

UNITED STATES

SENATE

Committee on Commerce, Science and Transportation

Association of Flight Attendants - CWA, AFL-CIO

Testimony

By

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International President

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Mr. Chairman and Committee Members:

Thank you for holding this hearing and allowing us to comment on the Transportation Security Administration's (TSA) proposed changes to the current Prohibited Items List. We believe unequivocally that these proposed changes will further endanger the lives of all flight attendants and the passengers we work so hard to keep safe and secure. We remain perplexed why these items should be onboard the aircraft cabin and why the federal government will take a big step back in the post – September 11th efforts to make our aviation system the most secure in the world.

It has been more than 4 years since the terrible events of September 11, 2001, when 25 of our fellow flight attendants perished on those four deadly flights. Some of these fine individuals, all proudly wearing the uniforms of their respective carriers, were the first victims to be killed by the ruthless tactics of terrorists. Since then the Association of Flight Attendants-CWA, AFL-CIO, which represents 46, 000 flight attendants at 22 U.S. airlines, has worked diligently as a key industry stakeholder to assure that all flight attendants and passengers have the best possible chance for survival the next time they find themselves face to face with a terrorist. For this reason I will take this opportunity to set the record straight by examining the TSA "Fact Sheet" listed on the agency's official website as well as both the press release and Assistant Secretary Kip Hawley's prepared remarks at the National Press Club on December 2, 2005.

As per the website Fact Sheet, *“TSA is updating the prohibited items list to more effectively confront current threats to aviation. Changing the prohibited items list to allow certain high volume items that do not pose a threat enables TSOs [Transportation Security Officers formerly known as Screeners] to focus on identifying explosives.”*

FACT: In the 9-11 Commission Staff Monograph released September 12, 2005, Former FAA administrator Jane Garvey testified:

“On September 10, we were not a nation at war. On September 10, we were a nation bedeviled by delays, concerned about congestion, and impatient to keep moving. **And on September 10, based on intelligence reporting, we saw explosive devices on aircraft as the most dangerous threat.**”

Have we come so far that we find ourselves right back where we started from, facing the same regulatory culture of complacency and distraction, that today Assistant Secretary Hawley and TSA are thinking the same way that Administrator Garvey and the FAA were on September 10, 2001?

- *Small Scissors are Now Permitted*
Metal scissors with pointed tips and a cutting edge four inches or less, as measured from the fulcrum, are now allowed.

FACT: On the four flights of 9-11, several individuals including flight attendants, pilots and passengers lost their lives to edged weapons, i.e. knives and box cutters with cutting edges that were less than four inches long. All of these items were taken on the plane legally by each of the terrorists, who used them to cause enough fear in all of the remaining pilots, flight attendants, and passengers, that control of each of the flights was

lost. If these items are taken off the prohibited list, “random checks” of every would-be hijacker, be they trained terrorists or unruly passengers, will not save the lives of crewmembers or passengers 35,000 feet in the air.

Experts on edged weapons and aviation self-defense training were presented by TSA on June 9, 10, and 11, 2003 and they demonstrated that “improvised edged weapons” such as scissors can be used to stab or slice the throats of innocent flight attendants and passengers inside the cabin. Additionally, for this very reason, TSA’s own Federal Air Marshals are opposed to these items being taken off the prohibited list. Even trained law enforcement officers would prefer not to fight against an edged weapon in the close quarters of a commercial aircraft.

From Mr. Hawley’s characterization of these items as “low-threat” during his press release of December 2, 2005, it is clear that he must be listening to the wrong people inside his organization.

- *Tools*

Screwdrivers, wrenches, pliers and other tools, (except crowbars, drills, hammers, and saws) seven inches or less in length are now permitted

FACT: Like scissors, a screwdriver seven inches or less in length in the hands of a trained terrorist or an angry passenger can be improvised as a stabbing instrument similar to an ice pick. Furthermore, all of these tools can be used as torture devices potentially utilized on flight attendants and even passengers such as children in an effort to get the pilots to open the cockpit door and allow access by committed and ruthless hijackers.

And if that weren’t enough, all of these tools could be used inside the forward lavatories

to attempt access to the cockpit through the bulkheads, which are not reinforced like the doors themselves.

Since 9/11 significant advancements have been made in aviation security, including the installation of hardened cockpit doors, a substantial increase in the number of Federal Air Marshals, the establishment of the Federal Flight Deck Officer program, the 100 percent screening of all passengers and baggage and other measures. These initiatives have raised the bar in aviation security and shifted the threat.

FACT: Every passenger, including terrorists testing the system, knows that cockpit doors are opened for legitimate operations during many flights. Although these doors are a considerable improvement they, like every other layer of aviation security, are not 100% foolproof. There are no silver bullets. Thus, since neither Federal Air Marshals nor Federal Flight Deck Officers are on every flight, we must recognize that flight attendants and pilots are the only true professional first responders onboard every commercial airline flight.

