

SOME COMMENTS ON 9/11 COMMISSION REPORT
Commission Report Issued July 22, 2004
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Synopsis

The author's thesis is that the 9/11 Commission failed to determine the root cause of the FAA's and U.S. airlines' development of a flawed follow-on security measure to the Computer Assisted Passenger Prescreening System (CAPPS). The CAPPS process identified as many as 10 of the 19 hijackers on September 11, 2001 as individuals who should have received special security scrutiny of their persons and carry-on property. They did not do so because of a flawed security process. The author asserts that this failure can be attributed to the politicization of the recommendations coming out of the Gore Commission in February 1997. He further asserts that this failure can be attributed to the U.S. airlines' overwhelming influence through their ability to contribute tens of millions of dollars into the U.S. political system thereby garnering the influence to change, modify, delay or kill U.S. government actions to develop and implement appropriate aviation security measures.

Introduction

In the past 17 years the U.S. Government has conducted one task force on terrorism and two Presidential-appointed Commissions.¹ *The National Commission on Terrorist Attacks Upon the United States* (frequently referred to as the 9/11 Commission) recently issued its report. This makes the third Presidential-appointed commission dealing with aviation security in 14 years.

Vice President George H. W. Bush's 1986 study and the three Presidential appointed commissions were driven in-part or whole by attacks, or supposed attacks, against civil aviation. Just as promptly as these past studies and commissions reports were completed, parts of the government and the airline industry began their proclamations of support or opposition to many of the recommendations.

A number of the recommendations from the past studies and commissions were never implemented, some were partially implemented and a few actually became law, regulations or standard practices within the aviation community. However, after reading each of the 9/11 Commission's conclusions and recommendations one is left in wonderment with the repetition of the recommendations from each of the succeeding Commissions – haven't we done anything to improve aviation security in the past decade and a half?

¹ President Reagan's Vice President's Task Force on Combatting Terrorism (February 1986), President Bush's Commission on Aviation Security and Terrorism (Report issued August 4, 1989) and the White House Commission on Aviation Safety and Security more commonly known as the "Gore Commission" under President Clinton (Report issued February 12, 1997).

One of the first questions raised with the recent release of the 9/11 Commission Report is obvious - was the release of the report rushed for political purposes? Was it released at this time for the convenience of both major U.S. political parties?

The Bush Administration is now publicly proclaiming their intent to convene meetings to address the issues raised by the Commission. Senate hearings have already begun and the House of Representatives is making noises about addressing the Report's recommendations. Both sides of the aisle in Congress can now make their proclamations about convening to address the issues.

Aspiring White House Democrats can, and probably will, make a number of convoluted claims against the sitting Bush Administration while at the same time trying to avoid "incoming missiles" about the failure of the previous Clinton Administration to satisfactorily address the terrorist threat. All quite convenient in a presidential election year!

So, how much political dirty laundry is there in the 9/11 activities? Do we truly have a functioning bi-partisan 9/11 Commission that is focused on identifying and recommending solutions to problems that resulted in the 9/11 tragedy?

Two political side-stage dramas are also intriguing when reviewing the 9/11 Report. One involves Commissioner Jamie S. Gorelick, who served as the Deputy Attorney General in the Clinton Justice Department and was a "player" in allegedly strengthening the compartmentalization of the FBI into the criminal versus the intelligence sections, and then "graduated" to sitting on the Commission in "judgment" of her former actions.² Does the Commission have any integrity given this fact and the partisan displays of several of the Commissioners during public hearings?

The second issue is the current dilemma that former Clinton National Security Advisor Samuel "Sandy" Berger finds himself. If indeed he did knowingly and willingly violate the rules of access to former Clinton Administration classified materials in the U.S. Archives, one is left in puzzlement as to "why"? The only ready and reasonable explanation is that he appears to have been trying to cover up some very embarrassing data, as it is beyond the pale to accept the explanation that he was just careless with classified materials. Particularly so, given his reported actions in "inadvertently" taking the highly classified materials from the Archives and then "inadvertently" misplacing or destroying some of the documents.

Given the number of times former Clinton Terrorism Czar Richard Clarke's name is mentioned in some sections of the Commission's Report, one could easily subtitle it as the "*Richard Clarke Report*." Nothing derogatory is intended here against Mr. Clarke but reading the Report one wonders what would have happened if his numerous warnings had been heeded both from what was once viewed as the Chicken Little "The Sky is Falling" viewpoint of terrorism to his well founded recognition of the dysfunctions within

² The fact that she allegedly recused herself from the subject in which she was a previous "player" in no way alters the 'smell' of the situation.

and between the U.S. Government's domestic and international law enforcement and intelligence agencies.

