

Exhibit 3

In The Matter Of:

IN RE: SEPTEMBER 11 LITIGATION No. 21 MC 101 (AKH)

THOMAS J. KINTON, JR.

January 25, 2011

CONFIDENTIAL
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1 DEERFIELD EAST - 1850
QUOGUE, N.Y. 11959

KINTON, JR., THOMAS J. - Vol. 1

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09:30:15 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:30:19 2 look at the state-of-the-art equipment that was 09:30:21 3 available for airports. 09:30:27 4 Q. Was ICAO, the International Civil Aviation 09:30:31 5 Organization, involved with this? 09:30:34 6 A. Not to my knowledge. They may have, but 09:30:35 7 not to my knowledge. 09:30:39 8 Q. I was just guessing because they're 09:30:40 9 headquartered in Montreal. 09:30:41 10 A. Exactly. 09:30:43 11 Q. Okay. How about the Airline Transportation 09:30:44 12 Association? Were they involved, to your knowledge? 09:30:46 13 A. No. Not to my knowledge. They may have 09:30:47 14 sent people. 09:30:47 15 Q. Okay. 09:30:51 16 A. But it was run by ACI -- or sponsored by 09:30:52 17 ACI, I should say. 09:30:54 18 Q. Okay. And what is ACI? 09:30:57 19 A. Airport Council International. 09:30:59 20 Q. Thank you. And in attending this 09:31:04 21 conference in Montreal on or about September 11, 2001 09:31:08 22 besides employees from Massport, did you -- were there 09:31:11 23 other personnel from the Logan Airport, either airline 09:31:14 24 personnel or security personnel, that were attending 09:31:14 25 this conference?	09:32:45 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:32:48 2 I first heard that something was going on. 09:32:50 3 I had previously just hung up from a 09:32:54 4 conversation with Ed Freni, my director of operations 09:32:58 5 at Logan, checking in, as I typically did, and being 09:33:01 6 told everything was fine, everything was all set, see 09:33:04 7 you tomorrow. Because I was due to come home on that 09:33:06 8 Wednesday. 09:33:09 9 And then subsequent to that, I heard that 09:33:13 10 conversation, and I recalled Massport operations, and 09:33:17 11 was told that -- you know, words to the effect that all 09:33:21 12 hell is breaking loose. It appears we've got an 09:33:25 13 aircraft missing. No mention of it being the one that 09:33:29 14 hit the tower. 09:33:31 15 So I asked to be connected to my secretary, 09:33:37 16 who I asked to make arrangements for me to get home 09:33:41 17 right away. And I told my staff, "Get your stuff. 09:33:48 18 Let's get back to the hotel. We're leaving." 09:33:52 19 I believe I also directed Joe Lawless and Ed 09:33:55 20 Freni to set up the emergency operations center and the 09:34:00 21 family assistance center at Logan Airport in 09:34:06 22 anticipation of it being one of our aircraft. We then 09:34:10 23 went back to our hotel, got our stuff. 09:34:13 24 I was told in a subsequent phone conversation 09:34:16 25 there were no flights. Air space was being shut down.
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09:31:16 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:31:19 2 A. Not to my knowledge, no. 09:31:21 3 Q. Okay. And when did you leave to go to that 09:31:22 4 conference? 09:31:30 5 A. I left on the Sunday before 9/11. 09:31:32 6 Q. Approximately September 9? 09:31:34 7 A. Approximately September 9th. 09:31:36 8 Q. And when was the conference originally 09:31:40 9 slated to end? 09:31:46 10 A. I believe it ended -- was slated to end on 09:31:47 11 Wednesday evening -- 09:31:47 12 Q. Okay. 09:31:52 13 A. -- of that week. 09:31:57 14 Q. Did the conference end when the news of the 09:32:04 15 September 11 events came to light? 09:32:06 16 A. It certainly ended for me. I can't speak 09:32:08 17 for everyone else, but I believe it did. 09:32:12 18 Q. Okay. What were you doing when you heard 09:32:16 19 about September -- the events on September 11 -- or 09:32:20 20 I'll just refer to the hijackings, of course? 09:32:23 21 A. I was in the exhibit hall, having 09:32:28 22 breakfast with a member of Massport staff, Sam 09:32:34 23 Sleiman, when I heard reference in a conversation 09:32:40 24 behind me of an aircraft -- a small aircraft that hit 09:32:40 25 one of the World Trade Center towers. So that's when	09:34:16 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:34:21 2 So we bypassed the terminals and went right to a 09:34:25 3 rent-a-car facility and rented a car. And there were 09:34:32 4 four of us that drove home from Montreal. 09:34:35 5 I made several phone calls back and forth to 09:34:40 6 learn that there was, indeed, a second aircraft -- as a 09:34:42 7 matter of fact, I had seen the second aircraft hit the 09:34:46 8 towers when I was -- flipped on CNN in the hotel room 09:34:50 9 prior to getting my personal effects. 09:34:52 10 Took the cab to the hotel, as I said, 09:34:55 11 went to the rent-a-car, made arrangements with our 09:34:58 12 state police in Boston to get us expedited across 09:35:00 13 the border because I presumed there would be 09:35:03 14 difficulty crossing the border, given what was 09:35:06 15 going on. And all of that was precleared, as well 09:35:10 16 as a state police escort from the state of Vermont 09:35:15 17 waiting for us to take us to the border of New 09:35:18 18 Hampshire and then New Hampshire state police 09:35:21 19 cruisers took us there and later took me to an 09:35:23 20 airport in New Hampshire where state police from 09:35:26 21 Massachusetts picked me up and flew me to 09:35:29 22 Logan Airport. 09:35:31 23 And throughout that, because of the 09:35:35 24 mountainous terrain we were in, I was in and out 09:35:35 25 of radio on the car, hearing CNN radio

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09:35:38 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 09:35:41 2 broadcasting the Pentagon was on fire. There was
 09:35:46 3 another aircraft perhaps heading for Washington to
 09:35:49 4 an unknown target, and that the World Trade
 09:35:52 5 Centers each were hit by aircraft, and I was
 09:35:55 6 learning in periodic phone calls from Logan
 09:35:57 7 officials that those aircraft were, indeed, from
 09:36:04 8 Boston, Flight 11 and 175.
 09:36:07 9 Q. I think you said when you first talked, you
 09:36:10 10 called back and -- during the second call of the day,
 09:36:14 11 you talked to Mr. Freni. I believe you said -- and
 09:36:17 12 correct me if I'm wrong -- that you started making
 09:36:23 13 arrangements to get back in anticipation if it was one
 09:36:26 14 of your aircraft. Did I say that right?
 09:36:26 15 A. Yeah.
 09:36:31 16 Q. Okay. Why did you -- why did you think or
 09:36:34 17 why did you anticipate it might be one of your
 09:36:34 18 aircraft?
 09:36:36 19 A. All I needed to hear was that it was
 09:36:43 20 suspected, and that was enough for me to get going.
 09:36:44 21 Q. And you mentioned you talked to your
 09:36:47 22 secretary. Who was your secretary on September 11?
 09:36:55 23 A. Donna Rasseo.
 09:36:59 24 Q. Is she -- was she right at Logan?
 09:36:59 25 A. Yes, she was.

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09:37:04 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 09:37:06 2 Q. I imagine she had a tough day.
 09:37:06 3 A. Mm-hmm.
 09:37:08 4 Q. What time did you get back, sir?
 09:37:14 5 A. Approximately 2 -- between 2 and 2:15 that
 09:37:24 6 afternoon I arrived at Logan.
 09:37:27 7 Q. And when you finally -- by the way, where
 09:37:30 8 were you when you first heard that at least one of the
 09:37:34 9 planes was from Logan?
 09:37:36 10 A. I believe I was in the rent-a-car on the
 09:37:44 11 phone on the way to the airport when at least we had
 09:37:49 12 confirmed that 11 was amongst the -- not only the
 09:37:53 13 missing, but confirmed aircraft that had hit one of
 09:37:53 14 the towers.
 09:37:56 15 Q. What was your first thought when you heard
 09:38:00 16 that one of the planes was from Logan?
 09:38:05 17 A. My worst nightmare. I've been in this
 09:38:09 18 business for 35 years, and this is something that you
 09:38:13 19 certainly prepare for, but you are never ready for it
 09:38:42 20 when it happens.
 09:38:48 21 Q. Now, when you got back to the airport
 09:38:51 22 between 2 and 2:15 on September 11, who did you speak
 09:38:59 23 with first?
 09:39:01 24 A. I'm not sure who I spoke to first. I
 09:39:01 25 recall getting a briefing right away from both Joe

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09:39:04 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 09:39:10 2 Lawless and Ed Freni, director of public safety and
 09:39:14 3 director of aviation operations, as to what they knew
 09:39:22 4 so far in the course of the investigation.
 09:39:25 5 Q. I just want to focus on that, sort of that
 09:39:28 6 very beginning information, that first meeting. What
 09:39:31 7 did they tell you?
 09:39:33 8 MR. WOOD: Objection.
 09:39:39 9 A. I remember reviewing the manifest from
 09:39:45 10 both flights, where they had highlighted the
 09:39:51 11 perpetrators of the event. Also, telling me they
 09:39:55 12 had -- and state police were present, as well, I
 09:39:59 13 believe -- that they had Mohamed Atta's bag that did
 09:40:04 14 not connect on a flight from Portland, U.S. Airways
 09:40:08 15 flight from Portland to Boston, connecting to 11.
 09:40:13 16 So within an hour or so, they had Atta's bag,
 09:40:18 17 and they told me the contents referencing the Quran and
 09:40:24 18 two flight manuals for a 757 and 767, Boeing-type
 09:40:24 19 aircraft.
 09:40:27 20 Q. Did they tell you anything else in the --
 09:40:29 21 among the contents of the bag?
 09:40:37 22 A. That's all I recall.
 09:40:39 23 Q. And you said they had a manifest and had
 09:40:43 24 highlighted the perpetrators. Did they tell you how
 09:40:43 25 they knew?

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09:40:44 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 09:40:46 2 MR. WOOD: Objection. Objection to the
 09:40:51 3 form on the grounds that it's a compound question.
 09:40:53 4 Q. Just so you know, this will happen
 09:40:57 5 periodically, and they will just state -- they have to
 09:41:00 6 state objection, and we just keep going, unless your
 09:41:02 7 counsel instructs you not to answer.
 09:41:02 8 A. I understand.
 09:41:06 9 Q. Okay.
 09:41:07 10 A. Question?
 09:41:10 11 Q. On the -- I can remember what it was. On
 09:41:12 12 the manifest, you mentioned that the perpetrators were
 09:41:19 13 highlighted. And you said somebody, either Mr. Freni
 09:41:22 14 or Mr. Lawless, one of those gentlemen told you that
 09:41:25 15 those were the perpetrators?
 09:41:26 16 A. Yes.
 09:41:34 17 Q. Did they tell you how they knew that?
 09:41:37 18 A. No. Not specifically, other than, you
 09:41:40 19 know, in conversations with the FBI.
 09:41:43 20 Q. Okay. Now, you mentioned somebody from the
 09:41:45 21 state police was there. Do you recall who that was at
 09:41:46 22 that meeting?
 09:41:50 23 A. No. I really don't recall. There were
 09:41:54 24 many. This briefing took place just outside the
 09:41:54 25 emergency operations center, so there were dozens of

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09:41:57 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:42:02 2 people in that area, police, other officials and so 09:42:04 3 forth. 09:42:07 4 Q. Do you recall seeing Mr. Kelly that day? 09:42:08 5 A. Yes. 09:42:14 6 Q. Okay. What was he doing that day? 09:42:18 7 A. He was conducting -- he was the major in 09:42:22 8 charge of Troop F at Logan International Airport so he 09:42:26 9 was conducting his operations as the officer in 09:42:31 10 charge. In our security plan, he would be the 09:42:35 11 individual primarily focused upon regarding security 09:42:36 12 issues. 09:42:38 13 Q. How long -- to your knowledge, how long had 09:42:44 14 he been in that position at Logan? 09:42:45 15 A. I really don't recall. 09:42:53 16 Q. Okay. And now not on 9/11, let's look at 09:42:57 17 days before 9/11. How many Massachusetts State Police 09:43:04 18 officers were ordinarily assigned to the airport, in 09:43:07 19 the airport? I'm not talking about the grounds, in the 09:43:09 20 airport? 09:43:16 21 MR. WOOD: Objection. 09:43:18 22 A. Troop F, I believe, at that time had about 09:43:24 23 88 personnel, thereabouts, assigned to Logan. And 09:43:31 24 they would be further enhanced, if you will, or 09:43:32 25 reinforced, if you will, with details, so-called	09:45:15 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:45:18 2 to be in quarters. 09:45:21 3 Q. All right. An airport -- let's start with 09:45:26 4 the terminal. Airport security in the terminal was the 09:45:35 5 responsibility of what groups? 09:45:40 6 A. Well, there were -- there were two primary 09:45:45 7 areas of responsibility referenced in the Federal Air 09:45:53 8 Regulations; one being Part 107, which was the FAR 09:45:56 9 that applied to Massport, in this case the state 09:45:59 10 police, who was our security agent, as well as FAR 09:46:03 11 108, which applied to the air carriers. 09:46:06 12 So there was a division of responsibility in 09:46:12 13 the airport that, you know, specifically pertained to 09:46:17 14 the security checkpoint and its operation, as well as 09:46:23 15 certain things onboard the aircraft, whereas the 107 09:46:28 16 responsibility was more of a perimeter security and a 09:46:31 17 response responsibility to the security checkpoint. 09:46:35 18 For instance, if the direct ringdown phone 09:46:42 19 were to call for assistance that we had to guarantee a 09:46:45 20 response within certain minutes in accordance with the 09:46:52 21 security plan that was FAA mandated. And so those were 09:46:58 22 the two primary areas that were split between airline 09:47:00 23 responsibility or jurisdiction and Massport 09:47:01 24 jurisdiction. 09:47:02 25 Q. All right. And help me out here. You said
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09:43:35 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:43:38 2 details, bringing other state police from other troops 09:43:41 3 that would work certain details that were available to 09:43:44 4 outside troops at the airport. 09:43:48 5 Q. And they were assigned inside the terminals 09:43:53 6 or on the -- or terminals and airport property? 09:43:55 7 A. "They" being? 09:43:56 8 Q. The state police. 09:43:57 9 A. Both. 09:44:18 10 Q. Both. Okay. Did you talk to Mr. Kelly -- 09:44:20 11 by the way, is it Major Kelly? 09:44:21 12 A. It was Major Kelly. 09:44:23 13 Q. Did you talk to Major Kelly on 09:44:27 14 September 11, 2001? 09:44:29 15 A. Not that I recall specifically. I very 09:44:32 16 well could have. I talked to a lot of people that 09:44:32 17 day. 09:44:46 18 Q. Okay. Now, the Massachusetts State Police, 09:44:51 19 when they work in the terminal -- and we're talking 09:44:54 20 about up to and including September 11, 2001, not 09:44:57 21 today -- when the Massachusetts state police work in 09:45:03 22 the airport terminal, to whom did they answer? 09:45:09 23 A. They answer to the supervisor on duty at 09:45:12 24 the state police at the time; a sergeant, a 09:45:13 25 lieutenant, maybe a captain, if the captain happened	09:47:05 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:47:08 2 the security plan which was FAA mandated. Are you 09:47:14 3 referring to the Logan Airport security plan? 09:47:15 4 A. Yes. 09:47:19 5 Q. Okay. And that security plan was developed 09:47:23 6 by Massport? 09:47:23 7 A. Correct. 09:47:25 8 Q. And submitted to the FAA? 09:47:26 9 A. Correct. 09:47:29 10 Q. And then the FAA said, "It's okay, use this 09:47:30 11 plan"? 09:47:35 12 A. It was -- I mean, we had a series of 09:47:37 13 things. As the airport operator, we would have to 09:47:43 14 submit to the FAA to ensure that our certificate to 09:47:48 15 operate was in compliance, and that involved a 09:47:54 16 security plan, an emergency plan, a snow plan, various 09:47:58 17 other training manuals and so forth that all got 09:48:05 18 checked on an annualized basis by the FAA. Air field 09:48:09 19 operations, as well as security, and ultimately it was 09:48:14 20 signed off by the FAA that we were in compliance. 09:48:16 21 So it was an exercise we went through on an 09:48:17 22 annual basis. 09:48:20 23 Q. Now, that security plan -- by the way, was 09:48:22 24 it called the Massport Security Plan? 09:48:23 25 A. I think it was called the Logan Airport

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09:48:25 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:48:25 2 Security Plan. 09:48:28 3 Q. Okay. And that Logan Airport Security Plan 09:48:33 4 was unique to Logan? 09:48:34 5 A. Yes. 09:48:37 6 Q. So Miami airport has their own? 09:48:43 7 San Francisco has their own? Honolulu, I don't suppose 09:48:46 8 has snow removal, but each airport has their own 09:48:46 9 security plan? 09:48:47 10 A. That's correct. 09:48:49 11 Q. And they develop that security plan in, 09:48:53 12 what, response to their local or area needs and 09:48:57 13 conditions? 09:49:01 14 A. Yes. It's -- what I would refer to as 09:49:08 15 sort of minimum standard that we had to comply with. 09:49:11 16 We certainly went above and beyond in many instances, 09:49:13 17 but there were certain things you had to comply with 09:49:16 18 in order to be certificated by the Federal Aviation 09:49:22 19 Administration, and that is what was in these plans. 09:49:27 20 Some were unique to your location. Others 09:49:31 21 were probably very common amongst various airports. 09:49:34 22 But it pertained to gates and doors and perimeter 09:49:37 23 security, and, as I mentioned earlier, response -- 09:49:41 24 so-called "flex response" to the security checkpoints. 25 Q. But that plan was something that -- that	09:51:20 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:51:22 2 read it, did you see any statements in there concerning 09:51:27 3 the hijackers having box cutters? 09:51:27 4 MR. ROSS: Objection. 09:51:27 5 A. Yes. 09:51:30 6 Q. And what do you recall about the hijackers 09:51:32 7 having box cutters that you saw from the 09:51:34 8 9/11 Commission report? 09:51:35 9 MR. ROSS: Objection. 09:51:39 10 A. I really don't recall any from the report. 09:51:44 11 I just recall discussions at Logan relative to some 09:51:48 12 phone calls that were made by flight attendants 09:51:53 13 onboard one of the aircraft that -- I believe to a 09:52:01 14 supervisor in Boston, that referenced a box cutter. 09:52:04 15 Q. And those conversations that you just 09:52:06 16 mentioned, who did you -- were you involved in those 09:52:09 17 conversations? 09:52:11 18 MR. WOOD: Objection. 09:52:12 19 Q. Not the conversation with the flight 09:52:13 20 attendant. 09:52:13 21 A. No. 09:52:15 22 Q. I assume you were not involved in the 09:52:17 23 conversation with a flight attendant. 09:52:18 24 A. Not at all. Not at all. 25 Q. Do you know Mr. Woodward, by the way?
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09:49:45 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:49:51 2 you folks, you and your team at Logan, worked on; is 09:49:54 3 that correct? 09:49:56 4 A. I'm not sure I ever worked on it, but my 09:50:23 5 team certainly worked on it. 09:50:26 6 Q. At some point, did you hear that the 09:50:29 7 hijackers -- and I'm just talking about the hijackers 09:50:34 8 as a group on September 11, the 19 hijackers -- at some 09:50:39 9 point did you hear that the hijackers had knives and/or 09:50:42 10 box cutters? 09:50:43 11 MR. WOOD: Objection. 09:50:44 12 MS. SCHIAVO: I'll break it down. 09:50:46 13 Q. At some point, did you hear that the 09:50:50 14 hijackers had -- let's start with knives? 09:50:50 15 MR. WOOD: Objection. 09:50:52 16 MR. ROSS: Objection. 09:50:55 17 A. I did not hear that, no. 09:50:58 18 Q. Did you read the 9/11 Commission report? 09:50:58 19 A. Yes. 09:51:02 20 Q. Okay. In the 9/11 Commission report, did 09:51:10 21 you see in the 9/11 Commission report that -- their 09:51:16 22 statements in there about hijackers having knives? 09:51:17 23 MR. ROSS: Objection. 09:51:18 24 A. Not that I recall, no. 25 Q. In the 9/11 Commission report, when you	09:52:24 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:52:25 2 A. I've heard the name. Yes. 09:52:28 3 Q. Okay. So then someone must have told you 09:52:29 4 about those conversations. 09:52:29 5 A. Yes. 09:52:30 6 Q. Is that correct? 09:52:30 7 A. Yes. 09:52:32 8 Q. Who told you about those conversations? 09:52:34 9 A. I don't know. But somebody absolutely 09:52:35 10 told me. Yes. 09:52:37 11 Q. Okay. And did you have discussions with 09:52:41 12 anyone about that flight attendant's report of box 09:52:43 13 cutters on the plane? 09:52:45 14 A. I'm sorry. Repeat the question. 09:52:46 15 Q. Did you have any discussions with anyone 09:52:52 16 else concerning -- besides however you heard about it, 09:52:56 17 concerning the box cutters, report of box cutters on 09:52:57 18 the plane? 09:52:58 19 MR. ROSS: Objection to form. 09:52:59 20 A. I may have, but I can't recall 09:53:03 21 specifically. 09:53:06 22 Q. Did you do anything at the airport -- now, 09:53:09 23 I don't want to get into anything you did with the TSA 09:53:10 24 after the TSA took over. 25 Did you do any investigation at the airport

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09:53:14 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 09:53:17 2 concerning the report of box cutters?
 09:53:17 3 MR. WOOD: Objection.
 09:53:18 4 A. Yes.
 09:53:21 5 Q. Okay. What did you do?
 09:53:27 6 A. We searched every aircraft that was on the
 09:53:31 7 ground that came back to the gate or was prepared for
 09:53:35 8 departure that morning. We searched them several
 09:53:42 9 times, looking for any kind of weapons, as well as,
 09:53:46 10 you know, searching the terminals when they were shut
 09:53:53 11 down, lockers, restrooms, above ceilings, you know.
 09:53:59 12 We -- looking for any evidence whatsoever. But I
 09:54:04 13 remember having the state police search -- and bomb
 09:54:07 14 dogs, obviously, were searching the planes, as well,
 09:54:10 15 to ensure that there wasn't any secondary device
 09:54:16 16 perhaps left behind by the hijackers.
 09:54:18 17 So in the course of those actions, we were --
 09:54:23 18 we were looking for any weapons, as well as, you know
 09:54:26 19 any box cutters that may have been secreted on aircraft
 09:54:29 20 under seats, in the overhead bins and whatnot.
 09:54:32 21 Q. And this was on September 11, 2001?
 09:54:34 22 A. That's correct.
 09:54:37 23 Q. Okay. Did you find anything?
 09:54:41 24 A. Not to my knowledge, no.
 25 Q. Did you conduct a thorough search of the

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09:54:44 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 09:54:45 2 airport terminals?
 09:54:46 3 A. We did.
 09:54:48 4 Q. Did you conduct a thorough search of the
 09:54:52 5 airport, I'll call it air side of the airport property,
 09:54:57 6 under security outside of the terminal?
 09:55:01 7 A. We searched everywhere multiple times, in
 09:55:09 8 addition to towing some 3000 cars that were parked in
 09:55:12 9 our garage because of the proximity of those cars to
 09:55:16 10 the terminal building. Again, to ensure there was no
 09:55:20 11 secondary device that once we opened, we didn't want
 09:55:26 12 to endanger the traveling public, because we had
 09:55:28 13 determined that a group of the hijackers had actually
 09:55:34 14 arrived in a vehicle and parked it in our garage.
 09:55:36 15 Q. Now, when were you conducting that search
 09:55:41 16 on -- not you alone, but you and your personnel -- by
 09:55:45 17 the way, was that airport -- Massport personnel plus
 09:55:47 18 Massachusetts State Police?
 09:55:48 19 A. Yes.
 09:55:54 20 Q. Okay. Anyone else involved in that search?
 09:55:57 21 A. There may well have been. Could have been
 09:56:00 22 FBI, could have been District Attorney's office, U.S.
 09:56:03 23 Marshals. I mean, we had a full-blown response to
 09:56:07 24 this investigation because this is where the evidence
 25 was turning up.

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09:56:11 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 09:56:14 2 Q. And tell me, again, what they were looking
 09:56:16 3 for.
 09:56:21 4 A. We were looking for anything that may have
 09:56:30 5 been left behind, from a bomb to a knife to a gun.
 09:56:33 6 Perhaps there were more aircraft that were destined to
 09:56:37 7 go down that day, and so that's why we focused on
 09:56:40 8 airplanes that were brought back from the tarmac and
 09:56:43 9 never got off the ground. Focused on them quite a
 09:56:49 10 bit, as well as I said, the terminals and the grounds
 09:56:51 11 and the garages and so forth.
 09:56:53 12 As a matter of fact, we delayed opening the
 09:56:57 13 airport when the all-clear was given to open by FAA
 09:56:59 14 that week. I believe it was Thursday afternoon. We
 09:57:03 15 remained closed until Saturday morning, when we were
 09:57:07 16 comfortable that we had absolutely satisfied ourselves
 09:57:11 17 that it was safe to reopen.
 09:57:22 18 Q. Okay. Did the personnel that you've
 09:57:24 19 mentioned searching the airport, were they -- did they
 09:57:29 20 also look for pepper spray and/or Mace?
 09:57:33 21 A. Again, they were looking for anything
 09:57:35 22 unusual.
 09:57:37 23 Q. How about wire?
 09:57:40 24 A. Again, anything that was out of the
 25 ordinary, out of place, that shouldn't be there or

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09:57:42 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 09:57:45 2 would lead them to believe something suspicious was
 09:57:48 3 going on. That's what they're trained to do, and
 09:57:49 4 that's what they were looking for.
 09:57:53 5 Q. On September 11, did you hear on
 09:57:58 6 September 11 about the phone call from one of the
 09:58:02 7 planes back to Mr. Woodward?
 09:58:05 8 A. I heard the phone call back to a Logan
 09:58:08 9 supervisor at American. I don't recall his name.
 09:58:10 10 Q. Okay.
 09:58:14 11 A. And it was Amy Sweeney, I think, who made
 09:58:16 12 the call, the flight attendant on 11.
 09:58:19 13 Q. And did -- in addition to just learning
 09:58:22 14 that that call had been made, did you hear, generally,
 09:58:24 15 the content of that call?
 09:58:24 16 A. I did not.
 09:58:45 17 Q. Okay. If you didn't hear the content of
 09:58:55 18 the call, how did your people know to look for weapons
 09:59:08 19 or box cutters or bombs or things at the airport?
 09:59:09 20 MR. ELLIS: Object to form.
 09:59:12 21 A. Because we had two planes hijacked. This
 09:59:16 22 was clearly a game changer, what had happened that
 09:59:21 23 day. No one expected they would fly the airplanes
 09:59:24 24 themselves and turn them into weapons of mass
 25 destruction.

