

**Wilson, Diane**

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**From:** Hudson, Bryan W.  
**Sent:** Monday, March 24, 2014 11:14 AM  
**To:** Van Leuven, Cliff  
**Subject:** RE: (b)(6)

Thanks Cliff

**From:** Van Leuven, Cliff  
**Sent:** Sunday, March 23, 2014 2:01 PM  
**To:** Hudson, Bryan W.  
**Subject:** Re: (b)(6)

Got it and the bcc- I'm asking my EA to contact him to arrange a time for us to talk.

Thanks Bryan- will adv how it went after I speak with him.

Cliff

Cliff Van Leuven  
Federal Security Director- Minnesota  
Minneapolis-St. Paul, Bemidji, Brainerd, Duluth, Hibbing, Int'l Falls, Rochester, St. Cloud, Thief River Falls

Transportation Security Administration  
Department of Homeland Security  
Office: 952-229-(b)(6)  
Mobile: (b)(6)  
Email: (b)(6)

**From:** Hudson, Bryan W.  
**Sent:** Friday, March 21, 2014 09:45 AM  
**To:** Van Leuven, Cliff  
**Subject:** (b)(6)

Cliff,

(b)(6) number is (b)(6) You should have also received a blind copy regarding the informal a moment ago.

Bryan

**Wilson, Diane**

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**From:** CRL  
**Sent:** Thursday, January 02, 2014 1:40 PM  
**To:** (b)(6)  
**Subject:** RE: TSA Contact Us: Complaints  
**Attachments:** Multicultural reply letter (b)(6)

Dear (b)(6)

Thank you for contacting TSA regarding your complaint. Please find attached an acknowledgement letter from the Multicultural Branch. You will be updated as your complaint is processed.

Thank You,

Multicultural Branch  
Disability and Multicultural Division  
CRL/OTE  
TSA

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



Transportation  
Security  
Administration

Dear (b)(6)

Thank you for contacting the Transportation Security Administration (TSA). This letter is an acknowledgement that your correspondence dated December 26, 2013 was forwarded for review to TSA's Disability and Multicultural Division (DMD), a division within the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE) because it appears to raise a claim of discrimination.

As we are beginning review of your correspondence, you may be contacted by staff from the Multicultural Branch for additional information. If you need to contact the Multicultural Branch before then, you can send an e-mail to [TSA.CRL@tsa.dhs.gov](mailto:TSA.CRL@tsa.dhs.gov) or write to:

Transportation Security Administration  
Disability and Multicultural Division  
Disability Branch  
701 South 12<sup>th</sup> Street  
TSA-6  
Arlington, VA 20598

Please reference the following number when sending any correspondence: Contact-OTSSO-14-0145

In the meantime, you may wish to review TSA policies regarding screening for passengers on our website at [www.tsa.gov](http://www.tsa.gov).

Thank you.

Multicultural Branch  
Disability and Multicultural Division

**PLEASE DO NOT RESPOND TO THIS E-MAIL. PLEASE SEND YOUR EMAIL TO  
[TSA.CRL@TSA.DHS.GOV](mailto:TSA.CRL@TSA.DHS.GOV).**

**Wilson, Diane**

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**From:** (b)(6)  
**Sent:** Friday, March 21, 2014 1:22 PM  
**To:** Hudson, Bryan W.  
**Subject:** Re: INFORMAL RESOLUTION -- (b)(6)

Okay,

(b)(6)

On Fri, Mar 21, 2014 at 8:42 AM, Hudson, Bryan W. (b)(6) wrote:

(b)(6)

I wanted to clarify for you regarding the informal resolution below. MSP intends to provide two shift briefs to their officers: 1) one will be specific to appropriate procedures; and, 2) one will be specific to DHS' Nondiscrimination Policy in its security screening operations. You should also receive a telephone call in the near future from TSA leadership at MSP.

We will let you know once the shift briefings have been completed by MSP.

Bryan

**From:** (b)(6)  
**Sent:** Tuesday, March 18, 2014 1:34 PM  
**To:** Hudson, Bryan W.

**Subject:** Re: INFORMAL RESOLUTION -- (b)(6)

Hi Bryan,

I read your message, and because MSP (it seems) will agree to use my situation to better train their staff on issues of race (as well as procedures), I would like to resolve this matter informally.

resolution agreed to unless you can show good cause for no response during the timeframe.  
Sincerely,

Bryan W. Hudson, Esquire  
Policy Advisor  
Disability and Multicultural Division  
Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement  
701 South 12th Street  
Arlington, VA 20598  
(571) 227-(b)(6) (o)

This message is intended for the use of the person or entity to whom it is addressed and may contain information that is sensitive, privileged and/or confidential, the disclosure of which is governed by applicable law. If you are not the intended recipient you are hereby notified that any disclosure, copying, or distribution of this information is strictly prohibited. If you have received this e-mail in error, please destroy or delete the message and contact the sender immediately.

**TSA CONTACT CENTER RECORD**

EID: 1301860  
Contact Date: 2/16/2014 11:58:31 PM  
Incident Date: 9/30/2013 12:00:00 AM  
Medium: DMU Email

Contact Type: Normal/General  
Contact Status: Closed  
Linked Event IDs:

**Passenger Contact Information:**

Contact Prefix:		Contact Address 1:	(b)(6)
Contact First Name:	(b)(6)	Contact Address 2:	
Contact Middle Initial:	(b)(6)	Contact City:	(b)(6)
Contact Last Name:	(b)(6)	Contact State:	
Contact Suffix:		Contact Zip:	(b)(6)
Contact Phone:	(b)(6)	Contact Country:	
Contact Email:		Contact Fax:	

**Passenger Inquiry:**

Subject: Contact Us: Civil Rights Civil Liberties Complaint

(1) Information about the person who experienced the civil rights civil liberties violation (fill in what you can)

No

First and Middle Name:  
(b)(6)

Last Name:  
(b)(6)

Main Phone:  
(b)(6)

Work Phone:

Cell Phone:

PO Box or Street address:  
(b)(6)

City:  
(b)(6)

State:  
(b)(6)

Zip:  
(b)(6)

Email:  
(b)(6)

Check here if you are represented by a third party or an attorney in this matter.

Yes

If so please provide the third party's name and contact information:

This report is being filed at the suggestion of Mr. Bryan Hudson, TSA Office of Civil Rights and Liberties. I have previously described this incident in person on 23 Nov 2013 to staff members of Congresswomen Michelle Lujan Grisham (New Mexico, Dist. 1) and in a letter, 18 Nov 2013, to Senator Tom Udall (New Mexico). I request that these congressional staffers be copied on any response to this complaint:

September 30, 2013, afternoon, just before the boarding of Southwest Flight 3590

Where did this happen?

Place (name of the airport or other facility):

MCI

City:

Kansas City

State or Country:

Missouri

4) Who treated you unfairly?

Please provide a description of the individual(s) and or the name and badge number of the individual(s) involved.

The Transportation Safety Administration and its officer (described above)

5) List anyone else who may have seen or heard what happened.

(If you do not know their names, provide whatever details you can)

No

Names (or other information, e.g., agency):

PO Box or Street address

City

State or Country

Zip

Phone No.:

Email:

Names (or other information, e.g., agency):

PO Box or Street address

City

State or Country

Zip

Phone No.:

Email:

6) Have you contacted the TSA Customer Service Manager at the airport, or any other DHS component or other federal, state, or local government agency or court about this complaint?

No

TSA Customer Service Manager Agency Office Court:

Date

If so, has anyone responded to your complaint?

If Yes, describe what has been done to respond to your complaint:

7) Is there any other information you want us to know about or consider?

No

8) If you are not proficient in English, please indicate the language in which you prefer we communicate with you.

You may use this box to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.

From: donotreply@ContactUs.tsa.dhs.gov [mailto:donotreply@ContactUs.tsa.dhs.gov]  
Sent: Sunday, February 16, 2014 11:59 PM

(b)(6)

- Inquiry (INFORMAL)

Hudson, Bryan W.

**From:** Hudson, Bryan W.  
**Sent:** Tuesday, February 18, 2014 4:11 PM  
**To:** Brooks, Angela  
**Cc:** DellaJacono, John L.  
**Subject:** Civil Rights/Liberties Complaint -- (b)(6)

**Importance:** High

Angie,

I have included the letters from Congress as well as the draft response provided to OIA from OSC/OCC/CRL/OIE for background. A formal inquiry request is below.



(b)(6)

Thanks,  
Bryan

Dear DFSD Brooks:

The Disability and Multicultural Division (DMD), of the Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement, has received a civil rights and/or civil liberties complaint regarding actions that allegedly occurred at MCI during screening. A copy of the complaint is attached.



17\_Response\_13...

A civil rights and/or civil liberties complaint alleges violation of Federal law, regulations, Executive Orders or DHS/TSA policy. As such, DHS requires TSA to process this matter with much greater attention to detail than a routine customer complaint. It is important for evidence to be preserved at your airport in the event of a formal resolution or for potential court or appellate review.

We ask that you take the following actions within 72 hours of this notice:

1. Assign a designated point of contact (POC) for the purposes of investigating this complaint and have him or her contact the DMD specialist listed below. Your POC should have the authority to agree to an informal resolution to the complaint on your behalf.
2. Gather and preserve any evidence that may be necessary to complete a formal fact-finding report. Specifically:



23 February 2014

Memo to: Jeff King, STSO and FST Coordinator

Subj: Reported Incident Involving SW #3590 BNA on 9-30-2013

We (b)(6) were assigned by normal scheduling methods to perform a REFS play on a Southwest Airlines #3590 Nashville flight. This flight according to our records was departing from SW Gate 41. According to our records, we selected (9) passengers for additional screening. Both Steve Lohse and John Platt do not recollect any problems or concerns from passengers on this flight.

Our procedure for performing a boarding gate is outlined in Playbook SOP 3.2.D and 3.5.A 1-5. Playbook SOP, Appendix Three is prominently displayed for all to see at the boarding gate. The process that best explains our actions on boarding gates is described in Playbook SOP, 1.5.D.5. In addition, the Gate Agent makes an announcement that this flight has been selected for additional screening and after screening, the passenger will be taken to the head of the boarding line.

We performed our normal procedure on this flight and we have reviewed information from our daily shift summary report and personally soul searched our memories. We have no recollection of a problem on this flight or any other problems that should have been reported to our supervision.

We are hopeful that this information will be of assistance in resolving this matter.

(b)(6)

Withheld pursuant to exemption  
(b)(5), (b)(6)  
of the Freedom of Information and Privacy Act

Withheld pursuant to exemption  
(b)(5), (b)(6)  
of the Freedom of Information and Privacy Act

December 10, 2013

Sarah Dietch  
Assistant Administrator, Office of Legislative Affairs  
Transportation Security Administration Headquarters  
East Tower, Floor 11, TSA-3  
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 Thorning in my Washington, DC office.

Thank you for your attention to this matter.

