
**AFFIDAVIT OF DANIEL W. HANLEY IN SUPPORT OF
CRIMINAL INVESTIGATION OF ALLEGED
VIOLATIONS OF FEDERAL RICO STATUTES**

I, Daniel W. Hanley, being first duly sworn, on oath, states as follows:

1. I, Daniel W. Hanley, was a United Airlines B-777 Captain until December 30, 2003, at which time I was medically grounded and terminated in retaliation as the result of my reporting safety concerns under the Aviation Safety Action Program (ASAP). The goal of the Aviation Safety Action Program (ASAP) is to enhance aviation safety through the prevention of accidents and incidents. Its focus is to encourage voluntary reporting of safety issues and events that come to the attention of employees of certain certificate holders. To read more about ASAP please visit faa.gov.

2. The alleged facts supported with evidence are true and correct to the best of my personal knowledge of the facts, evidence, information and belief.

3. I am of information and belief that I was terminated from active employment in a medically grounded status as a United Airlines B-777 Captain on December 30, 2003 directly as a result of submission of federally-mandated Flight Safety Awareness Reports under the auspices of the Aviation Safety Action Program (ASAP) outlined in the United Airlines Flight Operations Manual (FOM), which is intrinsically a legal part by Federal Aviation Regulations, Part 121, Operating Requirements: Domestic, Flag, and Supplemental Operations.

4. I am in possession of physical evidence that supports allegations of this criminal activity, which includes witness testimony, letters and emails, copies of filed reports, medical and psychological reports, and other information pertaining to this matter.

5. I am of information and belief that commencing in 2002, after numerous phone calls, emails, letters, and face-to-face conversations with both United management and Air Line Pilots Association (ALPA) officials, (the union that represents United pilots), as well as the persistent stonewalling of filed internal federal company reports addressing critical safety matters, that potential illegal ambiguities existed in the normally afforded federal communicative processes for reporting said issues, which existed prior to 9/11.

6. I am of information and belief that prior to 9/11, United Airlines maintained an open-door communications policy that enabled any employee to address areas of concern to any level manager within the company. Because my previously addressed safety issues were not addressed and I was informed by an ALPA MEC safety official during a phone conversation in early 2003 that upper-level management considered me a "big-mouth whistle blower" and wanted me to "go away", I forwarded an advance copy of a July 23, 2003 letter to ALPA attorneys in Chicago for review of legal content, that I intended to mail to United CEO Glenn Tilton addressing my safety concerns regarding the stifling of federal reports by management. Additionally, in the letter, I had expressed concern that perhaps the financial pressures exerted with the airline in Chapter 11 bankruptcy might somehow be thwarting union efforts to legally safeguard reporting pilot's efforts.

7. On July 27, 2003, I received a joint phone call from a United ALPA attorney and ALPA Grievance Committee Chairman in Chicago advising me that they had read my proposed letter to CEO Tilton, agreed that the content of the letter did not violate United

Airlines company policy or the ALPA Code of Ethics, but recommended that I not send the letter. When I queried their reason(s), the United ALPA Grievance Committee Chairman stated, "Go ahead and send that letter in if you never want to fly another United aircraft again in your life". I was then further advised that United Airlines management would somehow remove me from scheduled flight operations as a pilot on professional, medical, psychological, or other grounds, as they had observed done with other pilots in the past. When I further questioned the ALPA attorney how far into this process I could expect ALPA legal representation, he responded by saying "not very far".

8. On August 18, 2003, I received a phone call from my New York ALPA Council representative informing me that he had been directed by ALPA legal to send me an email letter response through his ALPA National Herndon, Va email address that would automatically illicit a receipt that I had opened the letter. He went on to tell me that he understood and agreed with what I was doing, but to "watch it, Dan...these guys are nasty". When I queried him as to whom "these guys" were, he told me he couldn't say. I had previously been advised by this individual through another captain associate of mine that "if you take this thing to the next level, you're going to get hurt". I then advised my council representative that if I had to, sometime in the future I would file suit against ALPA just to get him on a witness stand under oath to testify as to who "these guys" were, to which he responded by saying "you get me on that stand and I'll give you names, places, and dates".

