

House Committee On Homeland Security, Subcommittee On Transportation Security & Infrastructure Protection holds a hearing on aviation security

October 16, 2007

CONGRESSMAN BILL PASCRELL, JR. (New Jersey): OK. I want to get to the second part. Thank you.

The report of screening failures at Newark Airport include the troubling news the Newark Airport personnel, including TSOs, the officers there, were interrogated by federal agents who were investigating the source of these leaked test results that reflected poor performance by the Newark screening staff in 2006. My impression at that time was they were more concerned about the whistleblowers than the deficiencies. That was my perception. I could be wrong. Right, Mr. Hawley? Or I could be right.

HAWLEY: Both are possible. Yes, sir.

PASCRELL: Both possible. OK.

These screeners and security personnel are our first line of defense against terrorism. They are the people on the ground who witness first-hand everyday the implementation of the security procedures we put in place. Their observations, the information we gather from them can be an invaluable resource. But it seems clear that TSA is more interested in silencing them in the interests of not being embarrassed, than they were in listening to their own employees. Just today in the Star-Ledger, in an entitled editorial, "Give Airport Screeners Whistleblower Protection," they cited very specific examples -- **Air Marshal Robert MacLean**, very specific examples in this editorial brought forth by a reporter, Ron Marsico from the Star- Ledger. It would seem to me, don't you think they should be protected? Don't you think employees should be protected?

HAWLEY: Yes, no question.

PASCRELL: How are we going to get to that point?

HAWLEY: We have those protections today. They are slightly different than under the Whistleblower Protection Act. I believe we said before Congress in other situations that we would not oppose changing to the other system. I agree wholeheartedly with the premise of your question, which is workplace intimidation, particularly in the security field, is a sickness, a vulnerability, and has to be stopped.

PASCRELL: So we have come a long way in the last few months, then, in implementing this.

HAWLEY: No. I think the issue is that if it is classified information that is given out publicly, that kicks it into a different realm in terms of investigation than merely a so-called "leak."

PASCRELL: Are you familiar with the **Robert MacLean** case?

HAWLEY: No.

PASCRELL: **Robert MacLean** was an air marshal. He was fired for alerting the public that the TSA was going to save money by removing marshals from the very kinds of flights targeted by the 9/11 hijackers. He was fired for that.

You are not familiar with that case?

HAWLEY: No.

PASCRELL: Mr. Hatfield, are you familiar with that case? Are you familiar with that case, Ms. Berrick?

BERRICK: No, I am not.

PASCRELL: You are not familiar with that case. Could you get familiar with the case and get back to us about what your perception is of this? Because this, to me, is unacceptable. I would hope the chairwoman would also agree this is unacceptable.

Two security training officers in Buffalo, New York were bounced for telling superiors that bags were being put on planes without proper explosive screening. An acting assistant federal security director was ousted after she complained that her boss was illegally flashing an assault rifle at an Oregon airport. You are not familiar with any of those cases?

HAWLEY: No, sir.

PASCRELL: Well, I wasn't making these up.

HAWLEY: No. I appreciate that.

PASCRELL: Well, where did they come from? I mean, you are not familiar. You are supposed to know these things that are violations and deficiencies within the system itself. You know, I don't agree -- and I am sorry the ranking member, my friend Mr. Lungren is not here, from California -- we can't accept a half-a-glass. That is not acceptable when it comes to the safety of human beings. That is not acceptable. We are not talking about other issues. We are talking about the protection of those folks who choose to use our airlines. I hope someday we will

be talking about those who choose to use our mass transit system, which 50 times more people use that every day as well.

I thank you, Madam Chairlady, for your indulgence, and I thank you, Secretary Hawley.