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"Rummaging in the government's attic"

Description of document: **US Department of Justice, Federal Bureau of Investigation documents related to "No Fly Lists"**

Released date: 06-September-2007

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Source of document: Department of Justice, Federal Bureau of Investigation
Requests to:
Federal Bureau of Investigation
Record Information/Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

FOIA Requester Service Center (RSC):
(540) 868-4591
FOIPA Public Information Officer (PIO):
(540) 868-4593
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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

September 6, 2007

Request No.: 1087793- 000

Subject: NO FLY LIST

Dear Requester:

The records that you have requested were previously processed under the provisions of the Freedom of Information Act for another requester.

Enclosed are 248 pages of documents pertaining to your request and a copy of the explanation of exemptions.

You may submit an appeal from any denial contained herein by writing to the Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over a horizontal line.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

From: [REDACTED]
 To: Aviation-Field-30
 Date: Wed, Dec 19, 2001 4:36 PM
 Subject: FBI Response to FAA Name List - NEW PROCEDURES

b7C -1

b6 -1

Airport Agents - Please ensure that this message is forwarded to your supervisors, command post and any other personnel who might respond to name list matches at airports. The attached FAA documents have also been uploaded to [REDACTED]

There are two name lists for which the FBI may now have to respond, instead of one - the "No Fly" list (threats to aviation) and the "Selectee" list [REDACTED]. The names are the same and some additional ones from the previous FAA name lists, and they continue to originate from other agencies [REDACTED] from the FBI. However, there are new procedures to reduce unnecessary FBI response. The FBI and the FAA coordinated these procedures based on feedback from the field about the utility of FBI response to ticket counters to identify passengers when the lists now contain more identifying information,

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b7E -1

b2 -4

b7E -1

NEW PROCEDURES - [REDACTED]

b2 -4

b7E -1

[REDACTED] Please read the attached FAA Security Directives (SD 108-01-20 and 108-01-21) for exact language.

b2 -4

b7E -1

I expect questions, so please ask. If something doesn't work as you expected, please let me know. I'll try to do an EC as soon as possible, but since the list and changes are "out", I wanted you to have them as soon as possible.

SSA [REDACTED] (fax)
 Civil Aviation Security Program, Room 11795
 Domestic Terrorism Counterterrorism Planning Section
 Counterterrorism Division
 [REDACTED]@leo.gov

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b7C -1

b6 -1

CC:

b7C -1

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 HEREIN IS UNCLASSIFIED
 DATE 8-5-03 BY UC60267NLS/A6/CAL
 CA# 03-1779

SUSSMAN-1

~~CONFIDENTIAL~~

1500 Southwest 1st Avenue

The Honorable Earl Blumenauer
The Weatherly Building
516 S.E. Morrison Street
Suite 250
Portland, OR 97214

b7C -2

b6 -2

Dear Representative Blumenauer:

This letter is in response to your request for additional information concerning [redacted] and the policies and procedures surrounding the Transportation Security Administration's (TSA) watch list. Nationwide policies and procedures regarding the TSA watch list are established jointly by the FBI and TSA at the headquarters level. Your concerns have been forwarded to FBI Headquarters, Counterterrorism Division, and the Office of Public and Congressional Affairs.

Additionally, on August 12, 2002, this office contacted [redacted] and explained, in general terms, the procedures used by the TSA, FBI, and commercial air carriers upon discovery of a name list match.

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DATE 0-5-03 BY ULC 60267 NLS/AG/CAL

CA# 03-1779

SUSSMAN-2

By letter to Region 07202

The Honorable Earl Blumenauer
The Weatherly Building
516 S.E. Morrison Street
Post Office Box 709
Portland, OR 97214

Dear Representative Blumenauer:

b6 -2

b7C -2

This letter is in response to your inquiry on behalf of [REDACTED] [REDACTED] is not a listed person on the Transportation Security Administration's (TSA) watch list. However, the watch list does contain a person with the same last name. Therefore, commercial air carriers are required to check [REDACTED] identification against the known identification of the [REDACTED] listed on the TSA watch list. Unfortunately, commercial air carriers cannot confirm [REDACTED] true identity until such time as his identification is checked at the ticket counter.

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b6 -2

Historically, TSA procedures have required that identification checks be performed by law enforcement officers. Recent changes to TSA procedures allow commercial air carriers to conduct these checks under certain circumstances. This procedure must be completed every time Mr. [REDACTED] and all others with the same last name, travel via commercial aviation.

b7C -2

b6 -2

While I fully appreciate Mr. [REDACTED] frustration, I am sure he can understand the importance of the enhanced security requirements.

Sincerely,

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DATE 8-5-03 BY UCG0267 NLS/AG/CAL
CA# 03-1779 Charles Mathews, III

SUSSMAN-3

Memorandum

San Francisco Police Department

b6 -4



To:

b7C -4

APPROVED

YES

NO

Commanding Officer
Airport Bureau - Day Watch

From:

b7C -4

Airport Bureau - Day Watch

Date: Friday, May 24, 2002

b6 -4

<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	<input type="checkbox"/>	<input type="checkbox"/>
<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	<input type="checkbox"/>	<input type="checkbox"/>
<div style="border: 1px solid black; width: 100px; height: 15px;"></div>	<input type="checkbox"/>	<input type="checkbox"/>

Subject: Selectee and No Fly list Names

ISSUE

Airport Bureau police response to the Transportation Security Administration's air-carriers No Fly and Selectee names lists.

DISCUSSION

On Friday, May 24, 2002, I met with (T.S.A) and I spoke with (F.B.I.), regarding police procedures when dealing with individuals whose names have been entered on the Transportation Security Administration's NO-FLY and SELECTEE names lists and the air-carriers reservation data banks.

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b2 -4

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b3 -1

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b7E -1

b3 -1

This new change in procedure, will allow airport officers to minimize the amount of time required to initially detain individuals with names that names on federal NO-FLY or SELECTEE lists.

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b3 -1

RECOMMENDATION

I recommend that this new change take place to reduce time spent by officers on-scene, when responding to names on federal NO-FLY and SELECTEE lists.

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CA# 03-1779

SUSSMAN-4



FBI FACSIMILE COVER SHEET

**PRECEDENCE**

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☐ Priority
☒ Routine

CLASSIFICATION

- ☐ Top Secret
☐ Secret
☐ Confidential
☐ Sensitive
☒ Unclassified

Time Transmitted: _____

Sender's Initials: bswNumber of Pages: 6
(including cover sheet)To: TSA / FBIDate: 7/18/02

Name of Office

Facsimile Number: _____

Attn: _____

From: FBIHQ, Domestic Terrorism Section, Rm 11795

Name of Office

Subject: 4th Amendment - Airport Searches

b2 -1
b7C -1,3
b6 -1,3

Special Handling Instructions: For info.

b2 -1
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b6 -1

Originator's Name: SSA _____

Telephone: _____

Originator's Facsimile Number: _____

Approved: [Signature]

Brief Description of Communication Faxed: _____

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DATE 05-02 BY UC60267 NLS/AG-1
CA# 03-1779 GL

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SUSSMAN-5

**APPLICATION OF THE FOURTH AMENDMENT
TO
AIRPORT SEARCHES**

Margaret H. Leach
EL PASO
USAO

Airplane highjacking or skyjacking escalated dramatically during and after the 1960s until its climax with the attacks on the World Trade Center buildings and the Pentagon. Consequently, airport security has always been a matter of very serious concern, and presently, it is a matter of paramount importance. Once the security of an airplane is compromised, it is very difficult to respond effectively to the problem. As was so dramatically illustrated by last year's tragic events, the potential for great and immediate harm to the passengers on the airplane and to the public at large is tremendous. Additionally, the highjackers are extremely difficult to detect, and in order to avoid the extreme danger highjackers can create, the highjacker must be detected before he boards the aircraft. The importance of airport/airplane security, the need to detect the highjacker, and the need to protect the public and the airline passengers have been recognized by the courts in considering how to analyze police conduct at airports under the Fourth Amendment.

In 1968, a Task Force was appointed to develop an on-the-ground highjacker detection system. This system was adopted by the FAA and continues to be employed today to provide security for all air travel. As its most prominent component, the system employs pre-flight screening through the use of notices to the public, identification checks, application of a highjacker profile, magnetometers, x-rays, interviews with selected passengers, and frisks or searches of certain suspicious passengers. The employment of these measures has been approved by the courts as reasonable; however, questions concerning the constitutionality of other searches and seizures at the airport continue to arise. This presentation and paper is designed to deal primarily with those issues.

The Fourth Amendment does not prohibit all warrantless searches and seizures; instead, it prohibits only unreasonable ones. The reasonableness of warrantless searches and seizures at airports or on airplanes will be determined, in part, by balancing the intrusion itself against the need for security at airports and the difficulty in ferreting out the highjacker from the throngs of members of the public in airports and boarding the airlines.

Because the courts have determined that airport screening procedures are searches, they must be justified under an exception to the warrant requirement. Five exceptions have been applied by the courts: (1) the border search exception; (2) a Terry stop and frisk; (3) the administrative search exception; (4) consent; (5) the critical zone theory.

Border Search Exception Because many airports have both international and domestic flights, different standards for searches or seizures may be applicable at the same airport, depending on whether the flights being serviced at domestic or international. For international flights, under the border search exception, routine searches of persons and their effects may be conducted under the same parameters as those searches are conducted at the international borders. Those seeking admission to or exit from the United States on an international flight will be subject to a routine inspection of his person and his belongings. Any non-routine search (e.g., strip searches) must be based on reasonable suspicion. For passengers on domestic flights, the border search exception cannot be used to justify the search of a person or his belongings.

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CA403-1779

SUSSMAN-6

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Terry Stop and Frisk: Application of this exception is discussed in further detail below.

Administrative Searches: Courts have justified the airport security screening procedures under the administrative search exception. The courts have held that when all passengers are subjected to security screening procedures in order to provide greater protection and security to the airport and departing aircraft, the routine screening procedures are considered administrative searches and not violative of the Fourth Amendment. When these screening procedures are used only on selected passengers, they fall outside the coverage of the administrative search exception. When these screening procedures are used improperly to detect the possession of contraband, the administrative search exception may not be used to justify the search.

Consent: Any search or seizure can be justified on the basis of a defendant's knowing and voluntary consent. Consent should be express, rather than implied. Agents should not rely entirely upon warnings airlines generally give to passengers that their luggage or person may be searched; the court's have been divided on the issue of whether these general warnings can constitute at least implied consent to search.

Critical Zone: The Fifth and Eleventh Circuits have held that airports are to be considered "critical zones" in which special Fourth Amendment considerations apply because they consider the airport the one channel through which all hijackers must pass before being in a position to commit their crime and the one point where airport security officials can marshal their resources to thwart airplane violence before the lives of an airplane's passengers are endangered. These courts, therefore, deem reasonable more intrusive security measures if specifically tailored to increase airport security and to detect hijackers.

The Stop of a Person in the Airport (prior to presenting himself for boarding): Ticket Counter?

The Fourth Amendment applies to an airport stop only when a seizure occurs.

If there is no detention, there is no seizure, and the Fourth Amendment is not implicated.

A person has been seized only if, in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave. Whether an airport encounter between the police and a suspect amount to a seizure requires a review of all relevant circumstances, including psychological factors. If a reasonable person would feel free to disregard the police and to go about his business, the encounter is consensual.

Asking for an individual's airline ticket and his identification was permissible and will not be considered a seizure. Asking routine questions concerning the reason for and destination of travel does not implicate the Fourth Amendment. Generally, there is no seizure when a law enforcement agent merely approaches an individual at the airport, and after identifying himself, begins to ask routine questions related to the person's identification, travel plans, and ticket information. A non-threatening request to search will not convert the encounter into a seizure.

Factors considered in determining whether a seizure has occurred include: (1) location of the encounter; (2) physical contact with the person; (3) appearance and clothing of the officers; (4) number of the officers; (5) display or presence of weapons; (6) demeanor and tone of voice of the officers; (7) length of time in which documents are retained; (8) any advise of right to terminate the encounter or refuse consent; (9) information that the person was suspected of criminal activity; (10) the length of the encounter, among others.

When a narcotics officer identifies himself as such and advises the person that he is suspected of transporting narcotics, the courts will likely find that a seizure has occurred. If the officer retains the traveler's identification or travel documents, the encounter may be considered a seizure.

⑧ An investigative detention must be based on reasonable suspicion which must be based on factors that when viewed in their totality amount to reasonable and articulable suspicion that the person is engaged in criminal activity. A subsequent frisk of the person must be based on voluntary consent or reasonable suspicion that the individual might be armed.

pre author post 9/11 ?
An arrest must be based on probable cause. If a suspect is arrested and his luggage or personal items are removed with the suspect, those items may be searched only on the basis of consent or probable cause, with a warrant.

Air Terminal Security Screening

As set forth above, routine airport terminal-entry security screening has been approved by the courts as administrative searches because their purpose is to provide security and safety rather than to detect crime. In order for these procedures to continue to be justifiable as administrative searches, the emphasis of the search must continue to be for purposes of determining the presence of dangerous persons or articles rather than the presence of contraband or for other general law enforcement purposes.

Courts have held that the placement of items on the x-ray conveyer belt constitutes at least implied consent to a visual and limited hand search of the items if the x-ray examination is inconclusive. Absent consent or probable cause, the scope of the hand search must be limited to that which will reveal an object that could be used to effect a hijacking or endanger other passengers or members of the public entering the terminal. (Caveat: this does not extend to search for money or drugs seen on x-ray examination; although a search therefore may be based upon probable cause or consent).

Strip searches must be conducted only on reasonable suspicion.

Passengers Presenting Themselves for Boarding on the Aircraft

The Fifth and Eleventh Circuits have held that it is permissible to request a search of passenger presenting himself for boarding on an airplane. The officer may indicate that if the passenger refuses, he will not be permitted into the gateway or the airplane. If a passenger is

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ticketed and presents himself for boarding on the airplane, he may be subjected to a search on mere or unsupported suspicion. Scope of search can be of sufficient scope to reveal any object or instrumentality that could reasonably have been used to effect an act of air piracy. Again, the search cannot be one designed merely to detect contraband.

Checked Luggage:

Passengers have a reasonable expectation of privacy in checked luggage. Generally, searches of checked luggage can be conducted on with consent or a warrant based on probable cause. Where, however, there is evidence that luggage contains explosives or some other item of a similarly dangerous nature, exigent circumstances may justify a warrantless search, but the search must be based on probable cause.

Checked luggage may be x-rayed. A subsequent search can be conducted to dispel suspicions of danger, but a general search for contraband cannot be conducted absent a warrant or consent.

Because a dog sniff of luggage is not considered a search, luggage may be subjected to a dog sniff without any suspicion whatsoever. However, if a dog alerts to the presence of contraband, the subsequent search may be conducted only with consent or a warrant. A dog's alert to the presence of explosives may provide probable cause for a warrantless search conducted under exigent circumstances. (A dog sniff of a person is a search and cannot be conducted)

If a person disavows ownership of luggage when presented with an opportunity to claim ownership of it, it will be considered abandoned and can then be searched.

A person's luggage can be seized for a reasonable period of time on the basis of reasonable suspicion. It should not prevent passenger's continuation of travel. Luggage can be seized on the basis of probable cause pending the issuance of a warrant to search; however, the agents should be actively taking steps toward obtaining the warrant.

Private v. Governmental Searches

Airport security measures were, in the past, largely employed by private security companies employed by the airlines or by airline employees themselves. Purely private searches are not subject to Fourth Amendment protections; therefore, where these searches or seizures were conducted entirely by airline personnel without governmental intrusion or prompting, the Fourth Amendment was not implicated. However, governmental agencies became increasingly involved in airline security, and most of the searches, even where conducted by airline employees or security personnel, were instigated by government agents or government agents participated in them. In those cases, the Fourth Amendment controlled the appropriateness of the conduct. As you know, the law now requires that airport security be provided by the government, and the Air Marshal program has been revived; consequently, a Fourth Amendment analysis will rarely be avoidable. Nevertheless, when airline employees are acting entirely independently, the courts will find that a private search was conducted, and that the Fourth

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Amendment had no application (e.g., airline employees opening suitcases to determine ownership and then encountering contraband therein).

SUSSMAN-10

September 4, 2002

Mr. Michael D. Robinson
Associate Under Secretary
for Aviation Operations
Transportation Security Administration
400 Seventh Street, SW
Washington, DC 20590

Dear Mr. Robinson:

Thank you for your June 27th letter, enclosing a copy of TSA's Delegation Order concerning the placement of Federal Security Directors at all of the major airports nationwide. You asked that the Order be disseminated to each of the FBI's field offices having a need for the information.

Recognizing the FBI's investigative jurisdiction with respect to criminal violations set forth in Chapter 465 of Title 49, and all aviation-related criminal violations set forth in Title 18 of the U.S. Code, our field offices will be provided copies of TSA's Delegation Order dated June 14, 2002, along with the reminder that interagency cooperation and coordination are critically important to our respective missions and responsibilities as our agencies continue to discuss pertinent jurisdictional considerations.

Sincerely yours,

Robert S. Mueller, III
Director

1 - Mr. Ashley (5012) - Encs.
1 - Mr. D'Amuro (5829) - Encs.
1 - Mr. Wainstein (7427) - Encs.
1 - [redacted] (5096) - Encs.
1 - [redacted] (7326) - Encs.
1 - [redacted] (7176) - Encs.

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62F-HQ-1077732

NOTE: Reply coordinated with Attorney-Advisor [redacted] Investigative Law Unit, OGC,
and Unit Chief [redacted], Major Theft/Transportation Crimes Unit, CID.

BHM

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DATE 8-5-03 BY UC60267 NLS/AG/CAL
CA# 03-1779

SUSSMAN-11

Authorities of the Federal Security Directors (FSDs)

1. Manage Aviation Security Resources. On a day-to-day basis, manage and provide operational guidance to the aviation security resources of the Transportation Security Administration (TSA) screeners, field agents, and law enforcement officers to which they are assigned.
2. Screen and Inspect Passengers, Property and Cargo.
 - A. Passenger Aircraft. In accordance with 49 U.S.C. § 114(e) and TSA regulations, policies and procedures, be responsible for the day-to-day Federal security screening operations for passenger air transportation and intrastate air transportation. In accordance with TSA regulations, policies and procedures, provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage and other articles, that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation, in accordance with 49 U.S.C. § 44901(a). In accordance with TSA regulations, policies and procedures, provides for search and detention of persons or property posing a suspected risk to safety and security, in accordance with 49 U.S.C. § 44903(b).
 - B. Checked Baggage. In accordance with 49 U.S.C. § 44901(c),(d), and (e) and TSA regulations, policies, and procedures, as explosive detection equipment becomes available, screen all checked baggage through such equipment. In those unusual circumstances where explosive detection equipment is not available, screen every piece of checked baggage through alternative means. In accordance with TSA regulations, policies and procedures, such alternative means may include one or more of the following:
 - (1) A bag-match program that ensures that no checked baggage is placed aboard an aircraft unless the passenger who checked the baggage is aboard the aircraft.
 - (2) Manual search.
 - (3) Search by canine explosive detection units in combination with other means.
 - (4) Other means or technology approved by the Under Secretary.
 - C. Cargo Aircraft. Provide for the screening and inspection of cargo that will be carried on all-cargo aircraft, in accordance with 49 U.S.C. § 44901(f) and TSA regulations, policies and procedures.
3. Assess and Counter Threats to Aviation.
 - A. Liaison Functions. Serve as a liaison for aviation security to the local intelligence and law enforcement communities. Receive, assess, distribute, and ensure utilization of intelligence and law enforcement information as appropriate.

- (1) Memoranda of Understanding Concerning Data. Enter into memoranda of understanding with local offices of Federal agencies and other local entities, such as state and local law enforcement, to share or otherwise cross-check, as necessary, data on individuals identified on Federal, State and Local agency databases who may pose a risk to transportation or national security.
 - (2) Notification Procedures Concerning Potential Threats. Establish procedures for notifying the Federal Aviation Administration (FAA), appropriate State and local law enforcement officials, and airport or aircraft operator security officers of the identity of individuals known to pose, or suspected of posing, a risk of air privacy or terrorism or a threat to aircraft operator or passenger safety, in accordance with 49 U.S.C. § 114(h).
 - (3) Identification of Individuals Posing a Threat. In consultation with other appropriate Federal state, and local agencies and air carriers, and upon notice that an individual may be a security threat, establish policies and procedures that require air carriers to notify appropriate law enforcement agencies of the individual's identity, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual.
 - (4) Passenger Lists. On a case by case basis, and when warranted by specific security considerations, require passenger air carriers to share passenger lists with appropriate Federal, State, and Local agencies, for the purpose of identifying individuals who may pose a threat to aviation safety or national security.
- B. Security Countermeasures. Coordinate and implement security countermeasures with appropriate departments, local offices of federal agencies, state and local law enforcement agencies, airports, and air carriers. Work with the FAA with respect to any actions or activities that may affect aviation or aviation safety or air carrier operations, in accordance with 49 U.S.C. § 114(f)(13).
- C. Clear, close or secure airports and related facilities. If a particular security threat to a gate, a concourse, a terminal, an airport or related facilities cannot be addressed in a way adequate to ensure, to the extent feasible, the safety of passengers, crew, or other individuals, the affected facilities may be cleared, closed or otherwise secured. After a security action has been taken in accordance with 49 U.S.C. § 44905(b), provide feedback to the airport operator on the reasons for the security action.
- D. Cancel, delay, return, or divert flights. If a particular security threat to a flight or series of flights, including air piracy (as defined in 49 U.S.C. § 46502), cannot be addressed in a way adequate to ensure, to the extent feasible, the safety of passengers and crew, the flight or series of flights may be canceled, delayed, returned to an airport after

**Transportation Security Administration
(No Fly and Selectee Lists)**

The No Fly and Selectee Lists, both administered by TSA, often are confused with the TWL. Currently, the TWL staff is working with TSA to develop protocols to facilitate entry and/or removal of FBI subjects to/from the No Fly or Selectee Lists. It should be noted, TSA is the only agency which actually can make the entries or removals.

The No Fly List is used to prevent individuals from using commercial aviation who are deemed by TSA to be a threat to aviation, based on information provided by various sources (such as the FBI). If an individual is listed on the No Fly List, that individual will not be permitted to board any commercial aircraft within the U.S. until such time the individual is removed from the list by TSA.

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[REDACTED]
[REDACTED] It should be noted, the air carriers and/or local airport authorities are responsible for preventing a passenger on the No Fly List from boarding an aircraft, not the FBI.

The Selectee List consists of individuals who are [REDACTED]

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[REDACTED]
These individuals are screened by airport authorities in accordance with TSA Security Directives. Following the screening procedures, these individuals can use commercial air transportation and should not be denied boarding. Again, the respective air carrier and/or local airport authorities will make the final determination regarding who boards an aircraft.

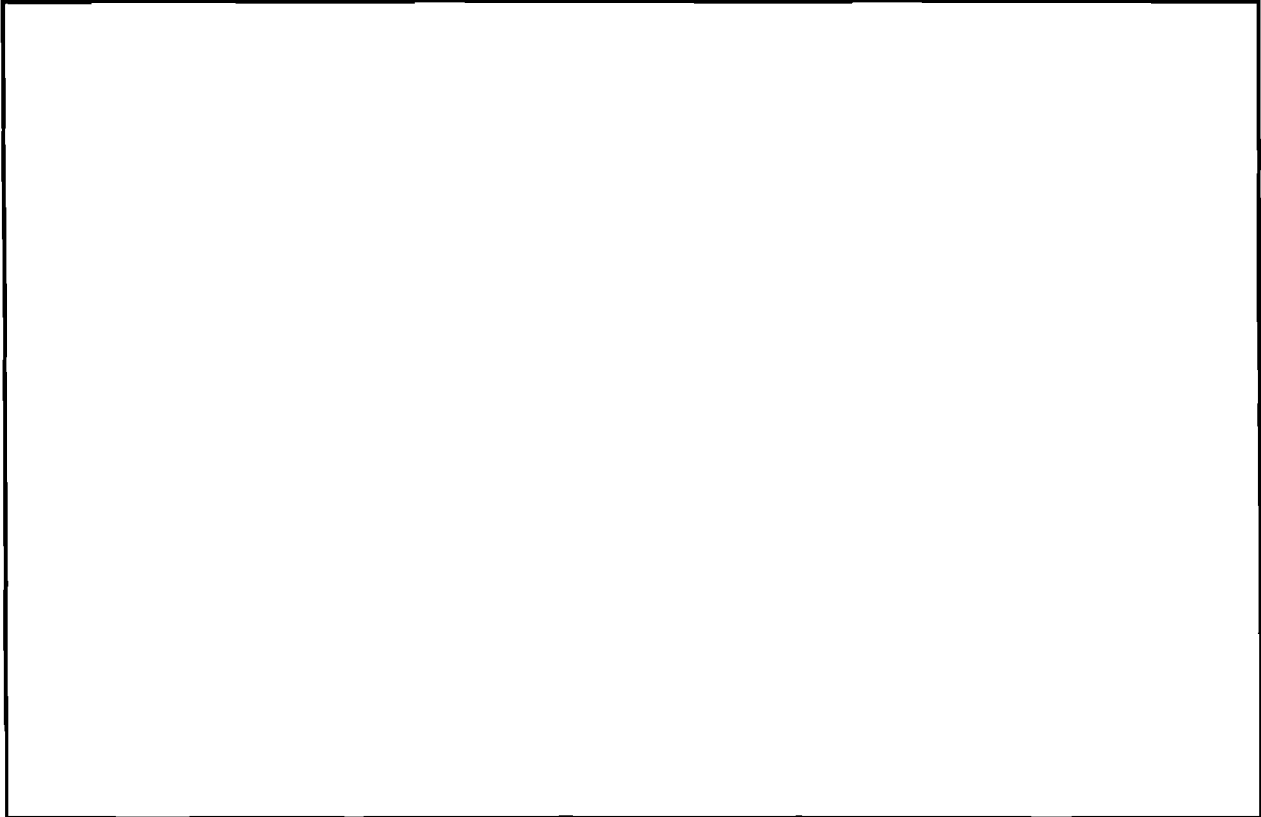
b2 -4
b7E -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-5-03 BY UCL 0267 NLS/AG/CAL
CA# 03-1779

Notes and Guidance for NO FLY and SELECTEE lists
Prepared 3/25/2002 by SSA [redacted]

b7C -1
b6 -1

Administrative-General



b2 -4
b7E -1

Investigative

NO FLY list - Used to prevent persons from using commercial aviation who are deemed by the FAA to be a threat to aviation, based on information received from various sources. Airport police are to perform an initial ID check and will hopefully eliminate the person as a match. [redacted]

b2 -4
b7E -1

[redacted] Airport police will contact the FBI in questionable cases.

