

TESTIMONY OF PAUL HUDSON  
EXECUTIVE DIRECTOR OF THE  
AVIATION CONSUMER ACTION  
PROJECT BEFORE THE SENATE  
COMMERCE COMMITTEE AND  
AVIATION SUBCOMMITTEE  
ON AVIATION SECURITY  
WASHINGTON, D.C.  
SEPTEMBER 20, 2001

Good morning Chairman Hollings, subcommittee chairman Rockefeller and members of the committee.

My name is Paul Hudson. I am executive director of the Aviation Consumer Action Project (ACAP), an nonprofit organization founded in 1971 with thousands of air traveler supporters that acts as a voice and ear for air travelers and the general public on national aviation issues. ACAP has been a member of the FAA's Aviation Security Advisory Committee since 1991 and has advocated for stronger aviation security for more than 15 years. From 1989 to 1993 I was president of the Families of Pan Am 103/Lockerbie, and a grieving terrorist victim family member. I testified before Congressional committees many times and lobbied for strengthening aviation security, particularly enactment of the Aviation Security Improvement Act of 1990, which forms the basis of the present aviation security system. From 1977 to 1987, I was counsel to the New York State Crime Victims Board, and a consultant to the American Bar Association's Victims Committee and the National Institute of Justice on crime and terrorist victim rights.

Thank you for holding this hearing ten days after the worst terrorist attack in history . The September 11th attacks proved that airliners can be used as weapons of mass destruction, something never anticipated or even imagined in my many discussions with aviation security officials and experts.

September 11th, 2001 was certainly a day of infamy for the America and the world. That day also changes forever how we look at aviation security and terrorism. With over 5,000 dead on the ground plus about 200 air travelers, the total destruction of the World Trade Center and surrounding buildings, the partial destruction of the Pentagon, the apparent targeting of the White House and U.S. Capitol, plus enormous damage to the American economy, aviation security is clearly a top national security priority. It must be upgraded, at least, to the highest standards of federal law enforcement and national security in the coming months. In the meantime, aviation security must under no circumstances allow a repeat of the September 11th attacks.

Accordingly, we must now focus on emergency measures that can be done in days or weeks and not even consider things that undercut security, while we are still under imminent threat of this new form of terrorism.

### **Needed emergency measures**

ACAP is recommending the following emergency measures to the FAA:

1) Quickly secure airliner cockpits. Initially this will require deploying armed guards or law enforcement agents or armed flight crews. Later stronger cockpit doors and security

barriers or screens must be installed.

2) Restrict or ban carry-on baggage. Since carry-on baggage can contain weapons that can be used in hijacking and the current screening systems are known to be inadequate, carry-ons should be restricted to one small bag with hand searching or else eliminated entirely.

We are also calling on airline passengers to voluntarily reduce or eliminate their carry-on baggage. This will both improve security and reduce delays.

### **Backward Steps**

Last weekend, the FAA lifted the ban on general aviation (private aircraft) except within 25 miles of New York City and Washington, D.C. With about a million private airplanes in the United States and little or no security systems in place, the risk of terrorists using such planes with explosives to attack tall or landmark buildings requires temporary restrictions. ACAP recommends that general aviation be banned to within 100 miles of major cities or likely terrorist targets, without special FAA security officers clearance.

On September 17th the FAA lifted the ban on passenger airliners carrying unscreened mail and cargo. This ban was only instituted last week. The ban was in place during the Gulf War and its aftermath. It should be immediately re-instituted.

Pressure is now building to re-open Reagan National Airport. This step should not even be considered until a much higher level aviation security is in place and such systems have been independently tested and found to be effective with the highest level confidence to ensure against a repeat attack on Washington, D.C. Since airplanes taking off or landing at Reagan National Airport are literally seconds away from the White House, the U.S. Capitol building, the Pentagon and other key U.S. Government buildings and other national landmarks, we doubt that such a system is possible.

### **Medium term measures**

The following measures should be done in the next several months, but may take a year or more to complete:

1) Federalization of aviation security by establishing a separate Aviation Security Agency not within the Transportation Department is essential to break the cycle of incompetence and lack of accountability that is endemic in the current system of private security contractors and airline/airport security under FAA oversight.

