

AFFIDAVIT OF DANIEL CHOLDIN

I, Daniel Choldin, being duly sworn, do depose and state that:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed for nearly four years. Prior to that, I was a special agent for four years with the Department of State's Department of Diplomatic Security. As an FBI special agent, I am currently assigned to the Joint Terrorism Task Force ("JTTF") within the Boston Field Division of the FBI.

2. I am aware that Title 49, United States Code, Section 46504, makes it a crime for anyone on an aircraft in the special jurisdiction of the United States, to assault or intimidate a flight crew member or flight attendant of the aircraft, thereby interfering with the performance or duties of the member or attendant or lessening his or her ability to perform those duties. I am further aware that the special aircraft jurisdiction of the United States, as defined by Title 49 United States Code, Section 46501(2), applies to all civil aircraft of the United States in flight. I am aware that it also applies to any aircraft in flight outside the United States that has its next scheduled destination in the United States, if the aircraft lands in the United States.

3. I submit this affidavit in support of a criminal complaint against CATHERINE CARSE MAYO ("MAYO"), whose date of birth is July 24, 1947, charging her with interference with flight crew members and flight attendants. The facts set forth herein are based both on my own personal knowledge of the events in question and on information related to me by other FBI special agents, and other federal and state law enforcement personnel.

4. As a consequence of the recent arrest of a number of suspected terrorists in London, England and Pakistan, who had allegedly conspired to detonate liquid explosives on flights from Heathrow Airport in London to the United States by using liquids that were brought on board, extraordinary security measures have been implemented at British and United States airports. Given the threat, these measures include the banning of all liquids, in addition to the normally prohibited items. Measures are especially intense with respect to flights bound for the United States.

5. At 8:29 A.M. (London time) on August 16, 2006, United Airlines flight number 923 ("Flight 923"), a 767-300 aircraft, with 182 passengers and 12 crew members on board, departed Heathrow Airport in London. Its scheduled destination was Dulles Airport in Washington D.C. MAYO, an American citizen traveling with a United States passport, was one of the passengers. Entries in MAYO'S passport indicate that on August 15, 2006, the

day before, she exited Pakistan and entered the United Kingdom. On Flight 923, MAYO was ticketed for seat 15A, which was located at the front of the coach section of the aircraft.

6. While Flight 923 was en route to Washington D.C., the FBI was notified of an apparent disturbance by a female passenger and of the decision to divert the aircraft to Logan Airport in Boston, Massachusetts.

7. Flight 923 landed in Boston at about 10:04 A.M. (Boston time) on August 16, 2006. FBI special agents and other federal agents with the JTTF, as well as Massachusetts State Police troopers, were present when the aircraft landed. All of the flight crew members and a number of the passengers were subsequently interviewed regarding what had transpired on the aircraft necessitating its diversion. Collectively, they related the following:

a. About an hour and a half after take-off from Heathrow Airport, following the first meal service, a flight attendant in the coach section of the aircraft ("FA-1") had an encounter with MAYO when the latter was seen by FA-1 standing in the wrong cabin area pushing against the aircraft bulkhead. FA-1 directed MAYO to return to her seat. Instead of complying, MAYO said that she wanted speak to an Air Marshall. She also made a statement to the affect, "I know you want my bag" or "I know you want to see what's in my bag."

b. At this point, FA-1 called the flight deck to have the seat belt sign illuminated, again directed MAYO to return to her seat, and then went forward to seek assistance from the Purser and the First Officer.

c. FA-1, the Purser, and the First Officer then went to speak to MAYO. MAYO again brought up Air Marshals. At some point during this time frame, because of MAYO'S behavior, the decision was made by the flight crew to move the passenger adjacent to MAYO to another seat.

d. After FA-1, the First Officer, and the Purser withdrew to the nearby business-class galley, MAYO handed the First Officer the first of what was to become a series of notes that she gave to flight crew members over the next several hours (all were addressed to the captain of Flight 923). In the note, she asked whether the adjacent passenger had been moved because of her. When the First Officer orally replied in the negative, MAYO asked him to write that on the note. He did so, returned the note to MAYO, and she put it in her handbag. The First Officer then left.

e. About two hours and twenty minutes into the flight, MAYO requested an unopened can of Pepsi. After it was provided to her, she went to one of the two lavatories located on her side of the fuselage in the aft of the plane (there were two other lavatories located on the other side of the fuselage, separated

by the coach section galley). Afterward, she told a flight attendant something to the effect, "I left the Pepsi can in the bathroom - there is something in it." The flight crew then found the can of Pepsi discarded in the lavatory trash bin. They noted that it had been opened. When MAYO was asked why she had done that, she had no explanation.