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09:59:25 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 09:59:27 2 So there was reports in the media that there 09:59:33 3 were Uzis and there were bombs and there were knives 09:59:35 4 and -- you know, that we just wanted to satisfy 09:59:38 5 ourselves and look for anything and everything. As you 09:59:51 6 would do in a thorough investigation of this magnitude. 09:59:54 7 Q. Now, as a person responsible for security 10:00:05 8 at a Category X airport, you would undoubtedly know 10:00:08 9 I think you already mentioned you did. You know what 10:00:12 10 the Air Carrier Standard Security -- the ACSSP is, 10:00:13 11 correct? 10:00:14 12 MR. WOOD: Objection. 10:00:16 13 MR. ROSS: Objection to form. 10:00:17 14 MS. SCHIAVO: I'll rephrase. 10:00:19 15 Q. You were responsible for security at 10:00:19 16 Logan Airport? 10:00:22 17 A. Right. Yes. 10:00:23 18 Q. Logan Airport is a Category X airport, 10:00:24 19 correct? 10:00:24 20 A. Correct. 10:00:30 21 Q. Okay. I don't think I have to go further 10:00:36 22 on that one. And at a Category X airport -- at any 10:00:40 23 airport in the United States, under part -- you told me 10:00:44 24 about Part 107, Federal Aviation Regulations Part 107, 25 which deals with airport security, generally, correct?	10:02:13 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:02:14 2 is? 10:02:16 3 A. No. 10:02:18 4 MR. ROSS: Objection. 10:02:19 5 MR. ELLIS: Objection. 10:02:20 6 MR. FEAGLEY: Objection. Asked and 10:02:22 7 answered. 10:02:26 8 Q. Did you ever review any ACSSP? 10:02:27 9 MR. WOOD: Objection. 10:02:30 10 A. Not to my knowledge. You know, again, I 10:02:32 11 don't know what it is and what it refers to. 10:02:45 12 Q. Okay. Sir, did you have a Sensitive 10:02:49 13 Security Information clearance -- I don't want to get 10:02:53 14 into now -- up to and including September 11 -- up 10:02:56 15 through and including September 11, 2001? 10:02:56 16 A. I did. 10:03:03 17 Q. Okay. And just for purposes I have to lay 10:03:05 18 a foundation so I can ask some further questions. Do 10:03:08 19 you have an SSI clearance today? 10:03:09 20 A. I do. 10:03:31 21 Q. Okay. How did you know what was not 10:03:40 22 allowed in the sterile area of the airport? 10:03:41 23 MR. ELLIS: Objection. 10:03:46 24 A. I'm not sure I did. I mean, I knew guns 25 weren't allowed and, you know, any kind of weapons. I
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10:00:48 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:00:49 2 A. Correct. 10:00:52 3 Q. And are you familiar with Federal 10:00:54 4 Aviation -- just generally, Federal Aviation 10:00:59 5 Regulations, Part 108? 10:01:03 6 A. Generally. Yes. 10:01:06 7 MR. FEAGLEY: Objection. 10:01:09 8 Q. No. I'm referring to Part 108. 10:01:09 9 A. Yes. 10:01:13 10 Q. Okay. And Part 108 is generally -- refers 10:01:18 11 to the security requirements on airlines or -- excuse 10:01:22 12 me, air operators; is that correct? 10:01:23 13 A. That's correct. 10:01:28 14 Q. Okay. And one of the things that 10:01:35 15 operators, airlines have to do under Part 108 is 10:01:43 16 develop an Air Carrier Standard Security plan? 10:01:45 17 MR. ELLIS: Objection to the form. 10:01:46 18 Q. I'll stick with the question. You can 10:01:47 19 answer. 10:01:50 20 A. Again, I'm not exactly sure of the title 10:01:54 21 that you're using. I know they needed to supply to 10:01:58 22 the airport operator their emergency plan in the event 10:02:04 23 of an aviation disaster or plane crash, but not 10:02:07 24 anything to do with their security. 25 Q. Okay. Are you familiar with what an ACSSP	10:03:52 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:03:57 2 had seen reports of items recovered at the security 10:04:01 3 checkpoint, so I had some knowledge that, you know, 10:04:04 4 certain brass knuckles or whatever and other things 10:04:07 5 would be confiscated by the security checkpoint 10:04:10 6 personnel and not allowed through. But I wasn't 10:04:19 7 familiar with every single thing. 10:04:22 8 Q. Now, the police officers -- the 10:04:26 9 Massachusetts State Police officers that served in the 10:04:28 10 terminal -- let's just talk about the terminal -- 10:04:37 11 sometimes did some of those serve at the checkpoints? 10:04:42 12 A. There was no -- I mean, there was no 10:04:47 13 requirement to staff the checkpoint. There were -- 10:04:49 14 years ago there was a requirement to staff the 10:04:52 15 checkpoint, but that had changed. So -- 10:04:53 16 Q. What do you mean "staff the checkpoint"? 10:04:56 17 A. That we were required to have an LEO, law 10:04:59 18 enforcement officer, present at each and every 10:05:03 19 security checkpoint when it was opened in a stationary 10:05:03 20 position. 10:05:06 21 Q. And what was the LEO, the law enforcement 10:05:09 22 officer, supposed -- before it changed when they had to 10:05:11 23 be stationed at the checkpoint, what were they supposed 10:05:12 24 to do? 25 MR. WOOD: Objection.

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10:05:15 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:05:18 2 A. Respond to any issue that may arise 10:05:26 3 regarding a security incident. 10:05:30 4 Q. I'm not sure I understand. You mean, what, 10:05:34 5 if somebody -- if somebody hit somebody? 10:05:35 6 A. I would hope so, yeah. 10:05:37 7 Q. If somebody threatened somebody? 10:05:38 8 A. Sure. 10:05:39 9 Q. If somebody tries to take something through 10:05:42 10 the checkpoint that they're not supposed to? 10:05:43 11 MR. WOOD: Objection. 10:05:45 12 A. They have no knowledge of that, unless 10:05:47 13 they're called by the security checkpoint company, 10:05:50 14 even when they're there. They're not viewing the 10:05:53 15 magnetometer screen -- or magnetometer alarms. 10:05:55 16 They're not viewing the x-ray screens, so 10:05:58 17 they would not have any knowledge of that unless they 10:06:02 18 were summonsed to the scene by the security checkpoint 10:06:05 19 personnel. 10:06:08 20 Q. And were they ever summonsed to the scene by 10:06:09 21 security checkpoint personnel? 10:06:11 22 A. Sure. 10:06:12 23 Q. Do you recall any instances in which they 10:06:14 24 were? 10:06:14 25 A. Not specifically, no. I mean, I know,	10:07:52 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:07:54 2 A. Sure. 10:07:55 3 Q. Based on what? 10:07:58 4 A. Based on his or her professional training 10:08:06 5 that that person was a threat and, in their judgment, 10:08:10 6 denied them the right to fly. 10:08:13 7 Q. How about looking at items seen by 10:08:18 8 screeners? Did law enforcement officers review items 10:08:20 9 detected by screeners at the checkpoint? 10:08:23 10 A. From time to time, yes. 10:08:24 11 Q. And why did they do that? 10:08:28 12 A. Well, there may be occasions where a 10:08:33 13 screener thought they may have seen something, and 10:08:40 14 that person or piece of garment bag or whatever had 10:08:41 15 left the area. 10:08:45 16 And so they would freeze the image for the 10:08:49 17 law enforcement officer and others to look so that we 10:08:52 18 could see if it was something that warranted shutting 10:08:56 19 the concourse down and having people get rescreened or 10:09:01 20 going to look for the individual to search their 10:09:05 21 carry-on or personal items to see if, indeed, there was 10:09:11 22 a weapon. So there were occasions like that. 10:09:16 23 Q. Well, certainly they -- strike that. They 10:09:21 24 did not -- they didn't have to wait to call a law 10:09:24 25 enforcement officer until the person left -- the
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10:06:16 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:06:23 2 particularly when they were removed from the 10:06:27 3 stationary post and we went into a thing called "Flex 10:06:32 4 response" where we had to guarantee a timely response 10:06:37 5 to a call from the security checkpoint, that there 10:06:41 6 were many calls. 10:06:44 7 Q. And when was this -- when was this change 10:06:48 8 in policy that they didn't -- that the law enforcement 10:06:51 9 officer was not stationed at each checkpoint, but, 10:06:53 10 rather, would be subject to call? 10:06:58 11 A. I'm not sure of the year, but it was 10:07:01 12 sometime prior to 9/11. It was not months or days, 10:07:03 13 but I believe several years. 10:07:09 14 Q. Okay. And when they were called to the 10:07:15 15 checkpoint, what were they to do at the checkpoint? 10:07:19 16 MR. WOOD: Objection. 10:07:25 17 A. Whatever the call entailed. A law 10:07:27 18 enforcement officer is trained to deal with the 10:07:31 19 situation and either arrest the person, if it 10:07:35 20 warranted that; clear the person to fly, if it 10:07:39 21 warranted that; or simply deny them the right to fly 10:07:44 22 and have them go rebook. Again, it depended on the 10:07:45 23 circumstances. 10:07:50 24 Q. The LEO made the decision to deny someone 10:07:52 25 the right to fly?	10:09:23 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:09:29 2 passenger left the screening checkpoint, did they? 10:09:30 3 MR. ROSS: Objection to form. 10:09:31 4 A. This was in the case where they lost 10:09:33 5 control of the passenger. This would be a case where 10:09:38 6 the passenger left and a screener called their 10:09:42 7 supervisor, I think something was in that bag, and the 10:09:46 8 person looks like this, and is a female, male, 10:09:49 9 whatever, and has left the security checkpoint. So, 10:09:51 10 yeah, that was certainly possible. 10:09:52 11 Q. Were law enforcement officers called to the 10:09:55 12 checkpoint to make decisions on whether to confiscate 10:10:02 13 items? 10:10:08 14 A. They very well could have been. Yes. If 10:10:12 15 something was illegal in the state of Massachusetts, 10:10:18 16 and it was seen, they certainly would confiscate the 10:10:23 17 item. And, as I say, may even do more, based on what 10:10:36 18 the item was. 10:10:40 19 Q. Well, you used brass knuckles as an example 10:10:44 20 a moment ago. If a screener found brass knuckles, were 10:10:47 21 they supposed to call a law enforcement officer? 10:10:48 22 MR. FEAGLEY: Object to the form and 10:10:48 23 foundation. 10:10:49 24 MR. WOOD: Objection. 10:10:49 25 A. I don't know.

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10:10:50 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:10:55 2 Q. How about box cutters? 10:10:55 3 MR. FEAGLEY: Same objection. 10:10:56 4 A. I don't know. 10:10:59 5 Q. How about pepper spray? 10:10:59 6 MR. FEAGLEY: Same objection. 10:11:01 7 A. Again, I don't know what was specifically 10:11:06 8 prohibited. I only know, having seen a list of things 10:11:12 9 that was provided to us monthly, that items like that 10:11:15 10 were on there, for whatever reason. 10:11:17 11 Q. And the list of things that was provided to 10:11:20 12 you monthly, who provided that list to you? 10:11:22 13 A. I mean, not to me. To our state police. 10:11:24 14 Nobody provided anything to me. 10:11:26 15 Q. I understand. To your -- to your -- the 10:11:27 16 personnel who worked for you? 10:11:28 17 A. Mm-hmm. 10:11:30 18 Q. Who provided that list? 10:11:33 19 A. I don't know. It may have been the FAA or 10:11:35 20 could have been the airlines or the security 10:11:38 21 companies. I'm not sure who. 10:11:42 22 Q. And do you recall what the list was called? 10:11:45 23 A. No. 10:11:48 24 Q. If I said prohibited items, does that sound 10:11:49 25 familiar?	10:12:53 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:12:53 2 foundation. 10:12:54 3 MR. WOOD: Objection. 10:12:58 4 A. I think it was to tell us things that were 10:13:03 5 confiscated. And in some instances, we may have been 10:13:09 6 involved, directly, as a result of a flexible response 10:13:11 7 to the checkpoint. 10:13:14 8 Q. Oh, so I might be misunderstanding. So 10:13:16 9 this was a list that was provided to you after the fact 10:13:19 10 of things that had been confiscated? 10:13:21 11 A. Correct. 10:13:24 12 Q. And this was not a list provided to you to 10:13:27 13 give guidance to your law enforcement officers of what 10:13:30 14 was not to go into the sterile area? 10:13:31 15 A. Yeah. I don't have any knowledge of such 10:13:34 16 a list. They may have had it, but no. The list I was 10:13:37 17 referring to was something that was after the fact. 10:13:40 18 Q. All right. And did you preserve those 10:13:42 19 lists? 10:13:43 20 A. I did not. 10:13:43 21 MR. WOOD: Objection. 10:13:45 22 Q. Okay. Did anyone, to your knowledge, 10:13:46 23 preserve those lists? 10:13:47 24 A. I don't know. 10:13:47 25 Q. Okay. When it was reported to you what
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10:11:49 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:11:49 2 A. Certainly -- 10:11:50 3 MR. WOOD: Objection. 10:11:53 4 A. -- it would fit the description. Sure. 10:11:56 5 Q. And on that list, and just for -- for 10:12:00 6 purposes of identifying something on that list of 10:12:05 7 prohibited items, there were -- how many items were on 10:12:06 8 the list? 10:12:08 9 MR. WOOD: Objection. 10:12:11 10 A. I don't know. 10:12:14 11 Q. Was it a couple dozen or was it one or two? 10:12:15 12 MR. WOOD: Objection. 10:12:17 13 A. It was more than one or two. 10:12:18 14 Q. More than ten? 10:12:21 15 A. Again, I -- it varied from month to month. 10:12:26 16 Q. Did you read that list? 10:12:29 17 A. It wasn't something I read on a monthly 10:12:32 18 basis, no. On occasion, I would have the opportunity 10:12:34 19 to see it and would look at it. 10:12:39 20 Q. Okay. And that list was provided to you. 10:12:42 21 Not you, personally, but to you for the personnel who 10:12:48 22 worked for you for the purposes of, what, telling the 10:12:50 23 law enforcement officers what items were prohibited 10:12:53 24 that month? 10:12:54 25 MR. FEAGLEY: Object to form and	10:13:50 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:13:54 2 items had been seized at the checkpoints -- by the way 10:13:56 3 was that all over Logan? 10:13:58 4 A. It was at every security checkpoint. 10:14:01 5 Q. Okay. And somebody compiled that list? 10:14:03 6 MR. WOOD: Objection. 10:14:03 7 A. Correct. 10:14:06 8 Q. Well, you didn't compile the list, right? 10:14:06 9 A. That's correct. 10:14:08 10 Q. So somebody other than you must have 10:14:09 11 compiled the list? 10:14:09 12 A. Mm-hmm. 10:14:10 13 Q. Is that a yes? 10:14:11 14 A. Somebody did. 10:14:13 15 Q. Okay. And somebody, whoever it is who 10:14:16 16 compiled the list, that list then came to you? 10:14:17 17 MR. WOOD: Objection. 10:14:19 18 A. No. I didn't say that. It didn't come to 10:14:23 19 me. I had occasion to see it once in a while. But it 10:14:27 20 was nothing I saw and looked for in a monthly report, 10:14:30 21 for instance. So it would not come to me as a course 10:14:33 22 of, you know, normal action. 10:14:37 23 Q. When it came to you, how is it that that 10:14:42 24 list came to be provided to you? 10:14:44 25 A. I really don't know. I can't recall.

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10:14:48 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:14:49 2 Q. Did you ever ask to see the list? 10:14:55 3 A. I never asked to see it. No. 10:14:57 4 Q. Did you ever discuss with the -- by the 10:15:00 5 way, was Major Kelly the -- I think you said he was the 10:15:03 6 head of Troop F. Is that right? 10:15:03 7 A. That's correct. 10:15:05 8 Q. So is it correct to say that he was the 10:15:10 9 head of the state police at Logan Airport? Am I saying 10:15:11 10 that correctly? 10:15:12 11 A. You are. 10:15:15 12 Q. Okay. Did Major Kelly ever discuss with 10:15:21 13 you the kinds of things on that list that were being 10:15:23 14 seized? 10:15:30 15 A. Not to my knowledge. No. 10:15:32 16 MR. WOOD: Counsel, we've been going about 10:15:34 17 an hour. When you get to a convenient place, maybe we 10:15:35 18 could take a break. 10:15:38 19 MS. SCHIAVO: Okay. Let me just do one 10:15:38 20 followup question and then -- 10:15:39 21 MR. WOOD: Sure. I don't mean to interrupt 10:15:41 22 your examination. 10:15:41 23 MS. SCHIAVO: That's all right. 10:15:47 24 BY MS. SCHIAVO: 25 Q. And I remember seeing an organizational	10:17:09 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:17:14 2 there are a variety of areas that they were responsible 10:17:21 3 for and did a professional job as a result of their 10:17:21 4 duties. 10:17:24 5 So I would not necessarily get -- you know, 10:17:28 6 the director of aviation was not in a position to be, 10:17:35 7 you know, directing them, other than I wanted to ensure 10:17:41 8 they were highly visible, they were adequately trained, 10:17:44 9 and that we met all the requirements, the minimum 10:17:49 10 standards of the FAA, and that they were agents of 10:17:57 11 Massport and they acted accordingly. Visibility was a 10:18:04 12 huge -- a huge thing I insisted upon. 10:18:06 13 Q. "Visibility," meaning what? Being seen at 10:18:07 14 the airport? 10:18:09 15 A. Being seen in the terminals, on the curbs, 10:18:15 16 on the ramps. Yes. 10:18:16 17 MS. SCHIAVO: Okay. It's a good place for 10:18:17 18 a break. 10:18:18 19 MR. WOOD: Thank you. 10:18:19 20 THE VIDEOGRAPHER: Going off the record. 10:18:21 21 The time is 10:18. 10:18:22 22 (A recess was taken.) 10:33:01 23 THE VIDEOGRAPHER: Back on the record. The 10:33:02 24 time is 10:32. 25
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10:15:50 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:15:56 2 chart of your office. And I believe that the state 10:16:03 3 police on that flowchart were under your -- they were 10:16:06 4 in your organization. They were -- let me rephrase 10:16:09 5 that. They were under your command at the airport; is 10:16:09 6 that correct? 10:16:10 7 A. Correct. Correct. 10:16:14 8 Q. All right. How did you give them 10:16:17 9 guidance -- strike that. 10:16:22 10 Did you give them guidance on what items 10:16:26 11 could not go into the sterile area? 10:16:28 12 A. I did not. No. 10:16:29 13 Q. Do you know who did? 10:16:30 14 A. I do not. 10:16:32 15 Q. Do you know if anybody did? 10:16:35 16 A. I'm sure. They are sworn, trained, 10:16:43 17 highly-skilled, and highly-trained LEOs that I do not 10:16:44 18 direct the training. I'm not aware of the training. 10:16:48 19 I -- you know, that's why we contract with them to get 10:16:53 20 the caliber of person at the airport. And that's left 10:16:55 21 up to the troop commander. 10:16:57 22 It's left up to Joe Lawless in some 10:17:01 23 instances. It's left up to -- again, if it's the head 10:17:06 24 of the EOD unit, head of the canine team, the head of 25 the detectives, the head of lost and found. You know,	10:33:05 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:33:51 2 BY MS. SCHIAVO: 10:33:58 3 Q. You mentioned, sir, a big task of towing 10:34:04 4 all the cars from the Logan Airport parking areas. And 10:34:07 5 you told me approximately how many. I forgot. How 10:34:09 6 many cars was that? 10:34:13 7 A. Approximately 3000. 10:34:19 8 Q. And of those approximately 3000 cars, 10:34:25 9 how -- not you, personally, but how was your team able 10:34:31 10 to identify any car associated with the hijackers? 10:34:36 11 A. There was a call that came in from a 10:34:39 12 passenger, who was on a flight leaving Logan that 10:34:47 13 morning, who indicated -- after he had arrived and 10:34:52 14 heard what had happened, asked our state police to go 10:34:54 15 up to where his car was parked and check the car next 10:34:58 16 to him, because there were four individuals in that 10:35:04 17 car that he said were behaving suspiciously in that, 10:35:09 18 as I understand the story, he -- one of the hijackers 10:35:12 19 hit his door as they were trying to exit from their 10:35:17 20 car or hit his car when they were exiting, and he, in 10:35:24 21 turn, hit their car. But he got no reaction, and kind 10:35:28 22 of went on his way and thought that odd later, that 10:35:31 23 why didn't they want to engage. And it was obvious 10:35:33 24 they had another mission that morning. 25 And when we went up to check the car, it was,

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10:41:54 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:41:58 2 Between the draft report, which -- I'll tell you from 10:42:01 3 looking at it, it's dated in a cover letter to you 10:42:05 4 November 6, 2001, and the final report, what did you do 10:42:13 5 with regard to the CTI Consulting Group draft report -- 10:42:17 6 I'll break it down. Did you meet with CTI? 10:42:22 7 A. I, eventually, yes, met with CTI, because 10:42:24 8 there were several items in the draft report that 10:42:30 9 were -- that was not accurate. And they did not do a 10:42:36 10 very thorough job in interviewing aviation personnel. 10:42:41 11 So I had redirected them to interview other 10:42:48 12 people, like myself and my director of operations and 10:42:51 13 several others, who were excluded initially from the 10:42:58 14 draft document. 10:43:00 15 Q. Do you recall who you met with -- I assume 10:43:10 16 you met with somebody who worked for CTI? 10:43:13 17 A. I had met several people from CTI along 10:43:18 18 the way, yes. 10:43:15 19 Q. But these concerns that you just expressed 10:43:20 20 to us, did you express them to someone at CTI or some 10:43:25 21 of your personnel to tell CTI? 10:43:27 22 A. I believe, to the best of my recollection, 10:43:32 23 it was through my personnel to CTI. 10:43:36 24 Q. Okay. Now, I don't want to know what they 10:43:36 25 said. But between the time you got the draft CTI	10:44:48 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:44:52 2 concerns about the report? 10:44:58 3 A. Joe Lawless, Ed Freni were two, as well as 10:45:02 4 legal counsel. Not that legal counsel was on my 10:45:06 5 staff, but my staff people and Joe -- Joe Lawless and 10:45:09 6 Ed Freni. 10:45:12 7 Q. And did they come -- by the way, was it 10:45:14 8 your understanding that after you met with them, they 10:45:17 9 were going to go talk to CTI or go meet with CTI, 10:45:17 10 rather? 10:45:18 11 A. Yes. 10:45:22 12 Q. Okay. Then do you know if they did that? 10:45:23 13 A. Yes. They did. 10:45:28 14 Q. Did they come back and report to you after 10:45:34 15 their meeting or their discussions with CTI? 10:45:35 16 A. Again, not that I can recall. I know I 10:45:39 17 was then interviewed by CTI, so I know what I 10:45:42 18 expressly directed them to do was done, since I was 10:45:46 19 now being interviewed as part of that report. 10:45:47 20 Q. Okay. Do you recall when you were 10:45:49 21 interviewed by CTI? 10:45:50 22 A. I don't. 10:45:57 23 Q. Okay. Was it an oral meeting? I mean, did 10:45:59 24 you have a discussion with them? 10:45:59 25 A. Yes.
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10:43:39 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:43:45 2 Consulting report and when you talked to your staff to 10:43:50 3 express the concerns that you've just set forth -- I 10:43:53 4 don't want know what you have said to them -- but did 10:43:56 5 you meet with counsel? 10:44:00 6 A. Yes. 10:44:04 7 Q. And did your staff -- by the way, I don't 10:44:07 8 want to know what you said, but what counsel did you 10:44:07 9 meet with? 10:44:12 10 A. I met with inside counsel at Massport, 10:44:15 11 Mr. Ira Walloch. 10:44:23 12 Q. Okay. Any other counsel? 10:44:24 13 A. Not that I can recall. 10:44:29 14 Q. Did you meet with United Airlines? 10:44:30 15 A. Relative to the CTI report? 10:44:31 16 Q. Yes, sir. 10:44:31 17 A. No. 10:44:33 18 Q. Did you meet with Huntleigh Security? 10:44:34 19 A. No. 10:44:36 20 Q. Did you meet with American Airlines? 10:44:36 21 A. No. 10:44:37 22 Q. Globe Security? 10:44:41 23 A. No. 10:44:43 24 Q. Okay. Then after -- by the way, do you 10:44:43 25 recall who among your staff you talked to about your	10:46:00 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:46:03 2 Q. Okay. And was it a face-to-face meeting? 10:46:03 3 A. Yes. 10:46:05 4 Q. Do you recall where it was? 10:46:05 5 A. I do not. 10:46:31 6 Q. Okay. Did you then review the final -- 10:46:32 7 strike that. 10:46:34 8 By the way, what was the final report called, 10:46:39 9 if you recall? 10:46:41 10 A. I don't recall what it was called. 10:46:50 11 Q. Did you review the final report? 10:46:53 12 A. Again, I don't recall. I know I reviewed 10:46:58 13 my piece of it, and reports like this are typically 10:47:01 14 gone through a review before they're put in final 10:47:05 15 format. So -- but I can't recall reviewing the entire 10:47:06 16 document myself. 10:47:08 17 Q. Do you recall any disagreements you had 10:47:10 18 with the final CTI report? 10:47:15 19 MR. WOOD: Objection. 10:47:17 20 A. Not specifically, no. 10:47:18 21 Q. Generally? 10:47:21 22 A. No. 10:47:28 23 Q. Did you make any kind of written report or 10:47:29 24 did you write anything -- strike that. 10:47:29 25 Did you write anything to anyone about the

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10:47:34 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:47:38 2 CTI -- let's start with the final, the CTI final 10:47:39 3 report? 10:47:40 4 A. Not that I can recall. 10:47:46 5 Q. Okay. And did you make any written 10:47:50 6 documents concerning the draft CTI report? 10:47:52 7 A. Not that I can recall, no. 10:48:27 8 Q. Okay. When you're not on the road -- 10:48:27 9 strike that. 10:48:30 10 I assume -- you're the head of a very large 10:48:36 11 Category X airport. I assume some of the time you're 10:48:38 12 on the road. You're out working somewhere, other than 10:48:41 13 at Logan Airport? 10:48:43 14 A. Sometimes. 10:48:45 15 Q. Do you have an estimate about -- you know, 10:48:49 16 out of the working days of the year, approximately how 10:48:52 17 many times you're at Logan versus how many times you're 10:48:56 18 traveling elsewhere for work? 10:49:02 19 A. I don't. It seems I'm always at Logan. 10:49:07 20 Q. The -- and I would assume -- by the way, 10:49:09 21 how long have you worked in any capacity at 10:49:12 22 Logan Airport? 10:49:21 23 A. It will be 35 years this April. 10:49:27 24 Q. And, sir, I believe there's a resume or a 10:49:27 25 description -- I don't know what to call it -- a	10:50:33 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:50:40 2 Q. Okay. Until when, approximately? 10:50:41 3 A. '78. 10:50:44 4 Q. Okay. And what does a building control 10:50:47 5 supervisor do? 10:50:53 6 A. They staff 24/7 operations center for 10:50:58 7 physical plant issues, run a computer operation for 10:51:02 8 energy management, as well as monitor various alarms, 10:51:05 9 like fire alarms and other alarm conditions throughout 10:51:07 10 the airport. 10:51:10 11 Q. Okay. And after that job ended in '78, 10:51:12 12 what did you do? 10:51:15 13 A. Manager of building maintenance. 10:51:18 14 Q. Okay. Until when? 10:51:20 15 A. '83ish. 10:51:24 16 Q. Okay. And your next position? 10:51:29 17 A. Manager of airport facilities. 10:51:32 18 Q. And what does that entail, generally? 10:51:34 19 A. It was building maintenance, but I also 10:51:38 20 took on field maintenance, which was the snow removal 10:51:45 21 efforts, landside, as well as airside, and other 10:51:48 22 outside-the-terminal maintenance issues. 10:51:50 23 Q. All right. And you did that position, the 10:51:52 24 manager of airport facilities, until approximately 10:51:52 25 when?
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10:49:29 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:49:34 2 biography of you on the Massport website, a 10:49:35 3 descriptive. 10:49:37 4 A. I think there may be something there. 10:49:39 5 Q. Did you prepare that? 10:49:40 6 A. No. 10:49:42 7 Q. Oh, okay. 10:49:44 8 A. I would have done a better job. 10:49:46 9 Q. I was going to say my next question, then, 10:49:49 10 is it accurate so I don't have to go through your 10:49:50 11 background, but I guess not. All right. 10:49:53 12 Can you tell me your first job at -- in any 10:49:55 13 airport? 10:49:58 14 A. My first job was a temporary employee in 10:50:02 15 the engineering department at Massport, Logan Airport. 10:50:05 16 Q. By the way, where did you go to university? 10:50:08 17 A. Merrimack College. 10:50:09 18 Q. And you studied what? 10:50:13 19 A. Civil engineering. 10:50:17 20 Q. And graduated when? 10:50:20 21 A. 1974. 10:50:22 22 Q. All right. And then you were a temporary 10:50:25 23 employee at Logan. What was your next position at 10:50:29 24 Logan? And when, if you remember? 10:50:29 25 A. Building control supervisor.	10:51:53 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:51:54 2 A. '88. 10:51:57 3 Q. Okay. And what did you do starting in '88? 10:52:05 4 A. Director of operations. 10:52:09 5 Q. All right. And director of operations 10:52:12 6 until? 10:52:15 7 A. '93. 10:52:17 8 Q. Okay. And in '93? 10:52:23 9 A. Director of aviation. 10:52:26 10 Q. And next? 10:52:29 11 A. I was acting CEO in the immediate 10:52:39 12 aftermath of 9/11, but I became permanent CEO in 2006. 10:52:55 13 Q. Okay. So I take it in working at 10:53:00 14 Logan Airport -- oh, I forgot to ask. When you 10:53:03 15 graduated from college in 1974, did you go immediately 10:53:06 16 to the airport as a temporary employee in engineering? 10:53:06 17 A. No. 10:53:08 18 Q. What was in between there? 10:53:15 19 A. I worked for a structural concrete precast 10:53:21 20 outfit that did structural components for buildings 10:53:23 21 and garages. 10:53:26 22 Q. Okay. And that was from '74 until? 10:53:29 23 A. Until '76. 10:53:31 24 Q. And you missed the Big Dig? 10:53:31 25 A. I missed the Big Dig. Somehow, I didn't

