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Friday
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[Foreign Flight School Fiasco](#)

By Annie Jacobsen in category [U.S. Homeland Security](#)

This morning on FOX News radio, [The Guetzloe Report](#), I discussed my recent piece for *Pajamas Media*, [Flight School Fiasco: No Lessons Learned After 9/11](#).



Most remember the shocking revelation.

Six months after Mohamed Atta and Marwan al-Shehhi piloted hijacked planes into the World Trade Center, the Immigration and Naturalization Service (INS) notified a Venice, Florida flight school that the men had been approved for visas.

The two terrorists were already dead, and so were the nearly 3,000 people they’d killed. The INS was caught with its pants down. There was no way for the unpopular agency to explain itself out of its horrific and embarrassing failure. Yet INS spokesman Russ Bergeron certainly tried when he said, “It does serve to illustrate what we have been saying since 1995 — that the current system for collecting information and tracking foreign students is antiquated, outdated, inaccurate and untimely.”

The INS unit was disbanded and the Transportation Security Administration (TSA) took its place in regard to monitoring foreign nationals for flight school eligibility. In September 2004 the Alien Flight Student Program went into effect, with TSA in charge.

Last week, in one of the most damaging reports on the TSA to date, ABC News revealed that in the program’s first year under TSA control, there were “some 8,000 foreign students in the FAA database who got their pilot licenses without ever being approved by the TSA.”

“Thousands of aliens, some of whom may very well pose a threat to this country, are taking flight lessons, being granted FAA certifications and are flying planes,” wrote TSA official Richard A. Horn in 2005, according to ABC. He was complaining that the students did not have the proper visas.

ABC also cited a former FAA inspector who tried to blow the whistle on the disaster waiting to happen, as documented on its website.

In addition, Pajamas Media has obtained an internal TSA memo — dated and stamped nine months after the FAA inspectors initially blew the whistle — which reveals that the current level of ineptitude inside the TSA is hauntingly similar to that of the INS on 9/11. [[See the memo below](#)]

TSA officials are wholly aware of major inaccuracies in the foreign flight school program and are promoting a do-nothing policy behind the scenes. The memo from Acting General Manager for General Aviation Robert Rottman states:

- * TSA is in charge of the foreign flight student program
- * Department of State (DOS) creates visa policy
- * Immigration and Customs Enforcement (ICE) enforces visa requirements
- * TSA employees are confused by “conflicting and ambiguous” policies
- * TSA officials “abstain” from taking any corrective action

“To date, the information received from the various agencies has been conflicting and ambiguous and has led to confusion and inconsistent application,” TSA’s Rottman writes. Hardly comforting words from an agency assigned to turn around the INS’s deadly internal confusion. Rottman made the TSA’s do-nothing policy painfully clear:

Currently DOS and ICE appear to have conflicting views on the appropriateness of B visas for flight training. Department of State, which has the responsibility for development of visa policy, contends that a B visa is appropriate for flight training. However, ICE, which enforces visa requirements, has asserted that B visas are not appropriate for flight training.

Rottman’s conclusion: “Based on the forgoing, TSA representatives having security inspection responsibility and oversight authority... will abstain from making visa appropriate or validity determinations until further notice, as appropriate.” In other words, if a foreign flight student has a B visa, which one agency says is okay but another agency says is not okay, TSA will look the other way.

Several days after the ABC story broke, Senator Charles Schumer held a Sunday afternoon press conference and demanded that the TSA be audited. Schumer called the TSA’s performance “spotty and inadequate.”

Debra Burlingame, whose brother Charles “Chic” Burlingame III was the pilot on American Airlines flight 77, which was flown into the Pentagon, thinks a TSA audit is not enough. “The situation is serious enough that an audit is not sufficient,” Burlingame told Pajamas Media. “One of TSA’s own flight school program overseers, Rick Horn, was concerned enough to go to the media, clearly because his own agency was unresponsive.

This security breach is too serious to let the TSA investigate itself. The TSA’s track record doesn’t instill confidence that it is competent to investigate itself.” Burlingame, whose articles and op-ed pieces on aviation security and public policy appear frequently in the Wall Street Journal, believes Senator Schumer should demand an immediate independent investigation.

Burlingame raised another important question, this one involving the players in TSA’s newest security failure. The memo obtained by Pajamas Media was addressed to Security Operations Assistant Administrator Mike Restovich — the same individual involved in a highly public TSA security cheating scandal last fall.

Restovich is the TSA official who was caught tipping off airport security directors about undercover bomb tests, essentially encouraging TSA airport directors to cheat. Associated Press reporter Eileen Sullivan broke the story, which resulted in Congressional hearings on the matter.

Chief Kip Hawley and Mike Restovich were ordered to testify, but only Hawley showed up. "Kip Hawley refused to explain the details of that incident to members of Congress," Burlingame reminded this reporter when questioned about Restovich's actions. She added: "Hawley told them TSA was investigating the matter. We're still waiting for answers."

So where was Mike Restovich if he wasn't answering to Congress like he was ordered to? He was sent to London on what one TSA employee told Pajamas Media amounted to "a cushy TSA job, overseas and out of sight." Indeed, 29 days after the cheating scandal broke, Restovich began his new job as the DHS Attaché to the United Kingdom.

With a Congress that demands answers but forgets about follow-ups, TSA's performances — be they tragedies in security or comedies about ethics — continue to roll along unfettered. Neither TSA, nor its parent agency DHS, would provide comment for ABC News on the flight school story. However, after the piece was published, TSA posted a dubious response on its website. The heading "myth busters" suggested that TSA was the victim of some unfortunate social phenomenon that spins tales from whole cloth.

The post contains some of the most oblique language available to an English speaker: "Each and every foreign national that applies for flight training at any FAA-certified school anywhere in the world is checked by TSA prior to beginning that training."

But what does "is checked" actually mean? Has TSA taken a page from the Bill Clinton playbook, and does "is checked" now depend on what the meaning of the word "is" is?

"If TSA was conducting an STA [Security Threat Assessment] and discovered a foreign flight student had a B-visa what would it do?" Pajamas Media asked TSA headquarters in an email.

A TSA official spokesman responded: "TSA conducts a battery of checks that address aviation security issues and potential vulnerabilities. In addition to our checks, we work closely with our DHS sister agency responsible to immigration law, ICE."

To which this reporter wrote in an email, "How come you are not answering my question?"

To which the TSA spokesman responded, "I did."

A reaction to that response is dependent on how one defines the word "did."

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