As we are left contemplating these puzzling events, we are now told that the 9/11 Commission plans on issuing additional staff reports. This announcement adds fuel to the previous suspicions and once again calls the competence and integrity of the Commission into question. Are the additional Staff Reports being issued because the 9/11 Report was incomplete and was hurried into publication because of the Democratic Political Convention, or are the additional staff reports being issued because the Report is truly cursory and lacking in depth, or both?

As we see these political events played-out we are reminded that that our aviation security system is the subject of a number of political pressures that have degraded the effectiveness of the system. These political pressures are frequently quite subtle but they are there nonetheless. The overpowering influence of the U.S. airline industry had a direct negative impact on the effectiveness of the aviation security system that was in-place on September 11, 2001. Unfortunately the FAA, and now the TSA, is the subject of a continuing set of industry influences over which these agencies have little power to resist.³ Certainly not a pretty picture but a relevant one nevertheless.

Computer Assisted Passenger Prescreening System (CAPPS)

I was pleasantly surprised to see the Commission address the failure of the FAA's follow-on security measures for the CAPPS which was "designed to identify passengers whose profile suggested they might pose more than a minimal risk to aircraft,"⁴ and "a computerized prescreening system ... created to identify passengers who should be subject to special security measures."⁵

The Commission's Report noted that "Although the algorithm (CAPPS) included hijacker profile data, at that time only passengers checking bags were eligible to be selected by CAPPS for additional scrutiny."⁶ The Commission's Report mentions CAPPS on pages 1, 2, 3, 4, 84, 352, 386 (indirectly), 392, 393 and in some footnotes but in none of these instances does the Report delve deeply into the details of this abject failure of the U.S. aviation security system.

Accountability is at issue here and had the Commission really completed its job it would have addressed the origin of this failure by the FAA and U.S. airlines to implement proper and thorough security measures to carefully examine all CAPPS selectees and their carry-on articles. Accountability for this gross failure is necessary to understand what has to be done to prevent a recurrence of this failure. The 9/11 Commission did not fully address this system failure, leaving one wondering in puzzlement as to 'why'? Was

³ Airport-security system in U.S. riddled with failures The Seattle Times Company By Cheryl Phillips, Steve Miletich and Ken Armstrong – July 11, 2004

⁴ 9/11 Commission Report, pg 84.

⁵ Ibid., pg 1

⁶ Ibid., pg 84

it because of the time constraints placed on the Commission to complete its report, or was the failure more sinister, e.g. a deliberate act to ignore the fact that the inadequate CAPPs follow-on security measures could be traced back to political concerns of the 1996/97 Gore Commission? Or, did the staff or the Commissioners fail to realize the significance of the underlying reasons for the CAPPs inadequate follow-on security measures?

Given the discussion in the Report on this subject in Chapter 11 *Foresight-and Hindsight* and in Chapter 12 *What to do? A Global Strategy* and the associated recommendations, it appears that the 9/11 Commission Staff (Commissioners also?) addressing the CAPPs follow-on security measures were well aware of its significance. The Commission's Report notes that "The FAA's capabilities to take aggressive, anticipatory security measures were especially weak. Any serious policy examination of a suicide hijacking scenario, critiquing each of the layers of the security system, could have suggested changes to fix glaring vulnerabilities --...searching passengers identified by the CAPPs screening system...."⁷

The Commission Report then noted that "CAPPs is still part of the screening process, still profiling passengers, with the consequences of selection now including personal searches of the individual and carry-on bags."⁸ This is the classic case of "closing the barn door after the horses have fled" It is not clear, however, that the Commissioners or the 9/11 Staff knew the history of the subject and the association with the Gore Commission.

Origin of U.S. Adoption of Computer Assisted Passenger Prescreening System

If the 9/11 Commission had delved deeply enough into the background for this failure, it would have discovered that the implementation of the CAPPs program was the outgrowth of a recommendation from representatives of U.S. airlines during the Clinton-era Gore Commission. CAPPs was one layer of what should have been a multi-layered aviation security system. It is an essential layer of our aviation security system as is the Full-Bag-Passenger Match process, i.e. both of these layers and others are needed for an effective system.

The Gore Commission was named in August 1996 to address what was thought at the time to be the failure of the U.S. aviation security system to prevent the destruction of TWA Flight 800⁹. It subsequently turned out that TWA 800's destruction resulted from an explosion of fuel vapors in the center-line fuel tank and had nothing to do with terrorism.