A few people have been removed from the list after the person convinced the FBI and the FBI determined [redacted] that they were not a threat to aviation. The passenger may not fly until the FAA removes their name from the list. The air carriers, not the FBI, prevent the passenger from boarding the flight. The person can travel by other means, but not commercial air. The FAA removes names from the list based on instructions from the submitting agency or a document [redacted]

b2 -4
b7E -1

[redacted] indicating that the person is not considered to be a threat to aviation.



b2 -4
b7E -1

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CA#03-1779

SUSSMAN-15

Notes and Guidance for NO FLY and SELECTEE lists
Prepared 3/25/2002 by SSA [redacted]

b7C -1
b6 -1

[redacted]

b2 -4
b7E -1

SELECTEE List - These persons are [redacted]

[redacted]. Passengers determined to be the person on the list, [redacted] to the air carrier for any screening which the carrier needs to conduct in accordance with the TSA Security Directive prior to flight boarding. These persons can use commercial air transportation - they need not be denied boarding.

Responsibilities of FBI office in HQ city of air carrier: [redacted]

[redacted]

b2 -4
b7E -1

Possible Match Passenger at the Ticket Counter: When a passenger with a possible name match presents themselves at a ticket counter, the air carrier is supposed to first contact the airport LEO for an initial ID check. [redacted]

[redacted]

b2 -4
b7E -1

[redacted]

b2 -4
b7E -1

[redacted]

Passengers who know their name is on a list requiring identification by the police can potentially arrange with the airport police before they get to the airport that day to alert the police they have a flight and when they plan on being at the airport. Thus, the police can be there or at least be nearby, further reducing delays. [redacted]

b2 -4
b7E -1

[redacted]

b2 -1
b7C -1
b6 -1

January 22, 2003

From: [redacted] OGC/ILU, Ext [redacted]

b7C -1
b6 -1

To: [redacted]

b7C -3
b6 -3

Enclosed is your copy of a draft MOU I received from [redacted] a policy official in TSA. Not sure why he faxed it to me but, in any event, it addresses respective roles in providing input to and using the TSA's No-Fly and Selectee lists.

I am not sure who in CTD has this for action but it's got to be one of you three so here it is.

[redacted]
Anyway, if you need us on this any more, let me know

b5 -1,2

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DATE 8-6-03 BY UC 60267 NLS/AG/CAL
CA# 03-1779

SUSSMAN-24

b7C

From:

To:

Date:

6/27/02 7:32PM

Subject:

Re: TSA & Local LEO inquiry of PC for Detention of No Fly List individuals

b7C

Hi

Not being a lawyer, I'm treading on common sense ground here, but I believe that "investigative detention" is the basis for the local LEO holding individuals until the FBI shows up, same as it is for non-terrorist criminal matters, such as potential Crime Aboard Aircraft violations. After you arrive, however, if there is nothing in NCIC, such as an INS status problem or any arrest warrant for the person and they want to leave, they can leave, unless you find something for which to arrest them. As a reminder, OGC also advises that the field use the 265 TURK classification for each interview conducted related to the lists.

(**A lot of LEO's don't seem to like using that surrogate authority, which is why we had all those deputation issues over the last couple of years.)

>>> 6/27/02 12:40:36 PM >>>

b7C

TSA and local LEO are inquiring as to the PC for detaining individuals that have been identified on the No Fly or Selectee list with more than the name match. They are concerned about the legality of the detention. They need to know the PC for which they are detaining the individuals until the FBI shows up to interview the individual.

Thanks for your assistance

CC:

ARTHUR M. CUMMINGS;

b2
b7C

b7C

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DATE 8-6-03 BY UC60267 NLS/AG/CAL
CA# 03-1779

b7C -1
b6 -1

From: [redacted]
To: ARTHUR M. CUMMINGS; [redacted]
Date: 5/28/02 1:43:30 PM
Subject: Issue: TSA and No Fly Lists

b7C -1
b6 -1

[redacted] Art,

b5 -1

Here's some background, if you have the patience to read it:

Since 10/2001, when the TSA No Fly and Selectee lists came into being (aftermath of the FBI Watchlist), I have been attempting to make the updated lists available to the field agents [redacted] on a timely basis, i.e., when they are issued, because TSA has made the agents responsible for responding to possible name matches. The agents need these lists in order to have background and ID info.

b2 -4
b7E -1

TSA issues these lists to the air carriers and the airport police [redacted]

b2 -4
b5 -1
b7E -1

TSA also fails (except on one occasion) to coordinate with us when they tell the carriers whom to contact (the FBI) or when they change the Security Directives concerning response which affects FBI offices. Despite my best efforts, the TSA just motors along and I and the agents are being whipped around the flagpole trying to do the right thing.

b2 -4
b5 -1
b7E -1

b5 -1

Example - today List 51 was issued; Lists 49 and 50 were issued on Friday. I believe I was here, but no mail from TSA, and I check every hour. I have raised this issue with people in TSA and here, and told the agents that getting the lists from me is now a luxury instead of a certainty.

I have tried to arrange a meeting with [redacted] TSA, but that has not worked out yet [redacted]

b5 -1
b6 -3
b7C -3

Again, please try to give me some time so we can meet and decide how we want to proceed.

Thanks [redacted]

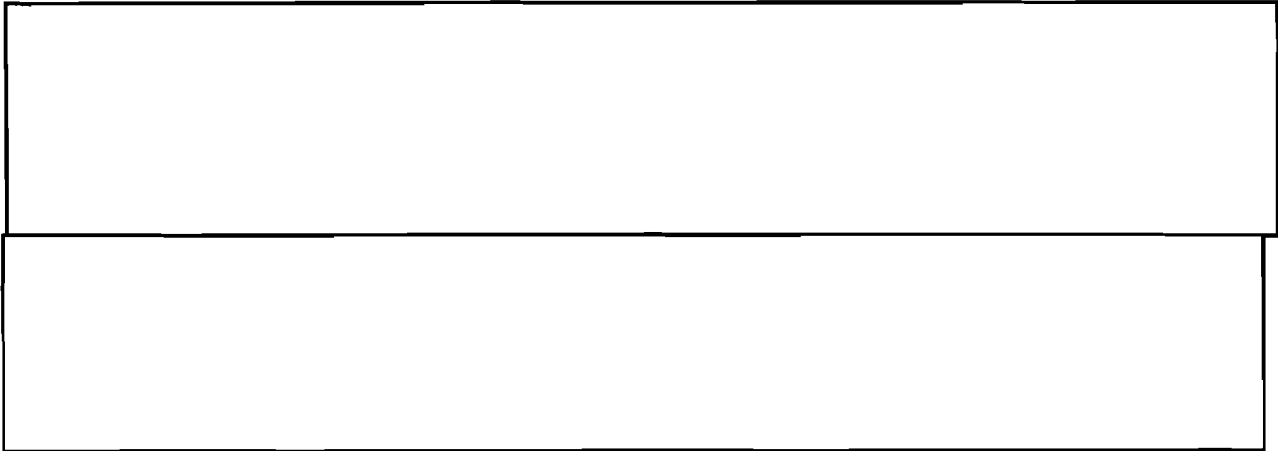
SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b2 -1,2
b7C -1
b6 -1

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CA # 03 - 1779

SUSSMAN-29

From: [REDACTED]
To: Aviation Field 25
Date: 5/29/02 5:06:13 PM
Subject: New TSA Guidance-Selectee and No Fly Lists



More to follow as I get additional information.

b2 -4
b7E -1

SSA [REDACTED] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[REDACTED]@leo.gov

b2 -1,2
b7C -1
b6 -1

CC: ARTHUR M. CUMMINGS; Aviation-CIRG&Training; Avia...

634/6

DMCRA

495-1266

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DATE 06-03 BY UC60262
CA# 03-1779

NLS/AG/COL

SUSSMAN-30

b7C -1
b6 -1

From: [REDACTED]
To: [REDACTED]
Date: 7/2/02 7:40PM
Subject: Re: No Fly and Selectee Lists

b7C -1
b6 -1

Thank you so much for the detailed legal opinion and support on the FBI's role in crafting security directives [REDACTED]

b5 -1,2

We still need to address the legal, policy and procedural questions as a total picture, rather than piecemeal. [REDACTED]

b5 -1,2

Re authority to hold No Fly passengers until the FBI arrives. [REDACTED]

Wow, I can't imagine that. [REDACTED]

b5 -1,2

for that evaluation. [REDACTED]

b5 -1,2

If the FBI and the TSA cannot agree [REDACTED]

b5 -1,2

Regards [REDACTED]

b7C -1
b6 -1

>> [REDACTED] 7/2/02 11:59:21 AM >>>

The specific statutory citation for the terrorist watch list [REDACTED]

b5 -1,2
b7C -1
b6 -1

b5 -1,2

b5 -1,2

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DATE 8-6-03 BY UC60267

CA#03-1779

NLS/AG/CAL
SUSSMAN-31

b5 -1,2
b7C -1
b6 -1

b5 -1,2

b5 -1,2

b5 -1,2
b7C -1
b6 -1

My next move is to consult the [redacted] in the DAG's office--about the issue of the legal basis for No-Fly decisions after I discuss this within OGC.

b2 -1
b7C -1
b6 -1

>> [redacted] 07/01/02 07:32PM >>>

When it rains, it pours. [redacted]

b5 -1,2
b7C -1
b6 -1

[redacted] I ask that [redacted] OGC, go into additional legal citations from the USA PATRIOT ACT that might be pertinent, but the Aviation and Transportation Security Act (ATSA) of 2001, passed on November 19, 2001, mandates in Section 101, (a), §114 (h) entitled "Management of Security Information", that the Under Secretary of Transportation for Security shall:

(1) enter into memoranda of understanding with Federal agencies or other entities to share or otherwise cross-check as necessary data on individuals identified on Federal agency databases who may pose a risk to transportation or national security;

(2) establish procedures for notifying the Administrator of the Federal Aviation Administration, appropriate State and local law enforcement officials, and airport or airline security officers of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety;

(3) in consultation with other appropriate Federal agencies and air carriers, **establish policies and procedures requiring air carriers--**

(A) to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation or national security; and

(B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and

(4) consider requiring passenger air carriers to share passenger lists with appropriate Federal agencies for the purpose of identifying individuals who may pose a threat to aviation safety or national security.

Personally, I think that this about covers it, and hopefully, the FBI will be consulted on revisions to the TSA Security Directives to be more clear about who is to contact whom in what situation. [redacted]

[redacted] Perhaps they need to hear a definitive statement from the FBI on these matters.

b2 -4

b5 -1,2

b7E -1

I hope this helps.

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division

b2 -1,2

b6 -1

b7C -1

[redacted] eo.gov

>>> MARTIN J KING 6/27/02 5:05:03 PM >>>

b7C -1

b6 -1

b7C -1

b6 -1

SSA [redacted]

As CDC of the [redacted] I have been asked to obtain some information for the United States Attorney's Office [redacted] concerning the legal authority under which the FAA/TSA promulgate the No Fly and Selectee lists. Personnel from the United States Attorney's Office were recently afforded a briefing regarding the No Fly and Selectee lists by SA [redacted] Airport Liaison Agent. Following this briefing, SA [redacted] received a request for additional information which has been forwarded to the CDC for handling.

b6 -1

b7C -1

My understanding is that the U.S. Attorney's Office would like some assistance in identifying the specific statutes/regulations/executive orders or any other enabling provisions which grant authority to the FAA and/or TSA to compile and disseminate the lists. There is no known agenda attached to the request other than further informing the understanding of appropriate personnel regarding the program.

b7C -1

b6 -1

I have read the "Notes and Guidance" which you prepared on 03/25/2002 and accordingly, I hope that you may be of some help in responding to the request from the United States Attorney's Office [redacted]

b2 -1

[redacted] If your Unit maintains responsive information, please forward same to my attention. I may be reached at [redacted]

b7C -1

b6 -1

CC: ARTHUR M. CUMMINGS: [redacted]

b7C -1

b6 -1

SUSSMAN-33

b5 -1,2
b7C -1
b6 -1

From: [REDACTED]
To: [REDACTED]
Date: 7/6/02 3:44PM
Subject: Re: No Fly and Selectee Lists

[REDACTED] seeing as how I had time today, waiting for the TSA lists, I thought I would reply to you. I know this mail constitutes an ongoing discussion which really needs to be held in person, so people can offer their views.

1. Agree.

2. Agree

3 and 5. Still not clear on your distinction.

b5 -1,2

4.

b5 -1,2

>>> [REDACTED] 7/3/02 9:03:31 AM >>>

b7C -1
b6 -1

1. As far as I am concerned

b5 -1,2

b5 -1,2

2. You heard their counsel say he wants more, such as

3. But, what TSA is entitled to expect is a

b5 -1,2

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CA# 03-1770

SUSSMAN-34

b7C -1
b6 -1

4. Maybe, at some point,

b5 -1,2

5. In the end, even though we are dealing with lists or groupings of people who are joined together by a

b5 -1,2

>>> 07/02/02 07:39PM >>>

b7C -1
b6 -1

Thank you so much for the detailed legal opinion and support on the FBI's role in crafting security directives

b5 -1,2

We still need to address the legal, policy and procedural questions as a total picture, rather than piecemeal

b5 -1,2

Re authority to hold No Fly passengers until the FBI arrives

Wow, I can't imagine that

b5 -1,2

for that evaluation.

b5 -1,2

If the FBI and the TSA cannot agree

b5 -1,2

Regards,

b7C -1
b6 -1

>>> 7/2/02 11:59:21 AM >>>

The specific statutory citation for the terrorist watch list

b5 -1,2

b5 -1,2

b5 -1,2
b7C -1
b6 -1

b5 -1,2

b5 -1,2

b5 -1,2

My next move is to consult the [redacted] in the DAG's office--about the issue of the legal basis for No-Fly decisions after I discuss this within OGC.

b7C -1
b6 -1
b2 -1

>>> [redacted] 07/01/02 07:32PM >>>

When it rains, it pours, [redacted]

b5 -1,2
b7C -1
b6 -1

[redacted] I ask that [redacted] OGC, go into additional legal citations from the USA PATRIOT ACT that might be pertinent, but the Aviation and Transportation Security Act (ATSA) of 2001, passed on November 19, 2001, mandates in Section 101, (a), §114 (h) entitled "Management of Security Information", that the Under Secretary of Transportation for Security shall:

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(2) establish procedures for notifying the Administrator of the Federal Aviation Administration, appropriate State and local law enforcement officials, and airport or airline security officers of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety;

(3) in consultation with other appropriate Federal agencies and air carriers, establish policies and procedures requiring air carriers--

(A) to use information from government agencies to identify

b7C -1
b6 -1

individuals on passenger lists who may be a threat to civil aviation or national security; and

(B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and

(4) consider requiring passenger air carriers to share passenger lists with appropriate Federal agencies for the purpose of identifying individuals who may pose a threat to aviation safety or national security.

Personally, I think that this about covers it, and hopefully, the FBI will be consulted on revisions to the TSA Security Directives to be more clear about who is to contact whom in what situation. [redacted]

[redacted] Perhaps they need to hear a definitive statement from the FBI on these matters.

b2 -4
b5 -1,2
b7E -1

I hope this helps.

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division

b2 -1,2
b7C -1
b6 -1

[redacted]@leo.gov

b7C -1
b6 -1

>>> [redacted] 6/27/02 5:05:03 PM >>>
SSA [redacted]

As CDC of the [redacted] I have been asked to obtain some information for the United States Attorney's Office [redacted] concerning the legal authority under which the FAA/TSA promulgate the No Fly and Selectee lists. Personnel from the United States Attorney's Office were recently afforded a briefing regarding the No Fly and Selectee lists by SA [redacted] Airport Liaison Agent. Following this briefing, SA [redacted] received a request for additional information which has been forwarded to the CDC for handling.

b7C -1
b6 -1

b7C -1
b6 -1

My understanding is that the U.S. Attorney's Office would like some assistance in identifying the specific statutes/regulations/executive orders or any other enabling provisions which grant authority to the FAA and/or TSA to compile and disseminate the lists. There is no known agenda attached to the request other than further informing the understanding of appropriate personnel regarding the program.

b7C -1
b6 -1

I have read the "Notes and Guidance" which you prepared on 03/25/2002 and accordingly, I hope that you may be of some help in responding to the request from the United States Attorney's Office, [redacted] [redacted] If your Unit maintains responsive information, please forward same to my attention. I may be reached at [redacted]

b2 -1
b7C -1
b6 -1

CC: ARTHUR M. CUMMINGS; [redacted]
MARION Bowman [redacted]

b7C -3
b6 -3

b7C -1
b6 -1

From: [REDACTED]

To: [REDACTED]

ARTHUR M. CUMMINGS; [REDACTED]

Date: 7/18/02 6:39PM

Subject: [REDACTED]

b7C -1

b6 -1

b2 -4

b7E -1

b2 -4

b7D -1

b7E -1

Thank you.

From: [REDACTED]@state.gov>

To: [REDACTED]

Cc: [REDACTED]

b7C -1,3,5

b7D -1

b6 -1,3,5

Subject: RE: TSA No Fly List

Date: Thu, 18 Jul 2002 13:51:03 -0400

b2 -4

b7C -5

b7D -1

b7E -1

b6 -5

b2 -4

b7C 1,3,5

b7D -1

b7E -1

b6 -1,3,5

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CA#03-1700

Please advise who will attend this meeting. I may be reached at [REDACTED] Thanks.

b7C -1,3,5

b7D -1

b2 -2

b6 -1,3,5

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

From: [REDACTED] (FBI) [mailto:[REDACTED]@leo.gov]

Sent: July 06, 2002 2:51 PM

To: [REDACTED] (E-mail); [REDACTED]

Cc: [REDACTED] (E-mail); [REDACTED] (E-mail)

Subject: Re: TSA No Fly List

[REDACTED] - sorry, I was looking on the wrong lists - it looks like there is a [REDACTED] on the most current Selectee List 44.

b7C -2,5

b6 -2,5

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

From: [REDACTED] (FBI)" [mailto:[REDACTED]@leo.gov]

To: [REDACTED] (E-mail)"

[REDACTED]@faa.gov>

Cc: [REDACTED] (E-mail)" [mailto:[REDACTED]@state.gov]; [REDACTED]

(E-mail)" [mailto:[REDACTED]@ost.dot.gov]

Sent: Friday, July 05, 2002 5:50 PM

Subject: Re: TSA No Fly List

b7C -1,3,5

b7D -1

b2 -2

b6 -1,3,5

Hello, [REDACTED]

It appears that there is no more [REDACTED] on either of the two lists (No Fly 73 or Selectee 44), so Mr. [REDACTED] should have no more problems for now. However, if another [REDACTED] should be put on the list, his name would trigger something. Your advice was the best that could be given under the circumstances. I don't know if FBI put him on the list or not.

b7C -2,5

b6 -2,5

b7D -1

[REDACTED]
[REDACTED] Supervisory Special Agent
Civil Aviation Security Program
Special Events Management Unit, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
Federal Bureau of Investigation

b2 -1

b7C -1

b6 -1

[REDACTED] (fax)

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

From: [REDACTED]

To: [REDACTED] (E-mail)" [mailto:[REDACTED]@faa.gov]

Cc: [REDACTED] (E-mail)" [mailto:[REDACTED]@state.gov]; [REDACTED] (E-mail)"

[mailto:[REDACTED]@ost.dot.gov]; [REDACTED] (E-mail)" [mailto:[REDACTED]@leo.gov]

Sent: Friday, July 05, 2002 9:51 AM

Subject: TSA No Fly List

b7C -1,3,5

b6 -1,3,5

b2 -2

[REDACTED]

There is a specific case involving the TSA List which is a slightly bigger problem for us. The list contains the name: [REDACTED] we have a Mr. [REDACTED] who is continually denied access to the automated check-in and is given the third degree every time he flies.

b7C -1,2

b6 -1,2

The problem is our Mr. [REDACTED] which means that he
a member of [REDACTED] which means that he is required to travel the world for
preparatory meetings related to the [REDACTED] We have advised our [REDACTED] to book his
ticket using his full names which match those on his passport i.e. [REDACTED]
His travel agent has added his Frequent Flyer details to all his bookings and provides Mr. [REDACTED]
DOB, Passport # and Country of Issue so he can checked out early through [REDACTED] when he travels to the
[REDACTED] Still he get's hassled. Is there anyway way for you folks to verify whether your [REDACTED] is still a
valid name, add more details or delete it? We're still looking forward to meeting with you folks to try and
come to grips with the TSA List issue.

b7C -2

b7D -1

b6 -2

[REDACTED]

b7C -1,5

b6 -1,5

CC:

[REDACTED]

b7C -1,5
b7D -1
b6 -1,5
b2 -2

From: [REDACTED]
To: [REDACTED] (FBI) [REDACTED]@leo.gov>
Subject: RE: TSA No Fly List
Date: Tue, 18 Jun 2002 20:46:23 -0400
Hi [REDACTED]

b2 -4
b7D -1
b7E -1

[REDACTED]

1. [REDACTED]
[REDACTED]

2. [REDACTED]
[REDACTED]

b2 -4
b7D -1
b7E -1

3. [REDACTED]
[REDACTED]

4. [REDACTED]
[REDACTED]

b2 -4
b7D -1
b7E -1

[REDACTED]

b2 -4
b7D -1
b7E -1
b7C -5
b6 -5

[REDACTED]
[REDACTED]

b7C -5
b6 -5

[REDACTED]

From: [REDACTED] (FBI) [REDACTED]@leo.gov>

To: [REDACTED]

References: [REDACTED]

Subject: Re: TSA No Fly List

Date: Tue, 18 Jun 2002 21:31:57 -0400

b2 -2
b7C -1,5
b7D -1
b6 -1,5

[REDACTED]

b2 -4
b7E -1

1. [REDACTED]
[REDACTED]

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DATE 8-6-03 BY UC60267 NLS/AG/CAC
CA#03-1000

[REDACTED]

b2 -4
b7E -1

2. [REDACTED]
[REDACTED]

b2 -4
b7E -1

3. [REDACTED]
[REDACTED]

b2 -4
b7E -1

[REDACTED]

b7C -1
b6 -1

From: [REDACTED]
To: [REDACTED] (E-mail) "[REDACTED]" <[REDACTED]@state.gov>
Cc: [REDACTED] (E-mail) "[REDACTED]" <[REDACTED]@faa.gov>,
[REDACTED] (E-mail) "[REDACTED]" <[REDACTED]@ost.dot.gov>,
[REDACTED] (E-mail) "[REDACTED]" <[REDACTED]@leo.gov>

b2 -2
b7C -1,3,5
b7D -1
b6 -1,3,5

Subject: TSA No Fly List
Date: Tue, 18 Jun 2002 12:18:29 -0400

[REDACTED]

b2 -4
b7C -5
b7D -1
b7E -1
b6 -5

[REDACTED]

[REDACTED]

b2 -4
b7C -5
b7D -1
b7E -1
b6 -5

[REDACTED]

b7C -1
b6 -1

From: [REDACTED]
To: [REDACTED]
Date: 7/22/02 1:48PM
Subject: Info for TSA Legal Request

b2 -4
b7C -1, 3
b7E -1
b6 -1, 3

[REDACTED] seems to believe that he is entitled to an immediate response to his issues, when the FBI has been waiting since Nov 2001 for resolution to our issues asking them for [REDACTED] and to cooperate on crafting the Security Directives. They ignored [REDACTED] January letter, and have yet to act, based on discussions held at a meeting in early June to go over these issues again. Therefore, I don't know that we should be in any rush for him, but you have to keep letting him think you're working on "it" - same tactic they use with us.

