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MEMORANDUM FOR THE RECORD

Event: Ed Ballinger, former United Airlines flight dispatcher

Type: Interview

Prepared by: Bill Johnstone

Special Access Issues: None

Teams: 7

Date: April 14, 2004

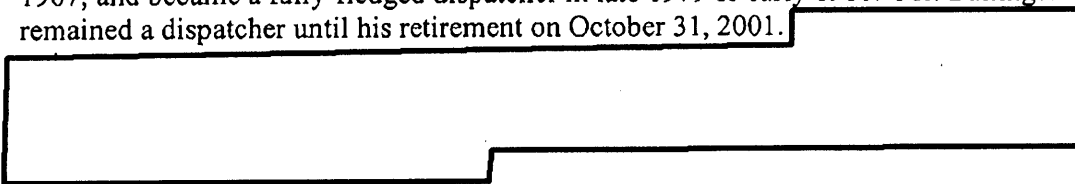
Participants (non-Commission): Edward Ballinger; Sally Ballinger (Ed Ballinger's wife); Charles G. Haskins, Jr., Cullen, Haskins, Nicholson & Menchetti PC (Ed Ballinger's attorney)

Participants (Commission): John Raidt; Bill Johnstone

Location: GSA Conference Room; Washington, DC

Background

[U] Mr. Ballinger went to work with United Airlines on January 28, 1958 as a weather clerk in the airline's dispatch office. He attained a Dispatcher License in December of 1967, and became a fully-fledged dispatcher in late 1979 or early 1980. Mr. Ballinger remained a dispatcher until his retirement on October 31, 2001.



[U] On 9/11/01, Mr. Ballinger was the dispatcher in command for all United's east coast to west coast flights, which totaled 16 and included both flights 175 and 93.

Dispatcher Responsibilities

[U] When asked to define his role as a dispatcher, Ballinger cited provisions in Title 14 CFR Part 121, which covers operating requirements for airlines. In particular, he called attention to the provisions of section 121.533 "Responsibility for operational control: Domestic operations" (which was promulgated in December of 1964 and last updated in January of 1996):

- (a) Each certificate holder conducting domestic operations is responsible for operational control.

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- (b) The pilot in command and the aircraft dispatcher are jointly responsible for the preflight planning, delay, and dispatch release of a flight in compliance with this chapter and operations specifications.
- (c) The aircraft dispatcher is responsible for-
 - (1) Monitoring the progress of each flight;
 - (2) Issuing necessary information for the safety of the flight; and
 - (3) Cancelling or redispaching a flight if, in his opinion or the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.
- (d) Each pilot in command of an aircraft is, during flight time, in command of the aircraft and crew and is responsible for the safety of the passengers, crewmembers, cargo and airplane.
- (e) Each pilot in command has full control and authority in the operation of the aircraft, without limitation, over other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties of those crewmembers.

[Source: Electronic Code of Federal Regulations, Title 14, Subpart T – Flight Operations, section 121.533 at <http://ecfr.gpoaccess.gov>]

[U] Ballinger indicated that United adhered fully to the provisions of section 121.533, and that this was a good description of his responsibilities as a flight dispatcher. He made the point that this language clearly gave him, as a dispatcher, equal responsibility with the pilot in command in making a determination as to whether a flight should be allowed to take off. Therefore, he felt he was entitled to receive any relevant information that would affect that decision. He also cited FAR 121.591 which lays out that a pilot and a dispatcher are both in command and must agree on issues such as fuel load and route of flight etc. If the pilot and dispatcher can't agree then the most conservative point-of-view must prevail. The FAR also requires a dispatcher's approval before a commercial flight is cleared to depart. Ballinger indicated that United required no additional duties of him than what were required under the applicable federal regulations.

The Day of September 11, 2001

[U] In going over the events of the day, Mr. Ballinger had reference to documents concerning the timeline he had prepared immediately after the events and logs of his ACARS messages. He made these available to Commission staff as well. (NOTE: They appear to be identical with documents previously supplied by United Airlines.)

[U] Ballinger came in to work at approximately 7 a.m. Central Time (8 a.m. Eastern; all subsequent time references in this memo will be in Eastern Time). He indicated that he was relieving two dispatchers, who reported no problems or

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anything unusual from their shift. He said that the most remarkable feature of the day at that point was the "perfect weather."

When Mr. Ballinger came in he saw an ACARS message sent by a [redacted] of UA Maintenance to UA 175 saying something to the effect that "heard of incident aboard" at 8:59 a.m.