9. From the outset, and throughout this process, I did not desire to bring these matters to public light through outside legal action that might draw public and media attention, as United Airlines was financially compromised in bankruptcy court, and I didn't want to potentially jeopardize the jobs of the hundred thousand United Airline employees by doing so. Since all previously filed reports, letters, and emails sent were strictly internal within the company,

and because I still desired to address these issues, a decision was reached by me on September 14, 2003 to file a series of federal ASAP reports addressing the same concerns as those outlined in the letter to CEO Tilton with the intent of drawing the United Airlines FAA Principal Operations Inspector (POI) into the communications loop to address my concerns. Additional reports were sent through September 18th as well.

10. On September 19, 2003 I called the United ALPA Central Air Safety Vice-Chairman who had served on the Event Review Committee (ERC) that reviewed my reports, which is comprised of three members, one each from United management, ALPA, and the FAA POI, to inquire specifically as to the POI's, response to my allegations that previously submitted federal reports had been stonewalled by upper-level United Airlines management. He informed me that the POI expressed concern and wanted to respond, pending further investigation into the matter.

11. On September 30, 2003, I received a call from my JFK Assistant Chief Pilot advising me that I had been removed from scheduled flight operations by upper-level United Airlines management because of the reports submitted and that I would be required to fly to New York to meet with him before I would be permitted to fly again. When I reminding him that the issues addressed within the reports were concerns that I had expressed numerous times face-to-face and on the phone with both him and my Chief Pilot, he told me that he had orders from above. Additionally, I suggested that the integrity of the ASAP program had been violated in that reports submitted supposedly guaranteed anonymity and impunity, both of which had been compromised, he gave me a direct order. I explained that since an ALPA attorney had already advised me that ALPA would not follow me in on this "very far", for me to legally protect my career, my personal attorney would be required in attendance of any scheduled meeting and the transcripts recorded for my protection, to which he refused. I was informed that a

conference call was currently underway between a management captain at the United Airlines Training Center in Denver, United Airlines attorneys in Chicago, United Airlines Human Resource personnel, and the JFK Flight office concerning my filed reports.

12. Subsequent to this, through September and into October, numerous phone calls were made by me to United Airline management, an ALPA attorney in Chicago, my union representatives, and others trying to draw a compromise without bringing these issues to public light, while still protecting my legal interests and career, to no avail. I was insistent that I be represented by my own legal counsel at proposed meetings, which was denied on all counts.

13. Digressing momentarily, because I had been forewarned early on by ALPA captain associates that the typical process employed by management to remove "dissident" pilots was through dismissal via the Employee Assistance Program (EAP) on psychological or other grounds, wherein the pilot lost his medical certification required to fly aircraft, early in 2003, I employed the assistance of competent mental health professionals in the Atlanta area to confirm soundness of my mental health through consultation and testing, which I have continued through today for that very reason. On one occasion during this time frame, after I was removed from schedule, I was invited by both United Airlines management and ALPA personnel to fly to New York to visit their mental health professionals, wherein I would be grounded for "psychological reasons", but I politely declined this invitation, for reasons stated above. It was not my goal or desire to seek a medical grounding, but to address the issues contained in my ASAP reports.

14. At some later point in time, I received a phone call from my JFK Chief Pilot who informed me that Dr. Gary Kohn, United Airlines Chief Flight Surgeon, had seen him face-to-face at the Denver Flight Training Center and ordered him to "put that (expletive deleted) on

sick list". This was done without warrant or my having had a medical evaluation by any member of the United Airlines medical team. When my Chief Pilot queried as to the justification for this action, he was informed that it came from higher up in management. Having known him for years, my Chief Pilot apologized saying that "my hands are tied on this one, Dan".

15. Running out of sick leave, with nowhere else to turn within the organization for legal assistance or compromise, on October 6, 2003, I called my JFK Chief Pilot to inquire as to my options at this point in time. He suggested that I submit to EAP, as it was endorsed by the FAA, would protect my career, and guarantee future income. Because I had already consulted mental health professionals and because I had done nothing wrong (quite to the contrary, I believed that what I was doing was the right thing for an airline pilot to do), I agreed to submit to this program and file an FAA Whistle Blower Protection Report at a later date with the evidence I possessed of alleged criminal wrongdoing. My Chief Pilot kept repeatedly insisting that it was the "right thing to do" (by submitting to EAP). It should be emphasized that I was informed in this phone conversation that program participation obliged me to comply with any request made by company EAP or medical professionals for continuance in the program to guarantee future income.