Very truly yours,

Tom Udall  
United States Senator

Date Received: Nov 17th 2010, 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 flight. 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 naïve 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 9/11 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 stiffer 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:

### Address

Street:

(b)(6)

Zip:

City:

State:

MICHELLE LUJAN GRISHAM  
1st District, New Mexico

214 Cannon House Office Building  
Washington, DC 20515  
T: (202) 225-6810  
F: (202) 225-4976

505 Mountain Ave, NW, Suite 1808  
Albuquerque, NM 87102  
T: (505) 346-6761  
F: (505) 346-6762

www.kjlugrisha.house.gov

P11

January 06, 2014

Sarah Detch  
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 Ms. Detch:

I am writing to you because of concerns being expressed by a constituent from my district. This constituent has expressed concerns over the "SPOT" program being used by the Transportation Security Administration.

My constituent has raised the issue because he has been stopped on a couple of occasions for questioning based on the observations made by the TSA officers. This program has recently come under attack for its inability to accurately pick out potential threats. According to a report given by the GAO "The meta-analyses GAO reviewed collectively found that the ability of human observers to accurately identify deceptive behavior based on behavioral cues or indicators is the same as or slightly better than chance (54 percent)."

Please get in touch with our constituent, (b)(6) and advise him on the procedure for filing a formal complaint. (b)(6) can be reached at the address (b)(6) (b)(6) by phone (b)(6) or by email at (b)(6)

Thank you for taking the time to address the concerns of my constituent.

Sincerely,

Michelle Lujan Grisham  
Member of Congress  
Committee on Oversight and Government Reform  
MLG/JIM

Congress of the United States  
House of Representatives  
Washington, DC 20515-3101

COMMITTEE ON AGRICULTURE  
DIARRHOEAL DYSENTERY, OVERSIGHT,  
AND NUTRITION  
LIVELIHOOD, RURAL DEVELOPMENT,  
AND CREDIT  
COMMITTEE ON THE BUDGET  
COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM  
ENERGY POLICY, HEALTH CARE,  
AND ENVIRONMENT  
NATIONAL SECURITY

OFFICE OF THE  
EXECUTIVE SECRETARIAT  
2014 JAN - 6 P 12:19  
TRANSPORTATION SECURITY

107-001

Jemerson, Christine

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**From:** TSAOLA  
**Sent:** Monday, January 06, 2014 12:11 PM  
**To:** TSA ExecSec Mail  
**Cc:** Marston, Alex  
**Subject:** FW: From the Office of Congresswoman Michelle Lujan Grisham  
**Attachments:** TSA SPOT letter and PRF.pdf

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**From:** Kutemeyer, James [mailto:James.Kutemeyer@mail.house.gov]  
**Sent:** Monday, January 06, 2014 11:51 AM  
**To:** TSAOLA  
**Subject:** From the Office of Congresswoman Michelle Lujan Grisham

Please see attached letter

OSD

P7

**Hudson, Bryan W.**

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**From:** Bandy, Kimberly J  
**Sent:** Wednesday, February 12, 2014 9:48 AM  
**To:** Singh, Harleen; Hudson, Bryan W.  
**Subject:** FW: (b)(6) Request for Reassignment  
**Attachments:** (b)(6)

Review and let's discuss

*Kimberly Bandy*  
Branch Manager  
Multicultural Branch  
Transportation Security Administration - CRL/OTE  
Department of Homeland Security  
571-227-(b)(6) office)  
(b)(6) (blackberry)  
571-227-1921 (fax)

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**From:** Antush, Tom  
**Sent:** Wednesday, February 12, 2014 9:42 AM  
**To:** Bandy, Kimberly J  
**Cc:** Webb, Evelyn  
**Subject:** FW: (b)(6) Request for Reassignment

Evelyn: I'll copy to UMD for their advice as well (Kim Bandy). Tom

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**From:** OSC Communications  
**Sent:** Wednesday, February 12, 2014 9:38 AM  
**To:** Webb, Evelyn; McCarthy, Michael  
**Cc:** Antush, Tom; Alhinnawi, Sumer; Wright, Jewel; Fraser, Crystal M.; OSC Communications  
**Subject:** (b)(6) Request for Reassignment

Evelyn and Michael,

OSC has received two controls regarding a constituent complaint about from Senator Tom Udall and Representative Michelle Grisham. While drafting a response and working with OCC, they suggested that this control be reassigned to Office of Civil Rights and OLA. The e-mail with OCC's reasoning for the reassignment is in the e-mail below. Please let us know if you will accept these two controls for reassignment.

Thank you,

Joselyn Griffith  
OSC Communications Team  
571-227-(b)(6)

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**From:** Smith, Courtney <TSA OCC>  
**Sent:** Monday, February 10, 2014 5:28 PM  
**To:** OSC Communications



Courtney

Courtney Smith  
Legislation & Authorities  
Office of Chief Counsel  
Transportation Security Administration  
571-227-(b)(6)

This email or its attachments might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel before disclosing any information contained in this email.

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**From:** OSC Communications  
**Sent:** Wednesday, February 05, 2014 2:27 PM  
**To:** Smith, Courtney <TSA OCC>  
**Cc:** Wasowicz, John <TSA OCC>  
**Subject:** RE: Due 1/29: (b)(6) Response

Courtney,

We received the responses from the program and are putting together the official response. Our deadline for the control was extended to 2/14. We expect to have this to you either end of the day today or tomorrow morning.

Thank you,

Jocelyn Griffith  
OSC Communications Team  
571-227-(b)(6)

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**From:** Smith, Courtney <TSA OCC>  
**Sent:** Wednesday, February 05, 2014 2:22 PM  
**To:** OSC Communications  
**Cc:** Wasowicz, John <TSA OCC>  
**Subject:** FW: Due 1/29: (b)(6) Response

Jocelyn --

Where are we this?

Thank you --

Courtney

Courtney Smith  
Legislation & Authorities  
Office of Chief Counsel  
Transportation Security Administration  
571-227-(b)(6)

This email or its attachments might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel before disclosing any information contained in this email.

Jocelyn Griffith  
OSC Communications Team  
571-227-(b)(6)

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**From:** Smith, Courtney <TSA OCC>  
**Sent:** Tuesday, January 28, 2014 9:02 AM  
**To:** OSC Communications  
**Cc:** Bauer, John D <TSA OCC>; Wheaton, Kelly <TSA OCC>; Wasowicz, John <TSA OCC>  
**Subject:** FW: Due 1/29: (b)(6) (Grisham-(b)(6)) Response

Jocelyn -

We will need to see the draft response to #1 and #2 in order to draft a response to #3. Can you provide them to us?

Thanks -

Courtney

Courtney Smith  
Legislation & Authorities  
Office of Chief Counsel  
Transportation Security Administration  
571-227-(b)(6)

This email or its attachments might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel before disclosing any information contained in this email.

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**From:** OSC Communications  
**Sent:** Tuesday, January 28, 2014 08:39 AM  
**To:** OCC Communications; Cuneo, Ines <TSA OCC>  
**Cc:** Fraser, Crystal M.; OSC Communications  
**Subject:** FW: Due 1/29: (b)(6) (Grisham-(b)(6)) Response

OCC,

We have been reassigned the attached incoming request from Exec Sec. OSO was originally the lead responder for the request and received additional clarification that (b)(6) would like the three questions in the e-mail below answered. The questions refer to the scientific side of SPOT. We believe that the third question may be best answered by OCC. The deadline for this response is Friday, January 31<sup>st</sup>. If you have any questions please let us know. We apologize for the short suspense.

Thank you,

Jocelyn Griffith  
OSC Communications Team  
571-227-(b)(6)

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**From:** Alhinnawi, Sumer  
**Sent:** Thursday, January 23, 2014 9:12 AM

Fax: 571.227.2559

(b)(6)

**Hudson, Bryan W.**

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**From:** Brooks, Angela  
**Sent:** Tuesday, March 18, 2014 4:30 PM  
**To:** Hudson, Bryan W.  
**Cc:** DellaJacono, John L.; Minner, William  
**Subject:** RE: Civil Rights/Liberties Complaint - (b)(6)

Bryan,

Attached is a DRAFT response related to our investigation into this incident. Please let me know if you need any additional information.



Rep Grisham -  
(b)(6) final.docx...

Thanks,

Angela (Angle) Brooks  
Deputy Federal Security Director  
Western Missouri  
Office: 816-243-(b)(6)  
Mobile: (b)(6)  
Fax: 816-243-7540

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**From:** Hudson, Bryan W.  
**Sent:** Tuesday, February 18, 2014 3:11 PM  
**To:** Brooks, Angela  
**Cc:** DellaJacono, John L.  
**Subject:** Civil Rights/Liberties Complaint - (b)(6)  
**Importance:** High

Angle,

I have included the letters from Congress as well as the draft response provided to OLA from OSC/OCC/CRL/OTE for background. A formal inquiry request is below.

<< File (b)(6)

Thanks,  
Bryan

Dear DFSD Brooks:

<< OLE Object: Picture (Device Independent Bitmap) >>

U.S. Department of Homeland Security  
12200 N. Ambassador Dr., Suite 212  
Kansas City, MO 64163



Transportation  
Security  
Administration

March 18, 2014

The Honorable Michelle Lujan Grisham  
Member, U.S. House of Representatives  
505 Marquette Avenue, NW, Suite 1605  
Albuquerque, NM 87102

Dear Congresswoman Grisham:

Thank you for your letter of January 6, 2014, written on behalf of your constituent, (b)(6) (b)(6) who is requesting information with regard to the Transportation Security Administration (TSA) Screening of Passengers by Observation Techniques (SPOT) program.

On September 30, 2013, (b)(6) flew from Albuquerque, NM to Nashville, TN with a plane change in Kansas City, MO. (b)(6) upon arriving at his new departure gate heard an announcement that there was going to be additional random screening, also known as Risk Emphasized Flight Screening (REFS), for his flight. Nine passengers were randomly selected for additional screening and (b)(6) was one of them. According to the Officers involved, there were no discussions or complaints from any of the passengers at that time.

The REFS play was conducted in accordance with the TSA Playbook Standard Operating Procedures (SOP). Appropriate signage was also prominently displayed at the gate area as required. This was performed in conjunction with the gate agent's announcement of the additional random screening.

We appreciate that (b)(6) took the time to share his concerns and hope this information is helpful. One of the primary goals of the TSA is to provide the highest level of security and customer service to all who pass through our screening checkpoints. Our current policies and procedures focus on ensuring that all passengers, regardless of their personal situations and needs, are treated equally and with the dignity, respect, and courtesy they deserve.

Travelers may call TSA Cares toll free at 1-855-787-2227 prior to traveling with questions about screening policies, procedures and what to expect at the security checkpoint. TSA Cares will serve as an additional, dedicated resource specifically for passengers with disabilities, medical conditions or other circumstances or their loved ones who want to prepare for the screening process prior to flying.

**Hudson, Bryan W.**

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**From:** Brooks, Angela  
**Sent:** Wednesday, March 26, 2014 4:30 PM  
**To:** Hudson, Bryan W.  
**Cc:** DellaJacono, John L.; Minner, William  
**Subject:** RE: Civil Rights/Liberties Complaint -- (b)(6)

Bryan,

I apologize! Here are the statements that we collected. It was too late to obtain any video.