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10:53:35 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:53:37 2 miss it, though. 10:53:39 3 Q. That's true. That's true. I meant as a 10:53:40 4 concrete person. 10:53:43 5 A. Yes. As a concrete person. 10:53:45 6 Q. Lots of concrete in the Big Dig. 10:53:47 7 A. Yes. 10:53:50 8 Q. All right. Thank you. So in the years in 10:53:56 9 working at Boston Logan from approximately 1976 until 10:54:00 10 the present, I assume you would consider yourself 10:54:06 11 fairly well familiar with the tenants at the -- in the 10:54:07 12 terminals? 10:54:08 13 A. Yes. 10:54:15 14 Q. Okay. In the United -- and let's go back 10:54:19 15 to September 11, 2001. In the United concourse, what 10:54:26 16 are the places -- what were the places to eat there? 10:54:28 17 A. I don't remember. 10:54:30 18 Q. Now, we know there's a Starbucks. 10:54:32 19 There's -- I don't mean to make you guess. We've heard 10:54:34 20 about a Starbucks. Do you recall any of the other 10:54:37 21 eating facilities? 10:54:41 22 MR. WOOD: Objection. 10:54:42 23 MR. COHEN: Objection. 10:54:46 24 A. No. I do not. 10:54:47 25 Q. Do you know if there's an airline club in	10:56:12 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:56:20 2 in the United concourse? On September 11, 2001. I'm 10:56:20 3 sorry. 10:56:24 4 A. I know. A long time ago. We've had many. 10:56:26 5 I don't. 10:56:56 6 Q. Okay. Did -- was it -- was it Massport 10:57:01 7 that executed the leases for stores in the concourse, 10:57:05 8 concourses at Logan? 10:57:08 9 A. Yes. 10:57:12 10 Q. And before executing -- strike that. 10:57:17 11 Before entering into a lease with stores at Massport, 10:57:22 12 did you or anyone on your staff -- I don't mean you 10:57:25 13 personally -- did you or anyone on your staff examine 10:57:29 14 what the business that intended to operate in the 10:57:34 15 airport was going to do? 10:57:37 16 A. Sure. 10:57:39 17 Q. And you would review these businesses 10:57:47 18 before leasing space to them for what purpose? 10:57:51 19 A. Well, it's -- first of all, we were not 10:57:55 20 directly leasing. We were going through a master 10:57:57 21 developer -- 10:57:58 22 Q. Explain that to me? 10:58:02 23 A. -- at the time. That there's a -- I 10:58:05 24 believe it was Westfield Corporation that's a 10:58:06 25 national -- or international mall operator, if you
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10:54:48 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:54:50 2 the United concourse? 10:54:56 3 MR. ROSS: Mary, all these questions are as 10:54:58 4 of September 11? 10:54:59 5 MS. SCHIAVO: As of September 11. That's 10:55:05 6 correct. 10:55:07 7 A. There was an airline -- United has always 10:55:10 8 had -- if you're referring to a first class lounge. 10:55:11 9 Q. Yes, sir. 10:55:13 10 A. Yes. The Red Carpet Room. Yes. 10:55:14 11 Q. The Red Carpet Room? 10:55:14 12 A. Yes. 10:55:23 13 Q. And it's in the United concourse? 10:55:25 14 A. Prior to -- I'm hesitating, because prior 10:55:29 15 to 9/11, it was in another location because they had 10:55:34 16 had some operations on Gates 40, 41 and 42. And the 10:55:38 17 Red Carpet Room was there for a period of time, and 10:55:45 18 then it relocated. And I'm just not sure of the date. 10:55:46 19 Q. Okay. 10:55:48 20 A. It relocated to the -- what we now call 10:56:00 21 the United concourse. 10:56:04 22 Q. Do you recall any of the -- aside from 10:56:08 23 eating places, do you recall any of the stores or 10:56:11 24 kiosks -- let me rephrase that. 10:56:12 25 Do you recall any of the places to buy things	10:58:08 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 10:58:11 2 will, and is in several airports around the world. 10:58:15 3 And as a result of a bid process, we selected 10:58:18 4 Westfield Corporation to be the master developer for 10:58:23 5 the various restaurants and retail operations in 10:58:27 6 Terminal C, which would include the United concourse. 10:58:35 7 However, they would bring those prospective 10:58:38 8 retail operators and food and beverage operators to our 10:58:42 9 attention, because we had certain specifications with 10:58:48 10 them to supply us with a certain quality of food, 10:58:54 11 beverage and retail. So we would, yes, review before a 10:58:58 12 tenant was signed up. 10:59:00 13 Q. Help me out here. What do you mean, 10:59:03 14 "quality"? Like good food or things that people want? 10:59:05 15 What do you mean, "quality"? 10:59:08 16 A. Good food and things that people want. 10:59:20 17 Q. Okay. Fair enough. Was anyone -- you or 10:59:24 18 anyone on your staff, your whole -- I'll include your 10:59:26 19 whole organization. Was anyone tasked to review what 10:59:38 20 items vendors sold? 10:59:45 21 A. Not directly. What I mean by that is, we 10:59:48 22 had a thing called "street pricing," where we did not 10:59:53 23 want the customer to feel gouged, if you will, because 10:59:59 24 they were in our airport and with no place else to go. 10:59:59 25 So we insisted upon street pricing, and so,

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11:00:03 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:00:06 2 therefore, we did have staff that went around and would 11:00:10 3 check pricing of the various products to ensure that 11:00:12 4 they were in compliance with the street pricing policy 11:00:15 5 that we had. 11:00:19 6 And we also insisted upon certain things be 11:00:23 7 sold, as well, like diapers and baby formula and things 11:00:26 8 like that, to ensure, you know, the customer would have 11:00:30 9 those critical items available to them if they were at 11:00:34 10 the airport, either passing through or stuck there for 11:00:36 11 an extended period of time. 11:00:39 12 Q. And did you also specify what should not be 11:00:42 13 sold? 11:01:02 14 A. Again, not directly. No. 11:01:05 15 Q. Do you know if anyone else, any other 11:01:18 16 entity specified what should not be sold? 11:01:22 17 A. No. I mean -- no, I don't know of any 11:01:26 18 other entities that would have done that. A news gift 11:01:29 19 shop is a news gift shop. They're going to sell those 11:01:30 20 kind of things. 11:01:33 21 Legal Seafoods is going to, you know, sell 11:01:38 22 the -- typically, you know, we don't have a list of 11:01:40 23 things we don't want you to sell. It's more a list of 11:01:51 24 things we do want you to provide. 11:01:51 25 Q. By the way, do you recall anybody at	11:03:49 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:04:23 2 A. I don't have any knowledge of that. No. 11:04:25 3 Q. On or before September 11, 2001, do you 11:04:31 4 know if any vendor at Logan Airport sold ceramic 11:04:31 5 knives? 11:04:33 6 A. I don't have any knowledge of that. No. 11:04:35 7 Q. Do you know if any vendor at Logan Airport, 11:04:42 8 on or before September 11, sold knives of any kind? 11:04:52 9 A. Not that I can recall, no. 11:04:56 10 Q. But since your -- you and your group didn't 11:04:59 11 have a list of what couldn't be sold, I take it that 11:05:02 12 wouldn't have been reported to you, anyway? 11:05:08 13 MR. WOOD: Objection. 11:05:15 14 A. It depends, you know, how big a knife, if 11:05:19 15 that was the case. I may have become aware of it. 11:05:23 16 But, again, I'm only speculating. But I had nobody 11:05:27 17 that reported this stuff directly to me. No. 11:05:28 18 Q. I'm a little confused. What do you mean 11:05:33 19 "how big of a knife"? Why would how big of a knife 11:05:33 20 been reported to you? 11:05:35 21 A. Well, I mean, if somebody said they just 11:05:38 22 went by a concession and they're selling machetes, I 11:05:40 23 think we'd do something about it. 11:05:40 24 Q. Why? 11:05:40 25 A. Or if they were selling bullets. Or if
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11:01:53 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:01:59 2 Westfield that you dealt with regarding the list of 11:02:02 3 things you wanted them to sell? 11:02:05 4 A. I wouldn't deal with them directly. It 11:02:08 5 would be the airport business office would do that. 11:02:11 6 Q. Who is in the business office? Who is -- 11:02:14 7 excuse me, who was the head of the business office for 11:02:19 8 Logan? 11:02:21 9 A. Today or back then? 11:02:22 10 MR. WOOD: Well, back then, right? 11:02:24 11 MS. SCHIAVO: Yes, sir. Back then. Yeah. 11:02:30 12 A. I believe it was Brian McMorrill. 11:02:47 13 Q. Okay. Now, back on September 11, 2001, and 11:02:52 14 in the days immediately following, in addition to -- I 11:02:56 15 don't want to go over this again -- but in addition to, 11:03:00 16 you know, scouring the airport, looking for, you know, 11:03:03 17 any weapons, looking for anything amiss, as you 11:03:08 18 described it, were your employees, and including the 11:03:11 19 Massachusetts State Police as part of your group, did 11:03:19 20 they also interview workers at the airport? 11:03:32 21 A. I -- I don't have any knowledge of that. 11:03:41 22 Q. Do you know if any vendor or -- let's just 11:03:43 23 call it vendor. Do you know if any vendor at the 11:03:46 24 airport reported anything stolen or missing on 11:03:46 25 September 11, 2001?	11:05:42 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:05:45 2 they were -- Because it's not stuff you sell in an 11:05:48 3 airport. If they were selling magazines that were 11:05:53 4 explicit, we would put a stop to that, as well. So 11:05:57 5 there were certain things that are common and found in 11:05:59 6 an airport and there are other things that you don't 11:06:07 7 want at an airport, that are objectionable to some 11:06:10 8 people and are dangerous to others. 11:06:13 9 Q. What was your procedure to weed those items 11:06:13 10 out? 11:06:17 11 A. Again, as I said, we had a business office 11:06:23 12 that constantly inspected. 11:06:26 13 Q. Constantly inspected what? 11:06:33 14 A. Quality, dates of product, street pricing, 11:06:36 15 as I mentioned earlier, hours of operation, were they 11:06:39 16 open on time? Did they stay open when they should 11:06:41 17 stay open? Did they have the product on the shelves 11:06:45 18 that we wanted on the shelves? So it was a constant 11:06:48 19 monitoring process. 11:06:50 20 Q. But a couple of answers ago, you mentioned 11:06:56 21 machetes and bullets. Did that business office go out 11:06:59 22 and look for those items, too? 11:07:01 23 A. They wouldn't -- they weren't out there 11:07:04 24 looking for machetes and bullets, but if they 11:07:04 25 certainly saw them, they would do something about it.

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11:07:07 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 11:07:08 2 Q. And why is that?
 11:07:12 3 A. As I said, they're dangerous.
 11:07:14 4 Q. How did the business office know what
 11:07:14 5 items --
 11:07:17 6 A. Particularly behind security.
 11:07:18 7 Q. I agree.
 11:07:21 8 A. That's the kind of stuff you prevent. You
 11:07:24 9 don't want going through security. So why sell it if
 11:07:26 10 it's going to present a possible problem.
 11:07:29 11 Q. I agree. I'm sure the TSA does, too, down
 11:07:34 12 at the end of the table.
 11:07:38 13 How did the business office employees know
 11:07:47 14 what you didn't want in the sterile area?
 11:08:23 15 A. Common sense.
 11:08:25 16 Q. In your many years at Massport at
 11:08:30 17 Logan Airport, do you ever recall seeing exhibits at
 11:08:34 18 the airport called -- or an exhibit, I don't know if
 11:08:37 19 there's more than one -- an exhibit at the airport
 11:08:39 20 called "These things don't fly"?
 11:08:39 21 A. Yes.
 11:08:43 22 Q. Was there more than one of those exhibits?
 11:08:45 23 A. I believe there were. Yes.
 11:08:48 24 Q. Okay. Were you or any of your staff, to
 11:08:48 25 your knowledge, involved in putting together any of

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11:08:50 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 11:08:54 2 those exhibits?
 11:08:58 3 A. Again, it was primarily an FAA effort, but
 11:09:02 4 we, I'm sure, were involved in that they had to get
 11:09:06 5 the space from us and the permission to put the kiosk
 11:09:10 6 in the place they wanted to put it and so forth. So
 11:09:21 7 there was involvement that way.
 11:09:24 8 Q. Do you know who put the kiosks -- strike
 11:09:25 9 that.
 11:09:28 10 Do you know of any individuals, any persons,
 11:09:33 11 who put any of those kiosks together?
 11:09:33 12 A. No.
 11:09:36 13 Q. Okay. And do you remember yourself ever
 11:09:39 14 gazing upon one of those exhibits?
 11:09:39 15 A. Yes.
 11:09:43 16 Q. Okay. What was in it?
 11:09:50 17 A. I remember more flammable issues, items.
 11:09:59 18 That's the one I was looking at. Matches, lighter
 11:10:12 19 fluid, charcoal fluid, stuff like that.
 11:10:15 20 Q. And when the kiosks said "These things
 11:10:17 21 don't" -- I believe that's what it said. You can
 11:10:22 22 correct me if I'm wrong -- but what does that mean?
 11:10:27 23 These things don't fly? To you.
 11:10:29 24 MR. ROSS: Objection to form.
 11:10:29 25 Q. Just to you.

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11:10:30 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 11:10:34 2 A. To me, it meant it was stuff you didn't
 11:10:41 3 pack in your checked luggage because of the incendiary
 11:10:44 4 nature of the materials that could spark a fire
 11:10:48 5 onboard an aircraft.
 11:10:51 6 Q. Were these displays -- excuse me. Did you
 11:10:55 7 ever see more than one?
 11:10:57 8 A. The one I'm recalling is the one I'm
 11:10:58 9 recalling, one.
 11:11:00 10 Q. Okay. And where was that located?
 11:11:02 11 A. In front of American Airlines ticket
 11:11:14 12 counter, Terminal B.
 11:11:18 13 Q. Do you know an American -- have you ever
 11:11:22 14 met an American Airlines employee by the name of Steven
 11:11:23 15 Wallace?
 11:11:24 16 A. Yes.
 11:11:32 17 Q. Does -- and how did you come to meet him?
 11:11:37 18 A. He asked me for money. He was a coach of
 11:11:42 19 some girls softball team over in the Town of Winthrop,
 11:11:45 20 and he wanted to -- some recognition for their efforts
 11:11:48 21 in that they were an abutting community, and we had
 11:11:50 22 done -- we do lots of things in the community for
 11:11:52 23 sports teams and so forth.
 11:11:55 24 So he approached me and said could Massport
 11:11:55 25 do something. And I remember taking a picture with the

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11:11:59 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 11:12:05 2 team and Mr. Wallace, as well.
 11:12:07 3 Q. Did you have any discussions with
 11:12:11 4 Mr. Wallace -- I don't mean to make you guess. We've
 11:12:14 5 taken Mr. Wallace's deposition. Are you aware of that?
 11:12:15 6 A. I'm not aware of that.
 11:12:18 7 Q. Okay. Mr. Wallace told us about putting
 11:12:23 8 together the exhibit, These things don't fly. Were you
 11:12:24 9 aware that he did that?
 11:12:25 10 A. No. I was not.
 11:12:27 11 Q. Okay. Okay. Did you have any discussions
 11:12:31 12 about -- with Mr. Wallace about what he put in that
 11:12:31 13 exhibit?
 11:12:32 14 A. No. I did not.
 11:12:59 15 Q. Okay. Now, part of the job -- correct me
 11:13:04 16 if I'm wrong, but part of the job of Massport was
 11:13:09 17 also -- we'll start with badging -- was to issue badges
 11:13:12 18 to airport personnel, correct?
 11:13:13 19 A. Correct.
 11:13:17 20 Q. Okay. Did you also issue badges to workers
 11:13:20 21 at the various concessions at the airport, like the
 11:13:24 22 restaurants and the stores, etc.?
 11:13:27 23 A. Yes. If they were operating in a sterile
 11:13:29 24 area.
 11:13:29 25 Q. Okay. And a sterile area -- just to keep

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11:24:53 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:25:03 2 Q. Okay. And I believe you already said -- 11:25:06 3 did -- the food service workers also had Massport ID 11:25:07 4 badges; is that correct? 11:25:10 5 A. That is correct. The ones who catered the 11:25:14 6 aircraft, as well as any food service personnel behind 11:25:16 7 security. 11:25:18 8 Q. Okay. Thank you. 11:25:19 9 THE VIDEOGRAPHER: I have one minute 11:25:20 10 remaining on this tape. 11:25:22 11 MS. SCHIAVO: All right. It's a good place 11:25:23 12 to break. 11:25:23 13 THE VIDEOGRAPHER: Going off the record. 11:25:28 14 This concludes Tape No. 1 in the January 25, 2011 11:25:33 15 deposition of Thomas J. Kinton, Jr. The time is 11:25. 11:29:58 16 (A recess was taken.) 11:41:26 17 THE VIDEOGRAPHER: Here marks the beginning 11:41:30 18 of Videotape No. 2 in the January 25, 2011 deposition 11:41:34 19 of Thomas J. Kinton, Jr. Back on the record. The time 11:41:35 20 is 11:41. 11:41:38 21 BY MS. SCHIAVO: 11:41:45 22 Q. Thank you. We're back on the record. Did 11:41:51 23 any of the Massachusetts State Police folks that work 11:42:00 24 at Logan, did any of them ever tell you or report up 25 through the chain of command that they had seen any of	11:43:32 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:43:33 2 2001? 11:43:38 3 Q. Yes. At Logan Airport? 11:43:41 4 A. And reported it thereafter? 11:43:42 5 Q. No. At any time. 11:43:42 6 MR. WOOD: If you don't understand the 11:43:46 7 question, just say you don't understand the question. 11:43:47 8 She'll ask you another question. 11:43:47 9 A. I don't understand the question. 11:43:49 10 Q. Let me try again. And I'm not meaning to 11:43:51 11 make you guess. We've had testimony from others 11:43:54 12 concerning a sighting of Mohamed Atta and somebody 11:43:58 13 else, I believe to be another of the hijackers, at 11:44:01 14 Logan Airport before September 11, 2001. Specifically, 11:44:04 15 they talked about May 11, 2001. 11:44:07 16 My question is: Did you learn about that 11:44:09 17 before September 11, 2001? 11:44:10 18 A. No, I did not. 11:44:12 19 Q. Okay. Did you learn about that before 11:44:13 20 today? 11:44:17 21 A. I have -- I have heard about it, yes. 11:44:18 22 Yes. 11:44:19 23 Q. When is the first time you learned about 11:44:25 24 that? 25 A. I don't have any knowledge of a specific
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11:42:03 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:42:10 2 the hijackers at Logan before September 11, 2001? 11:42:13 3 A. To my knowledge, no. 11:42:19 4 Q. Did you learn of an instance at the airport 11:42:25 5 in which someone who was later identified to be 11:42:29 6 Mohamed Atta and another Middle-Eastern-appearing 11:42:37 7 person were spotted at the airport earlier in 2011? 11:42:37 8 MR. BURTON: Objection. 11:42:38 9 MS. SCHIAVO: He's right. 11:42:43 10 Q. Spotted at the airport in 2011, before 11:42:44 11 September 11? 11:42:45 12 MR. BURTON: Objection. 11:42:46 13 MR. WOOD: Objection. I think you 11:42:48 14 misspoke. You meant 2001. 11:42:51 15 MS. SCHIAVO: Yes. Thank you. I'll drink 11:42:54 16 the rest of this coffee. Let me just start over. 11:42:58 17 Q. Did you learn whether anyone -- and whether 11:43:00 18 somebody reported to you, issued a report, just any 11:43:03 19 knowledge -- did you have any knowledge that persons 11:43:09 20 had seen Mohamed Atta or anyone else later identified 11:43:16 21 to be a hijacker at Logan Airport before September 11, 11:43:19 22 2001? 11:43:22 23 MR. BURTON: Objection. 11:43:25 24 A. I'm not sure I understand. Before, 25 meaning did they see them before 2001, September 11	11:44:27 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:44:30 2 time, date. 11:44:34 3 Q. Did you ever speak with Mr. Wallace about 11:44:34 4 that? 11:44:36 5 A. No, I did not. 11:44:39 6 Q. Did you ever speak with Mr. Kelly -- or 11:44:42 7 Major Kelly, right? Did you ever speak with Major 11:44:43 8 Kelly about that? 11:44:55 9 A. No, I did not. 11:45:00 10 Q. The -- if -- and again, this goes into a 11:45:02 11 lot of other testimony, and I don't want to have to 11:45:05 12 rehash other person's testimony, but I'm not trying to 11:45:08 13 make you guess something. We've also heard from other 11:45:15 14 witnesses about, you know, sort of reporting the 11:45:17 15 presence of somebody at Logan Airport. So I'm not 11:45:19 16 trying to make you guess. 11:45:25 17 We've heard from Steven Wallace that while he 11:45:30 18 was working at Logan Airport, he spotted Mohamed Atta 11:45:36 19 and somebody else. And he mentioned that he had 11:45:40 20 reported them to other persons at the airport. 11:45:43 21 My question to you is: Do you -- did you 11:45:47 22 have, up through and including September 11, 2001, not 11:45:50 23 today, but did you have guidelines about what kind of 11:45:54 24 events -- suspicious events, I mean -- need to be 25 reported to you at Logan Airport?