The sequence of events that led to the Gore Commission recommendation to adopt the CAPPs program began at the first meeting of the Commission attended by Vice President Gore. One of the 22 Commissioners, Ms. Victoria Cummock, lost her husband on Pan Am Flight 103 when a bomb that had been placed in a suitcase detonated killing all 259

⁷ Ibid., pg 352

⁸ Ibid., pg. 393, underscoring and italics added.

⁹ TWA Flight 800 was lost south of Long Island, New York on July 17, 1996.

persons on board the aircraft, plus 11 persons on the ground in Lockerbie, Scotland. A Libyan national was subsequently convicted of that act of terrorism. Ms. Cummock was acutely aware that the suitcase containing the bomb that destroyed PAA 103 was unaccompanied by any passenger.

In the first meeting of the Gore Commission attended by Vice President Gore on September 5, 1996, Ms. Cummock convinced the Vice President to include in his press statement the Commission's intent to require U.S. airlines to conduct what was commonly referred to as a "Full Bag-Passenger Match". This meant that all baggage had to be matched to a passenger on-board the departing airplane. Should the passenger not be present, the bag(s) associated with that passenger had to undergo security screening prior to being loaded into the belly of the passenger aircraft. The distinction here was that an unaccompanied bag might present a danger to safe flight.

Vice President Gore made his announcement to "Begin implementation of full bag-passenger match" on September 5, 1996. In the following days he was besieged by U.S. airline industry representatives urging the Clinton Administration to back-away from the intent to require a full-bag match.¹⁰ The U.S. airlines claimed that they could not do a full-bag match and still maintain their on-time operations at their large domestic U.S. hub and spoke airports. The U.S. airlines' primary focus was on their on-time departures that affected their financial well being – not security which cost them money. "Suddenly the Vice President was an advocate of partial bag match,¹¹ a less expensive system that used computer profiles to identify the luggage of suspicious passengers who did not board the plane."¹² Shortly afterwards Vice President Gore sent a letter to the Air Transport Association¹³ stating:

"I want to make it very clear that it is not the intent of this Administration or of the Commission to create a hardship for the air transportation industry"¹⁴

"The day after Vice President Gore wrote his letter, the airlines started to contribute heavily to Democratic Party committees, such as the Democratic National Committee, which acts as an arm of the presidential campaign during election years. In the election's closing weeks, the airlines gave the Democratic Party \$585,000 – which was more than twice what the airlines gave Democrats in a preceding 10-week period."¹⁵ Top airlines

¹⁰ All international commercial airline operations have been required to conduct a Full-Bag Match since April 1, 1989.

¹¹ See [Appendix B](#) graphic.

¹² *U.S. Aviation Security Before and After the September 11 Terrorist Attacks*, E. Marla Felcher, A report of the Century Foundation and Understanding Government, 2004, pg 41.

¹³ The Air Transport Association (ATA) is the airlines' principal lobby organization.

¹⁴ *U.S. Aviation Security Before and After the September 11 Terrorist Attacks*, E. Marla Felcher, 2004, pg 41. See also Public Citizen Report, October 2001, pg 9.

¹⁵ Public Citizen Report *Delay, Dilute and Discard: How the Airline Industry and the FAA have Stymied Aviation Security Regulations* – October 2001. See also *Center for Responsive Politics* and Walter V. Robinson and Glen Johnson, "Airlines fought security changes," *The Boston Globe*, September 20, 2001.

also reportedly contributed over \$6.58 million in soft money to Republican and Democrat issues from 1997 through 2000.¹⁶

As stated elsewhere¹⁷ U.S. airlines have had an overwhelming influence on the FAA's failure to develop and implement stringent security measures to protect U.S. aviation. To the degree that the airlines have been successful in thwarting the development and implementation of these security measures they have been their own worst enemies. Trans World Airline's demise can be attributed in part to the successful penetration of host country and TWA's own security measures in the Eastern Mediterranean in the 1970s and 1980s. Likewise Pan American Airways demise, which was already in serious financial trouble, was assured after the loss of PAA 103. Are we going to see the loss of another major U.S. airline as a result of a combination of factors, one of which was the failure to carry-out appropriate security measure on September 11, 2001?

