

**THE TWENTY-SEVENTH ANNUAL  
JOE A. CALLAWAY  
AWARD FOR CIVIC COURAGE**

**IS HEREBY PRESENTED TO**

***Robert MacLean***  
***Federal Air Marshal***

***Pursuing Free Speech Rights to Ensure Airline Passenger Safety***

In recognition of his courageous fight defending the integrity of his law enforcement service; his adherence to the truth about bureaucratic mismanagement that endangered travelers and his respect for the public's right to know; and his nine-year pursuit of justice under the Whistleblower Protection Act, culminating in a decisive January 2015 Supreme Court victory for whistleblowers.

After the 9/11, 2001 attack, the Air Marshal Service, under the Transportation Security Administration (TSA), grew from 33 to 5000 agents, including experienced enforcement officer 31-year old Robert MacLean. Early on, TSA dysfunction was apparent - 80 air marshals had resigned. In 2003, the TSA ordered air marshals to receive threat briefings having been warned by intelligence officials of an imminent hijacking. Then, during this high alert, the agency announced (by unsecured text message) a reduction of air marshals on commercial aircraft. Ordered to remain silent, MacLean sent the TSA text message to the media. Congressional and public outrage caused the DHS to reverse course.

By 2006, TSA identified MacLean as the key whistleblower disclosing indefensible agency practices; one led to a Congressional overhaul of undercover protections, and the federal air marshal chief, responsible for the 2003 fiasco, resigned. In 2006, the TSA fired MacLean for releasing the 2003 text message, describing it retroactively as an unauthorized disclosure of security sensitive information.

The Merit Systems Protection Board (MSPB) ruled he acted in good faith and successfully protected the country and that the only disruption to the government was the administrative burden of correcting its mistake. But it also ruled that he could be fired because his disclosure compelled a government agency "to shift resources." In other words, stopping challenges to authority was a higher priority than protecting the public from a hijacking. MacLean's appeal to the Circuit Court of Appeals resulted in a unanimous decision in his favor - twice. The government appealed to the Supreme Court. In January 2015, in its first whistleblower case, the high court ruled 7-2 in MacLean's favor.

As a public figure now, it was risky for him to serve as an undercover marshal but the TSA reinstated him to that position. After his first 2015 flight, he disclosed that the aircraft still lacked cockpit doors designed to open outward, despite repeated DHS assurance to Congress that aircraft had this upgrade.

Retaliations continued. So did his fight for a supervisory position and in 2015, a MSPB judge declared him a protected whistleblower. His February 10, 2016, Whistleblower Protection Act complaint to the Office of Special Counsel describes the failures of TSA personnel and seeks relief from denial of ground based assignments and his applications for promotions, and back pay and benefits.

A formidable advocate for public safety, Robert MacLean's legal victories have immensely helped the whistleblower rights movement. He has the gratitude of his fellow citizens for his tenacity.

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