

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: DMD Email

Contact Type: Normal/General

Contact Status: Closed

Linked Event IDs:

Passenger Contact Information:

Contact Prefix:

Contact First Name: (b)(6)

Contact Middle Initial: (b)(6)

Contact Last Name: (b)(6)

Contact Suffix:

Contact Phone: (b)(6)

Contact Email:

Contact Address 1: (b)(6)

Contact Address2:

Contact City: (b)(6)

Contact State: (b)(6)

Contact Zip: (b)(6)

Contact Country:

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 22 Nov 2013 to staff members of Congresswoman 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:

Jon Moore (for Rep. Lujan Grisham) Jon.Moore@mail.house.gov
Michael Thorning (for Senator Udall) Michael_Thorning@tomudall.senate.gov

2) Have you been authorized to file this complaint form on behalf of another individual?
If yes, please provide your information.

No

Your First Name:

Your Last Name:

Your Job Title:

IF YOU CHECK THIS BOX, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct). Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.

No

3) What happened?

Describe your complaint. Give as much detail about your experience as possible, including the name of the air carrier, if this occurred at an airport.

THE EVENT

On September 30, 2013, I traveled from my home city of Albuquerque to Nashville aboard Southwest Airlines flights. In Albuquerque I voluntarily submitted to a screening by the Transportation Safety Administration. They searched my effects. They directed me to stand with arms raised above my head. They scanned my person to the bone. A TSA agent examined my wasteband. (This wasteband probe has occurred more often than not since I underwent hernia surgery a few years ago. I presume the scan reveals the surgical mesh holds my gut together.) All the agents in Albuquerque were curious and professional. I knew when I booked that this search would take place, and I allowed it voluntarily.

In Albuquerque and in Kansas City, where I changed planes, I never left the secured area. Just before boarding I heard an announcement that passengers boarding my connection, Southwest Flight 3590, would be subject to a "random rescreening." Moments later, I was tapped on the shoulder by a TSA officer decades my junior and told, "C'mere, Bud!" (Mr. Hudson has asked if I got the officers name. I did not, but he was white, roughly six foot one, and about 35.) I have never seen conduct so unbecoming of a federal officer as this person's initial approach.

His search took without my permission. It was rude, coercive, without warrant, without cause. It took place needlessly after I had demonstrated conclusively in Albuquerque that I was no threat.

At the front of the line, he asked me how I was. I replied, "Not very well. I lost my mother this morning." At which point he became much more polite, wrapped up his search, and expressed sorrow for my loss. I went on my way.

MY POSITIONS

The officer's initial approach was intimidating and unbecoming of a federal officer. He does not know how to approach older people.

Given the absence of explicit prior agreement on my part to allow random searches within airport security areas, and given that I had conclusively demonstrated in a prior, voluntary search that I posed no threat, the rescreening that took place in Kansas City was ill-conceived, coercive, and a violation of the fourth article of the Bill of Rights.

Programs techniques such as Behavior Detection and Analysis (BDA) or Screening of Passengers by Observation Techniques (SPOT) are ill-conceived on narrow tactical grounds (an additional layer of security at any cost). They are ineffective, wasteful of anti-terrorism resources, hurtfully invasive in ways that my case illuminates, and corrosive to the liberties that courageous Americans have sacrificed to establish and preserve.

AN INFORMAL RESOLUTION

In a phone conversation with me February 12, Mr. Hudson suggested an informal resolution of this matter, and I believe his approach is constructive. I suggest the following:

The TSA should investigate the conduct of the Kansas City officer and report its findings and actions to me, Rep. Lujan Grisham, and Senator Udall.

If the alleged "random rescreened" announced in Kansas City was in fact a BDA SPOT operation directed at me, the TSA should acknowledge that fact to Rep. Lujan Grisham and Senator Udall and should detail for them exactly what threatening behavior I allegedly exhibited.