Effectiveness of CAPPS Identity Process on 9-11

According to the 9/11 Report on pages 1, 2, 3 and 4, as many as eight of the nineteen hijackers on 9-11-2001 were CAPPS selectees.¹⁸ The Commission's Report actually states "On 9-11, the 19 hijackers were screened by a computer screening system called CAPPS. More than half were identified for further inspection, which applied only to their checked baggage."¹⁹ The attack leader Atta was selected by CAPPS at the Portland, Maine airport.²⁰ The Commission Report notes "the only consequence of Atta's selection by CAPPS was that his checked bags were held off the plane until it was confirmed that he had boarded the aircraft. This did not hinder Atta's plans."²¹

The Report also states that "three members of his (Atta's) hijacking team –Suqami, Wail al Shehri, and Waleed al Shehri- were selected (by CAPPS) in Boston. Their selection affected only the handling of their checked bags, not their screening at the checkpoint."²²

Three of the Dulles International Airport hijacking team led by Hani Hanjour were selected by CAPPS (Hanjour, Khalid al Mihdhar and Majed Moqed). The remaining two members of the 5-person hijacking team, the Hazmi brothers, "were also selected for extra scrutiny by the airline's customer service representative at the check-in counter. He did so because one of the brothers did not have photo identification nor could he understand English, and because the agent found both of the passengers to be suspicious. The only consequence of their selection was that their checked bags were held off the plane until it was confirmed that they had boarded the aircraft."²³

¹⁶ Public Citizen Report, October 2001, Appendix I

¹⁷ Public Citizen Report, October 2001.

¹⁸ 9/11 Commission Report - Footnote 2 in Chapter 1 *We Have Some Planes*, pg451 says "Ten out of the 19 hijackers (including 9 out of 10 on the two American Airlines flights) were identified via the CAPPS system."

¹⁹ 9/11 Commission Report pg 392

²⁰ Ibid., pg 1

²¹ Ibid., pg 1

²² Ibid., pg 2

²³ Ibid., pg 3

The pregnant question these events raise is if they were CAPPS selectees “whose profile suggested that they might pose more than a minimal risk to aircraft.”²⁴ and CAPPS was “created to identify passengers who should be subject to special security measures”²⁵ then why weren’t they subjected to a full and thorough search of their bodies and their carry-on articles?

The answer is that the CAPPS identity program was adopted by the 1996/97 Gore Commission in lieu of a Full-Bag Match because the U.S. airlines opposed the domestic implementation of the Full-Bag Match program. When the FAA and the U.S. airlines implemented the follow-on security measures to the CAPPS profile identity system, they minimized its impact on the airlines by using it as a substitute to the Full-Bag Match, i.e. they only required a CAPPS selectee’s bags to be “matched” to the passenger or that the bag(s) be security screened before loading – no special search of the passenger or their carry-on bag(s) was required. Yet, these people were identified as persons “who should be subject to special security measures.”²⁶

The FAA and U.S. airline’s minimal implementation of the CAPPS follow-on security measures was without precedent. It was a “political solution” to a problem that the U.S. airlines claimed would be impossible to implement, i.e. the Full-Bag Match within the U.S. domestic commercial aviation system.²⁷ A subsequent study commissioned by the FAA revealed that the U.S. airline’s fears were not justified²⁸ – but the Full-Bag Match has never been implemented in the U.S. So, the question remains: why didn’t the 9/11 Commissioners address this issue in great depth; as their cursory examination of the subject clearly reveals that some of the hijacking teams could have been detected carrying box cutters or knives on their persons or in their carry-on bags? As CAPPS’ selectees, they should never have been allowed to carry edged weapons onto their flights regardless of the length of the blades.²⁹

According to the 9/11 Commission’s Report, “CAPPS is still part of the screening process, still profiling passengers, with the consequences of selection now *including personal searches of the individual and carry-on bags.*”³⁰ Yet, the Commission stops short of specifically recommending the continuation of a CAPPS identity program.³¹ This is puzzling as it was one of the processes that actually worked on 9/11.

²⁴ Ibid., pg 84.

²⁵ Ibid., pg 1.

²⁶ Ibid., pg 1.

²⁷ Public Citizen Report *Delay, Dilute and Discard*, Section C – *Security of Checked Baggage*, pgs 7-10.

²⁸ See FAA Study on Positive Bag Match - Arnold Barnnet, George Eastman Professor of Management Science Massachusetts Institute of Technology - 1997.

²⁹ According to FAA rules knives with 4” blades and less could be carried into sterile areas and onto airplanes, provided they were not “menacing.” However, according to the airlines’ checkpoint operations guide (COG) box cutters were prohibited.

³⁰ 9/11 Commission Report, pg 393 – italics added.