[REDACTED] is going to write the FBI a letter about what TSA wants to know from us about detaining passengers, etc. These are the points that I think need to be iterated, among any others we might add about how a person gets on the list in the first place.

b7C -3
b6 -3

SUSSMAN-43

b2 -4
b7E -1

1. What does the FBI want the TSA to "do" re a "No Fly" List?

A.

[REDACTED]

b2 -4
b5 -1, 2
b7E -1

B.

[REDACTED]

C.

[REDACTED]

b2 -4
b5 -1, 2
b7E -1

D.

[REDACTED]

E.

[REDACTED]

b2 -4
b5 -1, 2
b7E -1

F.

[REDACTED]

G.

[REDACTED]

b2 -4
b5 -1, 2
b7E -1

H.

[REDACTED]

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CA# 03-1779

b2 -4
b5 -1,2
b7C -1
b7E -1
b6 -1

I. [REDACTED]

2. What is the legal justification for what the FBI wants the TSA to do?

A. The legal justification for requiring air carriers to identify passengers on threat lists (including NCIC) and for preventing passengers from boarding until and if identified as a "match" may be found in the Aviation and Transportation Security Act (ATSA) of 2001, passed on November 19, 2001, mandates in Section 101, (a), §114 (h) entitled "Management of Security Information", that the Under Secretary of Transportation for Security shall:

(1) enter into memoranda of understanding with Federal agencies or other entities to share or otherwise cross-check as necessary data on individuals identified on Federal agency databases who may pose a risk to transportation or national security;

(2) establish procedures for notifying the Administrator of the Federal Aviation Administration, appropriate State and local law enforcement officials, and airport or airline security officers of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety;

(3) in consultation with other appropriate Federal agencies and air carriers, establish policies and procedures requiring air carriers--

(A) to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation or national security; and

(B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and

b5 -1,2
b7E -1
b2 -4

(4) consider requiring passenger air carriers to share passenger lists with appropriate Federal agencies for the purpose of identifying individuals who may pose a threat to aviation safety or national security.

B. [REDACTED]

C. [REDACTED]

That's as far my legal brain will carry me, which may still not be far enough to properly address the issues. Thanks.

SSA [REDACTED] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[REDACTED]@leo.gov

b2 -1,2
b7C -1
b6 -1

b7C -1
b6 -1

From: [REDACTED]
To: [REDACTED]
Date: 7/23/02 10:16AM
Subject: No-Fly List

b7C -1
b6 -1

[REDACTED] et al: This is to confirm our understanding in OGC of yesterday's meeting. We all recognize the needs:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

b5 -1

Obviously, CTD will have to address the last three of the four items listed above--although OGC will certainly help wherever we can. However, we can and should play an integral role in developing criteria. We can work on criteria in theory but we really need to learn the track record of experience so far.

b5 -1
b7C -3
b6 -3

To that end, you agreed to consult with the cognizant people in the TWL unit and other IT sources to assemble some of the actual [REDACTED]
[REDACTED]

Let me know if your understanding is different than what I have described and please let us know how you are progressing in finding out the actual criteria used so far.

Thanks, [REDACTED] Ext [REDACTED]

CC: CUMMINGS, ARTHUR M. [REDACTED] [REDACTED] [REDACTED]

b2 -1
b7C -1
b6 -1

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b7C -1
b6 -1

From: [REDACTED]
To: NO FLY INFO
Date: 8/5/02 7:45PM
Subject: List Criteria

Per our last meeting, I reviewed the existing [REDACTED]
[REDACTED]

b5 -1
b7E -1
b2 -4

1
2
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4
5
6
7

CC: [REDACTED]

b7C -1
b6 -1

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CA# 03-1779

b2 -4,5
b7C -1
b7E -1,2
b6 -1

From: [redacted]
To: [redacted]
Date: 8/5/02 6:52PM
Subject: [redacted] dissem of No Fly List

Hi [redacted]

This is probably a tricky question depending on to whom you wish to give it and why. If you have an FAA/TSA rep [redacted] it might be best to discuss this with them and let me know what they say. I've been answering this question for other [redacted] but each [redacted] situation may be different.

b2 -4,5
b7E -1,2

I think it should be disseminable to liaison contacts responsible for aviation-security matters [redacted]

Hopefully, you can look at the purpose of the list, and go from there. Thanks for your question. If you run into problems or other questions, please let me know.

b2 -4
b7C -1
b7E -1
b6 -1

>>> [redacted] 8/5/02 1:11:06 AM >>>

Can we disseminate this list to [redacted]

>>> [redacted] 08/01/02 05:58AM >>>

I've received a couple of questions from [redacted] about the lists, such as whether the names are in other databases, etc. I'll answer as I can and cc everyone, and then try to compile a comprehensive info sheet at some point. For example, [redacted]

b2 -4,5
b7C -1
b7E -1,2
b6 -1

Please forward this mail as appropriate within your offices and to CP/Duty Agent. Thank you.

** Recipients of this mail have either been designated as Airport Liaison Agents or have duties and responsibilities which necessitate, or are enhanced by, awareness of Transportation Security Administration (TSA - formerly FAA) security information.

These lists and general guidance for FBI response to possible name matches on TSA lists may be found at [redacted] on the [redacted] and also on [redacted]

b2 -4
b7E -1

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division

b2 -1,2
b7C -1
b6 -1

[redacted]@leo.gov

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DATE 8-6-03 BY

CA#03-1779 UC60267 NLS/AG/CAL

Re: [redacted] dissemin of No Fly List

b2 -4,5
 b7C -1
 b7E -1,2
 b6 -1

From: ARTHUR M. CUMMINGS
 To: [redacted]
 Date: 8/7/02 1:38PM
 Subject: Re: [redacted] dissemin of No Fly List

All, the No Fly and Selectee lists are controlled by the TSA and as such will be disseminated by that organization [redacted]

b2 -4
 b5 -1
 b7E -1

[redacted] deas?

>>> [redacted] 08/05 6:52 PM >>>
 Hi [redacted]

b7C -1
 b6 -1

This is probably a tricky question depending on to whom you wish to give it and why. If you have an FAA/TSA rep [redacted] it might be best to discuss this with them and let me know what they say. I've been answering this question for other [redacted] but each [redacted] situation may be different.

b2 -4,5
 b7E -1,2

I think it should be disseminable to [redacted] responsible for aviation-security matters [redacted]

Hopefully, you can look at the purpose of the list, and go from there. Thanks for your question. If you run into problems or other questions, please let me know.

>>> [redacted] 8/5/02 1:11:06 AM >>>

b2 -4
 b7C -1
 b7E -1
 b6 -1

Can we disseminate this list to [redacted]

>> [redacted] 08/01/02 05:58AM >>>

I've received a couple of questions from [redacted] about the lists, such as whether the names are in other databases, etc. I'll answer as I can and cc everyone, and then try to compile a comprehensive info sheet at some point. For example [redacted]

b2 -4,5
 b7C -1
 b7E -1,2
 b6 -1

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These lists and general guidance for FBI response to possible name matches on TSA lists may be found

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CA# 03-1779

AC60267 NLS/AG/CC

at <http://30.5.100.249/opsupport/faasupport> on the [redacted] and also on [redacted]
[redacted] SUSSMAN-49 [redacted]

[redacted]
SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted] @leo.gov

b2 -1,2,4
b7C -1,3,5
b7E -1
b6 -1,3,5

CC: [redacted]
[redacted]

From: [REDACTED]
To: [REDACTED]
Date: 9/18/02 4:41PM
Subject: No Fly List Procedures

b2 -4
b7C -1
b7E -1
b6 -1

[REDACTED]

To your knowledge, have the TSA and the FBI agreed to a change in response protocols for potential matches on the No Fly List, i.e., if TSA [REDACTED] I'm sure that if there had been such a major change in procedure, you would have let me know. I've seen no Security Directive to that effect and I can't imagine it. Anyway, I ask because I think SIOC may have inadvertently misadvised one field office to that effect, and that office has asked for clarification. As far as I know, and please correct me if I'm wrong, the process, in a nutshell, is still as follows:

b2 -1,4
b7E -1
b7C -1
b6 -1

FBI agents get contacted by the local police or air carrier to resolve potential list matches. [REDACTED]

[REDACTED]

Is that still the procedure? Thanks. [REDACTED]

SSA [REDACTED] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[REDACTED]@leo.gov

b2 -1,2
b7C -1
b6 -1

CC: [REDACTED]

b7C -1,3
b6 -1,3

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DATE 8-6-03 BY

UC60267 NLS/AG/CAL
CA# 03-1779

Re: No-fly List

Page 1

b7C -1
b6 -1

From: [REDACTED]
 To: [REDACTED]
 Date: 10/10/02 8:07PM
 Subject: Re: No-fly List

[REDACTED]
 First of all, thanks to Tom Bush - I have him fooled, eh? :-)

b2 -4
b7E -1

1. Q. We have found out that there are possibly [REDACTED] No-Fly lists being maintained and utilized at the airport.

A. There is only one No Fly List - it is capable of being printed and the TSA maintains it, based on info from FBI, CIA and other intel sources. The current list is #115, and it is about 41 pages long right now.

b2 -4
b7E -1

2. Q. The agencies having lists as we know of are TSA, FBI and the airlines.

A. [REDACTED]

[REDACTED]

3. Q. These list are not comprehensive and not centralized.

A. The lists will never be comprehensive and centralized, as they have different purposes and are maintained by different agencies. However, one day they will all be checked simultaneously (I will be retired by then!)

3. Q. Some subjects appear are one list but not the others.

A. I would imagine that the No Fly List contains some names that are also in VGTOF, but not all No Fly names are in VGTOF, although they should be. There will never be consistency due to input mechanisms, etc. and purpose of "lists."

4. Q. Some of the lists are old and not current. A. Throw old lists away and ask the agencies for new lists. I keep you up to date as best as I can with the TSA list. VGTOF is as current as the [REDACTED]

5. Q. Please advise how we can get these people on the No-Fly List ASAP.

A. [REDACTED]

[REDACTED]

b2 -4
b7C -3
b7E -1
b6 -3

6. Q. BU EC, Dated 10/09/02, titled [REDACTED] is a directive to field offices confirming that all subjects have been appropriately watchlisted. We have contacted TSA today, 10/10/02 to verify if our subjects have been placed on the list and again determine that they have not.

A. [REDACTED]

[REDACTED]

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CAL 03-1779

b2 -4
b7C -1,3
b7E -1
b6 -1,3

[REDACTED]
SUSSMAN-62

[REDACTED] I have to leave for the evening - I hope this helps somewhat. [REDACTED]

>>> [REDACTED] 10/10/02 12:12:44 PM >>>

[REDACTED] Hello from St. Louis. Our New SAC, Tom Bush spoke highly of you yesterday.

[REDACTED] we here in St. Louis have a problem and are wondering if you could help us out. We have found out that there are possibly [REDACTED] No-Fly lists being maintained and utilized at the airport. The agencies having lists, as we know of are TSA, FBI and the airlines. These list are not comprehensive and not centralized. Some subjects appear are one list but not the others. Some of the lists are old and not current. We are really confused.

[REDACTED] TSA at SIOC and [REDACTED] FBIHQ attempting to place these St. Louis Subjects on the NO-Fly lists, again with no success. [REDACTED] has been the most helpful but we have not yet been able to get the subjects placed on the lists. BU EC, Dated 10/09/02, titled [REDACTED] [REDACTED] is a directive to field offices confirming that all subjects have been appropriately watchlisted. We have contacted TSA today, 10/10/02 to verify if our subjects have been place on the list and again determine that they have not. Please advise how we can get these people on the No-Fly List ASAP.

Thanks [REDACTED]

b2 -4
b7C -1,3
b7E -1
b6 -1,3

CC: Aviation-CAS Program; THOMAS E. BUSH; TSA LIST PROCESS

From: [REDACTED]
To: [REDACTED] Aviation Field 25
Date: 10/25/02 6:37PM
Subject: TSA No Fly 123 & Selectee 80 lists

b2 -4,5
b7E -1,2

I've received some questions about how [REDACTED] should handle the lists. This is my best guidance, but if someone has something additional to offer, please let us know.

If the goal is to not let identical matches board flights, and it is the air carrier's responsibility to do that, we have to figure out ways to help the air carriers determine if a possible match is an exact match. If the air carrier identifies a possible match, they are supposed to [REDACTED] I don't know what options [REDACTED] have to discuss identification with air carrier personnel or if they prefer, or have, to go to the local police at the airport to assist them, but someone is going to have to compare the passenger's identification to the list data. That can be over the phone or in person.

TSA controls dissemination of the list and the FBI is only supposed to disseminate within its own organization.

Please forward/disseminate as appropriate

b2 -4
b7E -1

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These lists and general guidance for FBI response to possible name matches on TSA lists may be found at [REDACTED] on the [REDACTED] and also on [REDACTED]

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b7C -1
b6 -1

b7C -1
b6 -1

but it's possible. I don't think so,

b2 -4
b7C -1, 3
b7E -1
b6 -1, 3

CC:

CO# 03-1779

From: [REDACTED]
 To: [REDACTED]
 Date: 9/30/02 8:01PM
 Subject: Re: No-Fly Question

b7C -1
 b6 -1

Hi [REDACTED]

b7C -1
 b6 -1

I didn't see this article so thanks for sending. The TSA maintains the No Fly List, but the content is generated by FBI, CIA and probably other intel entities. I'll read the article in depth tomorrow.

[REDACTED]

b7C -1
 b6 -1

>>> [REDACTED] 9/30/02 9:47:51 AM >>>

Re the attached article. Who does "maintain" or is "responsible" for the no-fly list?

No-Fly Blacklist Snares Political Activists

The San Francisco Chronicle

By Alan Gathright

September 28, 2002

SAN FRANCISCO, CA -- A federal "No Fly" list, intended to keep terrorists from boarding planes, is snaring peace activists at San Francisco International and other U. S. airports, triggering complaints that civil liberties are being trampled.

And while several federal agencies acknowledge that they contribute names to the congressionally mandated list, none of them, when contacted by The Chronicle, could or would say which agency is responsible for managing the list. One detainment forced a group of 20 Wisconsin anti-war activists to miss their flight, delaying their trip to meet with congressional representatives by a day. That case and others are raising questions about the criteria federal authorities use to place people on the list -- and whether people who exercise their constitutional right to dissent are being lumped together with terrorists. "What's scariest to me is that there could be this gross interruption of civil rights and nobody is really in charge," said Sarah Backus, an organizer of the Wisconsin group. "That's really 1984-ish."

Federal law enforcement officials deny targeting dissidents. They suggested that the activists were stopped not because their names are on the list, but because their names resemble those of suspected criminals or terrorists. Congress mandated the list as part of last year's Aviation and Transportation Security Act, after two Sept. 11 hijackers on a federal "watch list" used their real names to board the jetliner that crashed into the Pentagon. The alerts about the two men, however, were not relayed to the airlines. The detaining of activists has stirred concern among members of Congress and civil liberties advocates. They want to know what safeguards exist to prevent innocent people from being branded "a threat to civil aviation or national security."

NO ACCOUNTABILITY

And they are troubled by the bureaucratic nightmare that people stumble into as they go from one government agency to another in a maddening search to find out who is the official keeper of the no-fly list. "The problem is that this list has no public accountability: People don't know why their names are put on or how to get their names off," said Jayashri Srikantiah, an attorney with the American Civil Liberties Union of Northern California. "We have heard complaints from people who triggered the list a first time and then were cleared by security to fly. But when they fly again, their name is triggered again."

Several federal agencies -- including the CIA, FBI, INS and State Department -- contribute names to the list. But no one at those agencies could say who is responsible for managing the list or who can remove names of people who have been cleared by authorities. Transportation Security Administration spokesman David Steigman initially said his agency did not have a no-fly list, but after conferring with colleagues, modified his response: His agency does not contribute to the no-fly list, he said, but simply relays names collected by other federal agencies to airlines and airports. "We are just a funnel," he said, estimating that fewer than 1,000 names are on the list. "TSA has access to it. We do not maintain it." He couldn't say who does.

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[REDACTED] SUSSMAN-66
Oden said a National Guardsman grabbed her arm when she tried to help a security screener searching her bags with a stuck zipper. The middle-aged woman, who said she was conservatively dressed and wore no anti-war buttons, said the guardsman seemed to know her activist background. "He started spouting this pro-war nonsense: 'Don't you understand that we have to get them before they get us? Don't you understand what happened on Sept. 11?'" Airport officials said at the time that Oden was barred from boarding because she was uncooperative with security procedures, which she denies.

Instead, Oden pointed out that the American Airlines ticket clerk -- who marked her boarding pass with an "S" -- had acknowledged she wasn't picked by random. "You were going to be searched no matter what. Your name was checked on the list," he said, according to Oden. "The only reason I could come up with is that the **FBI** is reactivating their old anti-war activists' files," said Oden, who protested the Vietnam War as a young office worker in Washington, D.C. "It is intimidation. It's just like years ago when the **FBI** built a file about me and they called my landlord and my co-workers. . . . They did that with everyone in the anti-war movement." A

TOOL FOR TERROR

In his testimony before Congress, Mueller described the watch list as an necessary tool for tracking individuals who had not committed a crime but were suspected of terrorist links. "It is critically important," he said, "that we have state and locals (police) identify a person has been stopped, not necessarily detained, but get us the information that the person has been stopped at a particular place." None of this makes the peace activists feel any safer -- about flying or about their right to disagree with their government.

"It's probably bad for (airport) security," said Sister Virgine. "Stopping us took a lot of staff away from checking out what else was going on in that airport." Ultimately, she said, "To not have dissent in a country like this would be an attack on one of our most precious freedoms. This is the essence of being an American citizen -- the right to dissent."

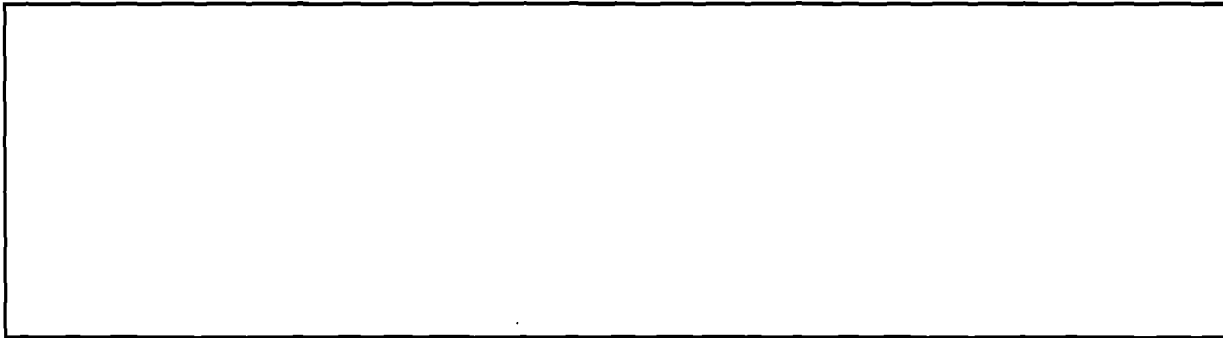
CC:
PROCESS

[REDACTED] TERRORIST WATCH LIST Unit; TSA LIST

into VGTOF.

b2 -4

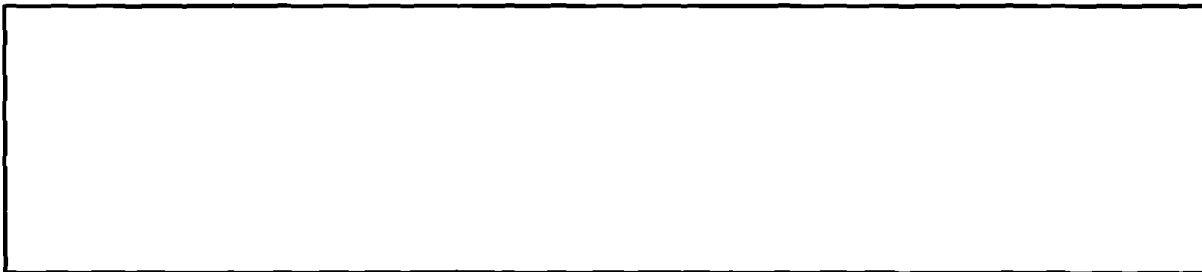
b7E -1



The Terrorism Watch List

b2 -4

b7E -1



Transportation Security Administration (TSA) (No Fly and Selectee Lists)

The No Fly List is used to prevent individuals from using commercial aviation who are deemed by TSA to be a threat to civil aviation based on information provided by various sources (such as the FBI). If an individual is listed on the No Fly List, that individual will not be permitted to board any commercial aircraft within the U.S. until such time as the individual is removed from the list by TSA. If an individual on the No Fly List is identified at an airport, the local FBI office will be contacted to conduct a thorough interview of the individual to make a positive identification. It should be noted, the air carriers and/or local airport authorities are responsible for preventing a passenger on the No Fly List from boarding an aircraft, not the FBI.

b2 -4

b7E -1

The Selectee List consists of individuals who are



These individuals are screened by airport authorities in accordance with TSA Security Directives. Following the screening procedures, these individuals can use commercial air transportation and should not be denied boarding. Again, the respective air carrier and/or local airport authorities will make the final determination regarding who boards an aircraft.

b2 -4

b7E -1

Additions to the No Fly and Selectee lists are based on recommendations from the U.S. Intelligence Community [redacted] (the FBI and CIA). Removals are based on

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CA# 03-1779

SUSSMAN-67

b2 -4

b7E -1

recommendations from the originators of the information.

b2 -4

DEPARTMENT OF STATE (DOS)

b7E -1

b2 -4

b7E -1

b2 -4

b7E -1

SUSSMAN-68

The Terrorism Watch List



b2 -4

b7E -1

Transportation Security Administration (No Fly and Selectee Lists)

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b2 -4

b7E -1

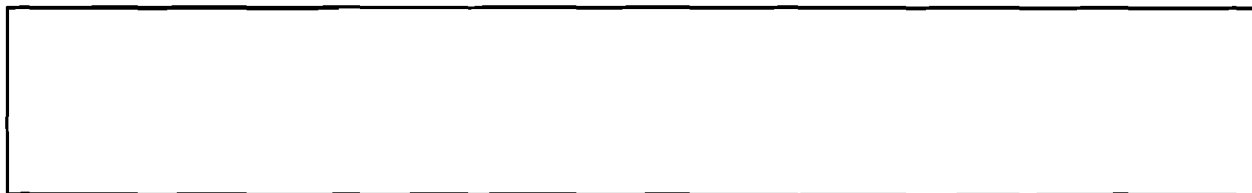
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b2 -4

b7E -1



b2 -4

b7E -1

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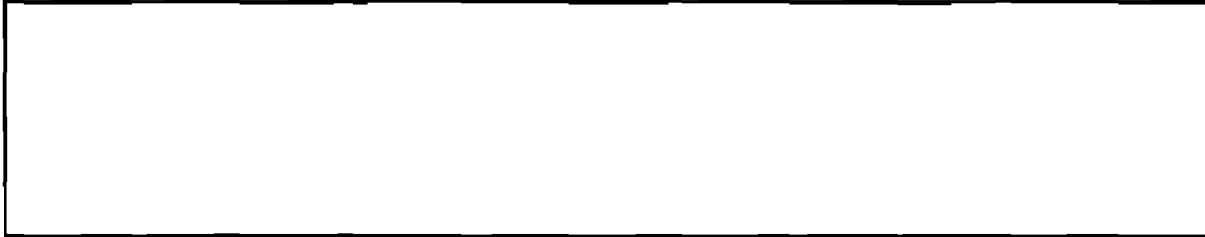
DATE 8-6-03 BY UCG0267NLS/AG/CAL
CA# 03-1779

b2 -4

b7E -1

SUSSMAN-69

The Terrorism Watch List



b2 -4
b7E -1

Transportation Security Administration (No Fly and Selectee Lists)


The No Fly List is used to prevent individuals from using commercial aviation who are deemed by TSA to be a threat to aviation, based on information provided by various sources (such as the FBI). If an individual is listed on the No Fly List, that individual will not be permitted to board any commercial aircraft within the U.S. until such time as the individual is removed from the list by TSA. If an individual on the No Fly List is identified at an airport, the local FBI office will be contacted to conduct a thorough interview of the individual to make a positive identification. It should be noted, the air carriers and/or local airport authorities are responsible for preventing a passenger on the No Fly List from boarding an aircraft, not the FBI.

b2 -4

The Selectee List consists of individuals



b7E -1

 These individuals are screened by airport authorities in accordance with TSA Security Directives. Following the screening procedures, these individuals can use commercial air transportation and should not be denied boarding. Again, the respective air carrier and/or local airport authorities will make the final determination regarding who boards an aircraft.



b2 -4
b7E -1



b2 -4
b7E -1

b7C -1,6

b6 -1,6

From: [REDACTED]@leo.gov>
To: [REDACTED]@promesa.com>
Bcc: [REDACTED]@customs.treas.gov>,
[REDACTED]@state.gov>,
[REDACTED]@fbi.gov>,
[REDACTED]@ost.dot.gov>,
[REDACTED]@state.gov>,
[REDACTED]@ost.dot.gov>,
[REDACTED]@faa.gov>,
[REDACTED]@tsa.dot.gov>,
[REDACTED]@faa.gov>,
[REDACTED]@faa.gov>,
[REDACTED]@faa.gov>,
[REDACTED]@faa.gov>

b7C -1,3,5,6

b6 -1,3,5,6

b2 -2

References:

Subject: Re: No Fly List

Date: Fri, 9 Aug 2002 00:58:47 -0400

MIME-Version: 1.0

Content-Type: text/plain;
charset="iso-8859-1"

Content-Transfer-Encoding: 7bit

X-Priority: 3

X-MSMail-Priority: Normal

X-Mailer: Microsoft Outlook Express 5.50.4807.1700

Disposition-Notification-To: [REDACTED]@leo.gov>

X-MimeOLE: Produced By Microsoft MimeOLE V5.50.4807.1700

b7C -1,6

Dear [REDACTED]

b2 -2

Please understand that I am only one of many persons involved in this process, but, as I have tried with other citizens facing the same situation, I will try to respond to your questions since you were referred to me by the FAA. For starters, let me say that the U.S. government and the airlines are continually working to streamline the identification of passengers while affording maximum security. Passenger cooperation plays a big role, so we very much appreciate that you recognize the overall issue.

b6 -1,6

Even though your marketer's name may match or be close enough to a name on the No Fly List to warrant additional scrutiny, her own identification, once examined by airline or law enforcement personnel, should be sufficient to distinguish her from the actual person on the list. I think that the airlines, law enforcement and the passenger all hope that this examination process is short, but everyone also wants to be sure that the passenger is not the person on the list. Although there is no government documentation available at this time which a person can carry with them to say that they are not the person on a list, I can only suggest that your marketer contact the airline(s) with whom she deals to inquire if there is something she can do to assist them in distinguishing herself from the list name in advance and again at the ticket counter/gate, to facilitate the process.

