MFR 0402017



MEMORANDUM FOR THE RECORD

Event: Courtney L. Tucker

Type: Interview

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Special Access Issues: None

Prepared by: John Raidt

Teams: 7

Participants (non-Commission): Courtney Tucker (formerly of FAA Aviation Security Operations and now TSA); Christine Beyer (TSA General Counsel's office)

Participants (Commission): Bill Johnstone, Gerald Dillingham and John Raidt

Location: 9-11 Commission's conference room at the GSA office, Washington, DC

**Background**

[U] On 9/11 Mr. Tucker was retired from FAA but after the event was asked to return to the agency to assist in the stand-up of TSA.

[U] Mr. Tucker served as a U.S. Marine for six and one-half years, including a stint as an embassy guard in Saigon, Republic of South Vietnam. He joined the Office of Secretary of Transportation in 1974 and served in the International Office dealing with policy and trade until 1992. From 1992, he worked as the manager of the Strategic Initiatives Division (ACP 200) in the FAA's Office of Civil Aviation Security Policy and Planning. During this period he worked on raising (and lowering) the aviation security baseline in 1995-1996, which was done through the issuance of emergency Security Directives that circumvented the time-consuming regular rulemaking process. During this time, he worked with Leon Panetta (OMB Director) and the National Security Council to permanently raise the security baseline, and this effort lead to the formation of the Baseline Working Group. Tucker subsequently served as the FAA's liaison to the White House Commission on Aviation Safety and Security (Gore Commission).

[U] Tucker retired from the FAA in December 2000. On October 2, 2001 he was asked to return as a senior security policy official. Mr. Tucker worked as a liaison from the FAA to the Administration and Congress on the Aviation and Transportation Security Act (ATSA), which established TSA. He said he was pleased with the bill (especially Section 44901 and the provisions on EDS except for the deadlines). During this same time period, he dealt with an "unfathomable" number of inquiries from the public on

matters related to 9/11 (he believes his office received 95,000 such communications in the first few months).

[U] On September 30, 2002 he went to work for TSA and currently serves as "Senior Policy Analyst and Inspector General Liaison" in the TSA Office of Transportation Security policy.

**9/11**

[U] Mr. Tucker said that his first thought on 9/11 was what could he have done to prevent it. He concluded that the box cutters weren't important. While the screeners were poorly led and poorly motivated, the hijackers did not have bona fide weapons such as pistols or grenades, which the screening system was set up to detect. He felt we were dealing with dedicated individuals who were willing to commit suicide, which was new. He said that if they hadn't used knives they could have used pens, which can be deadly weapons. He believes that the two things that could have stopped the hijackers were reinforced cockpit doors and air marshals.

[U] However, Tucker added later that perhaps if the aviation security system were more robust that al Qaeda wouldn't have tried to attack. He cited the lack of supervision of screeners as a problem that caused lax attitudes and suboptimal performance. He stated it's hard to keep screeners, like other security professionals, on their toes in the absence of incidents.

**Federal Air Marshals**

[U] Tucker stated that no one wanted air marshals before 9/11. [redacted] However, he said that he's unaware of any written evidence that the carriers fought an increase in air marshals. The airlines' methods of persuasion were subtler.

[U] Tucker indicated that neither the Congress nor the Executive Branch wanted to pay for a larger air marshal workforce and over the 10 or 12 years prior to 2001, there was no increase in funding support for air marshals. There weren't even enough people to cover the high-risk international flights, much less domestic flights. He urged the Commission to review the budget submission history for the FAM program.

**Air Carriers**

[U] Mr. Tucker stated that "the air carriers had seen the enlightened hand of self-interest with respect to safety, but they hadn't seen it in the security arena." He said that the carriers' modus operandi in responding to security policy was "decry, deny and delay."

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**Priorities**

[U] Mr. Tucker stated that after Pan Am 103 and UTA 772 the priority for aviation security was bombs in checked baggage. Countermeasures such as Explosive Detection Systems and Explosive Trace Detection (ETD) systems were what they pushed for most.

[U] Tucker recalled that the then 1,200 member civil aviation security staff was increased by about 300 positions after TWA 800, and that most of these positions were allocated to the field for inspection. They still lacked the personnel to adequately supervise the poorly managed screening operation.

**Explosive Trace Detection (ETD) at Checkpoints**

[U] Mr. Tucker stated that ETD usage at checkpoints was an option for air carriers, which he personally pushed hard for during and after the deliberations of the Gore Commission. The airlines were required to buy the equipment but didn't do so at first. He then said when ETD became an option in lieu of physically searching carry-on bags at the checkpoints, and after FAA bought some of the equipment the carriers started using it more often. He said that business travelers appreciated the use of ETD in lieu of hand searching because it wasn't as much of a hassle as hand searching.

[U] [redacted] He then said that business travelers liked ETD because it made them feel safer, not because it was less onerous. He then stated that we should review the Air Carrier Standard Security Program to ascertain whether ETD was meant to replace or augment hand searches of carry-on bags. (Note: it's possible that Mr. Tucker was confused about the search requirements called for when an x-ray screener perceived a suspicious item that should be further investigated, and the requirement for random and continuous secondary screening of carry-on at checkpoints required by the ACSSP).