16. On October 7, 2003, I was given a first-class positive space ticket from Atlanta, my home domicile, to Chicago O'Hare and reported to a United EAP representative Mary Ann Sheppard at the O'Hare Medical Department. During this visit, Dr. McGuffen, the United Flight Surgeon at O'Hare, interviewed me in the presence of the EAP representative, the O'Hare Chief Pilot, and an ALPA EAP representative. I advised him of the sequence of events that led me to his office and that I had already been apprised by others that EAP was a method of expulsion of pilots. I also informed him that I had been previously consulting with mental health professionals in the Atlanta area and offered to let him speak with one of them on the

phone, which he did. Afterwards, Dr. McGuffen asked me if I would be willing to travel to a mental health facility of their choosing for a psychological examination, which I agreed to do because of the advisement of cooperation by my Chief Pilot the previous day. The O'Hare Chief Pilot and ALPA EAP representative then drove me to Alexian Brothers Behavioral Health Hospital in Hoffman Estates, Illinois for said evaluation. On the drive there, I apprised both of these captains of the details of my legal dilemma and advised them of my intent to file an FAA Whistle Blower Protection report with the FAA the next day. After checking in at the facility, we were ushered to a conference room where I consulted with a psychologist, a Catholic nun, in the presence of the two other pilots. She advised me that it would be necessary for me to consult with a psychiatrist but, because it was late in the day, I would have to wait till the first thing in the morning. She told me that arrangements could be made for my stay in the facility with the promise of an early morning meeting, to which I mistakenly agreed to do as discussed below. I was directed to a second-floor check-in desk where all my personal belongings were locked in a safe and I was given a room with another individual who was paranoid-schizophrenic. I did not realize at the time of check-in, that once one admits oneself to such a facility, the state has the legal right to retain you for up to five days. I was also told to check to ensure that no one was hiding beneath my bed or in my bathroom before going to bed, as women patients in the coed wing might attempt to sexually molest me during the night. When I insisted that I be permitted to lock my door, the request was denied since orderlies had to check on patients during the night. Unbeknownst to me, sometime during the afternoon, my children were informed that their father was interned at a mental health facility in Chicago. Additionally, my wife, who is still an active United Airlines flight attendant, had just arrived at her London layover hotel and was immediately returned to Chicago via New York with advisement that "something has happened to Dan" and that I was in a mental facility in Chicago. In the evening, I was ordered to report to the dispensary, as the facility wanted to provide

me with sleep medication, which I wanted to refuse, as I was exhausted already from an already long day, but they insisted. I should point out that I was very calm and rational throughout the day, in spite of trying circumstances. I discovered the next day that the medication that I was given was Adavan.

17. Very early in the morning of October 8, 2003, I was discovered unconscious on the floor of my room with medical attendants surrounding me, with my blood pressure at 60 over 40 and the side of my face very swollen from a fall. I had gotten up to use the bathroom and had passed out on the floor from the medication. The next morning, they rushed me to medical where an extensive physical examination was performed. Subsequently, I was required to attend and participate in group therapy sessions with extremely psychotic patients and dine with them as well. My wife arrived that afternoon and I apprised her of the situation and told her that I needed to consult with the psychiatrist to cover myself legally, while complying with EAP requirements. I had also attempted to console my children, but the stigmatized damage was already done. Their dad was in a mental institution in Chicago. That afternoon, I met with both a psychologist and a psychiatrist in my room and was asked to spend one more night for additional consultation, to which I reluctantly agreed, but refused any medication that night.

18. Very early in the morning of October 9th, because I could not sleep due to the loud snoring of my roommate, I left my room to read a book at a couch under the light at the end of the hall. I was approached by a well-dressed African-American gentleman who did not identify himself, but knew my name and why I was interned. Initially, I assumed that he was a physician, as he wore a very nice suit, but did not understand why he came down to talk to me. During our brief conversation he said to me, "C'mon Dan, why don't you just drop what you've been doing?". I informed him that I believed what I had done was appropriate pilot behavior and he left. Later in the morning, after our group therapy session, I met once

again with the Dr. Mohinder Chadha, MD, and attempted to explicitly detail the events that led me to her facility, but since she was not familiar with the complexities of the aviation safety issues that, I was addressing such as ASAPs, she could not fully comprehend my current legal dilemma. In the end, she consented to release me with her own clinical diagnosis and an agreement that I would consult with my Atlanta mental health professionals, which I did. That evening, I reunited with my wife at a Chicago hotel and was advised that she had been in contact with a United ALPA attorney who had given her the name and phone number of Dr. Donald Hudson, the ALPA Aeromedical Advisor, whose office was located in Denver.

