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Eli Vargas
Program Coordinator
American Civil Liberties Union
915 15th Street NW
Washington, DC 20005

By email: evargas@aclu.org

1 August 2019

Dear Mr Vargas

Many thanks for your letter of 23 July to our former Chairman Wolfhart Hauser and our Chief Executive, Matthew Gregory. Mr Gregory has asked me to reply on his behalf.

The issue you raise is one we are very well aware of. We are in full agreement with you that harassment and racial profiling of people of colour is completely unacceptable in any context.

As you would expect, we aim to fully comply with the legal requirements of countries and jurisdictions of wherever we operate. From your previous contact with Tricia Martinez (Greyhound's General Counsel), you will be aware that the legal advice they have received on how the relevant law is implemented is clear.

Greyhound, as a regulated carrier, does not have the 4th amendment right referenced in your letter. The US Supreme Court case to which you refer (*Almeida-Sanchez v United States*, 13 US 266 (1973)) holds that this right is for an individual in a private vehicle, not for a commercial, regulated operator. Contrary to your assertions, US Customs and Border Protection (CBP) officers do not have to ask permission to board Greyhound's buses and the drivers are not in a position to grant or deny access.

I would also like to assure you that Greyhound does not in any way coordinate with CBP or actively assist the CBP in carrying out these searches. Indeed, the dignity and privacy of our customers, along with their safety, is of utmost importance to Greyhound - which is why we are calling on Congress to change the law and will support positive efforts to do so. We also encourage all our customers to know their rights and share their opinions on this important issue with their members of Congress.

To that end, we provide bilingual 'Know Your Rights' information in our terminals and online as well. It is wrong to state, as you do, that this was created in response to the Córdova suit. Nor do we accept that this information is located on an "obscure" page on the site: it is in a section entitled 'Your rights and rules on board', accessible from the 'Help & Info' menu on the home page. This information provides customers with a list of their rights as well as resources, including contact details for ACLU, instructions on how to file a civil complaint. We also ask people to lobby their members of Congress for a change in the law.

Your letter referenced a letter from Washington State Attorney General Bob Ferguson. All his claims are based on the false premise that Greyhound may lawfully not permit CBP agents on board its buses.

Greyhound's external legal advice is that they cannot be forced to defy requests from CBP agents that federal law permits as this is because States may not prescribe standards inconsistent with federal mandates.

We share your concern about the alleged treatment of Mr Elshieky and will be interested to hear the outcome of the formal complaint he has filed against the CBP.

It is not fair or correct for ACLU to tell lawmakers that Greyhound is supportive of the current legal framework and that it assists in its execution by CBP personnel. As a major employer and provider of transportation services, Greyhound cannot flout the law – but they do seek to change it and would welcome a constructive dialogue with ACLU on how best to do so.

FirstGroup's Values, including commitment to our customers, guide our behaviour as a transport company and responsible employer. We keep our customers at the heart of everything we do and want to ensure they are provided with a safe and enjoyable experience each time they use our services. We don't want to put our drivers' safety or the safety of our passengers at risk by attempting to stop a federal agent from conducting checks. Accordingly, like the ACLU, Greyhound will continue to request Congress to pass legislation that better protects passengers.

Yours sincerely

A handwritten signature in blue ink, appearing to read "M. D. Hampson", enclosed in a light blue rectangular box.

Michael Hampson
Group General Counsel and Company Secretary