[U] Mr. Ballinger shared with Commission staff the various ways that he as a dispatcher can contact an aircraft under his authority, including:

1. Sending an ACARS (aircraft communication and response system): this is an e-mail message that can be sent one of two ways: either as a bell that chimes to let the flight deck know they have an electronic message on the screen or as a hard message that automatically prints at a console in between the pilot and first officer's seats.

2. SELCAL: an ACARS voice communication which can be placed through Airinc.

3. Direct Radio contact: Mr. Ballinger said that if he wished to call an airplane, he had the capability to contact it directly by radio. Mr. Ballinger stated that dispatchers did not have the ability to monitor the radio communications between FAA Air Traffic Control and the flight deck.

[U] Commission staff provided Mr. Ballinger with a number of time-sequenced 9/11 events related to United Flights 175 and 93. He did not recall receiving any report of the 8:41 a.m. communication between the flight crew of Flight 175 and the Air Traffic Control (ATC) System in which the former indicated they had heard "suspicious transmissions" from an aircraft that turned out to be American Airlines Flight 11. Ballinger indicated that he did not have the capability to "listen in" to communications between his flights and air traffic control. Furthermore, he did not feel that ATC was under any obligation to share such information with him because it didn't apparently affect the safety of any of his flights, nor was he surprised that the flight crew contacted ATC instead of him.

[U] Ballinger did not learn, on 9/11, of the 8:47 a.m. change of beacon codes on Flight 175. Once again, he indicated that he would have had no expectation of receiving such information from ATC. He was informed of the 8:50 a.m. conversation between UAL's [redacted] and Herndon ATC command center sometime after it had taken place, but he could not recall exactly when. (NOTE: In this call [redacted] learned that the first WTC crash was of an American Airlines wide-bodied aircraft.)

[U] On 9/11, Mr. Ballinger was not made aware of either the 8:51 a.m. deviation from course by Flight 175, or the 8:52 a.m. attempt by New York ATC to contact the flight. Again in both cases he would have had no expectation of receiving

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such information from Air Traffic Control. He stated that only when FAA deems it necessary to contact United Airlines corporate does he expect to be notified as the "primary contact" because under the applicable FAR he is in control of the airplane along with the pilot.

[U] Ballinger learned of the 8:52 a.m. call from a Flight 175 flight attendant to Marco Policastro in the United San Francisco maintenance office approximately 10 minutes later (around 9:01 or 9:02 a.m.) when UAL manager [redacted] came to Ballinger's desk and apprised him of a "suspicion" that Flight 175 had been hijacked. (Ballinger is not sure whether [redacted] told him that the suspicion was raised by a call from a flight attendant aboard Flight 175 to the San Francisco). Mr. Ballinger said that he is confident that [redacted] told him about the problem on 175 immediately after [redacted] learned of it from Operations Planning (which learned of the call from UA Maintenance in San Francisco where the original call for the Flight Attendant was received). Of all the communications on 9/11, this is the one where the delay in his receipt of the information continues to trouble Mr. Ballinger because he felt that any information received by United relevant to any of his flights should have been passed on to him immediately. In this particular case, he continues to wonder if he had known to send out his ACARS message to "beware cockpit intrusion" a few minutes earlier (it was received by Flight 93 at 9:24 a.m., just prior to the presumed takeover) whether this could have prevented the hijacking of Flight 93.

However, until receiving the above time sequence from Commission staff, Ballinger had calculated that there had been a 20-minute (rather than a 10-minute) lag in his receipt of the information on the flight attendant's call, and so he was somewhat less sure of what the result would have been. Mr. Ballinger stated however that it was the crash of 175 into the WTC at 9:03, not the concern that it had been hijacked that prompted him to send the ACARS messages warning of cockpit intrusion. [NOTE: Staff does not presently have decisive evidence as to the source of the delay in transmission of information about the 8:52 a.m. call from the San Francisco office to United headquarters in Chicago. UAL headquarters staff recalled getting the call from San Francisco around 9:00 a.m. and San Francisco personnel could not place the precise time of their call to Chicago.]

[U] Immediately after receipt of the report from [redacted] Ballinger sent an ACARS message to Flight 175 at 9:03, inquiring "How is the ride. Any thing dispatch can do for you." At the time, Ballinger was not aware of [redacted] simultaneous ACARS message to Flight 175: "NY approach looking for ya on 127.4." However, Ballinger believes it was perfectly correct for [redacted] to proceed in this manner because it is customary for dispatchers to help each other out in times of emergency. Mr. Ballinger stated that he received no response from Flight 175 to his message.

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[U] Ballinger learned of the 8:59 a.m. ACARS message from [redacted] in United's San Francisco office to Flight #175 sometime between the second and third crashes on 9/11 (between 9:03 and 9:38 a.m.)