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11:46:00 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:46:01 2 MR. FREIRE: Objection. 11:46:02 3 A. To me directly? 11:46:04 4 Q. Or to your staff? 11:46:09 5 A. I mean, yes. When people are employed, 11:46:13 6 they're trained to report suspicious items and they're 11:46:15 7 told to call the state police. 11:46:18 8 Q. But how about suspicious activities? 11:46:19 9 A. Call the state police. 11:46:23 10 Q. Okay. And then what is the state police 11:46:24 11 supposed to do? 11:46:26 12 A. They show up and investigate it. 11:46:31 13 Q. All right. Now, if somebody is -- is 11:46:35 14 looking at and photographing a checkpoint, is that an 11:46:38 15 event that's supposed to be reported to the state 11:46:38 16 police? 11:46:41 17 A. Yes. 11:46:45 18 Q. Do you have any knowledge that any such 11:46:49 19 event was ever reported to the state police? 11:46:54 20 A. I learned of such an event in preparation 11:46:57 21 for this deposition, but I did not know it at the 11:47:01 22 time. And that we responded as we should have, and 11:47:08 23 the state police, to Mr. Wallace's call. 11:47:10 24 Q. I don't want to get into what your counsel 11:47:10 25 and you talked about. But the first time -- the first	11:48:47 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:48:48 2 MR. WOOD: Objection. 11:48:50 3 A. Again, not to me. 11:48:52 4 Q. To people on your staff? 11:48:53 5 A. To law enforcement. 11:48:55 6 Q. Okay. And why were they supposed to report 11:48:56 7 that? 11:49:01 8 A. Because it is a suspicious activity at an 11:49:15 9 airport. 11:49:19 10 Q. Now, at some point I understand from the 11:49:21 11 documents and from other peoples' testimony -- we don't 11:49:24 12 need to go over it point by point, but just generally, 11:49:29 13 I understand that Massport had developed a plan to test 11:49:34 14 the checkpoints. 11:49:35 15 MR. FREIRE: Objection. 11:49:36 16 Q. Is that correct? 11:49:36 17 A. That's correct. 11:49:38 18 Q. Okay. And were you involved with the 11:49:42 19 development of that plan? 11:49:46 20 A. No. Only that I gave direction to 11:49:52 21 coordinate it with the FAA. 11:49:58 22 Q. And is it fair to say that you wanted to -- 11:50:01 23 not you, personally, but your whole organization at 11:50:07 24 Massport, wanted to test the checkpoint to improve it? 11:50:07 25 MR. WOOD: Objection.
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11:47:17 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:47:19 2 time you learned about that event was in preparation 11:47:21 3 for this deposition? 11:47:22 4 A. That's correct. 11:47:25 5 Q. And approximately when was that? A day or 11:47:26 6 two ago? 11:47:27 7 A. Correct. 11:47:31 8 Q. Okay. And you said you learned that we -- 11:47:33 9 "we," meaning you and the Massachusetts State Police -- 11:47:39 10 responded appropriately to the event. Don't tell me 11:47:43 11 what your counsel said. But did you learn that from 11:47:45 12 discussions, other than with your counsel? 11:47:47 13 A. No, I did not. 11:47:53 14 Q. Okay. So other than discussions with your 11:47:59 15 counsel, do you have any knowledge of how the state 11:48:01 16 police responded to that event? 11:48:02 17 A. I do not. 11:48:09 18 Q. Okay. Do you know if Major Kelly was 11:48:10 19 involved in that? 11:48:31 20 A. I do not know. 11:48:32 21 Q. And people were supposed to report -- 11:48:37 22 "people" meaning persons working at the airport -- 11:48:42 23 people were supposed to report to you about surveilling 11:48:46 24 or photographing the checkpoints because it could 11:48:46 25 impact security?	11:50:09 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:50:11 2 A. Yes. 11:50:13 3 Q. For your counsel, I'll rephrase. Why did 11:50:15 4 you want to test the checkpoint? 11:50:18 5 A. Because we wanted to make it as secure as 11:50:23 6 possible. That there were reports of -- in the local 11:50:27 7 media of some stuff getting through, and not only 11:50:30 8 here, but other airports across the country, and we 11:50:31 9 were concerned with that. 11:50:35 10 They're our passengers, and we want to do 11:50:38 11 whatever we could to help, even though it was not our 11:50:41 12 jurisdiction. 11:50:46 13 Q. Okay. And you mentioned the media. I need 11:50:54 14 to ask: Were you aware before the Fox News crew -- 11:50:55 15 strike that. 11:50:59 16 The Fox News crew at some point was involved 11:51:02 17 in a show testing the security at Logan; is that 11:51:04 18 correct? 11:51:05 19 MR. FREIRE: Objection. 11:51:06 20 A. That's my understanding, yes. 11:51:08 21 Q. Okay. And do you know who they, by the 11:51:16 22 way -- well, actually, did they test security at Logan 11:51:20 23 with some other law enforcement agency? 11:51:20 24 MR. WOOD: Objection. 11:51:20 25 A. I have no knowledge of who they tested it

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11:51:24 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 11:51:25 2 with.
 11:51:26 3 Q. Did you know that they were going to do
 11:51:28 4 this before they did it?
 11:51:29 5 A. I did not.
 11:51:33 6 Q. Okay. And so I take it, then, that you
 11:51:36 7 learned about Fox News looking at Logan security after
 11:51:38 8 it happened?
 11:51:39 9 A. That's correct.
 11:51:45 10 Q. Okay. And who told you about that?
 11:51:47 11 A. I don't recall.
 11:51:59 12 Q. Okay. The Fox folks, by the way, what was
 11:52:02 13 the -- do you recall the lady's name who did the piece?
 11:52:05 14 A. No.
 11:52:07 15 MS. SCHIAVO: Do you remember the name?
 11:52:09 16 Q. Deborah Sherman, does that name ring a
 11:52:09 17 bell?
 11:52:10 18 A. No.
 11:52:12 19 Q. After Fox examined the security at
 11:52:17 20 Massport, did they tell you about it before they
 11:52:19 21 broadcast it?
 11:52:21 22 A. Did they tell me, personally?
 11:52:22 23 Q. Or your staff?
 11:52:24 24 A. Not to my knowledge.
 11:52:25 25 Q. Okay. So is it fair to say, then, the

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11:52:27 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 11:52:31 2 first you learned about it is when they broadcast it?
 11:52:34 3 A. I may have gotten a call. Again, I'm
 11:52:37 4 speculating --
 11:52:37 5 MR. WOOD: Objection. Don't speculate.
 11:52:37 6 MR. ELLIS: Objection.
 11:52:37 7 MR. ROSS: Objection.
 11:52:39 8 MR. FEAGLEY: Objection.
 11:52:42 9 A. I'm not speculating.
 11:52:44 10 Q. You didn't know you had that many lawyers,
 11:52:45 11 did you?
 11:52:49 12 A. I didn't know that.
 11:52:56 13 Q. And again, I'm not trying to be obtuse.
 11:52:59 14 What I want to know is: Did they tell you what they
 11:53:04 15 found to give you a chance to fix it before they
 11:53:05 16 broadcast their show?
 11:53:06 17 A. They didn't tell me.
 11:53:08 18 Q. Did they tell anybody on your staff?
 11:53:12 19 A. Not to my knowledge.
 11:53:16 20 Q. And do you recall what kinds of problems
 11:53:20 21 Fox said they found, Fox News?
 11:53:21 22 A. No, I don't.
 11:53:25 23 Q. Okay. What did you do after the Fox News
 11:53:35 24 broadcast to fix whatever problems they broadcast?
 11:53:35 25 A. Well, first of all, as I said, we wanted

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11:53:39 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 11:53:46 2 to help the situation because we're very concerned
 11:53:50 3 that it's Logan International Airport. These are our
 11:53:54 4 customers, it involves security, and at the same time
 11:53:58 5 it's not our jurisdiction. But rather than walk away
 11:54:01 6 from it, we came up with this to use some undercover
 11:54:05 7 state police to do some testing, and I directed them
 11:54:11 8 to the FAA to ensure that it was authorized testing
 11:54:19 9 that was going to be conducted.
 11:54:22 10 Q. Now, to your knowledge, did the airlines
 11:54:27 11 also test their own security at the checkpoints?
 11:54:28 12 A. I don't know.
 11:54:30 13 Q. Okay. Do you know if the security
 11:54:33 14 screening companies also tested their own securities?
 11:54:34 15 A. I don't know.
 11:54:38 16 Q. And how were you -- not you, personally,
 11:54:41 17 but your whole staff and the state police, how were you
 11:54:44 18 going to test security?
 11:54:52 19 A. Jointly with the FAA, using, you know,
 11:54:59 20 approved, unauthorized objects with undercover state
 11:55:04 21 police.
 11:55:07 22 Q. With undercover state police, what, going
 11:55:08 23 through the checkpoint?
 11:55:09 24 A. Yes.
 11:55:09 25 Q. With unauthorized objects going through the

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11:55:13 1 THOMAS J. KINTON, JR. - CONFIDENTIAL
 11:55:17 2 checkpoint?
 11:55:18 3 MR. ELLIS: Objection to the form.
 11:55:19 4 Misstates the witness' testimony.
 11:55:20 5 A. Yes.
 11:55:21 6 Q. Well, if the state police went to the
 11:55:24 7 checkpoint, what were they going to do once they got to
 11:55:25 8 the checkpoint?
 11:55:28 9 A. They were going to pretend they were a
 11:55:32 10 passenger and attempt to go through.
 11:55:34 11 Q. And when they attempted to go through, what
 11:55:39 12 were they going to have either on their person or in
 11:55:41 13 their carry-ons?
 11:55:42 14 A. I don't know. That would have been
 11:55:44 15 something worked out with them and the FAA.
 11:55:52 16 Q. Do you know what test items -- strike that.
 11:55:55 17 Did you or any of your staff suggest any test items to
 11:55:57 18 use?
 11:55:59 19 A. Not -- I didn't, and I can't answer for my
 11:56:00 20 staff.
 11:56:08 21 Q. Okay. Do you know of any -- strike that.
 11:56:10 22 Do you know if you were leaving it up to the FAA to
 11:56:13 23 pick out the test weapons, or was the state police
 11:56:16 24 going to play a role in that?
 11:56:16 25 A. I don't know.

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11:56:17 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:56:31 2 Q. Okay. 11:56:33 3 MS. SCHIAVO: We're not to SSI yet. And 11:56:35 4 I'll stop before we get there, so don't be alarmed. 11:56:44 5 Q. Do you know what an encapsulated weapon is? 11:56:46 6 A. Other than the obvious, no. A weapon 11:56:48 7 that's encapsulated. 11:56:53 8 Q. Okay. Did you have any experience with 11:56:58 9 testing checkpoints with test items? I'll start with 11:56:59 10 you, personally. 11:57:00 11 A. No, I did not. 11:57:04 12 Q. Did any of your staff test checkpoints with 11:57:09 13 items? Let's just use any items. 11:57:11 14 A. Once the joint testing program was 11:57:12 15 approved, yes. 11:57:16 16 Q. Okay. What did they use to test? 11:57:16 17 A. I don't know. 11:57:22 18 Q. Okay. Who would know that? 11:57:24 19 MR. ELLIS: Objection. Can we get a time 11:57:28 20 frame? Are we talking before or after 9/11? 11:57:28 21 MS. SCHIAVO: All before 9/11. 11:57:30 22 MR. WOOD: Okay. Then let's ask that 11:57:31 23 question again. 11:57:34 24 Q. Okay. Before 9/11, I asked you what items 11:57:34 25 did they use to test? And I believe you said you	11:58:23 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:58:25 2 MR. WOOD: Okay. That's my point. We're 11:58:29 3 not -- the question does not include September 15, 11:58:30 4 September 30 -- 11:58:31 5 MS. SCHIAVO: No, it does not. 11:58:32 6 MR. WOOD: -- or any time after 9/11. 11:58:33 7 MS. SCHIAVO: No. It does not. 11:58:34 8 MR. WOOD: Okay. 11:58:37 9 Q. Up through and -- up to September 11 -- 11:58:39 10 well, you weren't there on September 11, until the 11:58:42 11 afternoon, but up through and including the morning of 11:58:47 12 September 11, 2001, were you or any member of your 11:58:53 13 staff involved in testing the checkpoints at Logan? 11:58:54 14 A. To my knowledge, no. 11:58:58 15 Q. Okay. So the program you mentioned about 11:59:01 16 testing the checkpoints happened after September 11, 11:59:03 17 2001? 11:59:07 18 A. The approval to do such a program came 11:59:10 19 after September 11, 2001. 11:59:28 20 Q. Okay. So there -- again, without bogging 11:59:30 21 this down going through other peoples' testimony, just 11:59:33 22 let me generally say, so there -- between the time the 11:59:37 23 plan was proposed and when the approval came through, 11:59:41 24 there was -- there was a time lag there. How much time 11:59:41 25 elapsed between when this program was approved --
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11:57:37 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:57:38 2 didn't know, correct? 11:57:39 3 A. Correct. 11:57:43 4 Q. Okay. Who would know that? 11:57:43 5 MR. WOOD: Objection. 11:57:44 6 A. Well, I think also -- 11:57:46 7 MR. WOOD: Just a second. I want to put an 11:57:48 8 objection on the record here that it assumes a fact 11:57:52 9 that is not in evidence here. Objection. 11:57:56 10 MS. SCHIAVO: Well, we'll clear that up. 11:57:57 11 MR. BURTON: I think your question was, I 11:57:59 12 asked what they used to test. 11:58:00 13 MS. SCHIAVO: Right. What did they use to 11:58:01 14 test? 11:58:02 15 MR. WOOD: Objection. Vague and ambiguous. 11:58:03 16 Who is "they?" 11:58:07 17 Q. Let's go back to the -- we'll back up. You 11:58:11 18 mentioned this plan to test the checkpoint. 11:58:11 19 A. Mm-hmm. 11:58:15 20 Q. Okay. And we only want to talk before 11:58:18 21 9/11. Testing the checkpoint now, that's up to the 11:58:18 22 TSA. 11:58:21 23 MR. WOOD: Or any time after 9/11. 11:58:22 24 MS. SCHIAVO: No. I only want to talk up 11:58:22 25 through 9/11, 2001.	11:59:45 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 11:59:49 2 excuse me, when this program was proposed and when the 11:59:57 3 approval came down? 12:00:00 4 A. Several -- I mean several weeks to two 12:00:06 5 months, roughly. 12:00:11 6 Q. And when you proposed this testing program, 12:00:13 7 did you discuss it with the airlines? 12:00:14 8 A. I did not. 12:00:19 9 Q. Okay. Who did? 12:00:22 10 A. I, again, don't know specifically who did. 12:00:24 11 Q. Did you learn whether any of the airlines 12:00:25 12 complained? 12:00:27 13 A. I had heard there was some pushback. 12:00:28 14 Correct. 12:00:34 15 Q. Okay. Did you hear whether any of the 12:00:37 16 security companies or screener representatives 12:00:38 17 complained? 12:00:39 18 A. I did not. 12:00:47 19 Q. Okay. Now, are you familiar with the -- 12:00:49 20 what's called the Red Team, the Federal Aviation 12:00:53 21 Administration Red Team? 12:00:53 22 A. Somewhat. 12:00:57 23 Q. Okay. I take it, then, you know what they 12:00:58 24 do? 12:00:58 25 A. Yes.

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12:06:47 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:06:50 2 Q. Did you discuss anything else at those 12:06:54 3 meetings with United at headquarters -- at United's 12:06:56 4 headquarters? 12:06:59 5 A. Repeat the question, please. 12:07:02 6 Q. While you were -- you mentioned two times 12:07:05 7 before September 11, 2001, that you went to United 12:07:08 8 headquarters. And you said to discuss route 12:07:10 9 development. 12:07:12 10 While you were there, did you discuss -- on 12:07:14 11 those two events, two meetings, did you discuss 12:07:16 12 anything else with United? 12:07:18 13 A. We may have talked about some development 12:07:20 14 issues, as well. 12:07:22 15 Q. Development of what? 12:07:24 16 A. Well, United built a large hanger at Logan 12:07:26 17 for triple-seven-sized aircraft, and they also had 12:07:28 18 done some extensive renovations to their concourse, 12:07:30 19 and that would have been a lease negotiation item that 12:07:32 20 was talked about. 12:07:34 21 Q. Who did you meet with at United, if you 12:07:36 22 recall? 12:07:38 23 A. I don't recall. 12:07:40 24 Q. Okay. Did you discuss any security issues 12:07:42 25 with United personnel on those trips to United	12:09:34 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:10:26 2 Q. Okay. In 2001 -- actually, I don't think 12:10:30 3 the data was all in before 9/11. Let's use 2000. 12:10:35 4 In the year 2000, do you know the screener 12:10:40 5 turnover rate for Massport, Boston Logan Airport? 12:10:41 6 MR. WOOD: Objection. 12:10:41 7 MR. BURTON: Objection. Form. 12:10:43 8 MR. FEAGLEY: Objection. 12:10:44 9 MR. ELLIS: Objection. 12:10:46 10 A. No, I do not. 12:10:48 11 Q. Do you know it for 2001? 12:10:50 12 MR. WOOD: Same objection. 12:10:52 13 A. I do not. 12:10:54 14 Q. Is screener turnover rates something that 12:10:56 15 you examined before September 11, 2001? 12:10:58 16 A. I -- personally, no. 12:11:00 17 Q. How about anybody on your staff? 12:11:02 18 A. My staff may have looked at it. Yes. 12:11:04 19 Q. Do you know why? 12:11:06 20 A. Because, again, we were concerned with 12:11:08 21 security, the performance, and as I stated earlier, 12:11:10 22 these are our passengers, and there was absolute 12:11:12 23 concern, but there was also a line. And we didn't 12:11:14 24 take the position we're not crossing that line, not 12:11:16 25 our problem.
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12:07:54 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:07:56 2 headquarters? 12:08:17 3 A. I did not. 12:08:22 4 Q. Would it be fair to say that you -- you 12:08:24 5 certainly couldn't have been pleased about the Fox News 12:08:30 6 report. Were you displeased about the Fox News report? 12:08:31 7 A. Yes. 12:08:43 8 Q. Okay. By the way, I believe -- was there a 12:08:50 9 report in 1999, approximately 1999, concerning Logan 12:08:57 10 security and over 100 security violations? 12:08:57 11 MR. WOOD: Objection. 12:08:57 12 MR. ROSS: Objection. 12:09:01 13 MR. FEAGLEY: Objection. 12:09:05 14 Q. Do you recall anything about that? I'll 12:09:06 15 dig that out. 12:09:07 16 A. I don't. 12:09:08 17 Q. I'll dig that document out. 12:09:10 18 A. There's a lot of stories about Logan. 12:09:12 19 Q. Okay. Well, actually, let's stick with the 12:09:15 20 Fox News one, then. After the Fox News report, you 12:09:17 21 certainly couldn't have been pleased. 12:09:22 22 Did you meet with airline representatives, 12:09:25 23 any airline representatives after the Fox News -- let's 12:09:33 24 start with any -- after the Fox News report? 12:09:34 25 A. I don't recall.	12:11:30 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:11:33 2 We attempted to do whatever we could to help 12:11:42 3 improve the situation through the proper channels. 12:11:46 4 Q. Do you know what your staff did or tried to 12:11:50 5 do regarding the screener turnover rate before 12:11:53 6 September 11, 2001? 12:11:55 7 MR. FREIRE: Note my objection to facts not 12:11:55 8 in evidence. 12:11:56 9 MR. WOOD: Objection. 12:11:57 10 A. I'm not sure they could have done 12:12:02 11 anything, other than repeat maybe what was in media 12:12:08 12 stories already, that it was high. 12:12:11 13 Q. By the way, I asked what you did, but I 12:12:17 14 neglected to ask: After the Fox News report when they 12:12:22 15 tested security at Logan, the news report in early 12:12:27 16 2001, did you direct your staff to talk with the 12:12:32 17 airlines? 12:12:35 18 A. As it pertained to the joint testing 12:12:40 19 program, yes. 12:12:44 20 Q. How about as pertains to the -- to the 12:12:49 21 breaches of security reported by Fox News? 12:12:50 22 A. That would be one and the same. 12:13:07 23 Q. Okay. And before September 11, 2001, did 12:13:12 24 your office, meaning you or any of your staff, become 12:13:14 25 involved in the issue of screener pay?

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12:13:16 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:13:18 2 A. No. 12:13:22 3 Q. Were you aware, up through and including 12:13:26 4 September 11, 2001, what screeners made, generally? 12:14:03 5 A. I was not. 12:14:08 6 Q. When the FAA, Federal Aviation 12:14:13 7 Administration, when they were coming -- either the Red 12:14:18 8 Team or the regular FAA inspectors, when they were 12:14:27 9 coming to Logan to inspect or to test, were you given 12:14:32 10 advance notice of when they were coming? 12:14:33 11 MR. BURTON: Objection. 12:14:33 12 Q. And this is just generally before 12:14:36 13 September 11, 2001. 12:14:38 14 A. No. 12:14:40 15 Q. Were you ever advised in advance when they 12:14:43 16 were coming to test? 12:14:45 17 A. Never. 12:14:47 18 Q. Do you know if the airlines were advised in 12:14:48 19 advance? 12:14:50 20 A. I do not know that. 12:14:52 21 Q. Was it, oh -- when they would come to test 12:14:52 22 the security -- again, the FAA. Let's talk about the 12:15:02 23 FAA, not Fox News. When the FAA came to test security 12:15:06 24 at Logan Airport, did they have an exit interview? In 12:15:06 25 other words, when they were done, did they come talk to	12:16:19 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:16:19 2 A. No. 12:16:28 3 Q. Okay. When the FAA found something which 12:16:32 4 they wrote up as a potential violation, did they send 12:16:36 5 letters to you, talk to you? How did they transmit 12:16:37 6 that to you? 12:16:38 7 A. They would send letters. 12:16:40 8 Q. Okay. And then you'd have an opportunity 12:16:41 9 to respond? 12:16:41 10 A. That's correct. 12:16:44 11 Q. Okay. Do you know if those were called 12:16:45 12 LOIs? 12:16:48 13 A. I don't. I only know letters of intent. 12:16:49 14 Q. Okay. 12:16:53 15 A. Because it meant money. 12:17:03 16 Q. All right. Did you receive -- not you, 12:17:09 17 personally, but did Massport receive letters -- get 12:17:13 18 copies of the letters that the FAA issued about airline 12:17:18 19 violations at Massport before September 11, 2001? 12:17:18 20 MR. BURTON: Objection. 12:17:26 21 A. Not to my knowledge, no. 12:17:38 22 Q. Okay. Now, when Massport -- and let's 12:17:40 23 focus on Massport, not the airlines. Now, when 12:17:46 24 Massport got these letters from the FAA about 12:17:46 25 violations or potential violations -- by the way, I
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12:15:08 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:15:09 2 you? 12:15:10 3 A. Not -- 12:15:11 4 MR. BURTON: Objection. 12:15:13 5 A. No. Not to me, but they did talk to my 12:15:14 6 staff. 12:15:17 7 Q. Okay. Who on your staff did they talk to? 12:15:20 8 A. Joe Lawless, in particular. Major of the 12:15:22 9 state police. 12:15:24 10 Q. Okay. And in that exit interview, did -- 12:15:31 11 did the FAA talk to you about Massport's performance? 12:15:35 12 Again, we're getting into this Part 107, 108 dichotomy 12:15:37 13 Did they talk to you about your performance, 12:15:40 14 Massport's, or did they talk to you about both your 12:15:42 15 performance and airline performance? 12:15:44 16 MR. WOOD: Objection. 12:15:45 17 A. To my knowledge, they only talked about 12:15:46 18 our performance. 12:16:02 19 Q. Okay. And do you, sir, know what an LOI 12:16:08 20 is? An FAA, Federal Aviation Administration, LOI? 12:16:09 21 A. Yes. 12:16:12 22 Q. What is that, generally? 12:16:15 23 A. Letter of intent. 12:16:18 24 Q. Have you ever heard the term "letter of 12:16:18 25 investigation"?	12:17:50 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:17:52 2 take it, they didn't all pan out. Sometimes the FAA 12:17:57 3 would send you letters, and they wouldn't violate you? 12:17:57 4 MR. WOOD: Objection. 12:18:01 5 Q. Is that right? 12:18:03 6 A. After we had a hearing -- once we got a 12:18:06 7 letter, we got a letter. And in the course of a 12:18:12 8 hearing process, they would sometimes be dismissed. 12:18:14 9 Q. Okay. And sometimes not? 12:18:14 10 A. Correct. 12:18:19 11 Q. Okay. And when they're not dismissed, what 12:18:23 12 results? A letter sometimes telling you to do 12:18:24 13 something better? 12:18:25 14 A. Pay a fine. 12:18:31 15 Q. Pay a fine. But they didn't shut you down? 12:18:34 16 A. No. 12:18:40 17 Q. No. So you could have a suspected breach 12:18:45 18 of security, and they'd start an investigation, but 12:18:48 19 they wouldn't shut you down? 12:18:49 20 A. That's correct. 12:18:52 21 Q. Okay. You could have a breach of security 12:18:59 22 where the FAA would determine it was a breach and issue 12:19:05 23 a letter or a fine, but they didn't shut you down? 12:19:06 24 MR. WOOD: Objection. 12:19:06 25 MR. BURTON: Objection to the

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12:19:07 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:19:07 2 hypotheticals. 12:19:10 3 Q. Did the FAA ever shut you down -- Massport 12:19:12 4 down for security violations? 12:19:12 5 A. No. 12:19:19 6 Q. Okay. And so when they sent you these 12:19:24 7 letters or these fines, in the letters from the FAA, 12:19:28 8 did they express to you that what they wanted you to do 12:19:33 9 is, what, meet Logan's security plan? Was that the 12:19:34 10 intent? 12:19:35 11 MR. WOOD: Objection. 12:19:39 12 MR. BURTON: Objection. 12:19:39 13 MR. ELLIS: Objection to form. 12:19:39 14 MR. FEAGLEY: Objection. 12:19:42 15 A. The intent was to make the system as 12:19:43 16 secure as possible. 12:19:46 17 Q. And at least as far as Logan was concerned, 12:19:49 18 Massport, what, to do that you had to follow the 12:19:55 19 security plan that you had in place? 12:19:56 20 MR. BURTON: Objection. 12:20:00 21 A. We had to follow our security plan that 12:20:04 22 was in place, and we, as I said before, exceeded that 12:20:12 23 in many other areas, as well. 12:20:16 24 Q. And the airlines, they had their own plan, 12:20:25 25 separate from Logan's, from Massport's?	12:22:53 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:22:54 2 feels. 12:22:55 3 MR. COHEN: Of course. 12:22:56 4 THE WITNESS: The witness feels good. 12:22:58 5 MR. WOOD: Do you want to take ten, and 12:22:58 6 we'll resume? 12:23:00 7 THE WITNESS: Sure. 12:23:03 8 MS. SCHIAVO: Take ten. I'll renew my 12:23:03 9 notes, and if I'm done, I'll turn it over. 12:23:07 10 THE WITNESS: All right. 12:23:12 11 MR. HOULIHAN: Let's make it 10 or 15. 12:23:12 12 THE VIDEOGRAPHER: Let's go off the record 12:23:14 13 then. 12:23:15 14 MR. WOOD: Let's go off the record, please. 12:23:16 15 THE VIDEOGRAPHER: Going off the record. 12:23:19 16 The time is 12:23. 12:23:17 17 (A recess was taken.) 12:23:18 18 THE VIDEOGRAPHER: We're back on the 12:23:24 19 record. The time is 12:56. 12:23:24 20 DIRECT EXAMINATION 12:23:25 21 BY MR. COHEN: 12:23:28 22 Q. Good afternoon, Mr. Kinton. My name is 12:23:31 23 Jason Cohen. I'll be asking you questions for a little 12:23:32 24 while this afternoon. 12:23:32 25 What were the -- prior to September 11, 2001,
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12:20:20 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:20:21 2 A. From a security standpoint -- 12:20:22 3 Q. Yes, sir. 12:20:47 4 A. -- yes. 12:20:52 5 Q. Okay. In 2001, before September 11, 2001, 12:20:55 6 starting in early 2001 up through September, did you 12:21:04 7 notice any increase in FAA activity at Massport? 12:21:05 8 MR. WOOD: Objection. 12:21:08 9 MR. BURTON: Objection. Relating to? 12:22:20 10 A. No. 12:22:21 11 MS. SCHIAVO: Take your time. I do think 12:22:26 12 that I am finished. And if lunch is here, this might 12:22:30 13 be a good break. I will read over my notes, make sure 12:22:35 14 that I'm done, but maybe reserve to come back if I have 12:22:37 15 missed something. This would probably be a good time 12:22:41 16 to break for lunch, if it's here. 12:22:42 17 MR. BURTON: Unless you -- 12:22:44 18 MR. COHEN: I could start in five or ten 12:22:47 19 minutes, whatever, just to get set up. So whatever 12:22:48 20 everybody wants to do. 12:22:48 21 MR. BURTON: Take 10 minutes? 12:22:48 22 MR. COHEN: And people could eat. 12:22:48 23 MR. BURTON: Okay. 12:22:52 24 MR. COHEN: Other than me, could eat -- 12:22:52 25 MR. BURTON: Depending on how the witness	12:56:34 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:56:37 2 what were the arrangements between Massport and air 12:56:44 3 carriers that did business at Logan Airport? 12:56:44 4 MR. BURTON: Objection. 12:56:46 5 MR. WOOD: Objection. 12:56:51 6 A. Well, there was lease arrangements. There 12:56:58 7 were safety meetings. There were monthly LAMCO 12:57:02 8 meetings. There were individual airline meetings, 12:57:12 9 depending on need, and there was a lot of marketing 12:57:16 10 and route development discussion, as well. 12:57:18 11 Q. And by your lease agreement, did the 12:57:21 12 airline -- each of the airlines operating at 12:57:25 13 Logan Airport prior to September 11, 2001 have a 12:57:34 14 written lease with Massport? 12:57:36 15 A. Most did, but some that were considered 12:57:40 16 non-tenant air carriers did not. 12:57:43 17 Q. Am I correct that United Airlines was a 12:57:46 18 tenant air carrier at Logan Airport prior to 12:57:48 19 September 11, 2001? 12:57:48 20 A. Correct. 12:57:52 21 Q. Was American Airlines a tenant air carrier 12:57:56 22 at Logan Airport prior to September 11, 2001? 12:57:56 23 A. Correct. 12:58:01 24 Q. Did the lease agreements with 12:58:01 25 United Airlines and American Airlines provide for a