³¹ Ibid., pg 393

The CAPPS system in place on 9/11 was not perfect but identifying more than half of the 19 hijackers is an excellent system test of any profile system. Are we to accept the several privacy advocates opposition and eliminate a proven process, i.e. CAPPS II “designed to identify passengers whose profile suggested they might pose more than a minimal risk to aircraft?”³²

Public Citizen’s Congress Watch researched the implementation of the February 12, 1997 Gore Commission recommendations and presented a side-by-side comparison as it relates to the Full-Bag Match issue (see [Appendix A](#)). The FAA and the airlines clearly implemented a deficient security measure that subsequently played a major part in the failure to detect and render harmless more than half of the 19 hijackers on 9-11- 2001. Where is the accountability?

U.S. Airlines and the FAA

It is quite significant that the 9/11 Commission’s Report is short on data addressing the U.S. airlines’ role in aviation security on 9/11. The October 2001 Public Citizen’s assessment reports that the U.S. airline industry spent over \$62.8 million in lobbying activities from 1997 through 2000.³³ Public Citizen’s Congress Watch October 2001 Report also labels the U.S. airline industry as “One of Washington’s Most Powerful Lobbies.”³⁴ A longtime FAA security official described the air carriers’ approach to security regulation as “decry, deny and delay” and told us that while “the air carriers had seen the enlightened hand of self-interest with respect to safety, they hadn’t seen it in the security arena.”³⁵

“The FAA’s 40-person intelligence unit was supposed to receive a broad range of intelligence data from the FBI, CIA, and other agencies so that it could make assessments about the threat to aviation. But the large volume of data contained little pertaining to the presence and activities of terrorists in the United States.”³⁶ On the same page in the next paragraph, the 9/11 Commission reports: “(T)he FAA’s intelligence unit did not receive much attention from the agency’s leadership. Neither Administrator Jane Garvey nor her deputy routinely reviewed daily intelligence, and what they did see was screened for them. She was unaware of *a great amount of hijacking threat information* from her own intelligence unit, which, in turn, was not deeply involved in the agency’s policymaking process.”³⁷

³² Ibid., pg 84

³³ Public Citizen Report: *Delay, Dilute and Discard: How the Airline Industry and the FAA have Stymied Aviation Security Recommendations* – October 2001 – Appendix D.

³⁴ Ibid pg 12-14.

³⁵ 9/11 Commission Report, pg 83

³⁶ Ibid., pg 83

³⁷ Ibid., Pg 83

The FAA allegedly “knew of fifty-nine attacks that had occurred in airports throughout the world over the previous five years, including twenty-four bombings, fifteen attempted bombings, twenty shootings, and one mortar attack.”³⁸

The poor performance of the pre-9-11 U.S. airline passenger and carry-on article screening system was well known. Former FAA security Special Agents have taken the poor performance of the U.S. airline’s pre-9-11 screening systems public and to the Congress. Some of these Agents have claimed that they were able to penetrate the pre-9-11 security screening points for passengers and carry-on articles more than 90 percent of the time.³⁹ “The Department of Transportation Inspector General reported to Congress in April 2000 that its employees successfully penetrated security at airports in 117 of 173 attempts (68%). Yet FAA management – specifically Cathal Flynn, then the associate administrator for civil aviation security – told a Senate subcommittee in April 2000 that airport security stopped 96 percent of the FAA’s attempts to penetrate *aircraft*.”⁴⁰

The dichotomy here appears to be that the Associate Administrator was referring only to attempts to penetrate aircraft while the former FAA Security Agents and the DOT IG were referring to successfully penetrating the airport security screening checkpoints, airport restricted areas as well as aircraft. Why did the FAA Associate Administrator use this statistic? Did he know that it was at substantial variance with other reports, i.e., the DOT IG Report to Congress and data in possession of his own staff?

The FAA was well aware (after the fact) of the “Bojinka” plot in the Philippines where Ramzi Yousef and his cohorts intended to simultaneously bomb 11 U.S. airliners in the Pacific region. The Bojinka plot was thwarted only because one of Ramzi Yousef’s team made a mistake in mixing explosive compounds and started a fire. The FAA was also aware of the Algerian terrorists hijacking of an Air France A-300 in late 1994 and the terrorists purported intent to fly the aircraft into the Eiffel Tower in Paris which was reportedly denied by French officials.

The last successful hijacking prior to the 9/11 hijackings of a U.S. commercial aircraft happened in 1991. Philippines police officials reportedly said after the 9-11 terrorist attacks that they had passed information along to the U.S. authorities from one of the terrorists in the Bojinka plot. While under Philippine police interrogation the terrorist is reported to have said that he planed to crash an airplane into the CIA building. He was reportedly a pilot but it is unclear how he intended to obtain an aircraft to carry out his stated intentions.