I'm not at liberty to discuss how the No Fly List works, and I don't believe that there is any public information at this time regarding the list. You may wish to review the Aviation and Transportation Security Act passed by Congress on 11/19/2001, for insight on the requirements for checking airline

SUSSMAN-71

ALL INFORMATION CONTAINED

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DATE 8-6-03 BY 4460267 NLS/AG/CAL

CA# 03-1779

passenger information.

The idea of having a database or clearing house that could be searched or to which names could be submitted is one that has been raised by many people and that I imagine will be the subject of debate for some time.

b2 -1

b7C -1, 6

I hope I have assisted you and, again, thank you for your cooperation as we face these challenges.

b6 -1, 6

[redacted] Supervisory Special Agent
Civil Aviation Security Program, FBI Headquarters-Room 11795
935 Pennsylvania Avenue, NW, Washington, DC 20535
[redacted] (fax)

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

From: [redacted]
To: [redacted]@leo.gov>
Sent: Wednesday, August 07, 2002 4:19 PM
Subject: No Fly List

b7C -1, 6

b6 -1, 6

b2 -2

>
>
> [redacted]

> I was given your contact information by someone at the FAA concerning the
> "no-fly" list. I manage a company that conducts background checks for
> employers. My interest stems from the experiences of one of our marketers
> who is routinely subjected to close scrutiny because her name pops up on
> this "no-fly" list. We aren't complaining, just curious about the list.

>

> Is there some type of document someone could carry showing they aren't the
> person wanted on the list? How does the list work? Is there any public
> information available regarding the list?

>

> On a side note, our industry (there are many companies that do what we
> do),
> screens hundreds of thousands of people each week who are applying for
> jobs
> in the US. It would be a great tool for the US to have some sort of
> database or clearing house for wanted persons that we could either search
> or
> submit names for searches.

>

> Thanks,

>

[redacted]

b6 -6

b7C -6

SUSSMAN-72

From: [REDACTED]@leo.gov
To: [REDACTED]@broeckiax.com
Cc: [REDACTED]
Bcc: [REDACTED]@tsa.dot.gov
Subject: Re: [REDACTED]
Date: Mon, 29 Jul 2002 15:46:48 -0400

b2 -2

b7C -1,2,3,6

b6 -1,2,3,6

Dea [REDACTED]

Thank you for your email to explain [REDACTED] experience at Jacksonville Airport. Please understand that it is not [REDACTED] who is on the No Fly list, but similarly named people who may pose a danger to aviation. As you might imagine [REDACTED] experience is repeated across the country with the more common names, both in Arabic and English. It's difficult to be too cautious. Procedurally, when people with names similar to names on the list present themselves at the ticket counter with their identification, airlines are given the option of determining for themselves that the passenger is not the person on the list. Some airlines either don't have the capability or don't accept the option to make the determination, and therefore they must contact the airport police for a decision. If the police were checking databases, it's possible they didn't want to render a decision until they were absolutely sure of who [REDACTED] was, or wasn't. Unless there is a real question as to whether [REDACTED] is the same as someone on the list, clearance should not take more than 5 minutes.

b7C -2,6

b6 -2,6

I just got off the phone with [REDACTED] and it sounds like a problem with the airlines at Jacksonville airport, because [REDACTED] advised that he didn't have the same problem at Dulles in D.C. I provided [REDACTED] with some guidance for contacting the airlines with whom he has a Frequent Flyer number, and also for initiating contact himself with the airport police prior to arrival at the airport, to give them a heads-up.

b7C -2

b6 -2

In the meantime, I know [REDACTED] spoke with someone today at the Jacksonville FBI office, but I didn't recognize the name of the person he spoke with. Therefore, I will be contacting two experienced aviation security agents in our Jacksonville office for follow-up at the airport to see if there is a problem which can be easily rectified.

b7C -2

b6 -2

Sincerely,

[REDACTED] Supervisory Special Agent
Civil Aviation Security Program
Special Events Management Unit, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
Federal Bureau of Investigation
[REDACTED]

b2 -1

b7C -1

b6 -1

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

From: [REDACTED]
To: [REDACTED]@leo.gov
Cc: [REDACTED]
Sent: Monday, July 29, 2002 2:33 PM

b2 -2

b7C -6

b6 -6

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DATE 06-03 BY UC60267 NLS/AB/col

CA# 03-1779

SUSSMAN-73

b7C -1,2

b6 -1,2

Subject: [REDACTED]

The FAA referred me to you regarding a "No Fly List" in which our Medical Director [REDACTED] has inadvertently been put on. As he was leaving Jacksonville this morning, he was detained for forty-five (45) minutes (and almost missed his flight to New Orleans) to be run through every computer database that was available by the local authorities. The local authorities suggested that he call the FBI to have his removed from this so-called "No Fly List". The TSA and FAA were also notified by both [REDACTED] office personnel, as well as myself. After numerous calls, transfers, etc., we were directed back to the FBI.

b7C -2

b6 -2

[REDACTED] is a very well-known and respected physician here the Jacksonville, FL area (please refer to his website: [REDACTED]). Quite often, he is required to travel out of state for seminars, business, personal and other hospital related issues; and it is imperative that he not be continually detained by the authorities. After the 9/11 terrorists attacks, we understand the need for increased security; however, we hope that [REDACTED] will not have to endure the humiliation and delay in travel that he experienced this morning.

b7C -2

b6 -2

His passport number is: [REDACTED] His date of birth is: [REDACTED]

On Monday, July 29th, [REDACTED] will be meeting with the local FBI here in Jacksonville, FL. If there is any further light you can shed on this incident, it would be greatly appreciated.

Sincerely,

b7C -2,6

b6 -2,6

[REDACTED]

SUSSMAN-74

From: [redacted]
 To: [redacted]
 Date: Fri, Jan 31, 2003 4:56 PM
 Subject: Re: No Fly List question

b7C -1

b6 -1

(it's [redacted] - not SSA anything..)

No, not at this point as I can't see the formica pattern on my desk due to paper clutterage.

I trust the ec is worthy and appropriate. However, please remember the following if you wish to proceed:

As a guide - If a C/A wishes to place a person on the No Fly List, the person (generally) is:

* A threat to civil aviation [redacted]

* Will NOT be able to fly on commercial aircraft, [redacted]

b2 -4

b7E -1

If the C/A still feels that strongly, then...with the concurrence and assistance of your HQ Substantive Desk SSA, prepare:

1. All the bio info you can put together on this person. This will need to be at the FOUO (for official use only) level [redacted]

b2 -4

2. [redacted]

b7E -1

3. [redacted]

b2 -4

b7E -1

4. [redacted]

5. Once obtained, this information is forwarded to the TSA for placement on the NO Fly list. Once this person is on the list, he will not fly within the US, nor will he be able to fly out of the US or from any airport [redacted]

6. [redacted]

b2 -4

b7E -1

I hope this helps. Please call me if you need further guidance/assistance.

SSA [redacted]
 Counterterrorism Division
 Civil Aviation Security Program
 Room 11795, FBIHQ
 [redacted] Desk
 [redacted] Cell

b2 -1

b7C -1

b6 -1

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DATE 8-6-03 BY UC60267 NLS/AG/CAL

CA# 03-1779

SUSSMAN-75

From: [REDACTED]
To: [REDACTED]
Date: Thu, Mar 27, 2003 10:14 AM
Subject: Re: selectee list

b7C -1

b6 -1

Right on..

Sorry about the attachments - the computer gremlins were at work again..

b7C -1

>>> [REDACTED] 03/27 10:10 AM >>>

b6 -1

From how I understand it, the Selectee List is compiled the

[REDACTED]

[REDACTED]

b2 -4

>>> [REDACTED] 03/26 6:49 AM >>>

I know what the procedures are for the No Fly, but what are the procedures for placing an individual on the Selectee List.

b7C -1

b7E -1

b6 -1

SUSSMAN-76

b7C -1

b6 -1

(Rev. 08-28-2000)

FEDERAL BUREAU OF INVESTIGATION

To: Criminal Investigative From: Office of the General Counsel

Re: [REDACTED] 08/23/2002

b2 -3

Precedence: ROUTINE

Date: 08/23/2002

To: Criminal Investigative

Attn: VCMOS

Counter Terrorism

Attn: DT/CPS

SC Tom Carey

SEMU

SSA [REDACTED]

b7C -1

ITOS-I/II

SC Andrew Arena

SC Charles Frahm

b6 -1

From: Office of the General Counsel

b7C -1

Investigative Law Unit

Contact: [REDACTED] ext [REDACTED]

b6 -1

Approved By: Steele Charles M

b2 -1

Drafted By:

Case ID # [REDACTED] (Pending) b2 -3

Title: CRIMES INVOLVING CIVIL AVIATION;
FBI INVESTIGATIVE JURISDICTIONSynopsis: To provide a legal opinion from the Office of the General Counsel (OGC)
concerning [REDACTED]

b5 -1.2

Administrative: This document is a privileged FBI attorney communication and may not be disseminated outside the FBI without OGC approval. Also, to read the footnotes in this document, it may be required to download and print the document in WordPerfect.

Details: [REDACTED]

b5 -1,2

2

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DATE 8-6-03 BY 1160267NLS/AG/COL

CA# 03-1779

SUSSMAN-77

b7C -1

b6 -1

(Rev. 08-28-2000)

FEDERAL BUREAU OF INVESTIGATION

To: Criminal Investigative From: Office of the General Counsel

Re: [REDACTED] 08/23/2002 b2 -3

b5 -1, 2

The TSA was created by the Aviation and Transportation Security Act of 2001 (ATSA) following the September 11, 2001 terrorist attacks and the resultant conclusion that security at the Nation's airports needed to be improved. ATSA amends various sections of Title 49 of the United States Code to assign responsibility to the TSA to provide security for civil aviation and to conduct airport screening operations.

b5 -1, 2

TSA Statutory Authority

ATSA created the TSA as an entity within the Department of Transportation and designated an Under Secretary of Transportation for Security as the responsible official in charge of the new agency.² The Under Secretary's statutory responsibilities that most pertain to the issue at hand include:

(1) Carrying out the provisions in Chapter 449 of Title 49 of the U.S. Code, relating to civil aviation security, and related research and development activities;

(2) Airport screening operations; and

(3) Receiving, assessing, and distributing intelligence information related

b5 -1, 2

[REDACTED]

[REDACTED]

[REDACTED]

At this writing, TSA is likely to become part of the proposed Department of Homeland Security when legislation to that effect is passed by the Congress and signed by the President.

[REDACTED]

[REDACTED]

b7C -1

b6 -1

(Rev. 08-28-2000)

FEDERAL BUREAU OF INVESTIGATION

To: Criminal Investigative From: Office of the General Counsel

Re: [REDACTED] 08/23/2002

b2 -3

to transportation security.

Chapter 449 of Title 49, entitled "Security," addresses all aspects of aviation security, including: screening passengers and cargo; receiving and evaluating threats to aviation; research and development of modern security systems and facilities; and regulation of security of foreign carriers and foreign airports that serve passengers bound for the U.S.

In addition, ATSA grants the Under Secretary permissive (as opposed to mandatory) authority to designate federal law enforcement officers (LEOs) and empowers these LEOs to exercise standard law enforcement powers when engaged in "official duties of the Administration as required to fulfill the responsibilities under [ATSA]." These powers include authority to carry firearms, make arrests without warrant for any federal offense committed in their presence or for which they have probable cause, and seek and execute federal warrants for arrest or search and seizure of evidence. ATSA also requires the Under Secretary to provide guidelines by which to exercise these law enforcement powers in consultation with the Attorney General. The proposed guidelines have been submitted to the Department of Justice for review.

Finally, ATSA continues the Federal Air Marshal (FAM) program (formerly part of the Federal Aviation Administration) by authorizing the TSA to deploy FAMs aboard aircraft for what are clearly reactive law enforcement functions.

FBI Statutory Authority

The FBI's general enabling statute, 28 U.S.C. § 533, grants the agency the authority to investigate any violation of the criminal laws of the United States. As noted previously, 28 U.S.C. § 538 specifically empowers the FBI to investigate the primary crimes-aboard-aircraft violations in Title 49, which are set forth in Chapter 465, entitled: "Special Aircraft Jurisdiction of the United States." These include Section 46502, Aircraft piracy; Section 46504, Interference with flight crew members and attendants; Section 46505, Carrying a weapon or explosive on an aircraft; Section 46505 which lists a variety of common law crimes (e.g., murder, robbery) committed within the special aircraft jurisdiction of the United States³; and Section 46507, False information and threats. Finally, 28 U.S.C. § 538 also grants the FBI specific investigative jurisdiction for the offense listed at 49 U.S.C. § 46314, Entering aircraft or airport area in violation of security requirements.

The FBI's general investigative authority also includes the aviation-related

³ The special aircraft jurisdiction of the United States is defined in 18 U.S.C. § 7 (5) as any aircraft belonging in whole or in part to the United States or any citizen or corporation thereof while such aircraft is in flight over U.S. territory or over the high seas.

b7C -1

b6 -1

(Rev. 08-28-2000)

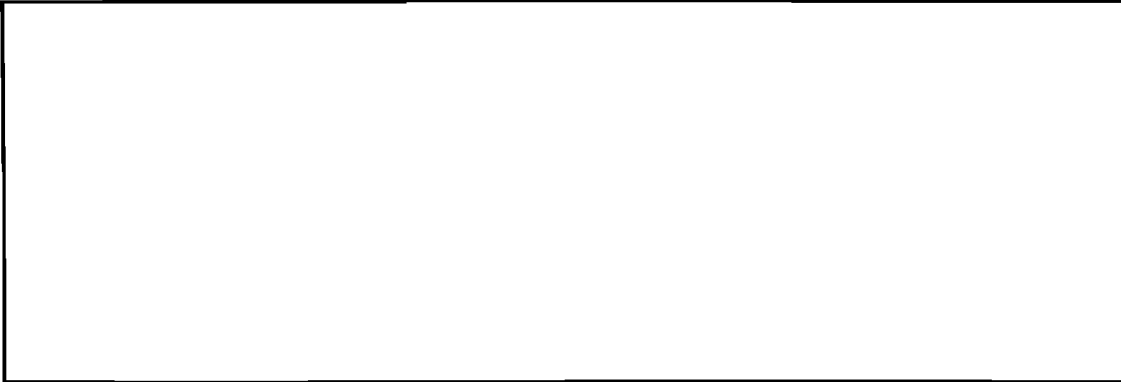
FEDERAL BUREAU OF INVESTIGATION

To: Criminal Investigative From: Office of the General Counsel

Re: [REDACTED] 08/23/2002

b2 -3

authority for any offense for which a LEO is granted the power to arrest, then virtually every federal LEO would have investigative jurisdiction over every federal felony.⁵



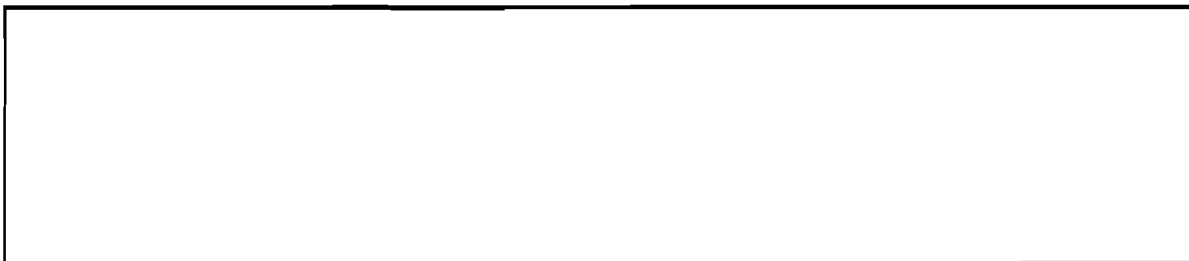
b5 -1,2

Federal Air Marshals

The Federal Air Marshal (FAM) program is also part of the TSA's statutory authority. FAMs, however, are primarily a reactive and a deterrent force whose members are LEOs and are armed and placed on selected flights to react to in-flight incidents of air piracy and other violent acts that threaten the integrity of the flight and the lives of those aboard.



b5 -1,2

Analysis

b5 -1,2

the lawful ability to react promptly and respond appropriately to a report of emergent criminal activity without concern for jurisdictional distinctions or civil liability.

b7C -1

b6 -1

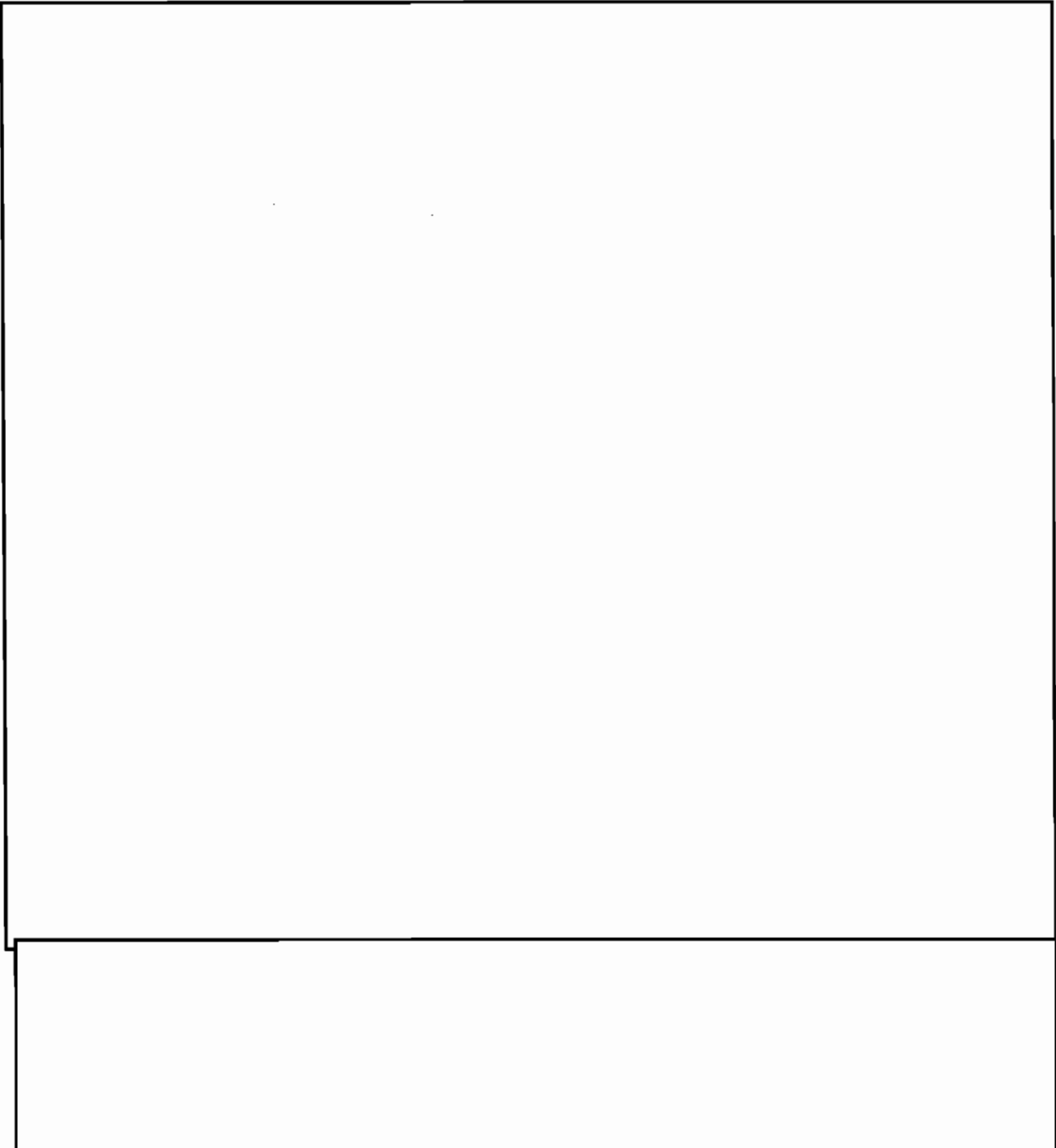
b2 -3

To: Criminal Investigative From: Office of the General Counsel

Re: [REDACTED] 08/23/2002

FEDERAL BUREAU OF INVESTIGATION

b5 -1,2



SUSSMAN-81

b7C -1

b6 -1

(Rev. 08-28-2000)

FEDERAL BUREAU OF INVESTIGATION

To: Criminal Investigative From: Office of the General Counsel
Re: [REDACTED] 08/23/2002

b2 -3

b5 -1,2

OGC is available to assist in these efforts and in any other capacity to resolve jurisdictional issues with the TSA. Point of contact at OGC is Assistant General Counsel [REDACTED] Investigative Law Unit, at [REDACTED]

b7C -1

b6 -1

b2 -1

part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

(2) Computer-assisted passenger prescreening system-

(A) IN GENERAL- The Secretary of Transportation shall ensure that the Computer-Assisted Passenger Prescreening System, or any successor system--

(i) is used to evaluate all passengers before they board an aircraft; and

(ii) includes procedures to ensure that individuals selected by the system and their carry-on and checked baggage are adequately screened.

(B) MODIFICATIONS- The Secretary of Transportation may modify any requirement under the Computer-Assisted Passenger Prescreening System for flights that originate and terminate within the same State, if the Secretary determines that--

(i) the State has extraordinary air transportation needs or concerns due to its isolation and dependence on air transportation; and

(ii) the routine characteristics of passengers, given the nature of the market, regularly triggers primary selectee status.

SEC. 137. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) FUNDING- To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional \$50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Transportation Security Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for--

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is--

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Transportation Security Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

SUSSMAN-83

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-6-03 BY NLC 60267 NLS/AG/CL
CA 03-1779

Re: No Fly List Issue

b1 Page 1

b7C -1, 3

b2 -1, 4

b6 -1, 3

b5 -1

From:

To:

Date:

Subject:

Thu, Dec 12, 2002 2:20 PM

Re: No Fly List Issue

~~SECRET~~

b7C -1, 2, 3

b7E -1

b3 -2

b6 -1, 2, 3

ASAC Pisterzi writes of a situation which I've brought to your attention, as well as to the TSI Watch, namely that we need to

[REDACTED]

[REDACTED] (S)

Please talk to [REDACTED] to see if TSA will require the submitting agencies to put [REDACTED]

[REDACTED] (S)

as per CIA

I'm sure an expeditious response will be most appreciated by all concerned. Thanks. [REDACTED]

SSA [REDACTED] x [REDACTED] (fax)

Civil Aviation Security Program, Room 11795

Domestic Terrorism Counterterrorism Planning Section

Counterterrorism Division

[REDACTED]@leo.gov

b7C -1

b6 -1

b2 -2

b1

b2 -4

b5 -1

>>> ALBERT J PISTERZI 12/10/02 12:08:13 PM >>>

SAC Knowlton would like a resolution to a recurring problem we've encountered in LV regarding a No-Fly List (NFL) issue.

b7C -2

b7E -1

b6 -2

[REDACTED]

[REDACTED] (S)

b1

b3 -2

b6 -2

b7C -2

(S) [REDACTED] This problem has occurred several times over the past few months and has not been rectified.

as per CIA

Your attention in this matter is very much appreciated.