At the core of our disagreement is the civil-rights status of passengers inside airport security areas once they have passed a voluntary screening and been admitted. I never agreed to any reduction of my civil rights in exchange for entry to the secured areas or travel by air. If you require such an agreement, it must be explicit. Your notice must be public and prominent. For me, this would afford the option to opt out. I may well decide that my liberties are more valuable than the convenience of air travel.

I look forward to a constructive discussion.

When did this happen? Please provide the approximate time of the experience. If ongoing, please indicate when the problem began. (If it happened on more than one date, list all dates):

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

To: TSAExternalCompliance
Subject: Contact Us: Civil Rights Civil Liberties Complaint

THIS GENERATED EMAIL HAS BEEN SENT FROM <http://www.tsa.gov/contact/index.shtm>

Remote Client IP: 10.238.90.252
Date Time: 2/16/2014 11:58:31 PM

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Date Time: 2/16/2014 11:58:31 PM

TCC Response:

Notes/Follow Up:

Agent Notes:

Supervisor DCollins sending the record to MB as Red - 02.17.2014

Follow Up:

ODPO Follow Up:

Record Data:

Response 1

Interaction Type: Complaint
Subject Category: Customer Service - TSO
Template Name: Referrals

Airport: Kansas City International Airport[MCI]
Airline: Southwest Airlines
Referral: Multicultural Division (Red)

To TSOC Date:
Last Updated By: deborah.collins
Opening Agent: rachel.benge
Fulfillment Sent:

From TSOC Date:
Last Update Date: 2/17/2014 11:45:44 AM
Opened Date: 2/17/2014 9:44:52 AM
Mail Return Date:

End Record

(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 OLA from OSC/OCC/CRL/OTE 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:

- 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 12th Street
Arlington, VA 20598
(571) 227-(b)(6) (o)
(b)(6) (c)

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**Transportation
Security
Administration**

23 February 2014

Memo to: (b)(6) 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 (b)(6) (b)(6) 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)

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: DMD Email

Contact Type: Normal/General

Contact Status: Closed

Linked Event IDs:

Passenger Contact Information:

Contact Prefix:

Contact First Name: (b)(6)

Contact Middle Initial: (b)(6)

Contact Last Name: (b)(6)

Contact Suffix:

Contact Phone: (b)(6)

Contact Email:

Contact Address 1: (b)(6)

Contact Address 2:

Contact City: (b)(6)

Contact State: (b)(6)

Contact Zip: (b)(6)

Contact Country:

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:

NM

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 22 Nov 2013 to staff members of Congresswoman 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:

Jon Moore (for Rep. Lujan Grisham) Jon.Moore@mail.house.gov
Michael Thorning (for Senator Udall) Michael_Thorning@tomudall.senate.gov

2) Have you been authorized to file this complaint form on behalf of another individual?
If yes, please provide your information.

No

Your First Name:

Your Last Name:

Your Job Title:

IF YOU CHECK THIS BOX, WE WILL NOT DISCLOSE YOUR IDENTITY TO OTHER OFFICES, IN OR OUT OF DHS (unless it is necessary for investigation of criminal misconduct). Note, however, that this will in many situations make it very difficult or impossible, practically speaking, for us to investigate the allegations you raise.

No

3) What happened?

Describe your complaint. Give as much detail about your experience as possible, including the name of the air carrier, if this occurred at an airport.

THE EVENT

On September 30, 2013, I traveled from my home city of Albuquerque to Nashville aboard Southwest Airlines flights. In Albuquerque I voluntarily submitted to a screening by the Transportation Safety Administration. They searched my effects. They directed me to stand with arms raised above my head. They scanned my person to the bone. A TSA agent examined my wasteband. (This wasteband probe has occurred more often than not since I underwent hernia surgery a few years ago. I presume the scan reveals the surgical mesh holds my gut together.) All the agents in Albuquerque were courteous and professional. I knew when I booked that this search would take place, and I allowed it voluntarily.