19. On October 13th, my wife and I flew to Denver to pay a surprise visit to the office of Dr. Hudson. During our one-hour consultation, I apprised him of the details of my situation, but surmised that he had already been briefed by ALPA legal in Chicago. I told him that by submitting ASAPs, I was fulfilling my obligation as a captain and that I felt that my previously submitted reports had been stonewalled by upper-level management. He responded by saying "we don't do business that way anymore", to which I replied "I do". He told me that ALPA was awaiting the clinical diagnosis from the Alexian Behavioral Health Hospital psychiatrist and that he would be in touch with me and FAA medical personnel for administrative disposition of my case. Purely speculative on my part, but I surmised at this point in time that the legal and political skids had already been greased and hence, would have to legally fight this battle at another time, on another day via an FAA Whistle Blower Protection report once United Airlines emerged from bankruptcy.

20. On November 4, 2003, I received a phone call from my JFK Chief Pilot advising me that he was receiving much pressure from upper-level United Airlines management in administratively discharging me through "medical grounding" with insistence that I proceed with the administrative requirements for doing so.

21. After much phone call deliberation with both company and union management personnel, on November 11, 2003 I paid a visit to my Atlanta psychiatrist wherein I accepted his clinical diagnosis and prescriptive medication, which in no way denigrates the validity of my previous claims or actions as an airline pilot. Unbeknownst to me at the time, the medication prescribed grounded me for life as a pilot, which I did not discover until later. In accordance with contractual provisions and company policy, I filed for short-term medical disability.

22. On December 22, 2003, I called Dr. Bernie Weiss, the JFK Flight Surgeon to question the status of my letter application for short-term disability and was advised that upper-level management had already informed him that my long-term disability had already been approved. When I attempted to discuss details of my termination, he advised me that he was merely following company directives, and did not discuss the issues any further.

23. On December 30, 2003, I was placed in a permanently medically grounded status, thus ending a thirty-five-year career in both Naval and commercial aviation, as a result of attempting to be honest in the reporting of safety issues.

24. On April 6, 2006, shortly after United Airlines emerged from Chapter 11 bankruptcy, I filed an electronic FAA Whistle Blower Protection Report alleging criminality as stated above. Additionally, I wrote to then Secretary of Transportation Norman Mineta the same. To date, I have not received a response from the Department of Transportation or the Federal Aviation Administration.

25. On November 8, 2006 at 8 pm, in a phone conversation with the former United ALPA Grievance Committee Chairman included in the phone conversation of July 27, 2003, it was admitted to me that I had, in fact, been "railroaded" off the property at United Airlines.

26. I am of information and belief that there are other airline pilots whose careers have met the same demise on similar issues regarding the reporting of unsafe conditions in the commercial aviation arena via ASAP reports or other means. The current absence of ASAP programs by unions at both USAir and American Airlines as a result of recriminations against reporting pilots in some instances, smacks of similar, although less harsh, recriminations imposed on myself and my family.

27. I am of opinion and belief that there exist other retired ALPA airline pilots who have either observed or participated in the above-described process of "elimination" of active line pilots, and who would be willing to provide witness testimony in this matter.

28. I seek no financial restitution, compensatory damage claims, or restoration to my pilot job at United Airlines in providing the aforementioned horror story. It my hope that by divulging the details of this horrific event in my aviation career, it will somehow preclude any other airline industry pilot from ever having to endure the same for himself or his family, and pray for the restitution of honor, dignity, and respect of commercial airline pilots as safety professionals within the industry with the added hope that political and financial pressures will never be brought to bear, which denigrates safety in the future.

29. My involvement in these matters has created much disharmony within my loving family. We are shouldering this cross with our faith and trust in God, our political leaders, justice system, law enforcement agencies, and our Constitutional rights of freedom of speech.

30. Further affiant sayeth naught.

DANIEL W. HANLEY

SWORN before me on This 16th day of February 2009

NOTARY PUBLIC