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12:58:05 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:58:09 2 certain amount or access to gates for the airlines? 12:58:10 3 A. Yes. 12:58:13 4 Q. Did they provide for certain specific 12:58:15 5 terminal space at Logan Airport? 12:58:16 6 A. Yes. 12:58:20 7 Q. Did they provide for use or access to 12:58:24 8 offices or facilities within Logan Airport? 12:58:24 9 A. Yes. 12:58:27 10 Q. Did the lease agreements provide for access 12:58:33 11 to or use of ticket counters at Logan Airport? 12:58:34 12 A. Yes. 12:58:37 13 Q. Did the lease agreements provide for access 12:58:40 14 to specific waiting areas or other space within 12:58:42 15 Logan Airport for the airlines? 12:58:48 16 A. Yes. 12:58:51 17 Q. And how did it -- how does it come about at 12:58:57 18 Massport that an airline is permitted to lease space, 12:59:04 19 gates, and other facilities at Logan Airport? 12:59:08 20 A. Primarily, it's done through a -- the 12:59:14 21 properties division of the airline, as either a new 12:59:19 22 entrant, if they're not already there, or still the 12:59:22 23 properties department if they are an existing tenant, 12:59:24 24 in terms of reduction in lease space or expansion of 12:59:25 25 lease space, depending upon the need. And that's	13:01:08 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:01:11 2 utilization, because we have the ability -- not just 13:01:15 3 the gate, but you take back space that is needed to 13:01:19 4 support the gate, so ticket counter space, holding 13:01:24 5 space, baggage, claim baggage, service space, as well. 13:01:26 6 Q. If a tenant, which in this case would be an 13:01:32 7 airline, is considered for whatever reasons by Massport 13:01:35 8 to be not a good tenant or is not following certain 13:01:40 9 Massport protocols, does Massport have the option or 13:01:44 10 the discretion to reduce space or facilities for that 13:01:45 11 airline? 13:01:47 12 MR. WOOD: Objection. 13:01:47 13 MR. BURTON: Objection. 13:01:51 14 MR. ROSS: Objection. 13:01:53 15 MR. FEAGLEY: Objection. Best evidence 13:01:53 16 grounds and lack of foundation. 13:02:00 17 A. Typically, that involves non-payment of 13:02:06 18 rent. So if somebody was in default and they had been 13:02:08 19 put on notice and so forth, there would be legal 13:02:13 20 proceedings that would ensue. But we just wouldn't 13:02:16 21 march in and take the space back. We'd be looking for 13:02:19 22 our money, and discussions would evolve from that. 13:02:22 23 Q. Does Massport ever have the opportunity -- 13:02:26 24 the option or the discretion of penalizing an airline, 13:02:25 25 other than reducing space or availability of
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12:59:28 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 12:59:30 2 worked out through our properties department and the 12:59:34 3 airlines' properties department. 12:59:37 4 Q. Does the -- does Logan Airport or Massport 12:59:44 5 have discretion to reduce space or facilities for an 12:59:49 6 airline? 12:59:51 7 A. Yes. 12:59:53 8 Q. Is that part of the contract or agreement 12:59:57 9 between an airline and Massport? 12:59:58 10 MR. WOOD: Objection. 13:00:00 11 A. In some cases, there is gate utilization 13:00:05 12 language in the lease arrangement that says that the 13:00:09 13 airline has to use their lease gates to the airport 13:00:13 14 average, and failing to do so, we could, we're not 13:00:16 15 required to, but we could put them on notice that 13:00:23 16 we're going to take back a gate or gates. And they 13:00:26 17 have a cure period, an opportunity to cure that. 13:00:28 18 Q. Is the entity that enters into lease 13:00:33 19 agreements with the air carriers Massport? 13:00:42 20 A. Yes. 13:00:48 21 Q. Does Massport have discretion to reduce 13:00:54 22 space or facilities for an airline for any reason, 13:01:00 23 other than underutilization? 13:01:05 24 MR. BURTON: Objection. 13:01:05 25 A. Well, the -- again, this relates to gate	13:02:32 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:02:33 2 facilities? 13:02:35 3 MR. WOOD: Objection. 13:02:42 4 A. We have the ability to cite or write a 13:02:46 5 citation on the ramp and apron, for instance, for 13:02:48 6 speeding or something like that. So, yeah, we have 13:02:55 7 the ability to violate an air carrier or any other 13:02:55 8 tenant. 13:02:59 9 Q. And could that result in a monetary penalty 13:03:01 10 or fine to an airline? 13:03:01 11 A. Yes. 13:03:07 12 Q. And could the -- could Massport fine or 13:03:11 13 impose a penalty on an airline, say, for example, if it 13:03:14 14 routinely fails to keep its space in a clean and 13:03:20 15 orderly fashion? 13:03:24 16 MR. BURTON: Objection. 13:03:26 17 A. I don't think we've ever, no, done a 13:03:28 18 monetary fine on that. That would be more through a 13:03:31 19 letter to their headquarters. If we have to go beyond 13:03:34 20 the local station management to get their attention, 13:03:43 21 we certainly can do that. 13:03:48 22 Q. Does the FAA or any governmental agency 13:03:55 23 require Massport to allow certain or any individual 13:04:01 24 airlines or air carriers to operate out of Massport? 13:04:01 25 A. Yeah. That's an extremely -- not

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13:04:09 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:04:11 2 technical area, but important area that -- you know, 13:04:17 3 we're a Federal reservation, and because there's 13:04:20 4 Federal funds involved, airports typically don't have 13:04:24 5 the ability to choose who can come and who can't come 13:04:27 6 on to our airport, provided, you know, they get a 13:04:29 7 lease and, you know, can meet all other qualifications 13:04:38 8 to be a tenant. 13:04:40 9 Q. I'm going to show you what we've just 13:04:42 10 marked as Exhibit 1226. 13:04:42 11 (FAR 107 marked Exhibit 1226.) 13:04:46 12 BY MR. COHEN: 13:04:48 13 Q. There's also some other copies there for 13:04:52 14 you to circulate around the table. 13:05:07 15 And do you recognize this document? 13:05:09 16 MR. HOULIHAN: The Government needs to have 13:05:10 17 a copy. 13:05:11 18 MR. BURTON: I had only one other copy. 13:05:15 19 MR. COHEN: No. There are six or seven 13:05:15 20 copies right there. 13:05:17 21 MR. WOOD: They're all stapled together, I 13:05:19 22 guess. 13:05:19 23 MR. COHEN: Oh, I thought they were. Are 13:05:24 24 you sure? 13:05:25 25 MR. BURTON: It's the FAR -- FAR 107. What	13:06:31 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:06:36 2 described, is the section that defines an air 13:06:40 3 operator's responsibilities; is that correct? 13:06:42 4 MR. WOOD: Objection. 13:06:42 5 MR. BURTON: Objection. 13:06:45 6 MR. WOOD: I think you misspoke, Jason. 13:06:48 7 A. Operator response. 13:06:50 8 Q. Airport operators, yes. Is that correct? 13:06:50 9 A. That's correct. 13:06:51 10 Q. Okay. 13:06:52 11 A. With regard to security. 13:06:53 12 Q. And I want to call your attention to the -- 13:06:58 13 what will be the third page of your document, which is 13:07:01 14 Section 107.3. 13:07:01 15 A. Mm-hmm. 13:07:03 16 Q. Security program. Do you see that section? 13:07:05 17 A. I do. 13:07:08 18 Q. And do you see where it says beginning at 13:07:13 19 107.3A, "No air operator may operate an airport subject 13:07:17 20 to this part unless it adopts and carries out a 13:07:21 21 security program, that, one, provides for the safety of 13:07:25 22 persons and property traveling in air transportation 13:07:29 23 and intrastate air transportation against acts of 13:07:33 24 criminal violence and aircraft piracy." Do you see 13:07:35 25 that?
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13:05:26 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:05:28 2 are you -- this is all one. 13:05:30 3 MR. WOOD: Can you take it apart? 13:05:30 4 MR. COHEN: Is that just one? 13:05:31 5 MR. BURTON: This is just one. 107.1 13:05:31 6 through 20. It's not -- 13:05:37 7 MR. COHEN: All right. I'll read what I 13:05:44 8 want to discuss out loud. 13:05:52 9 MR. ELLIS: Do you have an extra copy? No. 13:05:53 10 MR. COHEN: Hold on. I do not have any 13:05:57 11 more copies of that. So I apologize. 13:05:57 12 MR. ELLIS: That's okay, Jason. Just give 13:06:01 13 me an idea of what section you're going to do. 13:06:02 14 MR. COHEN: Yes, I will. 13:06:03 15 BY MR. COHEN: 13:06:11 16 Q. Sir, have you seen this document before? 13:06:13 17 A. I'm not sure I've seen it. I'm aware of 13:06:17 18 it. I'm aware of a full -- I have a full file of all 13:06:19 19 the FARs, but yeah. 13:06:22 20 Q. And you made reference earlier -- 13:06:22 21 A. Yes. 13:06:26 22 Q. -- in your testimony to CFR Section 107; is 13:06:27 23 that correct? 13:06:27 24 A. That's correct. 13:06:28 25 Q. Okay. And CFR Section 107, you've	13:07:33 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:07:35 2 MR. WOOD: Just to correct the record, it 13:07:39 3 says airport operator. Go ahead, I'm sorry. I don't 13:07:41 4 want to interrupt you, Jason. 13:07:42 5 MR. COHEN: Okay. Do you want me to read 13:07:43 6 that again? 13:07:45 7 MR. WOOD: No. It's on the record. 13:07:48 8 MR. BURTON: You said air operator. 13:07:49 9 A. I see it, yes. 13:07:51 10 Q. And are you familiar with that? Have you 13:07:58 11 read or heard that before? 13:07:59 12 A. No. 13:08:02 13 Q. Was it, prior to September 11, your 13:08:06 14 understanding that Massport had a responsibility to 13:08:11 15 provide for the safety of persons and property 13:08:15 16 traveling in air transportation and intrastate air 13:08:18 17 transportation against acts of criminal violence and 13:08:21 18 aircraft piracy? 13:08:22 19 MR. BURTON: Objection. 13:08:50 20 A. Yes. 13:08:54 21 Q. And in carrying out that responsibility, is 13:09:00 22 it your understanding that Massport was responsible for 13:09:05 23 criminal to -- for the safety of persons and property 13:09:07 24 traveling in intrastate -- traveling in air 13:09:08 25 transportation and intrastate air transportation

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13:09:11 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:09:15 2 against acts of criminal violence and aircraft piracy, 13:09:22 3 both in -- before a checkpoint and after checkpoints at 13:09:26 4 Massport? 13:09:30 5 MR. BURTON: Objection. 13:09:32 6 A. Again, I don't understand the question. 13:09:36 7 Q. Okay. You discussed earlier sterile 13:09:36 8 area -- 13:09:37 9 A. Correct. 13:09:39 10 Q. -- after a passenger passes through a 13:09:40 11 checkpoint; is that correct? 13:09:41 12 A. That's correct. 13:09:45 13 Q. And did you -- do you believe that Massport 13:09:51 14 had a responsibility to provide for safety of persons 13:09:55 15 before they enter the sterile area? 13:09:55 16 A. Yes. 13:09:57 17 Q. Do you believe that Massport had a 13:10:01 18 responsibility to provide for the safety of persons 13:10:05 19 after they enter through and into the sterile area? 13:10:12 20 A. Yes. 13:10:16 21 Q. And we discussed earlier the airport 13:10:23 22 security program. And this has been -- I'm going to 13:10:25 23 show you a copy, which is an excerpt. I do have a full 13:10:28 24 copy if someone wants it. And I have additional copies 13:10:28 25 of this -- of what had been previously marked as	13:12:10 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:12:16 2 A. Yes. 13:12:19 3 Q. And I'll call your attention to the next 13:12:24 4 page of the exhibit, and there's -- it's on Page VI of 13:12:29 5 the exhibit or the Bates range is MP100457. Do you see 13:12:30 6 that page? 13:12:31 7 A. I do. 13:12:33 8 Q. And do you see the section on the top of 13:12:38 9 that page entitled "Plan Implementation"? 13:12:40 10 A. Yes. 13:12:42 11 Q. And do you see that it says, "The FAA or 13:12:46 12 Logan Airport and affected airlines will determine when 13:12:49 13 increased security measures are necessary in response 13:12:53 14 to recognized threat conditions or situations and will 13:12:56 15 identify the appropriate threat level"? Do you see 13:12:57 16 that sentence? 13:12:58 17 A. I do. 13:13:00 18 Q. And do you see the next sentence, which 13:13:02 19 says, "The airport shall then take applicable measures 13:13:06 20 specified in the plan, the measures may be applied to 13:13:10 21 the airport facilities or to a particular flight, a 13:13:14 22 series of flights, or all flights arriving or departing 13:13:16 23 from the airport, as appropriate." Do you see that? 13:13:17 24 A. Yes, I do. 13:13:17 25 Q. And is it -- does that section give
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13:10:32 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:10:41 2 Exhibit 5. There's the full version, if you want it. 13:10:53 3 Here are copies. 13:10:57 4 Do you know, sir, if you've read the airport 13:11:00 5 security -- Massport's Airport Security Program prior 13:11:02 6 to September 11? 13:11:06 7 A. Yes. 13:11:08 8 Q. Were you involved in the development of the 13:11:12 9 airport -- of the airport security -- of Massport's 13:11:16 10 Airport Security Program? 13:11:18 11 A. In the oversight of it, but not in the 13:11:20 12 writing of it. 13:11:29 13 Q. Okay. And am I correct that Massport's 13:11:33 14 Airport Security Program recognizes Massport's 13:11:36 15 independent authority to increase security measures on 13:11:41 16 an airport-wide basis given Massport's assessment of 13:11:43 17 terrorist threat? 13:11:44 18 MR. WOOD: Objection. 13:11:47 19 MR. BURTON: Objection. 13:11:51 20 A. Repeat the question, please. 13:11:56 21 Q. Did Massport's Airport Security Program 13:12:00 22 recognize Massport's authority to increase security 13:12:05 23 measures on an airport-wide basis given Massport's 13:12:09 24 assessment of current terrorist threats? 13:12:09 25 MR. WOOD: Objection.	13:13:24 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:13:33 2 Massport discretion to take security actions to protect 13:13:35 3 persons and property traveling in air transportation, 13:13:39 4 who pass through Massport -- who pass through Massport? 13:13:40 5 MR. WOOD: Objection. 13:13:41 6 MR. FEAGLEY: Object to form and 13:13:44 7 foundation. 13:13:50 8 MR. BURTON: Calls for a legal conclusion. 13:13:58 9 A. Yes. 13:14:01 10 Q. And given that passage, did Massport have 13:14:08 11 the right to instruct an air carrier to increase 13:14:11 12 security at a checkpoint? 13:14:13 13 MR. WOOD: Objection. 13:14:14 14 MR. FEAGLEY: Object to form and 13:14:15 15 foundation. 13:14:22 16 A. I wouldn't interpret it that way. No. 13:14:23 17 Q. And with regard to the section that says, 13:14:30 18 "Measures may be applied to a particular flight, a 13:14:34 19 series of flights or all flights arriving or departing 13:14:36 20 from the airport, as appropriate," do you have an 13:14:37 21 understanding of what that means? 13:14:38 22 A. Yes. 13:14:40 23 Q. What is your understanding? 13:14:42 24 A. My understanding is that if there's a 13:14:42 25 specific threat or intelligence that we may be party

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13:14:49 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:14:53 2 to, that we would work to take the appropriate actions 13:15:02 3 to increase security with the FAA, FBI, affected 13:15:08 4 airline, and any other party that may be involved, air 13:15:10 5 marshals and so forth. 13:15:20 6 Q. Does this section require Massport to clear 13:15:23 7 any and all actions it takes with regard to security 13:15:28 8 through the FAA? 13:15:28 9 MR. BURTON: Objection. 13:15:29 10 A. No. 13:15:33 11 Q. Am I correct, you referred earlier to the 13:15:36 12 minimum standard that Massport has the discretion to 13:15:45 13 increase security at the airport above and beyond 13:15:53 14 what's provided for in the Federal Aviation Act and 13:15:56 15 under Federal Aviation Regulations? 13:15:56 16 MR. WOOD: Objection. 13:16:11 17 A. Yes. 13:16:21 18 Q. In the event of a threat known by Massport, 13:16:31 19 can Massport, prior to September 11th, instruct an 13:16:37 20 airline or air carrier to take any particular action? 13:16:38 21 MR. WOOD: Objection. 13:16:42 22 A. We were required, if we had the threat, to 13:16:48 23 notify the FAA. And then it would be a -- if an 13:16:54 24 airline was involved, it would be done through the FAA 25 at our request. But there are other instances where	13:18:28 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:18:39 2 2001. Are you familiar with this document? 13:18:40 3 A. I am. 13:18:43 4 Q. Did you participate at all in the drafting 13:18:45 5 this document? 13:18:46 6 A. I did not. 13:18:51 7 Q. Were you interviewed by the authors of this 13:18:52 8 document? 13:18:53 9 A. Yes. 13:19:01 10 Q. On what subjects were you interviewed? 13:19:02 11 MR. WOOD: Again, prior to your 13:19:04 12 questioning, I'm going to put an objection on the 13:19:12 13 record to this document, the admissibility of this 13:19:16 14 document. 13:19:24 15 A. I was questioned on a number of items as 13:19:27 16 it pertains to airport security and airport 13:19:31 17 operations. 13:19:37 18 Q. I call your attention to an item, a bullet 13:19:43 19 point on the bottom of the page, two little I. Do you 13:19:44 20 see that? 13:19:45 21 A. I do. 13:19:47 22 Q. It begins "As owner/landlord of the 13:19:48 23 airport..." Do you see that? 13:19:49 24 A. Mm-hmm. I do. 25 Q. And it says, specifically, "As
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13:16:58 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:17:02 2 we could demand an aircraft be remoted, for instance, 13:17:04 3 if there was a bomb threat on that aircraft. 13:17:07 4 We'd direct the airline to tow it to a remote 13:17:11 5 location so that we could adequately search it and 13:17:13 6 remove the luggage and so forth. So from that 13:17:14 7 standpoint, yes. 13:17:15 8 Q. You can make that direction to the air 13:17:17 9 carrier; is that correct? 13:17:18 10 A. After notifying the FAA about the threat, 13:17:19 11 yes. 13:17:21 12 Q. What if the threat was from the FAA to 13:17:22 13 Massport? 13:17:24 14 A. Yes. We could do it. 13:17:26 15 Q. You could take appropriate action? 13:17:29 16 A. Mm-hmm. Again, appropriate action being 13:17:33 17 sometimes the threat is deemed credible and other 13:17:37 18 times the threat is deemed non-credible. So it 13:17:39 19 depends, again, on the discussion with the federal 13:17:42 20 authorities and the airline as to whether or not it's 13:18:05 21 going to be a credible or non-credible threat. 13:18:08 22 Q. I call your attention to what's been 13:18:17 23 previously marked as Exhibit 20. And that is the 13:18:23 24 report of the Special Advisory Task Force on Massport 25 presented to Governor Jane Swift, dated February 4,	13:19:50 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:19:55 2 owner/landlord of the airport, Massport has extensive 13:19:59 3 but long underutilized powers. By exercising this 13:20:02 4 authority, Massport can raise the standard of security 13:20:06 5 by requiring all passenger screeners receive a living 13:20:10 6 wage, even if this wage is beyond the minimum floor 13:20:12 7 established by the FAA." 13:20:15 8 Do you agree with that statement? 13:20:16 9 A. No. 13:20:18 10 Q. Why don't you agree with that statement? 13:20:20 11 A. Because I don't believe we have the 13:20:21 12 ability to do it. 13:20:25 13 Q. And what regulation or statute do you 13:20:32 14 believe prohibits Massport from requiring passenger 13:20:35 15 screeners receive a living wage? 13:20:37 16 MR. BURTON: Objection. 13:20:42 17 A. We don't have the power. It was done in 13:20:45 18 San Francisco as a result of an ordinance in the city, 13:20:49 19 and it was a citywide, the reference goes on to 13:20:51 20 reference San Francisco. And that was something the 13:20:54 21 city voted, not the airport. And the airport being 13:20:58 22 city owned, everybody fell into the category. It 13:21:00 23 wasn't just screeners. 13:21:02 24 Q. Did you seek -- did Massport seek 25 permission from the FAA prior to 9/11 to insist that

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13:21:07 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:21:13 2 the security companies at Massport provide the security 13:21:16 3 company workers with a living wage? 13:21:18 4 A. No. 13:21:19 5 MR. BURTON: Objection. 13:21:21 6 Q. And you testified earlier that you are not 13:21:25 7 aware of the wage of the screeners who worked at 13:21:26 8 Massport; is that correct? 13:21:28 9 MR. WOOD: Objection. 13:21:30 10 A. Who worked for the airlines at 13:21:33 11 Logan Airport? No, I wasn't aware of that. 13:21:35 12 Q. Or who worked for the security companies? 13:21:35 13 A. Right. 13:21:38 14 Q. Have you ever heard that screeners at the 13:21:42 15 security companies earned \$8.25 an hour prior to 13:21:43 16 September 11, 2001? 13:21:46 17 MR. WOOD: Objection. 13:21:46 18 MR. FEAGLEY: Objection. 13:21:50 19 A. No. 13:21:53 20 Q. And do you see the next sentence, it says, 13:21:56 21 "Increased wages will attract higher caliber screeners 13:21:59 22 and, therefore, improve job performance"? Do you see 13:22:00 23 that? 13:22:00 24 A. I do. 25 Q. Do you agree with that?	13:23:50 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:23:51 2 MR. WOOD: Objection. 13:23:52 3 A. Yes. 13:23:55 4 Q. When did you first become concerned about 13:23:58 5 the quality of the screeners or the quality of the 13:24:00 6 security checkpoints at Logan Airport? 13:24:02 7 MR. WOOD: Objection. 13:24:12 8 A. I believe it was after a news exposé on 13:24:19 9 certain items being allowed through security that were 13:24:19 10 prohibited. 13:24:23 11 Q. Is the news exposé that you're referring to 13:24:25 12 the Fox News report -- 13:24:25 13 A. Yes. 13:24:28 14 Q. -- that was in April or May of 2001? 13:24:29 15 A. Yes. 13:24:32 16 Q. And prior to that time, April or May of 13:24:38 17 2001, did you ever have any concern about the quality 13:24:41 18 of the screeners or the quality of the security 13:24:43 19 checkpoints at Logan Airport? 13:24:48 20 MR. WOOD: Objection. 13:24:49 21 A. Yes. 13:24:52 22 Q. When did you first have that concern? 13:24:57 23 A. Well, it really developed around a couple 13:25:05 24 of things. One was the lack of personnel and closed 25 lanes when the traveling public was being queued up,
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13:22:02 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:22:07 2 MR. WOOD: Objection. 13:22:08 3 A. No, I don't. 13:22:10 4 Q. Why is that? 13:22:13 5 A. Because I don't attribute wages to 13:22:17 6 somebody's job performance. There are bad performers 13:22:21 7 who make a lot of money, and there's great performers 13:22:23 8 who make a little money. 13:22:27 9 Q. Have you read general accounting office 13:22:33 10 reports and other reports on the work of screeners 13:22:35 11 prior to September 11, 2001? 13:22:44 12 A. No. 13:22:47 13 Q. Have you investigated the quality of 13:22:50 14 screeners at Massport versus the quality of screeners 13:22:56 15 at other airports prior to September 11, 2001? 13:22:56 16 MR. BURTON: Objection. 13:22:56 17 A. No. 13:23:00 18 Q. Are you aware of anybody at Massport who 13:23:01 19 did? 13:23:28 20 A. No. 13:23:30 21 Q. When did Massport first -- strike that. 13:23:35 22 Did there come a time during your tenure at 13:23:39 23 Logan Airport prior to September 11, 2001, when you 13:23:45 24 became concerned about the quality of the screeners or 25 the quality of the checkpoints at Logan Airport?	13:25:10 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:25:14 2 and at busy times there could have been more lanes 13:25:18 3 open, so that was a concern, as well as some of the 13:25:29 4 items that we had seen that were being confiscated. 13:25:36 5 Q. Do you recall when you saw these things 13:25:39 6 that first gave you concern about the quality of the 13:25:44 7 screening or the screeners at Logan Airport? 13:25:44 8 MR. FEAGLEY: Objection. 13:25:44 9 MR. ROSS: Objection. 13:25:47 10 MR. ELLIS: Objection, form. 13:25:48 11 MR. FREIRE: Objection. Mischaracterizes 13:25:49 12 the testimony. 13:25:49 13 A. No. 13:25:51 14 Q. And you mentioned that lack of personnel 13:25:55 15 resulted in closed security lanes from time to time? 13:25:56 16 A. Yes. 13:26:00 17 Q. And what was your concern about that? 13:26:02 18 A. Large crowds of people waiting to be 13:26:05 19 processed through security in the public airline 13:26:09 20 terminal and extensive waits that weren't necessary 13:26:12 21 because there were lanes that could have been open. 13:26:12 22 Q. So was that a -- do you consider the 13:26:17 23 passengers who pass through Logan Airport to be 13:26:19 24 Massport's customers? 25 A. That's correct.