In Albuquerque and in Kansas City, where I changed planes, I never left the secured area. Just before boarding I heard an announcement that passengers boarding my connection, Southwest Flight 3390, would be subject to a "random rescreening." Moments later, I was tapped on the shoulder by a TSA officer decades my junior and told, "CA'mere, Bud!" (Mr. Hudson has asked if I got the officers name. I did not, but he was white, roughly six foot one, and about 35.) I have never seen conduct so unbecoming of a federal officer as this person's initial approach.

His search took without my permission. It was rude, coercive, without warrant, without cause. It took place needlessly after I had demonstrated conclusively in Albuquerque that I was no threat.

At the front of the line, he asked me how I was. I replied, "Not very well. I lost my mother this morning." At which point he became much more polite, wrapped up his search, and expressed sorrow for my loss. I went on my way.

MY POSITIONS

The officer's initial approach was intimidating and unbecoming of a federal officer. He does not know how to approach older people.

Given the absence of explicit prior agreement on my part to allow random searches within airport security areas, and given that I had conclusively demonstrated in a prior, voluntary search that I posed no threat, the rescreening that took place in Kansas City was ill-conceived, coercive, and a violation of the fourth article of the Bill of Rights.

Programs techniques such as Behavior Detection and Analysis (BDA) or Screening of Passengers by Observation Techniques (SPOT) are ill-conceived on narrow tactical grounds (an additional layer of security at any cost). They are ineffective, wasteful of anti-terrorism resources, hurtfully invasive in ways that my case illuminates, and corrosive to the liberties that courageous Americans have sacrificed to establish and preserve.

AN INFORMAL RESOLUTION

In a phone conversation with me February 12, Mr. Hudson suggested an informal resolution of this matter, and I believe his approach is constructive. I suggest the following:

The TSA should investigate the conduct of the Kansas City officer and report its findings and actions to me, Rep. Lujan Grisham, and Senator Udall.

If the alleged "random rescreened" announced in Kansas City was in fact a BDA SPOT operation directed at me, the TSA should acknowledge that fact to Rep. Lujan Grisham and Senator Udall and should detail for them exactly what threatening behavior I allegedly exhibited.

At the core of our disagreement is the civil-rights status of passengers inside airport security areas once they have passed a voluntary screening and been admitted. I never agreed to any reduction of my civil rights in exchange for entry to the secured areas or travel by air. If you require such an agreement, it must be explicit. Your notice must be public and prominent. For me, this would afford the option to opt out. I may well decide that my liberties are more valuable than the convenience of air travel.

I look forward to a constructive discussion.

When did this happen? Please provide the approximate time of the experience. If ongoing, please indicate when the problem began. (If it happened on more than one date, list all dates):

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

To: TSAExternalCompliance
Subject: Contact Us: Civil Rights Civil Liberties Complaint

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TCC Response:

Notes/Follow Up:

Agent Notes:

Supervisor DCollins sending the record to MB as Red - 02.17.2014

Follow Up:

ODPO Follow Up:

Record Data:

Response 1

Interaction Type: Complaint
Subject Category: Customer Service - TSO
Template Name: Referrals

Airport: Kansas City International Airport[MCI]
Airline: Southwest Airlines
Referral: Multicultural Division (Red)

To TSOC Date:
Last Updated By: deborah.collins
Opening Agent: rachel.benge
Fulfillment Sent:

From TSOC Date:
Last Update Date: 2/17/2014 11:45:44 AM
Opened Date: 2/17/2014 9:44:52 AM
Mail Return Date:

End Record

December 10, 2013

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

Dear Assistant Administrator Dietch,

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

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

Thank you for your attention to this matter.

Very truly yours,

Tom Udall
United States Senator

Moore, Gale

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

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

Let me know if you have any questions.

Thank you,

-Kim-

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

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

Hi Sarah,

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

Best,
Michael Thorning

Office of US Senator Tom Udall (NM)

(b)(6)

RECEIVED
FEB 11 2014
1:15 PM
TSA
LEGISLATIVE AFFAIRS
OFFICE

Date Received: Nov 17th 2013, 20:46:08

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

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

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

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

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

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

Contact Information

Prefix: Mr.