f. Sometime thereafter, MAYO inquired of FA-1, "Is this a training flight for United Flight 93?" FA-1 did not know whether MAYO intended to ask about Flight 923 and merely misspoke, or whether it was an intentional reference to one of the aircraft that was involved in the terrorist attack on September 11, 2001.

g. During this time frame, the Purser observed that MAYO was biting her fingers, rubbing her feet, and in a constant state of movement. She appeared very agitated. The Purser, who ordinarily would have spent most of her time in the first-class cabin, decided to maintain her observation of MAYO as much as possible.

h. About three and a half hours into the flight, MAYO was observed removing a bottle of water from an overhead compartment. One or more passengers, who had apparently become concerned themselves about MAYO'S behavior, reported that fact to flight attendants. The bottle of water was not one that had been supplied by flight attendants during the flight. FA-1

confiscated the bottle from MAYO, because liquid was one of the items prohibited by the extraordinary security measures that had recently been implemented. MAYO put up an argument about relinquishing the bottle.

i. Sometime thereafter, MAYO handed a note to a flight attendant that made reference to her having been in another country illegally. The note expressed concern on her part about having to go through customs when the aircraft landed.

j. After another trip to one of the lavatories on her side of the fuselage in the aft of the plane, MAYO accused the flight attendants of going through her bags, asserting that she could tell because her blankets had been moved. She stated that in her bag was film with pictures of a Super 8 in Washington, D.C. and her trip to Pakistan, which she identified as the country she had been in illegally. She stated that the photographs would be awful, and she indicated that they related to the people that she had been with in the mountains of Pakistan.

k. The Purser informed the Captain of the aircraft that she believed that the aircraft should be landed as soon as possible. In response, the Captain decided to go speak to MAYO.

He was accompanied by the Purser. In the ensuing conversation, MAYO made a number of bizarre statements to the Captain. Among them, she made reference to there being six steps to building

some unspecified thing. The Captain and the Purser both thought she was referring to a bomb. She also stated that she had been in Pakistan, and she made reference to being with people associated with two words. She stated that she could not say what the two words were because the last time that she had said the two words she had been kicked off of a flight in the United Arab Emirates. The Captain and the Purser both believed that she was referring to Al Qaeda.

l. At the conclusion of his conversation with MAYO, the Captain returned to the flight deck area. He concluded from his interaction with MAYO that the threat presented did not just involve an unruly passenger, as he had originally believed, but instead involved a potential threat to the aircraft.

m. About thirty-five minutes later, MAYO again used one of the aft lavatories on her side of the plane. Afterward, another passenger used the adjoining lavatory. That passenger had drawn the Purser's attention because he had displayed what struck her as an inordinate interest in the Captain's earlier conversation with MAYO. Within a matter of minutes after that passenger exited the lavatory, MAYO got up to use the lavatory yet again. Before she could do so, the flight attendants locked both of the aft lavatories on that side of the plane. They informed MAYO that she could use one of the other lavatories just on the other side of the galley. After a brief exchange with the

flight attendants, MAYO lowered her pants and urinated on the floor of the cabin just outside the locked lavatories.

n. The Purser immediately reported MAYO'S actions to the Captain, who directed her to have MAYO restrained. The Captain also made the decision to divert the flight from its intended destination to Logan Airport.

o. In response to the Captain's directive, the Purser retrieved plastic flex cuffs and metal handcuffs, and she solicited the assistance of a male passenger. When she got back to the vicinity of the aft lavatories, where MAYO had remained, another male passenger was there, his assistance having been requested by another flight attendant. (Based on his own observations of MAYO'S behavior during the flight, one of the two male passengers had become concerned that she might be acting as a diversion for a possible terrorist action; he had moved his seat so as to be potentially more useful should something occur.)

The Purser informed MAYO that they were going to handcuff her. MAYO tried to get away. One of the male passengers restrained her and lowered her to the floor, at which point the Purser applied the flex cuffs to her wrists. She was then seated on the floor of the cabin on the other side of the galley, where she remained for the duration of the flight.

8. Based on the foregoing, I believe that probable cause exists to conclude that on August 16, 2006, CATHERINE CARSE MAYO,

in the special aircraft jurisdiction of the United States, by intimidating crew members and flight attendants of United Airlines Flight 923, did interfere with the performance of the duties of said crew members and flight attendants and did lessen their ability to perform those duties.

DANIEL CHOLDIN
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to before me this seventeenth day of
August, 2006.

TIMOTHY S. HILLMAN
United States Magistrate Judge