A suicide hijacking was one of the possibilities considered by the FAA in 1999. “In early August 1999, the FAA’s Civil Aviation Security intelligence office summarized the Bin

³⁸ *U.S. Aviation Security Before and After the September 11 Terrorist Attacks*, E. Marla Felcher, A report of the Century Foundation and Understanding Government, 2004, pg. 38. See also “*Notice of Proposed Rulemaking*, Federal Register 62, no.148 (August 1, 1997): 708.

³⁹ Public Citizen Report: *Delay, Dilute and Discard*, pg 10.

⁴⁰ *Ibid.*, pg 10. See also Statement of Cathal Flynn, Associate Administrator for Civil Aviation Security, Before the Committee on Commerce, Science and Transportation, Subcommittee on Aviation, April 6, 2000.

Laden hijacking threat. After a solid recitation of all the information available on this topic, the paper identified a few principal scenarios, one of which was a ‘suicide hijacking operation.’ The FAA analysts judged such an operation unlikely, because ‘it does not offer an opportunity for dialogue to achieve the key goal of obtaining Rahman⁴¹ and other key captive extremists. ...A suicide hijacking is assessed to be an option of last resort.’⁴²

Apparently there was sufficient data regarding the possibility of terrorist attack against U.S. aviation for the FAA to send Information Bulletins to the U.S. airlines in the weeks and months prior to the 9/11 attacks. Why then weren’t more deliberate security actions taken by the FAA and/or the U.S. airlines?

FAA and Airlines’ Permissive Rules and Practices Concerning Carry-on Edged Weapons

The 9/11 Commission notes that “While FAA rules did not expressly prohibit knives with blades under 4 inches long, the airline’s checkpoint operations guide (which was developed in cooperation with the FAA) explicitly *permitted*⁴³ them.” The checkpoint operations guide (COG) did indeed permit knives with blades 4 inches and less except those considered to “pose a potential danger.” The COG provides the following guidance in a section labeled “Restricted”:⁴⁴

“GUIDELINES FOR ITEMS THAT MAY NOT PASS INTO THE STERILE AREA

Restricted articles items are things or substances that pose a potential danger. Even though they are not firearms or explosives, they are not permitted in the passenger cabin of an aircraft, i.e. (i.e. toy or replica gun, martial arts devices, swords, sabers or hunting knives, etc.) The supervisor must be notified if an item in this category is found.”⁴⁵

The 9/11 Commission also states in the same paragraph “A proposal to ban knives altogether in 1993 had been rejected because small cutting implements were difficult to detect and the number of innocent “alarms” would have increased significantly, exacerbating congestion problems at checkpoints.” This last quote is footnoted⁴⁶ and the reference is even more damning as it indicates that the FAA officials were fully cognizant of the danger these edged weapons posed to the safety of flight as early as the mid-1990s.

⁴¹ Egyptian Sheik Omar Adel Rahman, also known as the “Blind Sheik,” and nine others was convicted of seditious conspiracy on October 1, 1995 to bomb the United Nations building, an FBI building, the Holland and Lincoln tunnels, and the George Washington Bridge in 1993. Sheik Rahman is serving a life sentence in a U.S. Federal Prison.

⁴² 9/11 Commission Report, pg 345

⁴³ Ibid., pg 84

⁴⁴ The use of “Restricted” here refers to items that should not be allowed into aircraft passenger cabins.

⁴⁵ Checkpoint Operators Guide 7/94 words in capital letters are as shown in the COG.

⁴⁶ 9/11 Commission Report, pg 476 footnote 57. See also *U.S. Aviation Security Before and After the September 11 Terrorist Attacks*, E. Marla Felcher, A report of the Century Foundation and Understanding Government, 2004, pg 51.

To the FAA's credit the Associate Administrator for Aviation Security convened the Aviation Security Advisory Committee and selected other persons into a Security Baseline Working Group to review the Government's aviation security measures. The Baseline Working Group had its first meeting on July 17, 1996 in Washington – ironically the same day that TWA Flight 800 exploded over the ocean south of Long Island a few hours later. Unfortunately the Baseline Working Group never addressed the vulnerability of allowing knives with 4 inches or less onto commercial aircraft.

It is well known among security professionals that small knives are extremely difficult to find under normal X-ray examination, both in 1993 and today. All knives have been banned since 9/11 and new walk-through metal detectors have been purchased and deployed by the FAA/TSA⁴⁷.