First Name:

(b)(6)

Last Name:

Address

Street:

(b)(6)

Zip:

City:

State:

Case Authorization and Privacy Release Form

NAME: (b)(6) DATE: 7 Dec 2013
 HOME ADDRESS: (b)(6)
 CITY: (b)(6) NEW MEXICO ZIP: (b)(6)
 HOME PHONE: (b)(6) WORK PHONE: (b)(6)
 EMAIL ADDRESS: (b)(6) FAX: (b)(6)
 SOCIAL SECURITY: (b)(6) DATE OF BIRTH: (b)(6)

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

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

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

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

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

Printed Name: (b)(6)

Signature: (b)(6)

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

PLEASE SIGN AND RETURN TO THE OFFICE NEAREST YOU:

Albuquerque
 219 Central Ave NW
 Suite 210
 Albuquerque, NM 87102
 (505) 346-6791

Las Cruces
 201 N. Church Street

MICHELLE LUJAN GRISHAM
1ST DISTRICT, NEW MEXICO

214 CASSIDY HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
T: (202) 225-6318
F: (202) 225-4975

505 MACQUETTE AVE, NW, SUITE 1605
ALBUQUERQUE, NM 87102
T: (505) 346-6781
F: (505) 346-6723

www.lujangrisham.house.gov

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

COMMITTEE ON AGRICULTURE
DEPARTMENT OPERATIONS, OVERSIGHT,
AND NUTRITION
LIVESTOCK, RURAL DEVELOPMENT,
AND CREDIT
COMMITTEE ON THE BUDGET
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM
ENERGY POLICY, HEALTH CARE,
AND ENTITLEMENTS
NATIONAL SECURITY

P11

January 06, 2014

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

Dear Ms. Dietch:

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

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

PRINTED ON RECYCLED PAPER

107-001

TSA 15-00014 - 009145



Case Authorization and Privacy Release Form

Please Print

NAME (b)(6) DATE 22 Nov 2013
HOME ADDRESS (b)(6)
CITY (b)(6) NEW MEXICO ZIP (b)(6)
HOME PHONE (b)(6) WORK PHONE (b)(6)
EMAIL ADDRESS (b)(6) FAX _____
SOCIAL SECURITY NUMBER (b)(6) DATE OF BIRTH (b)(6)
Are you working with any other NM Delegation member (Y) (N) ✓
If so, whom? _____

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

Please list any agencies you may have contacted regarding this issue as well as the date of contact and result of that inquiry. _____

You may also submit your case online at LujanGrisham.House.Gov

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

I hereby request and authorize United States Representative Michelle Lujan Grisham and/or members of her staff, to make an inquiry on my behalf in addressing this matter. I further understand that I will save harmless any agencies divulging information pursuant to this release of information, as well as Representative Michelle Lujan Grisham and/or any representative of her staff in these matters. (b)(6)

Printed Name (b)(6)

Signature: _____ Date 22 Nov 2013

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

PLEASE SIGN AND RETURN TO:

Rep. Michelle Lujan Grisham

505 Marquette Ave, NW

Suite 1605

Albuquerque, NM 87102

Phone: (505)-346-6781

Fax: (505) 346-6723

Cisco.Padilla2@mail.house.gov

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

OSO

P7

Hudson, Bryan W.

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

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 DMD for their advice as well (Kim Bandy). Tom

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 –

The January 6 letter from Rep. Grisham simply asks TSA to respond to her constituent regarding how to file a complaint with TSA. This draft response seems to go far beyond this request.

We are going to ask Exec Sec to re-assign this to the Office of Civil Rights to respond to the constituent about the complaint process, and to OLA to prepare a very short letter letting the MOC know that this action is being taken.

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: Thursday, February 06, 2014 12:36 PM
To: Smith, Courtney <TSA OCC>
Cc: Wasowicz, John <TSA OCC>
Subject: RE: Due 1/29: (b)(6) Grisham-(b)(6) Response

Courtney,

Please see OSC's draft response for the Grisham (b)(6) response. We will be completing OSC's AA-level review after we receive your input for question 3#. Please let us know if you have any questions.

