulations §25.795,⁵⁶ and
- **sabotage** free.

My patented modular cockpit secondary barrier system meets all the above specifications.⁵⁷ Despite the fact that we developed the **only patented modular concept**, TSA and FAA blocked me and my consortium of contributing inventors—

⁵⁶ Title 14 Code of Federal Regulations §25.795:

“Security considerations.

(a) Protection of flightcrew compartment. If a flightdeck door is required by operating rules:

(1) The bulkhead, door, and any other accessible boundary separating the flightcrew compartment from occupied areas must be designed to resist forcible intrusion by unauthorized persons and be capable of withstanding impacts of 300 joules (221.3 foot pounds).

(2) The bulkhead, door, and any other accessible boundary separating the flightcrew compartment from occupied areas must be designed to resist a constant 250 pound (1,113 Newtons) tensile load on accessible handholds, including the doorknob or handle.

(3) The bulkhead, door, and any other boundary separating the flightcrew compartment from any occupied areas must be designed to resist penetration by small arms fire and fragmentation devices to a level equivalent to level IIIa of the National Institute of Justice (NIJ) Standard 0101.04.”:

https://www.ecfr.gov/cgi-bin/text-idx?SID=152175bec703287273a3c7350cd414fc&mc=true&node=se14.1.25_1795&rgn=div8

⁵⁷ Modular Cockpit Secondary Barrier, i.e., “Mobile aircraft secondary barrier cart” U.S. Patent No. 10,850,865:

<http://www.maclean-scotus.info/modular-cockpit-secondary-barrier.html>

who included former FAMs, combat pilots and aircrew members, military special operators, and Intelligence Community operatives—from participating in the published February 27, 2020 “Flightdeck Secondary Barrier Working Group”⁵⁸ report study and the December 2018 TSA unpublished “Report of the Aviation Security Advisory Committee: Secondary Barriers on Commercial Aircraft” study Working Group.⁵⁹

The last attempt to outfit a fleet of aircrafts with the 12-cable *Garofani* cockpit secondary barriers was such a failure that a major U.S. airline removed them all:

“That’s the question behind an effort to require airlines to install secondary cockpit barriers, a lightweight gate of steel cables that would be drawn in front of the cockpit door. ... And United Airlines, one of the few airlines that owns planes equipped with the gates, is having barriers removed from its new orders of Boeing 787 Dreamliners[.]”⁶⁰

To date, the FAA has not responded to my August 16, 2022 Public Comment ID No. FAA-2022-0772-0009 on the federal government’s official regulations website—highlighting the exceptional advantages of a modular secondary barrier system—that it requested 4 (four) years after the secondary barrier law was passed.

⁵⁸ September 5, 2021 U.S. Department of Transportation / Federal Aviation Administration / Aviation Rulemaking Advisory Committee (ARAC), through the Transport Airplane and Engine (TAE) Subcommittee, Flightdeck Secondary Barrier Working Group denial notice for Robert MacLean:

<https://drive.google.com/file/d/0B5QD7Ci6CgwwSTVoZi1uU2tDV21LOVVqT1WWkNqdXpYaG1Z/>

⁵⁹ July 1, 2021 Robert MacLean reply to U.S. Department of Homeland Security / Transportation Security Administration and U.S. Department of Transportation / Federal Aviation Administration’s responses to the U.S. Office of Special Counsel’s January 18, 2018 referral per 5 U.S.C. § 1213:

https://drive.google.com/file/d/1QNNTIO9FDam6tnwqc-r5J_wVODDWA0m/

⁶⁰ September 24, 2013 *Chicago Tribune* article by Gregory Karp titled, “Airlines reject call for secondary cockpit security gate”:

<https://www.chicagotribune.com/business/ct-xpm-2013-09-24-ct-biz-0925-notebook-airlines-20130925-story.html>

The FAA titled its August 1, 2022 request, “Installation and Operation of Flightdeck Installed Physical Secondary Barriers on Transport Category Airplanes”:

“A MODULAR flightdeck (‘cockpit’) secondary barrier system would be the fastest and cheapest way to deploy onto ALL EXISTING aircrafts.