Apparently the Air Transport Association of America (ATA) considered the 1996 FAA Baseline Working Group an important endeavor because the ATA President and CEO, along with other ATA representatives, attended the first session on July 17, 1996. The FAA Baseline Working Group overlapped the start of the Gore Commission. The work, findings and recommendations of the FAA's Baseline Study Group were provided to the Gore Commission. The Working Group did not address, and from all indications, never discussed the vulnerability of permitting 4 inch or less edged weapons through airline screening points and onto aircraft.

9/11 Commission Failure to Address Root Causes for Screening Failures

So, why didn't the 9/11 Commission grasp the significance of the underlying failure of the CAPPs follow-on security measures? One possible explanation is that to deal with the basic underlying cause for this failure the 9/11 Commission would have had to indict the U.S. political funding system. This would have struck a blow at the very heart of the Commission, the Congress, the Administration, and local, state and municipal political funding systems. The old adage of "follow the money" to the source of the problem applies here in spades!

If the Commission, or the Commission staff, did have knowledge of the underlying cause of the CAPPs follow-on security measures, why didn't they tackle this problem? If they didn't know the underlying cause, then the bigger dilemma is "why not"?

FAA - A Weak Regulator and Enforcer

The Commission reports that "The FAA's capabilities to take aggressive, anticipatory security measures were especially weak."⁴⁸ This finding, coupled with its statement that "each layer relevant to hijacking – intelligence, passenger prescreening, checkpoint

⁴⁷ While not perfect these new walk-through metal detectors are considerably improved today than in 1993 and recently developed software for some of these units are now available that offer even better discrimination and detection. Unfortunately the TSA has not seen fit to purchase this new software up to this time.

⁴⁸ 9/11 Commission Report, pg 352.

screening, and onboard security – was *seriously flawed* prior to 9/11.”⁴⁹ Ironically, President George H. W. Bush’s Commission on Aviation Security and Terrorism (August 4, 1989) found “the U.S. civil aviation security systems is *seriously flawed* and has failed to provide the proper level of protection for the traveling public. This system needs major reform.”⁵⁰

Congress, the Administration and the Airline Industry

An earlier reference was made to the amount of money that permeates the political system from the aviation industry, e.g. \$62.8 million in lobbying from 1997 through 2000. The influence of this major infusion of monies into the U.S. political system cannot be underestimated. The airline industry is fully justified in seeking to protect its interests but it has no counter-balancing organization that has equal amounts of money for lobbying purposes. Consumer advocates usually have few funds in which to garner influence on subjects of interests and are completely overwhelmed in any contest with the U.S. airlines.

Ms. E. Marla Felcher outlined the money flowing into the political system in a unique manner in her report *U.S. Aviation Security Before and After The September 11 Terrorist Attacks*, The Century Foundation, 2004. In her report whenever she mentions a member of Congress, she includes the amount of money that politician accepted from the air transport industry within a defined period. It is instructive to read her report for this reason alone – it is also a good report on the happenings before and after 9-11. Public Citizen’s *Delay, Dilute and Discard: How the Airline Industry and the FAA have stymied Aviation Security Recommendations* – October 2001 is also very revealing in both the amount of monies spent in lobbying in the aviation industry as well as the problems in securing good security practices.

Accountability vis-à-vis Responsibility

The 9/11 Commission studiously avoids what the media frequently refers to as “The Washington Blame Game.” The media makes this out as a distasteful and disdainful process – and indeed it may be. But we have seen the lack of accountability exercised repeatedly by the U.S. Government over several years. As an example: there was no accountability for the Marine Barracks in Lebanon in 1983 - everyone in the chain of command all the way to the President was “responsible” but no one was “accountable”: we have the vulnerability of the U.S. Embassy in Beirut in 1983 where the Ambassador was “responsible” to prevent the bombing but not held “accountable”; Everyone was “responsible but no one was “accountable” for the Somalia debacle in 1993; and everyone was responsible for the vulnerability of the USS Destroyer Cole but no one has been held “accountable”, etcetera, etcetera. Now we have the 9/11 Commission that deals with the” responsibilities” for protecting U.S. citizens on 9/11 but no one is “accountable”.

⁴⁹ 9/11 Ibid., pg 83 italics added.

⁵⁰ President’s Commission on Aviation Security and Terrorism, August 4, 1989, Executive Summary, pg. i. italics added.

As distasteful as it may be we must hold persons in positions of responsibility accountable if we are to have an effective government. We continue to run away from grappling with this issue and we will continue to suffer the humiliating and horrendous failures mentioned above until we “bite the bullet” and hold persons in positions of responsibility accountable for their actions, or lack of actions.

