

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 20598



Transportation
Security
Administration

MAR - 5 2014

The Honorable Tom Udall
United States Senator
219 Central Avenue NW, Suite 210
Albuquerque, NM 87102

Dear Senator Udall:

Thank you for your letter of December 10, 2013, written on behalf of your constituent, Mr. (b)(6) regarding his concerns with the Transportation Security Administration (TSA) Screening of Passengers by Observation Techniques (SPOT) program.

SPOT is one aspect of TSA's Behavior Detection and Analysis (BDA) program. The BDA program uses non-invasive behavior detection techniques based on scientifically validated behaviors to identify individuals who potentially pose a threat to the Nation's transportation network. Behavior detection techniques have been an accepted practice for many years within the law enforcement, customs and border enforcement, defense, and security communities both in the United States and internationally.

A representative of TSA's Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement's (CRL/OTE) Multicultural Branch contacted Mr. (b)(6) on February 12, 2014. Mr. Blair was provided information on how to file a complaint with CRL/OTE. The CRL/OTE representative also provided contact information should Mr. (b)(6) have difficulty with the process. For more information on the complaint handling process, (b)(6) may also visit: <http://www.tsa.gov/traveler-information/travelers-filing-complaint>.

We appreciate that Mr. (b)(6) took the time to share his concerns with you. If we may be of further assistance prior to the completion of our research, please call the Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,

A handwritten signature in black ink that reads "Sarah Dietch". The signature is written in a cursive, flowing style.

Sarah Dietch
Assistant Administrator
for Legislative Affairs

Case Authorization and Privacy Release Form

NAME: (b)(6) DATE 7 Dec 2013
 HOME ADDRESS: (b)(6)
 CITY Albuquerque NEW MEXICO ZIP 87123-5936
 HOME PHONE: (b)(6) WORK PHONE: (b)(6)
 EMAIL ADDRESS: (b)(6) FAX: _____
 SOCIAL SECURITY: [REDACTED] DATE OF BIRTH: [REDACTED]

Please provide any other identification numbers relevant to your case, such as Veteran Case ID number, CSA number, IRS number, INS number, etc.

Are you working with any other NM Delegation member (Y) (N) _____
 If so whom? Michelle Lujan Grisham and her Constituent Rep Jon Moore

Please also submit your case online at tomudall.senate.gov.

Attach a typed or clearly written description of the problem and any relevant documentation.

I hereby request and authorize United States Senator Tom Udall and/or members of his staff, to make an inquiry on my behalf in addressing this matter. I further understand that I will save harmless any agencies divulging information pursuant to this release of information, as well as Senator Tom Udall and/or any representative of his staff in these matters.

Printed Name: (b)(6) (b)(6)
 Signature: (b)(6) (b)(6)

(In order to comply with the provisions of the Privacy Act of 1974, it is necessary that your signature be on file.)

PLEASE SIGN AND RETURN TO THE OFFICE NEAREST YOU:

Albuquerque
 (b)(6)

Date Received: Nov 17th 2013 20:48:08

Please work to end the TSA's Behavior Detection and Analysis (BDA) experiment. This is my experience regarding that ill-conceived program:

On September 30 of this year, I traveled from Albuquerque to Nashville aboard Southwest Airlines flights. In Albuquerque, I voluntarily submitted to and passed a TSA screening. In Kansas City, I never left the secured area, but I heard an announcement that passengers boarding my connection, Southwest Flight 3590, would be subject to "random rescreening" (which I later learned is a BDA hallmark). Moments later, I was tapped on the shoulder by a TSA officer twenty years my junior and told, "C'mere, Bud!"

Was I displaying the "thousand-mile stare" that so excites BDA specialists? Maybe so. My mother had passed away that morning.

The tap on the shoulder, the "C'mere, Bud!" was rude and unbecoming of a federal officer. I will remember that intrusion for the rest of my life. As for "random rescreening," it took place with my acquiescence but without my consent. It was a coercive search, for what were my options hundreds of miles away from my home and destination? I cannot reconcile this action with the Bill of Rights. I am confident you have read the clear, specific words of the Fourth Amendment.

Proverbs (3:31) counsels: "Envy thou not the oppressor, and choose none of his ways." And so I write.

Senator, I am not naive about terrorism. A member of my own family suffered a frightening evacuation of the World Trade Center when it was bombed in 1993. I believe the threat of civilian planes being turned into missiles was effectively and appropriately dealt with even before the TSA was established. However, I understand the difficulty of protecting planes and lives from the likes of PETN bombs. I also know that it's not easy balancing my Fourth Amendment rights against the safety of airline passengers. I pray you and your colleagues find the wisdom of Justice Holmes, who articulated the "clear and present danger" doctrine in considering First Amendment cases. America needs a similar Fourth Amendment test to head off abuses in the name of security, which I fear are occurring with increasing frequency. This is to say nothing of the extreme cost and reported ineffectiveness of the BDA program.

I wish you well in this difficult work, and if I can assist in any way, you may call on me. My prayer is that the United States and its values will endure through the ages.

Contact Information

Prefix: Mr.

First Name: (b)(6)

Last Name: (b)(6)

Address

Street: (b)(6)

Zip:

City: Albuquerque

State: New Mexico

December 10, 2013

Sarah Dietch
Assistant Administrator, Office of Legislative Affairs
Transportation Security Administration Headquarters
East Tower, Floor 11, TSA-5
601 South Twelfth Street
Arlington, VA 20598-6001

Dear Assistant Administrator Dietch,

I have received the enclosed letter from (b)(6) regarding his recent experience with the Transportation Security Administration (TSA).

I would appreciate your assistance in responding to my constituent's concerns. Please look into this matter and report directly to my constituent with your findings. Please send a copy of your response to Michael Thoming in my Washington, DC office.

Thank you for your attention to this matter.

Very truly yours,

Tom Udall
United States Senator

Moore, Gale

From: TSA Office of Legislative Affairs
Sent: Friday, February 07, 2014 11:40 AM
To: TSA ExecSec Mail
Subject: FW: Inquiry on behalf of constituent (b)(6)
Attachments: (b)(6) David. Udall letter to TSA Dec 10 2013.pdf; (b)(6) Dec 10 2013. Re TSA.pdf; (b)(6) PrivacyRelease.pdf

Please enter this into CCMS. Lujan Grisham's office also submitted an inquiry for the same constituent. Could you please send a response to Udall's office when Lujan Grisham's response is done?

Let me know if you have any questions.

Thank you,

-Kim-

-----Original Message-----

From: Thorning, Michael (Tom Udall) [Michael.Thorning@tomudall.senate.gov]
Sent: Friday, February 07, 2014 11:21 AM Eastern Standard Time
To: Dietch, Sarah
Subject: Inquiry on behalf of constituent (b)(6)

Hi Sarah,

Senator Udall's office forwarded a letter to TSA Legislative Affairs on December 10th of last year from his constituent, (b)(6). Can you confirm whether TSA Leg Affairs has received the letter and if a response is in the works? I have attached a copy of our letter to this email as well as the constituent's original correspondence. I believe a privacy release was included with our correspondence to TSA, but I have attached it again in case you need it. The constituent has contacted me requesting a status update. Any information you can provide would be helpful. Let me know if you have any questions.

Best,
Michael Thorning

Office of US Senator Tom Udall (NM)
202-224-6621

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