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MEMORANDUM FOR THE RECORD

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Participants - Non-Commission: Leo Boivin

Participants - Commission: Sam Brinkley; Bill Johnstone; Lisa Sullivan

[Unc] Mr. Boivin served in the Air Force for 22 years (mainly in counter-intelligence), retiring in 1986. He went on to work in the just-established, small (approximately 6 people) intelligence office within FAA which sought to make the intelligence community aware of FAA's intelligence needs, to establish FAA's intelligence collection requirements, and to do threat assessments. After the downing of Pan Am 103 (1988), Boivin served as the FAA intelligence liaison with the White House Commission on Aviation Security and Terrorism (Pan Am 103/Lockerbie Commission). He served as the head of the FAA's Special Assessments unit from October 1990 until September 1, 2001, but returned briefly to the agency in the aftermath of the hijackings to aid in the response. He is currently an independent aviation consultant affiliated with the Aviation Institute in Ashburn, VA.

[Unc] The reorganization of FAA security instigated by the Pan Am 103/Lockerbie Commission, and subsequently enacted by the Congress, led to the creation of the Special Assessments unit on October 1, 1990, which Mr. Boivin was chosen to head. The designation of the unit sought to avoid the term "Inspection" so as to make clear that it had no regulatory mission, as well as the term "Red Team" because of certain unfavorable connotations of that phrase in military circles. The Special Assessment unit was to operate outside normal FAA testing. However, the Iraqi invasion of Kuwait, and the subsequent U.S. deployments under Desert Shield and Desert Storm led to Mr. Boivin being temporarily (until 3/91) reassigned to Brussels, and to a delay in the operationalization of the Special Assessments unit.

[Unc] The genesis of the Special Assessments unit was the realization, during the FAA's review of Pan Am 103 and the work of the Pan Am 103/Lockerbie Commission, that it had no testing capability overseas and the big issue was how to "internationalize" the testing process, but in a less formal way so as to avoid legal and sovereignty issues. After the completion of the work of the Commission, Boivin was asked to help implement this process via heading up the new Special Assessments unit. He reported to the head of Aviation Security Intelligence (first Jack Gregory and then Pat McDonnell).

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[Unc] Boivin came to the job of Special Assessments head with some definite ideas. He saw the mission as a controlled counter intelligence operation and sought to hire intelligence operations people from outside the FAA, largely from military backgrounds. The unit worked out of leased space at Dulles Airport, and started small (4 or 5), with hiring begun in the spring of 1991. The first task was to teach the staff about FAA procedures and how the civil aviation industry worked.

~~[SSI]~~ The first project assigned to the Special Assessments unit (by FAA civil aviation security head "Ort" Steele) was in the latter half of 1991, and involved testing the screening capabilities at the 17 largest (Category X) airports in order to establish a baseline of comparison with regular FAA tests prior to the unit turning its attention to its main assignment of international testing. NOTE: In the period leading up to 9/11/01, this 1991 project was the first, and only, comprehensive assessment of screening capability at domestic airports by the Special Assessments unit.

~~[SSI]~~ Boivin wanted the 1991 domestic screening project to "stress test" the system, and didn't want the checkpoints to know that they had been tested in order to allow multiple tests which provided a more reliable database of results. Consequently, the checkpoints couldn't be notified if they had passed or failed. For purposes of training his team for their international mission, the tests worked well. For each test, the unit started with surveillance of the checkpoint (to observe its tendencies and weaknesses), followed by the development of a test plan which was then carried out. The test results were "disastrous," with only small performance variations among the various checkpoints.

~~[SSI]~~ The report on domestic screening was produced at the end of 1991, and the airlines were briefed in early 1992. Mr. Boivin requires that the airlines were anxious to insure that the results didn't "get out."

~~[SSI]~~ In 1992 the Special Assessments unit began its main mission of testing the 88 overseas airports visited by U.S. carriers, or which had U.S. destinations.

~~[SSI]~~ After the initial interest generated by the response to Pan Am 103, the budget for Special Assessments began to suffer, largely through OMB action. At a time when Boivin to increase his division (to 18 people), the unit received a no-growth (flat) budget in 1993, and in 1994 was moved back to FAA HQ and had to begin making cuts. At the start of 1995, the unit had 8 people, but the two most junior had to be laid off because of the budget cuts. According to Mr. Boivin, "nobody on the Hill wanted to talk to the FAA" at this time (mid 1990s) about boosting its security budget.

