

February 27, 2002

The Paul Revere Forum: National Security Whistleblowers Speak, Canon House Office Building, Room 402

Statement of Bogdan John Dzakovic

Good morning. It is an honor and a privilege to have the opportunity to address such an esteemed audience.

The reason I am here is to point out that the terrorist attacks on September 11 could and should have been completely avoided. But the manner in which the Federal Aviation Administration failed to execute its mission to protect the flying public made it inevitable that terrorists could attack in this particularly heinous manner. On February 5, 2002 the Office of Special Counsel ordered the Secretary of Transportation to investigate my whistleblowing disclosure for "abuse of authority" and a substantial and specific danger to public health or safety, after finding a substantial likelihood my charges of misconduct by the Federal Aviation Administration were correct.

I am a 14-year veteran of the Security Division of the FAA. I started off as field agent and Federal Air Marshal based in Chicago, then served as a Team Leader in the Air Marshal program. Since 1995 I have served as a Team Leader in the Red Team.

The Red Team consists of a very small group of people whose sole job is to fly around the world and conduct simulated attacks against the United States' Civil Aviation Industry.

In short, we were extraordinarily successful in mock destroying aircraft and killing large numbers of innocent people in these simulated attacks. This occurred with such regularity and ease as to present a frightening picture of the sorry state of aviation security on a world-wide basis, including our domestic airports. This was all before 911.

Of even more concern to me was that the individuals who occupied the highest seats of authority in FAA were fully aware of this highly vulnerable state of aviation security, and did nothing. My immediate boss reported directly to the Associate Administrator for Aviation Security; and he of course reports directly to the Administrator of FAA. In 1998 I sent a memo through my chain of command to the Administrator of FAA attempting to have these issues addressed. I have yet to receive a response.

Coupled with this; virtually every expert on terrorism, for the last several years has been warning about the ever-growing threat to the United States by a new breed of terrorist willing to inflict mass casualties on innocent civilians. The first major wake-up call occurred in 1994, when terrorists planned on blowing up a dozen US commercial aircraft over the Pacific Ocean. Luckily, an accidental fire destroyed the apartment where the bombs were being constructed. The second major wake-up call occurred in

1995, when terrorists planned on crashing an airliner into the Eiffel Tower in Paris. Only the quick and decisive action by French commandos prevented this disaster. There were also additional indicators. You don't exactly have to be Sherlock Holmes to make the deduction that this is something US Civil Aviation should be particularly concerned about.

Regarding the vulnerabilities in aviation security that we identified in the Red Team and the standard response by FAA:

1. In 1996 I worked on a 6-month project in which we injected simulated bombs through the checked baggage system of a major European airport. We were successful in blowing up 31 aircraft out of 31 attempts in these simulated attacks. No action was taken to remedy this security problem and we have never been back to this airport.
2. In 1998 I was the team leader testing access control at a major domestic airport. We were successful in breaching security through their multi-million dollar computerized access control system approximately 85% of the time. No action was taken to remedy this security problem and we have never been back to this airport, or any other airport, to test security in this manner.
3. In 1998 the Red Team completed extensive testing of screening checkpoints at a large number of domestic airports. We were successful in getting major weapons (guns and bombs) through screening checkpoints with relative ease, at least 85% of the time in most cases. At one airport we had a 97% success rate in breaching the screening checkpoint. No action was taken to remedy this security problem and we have never been back to any airport to test security in this manner.
4. In 1999 our testing results of the approximately million dollar per unit CTX bomb detection machine was so poor that my boss ordered the Red Team to start notifying local FAA management several days before we were to conduct tests at a given airport. My next two trips to test security under these conditions resulted in 100% detection rates. I stopped making any notifications after this and our testing results returned to their normal low levels. Our government is now poised to spend \$2,000,000,000 on these machines.

Perhaps you've detected a pattern in the manner in which FAA addresses security problems identified by its own Red Team. This doesn't even include the problems identified by the hundreds of dedicated FAA Special Agents scattered around the country and around the world.

One might surmise that FAA's failure to compel improvements in civil aviation security, in the face of the very obvious and growing terrorist threat, could merely be an unfortunate case of very poor judgment on the part of certain individual FAA managers. However, it represents an almost ingrained tradition of bureaucratic denial and negligence that directly endangers the flying public.

All of us that work for the American People as public servants are required to take an oath of office, which reads generally as follows:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

If anything of value is to be achieved by the tragedy of Sept 11, it should be that accountability is instilled in government service. That no one will be able to hide behind some bureaucratic shield. Where does it say in the Constitution of the United States that government bureaucrats are unaccountable for what they do. Future generations of government officials must be certain, that when they decide to sell out their country for some hidden political agenda, or the promise of a future lucrative job in the industry that they regulate; that they will, in fact, be held accountable by the American People.

An essential first step is genuine whistleblower protection. My lawyers at the Government Accountability Project warned me that if I face retaliation for speaking out, it would be reckless to expect the law will protect me. If I am silenced by yanking my security clearance, I am not even eligible for the Whistleblower Protection Act. We all must support the leadership of congressional sponsors, and the work of GAP and other groups here today to restore genuine whistleblower rights. Those who defend the public must be able to defend themselves. That is a cornerstone to restore the original notion that this is a government of the people, for the people, and by the people.

In the meantime, I have no choice but to rely on your judgment on what type of protection I should have as a Whistleblower, as well as others that are sure to follow after today. Thank you for your attention.