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13:26:20 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:26:24 2 Q. So your -- was your concern about the lack 13:26:28 3 of personnel resulting in closed lanes a concern about 13:26:30 4 customer satisfaction? 13:26:32 5 A. Yes. 13:26:35 6 Q. Was it a concern about anything, other than 13:26:38 7 customer satisfaction? 13:26:40 8 A. Customer satisfaction. 13:26:46 9 Q. Was it unacceptable to you as a director of 13:26:50 10 Logan Airport that passengers should have to wait for 13:26:53 11 extensive periods to pass through a security 13:26:56 12 checkpoint? 13:26:57 13 A. Only when there were lanes that could be 13:27:07 14 opened. 13:27:11 15 Q. Did you discuss your concern about the lack 13:27:15 16 of personnel resulting in closed lanes, resulting in 13:27:19 17 extensive waits for customers to pass through 13:27:23 18 checkpoints with the airlines? 13:27:25 19 A. I don't recall if I personally did, but 13:27:29 20 certainly members of my staff did. 13:27:34 21 Q. Do you recall that situation ever being a 13:27:47 22 problem or an issue with United Airlines? 13:27:50 23 A. No. I don't recall United, specifically. 13:27:56 24 It was more Delta and American are the two that come 25 to mind.	13:29:57 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:29:59 2 Q. And what is your basis for that? 13:30:01 3 A. We wouldn't have done it if we didn't have 13:30:03 4 approval. 13:30:05 5 Q. Do you have -- have you seen anything 13:30:07 6 suggesting that the FAA approved it? 13:30:08 7 A. No. 13:30:10 8 Q. Has anybody told you that -- explicitly 13:30:12 9 that the FAA approved the program? 13:30:23 10 A. Not that I recall. 13:30:27 11 Q. And you spoke earlier about that, and I 13:30:30 12 believe your phrase was pushback, that the airlines 13:30:34 13 provided some pushback when this program was first 13:30:36 14 presented to the airlines. Do you recall that? 13:30:40 15 A. Yes. 13:30:41 16 MR. ELLIS: Objection. 13:30:42 17 Q. Do you recall if any of that pushback came 13:30:44 18 from American Airlines? 13:30:44 19 MR. BURTON: Objection. 13:30:46 20 A. I don't recall who, specifically, it came 13:30:47 21 from. 13:30:49 22 Q. Do you believe it came from all of the 13:30:52 23 airlines who operated at Logan? 13:30:52 24 A. Again, I don't recall. 13:30:57 25 Q. Ed Freni would know best who that might be.
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13:27:59 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:28:05 2 Q. Who was your point person in addressing 13:28:09 3 these issues with the airlines regarding closed lanes 13:28:11 4 and lack of personnel? 13:28:33 5 A. Ed Freni, my director of operations. 13:28:42 6 Q. When Massport first began to explore the 13:28:45 7 possibility -- let me take a step back. 13:28:49 8 When did Massport first begin to explore the 13:28:53 9 possibility of developing a program to use undercover 13:28:57 10 state police to check the test points with various 13:28:58 11 prohibited items? 13:29:09 12 A. I believe it was in the summer of 2001. 13:29:14 13 Q. When did Massport first discuss or approach 13:29:18 14 the FAA regarding that program? 13:29:28 15 A. I don't know the exact date. 13:29:30 16 Q. Am I correct that that program was 13:29:35 17 instituted after September 11, 2001? 13:29:36 18 MR. BURTON: Objection. 13:29:38 19 A. Yes. Joint testing program was 13:29:38 20 implemented. 13:29:42 21 Q. And do you have any knowledge today whether 13:29:47 22 or not that joint testing program that was instituted 13:29:54 23 after September 11, 2001 was approved by the FAA? 13:29:56 24 A. To my knowledge, it was approved by the 25 FAA.	13:30:59 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:31:00 2 is that correct? 13:31:40 3 A. He may. 13:31:45 4 Q. Are you aware of any program by Massport to 13:31:50 5 institute mandatory criminal background checks of 13:31:57 6 checkpoint screeners prior to September 11, 2001? 13:32:01 7 A. Certainly if they were badged, yes. 13:32:02 8 Q. Were screeners badged? 13:32:14 9 A. I believe they were. 13:32:19 10 Q. And did Massport require mandatory criminal 13:32:21 11 background checks of all badged personnel? 13:32:22 12 A. Yes, we did. 13:32:25 13 Q. When did Massport first institute that 13:32:28 14 program? 13:32:31 15 A. I don't have any recollection of the exact 13:32:39 16 date, but it had been going on for quite some time. 13:32:42 17 Q. Do you recall any reaction from the 13:32:49 18 airlines to Massport's insistence that security 13:32:57 19 companies, screeners be subject to mandatory criminal 13:32:59 20 background checks? 13:33:11 21 A. I don't. 13:33:14 22 Q. You mentioned earlier that Massport had 13:33:18 23 regular meetings with airlines? 13:33:20 24 A. Yes. 13:33:20 25 Q. Are those the LAMCO meetings you're

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13:33:22 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:33:25 2 referring to? And how often did you personally attend 13:33:26 3 such meetings? 13:33:29 4 A. I tried to be there every month. 13:33:31 5 Q. Did you also receive the minutes of those 13:33:33 6 meetings? 13:33:36 7 A. Occasionally, I would. But not on a 13:33:36 8 regular basis. 13:33:38 9 Q. If you were not able to attend the meeting, 13:33:41 10 would you receive the minutes? 13:33:43 11 A. Again, it was sporadic. 13:33:46 12 Q. Or perhaps Mr. Freni or someone else 13:33:49 13 attending on your behalf would fill you in on the 13:33:51 14 events of the meeting; is that correct? 13:33:57 15 A. Yes. Yes. 13:34:00 16 Q. Am I correct that these meetings with the 13:34:07 17 airlines often included a discussion of security 13:34:10 18 issues? 13:34:14 19 MR. BURTON: Objection. Vague. 13:34:17 20 A. Again, it depends what was going on, what 13:34:21 21 intelligence was out there. If it was -- lots of 13:34:24 22 times, yes, it was brought up, given, you know, what 13:34:28 23 was going on in the world at the time, and the FAA 13:34:31 24 security person typically attended those meetings, as 13:34:34 25 well, along with us. So it would either be ETA may	13:35:54 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:35:58 2 CTI to prepare a security report? 13:36:00 3 MR. BURTON: Objection. 13:36:02 4 A. I believe initially it was somewhat 13:36:11 5 limited to the security access doors, but later got 13:36:14 6 broadened to include a number of other things and 13:36:20 7 become a threat assessment document, as well. 13:36:22 8 Q. Do you recall whether the CTI report 13:36:29 9 discussed checkpoint security at Logan Airport? 13:36:35 10 A. I don't recall. 13:36:43 11 Q. Who at Massport directed and oversaw the 13:36:45 12 preparation of the CTI report? 13:36:46 13 MR. WOOD: Objection. 13:37:18 14 A. Joe Lawless. 13:37:22 15 Q. Going back for a second to the Guaranteed 13:37:25 16 Passenger Standards Program, you are familiar with 13:37:26 17 that, correct? 13:37:27 18 A. Yes. 13:37:32 19 Q. And that's the program that required 13:37:37 20 airlines to expedite the movement of passengers 13:37:39 21 standing in security checkpoint lines through the 13:37:43 22 checkpoints in five minutes or less? Is that correct? 13:37:44 23 MR. WOOD: Objection. 13:37:45 24 MR. BURTON: Objection. 13:37:46 25 A. If there were lanes that were -- needed to
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13:34:36 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:34:37 2 bring it up or it could be us. 13:34:39 3 Q. Do you recall who the FAA security person 13:34:42 4 was who would attend these meetings, let's say, in 13:34:46 5 2001, prior to September 11? 13:34:48 6 A. It was Steve Luongo. 13:34:50 7 Q. L-U-O-N-G-O? 13:34:53 8 A. Yes. Close enough. 13:34:55 9 Q. I don't know whether I have the O and the U 13:35:02 10 mixed up, but I think that's about right. 13:35:10 11 And there came a point in 2001, when Massport 13:35:14 12 commissioned what became known as the CTI report; 13:35:15 13 that correct? 13:35:15 14 A. That's correct. 13:35:18 15 Q. Am I correct that that was in 2001 that 13:35:21 16 that report was commissioned? 13:35:21 17 A. Yes. 13:35:23 18 Q. Am I correct that the report was 13:35:27 19 commissioned prior to September 11th in 2001? 13:35:27 20 A. Yes. 13:35:31 21 Q. Do you know when in 2001, prior to 13:35:34 22 September 11th, the CTI report was commissioned? 13:35:38 23 A. I do not know exactly the date. No. 13:35:48 24 Q. Do you know what instigated the agreement 13:35:51 25 or what instigated Logan Airport or Massport to retain	13:37:47 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:38:04 2 be opened, that's correct. 13:38:07 3 Q. Do you recall whether the Guaranteed 13:38:15 4 Passenger Standards Program provided for penalties if 13:38:23 5 an airline failed to comply with the Guaranteed 13:38:24 6 Passenger Standards Program? 13:38:29 7 MR. WOOD: Objection. 13:38:31 8 A. To the extent we could do something 13:38:36 9 through the lease, yes. And there was also talk about 13:38:39 10 potentially publishing the results of, you know, who 13:38:42 11 the best airline was at Logan, which we thought was 13:39:02 12 probably the best way to get people to pay attention. 13:39:04 13 Q. I'm going to show you what's previously 13:39:09 14 been marked as Exhibit 438, which is titled -- which is 13:39:13 15 a press release dated February 15, 2001, titled 13:39:24 16 "Massport to Impose Airline Performance Standards." 13:40:07 17 There's a set for you and your counsel. 13:40:14 18 Can I see that, Mary? Okay. And then 13:40:19 19 I'll call your attention to Page, if you look at 13:40:24 20 Bates number on the bottom right, MP102160. Do 13:40:30 21 you see that? 13:40:34 22 MR. WOOD: 160? 13:40:35 23 MR. COHEN: I'm sorry. I have a different 13:40:37 24 version of the document here. That's why. 13:40:38 25 Q. MP102212.

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13:40:42 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:40:43 2 A. Yes. 13:40:46 3 Q. Okay. Now, by the way, had you seen this 13:40:55 4 document before? 13:40:59 5 A. Yes. 13:41:00 6 Q. This is something that would have to be 13:41:04 7 approved by you before it was issued as the director of 13:41:12 8 aviation at Massport? 13:41:14 9 A. Well, I would certainly have a role in 13:41:17 10 approving it, yes. The CEO also had a say. 13:41:22 11 Q. Do you recall reviewing either a draft or a 13:41:27 12 final version of this press release? 13:41:29 13 A. I don't recall it, no. 13:41:32 14 Q. It's likely that you would have reviewed a 13:41:37 15 draft or the final version of this document before it 13:41:40 16 was issued as a press release? 13:41:42 17 MR. WOOD: Objection. 13:41:45 18 A. Again, depending if I was in town. I 13:42:02 19 don't know if I was away then. 13:42:04 20 Q. Is there someone at Massport who is in 13:42:07 21 charge of press releases, publicity, communications 13:42:09 22 with the press and so forth? 13:42:11 23 A. Yes. 13:42:12 24 MR. BURTON: Today? 13:42:15 25 Q. On or before September 11, 2001?	13:43:38 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:43:42 2 has failed to provide a satisfactory improvement to the 13:43:44 3 customer service, a certified letter will be sent to 13:43:48 4 the airline's national headquarters, informing them 13:43:52 5 that noncompliance after 30 days could result in 13:43:55 6 penalties, including the loss of gates or valuable 13:43:59 7 terminal space. If the airline continues to falter in 13:44:03 8 meeting the customer requirements, Massport will 13:44:06 9 consider them in default and take appropriate action, 13:44:09 10 including rescinding access and use of gates, waiting 13:44:11 11 areas, ticket counters, and offices at Logan Airport." 13:44:15 12 Do you see that? 13:44:15 13 A. Mm-hmm. 13:44:23 14 Q. And were you aware that Massport had 13:44:31 15 developed a set of penalties for the air carrier 13:44:35 16 tenants if they failed to comply with the Guaranteed 13:44:38 17 Passenger Standards Program? 13:44:39 18 MR. WOOD: Objection. 13:44:40 19 A. Yes. 13:44:42 20 Q. And are you aware of these -- did you 13:44:47 21 approve these particular penalties? 13:44:50 22 MR. WOOD: Objection. 13:44:52 23 A. I agreed with them, but again, I felt we 13:44:58 24 were subject to legal challenge from the airlines if 13:45:00 25 we tried to implement them.
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13:42:13 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:42:14 2 A. Yes. 13:42:16 3 Q. Who was that? 13:42:18 4 A. Director of communications, Joey Cuzzi. 13:42:22 5 That's a female, Joey Cuzzi, J-O-E-Y. 13:42:24 6 Q. Can you spelled last name, please? 13:42:33 7 A. C-U-Z-Z-I. 13:42:36 8 Q. Did Ms. Cuzzi report to you? 13:42:37 9 A. No. 13:42:40 10 Q. Who did Ms. Cuzzi report to? 13:42:42 11 A. The CEO. 13:42:50 12 Q. Who was that on -- in February of 2001? 13:43:05 13 A. Ginny Buckingham. 13:43:07 14 Q. I call your attention to the paragraph 13:43:12 15 towards -- the last full paragraph on the page, 13:43:15 16 beginning with "when an airline fails." Do you see 13:43:17 17 that? 13:43:16 18 A. Mm-hmm. 13:43:18 19 Q. It says, "When an airline fails to meet 13:43:21 20 Logan's customer standards, a certified letter will be 13:43:24 21 sent to the airline's local management outlining the 13:43:28 22 deficiency and the expected corrective measure. 13:43:31 23 Massport staff will establish a review date and allow 13:43:34 24 up to three days for the airline to correct the 13:43:36 25 situation. If Massport officials feel that the airline	13:45:01 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:45:05 2 Q. Did -- before and -- the Guaranteed 13:45:08 3 Passenger Standards Program was a program that was, 13:45:10 4 indeed, put into effect; is that correct? 13:45:11 5 A. That's correct. 13:45:15 6 Q. And before it was put into effect, did 13:45:19 7 Massport seek the approval of the Federal Aviation 13:45:25 8 Administration? 13:45:47 9 A. I don't recall. I don't believe so. No. 13:45:49 10 Q. And before implementing the Guaranteed 13:45:56 11 Passenger Standards Program, did Massport undertake any 13:46:00 12 study or analysis to determine whether or how this 13:46:07 13 program may impact on security at the checkpoint? 13:46:09 14 A. Not specifically security, but we did meet 13:46:12 15 with the airlines and basically asked them what their 13:46:16 16 standards were. And this is -- these were their 13:46:20 17 standards, essentially, that we put into place. 13:46:22 18 Q. So then is that a "no" to the question as 13:46:26 19 to whether or not before implementing the Guaranteed 13:46:31 20 Passenger Standards Program did Massport undertake any 13:46:34 21 study or analysis to determine whether or how this 13:46:37 22 program may impact on security at the checkpoint? 13:46:40 23 MR. WOOD: Objection. Asked and answered. 13:46:47 24 A. No. We didn't feel it was necessary. 13:46:48 25 Q. And the aim of the Guaranteed Passenger

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13:46:51 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:46:59 2 Standards Program was to provide for basic and quality 13:47:02 3 service for Logan passengers; is that correct? 13:47:07 4 A. Yes. 13:47:11 5 Q. Does Logan Airport or Massport consider 13:47:16 6 safety and security to be a basic service for Logan 13:47:19 7 passengers and Logan customers? 13:47:23 8 A. I certainly do. It's my No. 1 priority. 13:47:25 9 Q. Was it your No. 1 priority prior to 13:47:27 10 September 11th, 2001? 13:47:46 11 A. Yes, it was. 13:47:47 12 Q. Am I correct that the Guaranteed Passenger 13:47:55 13 Standards Program was, in fact, implemented in -- prior 13:48:00 14 to September 11th, 2001, and the proposal to test 13:48:02 15 checkpoints with undercover state police was not 13:48:07 16 implemented prior to September 11th, 2001? 13:48:07 17 MR. WOOD: Objection. 13:48:11 18 MR. BURTON: Objection. 13:48:11 19 MR. ELLIS: Objection. 13:48:12 20 A. Yes. 13:48:15 21 Q. And am I correct that the -- that Logan or 13:48:18 22 Massport got a lot of pushback on the Guaranteed 13:48:20 23 Passenger Standards Program, as well? 13:48:46 24 A. Yes. 13:48:46 25 Q. Did you personally have discussions with	13:50:10 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:50:16 2 Magazine article dated June 25, 2001, "At Your Service: 13:50:17 3 Airports Versus Airlines." 13:50:17 4 (Time Magazine article dated 13:50:17 5 June 25, 2001 marked 13:50:38 6 Exhibit 1227.) 13:50:56 7 MS. SCHIAVO: That is 1227. 13:50:59 8 Q. Have you ever seen this article before? 13:51:00 9 MR. WOOD: Wait a second. Have you had a 13:51:02 10 chance to read the article? 13:51:04 11 MR. COHEN: I'm sorry. 13:51:07 12 A. I'm entertaining myself as we speak. I 13:51:08 13 remember this article, yes. 13:51:13 14 Q. Is there someone at Massport who would make 13:51:19 15 sure that you saw articles, publications, other things 13:51:23 16 that were written about Massport in the mass media? 13:51:26 17 A. Typically, we'd get press clips, yes. 13:51:27 18 Q. Would that come from the director of 13:51:28 19 communications? 13:51:29 20 A. Correct. 13:51:30 21 Q. Or someone in her office? 13:51:31 22 A. Correct. 13:51:32 23 Q. Did she have a staff or was it just her? 13:51:33 24 A. No. She had a staff. 13:51:34 25 Q. And if you look at the last paragraph in
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13:48:49 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:48:52 2 executives at the airlines regarding the Guaranteed 13:48:54 3 Passenger Standards Program? 13:48:57 4 A. No. I did not. 13:49:00 5 Q. Did Mr. Freni report to you on discussions 13:49:01 6 with executives regarding the Guaranteed Passenger 13:49:03 7 Standards Program? 13:49:06 8 A. Yes. If you're referring to executives, 13:49:09 9 meaning at the local level, station management, yes. 13:49:12 10 Q. Do you know who Robert Crandall is? 13:49:13 11 A. Yes. 13:49:15 12 Q. Who is Robert Crandall? 13:49:20 13 A. Former CEO of American Airlines. 13:49:22 14 Q. And did Mr. Freni ever tell you that Robert 13:49:27 15 Crandall told him, Freni, that whoever thought it up, 13:49:30 16 referring to the Guaranteed Passenger Standards 13:49:32 17 Program, should have a lobotomy? 13:49:34 18 A. No. 13:49:34 19 MR. BURTON: Objection. 13:49:38 20 A. No. He never told me that. 13:49:41 21 Q. Did you ever read that in the newspaper or 13:49:43 22 magazine or anything? 13:50:03 23 A. No. 13:50:05 24 MR. COHEN: I'll mark as the next 13:50:05 25 exhibit -- what are we up to? As Exhibit 1227 a Time	13:51:42 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:51:45 2 this article -- have you had a chance to read it? 13:51:45 3 A. Mm-hmm. 13:51:48 4 Q. It says "The Massport plan is extremely 13:51:51 5 controversial." Do you agree with that? 13:51:53 6 A. Yes. 13:51:55 7 Q. Okay. And it says "The airlines are not 13:51:58 8 amused." Do you agree with that? Was that your 13:52:01 9 impression at the time, that the airports were 13:52:04 10 displeased with the program? 13:52:08 11 MR. BURTON: Objection. 13:52:09 12 A. I'm not following you. 13:52:12 13 Q. Did you have an understanding prior to or 13:52:14 14 around the time of the implementation of the Guaranteed 13:52:15 15 Passenger Standards Program that the airlines did not 13:52:16 16 like the idea? 13:52:17 17 A. Yes. 13:52:18 18 Q. And the airlines, in fact, objected to the 13:52:19 19 program; is that correct? 13:52:20 20 A. Yes, they did. 13:52:21 21 Q. And if the airlines had their way, the 13:52:22 22 program would not have been implemented; is that 13:52:23 23 correct? 13:52:24 24 MR. WOOD: Objection. 13:52:24 25 MR. BURTON: Objection.

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13:52:49 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:52:51 2 MR. ROSS: Objection to form. 13:52:51 3 MR. FEAGLEY: Objection. 13:52:52 4 A. Yes. 13:52:55 5 Q. But Massport went through and implemented 13:52:58 6 the program over the objections of the airlines; is 13:53:00 7 that correct? 13:53:16 8 A. That's correct. 13:53:19 9 MR. BURTON: How are you doing on time? 13:53:22 10 MR. COHEN: I have plenty to do. 13:53:24 11 MR. BURTON: You have more to do with him? 13:53:29 12 MR. COHEN: Yeah. 13:53:30 13 MR. BURTON: Can you give us a sense of the 13:53:31 14 timing? 13:53:32 15 MR. COHEN: If you want to go off the 13:53:35 16 record, I'll be happy to discuss it with you. 13:53:38 17 MR. BURTON: Okay. Why don't we do that. 13:53:40 18 MR. COHEN: Let's go off the record. But 13:53:41 19 everyone stay here. 13:53:42 20 THE VIDEOGRAPHER: Going off the record. 13:54:24 21 The time is 1:53. 13:56:48 22 (Discussion off the record.) 13:56:49 23 THE VIDEOGRAPHER: Back on the record. The 24 time is 1:56. 25	13:58:32 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:58:35 2 Q. How about September 19, 1999? 13:58:36 3 A. Sounds -- 13:58:38 4 Q. I'm going to show you a copy of what was 13:58:49 5 marked as Exhibit 347 at a previous deposition. And 13:58:53 6 ask you if that is the article that you recall seeing 13:58:58 7 prior to 2000 regarding checkpoint failures at 13:59:04 8 Logan Airport? 13:59:06 9 A. This is the article. Correct. 13:59:08 10 Q. And how did that -- how did that article 13:59:11 11 come to your attention? 13:59:16 12 A. I was interviewed. 13:59:19 13 Q. And then you saw this article once it was 13:59:21 14 published; is that correct? 13:59:22 15 A. That's correct. 13:59:25 16 Q. And did -- was that given to you by 13:59:28 17 somebody or did you happen to pick up The Boston Globe 13:59:32 18 one morning and see an article about Massport or Logan 13:59:38 19 International Airport and fines that were imposed by 13:59:42 20 the FAA on the airlines and Massport? 13:59:46 21 A. I don't recall how I came to see the final 13:59:53 22 article. 14:00:00 23 Q. And do you see the title of the article is 14:00:04 24 "Security lapses revealed at Logan. Federal agents 25 report at least 136 violations"?
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13:56:51 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 13:57:05 2 BY MR. COHEN: 13:57:10 3 Q. Mr. Kinton, were you aware, prior to the 13:57:17 4 Fox News report in the spring of 2001, that 13:57:21 5 Logan Airport was heavily fined for security failures 13:57:26 6 by the airlines and their security companies? 13:57:34 7 MR. ROSS: Objection to form. 13:57:36 8 A. I was aware of fines levied by the FAA, 13:57:39 9 but not by the airlines -- to the airlines and the 13:57:39 10 security company. 13:57:42 11 Q. Were you -- let me try and understand that 13:57:47 12 a little better. You were aware of certain fines that 13:57:51 13 were imposed on Massport, itself, prior to 2001; is 13:57:52 14 that correct? 13:57:53 15 A. That's correct. 13:58:00 16 Q. And generally, what were those fines for? 13:58:03 17 MR. WOOD: Objection. 13:58:06 18 A. I don't know. I'd be guessing if I 13:58:06 19 answered it. 13:58:14 20 Q. Okay. Were you aware of fines of the 13:58:17 21 airlines, themselves, for security failures -- for 13:58:24 22 checkpoint security failures, prior to 2000? 13:58:26 23 A. Only through an article that was in the 13:58:30 24 Boston Globe, I believe. I'm not sure of the date of 25 that.	14:00:08 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:00:08 2 A. Yes, I do. 14:00:13 3 Q. And did you see a little bit farther down 14:00:18 4 in the article that, as a result, the FAA has fined 14:00:22 5 major airlines and the Massachusetts Port Authority 14:00:28 6 \$178,000 during that period, which is the period that's 14:00:30 7 described as 1997 through the beginning of this year, 14:00:35 8 which is 1999? So a two-year period? 14:00:37 9 A. Yes. 14:00:44 10 Q. Did you consider that to be alarming? 14:00:48 11 A. Absolutely. The first thing I did is 14:00:54 12 looked at it and broke it down, and I believe we were 14:00:58 13 lumped in together. The article lumps us in together 14:01:01 14 with the airlines, but I believe the vast majority of 14:01:04 15 these violations were 108s. 14:01:05 16 Q. By -- 14:01:06 17 A. But still concerning to me. 14:01:09 18 Q. By 108, you mean fines imposed upon the 14:01:13 19 airlines, as opposed to fines imposed upon Massport? 14:01:13 20 A. Correct. 14:01:13 21 Q. Okay. And putting aside Massport's 14:01:24 22 violations and the fines imposed on Massport, did you 14:01:24 23 find it alarming that over 100 security violations at 14:01:32 24 Logan for a two-year period as a result of airline 25 security failures?

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14:01:40 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:01:42 2 A. Yes. 14:01:46 3 Q. And do you see a few paragraphs down, 14:01:48 4 there's a dash -- the first dashed paragraph, 14:01:52 5 "Screeners hired by the airlines to staff checkpoints 14:01:56 6 and terminals routinely failed to detect test items, 14:02:00 7 such as pipe bombs and guns hidden in bags carried by 14:02:01 8 the special agents?" 14:02:02 9 A. Yes. 14:02:06 10 Q. And did you find that alarming, as well? 14:02:12 11 A. Yes. 14:02:20 12 Q. And I'll just turn to the next page and 14:02:23 13 look at second paragraph of Page 2. It says, "The 14:02:26 14 overall failures at Logan are even more remarkable 14:02:29 15 since there are fewer than 20 FAA special agents 14:02:32 16 assigned to the airport and their faces are presumably 14:02:36 17 familiar to security officials as well as airline 14:02:39 18 employees, sources said." Do you see that? 14:02:40 19 A. I see it. 14:02:42 20 Q. And do you know what point the article is 14:02:47 21 making about the fact that the agents' faces are 14:02:49 22 familiar to the employees? 14:02:52 23 MR. BURTON: Objection. 14:02:54 24 A. I know what point they're making, yes. 25 Q. What is that point?	14:04:06 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:04:12 2 following this article regarding the state of 14:04:21 3 checkpoint screening at Logan Airport in 1998 and 1999? 14:04:26 4 MR. WOOD: Objection. 14:04:29 5 A. I'm -- you know, I'm not sure we took any 14:04:34 6 specific action, other than to meet internally and 14:04:38 7 discuss our ability, given the lines of authority, 14:04:41 8 jurisdiction, on what we could do. Certainly, we 14:04:42 9 weren't ignoring it. 14:04:45 10 Q. You discussed these results in this article 14:04:48 11 with the airlines, did you not? 14:04:51 12 A. I, again, don't recall me, specifically, 14:04:53 13 who I discussed it with. 14:04:56 14 Q. Okay. Do you know whether or not Joe 14:04:59 15 Lawless or anyone else on your staff discussed these 14:05:03 16 violations and this article with the airlines and/or 14:05:04 17 the airline security companies? 14:05:18 18 A. I don't know. 14:05:21 19 Q. Were you ever told that from 1991 through 14:05:26 20 2000, according to an FAA database, Logan, the 14:05:30 21 country's 18th busiest airport, had the sixth highest 14:05:32 22 amount of fines for security breaches? 14:05:34 23 A. I don't recall that, no. 14:05:38 24 Q. Were you ever told during that prior to 25 September 11th, 2001, American was assessed \$117,000 in
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14:02:55 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:02:58 2 A. The point is they presumably know who the 14:02:59 3 inspectors are. 14:03:01 4 Q. Which makes the testing even less 14:03:02 5 effective. 14:03:03 6 MR. BURTON: Objection. 14:03:04 7 MR. ROSS: Objection to the form. 14:03:04 8 Q. Is that correct? 14:03:07 9 A. If one agrees that it's these same 20 14:03:09 10 people. I have no knowledge of that. 14:03:18 11 Q. Okay. And I'm just calling your attention 14:03:22 12 to the paragraph that begins, "Sources said the FAA 14:03:24 13 conducted an audit of Logan Airport security this year, 14:03:29 14 and the number of violations uncovered was at least 14:03:31 15 three times the national average." Do you see that? 14:03:32 16 A. Yes. 14:03:33 17 Q. And that was alarming, as well? 14:03:43 18 A. Absolutely. 14:03:48 19 Q. And it was alarming because it puts 14:03:53 20 Massport's customers at risk? 14:03:54 21 MR. BURTON: Objection. 14:03:56 22 A. It's alarming because these are our 14:04:00 23 customers, yes. And I'm concerned, absolutely, about 14:04:03 24 the security of our airport. 25 Q. And what specific action did Massport take	14:05:43 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:05:45 2 fines? 14:05:46 3 A. I don't recall. 14:05:49 4 Q. Do you ever recall being told that United 14:05:53 5 airlines was assessed \$56,000 in fines during that same 14:05:55 6 time period? 14:06:00 7 A. I don't recall. 14:06:01 8 Q. Would that have been something that you 14:06:04 9 would like to have been notified about prior to 14:06:06 10 September 11th, 2001? 14:06:07 11 MR. BURTON: Objection. 14:06:09 12 MR. WOOD: Objection to form. 14:06:10 13 MR. FREIRE: Objection to form. 14:06:12 14 MR. ROSS: Objection. 14:06:17 15 A. You know, again, by whom? 14:06:21 16 Q. By the airlines. 14:06:25 17 A. I'd rather the FAA, quite frankly. But I 14:06:27 18 mean, as I said before, there were jurisdictional 14:06:31 19 lines here that, you know, that information wasn't 14:06:37 20 shared. 14:06:39 21 Q. If that information was shared with 14:06:42 22 Massport, could Massport have done something to 14:06:48 23 increase security at the -- at Logan to compensate for 14:06:51 24 the fact that the airlines and the security companies 25 were not providing adequate security?