DOC022614.pdf

Thanks,

Angela (Angle) Brooks  
Deputy Federal Security Director  
Western Missouri  
Office: 816-243-(b)(6)  
Mobile: (b)(6)  
Fax: 816-243-7540

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**From:** Hudson, Bryan W.  
**Sent:** Tuesday, March 18, 2014 3:47 PM  
**To:** Brooks, Angela  
**Subject:** RE: Civil Rights/Liberties Complaint -- (b)(6)

Angie,

A response was sent to the Congressman already via OLA; I included the congressional information as background. Mr. (b)(6) filed a separate civil rights complaint after we responded to Congress that we need to handle according to typical civil rights complaints. I will need all of the information (statements, video, etc).

Bryan

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**From:** Brooks, Angela  
**Sent:** Tuesday, March 18, 2014 4:30 PM  
**To:** Hudson, Bryan W.  
**Cc:** DellaJacono, John L.; Minner, William  
**Subject:** RE: Civil Rights/Liberties Complaint -- (b)(6)

Bryan,

2. Gather and preserve any evidence that may be necessary to complete a formal fact-finding report.

Specifically:

- a. Video footage related to this complaint.
- b. Written statements from TSA personnel who may have been involved in, witnessed, or have any knowledge of the alleged events.
- c. Written statements from non-TSA personnel who may have been involved in, witnessed, or have any knowledge of the alleged events (e.g., Airport personnel, contractors, wheelchair attendants).
- d. Any documents relevant to the complaint (e.g., incident reports, comment cards, customer service reports).

The purpose of this investigation is to determine if a violation of civil rights and/or civil liberties has occurred and, if so, what actions will be taken to resolve the matter. This investigation does not only pertain to potential Standard Operating Procedure violations (SOP). Whether SOP was followed, or not, is only a part of the review process and is not, in and of itself, enough to prove or disprove allegations of civil rights or liberties violations.

DMD will attempt to resolve this complaint informally through mutual agreement between the complainant and your airport POC. However, if either party declines to participate in an informal resolution, the formal resolution process will be initiated.

If you have any questions, please let me know.

Sincerely,

**Bryan W. Hudson, Esquire**  
Policy Advisor  
Disability and Multicultural Division  
Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement  
701 South 12<sup>th</sup> Street  
Arlington, VA 20598

(571) 227-(b)(6) (o)  
(b)(6) (c)

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of the Freedom of Information and Privacy Act

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(b)(5), (b)(6)  
of the Freedom of Information and Privacy Act

**Hudson, Bryan W.**

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**From:** Hudson, Bryan W.  
**Sent:** Friday, August 08, 2014 10:11 AM  
**To:** Brooks, Angela  
**Subject:** (b) (6) Complain (b) (6)  
**Importance:** High

Angie,

Mr. (b) (6) is willing to resolve his complaint informally. There are two things that he would like, the first is our justification for gate screening (I already have information from Playbook and I am reaching out to OCC), the second is that he would like the officer involved retrained on customer service. I tend to think if the officer had not been allegedly rude ("Come here bud") and (b) (6) mother had not passed that morning this probably would not have turned into a complaint.

Also, in his complaint he mentions signage. Can you take a picture of the playbook signage as it is displayed at the gate so I can provide that to him for his awareness. I will most likely provide him a copy of the sign regarding screening at the front of our checkpoints as well.

Thanks,  
Bryan

---

**From:** Corrales, Briana  
**Sent:** Friday, August 08, 2014 9:57 AM  
**To:** Hudson, Bryan W.  
**Subject:** FW: Signage  
**Importance:** High

**Example of Playbook Signage**

**Hudson, Bryan W.**

---

**From:** Hudson, Bryan W.  
**Sent:** Friday, August 08, 2014 10:12 AM  
**To:** Buchanan, Annette <TSA OCC>; Pilcher, Marc <TSA OCC>  
**Subject:** Informal Resolution for Complainant

Annette, Marc,

A complainant who filed with his congressman and us, attached, is seeking two things for an informal resolution. He would like TSA's justification (4th Amendment) for random gate screening and customer service retraining of the officer involved. He originally believed it was the BDO/SPOT program, but I explained to him that this was not the case. Do we have a public justification for gate screening that we can provide to him? Playbook sent me the other document attached, but it might be SSI. Current PW opens playbook doc.

    
17\_Response\_13... (b)(6) Playbook .docx

I think if the officer had not been rude and (b)(6) mother had not passed away the morning of his travel this probably would not have turned into a complaint.

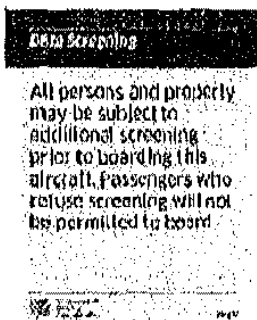
Bryan

Hudson, Bryan W.

From: Corrales, Briana  
Sent: Friday, August 08, 2014 9:57 AM  
To: Hudson, Bryan W.  
Subject: FW: Signage  
Importance: High

Example of Playbook Signage

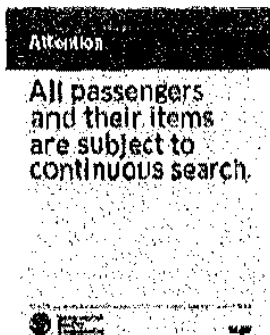
The following signs are legally required as part of Playbook screening. These signs must be posted in accordance to the requirements below.



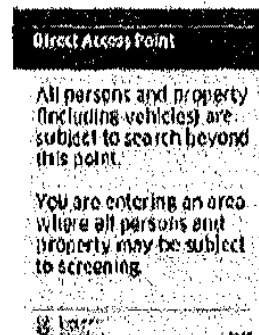
**Gate Screening | 11x14**  
Place at gate screenings where passengers and accessible property are gate screened. Only required to post when gate screening is employed.



**TSA K-9 | 11x14**  
Only required at location where K-9s are being used during a Direct Access Point operation. (U replaces older)



**Screening Advisory | 11x14**  
Place at the end of the screening checkpoints where individuals are entering into sterile areas, including sterile area access doors. Required to post at all times.



**Direct Access Point | 11x14**  
Place at the end of the screening checkpoints where individuals are entering into sterile areas, including sterile area access doors. Only required at location during Direct Access Point operation. (Replaces previous Point, Notice, Travel Advisory, and Destroy)

Withheld pursuant to exemption  
(b)(5)  
of the Freedom of Information and Privacy Act

**Hudson, Bryan W.**

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**From:** Hudson, Bryan W.  
**Sent:** Tuesday, August 19, 2014 1:02 PM  
**To:** 'skye@comcast.net'  
**Subject:** INFORMAL RESOLUTION (b)(6)

**Importance:** High

Dear Mr. (b)(6)

I am writing to follow up on our August 8, 2014 telephone conversation regarding the complaint that you filed with the Transportation Security Administration. Your complaint was forwarded to the Disability and Multicultural Division (DMD), a division of the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE), for review. The Multicultural Branch (MB) administers Federal civil rights and civil liberties laws, regulations and policies in TSA's programs and activities per TSA Management Directives. TSA Management Directive No. 100.0, TSA Roles and Responsibilities, (2012) and No. 900.1, Passenger Screening Complaints (2013); see also Transportation Security Act of 2001, PL 107-71 (2001) and Department of Homeland Security Delegation Number 7060.2, Delegation to the Administrator of the Transportation Security Administration (2003).

In your complaint, you explain that a Transportation Security Officer (TSO) was rude to you by tapping you on the shoulder and saying "C'Mere, Bud!" while conducting a gate screening at Kansas City Airport (MCI). You believed that the "random rescreening" you encountered was part of the Behavior Detection Program.

In a telephone conversation, on August 8, 2014, I informed you that the gate screening at MCI was not related to the Behavior Detection Program. You also indicated that you were willing to resolve this matter through an informal resolution process. You expressed on the telephone that you would consider this matter resolved if TSA provided you with an opinion on its Fourth Amendment justification for gate screening for connecting flights and customer service training was provided to the TSO involved.

The Deputy Federal Security Director for Missouri, on August 14, 2014, also agreed to participate in the informal resolution process. MCI has agreed to provide its entire workforce at the checkpoint where the TSO involved typically works customer service retraining. As for your question regarding gate screening and the Fourth Amendment: TSA employs several forms of random and unpredictable screening measures, as part of its multilayered risk based security approach, that are intended to ensure that those with nefarious intent cannot exploit the system by bringing a prohibited item into the sterile area and aboard an aircraft for their use, or for someone else to use. Among the techniques that TSA employs to this end is the gate screening of passengers. All passengers who experience this additional layer of screening will have passed through security, but this technique places something that a terrorist cannot account for in the way, providing a deterrent effect. Exempting whole classes of passengers from unpredictable screening is incompatible with the very nature of its objectives. This screening, as with all of our screening techniques, was developed to comply with constitutional safeguards as well as protect the Nation's transportation systems to ensure the freedom of movement for people and commerce.

Signage that provides notice to passengers that they may be subject to additional security screening beyond the initial checkpoints is clearly marked throughout TSA secured locations. This signage is also placed in the sterile area during gate screenings and in most cases an announcement, like the one you encountered during your travels, is made over the intercommunication system of the airport. As submitting to security screening is voluntary, a passenger may choose not to submit to screening but will then not be allowed to travel via airline on that day. If a passenger declines to be screened, a referral to local law enforcement may also be made. A copy of the signage that TSA utilizes both at the gate and at every checkpoint TSA operates accompanies this resolution.

**Hudson, Bryan W.**

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**From:** Hudson, Bryan W.  
**Sent:** Tuesday, August 26, 2014 9:44 AM  
**To:** Brooks, Angela  
**Cc:** Alhinawi, Sumer  
**Subject:** FW: INFORMAL RESOLUTION - (b)(6)

**Importance:** High

Angie,

(b)(6) has accepted the Informal resolution. We are closing it on our end. Please let me know when the training at MCI is complete. I am copying OLA too for their awareness as several congressional staff were copied.

Bryan

**From:** (b)(6)  
**Sent:** Tuesday, August 26, 2014 1:54 AM  
**To:** Hudson, Bryan W.  
**Cc:** Michael\_Thorning@tomudall.senate.gov; Moore, Jon  
**Subject:** Re: INFORMAL RESOLUTION (b)(6)  
**Importance:** High

I am Ccing Jon Moore (for Congresswoman Michelle Lujan Grisham) and Michael Thorning (for Senator Tom Udall), with whom I have discussed this case.

Dear Mr. Hudson:

I appreciate your time and effort concerning my complaint, and I agree that your response resolves the non-policy element of that complaint. There are many reasons I feel blessed to be a life-long citizen of the United States, and an open door for peaceful redress of grievances is one of them. My heartfelt thanks to you and the Deputy Federal Security Director for Missouri for your participation in this resolution.

However, the TSA policy that you describe I cannot accept. As long as the TSA expects citizens to wave Fourth Amendment rights on random demand, the policy portion of my complaint cannot be resolved. What the policy does not appreciate is that passengers have already waved valued privacy and a core civil right to accommodate aircraft safety. The policy trivializes that sacrifice and a core American right. I find particularly odious its threat to strand and report to local authorities passengers who elect not to repeatedly waive their civil rights.

Thank you for listening, and I wish you well.