[U] At 9:08 a.m. Ballinger received the Air Traffic Control System Command Center advisory ordering a ground stop of all aircraft awaiting takeoff in the area of New York City. This necessitated Ballinger to focus on contacting his affected flights on the ground, so at 9:11 a.m. he sent an ACARS message to UA Flight 161 advising of the New York ground stop. At 9:12 a.m. the same message was delivered to United flights 23, 17, 161 (again), 8117, 8179, and 91.

[U] When first asked, Ballinger did not recall receiving a visit from Mike Barber around 9:10 a.m., but upon further reflection he thought it likely that Barber had come to him in this time period to essentially reiterate the report on the possible hijacking of #175 Ballinger had received from [redacted] a few minutes earlier.

[U] In the midst of his communications to his aircraft about the NY ground stop, Ballinger did not recall learning at the time of the 9:12 a.m. alert to UA dispatch, flight safety and flight operations personnel advising that an American aircraft had crashed into the WTC and that United 175 was "missing."

[U] At 9:19 a.m. Ballinger began sending out the following ACARS message to his airborne flights: "Beware any cockpit intrusion...Two aircraft in NY hit Trade Center Builds..." This message went to United flight 161 at 9:19 a.m., and to flights 91, 23, 8117, 8179 at 9:20 a.m. and flight 17 at 9:21 a.m.

[U] Based on reports he later received from UA personnel, including the Chief Pilot, Ballinger believes that the 9:20 a.m. communication he sent to UA Flight 23 may have prevented a hijacking. He recalled being told by United's Chief Pilot and others that this airplane had taxied out and faked a mechanical problem and then returned to the gate. Six Moslems wouldn't disembark at first. The crew talked to the Moslems and told them to get off the plane but they wouldn't. The police were called but by the time the Kennedy Airport police arrived the six individuals had deplaned and were in a coffee shop before they left the airport without being questioned. Reportedly, they never claimed their checked baggage and in the baggage was significant information of an incriminating nature. Ballinger was told by the Chief Pilot that he stopped this plane from being hijacked.

[U] At 9:21 a.m. Ballinger received what he termed a routine ACARS message from Flight 93: "Good morning...Nice clb outta EWR after a nice tour of the apt courts y grnd cntrl. 20 N EWC at 550 occl light chop...wind 290/50 ain't helping...J." The last is presumably the signature for Captain Jason Dahl, who was acquainted with Ballinger.

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[U] Ballinger's ACARS station received the following message from [redacted] at 9:22 a.m.: "There may be addnl hijackings in progress... You may want to advise your flts to stay on alert and shut down all cockpit access inflt... [redacted] per mgmt." While Ballinger did not recall reading this at the time (in the midst of his efforts to contact his flights), he thinks it was an appropriate action by [redacted] and was totally consistent with the "cockpit intrusion" message he was right then in the process of transmitting.

[U] At 9:23 a.m. Ballinger transmitted his "cockpit intrusion" message (identical to the previous ones) to Flights 27, 175, 81, 8151, 8155, 8179 and 161. With respect to this message to Flight 175, Ballinger indicated that he was aware that two commercial aircraft had hit the World Trade Center and that Flight 175 had been hijacked, but he wasn't sure whether he knew that it had crashed by this point (in which case the message would simply have been caused by his haste to get the word out to all of his flights as soon as possible).

[U] At 9:24 a.m. Ballinger received along with all United Airlines stations the following alert (sent at 9:22 a.m.) in the name of Andy Studdert: "Flt 175-11 BOS/LAX has been involved in an accident at New York. The Crisis Center has been activated. United Airlines policy strictly prohibits giving information or making statements about the incident to the news media or public officials by any employee. WHQPR will release any and all subsequent information."

[U] Simultaneously with receipt of the Studdert message, Ballinger transmitted the same "cockpit intrusion" message to Flights 93, 283, 83, 91, 23, 8179, 8146, 8117 and 17 at 9:24 a.m.

[U] Ballinger indicated that he did not think it would have been possible for him to simultaneously send a message to just his aircraft, so he was entering them in a few at a time when sending his ACARS messages to get them out. When asked how he determined the order in which he sent them, Ballinger indicated that he was relying on two main lists: time of departure and en-route progress within the ATC system. He said that he sent the message first to those aircraft that hadn't taken off yet, and then to the aircraft that were en-route. In addition, Mr. Ballinger stated that the ACARS messages have two times listed: the time sent and the time received. He stated that once he sends the message it is delivered to the addressed aircraft through AIRINC immediately. He is not aware of any delay in the aircraft receiving the message after he sends it. Furthermore, he wanted to make absolutely sure the flight crews got the message so he sent both a digital (with a bell) and a text message which automatically printed. [NOTE: TEAM 7 WILL RECEIVE BRIEFING BY AIRINC ON THE TIMING ISSUES INVOLVED FROM COMPOSITION OF THE MESSAGE BY THE DISPATCHER, TO TRANSMITTAL TO AIRINC, TO TRANSMITTAL FROM AIRINC TO THE AIRCRAFT, TO THE AIRCRAFT'S RECIPT OF THE MESSAGE.]

