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*Via Email*  
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Re: Captain Mark Estabrook's Security Meeting

Gentlemen:

This letter follows a meeting between Captain Mark Estabrook, Mr. Ondra, Mr. Tice, and Captain Rob Fisher of Friday, August 9, 2013. According to my understanding, the following facts are operative:

1. In 2002, Captain Estabrook raised a security issue with Federal Express senior executives Bill Logue and Bill Henrikson, the FAA Administrator, and the Airline Pilots' Associations (ALPA) about the wisdom of publishing real time package and aircraft flight tracking data because the terrorists can use this information to set timers on bombs to maximize damage to aircraft and improve collateral targeting. Captain Estabrook did so as the FedEx ALPA Security Committee Chairman during the months that followed September 11, 2001 and thereafter.
2. In 2002, Captain Estabrook predicted that a bomb maker would use flight-tracking data to set the timers on bombs loaded onto FedEx aircraft to maximize the damage to the aircraft and surrounding targets.
3. In 2010, Al Qaeda terrorist and bomb maker Ibrahim al-Asiri used live tracking data to set the timers on bombs loaded onto a Federal Express aircraft and a UPS aircraft.
4. On Sunday, August 4, 2013, Captain Mark Estabrook first learned that Ibrahim al-Asiri used several "dummy" shipments several days prior to the actual deployment of the live bombs, which initiated an email to Federal Express System Chief Pilot William McDonald. In that email, Captain Estabrook requested a phone call with Fred Smith, Chief Executive Officer to express his ideas about improving security at

the airline. As a Federal Express pilot, Captain Estabrook is an “in-flight security coordinator” functioning within the purview of 49 CFR §1544.101, et seq.

5. At all times relevant to this letter, Federal Express has had in force and effect “if you see something, say something” security program consistent with the directives and promulgations of the Transportation Security Administration and the Department of Homeland Security. In fact, Federal Express is listed as a supporter of security initiatives on the website of the Department of Homeland Security concerning “if you see something, say something.”
6. The request of Captain Estabrook for the meeting was not out of the ordinary, since Captain Estabrook, a former military pilot who flew AWACS aircraft flying top secret JCS directed missions in the Persian Gulf and in the North Atlantic, also served on Secretary of Transportation Mineta’s ad hoc committee in the weeks following September 11, 2001, and proposed a number of security recommendations including (a) arming airline pilots which later became federal law under the Federal Flight Deck Officer (FFDO) Program, (b) requested an in-flight emergency recall procedure via electronic data link Aircraft Communications and Reporting System (ACRS), which was ultimately approved after Estabrook’s meeting with FedEx executive Bill Logue and Bill Henrickson in 2002; and (c) restricting cockpit jumpseat access, among other security enhancements.
7. Notwithstanding Captain Estabrook’s history with the company and with government officials toward maintaining aircraft security and safety, on Tuesday, August 6, 2013, Captain Estabrook was shocked to discover that he had been removed from flight status, this having been conveyed to Captain Estabrook by Captain William McDonald, System Chief Pilot, Manager/Director of Flight Operations.
8. Captain Estabrook is concerned that the action taken by Captain McDonald is a violation of federal law meant to invoke fear and intimidation in Captain Estabrook for reporting possible security threats and/or violations of federal law. See 49 USC §42121.
9. Captain Estabrook attended the meeting of Friday, August 9, 2013 with Messrs. Tice, Ondra and Fisher suggesting: (a) the removal of all flight and package tracking data from the internet and a request to Homeland Security that it order the remaining airlines to do so as well; (b) to start up an operations research group composed of mathematicians, statisticians, software engineers and game theorists to develop strategies to inhibit and prevent terrorist attacks directed towards aircraft; and (c) suggested finding out whether Auburn Calloway, a former Federal Express pilot who is in prison for hijacking a Federal Express aircraft and trying to kill three pilots

during FedEx Flight 705 on April 7, 1994, had converted to Islam and whether he might be feeding operational data to terrorists.

10. At the conclusion of Captain Estabrook's presentation, Mr. Ondra left the meeting. Captain Fisher and Mr. Tice did not ask any security related questions, but Mr. Tice was eager to ask Captain Estabrook whether he was the "Mark" posting disturbing information on a pilot bulletin board, that "Mark" allegedly having had a transient ischemic attack not disclose to his FAA Aeromedical Examiner. Captain Estabrook confirmed that he is not that individual and asked Mr. Tice if he had bothered to check the IP address of that person, to which Mr. Tice gave a negative response.
11. Mr. Tice and Captain McDonald, apparently laboring under the delusion that my client is the "Mark" publishing disturbing messages on an internet pilot bulletin board, had removed by client from flight status prior to the security meeting. After being notified by Captain Fisher at the end of the meeting that he would return Captain Estabrook to flying status, my client was later notified in the same day by Captain Fisher that company Security insisted he remain off of flying status indefinitely, or at least until Captain Estabrook undergoes a psychiatric evaluation.
12. In view of the fact that my client is an in-flight safety coordinator for Federal Express and was acting under the policies of Federal Express consistent with regulations and protocols published by the Transportation and Security Administration (49 CFR §1544.101, et seq.), demand is hereby made for the following:
  - (a) That Mr. Tice and Captain McDonald retract any accusations directed toward my client that my client is the person posting disturbing comments on a pilot bulletin board;<sup>1</sup> and that he has ever suffered any TIA.
  - (b) That Federal Express withdraw any request made by and through Chief Pilot Rob Fisher that my client undergo a psychiatric evaluation; and
  - (c) That Federal Express comply with the representations it has made on the internet that it follows the "if you see something, say something" policy of DHS/TSA and withdraw and abandon any acts of reprisal, intimidation or punishment directed toward Captain Estabrook, an in-flight safety coordinator, for raising legitimate security concerns with his employer.

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<sup>1</sup> It would be interesting to find out how many employees Federal Express has with the given name of "Mark."

Robert Tice, Esq.  
August 13, 2013  
Page 4

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I look forward to hearing from you in the near future.

Best regards,

  
Alan Armstrong

AA/kjw

Cc: Rob Fisher, Fleet Captain – Airbus Aircraft  
Todd Ondra, Director of Corporate Security  
Captain William McDonald, System Chief Pilot