Sincerely,

(b)(6)



The informal resolution process is an informal and voluntary process to resolve complaints filed by the traveling public against TSA with CRL/OTE. MB does not issue a formal decision of findings of fact or conclusions of law for informal agreements that are reached between a complainant and TSA personnel at the location in question and expressly does not decide or conclude the merits of any allegations made within the complaint.

For MB to close this matter, please submit a brief statement confirming that you agree to resolve your complaint through the informal resolution process under the terms presented in this e-mail. If we do not receive a response from you within ten (10) business days of this proposed resolution, MB may consider the proposed resolution agreed to unless you can show good cause for no response during the timeframe.

Sincerely,

Bryan W. Hudson, Esquire  
Policy Advisor  
Disability and Multicultural Division  
Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement  
701 South 12th Street  
Arlington, VA 20598  
(571) 227-(b)(6) (o)

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<Picture (Device Independent Bitmap) 1.jpg><Sign 1.jpg><Sign 3.jpg><Sign 2.jpg>

**Wilson, Diane**

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**From:** Hudson, Bryan W.  
**Sent:** Friday, February 14, 2014 3:30 PM  
**To:** Hubbard, Jaqueline  
**Subject:** FW: (b)(6) Request for Reassignment  
**Attachments:** (b)(6) - Grisham (b)(6) Response.doc;  
(b)(6) - Grisham (b)(6) Response (BH edit).doc

**Importance:** High

Add to entellitrak. Do not send an acknowledgment or final response, OLA is the one that sends the final response. Just upload these documents and then close it. I have notes from a conversation with (b)(6) that I can upload after you enter it and close it.

Thanks,  
Bryan

**From:** OSC Communications  
**Sent:** Friday, February 14, 2014 2:10 PM  
**To:** Bandy, Kimberly J  
**Cc:** Alhinnawi, Sumer; Wright, Jewel; Fraser, Crystal M.; Mondok, Chris; Hudson, Bryan W.; Singh, Harleen; Webb, Evelyn; Antush, Tom; McCarthy, Michael; OSC Communications  
**Subject:** RE: (b)(6) Request for Reassignment

Kimberly,

Attached is the draft for (b)(6) that OSC has started working on. You mentioned that your office could address question #3. Could you please insert your answer into the draft? We would like to complete this ASAP, as the control is now overdue.

Thank you,

Jocelyn Griffith  
OSC Communications Team  
571-227-(b)(6)

**From:** McCarthy, Michael  
**Sent:** Wednesday, February 12, 2014 4:10 PM  
**To:** OSC Communications; Bandy, Kimberly J  
**Cc:** Alhinnawi, Sumer; Wright, Jewel; Fraser, Crystal M.; Mondok, Chris; Hudson, Bryan W.; Singh, Harleen; Webb, Evelyn; Antush, Tom  
**Subject:** RE: (b)(6) Request for Reassignment

I don't feel it should be OLA's letter to control—the question are fairly specific about the BDO program and about the passenger's travel experience.

**From:** Antush, Tom  
**Sent:** Wednesday, February 12, 2014 10:25 AM  
**To:** McCarthy, Michael; OSC Communications; Webb, Evelyn  
**Cc:** Alhinnawi, Sumer; Wright, Jewel; Fraser, Crystal M.; Mondok, Chris; Bandy, Kimberly J  
**Subject:** RE: (b)(6) Request for Reassignment.

Passing to Kim Bandy to weigh in, Tom

**From:** McCarthy, Michael  
**Sent:** Wednesday, February 12, 2014 10:04 AM  
**To:** OSC Communications; Webb, Evelyn  
**Cc:** Antush, Tom; Alhinnawi, Sumer; Wright, Jewel; Fraser, Crystal M.  
**Subject:** RE: (b)(6) Request for Reassignment

Hi Jocelyn,

Yes - I think it is worthwhile for OCRL to advise the constituent on how best to file a complaint about their specific travel. However, I think we still need to answer the questions from the bottom of this email chain. These questions came from Rep. Grisham's office according to the string. I'm not quite sure what Sen. Udall's office wants us to answer.

1. What is the scientific justification for the SPOT program?
2. Has SPOT stopped an actual terrorist?
3. What rights does a passenger have when confronted by a TSA agent? (See above example.)

**From:** OSC Communications  
**Sent:** Wednesday, February 12, 2014 9:38 AM  
**To:** Webb, Evelyn; McCarthy, Michael  
**Cc:** Antush, Tom; Alhinnawi, Sumer; Wright, Jewel; Fraser, Crystal M.; OSC Communications  
**Subject:** (b)(6) Request for Reassignment

Evelyn and Michael,

OSC has received two controls regarding a constituent complaint about from Senator Tom Udall and Representative Michelle Grisham. While drafting a response and working with OCC, they suggested that this control be reassigned to Office of Civil Rights and OLA. The e-mail with OCC's reasoning for the reassignment is in the e-mail below. Please let us know if you will accept these two controls for reassignment.

Thank you,

Jocelyn Griffith  
OSC Communications Team  
571-227-(b)(6)

**From:** Smith, Courtney <TSA OCC>  
**Sent:** Monday, February 10, 2014 5:28 PM  
**To:** OSC Communications  
**Cc:** Wasowicz, John <TSA OCC>; Wheaton, Kelly <TSA OCC>; Bauer, John D <TSA OCC>; Flory, Gillian <TSA OCC>; Pilcher, Marc <TSA OCC>; Alhinnawi, Sumer; Cuneo, Ines <TSA OCC>  
**Subject:** RE: Due 1/29: (b)(6) (Grisham (b)(6) Response

OSC --

Office of Chief Counsel  
Transportation Security Administration  
571-227-(b)(6)

This email or its attachments might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel before disclosing any information contained in this email.

**From:** OSC Communications  
**Sent:** Wednesday, February 05, 2014 2:27 PM  
**To:** Smith, Courtney <TSA OCC>  
**Cc:** Wasowicz, John <TSA OCC>  
**Subject:** RE: Due 1/29: (b)(6) (Grisham (b)(6) Response

Courtney,

We received the responses from the program and are putting together the official response. Our deadline for the control was extended to 2/14. We expect to have this to you either end of the day today or tomorrow morning.

Thank you,

Jocelyn Griffith  
OSC Communications Team  
571-227-(b)(6)

**From:** Smith, Courtney <TSA OCC>  
**Sent:** Wednesday, February 05, 2014 2:22 PM  
**To:** OSC Communications  
**Cc:** Wasowicz, John <TSA OCC>  
**Subject:** FW: Due 1/29: (b)(6) (Grisham (b)(6) Response

Jocelyn –

Where are we this?

Thank you –

Courtney

Courtney Smith  
Legislation & Authorities  
Office of Chief Counsel  
Transportation Security Administration  
571-227-(b)(6)

This email or its attachments might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel before disclosing any information contained in this email.

**From:** OSC Communications  
**Sent:** Thursday, January 30, 2014 1:25 PM  
**To:** Smith, Courtney <TSA OCC>  
**Cc:** Bauer, John D <TSA OCC>; Wheaton, Kelly <TSA OCC>; Wasowicz, John <TSA OCC>; Fraser, Crystal M.; OSC

**From:** Smith, Courtney <TSA OCC>  
**Sent:** Tuesday, January 28, 2014 9:02 AM  
**To:** OSC Communications  
**Cc:** Bauer, John D <TSA OCC>; Wheaton, Kelly <TSA OCC>; Wasowicz, John <TSA OCC>  
**Subject:** FW: Due 1/29: (b)(6) Grisham (b)(6) Response

Jocelyn –

We will need to see the draft response to #1 and #2 in order to draft a response to #3. Can you provide them to us?

Thanks –

Courtney

**Courtney Smith**  
Legislation & Authorities  
Office of Chief Counsel  
Transportation Security Administration  
571-227-(b)(6)

This email or its attachments might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel before disclosing any information contained in this email.

**From:** OSC Communications  
**Sent:** Tuesday, January 28, 2014 08:39 AM  
**To:** OCC Communications; Cuneo, Ines <TSA OCC>  
**Cc:** Fraser, Crystal M.; OSC Communications  
**Subject:** FW: Due 1/29: (b)(6) Grisham (b)(6) Response

OCC,

We have been reassigned the attached incoming request from Exec Sec. OSC was originally the lead responder for the request and received additional clarification that (b)(6) would like the three questions in the e-mail below answered. The questions refer to the scientific side of SPOT. We believe that the third question may be best answered by OCC. The deadline for this response is Friday, January 31<sup>st</sup>. If you have any questions please let us know. We apologize for the short suspense.

Thank you,

Jocelyn Griffith  
OSC Communications Team  
571-227-(b)(6)

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**From:** Alhinawi, Sumer  
**Sent:** Thursday, January 23, 2014 9:12 AM  
**To:** Tabron, Mary  
**Cc:** Le, Kim  
**Subject:** RE: (b)(6) Grisham (b)(6)

Jemerson, Christine

---

**From:** TSAOLA  
**Sent:** Monday, January 06, 2014 12:11 PM  
**To:** TSA ExecSec Mail  
**Cc:** Marston, Alex  
**Subject:** FW: From the Office of Congresswoman Michelle Lujan Grisham  
**Attachments:** TSA SPOT letter and PRF.pdf

---

**From:** Kutemeyer, James [mailto:James.Kutemeyer@mail.house.gov]  
**Sent:** Monday, January 06, 2014 11:51 AM  
**To:** TSAOLA  
**Subject:** From the Office of Congresswoman Michelle Lujan Grisham

Please see attached letter

050

P3

Withheld pursuant to exemption  
(b)(5), (b)(6)  
of the Freedom of Information and Privacy Act

Withheld pursuant to exemption  
(b)(5), (b)(6)  
of the Freedom of Information and Privacy Act



**Wilson, Diane**

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**From:** CRL  
**Sent:** Tuesday, February 18, 2014 10:16 AM  
**To:** 'skyekiva@comcast.net'  
**Subject:** RE: (Complaint) Contact Us: Civil Rights Civil Liberties Complaint  
**Attachments:** Multicultural reply letter (b)(6).pdf

Dear (b)(6)

Thank you for contacting TSA regarding your complaint. Please find attached an acknowledgement letter from the Multicultural Branch. You will be updated as your complaint is processed.

Thank You,

Multicultural Branch  
Disability and Multicultural Division  
CRL/OTE  
TSA

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



Transportation  
Security  
Administration

Dear (b)(6)

Thank you for contacting the Transportation Security Administration (TSA). This letter is an acknowledgement that your correspondence dated February 17, 2014 was forwarded for review to TSA's Disability and Multicultural Division (DMD), a division within the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE) because it appears to raise a claim of discrimination.

As we are beginning review of your correspondence, you may be contacted by staff from the Multicultural Branch for additional information. If you need to contact the Multicultural Branch before then, you can send an e-mail to [TSA.CRL@tsa.dhs.gov](mailto:TSA.CRL@tsa.dhs.gov) or write to:

Transportation Security Administration  
Disability and Multicultural Division  
Multicultural Branch  
701 South 12<sup>th</sup> Street  
TSA-6  
Arlington, VA 20598

Please reference the following number when sending any correspondence: Contact (b)(6)

(b)(6)

In the meantime, you may wish to review TSA policies regarding screening for passengers on our website at [www.tsa.gov](http://www.tsa.gov).