AL

[REDACTED]

CC:

ALBERT J PISTERZI; Aviation-CAS Program; [REDACTED]

b7C -1

b6 -1

b2 -1

8-6-03

CLASSIFIED BY: DC 60267NKS/AC/CA

REASON: 1.5 (C)

DECLASSIFY ON: X (U)

CAN 03-1779

~~SECRET~~

SUSSMAN-84

05/12/2003

OVERVIEW OF TERRORISM WATCH LISTS

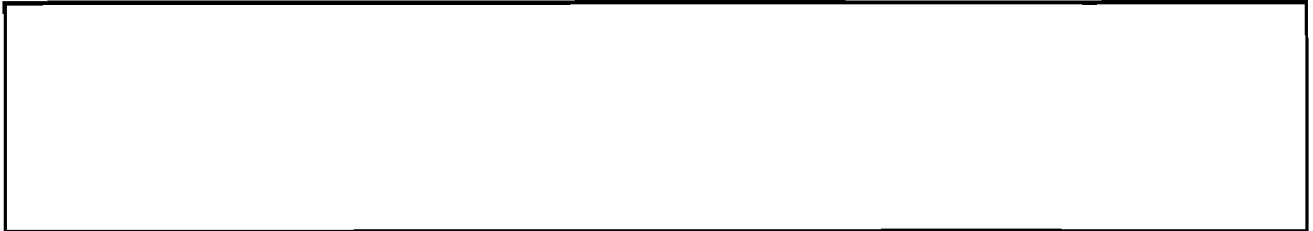
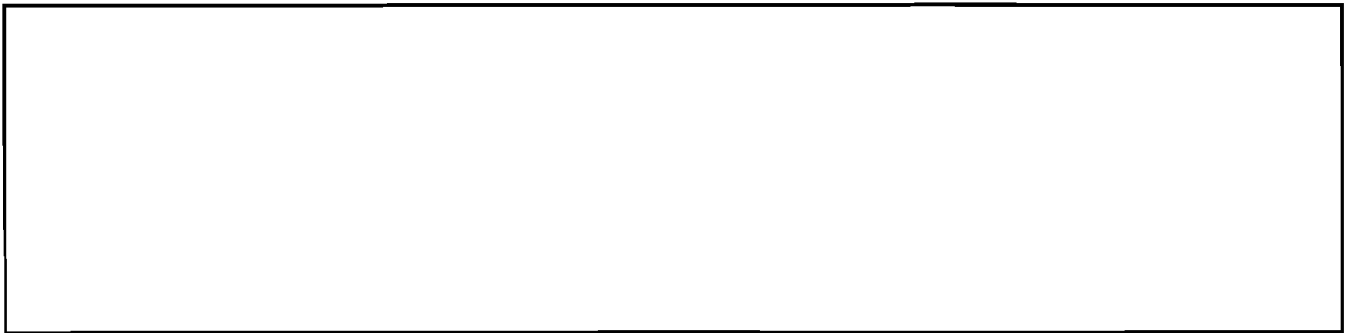
Various federal government agencies maintain lists of individuals of investigative interest or national security interest. These lists, as they pertain to terrorism matters, are often referred to as "watch lists". The following are databases containing lists of individuals which have been commonly referred to as "watch lists".

FBI

National Crime Information Center Violent Gang and Terrorist Organization File (VGTOF)

b2 -4

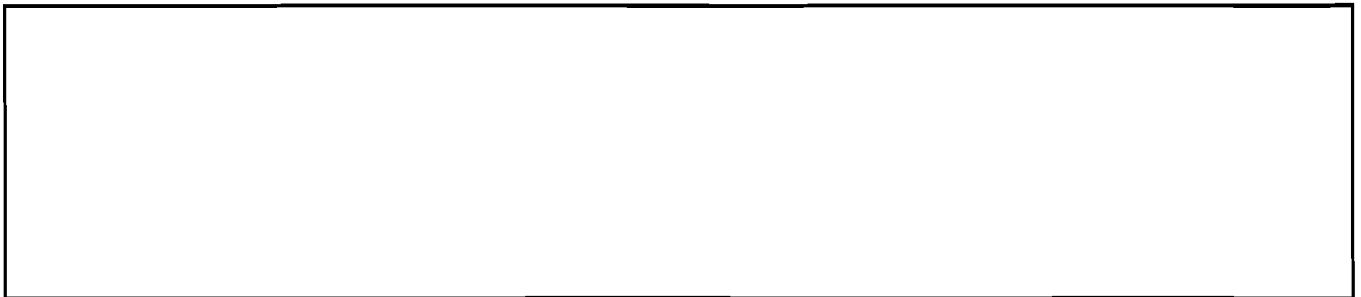
b7E -1



b2 -4

b7E -1

The Terrorism Watch List



b2 -4

b7E -1'

Transportation Security Administration (TSA) (No Fly and Selectee lists)

TSA's No Fly list is designed to prevent terrorists who pose a threat to civil aviation from boarding aircraft flying in U.S. airspace. Air carriers and/or local airport authorities are

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CA# 03-1779

SUSSMAN-87

b2 -4-

b7E -1

responsible for preventing a passenger on the No Fly list from boarding an aircraft, however, the airlines are required by TSA Security Directives [REDACTED]

[REDACTED]

b2 -4

b7E -1

TSA's Selectee list consists of individuals [REDACTED]

These individuals are screened by airport authorities in accordance with TSA Security Directives.

Following the screening procedures, these individuals can use commercial air transportation [REDACTED]

[REDACTED]

Additions to the No Fly and Selectee lists are based on recommendations from the U.S. Intelligence Community [REDACTED] the FBI and CIA). Removals are based on recommendations from the originators of the information.

b2 -4

b7E -1

[REDACTED]

b2 -4

b7E -1

DEPARTMENT OF STATE

[REDACTED]

[REDACTED]

[REDACTED]

b2 -4

b7E -1

[REDACTED]

[REDACTED]

b2 -4

b7E -1

[REDACTED]

[REDACTED]

HANDLING CALLS TO THE TWL:

There are 3 main objectives when handling phone calls to the TWL:

1)

[REDACTED]

[REDACTED]

b2 -4

b7E -1

[REDACTED]

2)

[REDACTED]

[REDACTED]

b2 -4

b7E -1

[REDACTED]

[REDACTED]

[REDACTED]

b2 -4

b7E -1

3)

[REDACTED]

[REDACTED]

4)

[REDACTED]

b2 -4

b7E -1

[REDACTED]

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DATE 8-6-03 BY UC60267 NLS/AG/CAL

CA# 03-1779

b7C -1,3

b6 -1,3

From: [REDACTED]
 To: CT WATCH
 Date: Wed, Mar 26, 2003 12:03 PM
 Subject: To Place an individual on the NO-Fly or Selectee Lists

All

Here is what I need to place an individual that is believed to be a threat to Civil Aviation Security on the TSA No-Fly list or to place an individual who may possibly be a threat to Civil Aviation Security on the Selectee list. An EC is probably the best vehicle to do this [REDACTED]

b2 -4

b7E -1

1. All the bio info you can put together on this person. This will need to be at the FOUO (for official use only) level, it goes to the airlines. [REDACTED]

[REDACTED] The better the info, the less likely an agent will be called out to the airport on a false alarm.

b2 -4

b7E -1

2. [REDACTED]
 3. [REDACTED]

b3 -1

[REDACTED]

4. [REDACTED]

5. Once we get this, I will forward this person's name to the TSA for placement on the NO Fly or Selectee list. If this person is placed on the NO-Fly list, he will not fly within the US, nor will he be able to fly out of the US or from any airport [REDACTED] Those placed on the Selectee list will receive additional screening before being allowed to board the aircraft.

b2 -4

b7E -1

Hope that this is of assistance.

[REDACTED]

b7C -1,3

b6 -1,3

CC: [REDACTED]

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 HEREIN IS UNCLASSIFIED
 DATE 8-6-03 BY UC60267 NLS/AG/CAL
 CA#03-1779

SUSSMAN-90

No-Fly List Talking Points

Q. What is the No-Fly list and who maintains it?

- A. The Federal Aviation Administration (FAA) had in place for a number of years security directives that prohibited aircraft operators from transporting persons who were either a potential or known threat to civil aviation or national security. Immediately following the terrorist attacks of September 11, 2001, the FAA began administering a "watch list" or "No-Fly List" for the Federal Bureau of Investigation (FBI). Individuals on the FBI Watch List were prohibited from traveling in the United States.

In November 2001, with passage of the Aviation and Transportation Security Act (ATSA), TSA assumed control of the No-Fly List. TSA compiles the No-Fly List based upon recommendations and information from Federal government intelligence and law enforcement agencies. Individuals on the No-Fly List pose, or are suspected of posing, a threat to civil aviation or national security.

Q. How many names are on the No-Fly List?

- A. The No-Fly List is a routinely updated, dynamic list with names of individuals being added or removed, based on information from Federal government intelligence and law enforcement agencies. Any other information pertaining to the list is considered Sensitive Security Information and therefore will not be released to the public.

Q. What are the criteria for getting on the list?

- A. The individuals pose, or are suspected of posing, a threat to civil aviation or national security.

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CA#03-1779

Q. Who can I talk to about finding out if my name is on the No-Fly list?

A. For national security reasons, the No-Fly List is not available to the public. The release of such information could endanger intelligence sources both in this country and abroad. In addition, please note that the airlines will not give a boarding pass to individuals who are on the No-Fly List. Therefore, if you have a boarding pass, you are not on the No-Fly List.

For persons who are constantly delayed when trying to get a boarding pass, TSA has developed protocols in the hopes of addressing this issue. As such, the TSA Office of Ombudsman is available for questions or concerns from individuals who believe they are being mistaken for persons on the No-Fly List. The individual must submit a written request describing what has happened in the past that leads him or her to seek relief. Should circumstances warrant it, the Office of Ombudsman will then send out a form requesting personal information. This information is then compared against the No-Fly List. The individual will then receive a reply from TSA stating either that TSA has taken appropriate action to provide some relief or TSA does not, at this time, have information that prohibits the individual from flying.

The entire process could take a few weeks.

Q. Every time I fly, I get flagged for additional screening, does this mean that my name is on the No-Fly List?

A. Those individuals who are identified on the No-Fly List are not permitted to receive a boarding pass. Therefore, if you are issued a boarding pass, you are not on the No-Fly List.

There are several reasons why persons may be subjected to additional screening. These could include: resolving alarms on either the Magnetometer or X-Ray, random selection of passengers or being flagged by a computer system known as CAPPS (Computer Assisted Passenger Prescreening System). The CAPPS was developed by the airline industry prior to September 11, 2001. The criteria used by CAPPS to flag a person are considered Sensitive Security Information, and therefore, cannot be released to the public.

TSA is currently developing protocols for a new CAPPS system, known as CAPPS II. The purpose of CAPPS II is to: 1) authenticate identity and 2) perform a risk assessment of airline passengers. It will dramatically reduce the number of passengers required to undergo additional screening at airports as "selectees."

Q. The last time I flew, I saw an "S" on my boarding pass. Does this mean that I am on a government watch list?

A. Persons on the No-Fly List are not issued boarding passes by the airlines. There are several reasons why persons could have an "S" on their boarding pass and would be selected for additional screening at either the checkpoint or the gate. Having an "S" on a boarding pass does not mean that a person is on the "No-Fly List."

The "S" is placed on the ticket by the airlines and could mean that the person was chosen at random or flagged by a computer system known as CAPPS (Computer Assisted Passenger Prescreening System). This system was developed by the airline industry in 1997. While it does not use race, religion, or physical characteristic as criteria, what is used to flag a person is considered Sensitive Security Information, and cannot be released to the public.

Q. The last several times I have flown, there has been a flurry of activity at the ticket counter and calls are made to headquarters before I am allowed to get a boarding pass. Does this mean I am on the No-Fly List?

A. The air carriers (or law enforcement officer) are required by TSA to establish the identity of a person(s) whose name is the same as, or similar to, a name on the No-Fly List. TSA hopes that passengers will understand the importance of a secure transportation system and bring their patience with them.

For persons who are constantly delayed when trying to get a boarding pass, TSA has developed protocols in the hopes of addressing this issue. As such, the TSA Office of Ombudsman is available for questions or concerns from individuals who believe they are being mistaken for persons on the No-Fly List. The individual must submit a written request describing what has happened in the past that leads him or her to seek relief. Should circumstances warrant it, the Office of Ombudsman will then send out a form requesting personal information. This information is then compared against the No-Fly List. The individual will then receive a reply from TSA stating either that TSA has taken appropriate action to provide some relief or TSA does not, at this time, have information that prohibits the individual from flying.

The entire process could take a few weeks.

Q. Is it true that TSA has an additional list of peace activists and does not allow them to fly?

A. No one gets on the No-Fly List by being a peace activist nor does TSA maintain an additional list of peace activists.

Q. Some critics have claimed that TSA has mismanaged the list by not allowing innocent people to fly. What is TSA's response?

A. TSA's first responsibility is ensuring the security of the traveling public. TSA cannot and will not compromise that goal by allowing individuals who pose a threat to civil aviation to fly. TSA rigorously attempts to minimize

the dissemination of inaccurate information and to resolve any discrepancy as quickly as possible so that persons who are not on the No-Fly List can get to their destination with the knowledge that TSA has made every effort to ensure their security.

Q. Has TSA ever found an individual who was on the No-Fly List or been able to foil a terrorist attack?

A. TSA will not release any details regarding the success of the program; however, we can state that both the Secretary of Transportation and the Secretary of the Department of Homeland Security are pleased with the progress made by the program.

Q. Does the No-Fly List apply to any other modes of transportation such as Amtrak or cruise ships?

A. The No-Fly List is one of the products generated from information gathered by Federal government intelligence and law enforcement agencies. Threat and intelligence information may be shared regularly with a range of government and industry partners in all modes of transportation.

Administrative-General

b7E -1

1. [REDACTED]
[REDACTED]

2. [REDACTED]
[REDACTED]

b2 -4

b7E -1

3. [REDACTED]
[REDACTED]

4. [REDACTED]
[REDACTED]

b2 -4

b7E -1

5. [REDACTED]
[REDACTED]

b2 -4

6. [REDACTED]
[REDACTED]

b7E -1

7. [REDACTED]

b2 -4

b7E -1

Investigative

NO FLY list - Used to prevent persons from using commercial aviation who are deemed by the TSA to be a threat to aviation, based on information received from various sources. Airport police are to perform an initial ID check and will hopefully eliminate the person as a match. [REDACTED]

[REDACTED] Airport police will contact the FBI in questionable cases.

b2 -4

A few people have been removed from the list after the person convinced the FBI and the FBI determined [REDACTED] that they were not a threat to aviation. The passenger may not fly until the TSA removes their name from the list. The air carriers, not the FBI, prevent the passenger from boarding the flight. The person can travel by other means, but not commercial air. The TSA removes names from the list based on instructions from the submitting agency or a document [REDACTED] indicating that the person is not considered to be a threat to aviation.

b7E -1

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[REDACTED]

SELECTEE List - These persons are not known to be a threat to aviation, but an agency has said they have a possible connection to terrorism. Passengers determined to be the person on the list, [REDACTED]

[REDACTED] to the air carrier for any screening which the carrier needs to conduct in accordance with the TSA Security Directive prior to

b2 -4

b7E -1

flight boarding. These persons can use commercial air transportation - they need not be denied boarding.

Responsibilities of FBI office in HQ city of air carrier: [REDACTED]

[REDACTED]

b2 -4
b7E -1

Possible Match Passenger at the Ticket Counter: When a passenger with a possible name match presents themselves at a ticket counter, the air carrier is supposed to first contact the airport I EO for an initial ID check. [REDACTED]

[REDACTED]

b2 -4
b7E -1

[REDACTED]

b2 -4
b7E -1

[REDACTED]

b2 -4
b7E -1

Passengers who know their name is on a list requiring identification by the police can potentially arrange with the airport police before they get to the airport that day to alert the police they have a flight and when they plan on being at the airport. Thus, the police can be there or at least be nearby further reducing delays. [REDACTED]

[REDACTED]

b2 -4
b7E -1

FBI RESPONSE TO TSA NAME LISTS - Message sent by email on 12/19/2001

There are two name lists for which the FBI may now have to respond; instead of one - the "No Fly" list (threats to aviation) and the "Selectee" list [REDACTED] The names are the same and some additional ones from the previous TSA name lists, and they continue to originate from other agencies, [REDACTED] from the FBI. However, there are new procedures to reduce unnecessary FBI response. The FBI and the FAA coordinated these procedures based on feedback from the field about the utility of FBI response to ticket counters to identify passengers when the lists now contain more identifying information. [REDACTED]

b2 -4
b7E -1

[REDACTED]

NEW PROCEDURES - [REDACTED]

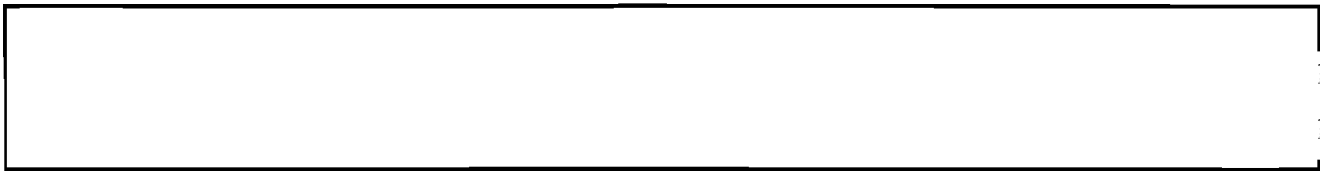
[REDACTED]

b2 -4
b7E -1

[REDACTED] Please read FAA Security Directives SD 108-01-20 and 108-01-21 for exact language.

b2 -4
b7E -1

[REDACTED]



b2 -4

b7E -1

SSA [redacted] (fax)

Civil Aviation Security Program, Room 11795

Domestic Terrorism Counterterrorism Planning Section b2 -1, 2

Counterterrorism Division

[redacted]@leo.gov b7C -1

b6 -1

SUSSMAN-98



April 22, 2003

PAGE ONE

Why a 'No Fly List' Aimed At Terrorists Delays Others

SPECIAL PAGE

For continuing coverage, see War on
Terror².

By ANN DAVIS

Staff Reporter of THE WALL STREET JOURNAL

JUNEAU, Alaska -- There are about 300 people world-wide the U.S. considers so dangerous to civil aviation it has them on a "No Fly List."

Larry Musarra, retired Coast Guard commander and father of three, isn't one of them. A pilot and avid outdoorsman, he is a local hero for his daring helicopter rescues of stranded fishermen and mountaineers. He now runs a visitor center overlooking Juneau's spectacular Mendenhall Glacier.

But Alaska Airlines' computers haven't figured that out. Its reservations system, designed by travel-software giant Sabre Holdings Corp., flags Mr. Musarra whenever he checks in, which is about once a month, when he visits a developmentally-disabled son in Oregon. At the ticket counter, Mr. Musarra has often watched the color drain from agents' faces as they read a warning that he might be on the terrorist watch list. After a criminal-background check, he eventually gets to fly but faces extra luggage and body searches.

The No Fly List, quietly introduced after the Sept. 11 terror attacks, is designed to keep suspected violent types off airliners. It includes terrorism suspects thought to pose an imminent danger to flights. Some people who present a general threat to air safety because of violent behavior also make the list. The new Transportation Security Agency, or TSA, compiles names from intelligence and law enforcement and sends the No Fly List to airlines. Their job is to see that nobody on the list gets aboard.

NAME GAME

حاج محمد عثمان عبد الرقيب

Renderings of an Arabic name using the Roman alphabet vary by country -- a challenge for airlines as they apply the No Fly List

Haji Mohamed Uthman Abd Al Ragib
Iraq

Muhamad Usman Abdel Raqeeb
Syria, Lebanon, Jordan

Haj Mohd Othman Abdul Rajeeb
Kuwait, Bahrain, Qatar, Saudi Arabia, Oman,
Yemen, United Arab Emirates

Haj Muhammad Osman Abdurra' ib
Egypt, Sudan

Haj Imhemed Othmane Abderaqqib
Libya, Tunisia, Morocco, Algeria, Mauritania

Source: Language Analysis Systems

It sounds simple, but it's proving tricky to execute. Many entries on the list lack details that could make it easy to know if a traveler is really the person named. And the TSA gives airlines little guidance on just when a passenger's name is close enough to one on the list to warrant flagging the person for a law-enforcement check.

The result is that carriers are checking the No Fly List a multitude of ways and coming up with vexing numbers of "false positives" -- innocent passengers subjected again and again to law-enforcement reviews. The flagging of some fliers who were political activists has even led to suspicions the government was grilling them because of their views.

These inconveniences may seem like a small price to pay if the system improves security. But the Federal Bureau of Investigation, which contributes to the No

Fly List, says the list has helped catch very few terrorism suspects. While that might simply be because the terrorists haven't tried to fly lately, linguistics experts say that if they did -- and

Another quirk of airlines' systems is that groups that purchase their tickets together end up in a single travel record. If one member triggers a hit on the watch list, computers lock up on them all.

A year ago in Milwaukee, **Midwest Express** pulled aside 19 members of a group called Peace Action Wisconsin headed to Washington for a "teach-in" about U.S. military involvement in Colombia. The group, which included a nun and a grandmother, had to wait for sheriff's deputies to run immigration and FBI background checks, according to records of the incident. The delay caused them to miss their event.

Four months later in San Francisco, Jan Adams and Rebecca Gordon, co-founders of an antiwar newsletter called War Times, were pulled aside for police questioning when they arrived at the ATA Airlines counter. An FBI search turned up nothing, and the women, both in their fifties, were allowed to fly.

In both cases, the groups were told they had matched the No Fly List. But these incidents and others fed the notion among activists that the government was targeting them. "When is a nun considered too dangerous to get on board a plane? When she's a peace activist," said one of numerous critiques, this one in the newspaper Socialist Worker.

But three months after the Milwaukee incident, a report by the county sheriff's office said the incident was due to use of Soundex in Midwest Express's reservations system, which uses Sabre software. A security official for the airline says that a group member with the last name of "Laden" might have helped trip up the group.

As for Jan Adams in San Francisco, she was one of a number of Adamses with the first initial J who were stopped last year. They included 23-year-old Jarrett Adams on June 5, 55-year-old John Adams and his wife on June 16, and 34-year-old John Christian Adams, who complained to the TSA last July.

The apparent trigger: A Joseph Adams on the No Fly List, whose entry gives little data besides a birth date. Officials at ATA, the airline Ms. Adams flew, and some other carriers say they are frustrated that the watch list doesn't have better data to eliminate mismatches.



David Nelson

One needn't be an activist to get caught in this web. Last April, two San Francisco airport police officers cornered David L. Nelson, a 56-year-old bank executive, as he checked in at Alaska Airlines. "They had hands on their guns. They asked was I an American citizen and who am I," Mr. Nelson says. After a half-hour of questions and database checks, they cleared him. He says his son, named David C. Nelson, also has been stopped as a No Fly List match.

At Oakland International Airport, Police Sgt. Larry Krupp says he has cleared so many innocent "David Nelsons" to board that one of them now buys him coffee. There is a name very similar to theirs on the No Fly List.

For every check, Sgt. Krupp must thumb through an 86-page, nonalphabetized list of names. "The vast majority of times we go there, they're not even on the list," he says. Sgt. Krupp says he has had only one true match, a man he describes as an Afghan drug dealer.

Newer methods exist, which take into account names' cultural origins in order to come up with more-relevant name variations. Some government agencies are starting to use them. But travel consultants say hard-pressed airlines have been reluctant to spend money to improve a screening function they believe should be done by the government -- and that the TSA has said it eventually will assume. Airlines would rather leave it to the government to rule a passenger in or out. No Fly List entries can include subjective notations like "is sickly with asthma, uses a lot of hand gestures," as one did on a recent copy of the list reviewed by The Wall Street Journal.

A wide variety of reservations systems have their genesis in the Sabre system, which **International Business Machines Corp.** designed for American Airlines in the 1960s. IBM later built similar systems for other airlines.

Lightning fast in basic reservations chores, the mainframe-based systems are less well suited for other tasks, such as clearing a frequent traveler to fly once and for all. In most airline systems, the No Fly checks are set up in such a way that the computer treats each passenger as a brand new name, even if he or she has flown recently and was cleared in another flight record.

The TSA is considering a way to put fliers who've repeatedly been mistakenly flagged on a "Fly List." But even if this proved technically feasible, security officials at airlines and the TSA would still have the challenge of making sure they weren't vulnerable to letting a dangerous person of the same name slip through.