Thank you,

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

From: Smith, Courtney <TSA OCC>
Sent: Wednesday, February 05, 2014 2:28 PM
To: OSC Communications
Cc: Wasowicz, John <TSA OCC>
Subject: RE: Due 1/29: (b)(6) Grisham-(b)(6) Response

Great! Thank you, Jocelyn.

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: 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 Communications
Subject: RE: Due 1/29: (b)(6) Grisham (b)(6) Response

Courtney,

We have reached out to the program SME. We will update you as we receive information.

Thank you,

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

From: Smith, Courtney <TSA OCC>
Sent: Thursday, January 30, 2014 1:20 PM
To: OSC Communications
Cc: Bauer, John D <TSA OCC>; Wheaton, Kelly <TSA OCC>; Wasowicz, John <TSA OCC>; Fraser, Crystal M.
Subject: RE: Due 1/29: (b)(6) Grisham (b)(6) Response

OSC --

To my knowledge, we have not received the responses to questions one and two. When do you expect to provide them to us?

Thank you --

Courtney

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

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From: OSC Communications
Sent: Tuesday, January 28, 2014 9:07 AM
To: Smith, Courtney <TSA OCC>
Cc: Bauer, John D <TSA OCC>; Wheaton, Kelly <TSA OCC>; Wasowicz, John <TSA OCC>; Fraser, Crystal M.; OSC Communications
Subject: RE: Due 1/29: (b)(6) Grisham (b)(6) Response

Courtney,

The responses to questions one and two are still with the program. We will provide them to you when we receive them.

Thank you,

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

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 Excc 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 31st. 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)

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

To: Tabron, Mary

Cc: Le, Kim

Subject: RE: (b)(6) (Grisham (b)(6))

Mary,

The staffer finally responded back to me, see his message below. I'm not sure we need to send an interim response at this point, let me know what you think.

I am familiar with this gentleman and his issue. He was not alleging any type of discrimination regarding race or ethnicity. He had very vague nonspecific concerns about how passengers are treated in general. He felt that all passengers seemed to be treated as "suspects" and he believes that his constitutional rights are infringed by the security checks performed by TSA. Also, he wanted to know what his rights are when he is on airport property. For example, if he refuses to answer questions about the nature of his travel can he be detained or prevented from boarding?

In a nutshell he would like the following:

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.)

I hope this was helpful.

Jon Moore

Constituent Representative

Congresswoman Michelle Lujan Grisham (NM-01)

505 Marquette Ave, NW Suite 1605

Albuquerque, NM 87102

(b)(6)

Sumer Alhinnawi

Office of Legislative Affairs

Transportation Security Administration

U.S. Department of Homeland Security

Desk:571.227 (b)(6)

Fax: 571.227.2559

(b)(6)

Hudson, Bryan W.

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

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

Angie,

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).pdf >> << File: (b)(6) - Grisham (b)(6) Response (BH edit).doc >>

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.

<< File: 17_Response (b)(6) pdf >>

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:
 - 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 12th Street
Arlington, VA 20598
(571) 227- (b)(6) (o)
(b)(6) (c)

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<< 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, Mr. (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. Mr. (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 Mr. (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 Mr. (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.

If we may be of any further assistance, please call the Office of Legislative Affairs at (571) 227-2717.

Sincerely,

John Della Jacono
Federal Security Director
Kansas City International Airport

Hudson, Bryan W.

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.



Thanks,

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

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

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.

<< File: Rep Grisham (b)(6) Final.docx >>

Thanks,

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

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

Angie,

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) 11.pdf >> << File: (b)(6) Grisham (b)(6) Response (BH edit).doc >>

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.

<< File: 17_Response (b)(6) pdf >>

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:

- 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 12th Street

Arlington, VA 20598

(571) 227-(b)(6) (a)

(b)(6) (c)

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

Hudson, Bryan W.