Thank you.

Multicultural Branch  
Disability and Multicultural Division

**PLEASE DO NOT RESPOND TO THIS E-MAIL. PLEASE SEND YOUR EMAIL TO  
TSA.CRL@TSA.DHS.GOV.**

**Wilson, Diane**

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**From:** (b)(6)  
**Sent:** Tuesday, August 26, 2014 1:54 AM  
**To:** Hudson, Bryan W.  
**Cc:** Michael\_Thorning@tomudall.senate.gov; Moore, Jon  
**Subject:** Re: INFORMAL RESOLUTION (b)(6)  
**Importance:** High

I am CCing Jon Moore (for Congresswoman Michelle Lujan Grisham) and Michael Thorning (for Senator Tom Udall), with whom I have discussed this case.

Dear Mr. Hudson:

I appreciate your time and effort concerning my complaint, and I agree that your response resolves the non-policy element of that complaint. There are many reasons I feel blessed to be a life-long citizen of the United States, and an open door for peaceful redress of grievances is one of them. My heartfelt thanks to you and the Deputy Federal Security Director for Missouri for your participation in this resolution.

However, the TSA policy that you describe I cannot accept. As long as the TSA expects citizens to wave Fourth Amendment rights on random demand, the policy portion of my complaint cannot be resolved. What the policy does not appreciate is that passengers have already waved valued privacy and a core civil right to accommodate aircraft safety. The policy trivializes that sacrifice and a core American right. I find particularly odious its threat to strand and report to local authorities passengers who elect not to repeatedly waive their civil rights.

Thank you for listening, and I wish you well.

Sincerely,

(b)(6)

On Aug 19, 2014, at 11:01 AM, Hudson, Bryan W. <[Bryan.W.Hudson@tsa.dhs.gov](mailto:Bryan.W.Hudson@tsa.dhs.gov)> wrote:

Dear Mr (b)(6)

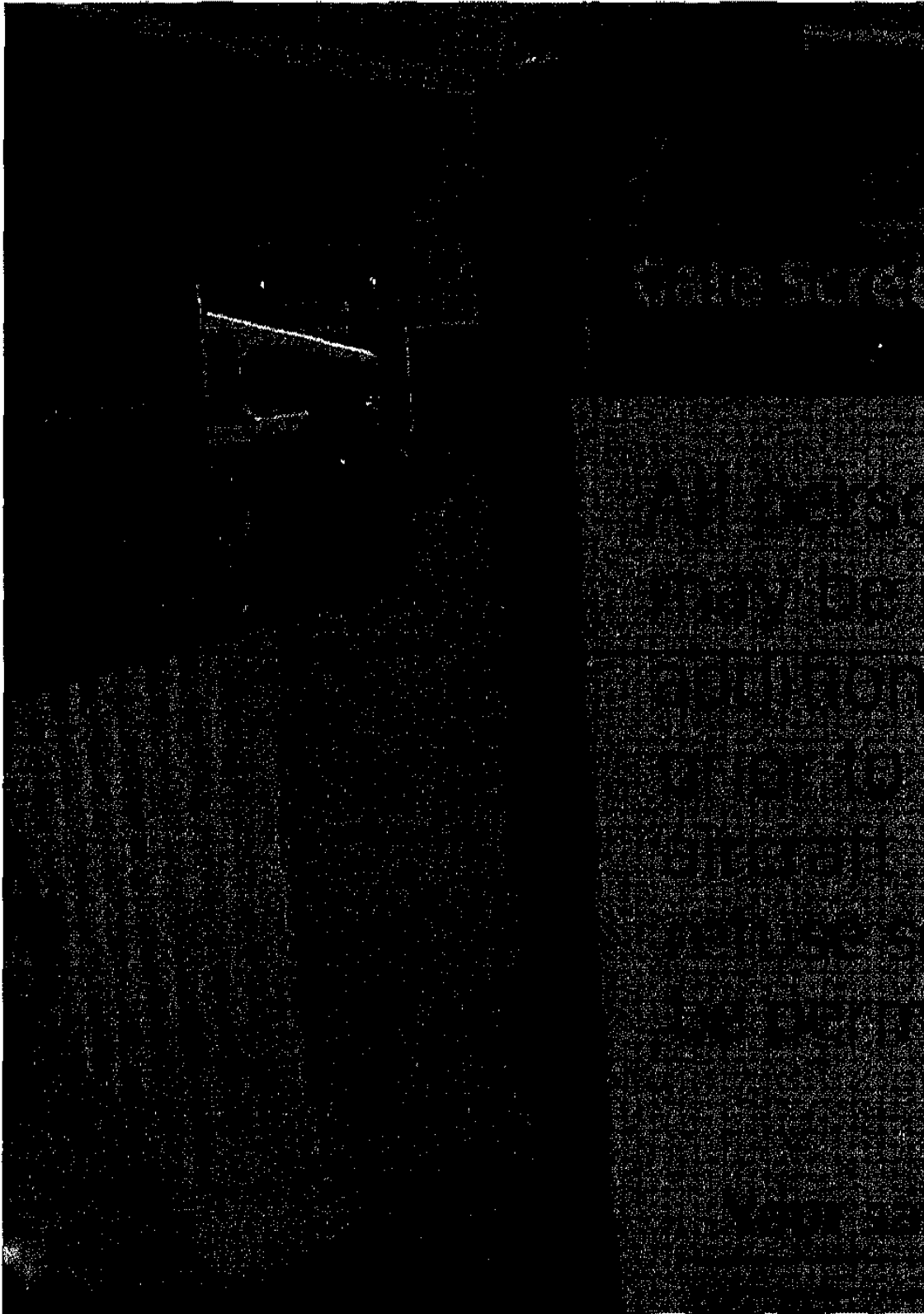
I am writing to follow up on our August 8, 2014 telephone conversation regarding the complaint that you filed with the Transportation Security Administration. Your complaint was forwarded to the Disability and Multicultural Division (DMD), a division of the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OLE), for review. The Multicultural Branch (MB) administers Federal civil rights and civil liberties laws, regulations and policies in TSA's programs and activities per TSA Management Directives. TSA

Policy Advisor  
Disability and Multicultural Division  
Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement  
701 South 12th Street  
Arlington, VA 20598  
(571) 227-(b)(6)o)

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<Picture (Device Independent Bitmap) 1.jpg><Sign 1.jpg><Sign 3.jpg><Sign 2.jpg>





<https://team.ishare.tsa.dhs.gov/sites/SC/OCRI/MB/Complaints/ACLU%20FOIA%20Oct...> 10/30/2014



<https://acatn.ishare.tsa.dhs.gov/sites/SC/OCRL/MB/Complaints/ACLU%20FOIA%20Oct...> 10/30/2014

**Wilson, Diane**

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**From:** TSAExternalCompliance  
**Sent:** Tuesday, August 27, 2013 3:03 PM  
**To:** (b)(6)  
**Subject:** FW: Your complaint to TSA  
**Attachments:** MB Correspondence Acknowledgement (b)(6).pdf

Re-Send.

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

**From:** TSAExternalCompliance  
**Sent:** Monday, August 26, 2013 1:12 PM  
**To:** (b)(6)  
**Subject:** Your complaint to TSA

Dear (b)(6)

Thank you for contacting TSA regarding your complaint. Please find attached an acknowledgement letter from the Multicultural Branch. You will be updated as your complaint is processed.

Thank You,

Multicultural Branch  
Disability and Multicultural Division  
CRL/OTE  
TSA



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



Transportation  
Security  
Administration

Dear (b)(6)

Thank you for contacting the Transportation Security Administration (TSA). This letter is an acknowledgement that your correspondence dated August 26, 2013 was forwarded for review to TSA's Disability and Multicultural Division (DMD), a division within the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE) because it appears to raise a claim of discrimination.

As we are beginning review of your correspondence, you may be contacted by staff from the Multicultural Branch for additional information. If you need to contact the Multicultural Branch before then, you can send an e-mail to [TSA.CRL@tsa.dhs.gov](mailto:TSA.CRL@tsa.dhs.gov) or write to:

Transportation Security Administration  
Disability and Multicultural Division  
Disability Branch  
701 South 12<sup>th</sup> Street  
TSA-6  
Arlington, VA 20598

Please reference the following number when sending any correspondence: Contact (b)(6)

In the meantime, you may wish to review TSA policies regarding screening for passengers on our website at [www.tsa.gov](http://www.tsa.gov).

Thank you.

Multicultural Branch  
Disability and Multicultural Division

**PLEASE DO NOT RESPOND TO THIS E-MAIL. PLEASE SEND YOUR EMAIL TO  
[TSA.CRL@TSA.DHS.GOV](mailto:TSA.CRL@TSA.DHS.GOV).**

**Wilson, Diane**

---

**From:** Blanciforte, Marina  
**Sent:** Friday, May 10, 2013 12:38 PM  
**To:** Singh, Harleen  
**Subject:** I got an urgent one for you!

**Importance:** High

Harleen: I received via the Contact center a complaint from a fellow stating that we violated his civil rights. I have gathered all the findings etc. and can forward to you except for the CCTV which I will mail, eventhough it really does not show anything. This fellow is quite challenging and coupled with a Mass State Police Trooper who shows disdain for the TSA program, I'm hoping that your department can respond to this passenger. I have informed the passenger that I am forwarding my findings to HQ as his complaint is regarding his civil rights which I am not qualified to respond to. Please advise. Thanks, Marina

**Marina Blanciforte**  
*Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security  
Transportation Security Administration  
Logan International Airport  
2 Service Road, Third Floor  
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



**Wilson, Diane**

---

**From:** Blanciforte, Marina  
**Sent:** Friday, May 10, 2013 12:41 PM  
**To:** Singh, Harleen  
**Subject:** RE: I got an urgent one for you!  
**Attachments:** RE: URGENT QUERY (b)(6) Chris Nunez: 17 Response

(b)(6)

**Importance:** High

Attachments.....

**Marina Blanciforte**  
*Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security  
Transportation Security Administration  
Logan International Airport  
2 Service Road, Third Floor  
Boston, MA 02128*

Office: 617 561 (b)(6) Fax: 617 561-5758



**From:** Blanciforte, Marina  
**Sent:** Friday, May 10, 2013 12:38 PM  
**To:** Singh, Harleen  
**Subject:** I got an urgent one for you!  
**Importance:** High

Harleen: I received via the Contact center a complaint from a fellow stating that we violated his civil rights. I have gathered all the findings etc. and can forward to you except for the CCTV which I will mail, eventhough it really does not show anything. This fellow is quite challenging and coupled with a Mass State Police Trooper who shows disdain for the TSA program, I'm hoping that your department can respond to this passenger. I have informed the passenger that I am forwarding my findings to HQ as his complaint is regarding his civil rights which I am not qualified to respond to. Please advise. Thanks, Marina

**Marina Blanciforte**  
*Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security  
Transportation Security Administration  
Logan International Airport  
2 Service Road, Third Floor  
Boston, MA 02128*

**Wilson, Diane**

---

**From:** Blanciforte, Marina  
**Sent:** Friday, May 10, 2013 12:31 PM  
**To:** (b)(6)  
**Subject:** RE: URGENT QUERY (b)(6) Chris Nunez

(b)(6)

Please note, I have initiated and completed an inquiry into your concerns, and will be forwarding my findings to TSA HQ in VA requesting the appropriate department contact you. Unfortunately, I am not qualified to respond to you in the capacity you wish me to, as I am not a civil liberties specialist.