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14:06:54 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:06:54 2 MR. BURTON: Objection. 14:06:56 3 MR. WOOD: Objection. 14:06:57 4 MR. BURTON: Objection to the hypothetical. 14:06:58 5 MR. ROSS: Objection. 14:07:01 6 MR. FEAGLEY: Objection. 14:07:01 7 MR. ELLIS: Objection. 14:07:04 8 A. Again, the FARs are there for a reason, 14:07:07 9 and it's not just 107 and 108. They exist in many, 14:07:12 10 many areas, aircraft maintenance, pilot certification. 14:07:16 11 We no more can go pull a ticket from an airline pilot 14:07:19 12 because they blow through an Air Traffic Control order 14:07:22 13 to hold short on a runway than we can crossing the 14:07:25 14 lines and shutting an airline down or trying to do 14:07:27 15 something that is not within our jurisdiction without 14:07:29 16 the proper authorization from the FAA, which we 14:07:31 17 attempted to do later in '01. 14:08:03 18 Q. Could Massport have deployed more security 14:08:07 19 personnel behind the checkpoint if it wanted to at any 14:08:10 20 point prior to September 11th, 2001? 14:08:10 21 MR. WOOD: Objection. 14:08:11 22 MR. FEAGLEY: Objection. 14:08:13 23 MR. BURTON: Objection to the form. 14:08:14 24 MR. ROSS: What do you mean by behind it? 25 Do you mean at -- somehow added in behind it or do you	14:10:17 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:10:22 2 airport, anywhere in the airport, instructing 14:10:25 3 passengers to be alert to unusual activity? 14:10:26 4 A. Yes. 14:10:29 5 Q. Could it have made audio announcements, as 14:10:29 6 well? 14:10:30 7 A. Yes. 14:10:35 8 Q. It could have put signage up with regard to 14:10:39 9 any other security issues; is that correct? 14:10:39 10 MR. BURTON: Objection. 14:10:42 11 MR. WOOD: Objection. 14:10:43 12 A. Depending on what those security issues 14:10:44 13 were, sure. 14:10:49 14 Q. Could have put a sign up identifying items 14:10:51 15 that are not allowed to pass through a checkpoint; is 14:10:53 16 that correct? 14:10:54 17 MR. BURTON: Objection. 14:10:54 18 MR. WOOD: Objection. 14:10:56 19 A. Again, I don't know. I wasn't in charge 14:10:59 20 of the checkpoints. So I would have had to ask the 14:11:02 21 FAA if that was deemed appropriate and necessary. 14:11:03 22 Q. And you were familiar with a February 2001 14:11:03 23 Fox News report? 14:11:04 24 MR. WOOD: Objection. 25 A. I don't recall the date, specifically, no.
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14:08:17 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:08:19 2 just mean in the secure area? 14:08:20 3 MR. COHEN: In the secure area. 14:08:21 4 A. Could we? 14:08:21 5 Q. Yes. 14:08:22 6 A. Yes. 14:08:24 7 Q. You had no restriction on how many either 14:08:28 8 plain clothes or uniformed officers you had in any 14:08:31 9 particular area of the airport; is that correct? 14:08:49 10 A. That's correct. 14:08:51 11 Q. Did Massport have any restriction on how 14:08:57 12 many canine dogs you could deploy at any area of the 14:08:58 13 airport? 14:09:12 14 A. No. 14:09:16 15 Q. Could Massport have directed the airlines 14:09:22 16 to open up additional security lanes? 14:09:41 17 A. We could make that request. Absolutely. 14:09:48 18 Q. Could Massport have set up security cameras 14:09:53 19 at any area of the airport it chose to? 14:09:53 20 MR. BURTON: Objection. 14:09:53 21 A. Yes. 14:09:56 22 Q. Did Massport have security cameras at the 14:09:59 23 security lanes on or before September 11th, 2001? 14:10:12 24 A. No, we didn't. 25 Q. Could Massport have placed signage in the	14:11:47 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:11:51 2 Q. Are you familiar with a Fox News report in 14:11:57 3 which it was reported that "Logan International calls 14:11:59 4 security its top priority, but we have learned 14:12:02 5 passengers and Federal Aviation agents have gained 14:12:06 6 unauthorized access into secure areas more than 65 14:12:09 7 times in a year-and-a-half"? Are you familiar with 14:12:09 8 that report? 14:12:09 9 A. No. 14:12:11 10 Q. Are you familiar with those facts? 14:12:16 11 A. No. 14:12:20 12 Q. Are you familiar with a response from Joe 14:12:24 13 Lawless that "No violations are acceptable in the 14:12:27 14 security of the airport"? 14:12:27 15 A. No. 14:12:31 16 Q. Do you agree with that statement that "No 14:12:33 17 violations are acceptable in the security of the 14:12:35 18 airport"? 14:12:38 19 A. Yes. 14:12:40 20 MR. BURTON: I just want to object to the 14:13:13 21 facts not in evidence. 14:13:14 22 MR. COHEN: Let's take a short break. Then 14:13:20 23 I'd like to show the witness the Fox News report. 14:13:22 24 MR. BURTON: Do you have it? 25 MR. COHEN: Yes.

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14:13:23 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:13:23 2 THE VIDEOGRAPHER: This concludes 14:13:29 3 Tape No. 2 in the January 25, 2011 deposition of Thomas 14:13:32 4 J. Kinton, Jr. Going off the record. The time is. 14:13:34 5 2:13 p.m. 14:16:22 6 (A recess was taken.) 14:29:54 7 MR. COHEN: I'll ask the court reporter to 14:29:58 8 mark the video of the Fox News report. 14:29:59 9 MR. WOOD: I don't think we're on the 14:30:06 10 record yet. 14:30:07 11 THE VIDEOGRAPHER: Here marks the beginning 14:30:11 12 of Tape No. 3 in the January 25, 2011 deposition of 14:30:14 13 Thomas J. Kinton, Jr. Back on the record. The time is 14:30:15 14 2:30. 14:30:17 15 MR. COHEN: Okay. I'm going to ask the 14:30:22 16 court reporter to mark a DVD which contains a video of 14:30:28 17 a Fox News report on airport security from -- I believe 14:30:38 18 the date is May 6th, 2001. 14:30:40 19 COUNSEL: Is that 1228? 14:30:41 20 MR. COHEN: 1228, yes. 14:30:41 21 (Fox News DVD marked 14:30:46 22 Exhibit 1228.) 14:30:48 23 MR. COHEN: And I'll also ask the court 14:30:50 24 reporter to mark -- I have a transcript of the report 14:30:52 25 that the court reporter will mark as 1229.	14:32:18 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:32:21 2 it from -- from Mr. Lawless? 14:32:23 3 A. Again, I don't recall who I heard about it 14:32:24 4 from, but I certainly heard about it. 14:32:26 5 Q. Okay. What do you remember hearing about 14:32:30 6 the video at around the time that it was broadcast? 14:32:35 7 A. That it was a Fox News report on getting 14:32:38 8 prohibited items through security checkpoints. 14:32:42 9 Q. Do you recall people -- Massport staff or 14:32:46 10 employees being upset about the video? 14:32:47 11 MR. BURTON: Objection. 14:32:49 12 A. Yes. 14:32:52 13 Q. Do you recall why they were upset? 14:33:01 14 A. Yes. It was, again, a fairly explicit 14:33:07 15 display of failure at the security checkpoints at our 14:33:11 16 airport. And it's our customers, and we're very 14:33:12 17 concerned about it. 14:33:15 18 Q. And by "concerned," you're concerned for 14:33:18 19 the welfare of your customers. Is that correct? 14:33:19 20 A. That's correct. 14:33:21 21 Q. And you're also concerned about the 14:33:24 22 reputation to Massport? 14:33:27 23 A. Less that; more the customer. 14:33:28 24 Q. But you were also concerned about the -- 14:33:29 25 Massport's reputation, as a result of this news report.
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14:30:54 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:30:54 2 (Fox News report transcript 14:31:01 3 marked Exhibit 1229.) 14:31:03 4 MR. FREIRE: Objection to the transcript. 14:31:03 5 MR. COHEN: For the convenience of 14:31:39 6 everyone. 14:31:41 7 (Discussion off the record.) 14:31:42 8 BY MR. COHEN: 14:31:45 9 Q. Mr. Kinton, is that the Fox News report 14:31:46 10 video that we've been discussing from time to time 14:31:52 11 throughout the day that -- that's the question. Is 14:31:55 12 that the Fox News video that we've discussed earlier 14:31:58 13 today? 14:31:59 14 A. Yes. 14:32:01 15 Q. And you saw that before in, and around the 14:32:04 16 time that it was broadcast in May of 2001; is that 14:32:04 17 correct? 14:32:06 18 A. No, I did not. 14:32:07 19 Q. Do you remember when you first saw that 14:32:09 20 video? 14:32:10 21 A. Today. 14:32:14 22 Q. Okay. Did you -- did you hear about the 14:32:15 23 video -- 14:32:15 24 A. Yes. 14:32:15 25 Q. -- prior to September 11? You heard about	14:33:32 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:33:33 2 Is that correct? 14:33:39 3 A. Somewhat, yes. 14:33:42 4 Q. And do you have any basis for an opinion as 14:33:47 5 to what types of items should or should not be detected 14:33:53 6 by a screener at a security checkpoint? 14:33:53 7 MR. WOOD: Objection. 14:33:59 8 A. I do not. 14:34:01 9 Q. Do you know who Steve Elson -- do you know 14:34:04 10 who Steve Elson is? 14:34:05 11 A. Elson? 14:34:07 12 Q. E-L-S-O-N. 14:34:07 13 A. No. 14:34:10 14 Q. There was a Steve Elson that was in the 14:34:16 15 report, and he was described as a former FAA official. 14:34:17 16 A. Yeah. I saw that. Yes. 14:34:21 17 Q. Okay. And had you ever seen or spoken with 14:34:22 18 Steve Elson before? 14:34:22 19 MR. WOOD: Objection. 14:34:24 20 A. No. 14:34:26 21 Q. Do you know who any members of the FAA red 14:34:32 22 team were prior to September 11th, 2001? 14:34:35 23 A. No. 14:34:38 24 Q. Did you agree with Mr. Elson's statement in 14:34:38 25 the video that "I don't know how anybody could look and

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14:34:44 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:34:49 2 see what we've seen, and call it security?" 14:34:52 3 MR. BURTON: Objection. 14:34:53 4 A. No. I don't agree with that. 14:34:55 5 Q. Why not? 14:35:00 6 A. Because it's -- it's a -- one segment of 14:35:04 7 one report, and for him to make a broad statement like 14:35:07 8 that condemning the entire security program at an 14:35:10 9 airport or airports, I -- I -- I think you need a 14:35:11 10 little bit more than that. 14:35:16 11 Q. How about the reported fact that 14 out of 14:35:21 12 15 items tested went through without being detected by 14:35:24 13 the checkpoint? 14:35:26 14 MR. WOOD: Objection. 14:35:28 15 A. Not good. 14:35:31 16 Q. And Joe Lawless spoke in the video. Is 14:35:32 17 that correct? 14:35:32 18 A. That's correct. 14:35:35 19 Q. He was your chief in charge of security. 14:35:36 20 Is that correct? 14:35:39 21 A. That's correct. 14:35:44 22 Q. And he said, "As soon as we found out about 14:35:46 23 this, we immediately went to the carriers. We 14:35:49 24 immediately called in those security companies, and we 14:35:51 25 immediately called in the FAA and said, 'Look, this is	14:37:02 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:37:05 2 was disturbed, did you agree that Mr. Lawless was 14:37:10 3 disturbed by this report? 14:37:10 4 MR. ROSS: Objection. 14:37:11 5 A. Yes. 14:37:16 6 Q. And you saw him say that Massport, for the 14:37:20 7 first time, will start performing tests like ours. You 14:37:21 8 saw that -- him say that? 14:37:23 9 A. I saw that. I saw that. 14:37:25 10 Q. And -- and that's a reference to the 14:37:32 11 undercover testing program that Mr. Lawless was 14:37:36 12 initiating at that time. Is that correct? 14:37:37 13 A. I believe it's correct. Yes. 14:37:40 14 Q. Okay. But that undercover testing program 14:37:44 15 did not get off the ground prior to September 11th, 14:37:45 16 2001. Is that correct? 14:38:01 17 A. Correct. Correct. 14:38:04 18 Q. Were you aware that Massport regularly 14:38:08 19 discussed internally and with the airlines the problems 14:38:10 20 with checkpoint screening? 14:38:15 21 MR. WOOD: Objection. 14:38:32 22 A. No. I'm not. 14:38:36 23 Q. Do you ever -- you mentioned Steve Luongo 14:38:37 24 earlier, is that correct? 14:38:37 25 A. That's correct.
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14:35:51 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:35:54 2 a problem, you have to fix it right now." Do you 14:35:55 3 recall him saying that? 14:35:56 4 A. I recall him saying that. 14:35:58 5 Q. And do you recall -- recall that happening? 14:36:00 6 A. I don't recall that happening. 14:36:04 7 Q. Okay. And do you recall the airlines doing 14:36:12 8 anything after this report to improve their checkpoint 14:36:17 9 screening at Logan Airport, prior to September 11th, 14:36:20 10 2001? 14:36:21 11 MR. BURTON: Objection to the form. 14:36:23 12 A. No. Other than I know there were some 14:36:27 13 changing of security companies by various airlines. 14:36:29 14 Whether or not it was in response to this, I can't 14:36:30 15 say. 14:36:32 16 Q. Do you believe that happened after May of 14:36:33 17 2001? 14:36:35 18 A. I'm not exactly sure when it happened. 14:36:40 19 Q. Okay. And then the reporter reported or 14:36:43 20 stated, "Lawless is so disturbed by our test results, 14:36:47 21 he says Massport, for the first time, will start 14:36:53 22 performing tests like ours. While he says, 'Screeners 14:36:56 23 over the years have detected some weapons, we now know 14:36:59 24 some could also be getting on the airplanes." 14:37:01 25 With regard to the Lawless statement that he	14:38:38 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:38:40 2 Q. And he was an FAA security representative 14:38:44 3 stationed at Logan Airport. Is that correct? 14:38:45 4 A. Correct. 14:38:52 5 Q. And do you recall a meeting in 2000, where 14:38:55 6 Luongo explained that there are three categories by 14:38:58 7 which airports are rated, and that Logan's recent 14:39:00 8 assessment placed it at the lowest -- at the bottom of 14:39:04 9 the lowest category, making it susceptible to 14:39:06 10 intervention and governance by the FAA? Do you 14:39:08 11 remember hearing that? 14:39:10 12 MR. BURTON: Objection to the form. Facts 14:39:11 13 not in evidence. 14:39:14 14 A. I don't. 14:39:15 15 Q. And -- and you mentioned earlier a report 14:39:16 16 by Mr. Lawless to Virginia Buckingham in April of 2001. 14:39:17 17 Do you recall that? 14:39:21 18 A. I mentioned the report. I don't think I 14:40:12 19 referenced a date. 14:40:14 20 Q. I show you what's been previously marked as 14:40:20 21 Exhibit 213, which is a Massport memo, confidential, 14:40:24 22 from -- from Joseph M. Lawless to Virginia Buckingham, 14:40:25 23 dated April 27, 2001, titled "Airport Vulnerabilities." 14:40:27 24 Are you familiar with -- have you seen this document 14:40:27 25 before?

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14:40:48 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:40:49 2 A. Yes. 14:40:51 3 Q. And did you see it before September 11th, 14:40:54 4 2001? 14:40:57 5 A. I'm not sure I saw this exact document. I 14:40:59 6 saw a list of the issues referenced in the document, 14:41:05 7 however. 14:41:10 8 Q. Do you recall being notified before 14:41:14 9 September 11th, 2001 that "several incidents over the 14:41:26 10 last few years indicate existing vulnerabilities"? 14:41:27 11 MR. BURTON: Objection to form. 14:41:33 12 A. By whom? 14:41:35 13 Q. Vulnerabilities to checkpoint security, 14:41:39 14 generally. 14:41:40 15 A. No. 14:41:42 16 Q. How about vulnerabilities to airport 14:41:43 17 security? 14:41:44 18 A. Yes. 14:41:49 19 Q. And turning to the next page, on the 14:41:53 20 bottom, last full paragraph, "screening of passengers 14:41:55 21 and baggage." Do you see that? 14:41:56 22 A. Mm-hmm. 14:41:59 23 Q. Do you know why Mr. Lawless was reporting 14:42:05 24 to Ms. Buckingham regarding screening of passengers and 14:42:05 25 baggage?	14:43:28 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:43:29 2 vulnerabilities? 14:43:32 3 A. Not that I recall, no. 14:43:36 4 Q. And by "these vulnerabilities," that 14:43:39 5 includes screening of passengers and baggage, as well 14:43:39 6 Is that correct? 14:43:41 7 MR. WOOD: Objection. 14:43:42 8 MR. BURTON: Objection. He didn't write 14:43:43 9 this document. 14:43:45 10 A. That's what's written here. Correct. 14:43:46 11 Q. And -- and among the solutions that 14:43:51 12 Mr. Lawless developed was to -- was the -- to conduct 14:43:58 13 undercover testing of checkpoints. Is that correct? 14:43:59 14 MR. FEAGLEY: Objection. 14:43:59 15 MR. BURTON: Objection. 14:44:02 16 A. That was one of the solutions. Yes. 14:44:05 17 Q. So he developed -- he sought to develop 14:44:10 18 solutions to checkpoint screening problems, as well as 14:44:16 19 terminal or gate access and identification and other 14:44:18 20 problems. Is that correct? 14:44:21 21 MR. WOOD: Objection. 14:44:23 22 A. That's correct. That's what is written 14:44:32 23 here. 14:44:40 24 Q. And I call your attention to Exhibit 3 -- 14:44:40 25 well, hold on. Did you ever conduct an investigation
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14:42:09 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:42:13 2 A. Yes. I think it was on his list of areas 14:42:18 3 that he thought were issues that needed to be 14:42:21 4 addressed from a vulnerability standpoint. 14:42:24 5 Q. And he's reporting it to Ms. Buckingham, 14:42:27 6 because he thinks they're issues that need to be 14:42:37 7 addressed by Massport. Is that correct? 14:42:40 8 A. Not entirely, no. 14:42:42 9 Q. Why is he telling Ms. Buckingham about 14:42:48 10 this? 14:42:49 11 MR. FEAGLEY: Object to form and 14:42:50 12 foundation. 14:42:53 13 A. It was his -- these were -- these were his 14:43:00 14 impressions of the areas of weakness. But, you know, 14:43:02 15 not all of them are Massport's responsibility. 14:43:04 16 Q. If you read the last sentence, it says, 14:43:09 17 "This memorandum has outlined Massport's most serious 14:43:11 18 vulnerabilities at this time. I would like a meeting 14:43:14 19 with you at your earliest convenience to discuss 14:43:16 20 solutions I have developed to deal with these 14:43:19 21 vulnerabilities." Do you see that? 14:43:20 22 A. I see it. 14:43:22 23 Q. And did you participate in any meeting with 14:43:26 24 Mr. Lawless and Ms. Buckingham to discuss solutions 14:43:26 25 Mr. Lawless developed to deal with these	14:45:07 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:45:13 2 or participate in an investigation to determine what 14:45:19 3 did happen at Logan Airport on September 11th that 14:45:23 4 resulted in ten terrorist hijackers boarding two 14:45:28 5 flights and crashing them into buildings? 14:45:30 6 MR. WOOD: Objection. Asked and answered. 14:45:32 7 A. Yes. 14:45:36 8 Q. Did you reach a conclusion as to any 14:45:45 9 deficiencies or problems at Logan Airport that allowed 14:45:48 10 the event of September 11th to occur? 14:45:50 11 A. Yes, I did. 14:45:53 12 Q. What was your conclusion? 14:45:55 13 A. My conclusion is in the 9/11 Commission 14:46:00 14 report. I believe it's Footnote No. 1, where I 14:46:03 15 believe Logan was chosen because of its geographic 14:46:06 16 location to New York City, and we had planes loaded 14:46:11 17 with fuel that they knew how to fly that were going 14:46:15 18 near the targets that they intended to hit. 14:46:19 19 Similarly, Dulles, similarly, Newark, were chosen for 14:46:21 20 those reasons, as well. 14:46:25 21 Q. And you previously mentioned that Logan is 14:46:30 22 a Category X airport. Is that correct? 14:46:32 23 A. I'm not sure I mentioned it, but that -- 14:46:34 24 it is a Category X airport. 14:46:34 25 Q. Okay. And a Category X airport means that

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14:57:33 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:57:36 2 increases the potential for attacks here. Civil 14:57:40 3 aviation targets may be chosen by terrorists even if 14:57:43 4 alternative and, in their view, softer targets are 14:57:46 5 available, especially since an attack on aviation 14:57:49 6 seizes the public imagination to a degree equaled by 14:57:51 7 few other types of attacks?" 14:57:53 8 MR. WOOD: Objection. 14:57:54 9 MR. BURTON: Objection. Form and 14:57:54 10 foundation. 14:57:57 11 A. No, not specifically. 14:58:00 12 Q. Do you agree with the comment that 14:58:02 13 publicity about problems with the U.S. domestic civil 14:58:05 14 aviation security measures increase the potential for 14:58:07 15 attacks? 14:58:10 16 MR. WOOD: Objection. 14:58:11 17 A. Do I agree with that? 14:58:14 18 Q. Yes. 14:58:20 19 A. No. 14:58:31 20 Q. Do you agree that the disclosure of 14:58:36 21 vulnerabilities at Logan Airport by Fox News, Boston 14:58:46 22 Globe -- and The Boston Globe made Logan Airport more 14:58:49 23 vulnerable to a terrorist attack? 14:58:50 24 MR. WOOD: Objection. 25 A. No, I do not. I think I answered that	15:00:34 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:00:36 2 A. No. 15:00:41 3 Q. What -- so then you believed that the 15:00:47 4 threat to civil aviation in the United States was 15:00:48 5 insignificant? 15:00:52 6 A. No. I said it was more focused overseas, 15:00:56 7 and, yes, there was a concern for domestic, as well, 15:01:00 8 but that was more of a bomb in checked luggage and so 15:01:04 9 forth, similar to what we had seen in Lockerbee and 15:01:09 10 other locations. And the ICs and so forth referenced 15:01:11 11 overseas activity, and I never received any 15:01:16 12 intelligence specific to Boston or Logan about any 15:01:17 13 terrorist attack -- 15:01:18 14 Q. Did you receive -- 15:01:19 15 A. -- or pending terrorist attack. 15:01:24 16 Q. Did you receive any intelligence regarding 15:01:27 17 the possibility of a hijacking? 15:01:30 18 MR. BURTON: Objection to the form. 15:01:32 19 MR. HOULIHAN: I just want to give you a 15:01:34 20 warning that to the extent that you might be getting 15:01:37 21 this information that is either SSI or classified that 15:01:40 22 might have been provided to you in intelligence 15:01:43 23 briefings, either ICs or SSI. You can answer the 15:01:46 24 question generally, but if there's specific information 25 and you're not sure of its protected status, you want
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14:58:52 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 14:58:58 2 before on why I thought they chose Logan. 14:59:01 3 Q. I didn't ask why they chose. Does it make 14:59:05 4 them more vulnerable if -- if they did choose Logan? 14:59:09 5 A. No. 14:59:12 6 Q. Did you hear prior to September 11th that 14:59:15 7 radical Islamic groups have a presence in the 14:59:17 8 United States and pose a new challenge in identifying, 14:59:22 9 predicting and interdicting their activities? 14:59:23 10 MR. BURTON: Objection to the form. 14:59:27 11 A. Again, I heard and read a lot of things. 14:59:35 12 Whether that specifically or not, I was -- I was able 14:59:38 13 to see lot of secret information that stated such 14:59:45 14 facts. 14:59:51 15 Q. And you knew that the threat was domestic, 14:59:54 16 as well as -- the terrorist threat was domestic as well 15:00:00 17 as overseas. Is that correct? 15:00:04 18 A. The focus was overseas. That's where the 15:00:08 19 focus was. And the focus was bomb on an airplane. 15:00:12 20 And that's the kind of intelligence we were receiving. 15:00:13 21 And there was nothing specific to Logan International 15:00:20 22 Airport or Boston from any intelligence source. 15:00:27 23 Q. Do you agree that there was a significant 15:00:31 24 terrorist threat to civil aviation in the 25 United States?	15:01:50 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:02:03 2 to be careful here. 15:02:07 3 Q. Did Massport have a concern about the 15:02:18 4 threat of hijacking emanating from Logan Airport? 15:02:22 5 MR. BURTON: Objection to form. 15:02:26 6 A. It was on our list of concerns, yes. But 15:02:29 7 I don't think anybody envisioned that it would be a 15:02:32 8 hijacking such -- to the extent that they would be 15:02:40 9 flying the airplanes. That was a game changer. 15:02:45 10 Q. Did you receive information circulars that 15:02:51 11 said that all Civil Aviation Security personnel should 15:02:57 12 demonstrate a high degree of alertness within the years 15:03:01 13 prior to September 11th? 15:03:03 14 A. Yes. 15:03:08 15 Q. And did you receive information circulars 15:03:13 16 that Americans need to remain vigilant with regard to 15:03:20 17 aviation security issues? 15:03:39 18 A. Yes, with regard to overseas. 15:03:42 19 Q. Did you receive information circulars or 15:03:47 20 information from the FAA that U.S. airlines could be 15:03:53 21 targeted in a terrorist hijacking? 15:03:57 22 MR. BURTON: Objection to form. 15:04:03 23 A. Again, I received a lot of information. 15:04:06 24 Nothing specific to Logan. Nothing specific to 25 Boston. A lot of generalization relative to threat

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15:17:44 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:17:54 2 And our staffing levels, tactics, bomb dogs, as well 15:18:03 3 as the targeted teams that we had on the airport surge 15:18:06 4 teams and so forth were all the result of this kind of 15:19:20 5 information. 15:19:23 6 Q. I call your attention to Exhibit 42, which 15:19:49 7 is a draft of the CTI report. This is the full one, 15:19:54 8 and then I have some excerpts, just to save on copying 15:19:56 9 costs. 15:19:57 10 MR. WOOD: Same objections I put on the 15:20:11 11 record earlier. 15:20:12 12 MR. BURTON: When you get to a convenient 15:20:15 13 spot to just talk about timing off the record, if you'd 15:20:28 14 let me know. 15:20:31 15 Q. I call your attention -- it's probably 15:20:33 16 easier to work with the one with the excerpts, because 15:20:40 17 it doesn't have the extraneous pages -- to Page 100645. 15:20:41 18 A. Mm-hmm. 15:20:44 19 Q. And it says the general conclusions. And 15:20:49 20 it says, "A major challenge facing Massport and BOS," 15:20:53 21 B-O-S, capital B-O-S, "will be the understanding of why 15:20:56 22 no action has apparently occurred on the many previous 15:21:00 23 safety and security recommendations submitted by 15:21:02 24 multiple sources." Do you see that? 15:21:05 25 A. Mm-hmm.	15:22:24 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:22:25 2 Q. And then calling -- following on the next 15:22:32 3 page, 100647, "Specific Findings," one, two, three, 15:22:36 4 four, five, six bullets down, "Before September 11th, 15:22:40 5 Boston severely lacked the majority of elements 15:22:42 6 required to meet recommended minimum safety and 15:22:45 7 security standards established by the FAA." Do you 15:22:46 8 agree with that statement? 15:22:47 9 MR. WOOD: Objection. 15:22:49 10 A. I do not. 15:22:56 11 Q. And then going down to the last unredacted 15:23:00 12 bullet point on the left column, it says, "Aircraft 15:23:04 13 operators are unwilling to effectively cooperate with 15:23:07 14 Boston in their endeavor to increase the safety and 15:23:10 15 security of Boston on behalf of the traveling public." 15:23:13 16 And by "aircraft operators," that's referring to the 15:23:16 17 airlines. Is that correct? 15:23:18 18 A. I'm not really sure. 15:23:20 19 Q. What do you think "aircraft operators" 15:23:24 20 refers to? What else could it refer to, other than 15:23:27 21 airlines? 15:23:27 22 MR. FEAGLEY: Objection. 15:23:28 23 A. Pilots. 15:23:31 24 Q. Do you have an opinion -- let me raise it. 15:23:31 25 Do you have an opinion whether or not the airlines were
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15:21:03 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:21:11 2 Q. And did Massport ever come to a conclusion 15:21:15 3 as to why no action was taken on the many previous 15:21:17 4 safety and security recommendations submitted from 15:21:19 5 multiple sources? 15:21:21 6 MR. WOOD: Objection. 15:21:24 7 A. No, because I don't know what this guy was 15:21:30 8 talking about. 15:21:32 9 Q. And calling your attention to the next 15:21:37 10 page, it said, "CTI's" -- this is in the middle of the 15:21:40 11 first full paragraph, "CTI's principal conclusion is 15:21:46 12 that Boston must address several systematic elements 15:21:49 13 just to begin to meet only minimum standards with 15:21:52 14 regard to today's threats and risks." Do you see that? 15:21:53 15 A. I do. 15:21:55 16 Q. And did you agree with that conclusion? 15:21:55 17 MR. WOOD: Objection. 15:21:58 18 A. No. Same answer. The guy didn't know 15:21:59 19 what he was talking about. 15:22:02 20 Q. And who -- who hired this company? 15:22:02 21 A. Massport. 15:22:05 22 Q. Okay. And who, individually, selected or 15:22:13 23 participated in the selection of CTI Consulting to 15:22:16 24 undertake this security review? 15:22:16 25 A. I don't know.	15:23:33 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:23:38 2 unwilling to effectively cooperate with Massport to 15:23:42 3 increase safety and security at Massport on behalf of 15:23:44 4 the traveling public? 15:23:44 5 MR. WOOD: Objection. 15:23:45 6 A. Yes. 15:23:48 7 Q. And what is that opinion? 15:23:50 8 A. That they were cooperating. 15:23:51 9 Q. They were cooperating? 15:23:52 10 A. They were cooperating. There was 15:23:54 11 pushback, but for the most part, it was very 15:23:56 12 cooperative. 15:23:58 13 Q. Did you personally -- who did you 15:24:05 14 personally deal on -- on aviation security issues from 15:24:08 15 the airlines? 15:24:10 16 A. I would deal through the station managers 15:24:14 17 or through Joe Lawless or Ed Freni, as previously 15:24:14 18 stated. 15:24:16 19 Q. Did you personally take a hands-on role 15:24:24 20 with regard to security at Massport -- at 15:24:25 21 Logan Airport? 15:24:37 22 A. Absolutely. 15:24:40 23 Q. Did Massport use psychological profiling 15:24:44 24 prior to September 11th, 2001? 15:24:44 25 MR. WOOD: Objection.