Records obtained in a Freedom of Information Act suit brought by the Electronic Privacy Information Center show that the TSA has received complaints from mistakenly flagged customers of all major carriers, which use a variety of software to process passengers.

One reservation system used by several airlines, Shares, uses "the same type of [name] matching that has gone on for 10 to 15 years -- actually longer," says Michael Hulley, an executive of Shares owner **Electronic Data Systems Corp.** He will identify only one method Shares uses: matching the first few letters of a name.

Another competitor of Sabre, Galileo, says it looks for exact matches on names or strings of letters. But Galileo officials try to spot No Fly List matches in advance of a flight and pre-clear passengers who clearly aren't the person on the list, says Chuck Barnhart, an official of Galileo.

Sabre won't disclose its current name-matching methods, but a spokeswoman, Kathryn Hayden, says: "Algorithms are not static -- they change, they are updated." Sabre says different airlines can use its software in different ways. "It's up to each airline to determine how they implement the government requirements for the No Fly Lists," Ms. Hayden says.

One carrier that uses Sabre software, Alaska Airlines, has more than its share of false No Fly List matches, judging by the records obtained by the Electronic Privacy Information Center. Of 34 complaints to the TSA where the airline was identified, 11 cited Alaska. Ms. Hayden says such anecdotal evidence doesn't prove Sabre's software "causes a greater number of false hits."

Barbara and Dennis Musante, a California couple, took their complaint up the Alaska Airlines chain of command after being delayed twice. Ms. Musante says an airline supervisor finally told her the first four letters of their last name matched a suspect, though they themselves weren't on the list. The TSA confirmed they weren't. In a letter, the TSA added that in its view, "the benefits of such measures far outweigh the inconvenience."

Mr. Musarra, the Alaska man who has faced many delays, has tried everything he can think of to clear his name once and for all. He got Sen. Ted Stevens to contact the FBI. He told local TSA people of how their boss in Washington, retired Admiral James Loy, once honored him for his work on an oil-spill cleanup exercise.

For his monthly flights, Mr. Musarra has developed a routine: Try to check via the Internet the night before the flight; get rejected. Arrive at the airport hours early, go to the self-serve kiosk; get rejected again. Go to the counter, wait while an agent calls a supervisor, wait more while officials take his I.D. to a back room to phone security officials.

Invariably cleared, he boards, but the clearance lasts just through the end of his round trip. Often he is bringing his son Tim home for a visit. Tim Musarra, 12, also sets off No Fly List alarms.

A college-age son, Aren, has the same problems, Mr. Musarra says.

Then there's Mr. Musarra's adopted son, Jonathan Paul Sung Ho Musarra, 15. A high-school wrestler, "Sungie" is the reason his teammates have to get up at 3 or 4 a.m. for morning flights to their meets. Because they buy group tickets, the 20-plus wrestlers, chaperones and coaches show up on the computer screen as No Fly List hits.

A spokesman for Alaska Airlines, Lou Cancelmi, says, "All of these false positive issues concern us greatly. We're absolutely committed to working toward mitigating all of them to the maximum extent possible." Recently, the airline began having employees scrutinize alarms generated by its computers in advance of flights, in hopes of clearing misflagged passengers.

That seemed to help Mr. Musarra on his last flight. The computer still flagged him; he found himself unable to check in via the Web. An error message told him he needed manual assistance. But when he got to the airport this time, Mr. Musarra received a boarding pass without the security review.

The TSA has been trying to get the message to airlines that they should focus on matches of full names, not just the last name, says James R. Owen, a TSA official in Juneau. Longer term, the agency is working on an advanced passenger pre-screening system known by the acronym of CAPPS II.

It will scour not only watch lists such as No Fly but also criminal records, credit-card transactions and identifiers such as address and date of birth to detect suspicious patterns. The TSA envisions it as "dramatically reducing" the number of people flagged. Privacy and civil-liberties advocates fear just the opposite -- that the increased ways to attract suspicion will result in even more passengers being wrongly tagged.

Write to Ann Davis at ann.davis@wsj.com¹

URL for this article:

<http://online.wsj.com/article/0,,SB105095928863051300,00.html>

Hyperlinks in this Article:

(1) <mailto:ann.davis@wsj.com>

(2) http://online.wsj.com/page/0,,2_0800,00.html

Updated April 22, 2003

SUSSMAN-103

From: [REDACTED]
To: twl
Date: Fri, Feb 28, 2003 10:40 AM
Subject: TSA Lists

b7C -1

b6 -1

I thought it might be useful to explain a little further what the TSA lists mean, particularly Selectee.
Selectee names are [REDACTED]

b2 -4

b7E -1

Inclusion on the Selectee list means someone [REDACTED] will be given secondary screening, that is, an extra search of their person and belongings. I believe this usually happens after the TSA screening at the metal detector.

b2 -4

One issue with the Selectee list which has caused confusion is that the same or similar secondary screening can happen based on a program TSA runs called CAPPS (I believe this stands for Computer Aided Passenger Program Screening). CAPPS criteria are confidential but involve things passengers might do which also might be things a terrorist would do, e.g., pray to Allah right before the flight that you might have 90 virgins in heaven. Also, the same or similar screening can happen based on random selection (the searches at the gate of 79 year old grandmothers).

b7E -1

So, passengers' names pop up in the airlines' computers for searches and screenings at airports and sometimes the passengers or even law enforcement officers think the passengers are on the "Watch List". Often, the passenger is being selected for an extra search for reasons other than the Selectee list.

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SUSSMAN-104

b6 -1

From: [REDACTED] b7C -1
To: ARTHUR CUMMINGS
Date: Tue, Jan 28, 2003 3:53 PM b6 -1
Subject: Ann Davis Questions

Art,

I ran all the names provided by Ann Davis through the TSA lists and VGTOF/TWL. [REDACTED]

b2 -4

1) [REDACTED]

b7E -1

2) [REDACTED]
[REDACTED]
[REDACTED] The article says she was told that she was stopped and questioned because her name resembled the name of a man in Oregon suspected of murdering his wife. This makes no sense. [REDACTED]
[REDACTED]

b2 -4

3) [REDACTED]
[REDACTED]

b7C -2

b7E -1

b7C -2

4) As far as inclusion and removal from the TSA lists, [REDACTED]
[REDACTED]

b2 -4

b7E -1

b6 -1

b7C -1

5) As we discussed earlier, [REDACTED]
[REDACTED]
[REDACTED]

b2 -4

b7C -1

b7E -1

b6 -1

CC: [REDACTED]

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The no fly list

Matthew Rothschild

1,279 words

1 June 2002

The Progressive

20-22

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English

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PEACE ACTION
MILWAUKEE

Alla Kate, sixteen, a high school student in Milwaukee, wanted to go to Washington, D.C., for the protests Saturday, April 20. She was looking forward to demonstrating against the School of the Americas and learning how to lobby against U.S. aid for Colombia.

She had an airplane ticket for a 6:55 P.M. flight out of Milwaukee on Friday, April 19, and she got to the airport two hours ahead of time. But she didn't make it onto the Midwest Express flight.

Neither did many other Wisconsin activists who were supposed to be on board. Milwaukee County sheriff's deputies pulled aside and questioned twenty of the thirty-seven members of the Peace Action Milwaukee group—including a priest and a nun. The travelers were not cleared in time for takeoff and had to leave the next morning, missing many of the events.

What tripped them up was a computerized "No Fly Watch List" the federal government now supplies to all the airlines. The existence of this No Fly list was confirmed by members of the Milwaukee County Sheriff's Department, the FBI, the U.S. Marshals, Midwest Express, the New York Port Authority, and the Department of Transportation. The airlines today are required to cross-check their passenger lists against this No Fly list.

"The name or names of people in that group came up on a watch list that is provided through the federal government and is provided for everyone who flies," says Sergeant Chuck Coughlin of the Milwaukee sheriff's department. "The computer checks for exact matches, similar spellings, and aliases."

The list "came from Washington," says Special Agent Darryl Babler, the FBI's media rep in Milwaukee. "It's been in place several months, and it's distributed to all airports. It's the responsibility of those who have security duties at the airport to check that list against passenger manifests. When someone's name turns up on the Watch List, the sheriff or the Marshals do an investigation, and we're notified."

Babler says there actually were two No Fly lists. "The initial one had a number of names on it—people who might have had involvements in the hijackings, aliases of people involved, or people who might have had contact with, or knowledge of, them. Subsequently, another Watch List was put out." Babler says he can't comment about why a particular name may appear on the new list.

Who puts the list together?

<http://global.factiva.com/en/arch/display.asp>

11/1/03

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CA# 03-1779

SUSSMAN-106

A spokesperson for the FBI in Washington, Steve Berry, would not comment at all on the issue of the No Fly list. He referred all questions to the Transportation Security Administration (TSA), a new wing of the Department of Transportation.

"It's something that's produced by the TSA," says Steve Coleman, a spokesperson for the New York Port Authority.

The TSA was established by the Aviation and Transportation Security Act, which President Bush signed into law on November 19. Media coverage focused on federalizing the security personnel at airports. But other aspects of the law received little scrutiny. This law establishes a new position, the Under Secretary of Transportation for Security, and puts that person in charge of airline security. Today, the Under Secretary of Transportation for Security is John W. Magaw, who previously served as director of the Secret Service and director of the Bureau of Alcohol, Tobacco, and Firearms.

In his current post, Magaw has tremendous discretion. Under "emergency procedures," the law says, "If the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment and without prior approval of the Secretary."

As part of his regular duties, the Under Secretary is empowered by the law to "establish policies and procedures requiring air carriers to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation and, if such an individual is identified, to notify appropriate law enforcement agencies and prohibit the individual from boarding an aircraft."

The TSA has taken that power and run with it. In testimony before Congress on January 23, Magaw said that "computers will screen passengers," and "the new security system will be robust and redundant."

Dennis Kucinich, Democrat of Ohio, is outraged about the treatment of the Milwaukee activists. "Databases are being organized, including the names of totally innocent individuals who are being subject to question based on their political views. In a democracy, that is not acceptable," he says. Kucinich, the ranking Democrat on a national security subcommittee, vows to investigate. "I take this very seriously," he says.

Senator Russ Feingold, Democrat of Wisconsin, also is concerned. "I plan to ask FBI Director Robert Mueller about the creation and implementation of the so-called No Fly lists," Feingold says. "It is important that security measures do not unduly infringe on our civil liberties."

In the case of the Milwaukee activists, about five or six individuals came up on the watch list," Sergeant Coughlin says. "Although it was time-consuming, and although they were flight-- delayed, the system actually worked."

Don't tell Dianne Henke that.

A volunteer with Peace Action, Henke is the person who organized the trip. "We were very upset," she says. "Here we were, going out to lobby, to use our democratic rights, to talk to our legislators, to use our freedom of speech and dissent, and then we're being detained and not told why. We were taking young people and telling them if you use means that are nonviolent and peaceful, your message will be heard. But the fact that we were hampered, that we were detained, was just a totally different message."

Henke doesn't blame the sheriff's deputies. "They were very sympathetic to us, but they just weren't getting the answers they wanted from the other end of the telephone," she says.

It was never made clear to her exactly why they were being detained.

"We were getting all these different stories from the deputies. One possibility was that a UWM (University of Wisconsin-Milwaukee) student had a name Jason Laden, that was similar to a terrorist's name [Usama bin Laden]. Then another story was that someone had a foreign name that was changed to make it sound more American. Alia Kate, who used to be Alia Torabian. Her father was Persian or Iranian. I've known her all my life," says Henke, who looks up Kate's number in an old Montessori phone book.

"I was one of the first people in our group to try to check in," says Kate. "When I went up to get my boarding pass, the lady said there were some problems. She said her computer locked up and she had to wait for someone else. And I found out that the someone else was one of the sheriff's deputies on duty. And

the sheriff's deputy came and told me I had to grab my bags and follow her for further questioning.

"I was a little scared. I was a little confused. I didn't know what it was about. I was alone and was taken to a building nearby. They sat me down in a chair, and I just waited for fifteen or twenty minutes. They had my driver's license. They asked me what my phone number was and address was. I heard them making phone calls, reading off some stuff on my license. Then they asked me what my nationality was.

"I said I'm half Persian and Italian and German.

"They asked who was Persian, my mother or my father.

"I said, my father, my biological father. I don't even know him.

"They also asked me if I was a U.S. citizen.

"I told them I was.

"They asked me if I was from around here.

"I said yes."

Though one of the sheriff's deputies said "it was just a routine procedure," Kate says they gave her several different explanations for what was happening. "They said it might have to do with increased security in the Washington, D.C., area, or it might have to do with Indonesian terrorists," she recalls.

She says there may have been an element of racial profiling involved, too. "I guess we're looking for Hispanic names," one of the deputies said, according to Kate. She suspects they thought her first name was Hispanic, and she says that two others detained early on, Manuel Sanchez and Isabella Horning, may have been selected for their names. The sheriff's department denies a deputy made that comment about Hispanics. "That did not happen," says Deputy Inspector Sherry Weber. "I believe the deputies didn't really say any of this stuff."

Finally, they walked Kate back to the ticket counter, but the computer froze up again, so Kate and Sanchez and Horning were told to go sit down and wait for the deputies to deliver their boarding passes.

"They gave us our boarding passes, which had a bold-faced S with little asterisks on both sides, circled with an ink marker," Kate says. "This meant that when we went to the gate our carry-on bags would have to be hand-searched and they'd have to wand us."

But the deputies took so much time going through the whole group that not everyone was ready to go by 6:55.

Midwest Express held the flight for as long as it could but then left, almost empty, without most of the activists.

"I was shocked," Kate says. "I couldn't believe what was happening, that they could detain us long enough for us to miss our flight in an apparent attempt to keep us in Milwaukee. It was sort of McCarthy-- style-- the way they have the names appearing on a list and targeting certain people, dissenters especially. I felt my rights had been violated."

Jacob Laden, with the unfortunate last name, says he's flown two other times since September 11 and never had trouble. And by the time he started to check in, other members of the group were already being detained. So he doesn't believe his name tripped the trigger, though he says he "would have stayed behind" if he thought it would have been a problem. He believes "our whole group was being categorized as a threat."

Sister Virgine Lawinger of the Racine Dominicans was also detained. "When I went through the line, the lady at the ticket counter said, 'I'm sorry, you have to wait a minute,' and then the sheriff's deputy came and took me and some others to an office," she says. "All they asked us at that point was our birthplace and said these were just routine checks. They said our names were flagged. That's the real strange thing: What caused the computer to flag those names? I did feel it was profiling a particular group without a basis."

what caused the company to say these things. This was not proving a particular group involved in a peace group. The abuse of power was so obvious."

Sister Virgine says she's upset about "losing an entire day of intense education on the issue of Colombia." And she says her "right to dissent" was infringed upon.

Father Bill Brennan of St. Patrick's Church in Milwaukee also missed his flight. "No one was charged with a crime or threat of a crime," he says. "No one was advised of his or her civil rights. My personal reaction is fear of the arbitrary use of power this incident reveals. Someone in Washington has the power to inspect a passenger list drawn up in Wisconsin, discover the motive of our flight (namely, a peace protest against what goes on at Fort Denning, Georgia, particularly as it affects Colombia), decide who might possibly be subversives, and stop our takeoff."

Sarah Backus, a coordinator for SOA (School of the Americas) Watch Wisconsin, says she was told by one of the sheriff's deputies: "You're probably being stopped because you are a peace group and you're protesting against your country."

Backus later asked the sheriff, David Clarke, about this, and he denied this was the reason for the detentions, she says.

"I sympathize with those people," says Weber. "I'm sure they believe they were singled out. I truly do not believe they were."

Backus also went to the Midwest Express ticket desk to find out what was going on. "The names are in the computer, and the names came up, she says she was told.

Ken Bailey, a spokesperson for Midwest Express, says, "As the group checked in, one of the passengers showed up on this list. At that point, the airline got the TSA rep and Milwaukee County sheriffs. The TSA made the decision that since this was a group, we should rescreen all of them." Midwest Express either found hotels for those who missed their flights or provided transportation home.

Bailey says that screening the names against the list is standard operating procedure. "Everyone who travels is now cleared through this list."

Specifics about the list remain tightly guarded.

"The list is a compilation from intelligence agencies and is shared with the airlines," says Paul Turk, a spokesperson for the TSA. "But as to how you get on it, or how it's maintained, or who maintains it, I can't help you with that."

Turk adds that he doesn't know how large the list is, "and if I did, I couldn't tell you."

Matthew Rothschild is Editor of the Progressive.

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Retired Coast Guard commander finds himself on FBI list

931 words

11 September 2002

18:35

Associated Press Newswires

English

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MUSARRA

JUNEAU (AP) - Larry Musarra's trouble with the FBI began in late June, when the retired Coast Guard lieutenant commander, his wife Linne and their 12-year-old son Tim checked in at the Juneau Airport.

They were on their way to Portland, Ore., where Tim, who is disabled, would attend a special school.

At the Alaska Airlines electronic check-in kiosk, Musarra typed in his confirmation code and the machine displayed a message asking him to see an attendant.

At the counter, Musarra and his family waited while the customer service representative clicked on a keyboard. The clerk became puzzled and said she couldn't get a boarding pass either. She called her supervisor. They called Seattle. Finally, 30 minutes later, the supervisor explained.

"She said, 'We are having trouble clearing your name. Actually, we can't clear your name. You are on an FBI list,'" Musarra said.

Musarra, 47, is a father of three who works for the U.S. Forest Service at the Mendenhall Glacier Visitor Center. He is white, of Italian and Irish ancestry, and was born in New Jersey. He has lived in and flown out of Juneau for seven years. Because of his work with the Coast Guard and the Forest Service, he has had more federal background checks than he can remember.

For a reason Alaska Airlines, the FBI, the Federal Aviation Administration, and the newly created Transportation Safety Administration cannot or will not say, Musarra's name, which is Sicilian or Arabic origin, is on a list of suspects who pose a potential threat to airline security. And, at this point, there is no way for his name to be removed.

"I'm not the type of person who makes a fuss, but I am this all-American boy, and here I'm targeted as terrorist. It is just kind of funny," he said. "I'm telling it's the name. My name sounds Arabic."

On the way to Portland, the Musarra family was given an exhaustive screening with metal detector wands, their shoes were X-rayed, their belts removed and their bags searched before they were allowed on the plane. On the way back, the check in clearance took so long, an airline agent had to hand-write Larry and Linne Musarra's boarding pass and escort them on the aircraft, minutes before take off. Their seats already had been filled with standby passengers who then had to get off the plane.

"Everyone has been really nice," said Linne Musarra. "But if you are traveling with children who have special needs, this circumstance produces tremendous anxiety."

<http://global.factiva.com/en/arch/display.asp>

11/11/02

SUSSMAN-110

Musarra heard from other relatives with the same last name who had similar experiences. Since June, his brother has had his bags searched every time he flies. An uncle, traveling with a 91-year-old relative in a wheelchair, was searched and told he, too, was on the FBI list. When his uncle called the FBI, he was told no list existed, Musarra said.

Musarra called the local field office of the FBI, where an agent found his name on a list, and said there was no way to have it removed. She told him the best thing to do was to call the airline ahead of the time when he is going to fly, to prepare them for the complications, he said.

Juneau FBI Agent Mary Beth Kepner confirmed she had a conversation with Musarra, but directed all calls about the nature of the list to the FBI office in Anchorage.

Eric Gonzalez, FBI special agent in Anchorage, said the list airlines use was controlled by the Transportation Safety Administration, a new homeland security organization formed by the Bush administration since Sept. 11. Alaska Airlines spokesman Jack Evans agreed the airline gets the lists from the TSA, and said the airline is mandated to use the list in the passenger-screening process. Evans and Gonzalez said they did not know a way to remove Musarra's name from the list.

From there, the origin of the list and the reason Musarra is on it are unclear, and mired in a world of federal, interdepartmental "information sharing" that has caused confusion since the inception of the TSA earlier this year.

Dave Steigman, spokesman for the TSA, said revealing any of the reasons a name may end up on the list could jeopardize national security. He denied the TSA had a list containing many spellings of Arab or Arab-sounding names.

"The TSA does not profile by ethnicity, ethnic origin, race or religion," Steigman said, and then directed all inquiries about the list to the Federal Aviation Administration or back to the FBI.

Tummy Dome, a TSA employee, answered the phone at the FAA office in Anchorage.

Republican controlled Congress.

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THE NO-FLY LIST

Is a federal agency systematically harassing travelers
their political beliefs?

By Dave Lindorff

If anything is different after 9/11, it's
air travel, as passengers endure long
lines and extra security checks at
airports. For some passengers and
would-be passengers, though, air
travel has become something much
more harrowing, as the
Transportation Security
Administration targets political
activists for harassment.

For months, the TSA, a federal
agency established a year ago to protect the nation's transportation system from terrorism,
it had a blacklist of people to be singled out by security staff for special inspection and quest
But in mid-November, in an interview with this reporter, spokesman David Steigman
acknowledged that the government has "a list of about 1,000 people" who are deemed "threats
to aviation" and not allowed on airplanes under any circumstances.

Steigman added that the TSA itself has no guidelines defining who is put on the list, but rather
relies on names provided by other federal agencies, such as the FBI, Secret Service or INS. The
TSA also has no procedures for people to clear their names and get off the list.

It appears, however, that this is only part of the story. Most of those who have been singled out
special interrogation and searches of their luggage and their persons, at least those who have
public with their experiences, clearly are not "threats to aviation." Indeed, many have been



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SUSSMAN-112

advocates of nonviolence.

VIEWS

Editorial

By Joel Bleifuss
A Kinder, Gentler GOP

Back Talk

By Susan J. Douglas
Patriarchy, new and improved.

Appall-o-Meter

By Dave Mulcahey

Consider the experience of John Dear, a 43-year-old Jesuit priest, member of the Catholic group Pax Christi and former executive director of the Fellowship of Reconciliation, an international peace organization. "I fly just about every week," Dear says. "Since 9/11, I've been taken aside at the boarding gate every single time and searched and questioned."

He describes one particularly disturbing experience. "I got to the Southwest Airlines gate at San Jose airport, on my way to Los Angeles, but as soon as the attendant saw my boarding pass shouted, 'You can't be here. You have to be searched!'"

"Everyone's jaws dropped, and all the passengers backed away from me," he recalls. The flight delayed while Dear was taken aside and minutely searched, with more than 100 passengers looking on nervously.

NEWS

Save the Whales

By Christine Keyser
Enviros win round one against the LFA sonar.

Others, like the Green Party's Nancy Oden, have reported being detained by armed soldiers, like Green Party leader Doug Stuber, questioned by Secret Service agents, sometimes at such length that they missed their flights. In most cases, they ultimately were permitted to fly to their destinations.

Criminal Neglect

By Laurence Pantic
Death stalks the maquiladoras.

Asked if such people are considered "threats to aviation," Steigman said no. He speculated that they might have gotten on the list because they committed federal felonies. Some do have records. In Dear's case, he went to jail for ceremonially whacking an F-15 jet with a hammer in an act of civil disobedience.

Globalization's Dirty Work

By Mark Engler
How governments subsidize "free" trade.

But none of the people whose cases *In These Times* has examined had any history of violence. What they seem to share is opposition to the Bush administration's war policies and its attacks on civil liberties.

Don't Drink the Water

By Patrick Michael Rucker
Cuban embargo hits new low.

So what is going on here?

Wage War

By Kelly Candaele and Peter Dreier
Despite a setback, momentum for a living wage increases.

Asked if the TSA has a second list, one not of the "threats to aviation" who would never be allowed to get on a plane, but rather of political activists who are to be singled out for intense scrutiny and interrogation, Steigman said, "I don't know. I'll have to look into that."

A Flash of Light

By Christine Keyser
In Person: Bogalech Gebre.

A day later, he came back with a curiously candid, if rather alarming, answer. "I checked with security people," he said, "and they said there is no second list." Then, after a pause, he added, of course, that could mean one of two things: Either there is no second list, or there is a list, and they're not going to talk about it for security reasons."

Some of those who have been stopped for special scrutiny by TSA agents in recent months have been specifically told that their names were "on a list." Last spring, Virgine Lawinger, a 74-year-old nun and a member of Peace Action, was stopped at the Milwaukee airport along with some other members of the group on their way to Washington to lobby the Wisconsin congressional delegation against military aid to Colombia. She says they were told at the time by local sher-

CULTURE

SUSSMAN-113

Why Hitchens Matters

By Ian Williams

BOOKS: George Orwell,
where are you now?**The Undiscovered
Country**

By James North

BOOKS: *The Other Israel*.**The Subject Was
Orchids**

By Joshua Rothkopf

FILM: *A tricky Adaptation*.**Fantastic Voyage**

By Kari Lydersen

Eric Drooker's *Blood Song*.

deputies and Midwest Express ticketing personnel that one or several of them were "on a list" that the TSA had instructed airport security to keep the group off the plane.