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[~~SSI~~] After the destruction of TWA 800 (1996), the attention and money for security "came back again, as usually happened after such a disaster. In late 1996, Special Assessments was directed to shift its focus to the testing of Explosive Detective Systems (EDS) because of a statutory mandate to the FAA to certify that such systems met prescribed standards and could function in an airport environment.

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(Boivin had acquired responsibility for the Explosives Unit in 1993, and for a short time, also had responsibility for the Air Marshals.)

[~~SSI~~] According to Mr. Boivin, the testing was constrained because: a) the airlines had initially resisted deploying EDS so there "was not a lot to test" in 1997-98; b) the capability was not mandated at that point and thus "not enforceable," and c) there was a legitimate worry that under such circumstances testing might actually discourage further deployment.

[~~SSI~~] In the aftermath of the Gore Commission, FAA got a total of approximately 300 positions to do more "realistic" testing of the system, but Special Assessments got only 3 or 4 of these (the rest going to field units under the Civil Aviation Operations (ACO) office. As a result, ACO started to do focused, more realistic testing (called Special Emphasis Assessments or SEAs) at domestic checkpoints in the period 1997-99. The Special Assessments unit was asked to help develop the SEA test plans, but found the test results to be of variable quality.

[~~SSI~~] Because of questions about the SEA results, Special Assessments was asked to replicate the SEA tests, and did so in the period 1997-2000.

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[~~SSI~~] In terms of assessing the security system just prior to 9/11, Mr. Boivin expressed the opinion that over the years, the airlines had shown improvement overseas (through profiling and bag passenger match), but domestically the main change had been the deployment of new detection technology. He believes there are three elements to checkpoint security: 1) Effectiveness (which is what his Special Assessment Unit sought to test); 2) Efficiency (which is what the airlines are most interested in); and 3) Deterrence (which one can't measure but one "can see it.")

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[~~SSI~~] Mr. Boivin believes that "rulemaking was the bane of security." While Special Assessments could provide a snapshot in time of weaknesses, permanent improvement in security requires the rulemaking process. As one illustration, the FAA has wanted to do more realistic testing (more test objects, more realistic test scenarios) backed up by better enforcement, all of these changes required changes in rules. FAA security officials would have to go through a lengthy process including prioritization of desired rules plus a detailed cost-benefit analysis to justify each proposal. The Baseline Working Group (1996) did have some success in getting security rule changes implemented, but this involved their usage of closed briefings on Capitol Hill to make their case.

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[~~SSI~~] With respect to the use of knives in the 9/11 hijackings, Mr. Boivin indicated that regardless of what was said about the legal status of knives, implementation of any effort to keep them out of the cabin was "not doable." He referred to looking at this as a source of the 9/11 failure was a "fool's chase." In 1993, "Ort" Steele had wanted to ban knives, but Boivin told him he could try.

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[~~SSI~~] Mr. Boivin characterized the 9/11 hijackings as primarily an "intelligence" failure. The

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The whole system adhered to the "mantra" that in a hijacking the goal must be to appease hijackers and get the plane on the ground.

[~~SSI~~] With respect to cockpit door hardening, this effort began with a 1998 or 1999 request by the Aviation Rulemaking Advisory Committee request in order to try to implement an ICAO pronouncement "urging," but not requiring, such action. According to Mr. Boivin, the airlines were adamant that it couldn't be done in a cost-effective manner. The ensuing rulemaking, which was completed in 2001, proposed changes for new aircraft only; both the airlines and aircraft manufacturers cited difficulties with retrofitting. There was also concern about the impact of any hardening of the cockpit door on crew safety (because of impeding crew egress). Mr. Boivin indicated that while hardened cockpit doors will stop knife-wielding hijackers, "you can't stop a determined hijacker" once on board a plane because of technological limitations.

[Unc] In terms of recommendations for further improving aviation security, Mr. Boivin pointed to the need to make sure any new security measure can be shown to the public to be valuable. He also called for greater consistency in application of security measures (while preserving random or unpredictable elements). More specifically, he thought that placing the x-ray operator in a remote location (to avoid being influenced by the appearance of the passenger) would be worthwhile.