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[U] At 9:26 a.m. Ballinger received a response to his 9:23 a.m. ACARS message to Flight 93 (which was transmitted by AIRINC at 9:24 a.m.): "Ed Cofirm latest mssg plz Jason." (Note: Mr. Ballinger read the message to the staff and didn't mention the word "please". His wife said that in the aftermath of the event they had discussed whether the message was a confirmation from Dahl or a request for a confirmation from Ed). In response to whether he would have seen the message, Mr. Ballinger stated that "it flies across my screen" but that he would have seen it. Once again, this message from UA 93 is likely from Jason Dahl. The fact that it is addressed to Ed (recall that Dahl knew Ballinger) is strong circumstantial evidence that Dahl was still in the pilot's seat at this point.

[U] Ballinger was not made aware of the 9:28 a.m. communication from Flight 93 overheard by air traffic controllers: "get out of here."

[U] At 9:30 a.m. Ballinger received a message from the Air Traffic Control Command Center ordering a nation-wide ground stop of all departures.

[U] At 9:31 a.m. Ballinger became aware of the transmittal at that time of ACARS messages to Flight 93 from fellow dispatchers [redacted] ("center looking for ya asap on 133.37") and [redacted] ("call 133.37"). Ballinger recalled that, at the time, he was wondering who advised [redacted] and [redacted] about the need to contact Flight 93 and why they were asked to do so. However, upon reflection he recalled that he was informed by someone in UAL management about the problem with Flight 93 in this same time period.

[U] At 9:32 a.m., Ballinger began sending a new ACARS message to his flights: "High security alert. Secure cockpit." At 9:32 a.m. this message was transmitted to United Flights 17, 83, 23, and 8151. The same message went to Flights 161, 93, 283, 8117, 27, 91, 163, 8146, 81, and 167.

[U] At 9:34 a.m. Ballinger began transmitting a revised ACARS message: "High security alert. Secure cockpit. Two airliner hit NY Trade Center. And 1 aircraft in IAD missing. At 9:34 a.m. this message was sent by Ballinger to Flights 81 and 8117, and at 9:35 a.m. it went out, with the following addition at the end: "And one in EWR missing... too," to Flight 8117. At 9:36 a.m., the latest message went from Ballinger to Flights 8151 and 8155.

[U] At 9:36 a.m. Ballinger was aware of the following ACARS transmission from fellow dispatcher [redacted] to Flight 93: "Hows the wx. Can dispatch be of any assistance?" At Ballinger's initiative, he had begun to split his workload with [redacted] at some point prior to this.

[U] At that point, Ballinger's ACARS message was again changed with the addition of "UAL 175-93 - missing" at the end. This communication went out at 9:36 a.m. to Flights 8155 and 83; at 9:37 a.m. to Flights 283, 163, and 81; and at

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9:41 a.m. to Flight 93. Finally, at 9:41 a.m. Ballinger sent the previous message to Flight 93 again with the addition at the end of "UAL 175/93 found."

Delayed Notice to Ballinger

[U] Mr. Ballinger said that GTE Airphones have a code that will allow people aboard to the flight to phone United's flight dispatch directly. He said that if the Flight Attendant aboard UA 175 had dialed his code rather than the United's Maintenance facility he would have learned about the problem earlier and possible could have made his cockpit warnings sooner. He said he is not sure whether flight attendants are informed about this code. (Note: Later Mr. Ballinger said that it was the crash of 175 and his understanding that "multiple" commercial airplanes were involved that spurred him to make the cockpit warning.)

Reason for Delayed departure of Flight 93

[U] Ballinger wasn't sure why the flight was delayed, but he speculated that it could have been because of traffic delays associated with the previous hijacking incidents on that day, and that perhaps when New York Center shut down the re-routing of aircraft that resulted from the shutdown interrupted the flow.

Fuel Loads for Flights 93 and 175

[U] Ballinger reported that Flight #93 had 48,700 pounds of fuel at take-off, and Flight #175 had 72,800 pounds. He termed both of these loadings "right in the ballpark" for normal fuel loads for these kinds of aircraft on transcontinental flights.