Thank you.

*Marina Blanciforte  
Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security  
Transportation Security Administration  
Logan International Airport  
2 Service Road, Third Floor  
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



**From:** Blanciforte, Marina  
**Sent:** Tuesday, May 07, 2013 11:17 AM  
**To:** (b)(6)  
**Subject:** RE: URGENT QUERY (b)(6) Chris Nunez

Hello (b)(6)

I am in receipt of your email message. Please allow several days for me to initiate an inquiry into your concern.

Thanks,  
Marina

*Marina Blanciforte  
Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security  
Transportation Security Administration  
Logan International Airport  
2 Service Road, Third Floor  
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758

**CONTACT RECORD**

**EID:** 942725

**Contact Type:** Normal/General

**Contact Date:** 5/5/2013 4:31:21 PM

**Medium:** Inbound Call

**Contact Status:** Closed

**Incident Date:** 5/5/2013 2:00:00 PM

**Contact Prefix:**

**Contact First Name:** (b)(6)

**Contact Middle Initial:**

**Contact Last Name:** (b)(6)

**Contact Suffix:**

**Contact Address 1:**

**Contact Address 2:**

**Contact City:**

**Contact State:**

**Contact Zip:**

**Contact Country:**

**Contact Phone:** (b)(6)

**Contact Fax:**

**Fulfillment Sent:**

**Mail Return Date:**

**Contact Email:** (b)(6)

**Subject:** Complaint

**Body:**

Caller was referred to us from a security hotline. Caller was told to immediately request a supervisor. Caller did so.

(NOTE: See notes section for information from the supervisor.)

**Agent Notes:** Spoke with (b)(6). He states he was flying out of Boston Logan today at about 2:00pm. He states he was approached by 2 TSO's who he suspects were BDO's. He states they asked him questions pertaining to his travel and where he was headed, he told them home. At that point they did an extensive search of his carry on. They looked through his checkbook, car rental papers, even his medications. He states he asked to speak to a Supervisor or Law Enforcement, they told him they would get around to that. He states their names were (b)(6). He states every time they ask him questions he told them that if they would get a Supervisor or Law Enforcement, he would gladly answer their questions. Caller states he did have a prior conversation with a Supervisor from TSA named Chris Nunez, who gave him a complaint card with the information on how to contact the Contact Center. Caller questions just what authority BDO's have in investigating and Law Enforcement functions. Caller is not happy with his experience at Boston Logan. He states the incident took place at the Delta Terminal to Los Angeles.

Advised caller that the vast majority of passengers will experience a casual greeting conversation with a BDO, a small portion of passengers may be selected for an extended conversation. I also advise that I did not have any other information concerning their authority. I told him I could file the complaint for him with the CSM at Boston Logan, gave him the name, verified the e-mail address for him and gave him her number.

The caller stated he would give the CSM time to respond before calling the Contact Center back.

I gave him the EID for this record.

Sending to CSM 5-5-13 1833h Supervisor DBWilson.

Follow Up:

ODPO Follow Up:

To TSOC Date:

From TSOC Date:

Last Updated By: damon.wilson

Last Update Date: 5/5/2013 6:35:15 PM

Opening Agent: douglas.johnson

Opened Date: 5/5/2013 4:31:09 PM

Linked Event IDs:

Responses:

Response

Template Name: Expanded Behavior Detection Program, Complaint - Customer Service Manager

Airport: Logan International Airport[BOS]

Airline: Delta



**Transportation  
Security  
Administration**

**Logan International Airport**

**TSA Statement for Record**

Name: (b)(6)	Checkpoint: A1
Position Title: MBDO	Phone/Contact:
Date of incident: (MM/DD/YYYY): <b>05/05/2013</b>	Time of Incident (military clock): <b>1356</b>

On above mentioned date and time BDOs (b)(6) referred passenger (b)(6) for a SPOT referral. (b)(6) opted out of ATF screening and was asked by TSOs to wait to the side for an available male to pat him down. At this time a TSO opened the station in front of the WTMD in an attempt to move a bin cart out. (b)(6) proceeded through the WTMD in an attempt to gain access to the sterile area. (b)(6) was stopped by TSO and BDO (b)(6) and directed to wait in the divest area for his SPD. During casual conversation passenger (b)(6) asked BDOs with what authority could they search his bag and ask him questions. (b)(6) also told BDOs to stop searching his bag that he wanted the State Police or Boston Police or someone with real authority to search his bag and ask him questions. When MSP arrived Passenger (b)(6) stated he needed troopers to stay with him because he was scared of the BDOs and STSM. Passenger (b)(6) also stated criminals were now doing security. After MSP arrived BDOs finished searching (b)(6) accessible property.

Signature _____	Title _____	Date _____
-----------------	-------------	------------

**TSA Statement for Record**

**Wilson, Diane**

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**From:** Blanciforte, Marina  
**Sent:** Tuesday, May 07, 2013 11:34 AM  
**To:** Nunez, Christopher; Sun, Jason  
**Cc:** Snyder, Robert <AFSD>; Hegner, Karen  
**Subject:** FW: Passenger (b)(6) - Possible Complaint

**Importance:** High



17\_Response\_94...



RE: URGENT  
QUERY - Chris E...

Chris/Jason:

Attached are what I received from the TSA Contact Center and from the passenger directly. I have requested several days to look into the matter before we respond. In order to gather all documented evidence, I will require that you save CCTV of the incident and let me know where saved so we can burn disc here. Additionally, is there any information we can get from the trooper involved. This passenger seems to think that the Trooper was not too welcoming of our TSA SPOT Program.

Please provide information as soon as possible.

Thanks,  
Marina

**Marina Blanciforte**  
*Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security  
Transportation Security Administration  
Logan International Airport  
2 Service Road, Third Floor  
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



**Customer  
Service**  
TSA Boston



---

**From:** Nunez, Christopher  
**Sent:** Sunday, May 05, 2013 8:45 PM  
**To:** Blanciforte, Marina  
**Cc:** Sun, Jason (b)(6); Evans, William  
**Subject:** Passenger (b)(6) Possible Complaint

(b)(6)

05-05-2013

Statement

1400

On the date and time mentioned above, Passenger (b)(6) was referred for screening by BDO team (b)(6) for meeting SPOT criteria threshold. Passenger (b)(6) (b)(6) was in line at the Delta Security checkpoint when BDO (b)(6) tried asking him to wait till he is called to the travel document checking station but the passenger did not respond and bypassed BDO (b)(6) BDO (b)(6) tried engaging him again but passenger (b)(6) pushed forward again ignoring BDO requests to wait till a TDC podium was available. In the divesting area Passenger (b)(6) was engaged by BDO (b)(6) and was asked how he was feeling (b)(6) muttered words that did not make sense. When asked if he was he going home (b)(6) just ignored BDO (b)(6) (b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r) due to his failure to respond when asked to wait at TDC.

(b)(6) opted out of AIT screening and was asked by TSOs to wait to the side for an available male to pat him down. At this time a TSO opened the station in front of the WTMD in an attempt to move a bin cart out (b)(6) proceeded through the WTMD in an attempt to gain access to the sterile area. Raza was stopped by TSO and BDO (b)(6) and directed to wait in the divest area for his SPD. The passenger received a pat-down and would not remove his sunglasses after being asked by the Transportation Security Officer. The passenger was then advised that the security team (b)(6) would be going through his bag. When (b)(6) was asked how he was feeling today (b)(6) stated fine and that is none of your business (b)(6) stated I want a real Officer asking me questions (b)(6) further stated don't touch my bags until a State Police Officer or Boston Police Officer with real authority can search them (b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r) (b)(6) stated that he did not care about security. (b)(6) was very disrespectful throughout additional screening (b)(6) kept repeating that the BDO team had no authority to search him or ask him anything about his life. MSP Troopers were called because of the several signs of deception displayed by (b)(6) When the Troopers arrived the (b)(6) stated that the BDO team were criminals for searching his bag (b)(6) also stated that he wanted a Trooper to stand by his side because he was scared of the BDO team (b)(6) and TSM (b)(6) Passenger (b)(6) was disrespectful throughout the referral.



**Wilson, Diane**

---

**From:** Blanciforte, Marina  
**Sent:** Friday, May 10, 2013 2:07 PM  
**To:** Singh, Harleen  
**Subject:** RE: I got an urgent one for you!

Current national PW

**Marina Blanciforte**  
*Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security  
Transportation Security Administration  
Logan International Airport  
2 Service Road, Third Floor  
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



**From:** Singh, Harleen  
**Sent:** Friday, May 10, 2013 12:52 PM  
**To:** Blanciforte, Marina  
**Cc:** Bandy, Kimberly J  
**Subject:** RE: I got an urgent one for you!

Dear Marina,

Received and we'll handle it.

The CCTV would be useful to have too. Address: 601 South 12<sup>th</sup> Street, TSA-6, Arlington, VA 20598.

Do you have the password for the SPOT document?

You're a gem for referring this to us when you realized it was a civil rights issue b/c it doesn't appear he said that initially.

Thanks,  
Harleen

Ms. Harleen K. Singh  
Policy Advisor  
Multicultural Branch, Disability and Multicultural Division  
Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement  
Transportation Security Administration  
Department of Homeland Security

**From:** Blanciforte, Marina  
**Sent:** Friday, May 10, 2013 12:41 PM  
**To:** Singh, Harleen

**Wilson, Diane**

---

**From:** Blanciforte, Marina  
**Sent:** Thursday, May 16, 2013 1:26 PM  
**To:** Singh, Harleen  
**Cc:** Hudson, Bryan W.  
**Subject:** RE: I got an urgent one for you!

We have the screening part. Looking to get queue, TDC and x-ray.....

*Marina Blanciforte*  
*Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security*  
*Transportation Security Administration*  
*Logan International Airport*  
*2 Service Road, Third Floor*  
*Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



**From:** Singh, Harleen  
**Sent:** Thursday, May 16, 2013 1:13 PM  
**To:** Blanciforte, Marina  
**Cc:** Hudson, Bryan W.  
**Subject:** RE: I got an urgent one for you!

Dear Marina,

Just a quick follow-up from last week when Bryan and I gave you a call. We've been looking at the information you sent along and wanted to confirm that you'd be sending us CCTV footage from the queue, from the TDC, from the x-ray, and from the additional screening area. So basically all of him that is available on video anywhere that day.

Thanks much,  
Harleen

Ms. Harleen K. Singh  
Policy Advisor  
Multicultural Branch, Disability and Multicultural Division  
Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement  
Transportation Security Administration  
Department of Homeland Security

**From:** Blanciforte, Marina  
**Sent:** Friday, May 10, 2013 2:07 PM  
**To:** Singh, Harleen  
**Subject:** RE: I got an urgent one for you!