Conclusions

Based on the 9/11 Commission Report we had as many as 10 opportunities⁵¹ to detect the 9/11 terrorists carrying edged weapons either on their persons or in their carry-on articles.

Based on the recent release of CCTV recordings from the Washington Dulles International Airport on September 11, 2001, three of the five hijackers of American Flight 77 alarmed the primary metal detector at the Washington Dulles International Airport. These three hijackers were then subjected to a secondary walk-through metal detector screening. Two of these three hijackers alarmed the secondary metal detector, one at the thigh level and the second at the ankle level indicating the presence of metal.

The 9/11 Commission Report states that they “asked a screening expert to review the videotape of the hand-wanding, and he found the quality of the screener’s work to have been ‘marginal at best.’ The screener should have ‘resolved’ what set off the alarm; and in the case of both Moqed and Hazmi, it was clear that he did not.”⁵² I have personally viewed those tapes and I concur with this analysis – it was clearly inadequate.

As the saying goes: “The saddest words that I have heard are: ‘What could have been.’” We are facing that dilemma now, i.e. if the FAA and the U.S. airlines had stipulated the proper follow-on security measures for CAPPS selectees, as is reportedly being done now,⁵³ and the security screeners at the Washington Dulles, Newark and Boston International airports, and at the Portland Maine Airport, had done a thorough job of screening of these selectees, at least some of the edged weapons should have been detected.

Any detection of selectees carrying edged weapons, or any other kind of weapon, should have been cause for confiscating those weapons. Additionally, if any of these weapons appeared to have been “artfully concealed”, e.g. taped to a thigh or ankle, would have warranted the intervention of law enforcement and the detention of the individual(s). Given the alarms on the thigh of one of the hijackers on the video tape of the screening point at Washington Dulles International Airport, and the alarm at ankle level of another of the hijackers at Washington Dulles, it is entirely possible that they had taped the weapons to their legs. Detection of any artfully concealed weapons would have set off all sorts of alarm bells at the airports where this was discovered.

⁵¹ 9/11 Commission Report, pg 451, footnote 2.

⁵² Ibid., pg 3

⁵³ Ibid., pg 393

Sadly we return to “what could have been.” If the CAPPS follow-on security measures had included “personal searches of the individual and carry-on bags,”⁵⁴ AND the screeners conducting selectee screening had carefully and thoroughly done their jobs – then as many as two or three of the four hijackings may have been prevented. I make this conclusion on the basis that if the hijackers had been stripped of their weapons and were still permitted to board the aircraft;⁵⁵ it is highly unlikely that any of the terrorist teams would have proceeded with their plans. Was Atta confirming their plans to continue with the hijackings after successfully clearing the Portland and Boston Airport’s security screening checkpoints when he took a call from Marwan al Shehhi at 6:52 AM, a member of the other Boston Airport hijacking team (United Flight 175)?⁵⁶

Under the U.S. aviation security system in existence on September 11, 2001 the U.S. airlines were responsible for the screening of passengers, their carry-on personal articles as well as all checked bags. So, shouldn’t an investigation be conducted of the FAA and U.S. airline actions in adopting a CAPPS follow-on security screening process where the “consequence was that bags, not people, were checked?”⁵⁷ Likewise, shouldn’t an inquiry be opened for “lessons learned” in a review of the actions of the Gore Commission that resulted in the adoption of the CAPPS process? Finally, a group of technical experts should be convened and given the charge to analyze whether the U.S. airlines and their lobbying organization are exerting an undue amount of influence and control over the U.S. aviation security system.

Summary

More than 17 years have passed since the completion of Vice President George H. W. Bush’s *Task Force on Combatting Terrorism* and over 14 since the issuance of President George H. W. Bush’s *Commission on Aviation Security and Terrorism*. President George H. W. Bush’s Commission and now the current 9/11 Commission reached some of the same conclusions – so what have we been doing in the almost 15-year interval? Isn’t it time to get serious about aviation security? Are we doing so when we back away from developing and implementing protection measures such as CAPPS II because of dubious privacy issues? Isn’t it time that we select some hard courses instead of mucking around with “feel good measures” that have all sorts of political implications?

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⁵⁴ Ibid., pg 393

⁵⁵ The author assumes here in this instance that if the weapons were not artfully concealed and the terrorists had a plausible explanation for the edged weapons and there was no other reason for suspicion then the individuals may have been permitted to continue their flights after confiscation of the weapons.

⁵⁶ 9/11 Commission Report, pg 1.

⁵⁷ Ibid., pg 386