Flight Tracking

[U] Ballinger stated that it is not the dispatcher's job to monitor tracking of the flight path. The flight path information he has is not actual radar data but is a system that anticipates where the plane would be given its flight plan etc. It's the job of FAA Air Traffic Control to keep track of the flight path, and if it isn't going where it's supposed to then ATC notifies the air carrier's corporate office. He noted that the receipt of some information made [redacted] query Flight 93 at 9:03 and it was probably a call from ATC saying that we're having a problem.

Situational Awareness

[U] Ballinger indicated that he had been involved in handling a hijacking as a dispatcher many years before. In his view, the key point in terms of the system's awareness of the events of 9/11 was when it was learned that there was a second hijacking. It was the "multiplicity" of the hijackings that caused him to send out the cockpit warnings to his other flights including UA 93.

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9/11 Working-level Employee

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[U] While Ballinger indicated he was aware of the UA 175 hijacking at the time he received the report from [REDACTED] (9:01-9:02 a.m.), he could not recall precisely when he became aware that the first WTC crash had been the result of the hijacking of a commercial airliner. Mr. Ballinger said that when he first learned about the first aircraft that crashed into the WTC he thought it was a large, but not necessarily commercial, aircraft. He did not believe that it was a hijacking or a purposeful event.

[U] He said that he believes he first learned that the first plane that crashed into the WTC was a commercial flight (AA 11) sometime after Flight 175 crashed. (NOTE: IMPORTANT TO TRY TO SQUARE THIS WITH WHEN HE LEARNED OF THE 8:50 A.M. PHONE CALL BETWEEN [REDACTED] AND HERNDON IN WHICH THE FORMER, AT UAL HQ, LEARNED THAT A WIDE-BODIED AMERICAN AIRLINES AIRCRAFT HAD BEEN THE FIRST TO CRASH INTO THE WTC.)

[U] (NOTE: The UA Maintenance facility (SAMC) received the emergency call from the flight attendant about Flight 175 at 8:52. The SAMC notified UA corporate at 9:00 a.m.. UA Corporate notified Ed Ballinger at 9:02. Ballinger saw the commercial plane crash into the south tower at 9:03. Sometime after that he understood that both crashed into WTC were commercial flights. At 9:08 he started to send out the ACARS message on the New York Ground stop, and at 9:19 he began to transmit his "cockpit intrusion" warning. Ballinger said that once he decided to send out the warnings it took him a little time to compose the message, decide who should get it and then start sending them out in bunches.)

[U] Mr. Ballinger said that his expectation was that pilots who received the cockpit warning would have taken their crash ax and put it right down next to them in the cockpit. He also said that one of the flight crew could support the door from the inside which would have provided some security.

[U] Ballinger noted that, as far as he knows, not one of his fellow dispatchers were privy to the intelligence warnings about a heightened hijacking threat in 2001. He believes that they should have had such information, and if they had, this would have been a significant boost to their situational awareness as 9/11 unfolded.

[U] Ballinger reported that he did not receive any information from American Airlines, or any other source, on 9/11 about American Flight 11.

[U] Mr. Ballinger also noted that it was possible on 9/11, and is still possible today, for flight attendants on United aircraft to reach United dispatchers' desks directly, just as they were able to call the San Francisco maintenance office directly. However, he does not know whether the Flight Attendants were trained

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to make such a call, or were aware of the number to call to get through to dispatch.

UAL Communications Problems on 9/11

[U] Ballinger indicated that his work on 9/11 was not impeded by any problems that may have been experienced with United's paging and lockout systems.

Jump Seats

[U] Mr. Ballinger reported that any jump seat occupancy on a United flight would be noted on Gross Weight Manifests (as OMC – Observer Member Crew, a status he has had on a number of occasions when flying).

Air Traffic Control System

[U] Ballinger does believe that the ATC system is in the best position to provide comprehensive and expeditious notification to aircraft of problems. However, he does not believe there would have been an expectation that they do so, prior to 9/11. Even if ATC had attempted to notify all planes, significant problems would have resulted (for example the risk of jamming the entire system in response to the certain flood of inquiries from in-flight pilots). Such problems likely would have slowed the system down (in being unable to separate real threats from erroneous reporting) and would likely have impeded its ability to safely land all of the other planes. However, Ballinger does believe a way around this problem would have been for ATC to notify the airlines' dispatch operations, which would have been capable of handling their own flights.

Recommendation

[U] Mr. Ballinger's primary recommendation is that the government should fully enforce the existing FAR 121 rule giving dispatchers priority in receiving information relevant to the flights they are handling.