Please don't misunderstand me; this is not to minimize the importance of the Federal Air Marshal program or the voluntary Federal Flight Deck Officer program. On the contrary, all crewmembers must be trained in the appropriate manner in which to interact with both these programs. Unfortunately, it is clear that these programs cover only a very small percentage of domestic flights and an even smaller number of international flights. We know this and we must assume the terrorists do too.

Again in his remarks at the National Press Club, Assistant Secretary Hawley stated *“These changes are consistent with and depend upon the **teamwork** that I just mentioned.”* He later reiterates *“Since 9/11, TSA has implemented multiple layers of security to reduce the risk that terrorists could hijack and take control of an airplane. These measures include hardened cockpit doors, a greatly expanded Federal Air Marshall Program, the Federal Flight Deck Officer Program which permits trained pilots to carry firearms, provided **additional security training to flight attendants**, and increased screening of passengers and baggage. The public itself has added its own significant layer of security by its vigilance and the high likelihood that in the event of terrorist activity on an aircraft without an Air Marshal, **passengers will take action.**”*

FACT: Neither flight attendants nor pilots have received what aviation self-defense experts would consider appropriate and effective self-defense training at even a basic level let alone any advanced levels that would train them in techniques that will allow them to defend themselves against the threat that these improvised weapons represent. Furthermore, based on the research, analysis and design thus far completed by tactical, medical, legal, and psychological subject matter experts working in conjunction with instructional systems design specialists, such training must be **mandatory** for all commercial flight attendants and pilots. We strongly believe that flight attendants and pilots are capable of learning and applying appropriate basic self-defense strategies, tactics, and techniques if the program is mandatory. However, they must all receive the same training, and work together as a **team** to immediately counter any apparent or potential threat.

AFA believes strongly that teamwork like that suggested by Mr. Hawley needs to occur both in the airports and on the aircraft. For this reason the law requires crewmember training to include clear teaching on **communication and coordination**. Crew communication and coordination is considered absolutely critical, as it relates to the survival of all crewmembers and passengers and the overall control of the aircraft. Even with hardened cockpit doors, the Federal Flight Deck Officers program, and the Federal Air Marshal program, all crewmembers must be prepared to immediately respond during a terrorist attack. **In these situations a lag in response time due to poor communications and coordination can prove just as fatal as it did on September 11, 2001. Even with the heroic efforts of those involved with Flight 93, this lag time proved fatal to all persons on-board the aircraft.** To facilitate this, AFA strongly believes that a wireless communication system for flight attendants, air marshals and pilots is of the utmost urgency. As Operation Atlas demonstrated in a simulated hijacking on June 4th this year in Boston involving more than 50 emergency response law enforcement and aviation organizations, one of the first things the mock hijackers did was disable the lines on the aircraft interphones in order to prevent communication between the cabin and the cockpit. These are items that the TSA and the FAA continue to drag their feet on, despite repeated calls by Congress to study and provide for such a communication system.

Lastly, regarding this point, Mr. Hawley's expectations that "passengers will take action" if Federal Air Marshals are not on-board, is a very big and risky assumption on behalf of flight attendants and other passengers. Let us not pretend for a moment that untrained

passengers can immediately overcome the fear and horror caused by seeing other individuals ruthlessly murdered before their very eyes. Overcoming a random actor or unruly passenger is one thing, but overcoming a well-planned and trained team of 5 or possibly even 12 terrorists in the close confines of a commercial airliner is a dangerous assumption indeed. It is well-trained flight attendants leading the resistance against these terrorists that is the greatest hope of mobilizing able-bodied passengers to protect the aircraft from being taken over and minimizing the loss of life in the cabin. Giving the terrorists scissors and tools will only make this effort harder and more dangerous. Also, anecdotal evidence from our members suggests that the number of abusive passenger incidents continue to increase to levels experienced prior to 9-11, many times the exact passengers Mr. Hawley expects to help, are in some cases those that we have the most to fear in terms of being under the influence of alcohol and other controlled substances. These items in their hands could wreak further havoc in the aircraft.

Assistant Secretary Hawley makes many other assertions as he attempts to justify these proposed changes. For instance, he says: *“The most important part of this announcement is the fact that we have evaluated our risk environment throughout the transportation sector, and based on a broad analysis of threat, vulnerability and consequence, we are devoting more focus on higher threat areas, like explosives;”* and *“The changes reflect not only a new and evolving threat environment, but also our determination to make good decisions based on data and metrics.”*

FACT: DHS readily admits that history and current intelligence tell us that the terrorists will eventually once again choose the aviation industry as a method of attack. As before the 9-11 attacks, the threat of terrorists and unruly passengers using allowable items against flight attendants and passengers in an effort to gain access to the cockpit or to cause serious bodily harm to crewmembers and passengers in the cabin is still very real. In fact, although much has happened, many efforts have been made and a great deal of money has been spent, I must sadly inform you that it is our sincere and professional opinion, that as I sit here today in front of this distinguished committee, that once a commercial aircraft is airborne, we are still not substantially better prepared to protect ourselves, our crew mates, or our passengers. Hence, our **vulnerability** is great and the **consequences** would be catastrophic to an aviation industry and a national economy still trying to fully recover from the events of September 11, 2001.