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

Angie,

(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.

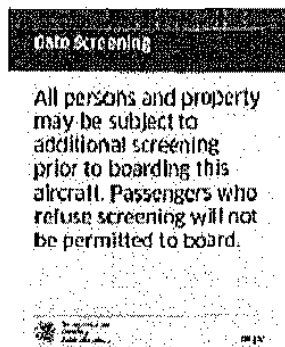
Also, in his complaint he mentions signage. Can you take a picture of the playbook signage as it is displayed at the gate so I can provide that to him for his awareness. I will most likely provide him a copy of the sign regarding screening at the front of our checkpoints as well.

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

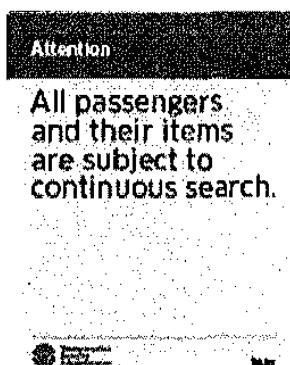
The following signs are legally required as part of Playbook screening. These signs must be posted in accordance to the requirements below.



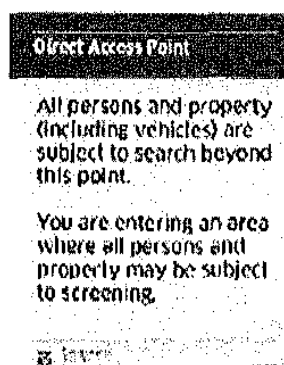
Gate Screening | 11x14
Place at gate screenings where passengers and accessible property are gate screened. Only required to post when gate screening is employed.



TSA K-9 | 11x14
Only required at location where K-9s are being used during a Direct Access Point operation. (Update and replace older signs)



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 a Direct Access Point operation. (Replaces previous signs: Pre-Check Point, Notice of Screening, Travel Advisory, and K-9 sign)

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

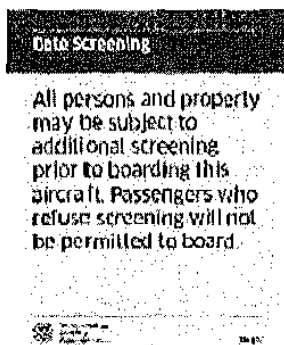
Hudson, Bryan W.

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

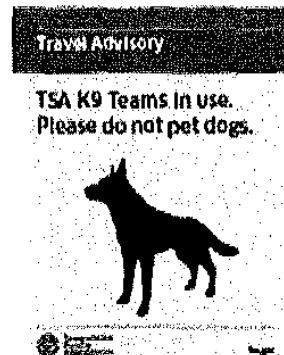
Importance: High

Example of Playbook Signage

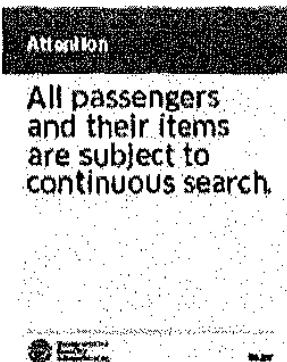
The following signs are legally required as part of Playbook screening. These signs must be posted in accordance to the requirements below.



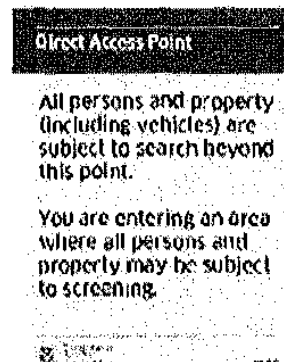
Gate Screening | 11x14
Place at gate screenings where passengers and accessible property are gate screened. Only required to post when gate screening is employed.



TSA K-9 | 11x14
Only required at location where K-9s are being used during a Decision Point operation. (Update older signs)



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 screening checkpoints where individuals are entering into sterile areas, including sterile area access doors. Only required at location during Decision Point operation. (Replaces pre Decision Point, Notice of Screening, Travel Advisory and Destroyed signs)

Hudson, Bryan W.