U.S. Department of Homeland Security  
Transportation Security Administration  
Logan International Airport  
2 Service Road, Third Floor  
Boston, MA 02128

Office: 617 561-(b)(6) Fax: 617 561-5758



**From:** Blanciforte, Marina  
**Sent:** Friday, May 10, 2013 12:38 PM  
**To:** Singh, Harleen  
**Subject:** I got an urgent one for you!  
**Importance:** High

Harleen: I received via the Contact center a complaint from a fellow stating that we violated his civil rights. I have gathered all the findings etc. and can forward to you except for the CCTV which I will mail, even though it really does not show anything. This fellow is quite challenging and coupled with a Mass State Police Trooper who shows disdain for the TSA program, I'm hoping that your department can respond to this passenger. I have informed the passenger that I am forwarding my findings to HQ as his complaint is regarding his civil rights which I am not qualified to respond to. Please advise. Thanks, Marina

**Marina Blanciforte**  
*Customer Support and Quality Improvement Manager*

U.S. Department of Homeland Security  
Transportation Security Administration  
Logan International Airport  
2 Service Road, Third Floor  
Boston, MA 02128

Office: 617 561-(b)(6) Fax: 617 561-5758



**Wilson, Diane**

---

**From:** Blanciforte, Marina  
**Sent:** Friday, May 24, 2013 2:29 PM  
**To:** Singh, Harleen  
**Subject:** FW: Final Response - Passenger (b)(6) Civil rights complaint at HQ

**Importance:** High

Harleen: I haven't forgotten.....here is the synopsis from the BDO Manger regarding the (b)(6) complaint. 2 cd discs will be going out to you on Tuesday (sorry missed today's pick-up). Thanks and have a good weekend. Marina

*Marina Blanciforte*  
*Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security*  
*Transportation Security Administration*  
*Logan International Airport*  
*2 Service Road, Third Floor*  
*Boston, MA 02128*

Office: 617 561 (b)(6) Fax: 617 561-5758



**From:** Sun, Jason  
**Sent:** Friday, May 24, 2013 2:13 PM  
**To:** Blanciforte, Marina; Nunez, Christopher  
**Cc:** Snyder, Robert <AFSD>; Hegner, Karen  
**Subject:** Final Response - Passenger (b)(6) - Civil rights complaint at HQ  
**Importance:** High

Marina,  
From our discussion please see my final review of the (b)(6) complaint.

On May 5, 2013, Behavior Detection Officers (b)(6) observed passenger, (b)(6) exhibiting suspicious behaviors while in line at the Delta Airlines Security Checkpoint. (b)(3):49 U.S.C. § 114(r) (b)(6) was asked by BDO (b)(6) to wait at the start of the queue for a TDC to be unoccupied before approaching a TDC podium. (b)(6) pushed by BDO (b)(6) twice in an attempt to approach TDC. (b)(3):49 U.S.C. § 114(r) BDOs (b)(6) referred (b)(6) for TSA secondary screening. (b)(6) opted out of AIT screening and was asked by TSOs to wait to the side for an available male to pat him down. At this time a TSO opened the station in front of the WTMD in an attempt to move a bin cart out. (b)(6) proceeded through the WTMD in an attempt to gain access to the sterile area. (b)(6) was stopped by TSO and BDO (b)(6) and directed to wait in the divest area for his SPD. During secondary screening, BDOs (b)(6) observed (b)(6) displaying multiple signs of deception. (b)(3):49 U.S.C. § 114(r) (b)(6) When asked if he knew about airport security, (b)(6) stated he did not care about security. (b)(6) displayed arrogance and contempt for the screening process and requested that the

Boston Logan International Airport

2 Service Road, Third Floor

East Boston, Mass 02128

Cell: (b)(6)

Office: 617-561-

(b)(6)

| Fax: 617-561-5709

(b)(6)

STARTING TODAY we will be better than yesterday, but not as good as tomorrow!

**Integrity:**

We are a people of integrity who respect and care for others and protect the information we handle.

We are a people who conduct ourselves in an honest, trustworthy and ethical manner at all times.

We are a people who gain strength from the diversity in our cultures.

Office of Civil Rights & Liberties,  
Ombudsman and Traveler  
Engagement

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



Transportation  
Security  
Administration

*Via e-mail*

(b)(6)

RE: CASE-OTSSO-

(b)(6)

Dear Mr.

(b)(6)

Thank you for contacting the Transportation Security Administration (TSA) with your concern regarding your screening experience at General Edward Lawrence Logan International Airport (BOS) on May 5, 2013. Your complaint was forwarded for review to TSA's Multicultural Branch, within the Office of Civil Rights & Liberties, Ombudsman, and Traveler Engagement (CRL/OTE) because it raises claims of infringement upon your civil liberties. CRL/OTE is charged with reviewing complaints, conducting inquiries, and making findings of fact and conclusions of law with respect to allegations of civil rights and civil liberties violations or discriminatory conduct, practices or policies by TSA.<sup>1</sup> Our office does not handle tort claims, including those of false imprisonment or intentional infliction of "pain." To file a claim with TSA's Claims Management Branch (CMB), please visit <http://www.tsa.gov/traveler-information/claims-management-branch>.

On May 6, 2013, you filed a civil liberties complaint via electronic mail with the Customer Service and Quality Improvement Manager (CSQIM) at BOS regarding your screening experience on May 5, 2013. In your complaint you allege that Behavior Detection Officers (BDO) (b)(6) and Transportation Security Manager (TSM) Nunez infringed

<sup>1</sup> The Assistant Administrator for Civil Rights & Liberties, Ombudsman and Traveler Engagement is responsible for the following within TSA: 1) "[s]erving as principal advisor on all matters involving "civil rights, civil liberties, equal opportunity and diversity precepts"; 2) "providing independent, informal and confidential conflict resolution assistance to . . . the public for issues involving TSA policies and personnel"; and, 3) "ensuring that . . . the traveling public [is] treated in a fair and lawful manner consistent with Federal laws and regulations governing privacy, information sharing, redress, civil rights and civil liberties." TSA Management Directive No. 100.0, TSA Roles and Responsibilities, (2012); see also Transportation Security Act of 2001, PL 107-71 (2001) and Department of Homeland Security Delegation Number 7060.2, Delegation to the Administrator of the Transportation Security Administration (2003).

**Wilson, Diane**

---

**From:** Singh, Harleen  
**Sent:** Friday, May 10, 2013 12:52 PM  
**To:** Blanciforte, Marina  
**Cc:** Bandy, Kimberly J  
**Subject:** RE: I got an urgent one for you!

Dear Marina,

Received and we'll handle it.

The CCTV would be useful to have too. Address: 601 South 12<sup>th</sup> Street, TSA-6, Arlington, VA 20598.

Do you have the password for the SPOT document?

You're a gem for referring this to us when you realized it was a civil rights issue b/c it doesn't appear he said that initially.

Thanks,  
Harleen

Ms. Harleen K. Singh  
Policy Advisor  
Multicultural Branch, Disability and Multicultural Division  
Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement  
Transportation Security Administration  
Department of Homeland Security

**From:** Blanciforte, Marina  
**Sent:** Friday, May 10, 2013 12:41 PM  
**To:** Singh, Harleen  
**Subject:** RE: I got an urgent one for you!  
**Importance:** High

Attachments.....

*Marina Blanciforte*  
*Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security*  
*Transportation Security Administration*  
*Logan International Airport*  
*2 Service Road, Third Floor*  
*Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



**From:** Blanciforte, Marina  
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**Wilson, Diane**

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**To:** Blanciforte, Marina  
**Cc:** Hudson, Bryan W.  
**Subject:** RE: I got an urgent one for you!

Dear Marina,

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Thanks much,  
Harleen

Ms. Harleen K. Singh  
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Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement  
Transportation Security Administration  
Department of Homeland Security

**From:** Blanciforte, Marina  
**Sent:** Friday, May 10, 2013 2:07 PM  
**To:** Singh, Harleen  
**Subject:** RE: I got an urgent one for you!

Current national PW

*Marina Blanciforte*  
*Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security*  
*Transportation Security Administration*  
*Logan International Airport*  
*2 Service Road, Third Floor*  
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**Sent:** Friday, May 10, 2013 12:52 PM  
**To:** Blanciforte, Marina  
**Cc:** Bandy, Kimberly J  
**Subject:** RE: I got an urgent one for you!



forwarding my findings to HQ as his complaint is regarding his civil rights which I am not qualified to respond to. Please advise. Thanks, Marina

**Marina Blanciforte**  
*Customer Support and Quality Improvement Manager*

*U.S. Department of Homeland Security  
Transportation Security Administration  
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Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



**Wilson, Diane**

---

**From:** Singh, Harleen  
**Sent:** Friday, May 24, 2013 2:32 PM  
**To:** Blanciforte, Marina  
**Cc:** Hudson, Bryan W  
**Subject:** RE: Final Response - Passenger (b)(6) - Civil rights complaint at HQ

Thanks Marina, I'll keep an eye out for the DVDs next week.

Ms. Harleen K. Singh  
Policy Advisor  
Multicultural Branch, Disability and Multicultural Division  
Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement  
Transportation Security Administration  
Department of Homeland Security

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**Sent:** Friday, May 24, 2013 2:29 PM  
**To:** Singh, Harleen  
**Subject:** FW: Final Response - Passenger (b)(6) - Civil rights complaint at HQ  
**Importance:** High

Harleen: I haven't forgotten.... where is the synopsis from the BDO Manger regarding the (b)(6) complaint. 2 cd discs will be going out to you on Tuesday (sorry missed today's pick-up). Thanks and have a good weekend. Marina

**Marina Blanciforte**  
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*U.S. Department of Homeland Security  
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**From:** Sun, Jason  
**Sent:** Friday, May 24, 2013 2:13 PM  
**To:** Blanciforte, Marina; Nunez, Christopher  
**Cc:** Snyder, Robert <AFSD>; Hegner, Karen  
**Subject:** Final Response - Passenger (b)(6) - Civil rights complaint at HQ  
**Importance:** High

Marina,  
From our discussion please see my final review of the (b)(6) complaint.

property order to resolve the suspicious behaviors. SPOT protocol is for the BDOs to obtain resolution to the observed elevated suspicious behavior and make a determination as to what the next course of action should be. In this situation, I feel that BDOs followed proper procedures and was justified in their actions.

Any questions, concerns or comments feel free to contact me.

Respectfully,

**Jason**

Jason Sun

Behavior Detection Program → Transportation Security Manager

Transportation Security Administration

Boston Logan International Airport

2 Service Road, Third Floor

East Boston, Mass 02128

Cell: 617-872-(b)(6) | Office: 617-561-2708 | Fax: 617-561-5709 (b)(6)

**STARTING TODAY we will be better than yesterday, but not as good as tomorrow!**

**Integrity:**

We are a people of integrity who respect and care for others and protect the information we handle.

We are a people who conduct ourselves in an honest, trustworthy and ethical manner at all times.

We are a people who gain strength from the diversity in our cultures.