Lawinger, with the help of the local ACLU, filed a Freedom of Information request with the TSA in early October, seeking to learn why she had been barred from her flight. A month later, word came back that the TSA had a file on her, though all the pages were withheld except for a copy of a clipping from the local paper reporting on her experience at the airport. It isn't known what other information in Lawinger's TSA file contains information predating the airport incident.

Barbara Olshansky, assistant legal director of the Center for Constitutional Rights (CCR) in New York, reports that she has been stopped and searched every time she has flown since 9/11. On three of those occasions, she was forced to pull down her pants in view of other travelers. On those times, when she demanded to know why she was being singled out, the airline agent at the gate threatened to bar her from the plane if she raised a fuss and added brusquely, "The cop spit you out. I don't know why, and I don't have time to talk to you about it."

While few would object to the TSA's maintaining a properly compiled list of genuine "threats to aviation" or preventing such people from boarding planes, it would appear that such a "no fly list" is not the one leading to all the harassment of political activists, who, after all, usually do get

Nancy Chang, a senior litigation attorney at the CCR, who also has been singled out for search and questioning at the airport, says the government is "leveraging legitimate air safety concerns into a program that targets law-abiding Americans for questioning and detention based on their political viewpoints."

Father Dear agrees. "I think what they are doing is harassing people who are opposing the government by publicly speaking out against administration policy," he says.

One hint that this may be what is going on was provided to the Green Party's Stuber. When Secret Service agents called in by the TSA security guards arrived at Raleigh-Durham Airport to interrogate (and run a retina scan on) him, he says they came armed with a loose-leaf binder which they left open near him as he was being questioned. On an open page, he claims he was able to discern a long list of progressive political organizations. Among those he was able to make out clearly on the list: the Green Party, Greenpeace, Earth First! and Amnesty International. Since his interrogation in October, Stuber, an art dealer, says he has been unable to get onto a plane.

Confirmation of a TSA travel blacklist is particularly troubling to civil-liberties advocates, because the names of people to be subjected to extra security investigation are being made available to private companies. Airline computers at airport boarding gates are flagging people. These lists are not being closely held within the national security or law-enforcement files, but are apparently being widely dispersed.

In fact, this seems to be the new privatization approach of the administration when it comes to Homeland Security. The *Wall Street Journal* reported that the FBI made its list of people with even remote links to terrorism—having associated, perhaps inadvertently, with a terror suspect—for example—available to a wide range of private companies, from banks and rental-car companies to casinos.

SUSSMAN-114

Says CCR's Olshansky: "It's bad enough when the federal government has lists like this with guidelines on how they're compiled or how to use them. But when these lists are then given private sector, there are even less controls over how they are used or misused." Since airline always had the right to decide whether someone can board a plane, she observes that providing such a list to an airline represents a "tremendous chilling of the First Amendment right to travel and speak freely."

This week, the CCR announced that it is considering a lawsuit against the TSA. A number of whose travel has been interfered with have signed on as possible plaintiffs, and CCR is inviting those with similar experiences to contact them. Meanwhile, the ACLU has posted a no-fly complaint form to fill out on its Web site for those who are harassed or prevented from flying.

Calling the existence of such travel blacklists "an obvious and egregious violation of the First Amendment, because it permits both discrimination against a particular viewpoint and because it is a prior restraint on Americans' right to travel," CCR Legal Director William Goodman says U.S. government appears to be targeting citizens because of their beliefs. ■

Dave Lindorff, a regular contributor to *In These Times*, is the author of *Killing Time*, a novel on the case of Mumia Abu-Jamal.

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SUSSMAN-115

From: [REDACTED]
To: [REDACTED]
Date: Thu, Feb 13, 2003 11:24 AM
Subject: NO Fly/Selectee verbiage

b7C -1,3

b6 -1,3

[REDACTED]
Here is what I need to place an individual that is believed to be a threat to Civil Aviation Security on the TSA No-Fly list or to place an individual who may possibly be a threat to Civil Aviation Security on the Selectee list. An EC is probably the best vehicle to do this. [REDACTED]

b2 -4

b3 -1

1. All the bio info you can put together on this person. This will need to be at the FOUO (for official use only) level, it goes to the airlines. [REDACTED]

b7E -1

[REDACTED] The better the info, the less likely an agent will be called out to the airport on a false alarm.

b2 -4

2. [REDACTED]

b7E -1

[REDACTED]

3. [REDACTED]

[REDACTED]

b2 -4

b7C -1

4. [REDACTED]

b7E -1

5. Once we get this, I will forward this person's name to the TSA for placement on the NO Fly list. Once this person is on the list, he will not fly within the US, nor will he be able to fly out of the US or from any airport [REDACTED]

b6 -1

b2 -4

Thanks, I hope that this is of some assistance,

b7E -1

CC: [REDACTED]

b7C -1,3

b6 -1,3

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SUSSMAN-116

b7C -1

b6 -1

"WATCHLISTS"

Various federal government agencies maintain lists of individuals of investigative or national security interest. These lists, as they pertain to terrorism matters, are often referred to as "watchlists". The following are lists of individuals that have commonly been referred to as "watchlists".

FAA / TSA

Selectee List: This is a list of persons who are determined by the submitting agency [REDACTED] the FBI and CIA) [REDACTED]

b2 -4

b7E -1

[REDACTED] Submissions for inclusion to the Selectee List are made in writing, with accompanying justification. The vast majority of individuals submitted for inclusion to the Selectee List, thus far, have come from the FBI. [REDACTED]

[REDACTED] After the interview, [REDACTED]

The person remains on the Selectee List. [REDACTED]

b2 -4

[REDACTED] until a written request with appropriate justification is submitted by the originating agency for removal. This database is maintained by the FAA/TSA, [REDACTED]

b7E -1

No Fly List: The No Fly List (NFL) is a list of persons who are determined to be a threat to civil aviation security by the TSA as a result of information provided by the submitting agency. A person who is on the NFL will not be permitted to fly into or out of the United States nor to fly within the United States. Submissions for inclusion are made in writing, with appropriate justification, by the submitting agency. Likewise, the originating agency must request removal from the NFL in writing with appropriate justification. This database is maintained by the FAA/TSA. [REDACTED]

b2 -4

b7E -1

Department of State

[REDACTED]

b2 -4

b7E -1

[REDACTED]

b2 -4

b7E -1

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DATE 8-7-03 BY UC 60267 NLS/AG/CAL
CA#03-1779

SUSSMAN-120

From: [redacted]
To: [redacted]
Date: Thu, Oct 3, 2002 7:41 AM
Subject: Re: Watch Lists

b7C -1
b6 -1

[redacted]
We received a call early in the morning from Executive Watch requesting that we tell them for the Director what the procedures were for getting people on and off the Watch List. This sounded a little unusual so I went down to Executive Watch and saw that the John Pistole wanted to know the procedures for getting people on and off the No Fly lists. I told Executive Watch that I could not answer that because [redacted] controls that and he had e-mailed us recently that it took [redacted]

b2 -4
b7C -3
b7E -1
b6 -3

Later in the day Art Cummings called and wanted a more complete response to the question including all lists which may be referred to as "Watch Lists". [redacted] and I drafted that. The part concerning the No Fly and Selectee lists was taken from a piece on the [redacted] entitled [redacted] It provides guidance for agents on how to respond to No Fly list and Selectee list issues. The description concerning the meaning of and response to Selectee List persons comes from that piece.

b2 -4
b7C -1
b7E -1
b6 -1

[redacted] was tasked to provide a very quick response to Art on a very broad subject. So the piece he and I drafted was not as complete as a more deliberative project. Thanks for your clarification on some of these Selectee No Fly issues.

>>> [redacted] 10/02 7:10 PM >>>

[redacted] Thanks. (Please see questions and observations below.)

b2 -4
b7C -1
b7E -1
b6 -1

[redacted] was this the document you used to answer the Director's question in the attached email you sent to the Director's Brief Group? Or, did you receive another answer, or are you still waiting? UC [redacted] asked CAS Program to look into in and, based on what the Terrorist Watch List Unit told us, it seemed that they were formulating a response, but now I'm not sure, because of my subsequent conversations with [redacted] and the attachment he sent me.

[redacted] some questions and observations re the attachment -

1. Please correct me if I'm wrong - acc to our chat yesterday and last night, you [redacted] didn't know about the attached email request from [redacted] to the Director's Brief Group re how people get on and off the No Fly List. However [redacted] was tasked by Art Cummings to expand on a document which listed various watch lists, and you don't know whether that tasking was in response to [redacted] email request or for some other purpose.

b2 -4
b7C -1
b7E -1
b6 -1

2. If possible, please email me what the original document looked like, and how [redacted] expanded it. Also, there are some inaccuracies in what is written:

(a) the criteria stated for Selectee [redacted]

[redacted]
[redacted]
[redacted]
[redacted]

b2 -4
b7E -1

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SUSSMAN-121

b6 -1

(b) the description of law enforcement response for the Selectee list, which cites TSA directives, is wrong

(c) the No Fly List procedure omits the majority of the procedure, meaning that there IS a LEO response and it invariably includes the FBI [REDACTED] in order to get someone off the list.

Regards,

b2 -4

b7C -1

b7E -1

b6 -1

>> [REDACTED] 10/2/02 12:13:42 PM >>>

As you requested. There was a "watch list" summary which was emailed to [REDACTED] and myself, and we were asked to expound on the descriptions depicted therein. I do not know who authored the original watch list summary.

CC:

SUSSMAN-122

From: [REDACTED]
 To: TWL
 Date: Tue, Oct 8, 2002 8:04 AM
 Subject: Selectee List

b2 -4
 b7C -1
 b7E -1

I have recently been informed by [REDACTED] that it is unlikely FBI agents or other federal law enforcement officials [REDACTED]

b6 -1

Thanks

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CA# 03-1779

SUSSMAN-123

FEDERAL BUREAU OF INVESTIGATION

Precedence: DEADLINE 11/15/2002

Date: 10/23/2002

To: All Field Offices

Attn: ADICs
SACs
IT Program Manager
DT Program Manager

All [redacted]

CJIS

Counterterrorism

UC [redacted]

Section Chiefs

b2 -3,5

b6 -1,5

b7C -1,5

b7E -2

From: Counterterrorism

NJSAWS/TWWU/Room 11303

Contact: SSA [redacted]

Approved By: D'Amuro Pasquale

Pistole John S

Miller Mark E

Cummings Arthur M

Drafted By: [redacted]

foh

Case ID #: [redacted]

(Pending)

Sec. 8

Title: TERRORISM WATCH LIST

Synopsis: This communication summarizes the evolution of the FBI's Terrorism Watch List (TWL), sets forth criteria and protocols for TWL entries and removals, highlights ongoing TWL initiatives, and distinguishes the TWL from other watch lists.

Reference: [redacted]

b2 -3

Details: By EC dated 03/19/2002 (see referenced serial 37), all field offices, FBIHQ Divisions and [redacted] were advised of the creation of a permanent Terrorism Watch List (TWL). The purpose of the TWL was to serve as a centralized repository of names of investigative interest related to terrorism investigations. [redacted]

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 8-10-03 BY UC60267 NLS/AG/CAL

CA# 03-1779

b2 -4,5

b7E -1,2

b6 -5

b7C -5

SUSSMAN-124

b2 -3,4

To: All Field Offices From: Counterterrorism
Re: [REDACTED] 10/23/2002

b7E -1

[REDACTED]

**Transportation Security Administration
(No Fly and Selectee Lists)**

The No Fly and Selectee Lists, both administered by TSA, often are confused with the TWL. Currently, the TWL staff is working with TSA to develop protocols to facilitate entry and/or removal of FBI subjects to/from the No Fly or Selectee Lists. It should be noted, TSA is the agency which actually makes the entries or removals.

The No Fly List is used to prevent individuals from using commercial aviation who are deemed by TSA to be a threat to aviation, based on information provided by various sources (such as the FBI). If a individual is listed on the No Fly List, that individual will not be permitted to board any commercial aircraft within the U.S. until such time the individual is removed from the list by TSA. If an individual on the No Fly List is identified at an airport, the local FBI office will be contacted to conduct a thorough interview of the individual to make a positive identification. It should be noted, the air carriers and/or local airport authorities are responsible for preventing a passenger on the No Fly List from boarding an aircraft, not the FBI.

b2 -4

b7E -1

The Selectee List consists of individuals [REDACTED]

[REDACTED] These individuals are screened by airport authorities in accordance with TSA Security Directives. Following the screening procedures, these individuals can use commercial air transportation and should not be denied boarding. Again, the respective air carrier and/or local airport authorities will make the final determination regarding who boards an aircraft.

[REDACTED]

b2 -4

b7E -1

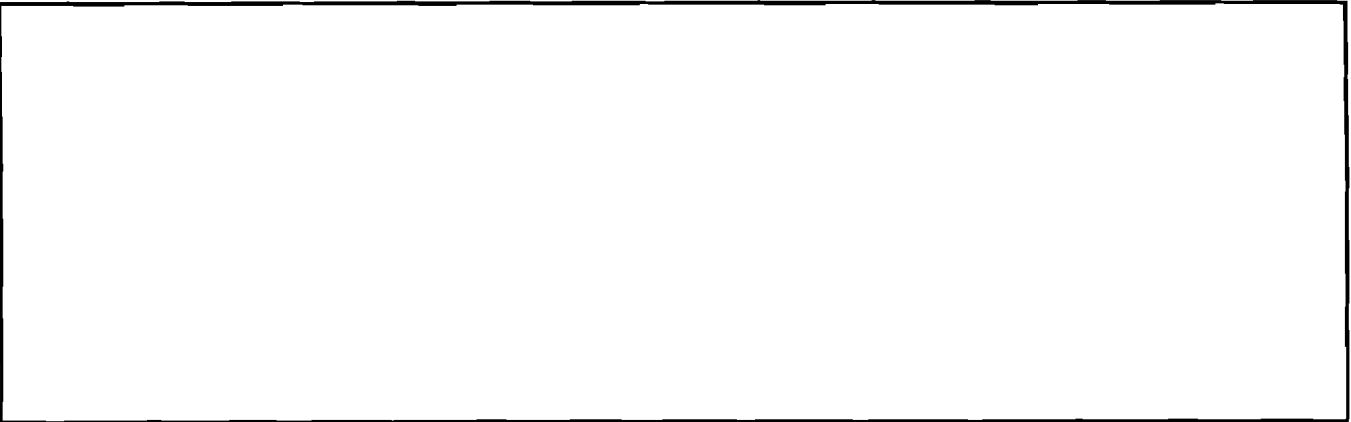
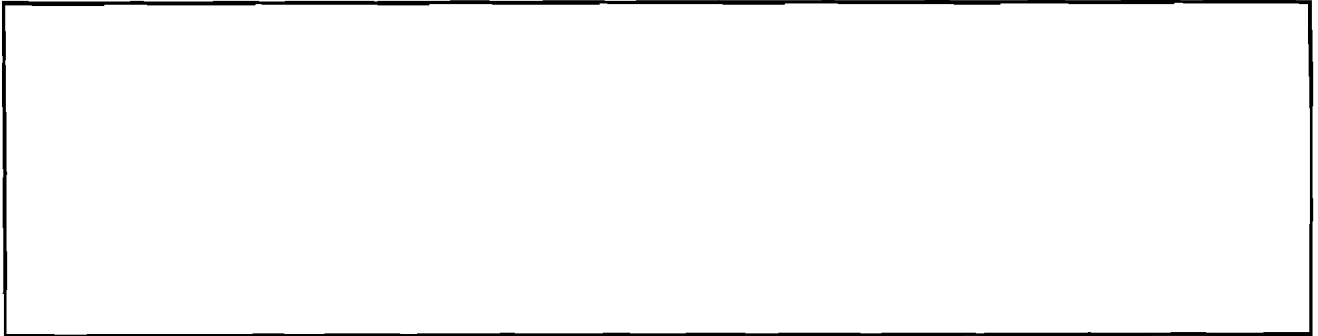
It has been noted by many field offices that the lack of identifying data on the No Fly and Selectee Lists inhibits efforts to match passengers to names appearing on TSA's lists. In addition, there have been occasions when agencies have failed to remove names from TSA's lists, even after the individuals were determined by the entering agency to be either no threat to commercial aviation [REDACTED]

[REDACTED] It is duly noted these instances have caused a great deal of

b2 -4

b7E -1

To: All Field Offices From: Counterterrorism
b2 -3,4 Re: [REDACTED] 10/23/2002
b7E -1



b2 -4
b7E -1

**Transportation Security Administration
(No Fly and Selectee Lists)**

The No Fly and Selectee Lists, both administered by TSA, often are confused with the TWL. Currently, the TWL staff is working with TSA to develop protocols to facilitate entry and/or removal of FBI subjects to/from the No Fly or Selectee Lists. It should be noted, TSA is the agency which actually makes the entries or removals.

The No Fly List is used to prevent individuals from using commercial aviation who are deemed by TSA to be a threat to aviation, based on information provided by various sources (such as the FBI). If an individual is listed on the No Fly List, that individual will not be permitted to board any commercial aircraft within the U.S. until such time the individual is removed from the list by TSA. If an individual on the No Fly List is identified at an airport, the local FBI office will be contacted to conduct a thorough interview of the individual to make a positive identification. It should be noted, the air carriers and/or local airport authorities are responsible for preventing a passenger on the No Fly List from boarding an aircraft, not the FBI.

The Selectee List consists of individuals [REDACTED]
[REDACTED]

b2 -4
b7E -1

b2 -3,4

To: All Field Offices From: Counterterrorism
Re: [REDACTED] 10/23/2002

b7E -1

[REDACTED]
These individuals are screened by airport authorities in accordance with TSA Security Directives. Following the screening procedures, these individuals can use commercial air transportation and should not be denied boarding. Again, the respective air carrier and/or local airport authorities will make the final determination regarding who boards an aircraft.

b2 -4

b7E -1

b2 -4

b7E -1

It has been noted by many field offices that the lack of identifying data on the No Fly and Selectee Lists inhibits efforts to match passengers to names appearing on TSA's lists. In addition, there have been occasions when agencies have failed to remove names from TSA's lists, even after the individuals were determined by the entering agency to be either no threat to commercial aviation [REDACTED]

[REDACTED] It is duly noted these instances have caused a great deal of consternation among citizens, air carriers and law enforcement representatives who have been tasked to respond to these situations. To alleviate these occurrences with FBI entries, the TWL staff is coordinating with TSA to develop protocols regarding the entry and removal of FBI subjects to/from TSA's No Fly and Selectee Lists. Once the protocols are established, the TWL staff will establish and implement validation procedures to ensure only those FBI entries falling within established criteria remain on the No Fly or Selectee Lists.

b2 -4

b7E -1

b2 -4

b7E -1

Department of State
[REDACTED]

b6 -1,3

b7C -1,3

From:

To:

Date:

Wed, Dec 18, 2002 11:10 AM

Subject:

Re: TSA No Fly List

b2 -4

b3 -1

b7E -1

b6 -1

b7C -1

Here is what I need from you and your UC to place an individual that is believed to be a threat on the TSA No-Fly list

1. All the bio info you can put together on this person. This will need to be at the FOUO (for official use only) level, it goes to the airlines.

[Redacted]

2. [Redacted]

3. [Redacted]

b2 -4

b7C -1

b7E -1

[Redacted]

4. [Redacted]

b6 -1

5. Once we get this, I will forward this person's name to the TSA for placement on the NO Fly list. Once this person is on the list, he will not fly within the US, nor will he be able to fly out of the US or from any airport

b2 -4

Thanks, I hope that this is of some assistance,

b7C -1,3

[Redacted]

2.. >>> [Redacted] 12/17/02 05:08PM >>>

b7E -1

[Redacted]

b6 -1,3

We are putting the target on the TSA No Fly List here at FBIHQ. I will be getting with TSA tomorrow (12/18) to accomplish this.

[Redacted] SSA

b2 -1

b7C -1

b6 -1

CC:

[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 03-17-99 BY 60267 NLS/AG/COL

b7C -1,3

b6 -1,3

From: [REDACTED]
To: [REDACTED]
Date: Tue, Dec 24, 2002 10:36 AM
Subject: Re: TSA No Fly List

[REDACTED]

b2 -4

[REDACTED]

b7C -1,3

b7E -1

b6 -1,3

[REDACTED]

b2 -4

Hope your holidays go well.

b3 -1

[REDACTED]

b7C -1,3

>>> [REDACTED] 12/18 11:09 AM >>>

b7E -1

Here is what I need from you and your UC to place an individual that is believed to be a threat on the TSA No-Fly list

b6 -1,3

1. All the bio info you can put together on this person. This will need to be at the FOUO (for official use only) level, it goes to the airlines. [REDACTED]

b2 -4

[REDACTED]

b3 -1

2. [REDACTED]

b7E -1

[REDACTED]

3. [REDACTED]

[REDACTED]

b2 -4

b7C -1

4. [REDACTED]

b7E -1

[REDACTED]

5. Once we get this, I will forward this person's name to the TSA for placement on the NO Fly list. Once this person is on the list, he will not fly within the US, nor will he be able to fly out of the US or from any airport [REDACTED]

b6 -1

Thanks, I hope that this is of some assistance,

b2 -4

[REDACTED]

2..>>> [REDACTED] 12/17/02 05:08PM >>>

b7C -1,3

[REDACTED]

b7E -1

We are putting the target on the TSA No Fly List here at FBIHQ. I will be getting with TSA tomorrow (12/18) to accomplish this.

b6 -1,3

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 07-03-03 BY UC60267 NLS/AG/CAL
CA#03-1779

SUSSMAN-129

b7C -1,3

b6 -1,3

From:

To:

Date:

Subject:

Wed, Feb 5, 2003 2:08 PM

Re: No Fly

b2 -4

b3 -1

Here is what I need from you and your UC to place an individual that is believed to be a threat to Civil Aviation Security on the TSA No-Fly list. An EC is probably the best vehicle to do this,

b7E -1

b6 -1

1. All the bio info you can put together on this person. This will need to be at the FOUO (for official use only) level, it goes to the airlines.

b7C -1

2.

3.

b2 -4

b7C -1

b7E -1

4.

b6 -1

5. Once we get this, I will forward this person's name to the TSA for placement on the NO Fly list. Once this person is on the list, he will not fly within the US, nor will he be able to fly out of the US or from any airport

Thanks, I hope that this is of some assistance,

b2 -4

b7C -1,3

>>> 02/04/03 05:20PM >>>

b7E -1

b6 -1,3

We've got a guy we want to no-fly. Do you have a copy of the last one we gave you?

Thanks.

b7C -1

CC:

b6 -1

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 07-03 BY UC60267 NLS/AG/CAL

CA#03-1779

b7C -1

From:
To:
Date:
Subject:

[redacted]
Sun, Feb 16, 2003 1:47 PM
Fwd: Re: No Fly List question

b6 -1

[redacted] b2 -4

I am the supervisor in the Terrorism Watch List and was on leave when your e-mail came in. [redacted]
basically answered your question, but I wanted to make sure you were aware of the procedures for TSA's
lists versus the FBI's lists. [redacted]

b7C -1, 3

b7E -1

b6 -1, 3

[redacted] b2 -4

[redacted] b7E -1

If you have any further questions, please contact me or the TWL staff.

[redacted]
[redacted]
TWL 24/7 number [redacted]

b7C -1

b6 -1

CC:

[redacted] twl

b2 -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-7-03 BY UC60267NLS/AG/CAL
CA# 03-1779

From: [REDACTED]
To: [REDACTED]
Date: Fri, Jan 31, 2003 4:56 PM
Subject: Re: No Fly List question

b7C -1

b6 -1

(it's [REDACTED] - not SSA anything..)

No, not at this point as I can't see the formica pattern on my desk due to paper glutage.

I trust the ec is worthy and appropriate. However, please remember the following if you wish to proceed:

As a guide - If a C/A wishes to place a person on the No Fly List, the person (generally) is:

* A threat to civil aviation [REDACTED]

b2 -4

* Will NOT be able to fly on commercial aircraft,

b7E -1

If the C/A still feels that strongly, then...with the concurrence and assistance of your HQ Substantive Desk SSA, prepare:

1. All the bio info you can put together on this person. This will need to be at the FOUO (for official use only) level, it goes to the airlines. [REDACTED]

b2 -4

2. [REDACTED]

b3 -1

b7E -1

3. [REDACTED]

b2 -4

b7E -1

4. [REDACTED]

5. Once obtained, this information is forwarded to the TSA for placement on the NO Fly list. Once this person is on the list, he will not fly within the US, nor will he be able to fly out of the US or from any airport [REDACTED]

b2 -4

b7E -1

6. [REDACTED]

I hope this helps. Please call me if you need further guidance/assistance.

SSA [REDACTED]
Counterterrorism Division
Civil Aviation Security Program
Room 11795, FBIHQ

b2 -1

b7C -1

[REDACTED] - Desk
[REDACTED] - Cell

b6 -1

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 5-7-03 BY UC60267 NLS/AG/COL

CA# 03-1779

From:

To:

Date:

Subject:

Wed, Apr 23, 2003 2:19 PM

Talking Points for the Director Concerning the TSA No Fly/Selectee Lists

b2 -1

b7C -1

b6 -1

Attached are the talking points you requested for the Director concerning TSA's No Fly and Selectee List.