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15:24:45 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:24:46 2 MR. BURTON: Objection to form. 15:24:47 3 A. On who? 15:24:49 4 Q. On passengers, to determine if they 15:24:57 5 constitute a security threat. 15:25:19 6 A. The only -- no. 15:25:22 7 Q. Did Massport do anything to ensure that 15:25:26 8 screeners and screening companies were adequately 15:25:32 9 notified about the high threat environment in the 15:25:34 10 months leading up to September 11th? 15:25:35 11 MR. WOOD: Objection. 15:25:36 12 MR. BURTON: Objection to form. 15:25:40 13 A. Again, that -- I don't -- I don't know 15:25:43 14 specifically if we did or did not, but the 15:25:47 15 responsibility rested with the FAA to inform, just 15:26:07 16 like they informed us. 15:26:13 17 Q. And following the events of September 11th, 15:26:19 18 2001, you described how Massport personnel inspected 15:26:24 19 all the planes to look for any weapons or any items 15:26:29 20 that might be unauthorized. Is that correct? 15:26:30 21 A. Correct. 15:26:38 22 Q. Okay. And did Massport investigate whether 15:26:45 23 there were any shops or restaurants beyond the 15:26:50 24 checkpoint in the secure area where box cutters were 25 sold?	15:28:31 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:28:34 2 Q. Do you know who Michael Tuohey is? 15:28:35 3 A. No. 15:28:38 4 Q. Are you familiar with a ticket agent at 15:28:42 5 Portland who checked in Mohamed Atta on September 11th? 15:28:48 6 A. No. 15:28:52 7 Q. Are you aware of any specific security 15:28:56 8 procedures that were implemented the morning of 15:29:01 9 September 11th at Logan Airport? 15:29:01 10 MR. WOOD: Objection. 15:29:03 11 MR. BURTON: Objection. 15:29:04 12 MR. ELLIS: What? 15:29:06 13 Q. Any additional specific procedures, beyond 15:29:07 14 what -- 15:29:09 15 A. What we were normally doing? 15:29:09 16 Q. Yes. 15:29:09 17 A. No. 15:29:12 18 Q. Okay. Do you know of any specific 15:29:17 19 additional procedures that were implemented at any time 15:29:22 20 in 2001, prior to September 11th, beyond what you were 15:29:23 21 normally doing? 15:29:24 22 MR. BURTON: Objection to form. 15:29:25 23 MR. WOOD: Objection. 15:29:31 24 A. Yes. And, again, it would depend upon the 25 intelligence we were receiving, and beefing up certain
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15:26:52 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:26:53 2 MR. BURTON: Objection. 15:26:56 3 A. I don't recall that. No. 15:26:59 4 Q. Did they check whether there were any 15:27:06 5 locations past security checkpoints where knives were 15:27:09 6 sold? 15:27:11 7 MR. BURTON: Objection to form. 15:27:16 8 A. Again, no. That came later, when we were 15:27:21 9 told to go beyond security and remove any knives from 15:27:27 10 restaurants and catering outfits and so forth, any 15:27:38 11 sharp objects, which we did. 15:27:47 12 Q. Was Massport alerted by U.S. Air on the 15:27:53 13 morning of September 11th that U.S. Airlines had 15:27:59 14 boarded a passenger, Mohamed Atta, that had been -- 15:28:05 15 that they had a concern was a terrorist? 15:28:05 16 MR. FEAGLEY: Objection. 15:28:08 17 A. No. 15:28:14 18 Q. If a United States Airlines employee 15:28:16 19 thought that they had boarded someone who might be a 15:28:21 20 terrorist, is that something -- and who was traveling 15:28:25 21 to Massport, is that something Massport would have 15:28:28 22 liked to have known? 15:28:29 23 MR. BURTON: Objection. 15:28:29 24 MR. FEAGLEY: Objection to form. 25 A. Yes.	15:29:37 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:29:43 2 areas of patrols and whatnot. That was a constant 15:29:50 3 within the state police. 15:29:52 4 Q. There were times when you beefed up 15:29:52 5 patrols? 15:29:53 6 A. Yes. 15:29:54 7 Q. Is that what you were saying? 15:29:54 8 A. Yes. 15:29:57 9 Q. And what would be the instigation for doing 15:29:59 10 that? 15:30:03 11 A. Intelligence, requests from the FAA 15:30:06 12 security to do it for a particular time frame, holiday 15:30:12 13 period, or if there was, as I say, anything specific. 15:30:15 14 Q. How about around the millennium, do you 15:30:21 15 remember whether Massport had beefed up security in any 15:30:27 16 way around New Year's of the millennium? 15:30:29 17 A. Millennium being what? 15:30:30 18 Q. Year 2000. 15:30:32 19 A. Year 2000. Yeah, we were in there, all of 15:30:36 20 us, I can remember being in there at midnight myself. 15:30:38 21 Q. To make sure what? 15:30:41 22 A. Make sure all the clocks worked. 15:30:43 23 Q. That was a concern at the time. 15:30:45 24 A. One of many. 25 Q. Did you have a specific security-related

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15:30:48 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:30:55 2 concern leading up to January 1st, 2000? 15:30:59 3 A. It indirectly related to security in that 15:31:02 4 a lot of the automated functions we had that we were 15:31:07 5 concerned may not work when the clock turned over 15:31:14 6 would have caused us to have security problems. And 15:31:16 7 so, yes, that was one of the -- public safety people 15:31:19 8 there, extra state police. As I said, myself 15:31:20 9 included. 15:31:25 10 Q. Were you aware or -- of any heightened 15:31:32 11 threat environment at around January 1st, 2000? 15:31:35 12 A. I can remember there was some heightened 15:31:37 13 concern. 15:31:41 14 Q. Do you remember any special procedures that 15:31:44 15 were implemented around that time to address that 15:31:50 16 concern? 15:31:54 17 A. Again, it would have been extra personnel, 15:32:06 18 patrols, dogs, and the like. 15:32:09 19 Q. Do you know who James Miller is? 15:32:11 20 A. No. 15:32:13 21 Q. A manager from Globe? 15:32:14 22 A. No. 15:32:17 23 Q. Do you know who Theresa Spagnolo is? 15:32:18 24 A. No. 15:32:19 25 Q. A screener from Globe?	15:33:47 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:33:49 2 immediately when they're called -- 15:33:49 3 A. That's correct. 15:33:50 4 Q. -- regarding a security threat; is that 15:33:52 5 correct? 15:33:52 6 MR. FEAGLEY: Same objection. 15:34:13 7 A. That's correct. 15:35:18 8 Q. And when you were -- strike that. 15:35:21 9 Do you know if Fox News was authorized by the 15:35:25 10 FAA to test the security checkpoint -- 15:35:26 11 A. I don't -- 15:35:27 12 Q. -- that they -- 15:35:37 13 A. -- know. 15:35:42 14 Q. Did Massport have a security department? 15:35:44 15 A. We had a Public Safety Department, which 15:35:46 16 was the security department and the fire department 15:35:49 17 combined. 15:35:51 18 Q. Joe Lawless was part of the Public Safety 15:35:52 19 Department? 15:35:52 20 A. He was the head of the Public Safety 15:35:59 21 Department. 15:36:02 22 Q. Was there a budget for the Public Safety 15:36:03 23 Department? 15:36:04 24 A. Yes. 15:36:04 25 Q. And do you know what it was in 2000?
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15:32:22 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:32:23 2 MR. FREIRE: Objection. 15:32:25 3 A. No. 15:32:35 4 Q. And did you ever receive a report that 15:32:42 5 Ms. Spagnolo told her supervisor, James Miller, about 15:32:46 6 someone who was videotaping the American Globe main 15:32:49 7 checkpoint prior to 9/11? 15:32:52 8 A. No. 15:33:00 9 Q. And it's been reported that -- strike that. 15:33:06 10 Are you aware of any restrictions on 15:33:12 11 videotaping or surveillance of security checkpoints at 15:33:14 12 Logan Airport? 15:33:16 13 MR. WOOD: Objection, asked and answered. 15:33:16 14 MR. BURTON: Objection. 15:33:21 15 A. Yes. There was -- it was not allowed. 15:33:28 16 Q. And if someone was seen surveying a 15:33:32 17 checkpoint, what was the procedure that that person 15:33:33 18 should have taken? 15:33:35 19 A. Call the state police. 15:33:38 20 Q. And there were state police right there in 15:33:43 21 the airport, right? 15:33:44 22 MR. FEAGLEY: Objection. Asked and 15:33:44 23 answered. 15:33:45 24 A. Many. Yes. 15:33:45 25 Q. So state police could be there almost	15:36:06 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 15:36:09 2 A. No. 15:36:13 3 Q. Do you know the amount of FAA fines that 15:36:20 4 Massport paid in -- from 1993 through September 11th, 15:36:21 5 2001? 15:36:27 6 A. No. 15:36:28 7 MR. COHEN: Okay. Let's go off the record, 15:36:31 8 and maybe I'm done. 15:36:32 9 THE VIDEOGRAPHER: Going off the record. 15:36:33 10 The time is 3:36. 15:52:20 11 (A recess was taken.) 15:52:22 12 THE VIDEOGRAPHER: Back on the record. The 15:52:23 13 time is 3:52. 15:52:25 14 CROSS-EXAMINATION 15:52:26 15 BY MR. ELLIS: 15:52:29 16 Q. Good afternoon, Mr. Lawless [sic]. My name 15:52:33 17 is Jeff Ellis. And together with my colleague Michael 15:52:35 18 Feagley, we represent United Airlines in this 15:52:36 19 litigation. I want to ask you -- 15:52:38 20 THE WITNESS: Mr. who? Who did he call me? 15:52:39 21 Q. I want to ask you, you said that you went 15:52:41 22 on a trip to Montreal. 15:52:43 23 MR. BURTON: Lawless. 15:52:45 24 THE WITNESS: Yeah. That's what I thought. 15:52:45 25 MR. BURTON: You called him Mr. Lawless.

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16:01:33 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 16:01:35 2 uniform? 16:01:36 3 MS. SCHIAVO: Objection. 16:01:36 4 MR. COHEN: Objection. 16:01:46 5 A. I did not know that. 16:01:49 6 Q. If you got through security checkpoints in 16:01:52 7 less than five minutes, because there were enough gates 16:01:57 8 open, would that indicate you wouldn't have really long 16:02:03 9 lines at the checkpoint? 16:02:03 10 MR. COHEN: Objection. 16:02:04 11 MS. SCHIAVO: Objection. 16:02:05 12 A. Repeat the question. 16:02:07 13 Q. If you could get through security 16:02:10 14 checkpoints in less than five minutes, all right, 16:02:13 15 because either there weren't a lot of passengers -- 16:02:13 16 A. Right. 16:02:16 17 Q. -- or because there were enough lanes that 16:02:18 18 were open, would that, therefore, infer you wouldn't 16:02:21 19 have really long lines at those checkpoints? 16:02:22 20 MS. SCHIAVO: Objection. 16:02:22 21 MR. COHEN: Objection. 16:02:24 22 A. Yes. 16:02:27 23 Q. And were long lines at the checkpoint a 16:02:32 24 vulnerability in the least secure part of the airport? 16:02:32 25 MS. SCHIAVO: Objection.	16:03:34 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 16:03:37 2 Q. Did you ever receive, prior to 9/11, 16:03:42 3 information that suicidal hijackers, using small 16:03:46 4 cutting instruments or edged weapons or edged devices 16:03:51 5 of some kind, were intent on taking over domestic 16:03:56 6 flights, flying them into buildings? 16:03:57 7 MS. SCHIAVO: Objection. 16:03:57 8 MR. COHEN: Objection. 16:04:00 9 A. No. 16:04:02 10 Q. And did you receive that information on 16:04:04 11 9/11? 16:04:05 12 A. No. I did not. 16:04:07 13 Q. After 9/11? 16:04:08 14 A. No. I did not. 16:04:10 15 Q. Did you ever receive information on -- as a 16:04:13 16 result of what happened on 9/11, that suicidal 16:04:19 17 hijackers had taken over airplanes? 16:04:24 18 A. I -- I remember information relative to an 16:04:25 19 event in Paris, I believe. 16:04:27 20 Q. No. No. After 9/11. 16:04:28 21 A. Oh, after 9/11. No. 16:04:30 22 Q. When 9/11 became known, what had 16:04:31 23 happened -- 16:04:32 24 A. No. 16:04:32 25 Q. But when -- you did ultimately learn what
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16:02:32 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 16:02:33 2 MR. COHEN: Objection. 16:02:36 3 A. Yes. 16:02:37 4 Q. And if I was to tell that you The 16:02:43 5 Millennium Plot involved an Al-Qaeda operative in 2000 16:02:47 6 or late 1999 who wanted to leave a bomb in a suitcase 16:02:53 7 in the non-sterile area of the airport, would having 16:02:57 8 long lines at the checkpoint increase the vulnerability 16:02:59 9 in that area of the airport? 16:03:00 10 MS. SCHIAVO: Objection. 16:03:01 11 MR. COHEN: Objection. 16:03:01 12 A. Yes. 16:03:03 13 Q. So it would be something you'd want to 16:03:05 14 avoid, if possible? 16:03:05 15 A. Correct. 16:03:07 16 Q. And you could avoid it by having enough 16:03:10 17 lanes open to move people through? 16:03:11 18 MS. SCHIAVO: Objection. 16:03:22 19 A. That's correct. 16:03:25 20 Q. And would you agree that the entire 16:03:28 21 security system is based on threat assessments? 16:03:32 22 There's no 100 percent security? 16:03:32 23 MS. SCHIAVO: Objection. 16:03:33 24 MR. COHEN: Objection. 16:03:33 25 A. Yes.	16:04:34 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 16:04:38 2 happened on 9/11, as best as we could tell? 16:04:41 3 A. As best as we can tell, yes. 16:04:45 4 Q. Was the entire airport and aviation system 16:04:47 5 in the U.S. shut down -- 16:04:48 6 MS. SCHIAVO: Objection. 16:04:50 7 Q. -- for three days? 16:04:55 8 A. Yes. Oh, well, it was for Tuesday through 16:04:56 9 Thursday afternoon. 16:04:58 10 Q. Okay. Two-and-a-half, almost three days? 16:04:59 11 A. Almost three days. 16:05:02 12 Q. Okay. And did the whole system change once 16:05:06 13 this threat -- this -- what you refer to as a "game 16:05:08 14 changer" became known? 16:05:09 15 MS. SCHIAVO: Objection. 16:05:10 16 MR. COHEN: Objection. 16:05:26 17 A. A lot of the system changed. Yes. 16:05:32 18 Q. I'm almost done. By the way, has anyone 16:05:35 19 ever given you any specific information about what the 16:05:39 20 actual purpose of the red team was? 16:05:41 21 MS. SCHIAVO: Objection. 16:05:43 22 A. The FAA red team? 16:05:48 23 Q. Yes. Did you ever read, for instance, the 16:05:52 24 total system architecture documents, policy documents 16:05:52 25 prepared by the FAA or the strategic plan for security

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16:17:52 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 16:17:53 2 MR. COHEN: Thank you. I have no further 16:17:54 3 questions. 16:17:55 4 MR. ELLIS: Just real quick. I don't need 16:17:56 5 to go down there. 16:17:59 6 RECROSS-EXAMINATION 16:18:03 7 BY MR. ELLIS: 16:18:08 8 Q. Mr. Kinton, Mr. Cohen showed you 16:18:18 9 Exhibit 459, which is an e-mail message from Fox News. 16:18:2110 The Fox News report didn't air until the first week of 16:18:2411 May. Are you aware of that? 16:18:2612 A. No. 16:18:2913 Q. Are you aware as to whether or not between 16:18:3414 the date of this e-mail and the date of airing, United 16:18:3915 contacted Fox News to indicate that its checkpoint was 16:18:4016 never tested? 16:18:4117 A. I'm not aware of that. 16:18:4218 MR. COHEN: Objection. 16:18:4319 MS. SCHIAVO: Objection. 16:18:4520 Q. Do you -- are you aware of the fact that as 16:18:4921 you watch that Fox News report, they never identify 16:18:5322 Huntleigh as being a screening company at Logan that 16:18:5723 was tested? They identify other screening companies at 16:19:0124 Logan, but not Huntleigh, despite what this e-mail 25 seems to indicate.	16:21:39 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 16:21:40 2 REDIRECT EXAMINATION 16:21:40 3 BY MS. SCHIAVO: 16:21:42 4 Q. On September 11th, 2001, in what terminal 16:21:44 5 did United Airlines operate? 16:21:46 6 A. Terminal C. 16:21:52 7 Q. Okay. And are you familiar with -- and I'm 16:21:57 8 very sorry I didn't collate or staple these, but bear 16:22:06 9 with me one second. I can show you the full document, 16:22:1210 if you want -- a document that's been previously marked 16:22:3211 in this litigation as Exhibit 774? If you would look 16:22:3912 at Page 115 of that document. And that's the pages 16:22:4213 that I've pulled out for your easy reference, but they 16:22:4714 are in the full document, I will represent. 16:22:4815 MR. BURTON: Do you have a copy of the full 16:22:4916 document for him? 16:22:5017 MS. SCHIAVO: He can look at that one. 16:22:5318 That's my copy. 16:22:5519 MR. BURTON: Take a look at that. 16:22:5620 A. Yeah. 16:23:0621 Q. On Page 115 of that document, the -- the X 16:23:0922 and the arrow means nothing. That's -- that's a 16:23:1123 photocopy from another page. But if you'd look at that 16:23:1624 first -- first paragraph there under Section G. First 25 of all, what is this document? Can you tell me what
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16:19:04 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 16:19:04 2 MS. SCHIAVO: Objection. 16:19:05 3 MR. COHEN: Objection. 16:19:06 4 A. That's correct. 16:19:26 5 Q. And hold on one second. Mr. Cohen asked 16:19:30 6 you about two airports, Portland, Maine and Dulles, 16:19:33 7 that had security cameras in place on the morning of 16:19:34 8 9/11. 16:19:38 9 Are you aware that the terrorists passed 16:19:4010 through those airports, despite the fact that they had 16:19:4311 security cameras there, and that the exact same 16:19:4612 hijacking happened at those airports? 16:19:4713 A. Yes. 16:19:4814 MS. SCHIAVO: Objection. 16:19:5115 MR. ELLIS: No further questions. 16:19:5816 MR. BURTON: Thank you. Are we done? 16:20:0017 MR. COHEN: No. Give me a second. 16:20:0318 MS. SCHIAVO: I haven't gotten my follow-up 16:20:5319 yet, either. He's making a copy for me. 16:21:3420 (Discussion off the record.) 16:21:3621 MS. SCHIAVO: Are you waiting for me? 16:21:3722 MR. COHEN: Go ahead. I have one or two 16:21:3823 questions. 16:21:3824 MS. SCHIAVO: Thank you. 25	16:23:17 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 16:23:19 2 the title of it is? 16:23:21 3 A. "Recommended Security Guidelines for 16:23:26 4 Airport Planning Design and Construction," put out by 16:23:28 5 the Department of Transportation and the FAA. 16:23:30 6 Q. Okay. And did you have occasion to work 16:23:32 7 with this document in the scope of your 16:23:34 8 responsibilities at Logan Airport? 16:23:36 9 A. Not directly. No. 16:23:4010 Q. Okay. Did your staff? 16:23:4311 A. In -- most likely the capital programs 16:23:4512 department would have -- would be very familiar with 16:23:4613 this. 16:23:4914 Q. Okay. And on Page 115, the first paragraph 16:23:5415 under Section G, closed-circuit television, CCTV 16:24:0016 systems, would you read that first paragraph for us. 16:24:0217 A. "The use of closed-circuit television 16:24:0418 systems in an airport can enhance and increase the 16:24:0619 level of security. Depending upon the airport's 16:24:0920 needs, this system may be focused primarily on the 16:24:1221 terminal or may be airport-wide with use by multiple 16:24:1422 tenants." 16:24:1623 Q. Okay. And if you look at next page, 16:24:2324 Page 116, under Section 3G, CCTV checklist, the first 25 box there, would you read that first sentence for us.

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16:24:30 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 16:24:33 2 A. Where are you? Where the arrow is? 16:24:35 3 Q. Yes. And I will apologize, that was a 16:24:38 4 sticky. That was my arrow on a sticky note. 16:24:41 5 A. I just want to make sure I'm reading the 16:24:44 6 right thing. "CCTV enhances and increases security." 16:24:48 7 Q. Yes. Do you have any information that 16:24:53 8 indicates that is not correct, that CCTV does not 16:25:00 9 increase security? 16:25:02 10 A. If you're a suicide bomber intent on 16:25:05 11 killing yourself, it doesn't help. 16:25:10 12 MS. SCHIAVO: No further questions. 16:25:11 13 MR. COHEN: One follow-up on the same 16:25:11 14 issue. 16:25:12 15 16:25:12 16 REDIRECT EXAMINATION 16:25:13 17 BY MR. COHEN: 16:25:15 18 Q. Do you recall telling the 9/11 Commission 16:25:18 19 staff that "the cameras can also act as a deterrent"? 16:25:19 20 A. Yes. 16:25:20 21 Q. You believed that at the time that you 16:25:21 22 spoke with them? 16:25:21 23 A. Yes. 16:25:26 24 MR. COHEN: Okay. Thank you. 16:25:26 25 MR. BURTON: Give me one second, okay?	16:27:47 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 16:27:48 2 not going to matter. 16:27:52 3 Q. And was, prior to 9/11, was CCTV required 16:27:53 4 by the FAA? 16:27:53 5 MS. SCHIAVO: Objection. 16:27:55 6 A. No. 16:27:57 7 MR. BURTON: No further questions. 16:27:57 8 MR. COHEN: One question. 16:27:58 9 16:27:58 10 REDIRECT EXAMINATION 16:27:59 11 BY MR. COHEN: 16:28:02 12 Q. Can CCTV also be used to evaluate screener 16:28:05 13 performances? 16:28:06 14 A. Yes. 16:28:07 15 MR. COHEN: Thank you. No further 16:28:11 16 questions. 16:28:13 17 MR. WOOD: Thank you very much, Mr. Kinton. 16:28:15 18 THE VIDEOGRAPHER: This concludes the 16:28:19 19 January 25, 2011 deposition of Thomas J. Kinton. Going 16:28:23 20 off the record. This is the end of Tape 3 of three 16:28:26 21 tapes used today, and the time is 4:28 p.m. 16:28:26 22 (Deposition concluded at 4:28 p.m.) 16:28:26 23 16:28:26 24 16:28:26 25
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16:25:28 1 THOMAS J. KINTON, JR. - CONFIDENTIAL 16:26:17 2 (Discussion off the record.) 16:26:18 3 RECROSS-EXAMINATION 16:26:24 4 BY MR. BURTON: 16:26:32 5 Q. Mr. Kinton, Ms. Schiavo and Mr. Cohen just 16:26:34 6 asked you questions about CCTV. Do you recall those 16:26:34 7 questions? 16:26:37 8 A. Yes. 16:26:40 9 Q. Prior to 9/11, what was your understanding 16:26:46 10 of what CCTV was primarily designed to address from a 16:26:50 11 security standpoint? 16:26:53 12 A. Well, it could act as a deterrent, if it 16:26:57 13 was -- a certain individual didn't want to be detected 16:27:00 14 in doing something, and knew that there were 16:27:07 15 surveillance cameras present. And it -- it's very 16:27:15 16 helpful in -- in going back forensically after an 16:27:20 17 event has occurred to see who, indeed, the perpetrator 16:27:20 18 was. 16:27:24 19 And it's very helpful when there's a breach 16:27:27 20 at the security checkpoint, rather than having to dump 16:27:30 21 an entire concourse, you could go and look for the 16:27:33 22 individual or individuals if you had a picture of them. 16:27:38 23 And so, you know, it's also -- when I say a 16:27:42 24 deterrent for certain crimes, that people are concerned 16:27:42 25 with being spotted, and others that don't care, it's	1 THOMAS J. KINTON, JR. - CONFIDENTIAL 2 E R R A T A S H E E T 3 I, THOMAS J. KINTON, JR., do hereby certify 4 that I have read the foregoing transcript of my 5 testimony, and further certify that it is a true and 6 accurate record of my testimony (with the exception of 7 the corrections listed below). 8 PAGE LINE CORRECTION 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 Signed under the pains and penalties this _____ 22 day of _____, 2011. 23 _____ 24 _____ 25 THOMAS J. KINTON, JR.

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