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## NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

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### **Second public hearing of the National Commission on Terrorist Attacks Upon the United States**

### **Statement of James C. May to the National Commission on Terrorist Attacks Upon the United States May 22, 2003**

Mr. Chairman, members of the Commission, I am James May, president and CEO of the Air Transport Association of America. The ATA member airlines provide in excess of ninety-five percent of commercial air transportation in this country. Working through ATA, our members address common concerns of the airline industry and the government, including issues relating to aviation security. On behalf of the ATA, let me begin by thanking the Commission for the service it is performing—there can be no higher goal than ensuring that we learn everything possible from the events of September 11, 2001.

When I joined the Air Transport Association

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The Commission has released its final report. [\[more\]](#)

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The Commission closed August 21, 2004. [\[more\]](#)

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*Chair*

Lee H. Hamilton  
*Vice Chair*

earlier this year, one of the top priorities I was given by our board of directors was to build upon and improve the industry's already very strong relationship with the Transportation Security Administration (TSA).

In coming to better understand the TSA/ industry dynamic, I have, of course, been briefed on the history of the relationship between the government and the airlines relating to security, both before and after the events of 9/11. On that basis, let me offer a few observations relevant to your inquiry.

- On 9/11, the airlines administered an aviation security program, directed and approved by the Federal Aviation Administration (FAA), which originated 30 years earlier and had been developed, fundamentally, to avert the threat of a "conventional" hijacking. (That term refers to the type of hijacking pre-dating 9/11, which involved the diverting of aircraft and subsequent negotiations with the hijacker(s).) This system was specifically designed as a "prevent or deter" system and was not a more intrusive "prevent and detect" system. The system was designed by the government to screen passengers and their hand luggage for various prohibited items-predominantly guns, but including an array of other weapons and devices as well. These items were believed by the FAA and law enforcement to be the likely tools of choice for a hijacker. In the event of a hijacking, the policy, which reflected the government's long-standing assessment of how to respond to such situations, was one of cooperation.
- In addition, in cooperation with the government, the industry was engaged in deploying and testing various explosive baggage-screening technologies, to avert the threat of a terrorist bombing of an

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aircraft. Under the Security Equipment Integrated Product Team Program, which was established in the mid-1990s, approximately one hundred and sixty explosive-detection machines, purchased by the FAA, were installed and utilized by the airlines, to both screen for explosive materials and provide real-world testing of technologies that had been certified under laboratory conditions.

- While, with tragic hindsight, we can now see that the pre-9/11 government security regime in its totality did not anticipate this type of attack, I am aware of no deviation from the established screening laws and regulations in effect on 9/11 that contributed in any way to the terrorist attack on the United States.
- Let me be completely candid with regard to the reported role of box cutting devices in the attack. Under pre-9/11 FAA regulations only "knives with blades four inches long or longer and/or knives considered illegal under local law" were prohibited. Under a non-regulatory Checkpoint Operations Guide, developed by the FAA, the Regional Airline Association and the ATA, with FAA approval interpreting the FAA regulations, box cutting devices were considered a restricted item posing a potential danger. This meant that if such a device was identified, it could be kept off the aircraft. The FAA mandated metal-detection walk-through systems, however, were designed and tested to detect metallic items about the size of a small handgun or larger. The pre-9/11 screening system was not designed to detect or prohibit these types of small items, and we have no information indicating they were identified in the actual 9/11 screening of the terrorists.

- Prior to 9/11, there had not been a hijacking of a U.S. carrier since 1991. In the three years prior, that there had been three hijacking events involving U.S. airlines worldwide.
- In 2001, prior to 9/11, the FAA had issued fifteen Information Circulars relating security information to the industry. (An I.C. is used to communicate routine, non-specific security information.) Of these, four mentioned the term "hijacking"-three of them making a generic reference to the threat and one providing a more descriptive reference to a conventional hijacking concern. Beyond this, there was no general industry intelligence threat briefing conducted during the period and, no relevant Security Directive was issued. (A Security Directive generally deals with more definite threat information warranting a modification of security procedures.) Finally, if the FAA had more specific, credible threat information directed at a specific airline it would have been communicated directly through a secure transmission unit (STU). I am aware of no such communication.

Post 9/11, of course, the world changed. The legislation establishing the TSA put aviation security directly in the hands of the government. The events of 9/11 changed the threat equation, which the TSA is now dealing with-and they are meeting the challenge with the full cooperation and support of the airline industry. In the twenty months that have passed since 9/11, the entire aviation security regime has been revamped in response to the new threat.

Aviation security has been totally revised. All cockpit doors have been hardened to withstand an attack. Federal Air Marshals have been deployed in substantial numbers and, more

recently, armed Federal Flight Deck Officers have begun to be introduced into the system. New and improved training programs for crew members have been developed, approved and implemented. TSA conducts all passenger and baggage screening using procedures and equipment appropriate to the newly identified threat. All checked baggage is subject to explosive-detection screening. TSA is working with the airlines to develop information technology, taking advantage of known passenger information, to better determine where to focus its screening resources. Behind the scenes, the intelligence priorities and practices of the government have shifted dramatically. Finally, of course, the mindset of the government, the airlines, the security screeners, cockpit and cabin crews and society at large has been permanently changed by the events of 9/11.

The government's newly intensified intelligence focus is particularly important. The government has, at its direct disposal, the tools necessary to identify, assess and address or resolve evolving threat situations in a manner which was impossible under the bifurcated government/industry relationship that existed prior to 9/11. While no one would suggest that the current system has completed its development, it is strong and growing better each day, with experience and testing.

As to the future, the airline industry has long been on record advocating that, over time, the TSA security system evolve to focus more intensively on looking at people rather than searching solely for things. The events of 9/11 make that lesson inescapable. As I mentioned, the TSA is moving in that direction through the development of more sophisticated, computer-based technology-the so-called CAPPS 2 system-that will compliment and facilitate even better use of TSA's physical screening resources.

The second inescapable lesson from 9/11 is the

imperative for aggressive collection and analysis of intelligence, always searching for new and evolving threats. Because of the historic pattern of terrorists' targeting of aviation as a surrogate target for the United States, the airline industry has long sought intelligence resources dedicated to identifying and resolving terrorist threats to aviation. In the post 9/11 world, clearly, those resources are being utilized by the TSA as an activist consumer of intelligence information and it is our belief that today intelligences flow and analysis has improved dramatically. This re-orientation is indispensable. Deterring future acts of violence against U.S. civil aviation cannot occur without meaningful, real-time intelligence assessments.

It is imperative that, in the future, we recognize that the public interest demands an aviation security system that effectively deploys a prudent mix of technology and procedures capable of counteracting all vulnerabilities. The system must recognize that evolving threats require a continuous and accurate reassessment process, guided by the best-available information. The system must recognize, as well, that undue reliance on one or two technologies or procedures invites failure. Security must evolve and adapt to meet the changing nature of the threat.

In conclusion, I would again like to thank the Commission for its important work and reaffirm the commitment of the ATA member airlines to work unceasingly with the government to provide the safe and secure air transportation, upon which the public and our nation's economy relies.

National Commission on Terrorist Attacks Upon the United States  
The Commission closed on August 21, 2004. This site is archived.