From: Hudson, Bryan W.
Sent: Tuesday, August 19, 2014 1:02 PM
To: (b)(6)
Subject: INFORMAL RESOLUTION (b)(6) (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.



Sign 1.jpg



Sign 2.jpg



Sign 3.jpg

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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**Transportation
Security
Administration**

Hudson, Bryan W.

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

Importance: High

Angie,

Mr. (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) [mailto:(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 waive 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. <(b)(6)>

wrote:

Dear (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.

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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>

Johnsen, Matthew <CTR>

From: tsatcc@senture.com
Sent: Monday, February 17, 2014 11:46 AM
To: CRL
Subject: (Complaint) Contact Us: Civil Rights Civil Liberties Complaint
Attachments: (b)(6) pdf
Categories: Red Category

The customers information has been attached to this email.

The following e-mail is being forwarded to you for review from the TCC. Please contact the traveler to resolve the issues addressed in their e-mail message included below. Also, please reply to the message that was forwarded to you and describe the resolution that you provided. This will send the traveler's original message and your response to TCC Supervisors so they may update and close the record accordingly.

Thank you,
TSA Contact Center Representative

NOTICE: The information contained in this message and any attachments is privileged and confidential and therefore protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent who is responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Senture does not accept liability for changes to this message after it was sent. The views expressed in this e-mail do not necessarily reflect the views of the company. If you have received this communication in error, please notify the sender immediately by replying via e-mail to this message and deleting this information from your computer.

Johnsen, Matthew <CTR>

From: donotreply@ContactUs.tsa.dhs.gov
Sent: Sunday, February 16, 2014 11:59 PM
To: TSAExternalCompliance
Subject: Contact Us: Civil Rights/Civil Liberties Complaint
Attachments: inquiry.zip

THIS GENERATED EMAIL HAS BEEN SENT FROM <http://www.tsa.gov/contact/index.shtm>

Remote Client IP: 10.238.90.252
Date Time: 2/16/2014 11:58:31 PM

Johnsen, Matthew <CTR>

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: OSC Communications
Sent: Wednesday, February 12, 2014 4:05 PM
To: Bandy, Kimberly J; McCarthy, Michael
Cc: Alhinnawi, Sumer; Wright, Jewel; Fraser, Crystal M.; Mondok, Chris; Hudson, Bryan W.; Singh, Harleen; Webb, Evelyn; Antush, Tom; OSC Communications
Subject: RE: (b)(6) Request for Reassignment

Kimberly or Mike,

For clarification purposes, will either OLA or OCRL accept the controls for reassignment? OSC will provide input for two of the questions from the original Grisham request.

Thank you,

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

From: OSC Communications
Sent: Wednesday, February 12, 2014 11:57 AM
To: Bandy, Kimberly J; Antush, Tom; McCarthy, Michael; Webb, Evelyn
Cc: Alhinnawi, Sumer; Wright, Jewel; Fraser, Crystal M.; Mondok, Chris; Hudson, Bryan W.; Singh, Harleen; OSC Communications
Subject: RE: (b)(6) Request for Reassignment

Kimberly,

We can provide OSC's responses to questions #1 & 2 if you would like.

Thank you,

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

From: Bandy, Kimberly J
Sent: Wednesday, February 12, 2014 11:54 AM
To: Antush, Tom; McCarthy, Michael; OSC Communications; Webb, Evelyn
Cc: Alhinnawi, Sumer; Wright, Jewel; Fraser, Crystal M.; Mondok, Chris; Hudson, Bryan W.; Singh, Harleen
Subject: RE: (b)(6) Request for Reassignment

We can respond to #3. We spoke to Sumer, who suggested we walk through them through the complaint process. To close the loop, we can upload our note when we speak to Mr. Blair.

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)

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 –

The January 6 letter from Rep. Grisham simply asks TSA to respond to her constituent regarding how to file a complaint with TSA. This draft response seems to go far beyond this request.