A. Statements & Incident Reports

Incident Report: 05/05/13 BDO (b)(6) observed pax at the Delta Airlines Checkpoint exhibiting the following:

- (b)(3):49 U.S.C. § 114(r) (b)(6) asked by BDO (b)(6) to wait at the start of the queue for a TDC to be unoccupied before approaching to a TDC podium, (b)(3):49 U.S.C. § 114(r) (b)(3):49 U.S.C. § 114(r) Analysis: (b)(3):49 U.S.C. § 114(r),(b)(5) (b)(3):49 U.S.C. § 114(r),(b)(5) (b)(3):49 U.S.C. § 114(r)
- (b)(3):49 U.S.C. § 114(r) (b)(6) Analysis: (b)(3):49 U.S.C. § 114(r),(b)(5) (b)(3):49 U.S.C. § 114(r),(b)(5) (b)(3):49 U.S.C. § 114(r)

(b)(6) was referred for secondary/additional screening.

(b)(6) opted out of the AIT and was asked by TSOs to wait for a male assist in front of a WTMD that was closed off.

A TSO opened up the WTMD to move a cart full of bins to the x-ray without closing it behind him. (b)(6) who was waiting, walked through to get to the other side.

(b)(6) was then stopped by a TSO and BDO (b)(6) and told to go back in front of the WTMD to wait for his pat-down.

During the pat-down BDO (b)(6) and BDO (b)(6) observed (b)(6) with the following behaviors:

- (b)(3):49 U.S.C. § 114(r)
- Analysis: (b)(3):49 U.S.C. § 114(r),(b)(5) (b)(3):49 U.S.C. § 114(r),(b)(5) (b)(3):49 U.S.C. § 114(r)

“When asked if he knew about airport security, (b)(6) stated he did not care about security.”

- What was the purpose of asking (b)(6) if he knew about airport security?

(b)(6) displayed:

- Arrogance and contempt for the screening process and requested that the BDO stop screening his bags because he wanted someone with real authority to search his bags.

Analysis: (b)(6) did not have contempt for the screening process, just for the BDOs who were searching his bags. He, based on this, did not appear to have a problem with his bags being searched.

Analysis:

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r), (b)(6)

In the divesting area Passenger (b)(6) was engaged by BDO (b)(6) and was asked how he was feeling? (b)(6) muttered words that did not make sense.

Analysis: Could (b)(6) have been muttering in a different language?

(b)(3) 49 U.S.C. § 114(r), (b)(6)

(b)(3) 49 U.S.C. § 114(r)

Analysis: Travelers are not required to engage with BDOs if they do not want to. Travelers also do not have to say that they don't want to engage with BDOs. At this point (b)(6) has already ignored two attempts at casual conversation (b)(6) was now engaged a third time when his non-verbal cues had already indicated to the BDOs that he was not interested in engaging with them. At this point (b)(6) like any reasonable person who does not wish to talk, appears to be getting increasingly frustrated.

The passenger was assessed

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)

Analysis: Need to check with BDAD

(b)(3) 49 U.S.C. § 114(r)

(b)(6) opted out of AIT screening and was asked by TSOs to wait to the side for an available male to pat him down. At this time a TSO opened the station in front of the WTMD in an attempt to move a bin cart out; (b)(6) proceeded through the WTMD in an attempt to gain access to the sterile area. (b)(6) was stopped by TSO and BDO (b)(6) and directed to wait in the divest area for his SPD.

Analysis: A correct action by the TSO and BDO (b)(6)

The passenger received a pat-down and would not remove his sunglasses after being asked by the TSO. The passenger was then advised that the security team (b)(6) would be going through his bag. When (b)(6) was asked how he was feeling today, (b)(6) stated fine and that is none of your business.

Analysis: Yet another indication that (b)(6) was not interested in answering any questions posed by the BDOs.

(b)(6) stated I want a real Officer asking me questions. (b)(6) further stated don't touch my bags until a State Police Officer or Boston Police Officer with real authority can search them. (b)(6) was asked about (b)(3) 49 U.S.C. § 114(r)

Analysis: Why would BDOs ask

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)  
Ask BDAD.

..., and if he knew about airport security protocols.

Analysis: Why would a BDO ask any traveler this? Ask BDAD.

(b)(6) stated that he did not care about security.

(b) (6) CCTV

#### Queue1:

3 pax walk through the queue. Come to TDC.

Then another pax.

Last (b) (6) comes through at 1:51:19. He is wearing sunglasses.

#### Queue2:

(b) (6) joins the end of the line, with 4-5 people in front of him and 2 others at the TDC.

He appears to be waiting in line the same way as everyone else, moving forward as the line moves forward.

At 1:51:45 he puts his sunglasses on top of his head.

The BDOs indicate to the party of three that the second TDC is available. The third member of the party of three drops something (boarding pass?)

and the traveler behind her picks it up and hands it to her. She moves forward to join her party.

At 1:51:44 the next traveler is indicated to the third TDC (off-screen to the left) by the BDOs.

At 1:51:48 (b) (6) moves forward to be the next person in the queue, in front of the BDOs.

At 1:51:50 He starts to move forward, but the BDO says something to him. This is indicated by (b) (6) turning his head to look at the BDO.

It seems like (b) (6) doesn't really pay attention to what the BDO has said because he sees that the couple at the TDC closest to him is nearly

done processing the older couple so (b) (6) moves forward towards that TDC.

At 1:51:53 the older couple is walking away and (b) (6) begins to move towards the now available TDC when the BDO says something again to (b) (6)

that makes (b) (6) wait by the BDO until the older couple are well away from the TDC podium.

B3; 49 U.S.C. § 114

At 1:51:57 (b) (6) then moves towards the TDC podium that is 3 feet away.

It appears that out of the 9 people in the queue, (b) (6) was the only non-white traveler.

The BDOs are not "walking the line." They are standing next to the TDC at the end of the queue together.

At 1:52:00 a young white female in a yellow sweatshirt comes through the queue and, like (b) (6), walks past the last stanchion waiting for the

TDC to finish processing (b) (6).

The BDOs do not say anything to this traveler, though she did not even wait until (b) (6) was finished being processed like (b) (6) had done for the couple who had been in front of him.

#### Queue3:

This video shows the same queue as "Queue2" from a different angle.

AT the bottom left corner of the video you can see the TDC closest to the last stanchion in the queue.

There is 1 TSO at the TDC, 1 TSO watching the TDC, and a BDO ((b) (6)) standing and watching his partner who is off-screen.

At 1:51:57 BDO (b) (6) (?) turns around to speak to his BDO partner and comes back on-screen.

By 1:52:03 it becomes obvious that the BDOs are watching (b) (6) being processed by the TDC.

At 1:52:13 the top of (b) (6) head can be seen at the very bottom of the screen moving past the TDC.

The BDOs at this point move back and follow (b) (6) progress to the divestiture area.

By 1:52:15 the BDOs have turned away from the queue entirely and are facing the checkpoint watching (b) (6).

They slowly, casually, move towards the checkpoint.

At 1:52:50 they start moving past the stanchions that separate the TDC from the checkpoint, following (b) (6) progress.

By 1:53:04 the BDOs have moved to the right off-screen into the checkpoint. (b) (6) is still waiting in the divest line.

#### Divest:

By 1:53:22 BDOs (b) (6) and (b) (6) come into the divest/x-ray area and stand at the x-ray machines helping push property through the x-ray.

At 1:53:51 (b) (6) begins to divest, taking off his backpack and getting two bins for his items.

In your complaint the main concern appears to be that the BDOs went beyond their authority and withheld your civil liberties. We have determined that your Fifth Amendment right to Equal Protection was violated when you were singled out because of your race, in comparison to all other travelers in the queue, for additional scrutiny and screening. "The liberty protected by the Fifth Amendment's Due Process Clause contains within it the prohibition against denying to any person the equal protection of the laws."<sup>2</sup>

You may have also been treated differently because of your race based on the theory of disparate treatment, which prohibits the member of a protected group from being singled out and treated differently.<sup>3</sup> Even if the theory of disparate treatment applied for non-employment settings, it hinges on discriminatory intent. Determined by the evidence that we have analyzed it appears there was intent to single you out and treat you differently based on your race.

Pursuant to TSA's Civil Rights Policy<sup>4</sup>, TSA personnel are prohibited from basing screening decisions on a traveler's protected status, including race. TSA must ensure that all persons and their accessible property passing through the security checkpoint undergo screening to protect against the introduction of weapons, explosives and incendiary devices into the sterile area of an airport and onboard an aircraft.<sup>5</sup> Travelers may also undergo additional screening of their person and property, but TSA neither uses nor condones unlawful profiling in our security screening activities.

### C. Remedies

We recommend that the BDOs who were involved in this matter undergo the new unlawful profiling BDO training within three months of receipt of this letter.

### D. Right to Appeal

This letter constitutes a final decision by TSA CRL/OTE. If you are aggrieved by any findings or conclusions as set forth in this letter, in whole or in part, you may seek judicial review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the complainant resides. See 49 U.S.C. §46110 (2003). The petition for review must be filed not later than sixty (60) days after this order was issued.

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<sup>2</sup> *U.S. v. Windsor*, 133 S.Ct. 2675 (2013)

<sup>3</sup> Civil Rights Act of 1991

<sup>4</sup> [http://www.tsa.gov/sites/default/files/assets/pdf/research/2012equal\\_employment\\_opportunity\\_and\\_diversity\\_policy\\_statement.pdf](http://www.tsa.gov/sites/default/files/assets/pdf/research/2012equal_employment_opportunity_and_diversity_policy_statement.pdf)

<sup>5</sup> Following the tragic events of September 11, 2001, Congress specifically charged the head of TSA with overall responsibility for civil aviation security. 49 U.S.C. § 114(a)-(b), (d); 6 U.S.C. § 202(l). Under 49 U.S.C. §§ 44901-902, Congress directed the Under Secretary of Transportation for Security (the head of TSA) to provide for the screening of all passengers and property before boarding an aircraft to ensure that no passenger is unlawfully carrying a dangerous weapon, explosive or other prohibited item. To that end, Congress has mandated that the Secretary of Homeland Security give "high priority to developing, testing, improving, and deploying" technologies at airport screening checkpoints to detect "nonmetallic, chemical, biological, and radiological weapons, and explosives, in all forms, on individuals and in their personal property," including such weapons and explosives that "terrorists would likely try to smuggle aboard." 49 U.S.C. § 44925(a).

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



Transportation  
Security  
Administration

Dear (b)(6)

Thank you for contacting the Transportation Security Administration (TSA). This letter is an acknowledgement that your correspondence dated August 26, 2013 was forwarded for review to TSA's Disability and Multicultural Division (DMD), a division within the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE) because it appears to raise a claim of discrimination.

As we are beginning review of your correspondence, you may be contacted by staff from the Multicultural Branch for additional information. If you need to contact the Multicultural Branch before then, you can send an e-mail to [TSA.CRL@tsa.dhs.gov](mailto:TSA.CRL@tsa.dhs.gov) or write to:

Transportation Security Administration  
Disability and Multicultural Division  
Disability Branch  
701 South 12<sup>th</sup> Street  
TSA-6  
Arlington, VA 20598

Please reference the following number when sending any correspondence: Contact-OTSSO-13-0660

In the meantime, you may wish to review TSA policies regarding screening for passengers on our website at [www.tsa.gov](http://www.tsa.gov).

Thank you.

Multicultural Branch  
Disability and Multicultural Division

**PLEASE DO NOT RESPOND TO THIS E-MAIL. PLEASE SEND YOUR EMAIL TO  
TSA.CRL@TSA.DHS.GOV.**