As published, the current 2018 law and subsequent Federal Aviation Administration public statements alert any bad-actor, with an Internet connection, that all aircrafts’ unlocked cockpits will be vulnerable at least until 2025. Then after, bad-actors know to only attack existing aircrafts. Several incidents, during the last 9 years should bring immediate attention to the method that the 9/11 hijackers breached 4 cockpits: They simply waited for the pilots to unlock the cockpits in order to get food-trays or use the lavatory; pages 5, 158, and 245 of the 9/11 Commission Report show that this was the method all the hijackers relied upon.

To date, the airline companies and foreign and U.S. governments still direct crew members to perform this dangerous buffoonery: Spin around a service-trolley (‘drink-cart’) perpendicular into the aisle which now alerts any bad-actor to prepare for the cockpit to unlock. Since 9/11, 3 Hollywood video entertainment productions have exploited the unlocked cockpit danger: The movies ‘*United 93*’ (2006) and ‘*7500*’ (2019), the CBS TV series ‘*SEAL Team*’ in Season 2 Episode 11 titled, ‘*Backwards in High Heels*’ (air date: January 2, 2019).

From an exclusive May 17, 2022 Wall Street Journal 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.’

From a The Washington Post March 11, 2014 article titled, ‘Lost: The mysterious, baffling disappearance of Malaysia Airlines Flight MH370’:

‘There were media reports Tuesday, quoting Malaysia’s air force chief, Gen. Rodzali Daud, 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[.]’

From a December 16, 2020 U.S. Department of Justice press release, on its official public website, regarding an indictment of a Nigerian national who was a member of the terrorist group Al Qaeda:

‘While [Cholo Abdi] Abdullah was obtaining pilot training at the Flight School [in Philippines], 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[.]’

10 (ten) months ago, this incident was reported and published by NBC News in a September 26, 2021 article titled, ‘JetBlue passenger attacked flight attendant and tried to rush flight deck, FBI says’:

‘[79-year-old Khalil] El Dhar observed the 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, El Dhar yelled for the flight crew officer to shoot him.’

Authorities said El Dhar was grabbing the tie so hard that at one point the flight attendant was unable to breathe. [The FBI affidavit stated it took up to 7 people to restrain El Dhar with restraints and seatbelts.]’

As of today, all of the aforementioned articles and the U.S. Justice Department's press release remain on the Internet.

A lightweight modular device that would rapidly (install), inexpensively, and effectively end all hijackings. Such a modular barrier system must be non-porous in order to counter chemical attacks, i.e., aerosolized pepper or synthetic opioids such as fentanyl or carfentanil. On October 23, 2003, the Russian Army weaponized carfentanil and accidentally killed 140 innocent people during a terrorist hostage standoff inside a theater. Since 2003, the demand for clandestinely manufactured fentanyl and carfentanil, from South America and China, has grown exponentially. Because crew members cannot always monitor everything all the time during a flight, a secondary barrier system should always be protected from sabotage,

by a bad-actor, while in flight. The current gate-concepts are BUILT INTO the cabin and are porous. Built-in barrier systems are not only cost-ineffective (e.g., aircraft downtime caused by routine and unscheduled maintenance; a spare unit is stored in the aircraft's cargo-bay like a spare-tire in a car's trunk), but these gates are always exposed and can be sabotaged while in flight. Built-in systems are also 'death traps' to pilots in the case of a hard-landing causing smoke/fire and the subsequent need to escape out of a cockpit window."⁶¹

***** END OF MY SEPTEMBER 16, 2024 REPLY COMMENTS *****

⁶¹ Robert J. MacLean's August 16, 2022 public comment in response to the U.S. Department of Transportation / Federal Aviation Administration's request titled, "Installation and Operation of Flightdeck Installed Physical Secondary Barriers on Transport Category Airplanes": <https://www.regulations.gov/comment/FAA-2022-0772-0009>