While I do not wish to dwell on the past, aviation security since 1989 has been the subject of two presidential commissions (after the Pan Am 103 bombing and the TWA 800 disaster), at least one major law, scores of rulemaking and minor legislation. As anyone who saw the "60 Minutes" CBS television program last Sunday now knows, and as those involved with this issue have known for years, the system is broken and has been incapable for over a decade to bring its performance up to the level required by existing security regulations based on past terrorist attacks, much less to anticipate and effectively deal with future ones. Who could rationally argue we should again entrust our national security to private security contractors or airline and airport employees with FAA/DOT oversight? After in the past week losing the World Trade Center, four jumbo jets, part of the Pentagon and over 5,000 lives? The airlines, aviation unions and aviation consumer organizations are united on this point.

2) Cockpit doors must be secured with strong doors and locks that have keys that are not easily compromised. Presently such doors are intentionally made of light weight materials so that they can be kicked out, in case the door is jammed or locked and the crew needs to make an emergency evacuation.

Beyond this, security screens or barriers need to be installed between the cockpit door and the passenger cabin so that hijackers cannot even approach the cockpit door during flight.

3) Passengers, pilots, aviation security and airport and airline employees and contractors must be screened to ensure that suspected or wanted terrorists are not infiltrating the U.S. aviation system. Presently persons on the FBI or INS or Customs terrorist watch lists or even wanted terrorists are not flagged to be apprehended by airline security, denied boarding, or even subjected to extra security. It has been reported that the Computer Assisted Passenger Profiling System ( or CAPPS system) operated by the airlines and of which they are so proud, uttering failed to identify any of the 19 suicide hijackers involved in the September 11th attacks, even though at least two were on the U.S. Government's terrorist watch lists and they used their own names to purchase airline tickets on four hijacked U.S. airliners operated by American and United Airlines. Existing employees with access to secure airport areas are not screened for criminal histories and not required to pass national security checks. Likewise there is nothing to prevent terrorists in the U.S. from obtaining pilot training on airliners or jumbo jet simulators or from renting private airplanes in the United States.

Face recognition, optical fingerprint, retina, voice print or other personal identification technology, all currently available technologies, must be used to secure U.S. aviation against would be terrorists.

4) Flight crews must be retrained to resist rather than cooperate with hijackers.

Current training assumes that hijackers are not determined suicidal fanatics and

emphasizes cooperation with hijackers so as not to unduly upset them. Clearly this training is largely misguided in light of last week and flight crews must be retrained.

5) Civil defense training and public education is needed to deal with 21st Century terrorist threats.

Public education directed to airline passengers should be altered to deal with the present threat of suicide hijackers bent on using airliners as instruments of mass destruction.

Likewise, occupants and operators of skyscrapers or landmark buildings or other large public facilities should be trained in rapid emergency evacuation procedures, in order to minimize casualties in cases of terrorist attack.

Finally, public education campaigns should inform and encourage the public to report to law enforcement suspicious behavior that could indicate terrorist activity.

### **Conclusion**

I do not wish to dwell on the past (pre-September 11th, 2001) nor to play the blame game nor the I-told-you-so game, nor the Casandra prophesy game, but neither should we have historical amnesia. I have included as an addendum to this testimony, a snapshot of the public record showing how the same proposals to improve aviation security, since at least 1990, have been made over and over to the U.S. Government, only to be largely or completely ignored. These same security measures still remain to be done to secure American aviation and national security against terrorist attack.

I would like to close with some important questions for this Committee, the U.S. Government and the American people:

-Will American democracy rise to the terrorist challenge this time?

-Or will we revert to the feckless pattern of the past, minimizing or ignoring terrorism for the sake of short term commercial convenience?

As you hear the siren call of "normalization" please remember, even after Pearl Harbor and the German conquest of most of Europe, some powerful American and British industrialists and leaders sought trade, compromise and nearly business as usual with the enemy. Many others resisted common sense wartime security measures such as turning out the lights in coastal cities causing the loss of many merchant marine ships to submarine attacks. Americans have in the past often learned the hard way that enemies who declare war on the United States really mean it.

If our form of government and way of life is to survive, you must get deadly serious about

aviation security and terrorism. I fear that a second attack could destroy the U.S. Capitol, the White House and other landmarks and would show our present security and government officials as too weak and incompetent to defend America's national security. And make no mistake, no new form of terrorism has ever not been repeated many times over.

There is an old saying that says, "God looks after babies, drunks and the United States of America." The luck of the USA ran out on September 11th, 2001. Now we must make our own luck, or face the consequences. Again thank you for the opportunity of testifying before you today. I would be welcome any questions.