**Prohibited items**

[U] Mr. Tucker stated that the policy underlying the Aviation Security system was that it should be set-up to stop items that are "obvious" weapons such as guns, grenades and large knives. "Dual use" items such as pocketknives were not highlighted. He said that FAA defined dangerous weapons consistent with what a "reasonable person" would regard to be a weapon and that people do not perceive a jack knife to be a weapon. He said that while the detectability of an item is always an issue, they didn't disregard any items as a weapon simply because they were undetectable (such as small knives).

[U] With respect to the Checkpoint Operations Guide, Mr. Tucker stated that the FAA did not "approve" the document officially. FAA helped develop it, but it wasn't an official FAA product. He said the cover sheet of the COG will use the wording that appropriately describes FAA's role in the document, but it wasn't a formal "approval."



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[U] He also noted that federal standards are always minimum standards and that the air carriers could have strengthened the program if they wanted to.

**Safety, Security, Efficiency**

[U] Mr. Tucker noted that the law requires FAA to achieve safety, security and efficiency in civil aviation, and that common sense dictates it also because all three depend upon one another. A system that's not safe can't be efficient. A system that's not secure isn't safe, and so forth. In his view, FAA policy-makers always tried to achieve all three, but the order of priority was safety first, followed by security and then efficiency.

**Checkpoint history**

[U] Mr. Tucker said that he authored a history of checkpoints, which he will send to us. He stated that checkpoints really came about because pilots demanded it. An Eastern pilot had been killed in a hijacking in the early 1970's, and the pilots told the carriers that if they didn't do something to protect the aircraft they would quit flying. Eastern then took the lead in buying the equipment and implementing screening.

**Gore Commission**

[U] Mr. Tucker was asked about the Victoria Cummock dissent of the Gore Commission. She objected because the commission dropped the proposal to establish deadlines for the FAA to implement the panel's recommendations. Mr. Tucker stated the he didn't recall anyone proposing deadlines that the Gore Commission "dropped." Furthermore, he said that aviation legislation was wending its way through Congress simultaneous to the Gore Commission's work and that deadlines were being put into the legislation (especially the FAA Reauthorization Act of 1996) on a parallel track, so that any failure by the Commission's report to issue deadlines was not consequential.

**Suicide Hijacking**

[U] Mr. Tucker said that he remembers very distinctly FAA discussing the possibility of suicide in the case of EgyptAir 990 and he noted the PSA employee who shot the pilots. FAA security policy officials actively considered what could happen if a pilot went "whacko." So, he said, the assertion that FAA never considered the potential for suicide hijacking is incorrect.

**Prioritizing Threat**

[U] When it was called to Mr. Tucker's attention that suicide hijacking did not appear in the FAA's matrix of potential threats, he said that it was considered but not acted upon. He stated that you don't want to prioritize pathways of attack (presumably in case you miss one that ends up biting you), but that as a matter of reality FAA did have priorities in defenses which he said up to the mid-1990's were: 1) checked baggage screening; 2) checkpoint screening; 3) access control (especially in the U.S.); 4) cargo and mail; 4)

FAA facility security; and 6) hazardous materials.. In the late 1990's the priorities became: 1) checked baggage screening 2) checkpoint screening 3) cargo and 4) access control. The system was designed to keep explosives "and other bad things" off of an aircraft.

[U] He said that these systems were oriented to pathways of attack that didn't include suicide because they didn't believe that terrorists would want to waste manpower or resources via suicide attacks. He noted that the Bojinka plot to blow up 12 U.S. aircraft over the Pacific in 1994 by al Qaeda affiliates was most certainly not a suicide operation.

**Prescreening**

[U] Mr. Tucker said that discrimination was a big issue with the development of the computer-assisted passenger prescreening system (CAPPS) system and that FAA received a letter from Attorney General Janet Reno about this. He did not characterize the letter.

[U] Mr. Tucker said that CAPPS was not supposed to replace the manual prescreening system but rather augment it. He said that the carriers were expected to still conduct manual profiling and secondarily screen the person and carry-on of "manual selectees." (Note: this is the first the Commission has heard this outlook on CAPPS and will confirm whether this was indeed the case).

**Positive Passenger Bag Match (PPBM)**

[U] Mr. Tucker believes that PPBM is still a valid layer of security and should be employed even though baggage is screened by electronic explosive detection technology. It's possible that an explosive could still slip through EDS and if we had PPBM it would be another layer against non-suicide bombers, which is still a threat.

[U] He said he doesn't understand why the air carriers don't want PPBM. He believes that tests have proven that it can be done efficiently and it would help the airlines address the problem of lost baggage. He also stated that there should be at least one hardened container aboard each flight where TSA could put questionable baggage.

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[U] He said that effective security requires both physical searches and technology. A physical search will identify problems technology can't detect, and technology (particularly in explosives) can identify threats that humans can't readily detect. He said that "people, procedures, and equipment" is the triad of approaches.

**Research and Development**

[U] Mr. Tucker believes we need more bilateral agreements with foreign countries, particularly in Europe, to improve R&D in the critical security technology of the future. Good technology is key.

**International Weaknesses**

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