We are going to ask Exec Sec to re-assign this to the Office of Civil Rights to respond to the constituent about the complaint process, and to OLA to prepare a very short letter letting the MOC know that this action is being taken.

Thanks –

Courtney

Courtney Smith

Legislation & Authorities

Office of Chief Counsel

Transportation Security Administration

571-227-(b)(6)

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From: OSC Communications

Sent: Thursday, February 06, 2014 12:36 PM

To: Smith, Courtney <TSA OCC>

Cc: Wasowicz, John <TSA OCC>

Subject: RE: Due 1/29: (b)(6) (Grisham (b)(6) Response

Courtney,

Please see OSC's draft response for the Grisham (b)(6) response. We will be completing OSC's AA-level review after we receive your input for question 3#. Please let us know if you have any questions.

Thank you,

Jocelyn Griffith

OSC Communications Team

571-227-(b)(6)

From: Smith, Courtney <TSA OCC>

Sent: Wednesday, February 05, 2014 2:28 PM

To: OSC Communications

Cc: Wasowicz, John <TSA OCC>

Subject: RE: Due 1/29: (b)(6) Grisham (b)(6) Response

Great! Thank you, Jocelyn.

Courtney

Courtney Smith

Legislation & Authorities

Office of Chief Counsel
Transportation Security Administration
571-227-1951

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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) (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)

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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

Communications
Subject: RE: Due 1/29: (b)(6) (Grisham (b)(6) Response

Courtney,

We have reached out to the program SME. We will update you as we receive information.

Thank you,

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

From: Smith, Courtney <TSA OCC>
Sent: Thursday, January 30, 2014 1:20 PM
To: OSC Communications
Cc: Bauer, John D <TSA OCC>; Wheaton, Kelly <TSA OCC>; Wasowicz, John <TSA OCC>; Fraser, Crystal M.
Subject: RE: Due 1/29: (b)(6) (Grisham (b)(6) Response

OSC --

To my knowledge, we have not received the responses to questions one and two. When do you expect to provide them to us?

Thank you --

Courtney

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

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From: OSC Communications
Sent: Tuesday, January 28, 2014 9:07 AM
To: Smith, Courtney <TSA OCC>
Cc: Bauer, John D <TSA OCC>; Wheaton, Kelly <TSA OCC>; Wasowicz, John <TSA OCC>; Fraser, Crystal M.; OSC Communications
Subject: RE: Due 1/29: (b)(6) (Grisham (b)(6) Response

Courtney,

The responses to questions one and two are still with the program. We will provide them to you when we receive them.

Thank you,

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

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)

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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 Mr. (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 31st**. 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)

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

Mary,

The staffer finally responded back to me, see his message below. I'm not sure we need to send an interim response at this point, let me know what you think.

I am familiar with this gentleman and his issue. He was not alleging any type of discrimination regarding race or ethnicity. He had very vague nonspecific concerns about how passengers are treated in general. He felt that all passengers seemed to be treated as "suspects" and he believes that his constitutional rights are infringed by the security checks performed by TSA. Also, he wanted to know what his rights are when he is on airport property. For example, if he refuses to answer questions about the nature of his travel can he be detained or prevented from boarding?

In a nutshell he would like the following:

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.)

I hope this was helpful.

Jon Moore

Constituent Representative

Congresswoman Michelle Lujan Grisham (NM-01)

505 Marquette Ave, NW Suite 1605

Albuquerque, NM 87102

(b)(6)

Sumer Alhinnawi

Office of Legislative Affairs

Transportation Security Administration

U.S. Department of Homeland Security

Desk:571.227 (b)(6)

Fax:571.227.2559

(b)(6)

Johnsen, Matthew <CTR>

From: CRL
Sent: Tuesday, February 18, 2014 10:16 AM
To: (b)(6)
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

Johnsen, Matthew <CTR>

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> wrote:

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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.

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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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 or write to:

Transportation Security Administration
Disability and Multicultural Division
Multicultural Branch
701 South 12th 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.

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.**