Moreover, the 9-11 Commission Aviation and Transportation Staff Recommendations given to Congress September 1, 2004 made the following recommendation:

RECOMMENDATION 2.2: In assessing risk among and within the various modes, DHS should take into account not only the threats to transportation as identified and assessed by the intelligence community but also the system's vulnerabilities, and the negative consequences of a successful attack.

(Note: Pre 9/11 the FAA's security system was primarily a threat-based system. Security measures were based mainly on the government's assessment of how terrorists might attack. This assessment was based generally on two factors: whether terrorists had used the tactic before and whether "specific and credible" evidence indicated that a particular kind of attack was in the offing. Because the United States can't always count on forewarning, risk assessment should factor in both our security vulnerabilities and the consequences of each type of possible attack, even in the absence of information that terrorists are planning to conduct a particular kind of attack.)

Simply put, the threat and vulnerabilities are still there and the consequences are just too high to risk putting legal items back in the hands of terrorists, which may lead to the same results. What metrics does TSA possess that change this fact?

Let me make clear that we do not disagree with the TSA's decision to put additional resources into detection of explosives and potential suicide bombers. What we disagree with is the decision to allow potentially deadly weapons in the hands of terrorists and disruptive passengers back onboard the aircraft. These items simply do not deserve to be in the cabin of the aircraft in the first place. In this case, the TSA is proposing to take two big steps backwards for one small step forward.

The vast majority of the American public is already trained to not bring these and other items onboard with them. They know that if there is any doubt about whether or not an item is allowed, they simply place it in their checked baggage and do not bring it along with them. Why should we again create confusion in the minds of the traveling public as

to what is allowed and what is not? Implementation of this policy will take us back to the months immediately following 9-11 when people were not clear on what was allowed onboard. Such confusion will only result in longer lines as individuals attempt to bring on items still on the prohibited items list which they assumed had been removed.

Further, if the concern of the TSA is to reduce the amount of time spent on screening bags and to focus on detection of explosives, we believe that a better use of the TSA's authority would be to uniformly and strictly enforce current carry-on baggage limitations. I know that carry-on bag limitations have been a concern for the distinguished Ranking Member of this Committee for a number of years primarily for safety reasons. We believe that 9-11 highlighted the further need for enforcement of strict limitations due to security concerns. Strictly enforcing the carry-on bag limitations at screener checkpoints would potentially cut down on the size and number of items that screeners must check and would free up their time to focus on explosive detection. As we have said before, it is easier to find the needle in the haystack when you have a much smaller haystack, not to mention a lot fewer of them. Uniform and strict enforcement of carry-on bag limitations is a win-win for everyone involved, as many U.S. airlines have long supported carry-on bag limitations for the reason it decreases the amount of time needed for boarding and deplaning of an aircraft.

Also, we believe that allowing these currently prohibited items onboard the aircraft as long as they are under a certain size limit could lead to even further delay at the security checkpoints as screeners have to stop the belt and measure an item to determine if it is

under the allowable size or is too large. Can someone adequately judge with their eye if some scissors are 3 ¾ inches or 4 ¼ inches? It would seem to us that most screeners would need to stop the belt repeatedly to determine if these items are allowable or not.

I leave you with some excerpts from a chilling letter sent to former FAA

Administrator Jane Garvey and 18 members of Congress on April 12, 2001 after flight attendant Ginny Cavins went through an eerily similar set of circumstances.

Dear Jane Garvey,

I am writing you on the growing and very disturbing issue of Air Rage. I am a flight attendant for Alaska Airlines and was involved in a major air rage incident on March 16th 2000. Two other flight attendants, the Captain, First officer and myself were victims of assault by a 250-lb passenger named Peter Bradley. A two and one half inch knife was pulled on another passenger who tried to calm the assailant. I was violently shoved out of the way of the cockpit door as I attempted to calm the passenger and return him to his seat. With two easy quick pulls Peter Bradley broke into the cockpit....He socked the Captain in the chest, struggled with the First Officer who held him back with the crash ax and lunged for the controls yelling he was going to kill us all! Seven passengers came to our aid by pulling him out of the cockpit and bringing him to the ground.....

My first major concern is that stronger cockpit doors be required.....

My second major concern is restricting knives onboard all aircraft and inside secured areas. Presently a four and one half inch blade and under is allowed. Our assailant had a two and one half inch blade and it could have killed any one of us....

We need your help.....You have the opportunity to make a difference. It could be you or your loved one onboard a flight next time an air rage or even a hijacking incident occurs....

Sincerely,

Ginny Cavins

Had Ginny's request been heeded perhaps 9-11 could have been avoided. Please don't ignore us this time. We still need your help. I strongly encourage you to cosponsor the Senate companion bill to H.R. 4452, being introduced by Senator Clinton, which would freeze the current list of prohibited items into place. Under this legislation TSA would not be allowed to remove potentially dangerous items from the prohibited list but could add items in the future. Please take a stand in helping to make flight attendants and passengers as safe as possible-cosponsor this vital and common sense security measure in place.

Thank you again for the opportunity to testify today.