CC:

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 8-7-03 BY UC60267 NLS/AG/CAL

CA# 03-1779

b7C -1

b6 -1

04/23/2003

TSA No Fly/Selectee Lists**TSA and FBI procedures**

These lists were developed by TSA soon after 9/11 and are based on TSA Security Directives issued to U.S. based air carriers.

The No Fly list, which contains 1216 names, is designed to prevent terrorists who pose a threat to civil aviation from boarding U.S. based aircraft. An individual on the No Fly list will not be allowed to board a U. S. aircraft.

The Selectee List, which contains 673 names, is designed to provide extra security screening to individuals [REDACTED] An individual on the Selectee List will be searched by airline personnel before being allowed to board a U.S. based aircraft.

b2 -4

b7E -1

It is common for individuals to believe they are on the Selectee List because they receive additional security screening (searches) for other reasons such as random selection or selection through TSA's Computer Assisted Passenger Prescreening System (CAPPS).

The names and identifying data [REDACTED] on the No Fly and Selectee lists are provided to TSA by the U. S. Intelligence Community, [REDACTED] the CIA and FBI.

b2 -4

b7E -1

FBI places names on the lists by written communication to the TSA representative at FBIHQ.

[REDACTED] Removal of names follows the same procedure.

b2 -4

b7E -1

Individuals who are delayed boarding aircraft because of potential name matches with names on the lists may contact the TSA Office of Ombudsman who will assist in resolving the issue.

Airline Procedures

Identification of individuals on the lists is done by the airlines. [REDACTED]

b2 -4

b7E -1

If the airline identifies someone who may be on the No Fly or Selectee lists, they are required to notify the FBI. Airlines are also instructed to contact the nearest law enforcement officer to assist in resolving identification issues.

Future TSA Procedures

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 8-1-03 BY UC60267 NLS/AG/CAL
CA# 03-1779

SUSSMAN-134

TO: TERRORISM WATCH LIST STAFF

Meeting w/ SA [redacted] on May 22, 2002:

b2 -1

A large percent of calls coming into our TWL phone line are related to the Transportation Safety Administration (TSA) Watch List a.k.a F.A.A. Please refer these callers to TSA at [redacted]. They are under a 24/7 operation.

b7C -1

b6 -1

TSA has two lists:

- 1) No-fly List (persons who can't board plane)
- 2) Selectee List

Note: The original 9/11 FBI Watch List is defunct and many of the names on that original list were placed on the F.A.A. [redacted]

b2 -4

b7E -1

What you need to find out: What list do they have?

[redacted]

[redacted]

You may call SSA [redacted] of FBI's Civil Aviation Security Program or TSA's representative to SIIOC/FBI, [redacted] only if you think the call is a detriment to society. [redacted] prefers that you page him first to get instructions before calling [redacted] or [redacted].

b2 -1,4

SSA [redacted]
OFFICE: [redacted]
PAGER: [redacted]
CELL: [redacted]

[redacted]
OFFICE: [redacted]
PAGER: [redacted]

b7C -1,3

b7E -1

b6 -1,3

FYI

Everything you want to know about TSA's list and related matters can be found [redacted]

[redacted]

[redacted]

b2 -4

b7E -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-7-03 BY UC60267 NLS/AG/CAL
CA# 03-1779

SUSSMAN-135

From: [REDACTED]
To: [REDACTED]
Date: Mon, Jun 3, 2002 2:30 PM
Subject: No Fly list

b7C -1

b6 -1

H [REDACTED]

TSA creates the No Fly list based on input from a variety of sources, including the FBI. [REDACTED]

b2 -4

b7E -1

b2 -4

b7C -1

b7E -1

b6 -1

>>> [REDACTED] 6/3/02 12:30:56 PM >>>

Quick question. We had a situation this weekend where we had a possible hit on the no-fly list, but all that was on the list was [REDACTED]

b2 -4

b7C -2

An FAA agent was on scene and asked us to either clear him to fly, or to deny him boarding. I told the agent that I could do neither based on the information I had at the time. [REDACTED]

b7E -1

[REDACTED] I told the FAA guy that he was going to have to call his supervisor to make a call on this. He kept telling me that the Bureau had input to this list, and it was up to us to say yea or nay. He eventually cleared the person to fly through his chain in DC.

b6 -2

My question is, who creates these lists and what are our responsibilities with regard to it? I was of the understanding that we were to identify potential matches. [REDACTED]

b2 -4

[REDACTED] is there any mechanism in place to detain him, aside from the normal investigative detention?

b7E -1

Also, I am not the sharpest tool in the shed, so could you explain the difference in the selectee and no fly lists to me? And what specifically do we do if we have a selectee list hit? These may be stupid questions, but you know what they say!

Thanks, [REDACTED]

>>> [REDACTED] 05/31 12:41 PM >>>

b7C -1

thank you. you're doing great out there, making the whole Bu look good and boy, do we need it.

b6 -1

>>> [REDACTED] 5/31/02 12:25:39 PM >>>

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-1-03 BY UC60267 NLS/AG/CAL
CA # 03-1779

SUSSSMAN-136

b7C -1

b6 -1

b2 -4

From:

To:

Date:

Subject:

[redacted]
Fri, Oct 11, 2002 1:44 PM

Re: No Fly List

b7C -1,3

b6 -1,3

b7C -1,3

b7E -1

b6 -1,3

[redacted]
To place an individual on the No-Fly we ask that you state in the EC that the FBI believes that the listed individual is a threat to Civil Aviation Security. We ask also that any bio data on the No-Fly be at the For Official Use Only (FOUO). This information is provided to the airlines [redacted]

[redacted] I hope that answers your questions on This.

Please call/email me or [redacted] (TSA) if you have any further questions

Thank You,

[redacted]

>>> [redacted] 10/11 8:37 AM >>>

b7C -1,3

b6 -1,3

[redacted] suggested I e-mail you with my question....

Boston has subject that we would like to add to the TSA "No Fly List". Do you know who I address the EC to?

[redacted]

b7C -1

CC:

[redacted]
b6 -1

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 8-7-03 BY UCL60267NLS/AG/CAL
CA#03-1779

b7C -1

b6 -1

From: [REDACTED]
To: [REDACTED]
Date: Fri, Oct 4, 2002 4:26 PM
Subject: Re: Watch Lists Summary

[REDACTED] OK, the summary prepared for the Director/John Pistole is from a document which I wrote and have posted on the SIOC web site. The summary quotes what I wrote, but the person who wrote the summary had no way of knowing that these procedures would only be in effect IF [REDACTED] (the gist of my previous mail.) [REDACTED]

b2 -4

b7E -1

This proves that you can't always take something on a web site at face value without checking its accuracy, since people don't always update sites - one of my many "to do" things. I will change the web page to reflect the current situation.

Please relay the above to the person who did the summary so they can be made aware of it.

Thanks.

b2 -4

b6 -1

>>> [REDACTED] 10/4/02 2:23:40 PM >>>

b7C -1

b7E -1

>>> [REDACTED] 10/3/02 7:41:07 AM >>>

We received a call early in the morning from Executive Watch requesting that we tell them for the Director what the procedures were for getting people on and off the Watch List. This sounded a little unusual so I went down to Executive Watch and saw that the John Pistole wanted to know the procedures for getting people on and off the No Fly lists. I told Executive Watch that I could not answer that because [REDACTED] controls that, and he had e-mailed us recently that it took [REDACTED]

b2 -4

b7C -3

b7E -1

b6 -3

Later in the day Art Cummings called and wanted a more complete response to the question including all lists which may be referred to as "Watch Lists" [REDACTED] and I drafted that. The part concerning the No Fly and Selectee lists was taken from a piece on the [REDACTED] entitled [REDACTED] It provides guidance for agents on how to respond to No Fly list and Selectee list issues. The description concerning the meaning of and response to Selectee List persons comes from that piece.

b2 -4

b7C -1

b7E -1

[REDACTED] was tasked to provide a very quick response to Art on a very broad subject. So the piece he and I drafted was not as complete as a more deliberative project. Thanks for your clarification on some of these Selectee No Fly issues.

b6 -1

>>> [REDACTED] 10/02 7:10 PM >>>

[REDACTED] Thanks. (Please see questions and observations below.)

[REDACTED] was this the document you used to answer the Director's question in the attached email you sent to the Director's Brief Group? Or, did you receive another answer, or are you still waiting? UC [REDACTED]

b7C -1

[REDACTED] asked CAS Program to look into in and, based on what the Terrorist Watch List Unit told us, it seemed that they were formulating a response, but now I'm not sure, because of my subsequent conversations with [REDACTED] and the attachment he sent me.

b6 -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-20-03 BY UC60267 NLS/AG/CAL

SUSSMAN-138

b7C -1

b6 -1

- some questions and observations re the attachment -

1. Please correct me if I'm wrong - acc to our chat yesterday and last night, you [redacted] didn't know about the attached email request from [redacted] to the Director's Brief Group re how people get on and off the No Fly List. However [redacted] was tasked by Art Cummings to expand on a document which listed various watch lists, and you don't know whether that tasking was in response to [redacted] email request or for some other purpose.

b6 -1

b7C -1

2. If possible, please email me what the original document looked like, and how [redacted] expanded it. Also, there are some inaccuracies in what is written:

(a) the criteria stated for Selectee [redacted]

b2 -4

b7E -1

(b) the description of law enforcement response for the Selectee list, which cites TSA directives, is wrong

b2 -4

b7E -1

(c) the No Fly List procedure omits the majority of the procedure, meaning that there IS a LEO response and it invariably includes the FBI [redacted] in order to get someone off the list.

Regards,

>>> [redacted] 10/2/02 12:13:42 PM >>>

As you requested. There was a "watch list" summary which was emailed to [redacted] and myself, and we were asked to expound on the descriptions depicted therein. I do not know who authored the original watch list summary.

b7C -1

b6 -1

CC:

b6 -1

b7C -1

From: [redacted]
To: [redacted]
Date: Sun, Sep 15, 2002 7:25 PM
Subject: Re: Fwd: TSA No Fly list

[redacted]
We need a statement from the [redacted] that the person (s) is/are believed to be a threat to civil aviation security and we also need all possible bio information at the FOUO (for official use only) classification.
Thank you for your assistance on this.

[redacted]
>>> [redacted] 08/29/02 12:39PM >>>

[redacted] Was the attached ever added (or in the process of being added) to the No Fly List? Just trying to follow up on everything. Thanks.

b7C -1,3

CC:

[redacted]
b6 -1,3

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-7-03 BY UC60267 NLS/AG/CAL
CA# 03-1779

b7C -1

b6 -1

From: [REDACTED]
To: TWL
Date: Wed, Sep 25, 2002 8:02 AM
Subject: TSA No Fly/Selectee Project

b2 -4

b7C -1,2

b7D -1

Yesterday I received a call from an [REDACTED] officer concerning one of the TSA No Fly listed individuals,

b7E -1

[REDACTED] When I pulled our TSA drop folder here, I noticed that [REDACTED] had run the name through ACS. She had put several communications in the folder which were very helpful. Basically, this individual was listed on the FBI's original Project Lookout watch list but had been removed because the Miami office determined he had [REDACTED]

b6 -1,2

I point out this folder to you as a good example to use in our project to provide more information in these TSA No Fly/Selectee folders. Basically, the documents show that this individual probably should not be on the TSA No Fly list. So, I hopefully can use these documents to get #309 removed.

It was also very helpful the way that [REDACTED] highlighted certain key information in the documents she printed from ACS. Since #309 was still on the list, I referred the [REDACTED] officer to TSA for further information. I did not tell him my suspicion that this individual should have been removed from TSA's list. I will take up that with TSA separately.

b7C -1

b7D -1

b6 -1

In any case, that folder serves as a good example of the type of information which will be extremely valuable as we continue to work with TSA and to assist agents in the field that are involved in these decisions whether to prevent people from flying. If an FBI agent had called in instead of an [REDACTED] officer, I would have told the FBI agent of my concern over whether this person should even be on TSA's list.

b7D -1

CC:

[REDACTED] b7C -1

b6 -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-2-03 BY UC60267 NLS/AG/CL

CA# 03-1779

b7C -1

b6 -1

From: [redacted]
To: [redacted]
Date: Wed, Oct 2, 2002 7:10 PM
Subject: Re: Watch Lists

[redacted] Thanks. (Please see questions and observations below.)

b7C -1

[redacted] was this the document you used to answer the Director's question in the attached email you sent to the Director's Brief Group? Or, did you receive another answer, or are you still waiting? [redacted] asked CAS Program to look into in and, based on what the Terrorist Watch List Unit told us, it seemed that they were formulating a response, but now I'm not sure, because of my subsequent conversations with [redacted] and the attachment he sent me.

b6 -1

[redacted] some questions and observations re the attachment -

b7C -1

1. Please correct me if I'm wrong - acc to our chat yesterday and last night, you [redacted] didn't know about the attached email request from [redacted] to the Director's Brief Group re how people get on and off the No Fly List. However [redacted] was tasked by Art Cummings to expand on a document which listed various watch lists, and you don't know whether that tasking was in response to [redacted] email request or for some other purpose.

b6 -1

b2 -4

2. If possible, please email me what the original document looked like, and how [redacted] expanded it. Also, there are some inaccuracies in what is written:

b7C -1

b7E -1

(a) the criteria stated for Selected [redacted]

b6 -1

[redacted]

b2 -4

b7E -1

(b) the description of law enforcement response for the Selectee list, which cites TSA directives, is wrong

[redacted]

b2 -4

(c) the No Fly List procedure omits the majority of the procedure, meaning that there IS a LEO response and it invariably includes the FBI [redacted]

b7E -1

Regards,

[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-7-03 BY UC60267 NLS/AG/CAL

CA#03-1779

>>> [redacted] 10/2/02 12:13:42 PM >>>

As you requested. There was a "watch list" summary which was emailed to [redacted] and myself, and we were asked to expound on the descriptions depicted therein. I do not know who authored the original watch list summary.

b7C -1

b6 -1

CC: [redacted]

b6 -1

b7C -1

From: [redacted]
To: [redacted]
Date: Mon, Sep 23, 2002 2:08 PM
Subject: Re: No Fly List 109

Thanks for the response [redacted] We're here for you, should you need us in the future. [redacted]

b7C -1

>>> [redacted] 09/23 1:15 PM >>>

b6 -1

Thanks for your offer, but it probably cannot be accepted, except by TSA, which is unlikely. The [redacted] guys are seeing the lists because they may be part of the [redacted] group, to which I send the lists.

b2 -4

b7E -1

TSA controls dissemination and, because the info comes from a variety of sources, is considered the list "third-party" info. [redacted]

[redacted] I'm not sure what the [redacted] TSA reps do with the list, although they might give it to their local contacts.

b2 -4

b7E -1

Thanks again for your thoughts.

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b2 -1,2

b7C -1

b6 -1

>>> [redacted] 9/23/02 10:53:06 AM >>>

[redacted] do any [redacted] receive these lists? The FBI detailees here at [redacted] Washington are just starting to see them via [redacted] and we're wondering if we can assist in any dissemination [redacted] J/C [redacted]

b7C -1,3

>>> [redacted] 9/21 4:15 PM >>>

b6 -1,3

Although I will be on annual leave next week, from 9/24-27, the first of four permanent Civil Aviation Security Program agent supervisors arrives on 9/25. SSA [redacted] will be "me" for the week, and I hope to leave her sufficiently clear instructions for disseminating and posting any lists that come in, although they may not be formatted in the usual manner. As a backup, you may contact your TSA representative or the TSI Watch at [redacted] for the most updated list and ID information.

b6 -1,3

b7C -1,3

For background info on why someone may be on the list, the FBI Terrorist Watch List Unit may be able to assist you, as they are working to backfill that info for their drop files.

Please forward/disseminate as appropriate

** Recipients of this mail have either been designated as Airport Liaison Agents or have duties and responsibilities which necessitate, or are enhanced by, awareness of Transportation Security

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 8-8-03 BY 60267 NLS/AG/CAL

CA#03-1779

SUSSMAN-143

b7C -1

b6 -1

Administration (TSA - formerly FAA) security information.

[Redacted]

b2 -4

[Redacted]

b7E -1

[Redacted]

b2 -4

[Redacted]

b7E -1

SSA [Redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[Redacted]@leo.gov

b2 -1,2

b7C -1

b6 -1

CC:

[Redacted]

SUSSMAN-144

b7C -1

b6 -1

From: [redacted]
To: [redacted]
Date: Mon, Sep 16, 2002 7:46 PM
Subject: Re: No-Fly/Selectee List requirements

Hi [redacted]

Sorry for the delayed response. It's supposed to be only threats to aviation [redacted]

b2 -4

b7E -1

[redacted]
>>> [redacted] 9/13/02 5:36:30 PM >>>

b7C -1

Hi [redacted]

b6 -1

Well, 09/11/2002 went a lot better than 09/11/2001 (thank God!)

I'm looking to find out what it takes to get a person on the No-fly and/or Selectee list. I've had several inquiries (mostly regarding fugitives) about getting names added to the list(s). Any info you have on the matter would be helpful.

Thanks, [redacted]

CC: [redacted]

b7C -1

b6 -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-7-03 BY UC60267 NLS/AG/CL

CA# 03-1779

SUSSMAN-147

b2 -4, 5

b7C -1, 3

b7D -1

b7E -1, 2

b6 -1, 3

From: [redacted]

To: [redacted]

Date: Thu, Oct 10, 2002 12:35 PM

Subject: TSA List Dissemination to [redacted] officials

[redacted]
Sorry for the delay in responding - theoretically there is a TSA representative for [redacted]
[redacted] and that would be the thing to do - contact that person, but I don't have any list of
[redacted] TSA reps, or even a HQ number for the [redacted] security personnel.

b2 -4

b7D -1

b7E -1

Just so you know, regardless of the pros of sharing the TSA lists among [redacted] colleagues in
aviation security, TSA only disseminates to their regulated parties, i.e., the air carriers and the airports,
because the info is from "third parties" and the TSA has not sought a general concurrence from the
contributing agencies to allow further dissemination of the lists, either by them or by the FBI. TSA
maintains that everyone who needs to see the list sees it. [redacted]

b2 -4

b7E -1

However, you could direct them to one of the following persons who may be able for further assistance:

b2 -1

[redacted] TSA Intelligence Watch [redacted] distributes the lists to me)

b7C -1, 3

Hope this helps somewhat. I've cc'd the TSA Detailee here, [redacted] as he surely might have other
names to contact.

b6 -1, 3

b7C -1

>>> [redacted] 10/7/02 4:45:23 AM >>>

b6 -1

The U.S. military has a significant say in the security operations of the [redacted] airport in [redacted]
[redacted] They work in conjunction with [redacted]. As a significant transit point
between the West and many Arab countries, we feel it would be important for officials at the airport to
have the No-fly list. We are attempting to connect individuals at [redacted] with someone in
Washington, so the list can be directly transmitted to them. Do you have a name we could give, either at
TSA or the Pentagon?

b2 -4

b7D -1

b7E -1

Additionally, I have read many e-mails back and forth on the topic of dissemination and nothing seems
clear. I assume the US military can have a copy of this list. If not, kindly advise.

Thank you.

b7C -1

b6 -1

CC: [redacted] TSA LIST PROCESS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 8-20-03 BY UC60267 NLS/AG/COL

CA# 03-1779

SUSSMAN-148

b2 -4,5

b7C -1,2

b7E -1,2

b6 -1,2

From: [redacted]
To: ALL [redacted] GROUP; Aviation Field 17
Date: Tue Sep 17, 2002 8:05 PM
Subject: [redacted] and No Fly List

I forward the attached for your information. Knowing this group, there will undoubtedly be some wise comments and observations, which I welcome.

Thanks.

CC: Aviation-CIRG&Training; Aviation-CTD; Aviation-D...

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-7-03 BY UC60267 NLS/AG/CL
CA#03-1779

SUSSMAN-155

b7C -1,2

b6 -1,2

From: [redacted]
To: [redacted]
Date: Tue, Sep 17, 2002 1:21 PM
Subject: Re [redacted] and No Fly List

[redacted] I wanted to get back with you concerning our conversation, 09/17/2002 and your request to have [redacted] removed from the no fly list. I have spoken with several individuals concerning this, TSA, and others, to try to get to the bottom of this. [redacted] However, Unfortunately we are not going to be able to remove [redacted] name from the list. [redacted] Therefore, we do not want to be faced with this risk. If you have any other questions please feel free to get back with me. Thanks!

b2 -4

b7C -1,2

b7E -1

b6 -1,2

>>> [redacted] 08/21 1:05 PM >>>

[redacted]

b5 -1

b7C -1,2

b6 -1,2

Anyway, can you and the Terrorist Watch List Unit and [redacted] revisit this matter and see if you can get [redacted] off the list?

Thanks.

b2 -1,2

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b7C -1,2,3

b6 -1,2,3

>>> [redacted] 8/20/02 3:41:04 PM >>>
Aloha [redacted]

b7C -1,2

b6 -1,2

Attached is an e-mail documenting concerns of a Hawaii resident by the name of [redacted] who is being frequently stopped and questioned at various airports based upon the similarity of his name with [redacted] Can you offer any suggestions as to how this Hawaii resident can obtain some relief from this scrutiny. Can a computerised entry be made on the no-fly list that [redacted] with the particular biographical descriptors is not identical to [redacted]

Thanks,

SSA [redacted] Counterterrorism Squad, Honolulu

b7C -1

CC:

[redacted]

b6 -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-5-03 BY UC60267 NLS/AG/CAL
CA# 03-1779

SUSSMAN-156

From: [REDACTED]
 To: [REDACTED]
 Date: Sat, Sep 28, 2002 7:39 PM
 Subject: Re: TSA No Fly/Selectee List

b7C -1

b6 -1

[REDACTED]

[REDACTED]

b2 -4

b7C -1

b7E -1

b6 -1

[REDACTED]

b2 -4

[REDACTED]

b5 -1

b7C -1

b7E -1

b6 -1

>>> [REDACTED] 9/27/02 2:48:41 PM >>>

Just a heads up to avoid unnecessary calls for air carriers who want us to check TSA's No Fly/Selectee Lists. The individuals here in the Watch List have been told to respond to FBI requests to check TSA's lists, but we have advised them not to provide information from TSA's lists to air carriers since the lists are not the FBI's lists. I will be discussing this with [REDACTED] in the near future, but for now air carriers should be directed to TSA's 24/7 watch office at [REDACTED]. Thanks as well as the answer we provide to congressman writing on behalf of their constituents.

b2 -1

b7C -1

b6 -1

CC:

[REDACTED]

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 8-7-03 BY [REDACTED]

CA# 03-1779

60267 NLS/AG/CAL

[redacted]
From: [redacted]
Sent: Wednesday, June 26, 2002 4:58 PM
To: [redacted]
Cc: [redacted]
Subject: Re: Meet with TSA and FBI Counsel re TSA lists

b7C -1
b6 -1

Monday at 3 is fine with me. I may be bringing a TDY agent with me, as that is his first day here and he is an Airport Agent, so this will provide the field perspective, if any such questions arise.

>>> [redacted] 6/26/02 4:45:26 PM >>>

[redacted] et al: TSA Counsel called and suggested Monday afternoon at 3. Is that okay with you? I assume over here so I have reserved our OGC conference room, 7426. I'll clarify details and talk to you before that.

[redacted]

>>> [redacted] 06/26/02 10:50AM >>>

[redacted] - please set it up as soon as possible, Mon afternoon or Tues. thanks.

b7C -1,3
b6 -1,3

>>> [redacted] 6/26/02 10:47:21 AM >>>

Just let me know when the meeting is going to be, and where.

Thanks

[redacted]

b7C -1,3
b6 -1,3

>>> [redacted] 06/25/02 05:00PM >>>

[redacted] - are you available early next week to go over the No Fly and Selectee lists with the TSA Counsel? As I mentioned in a previous email, I spoke with [redacted] yesterday about the list "basics", but I was not able to identify the criteria, for one, as to what makes one a "known" vs a "possible" threat to aviation, and other issues re interviewing passengers on the basis of the list, etc.

[redacted]

>>> [redacted] 6/25/02 1:41:21 PM >>>

[redacted] I called the TSA counsel and he wants to meet w/me, you and [redacted] to learn more about the watchlists and what we should all do about it. I think that's a good idea. What is your availability this week and next? and can you find out what [redacted] is?

[redacted] Ext [redacted]

>>> [redacted] 06/24/02 12:19PM >>>

Attached are two pieces which I've written or contributed to relative to the Watch lists. In "kohl [redacted] wpd", the second "bullet" talks briefly about Project Lookout transitioning into the current Watch lists. "feingold [redacted] wpd" is more extensive, and is a combination of answers provided by [redacted] and me about the TSA lists versus other lists, i.e., the FBI's Terrorism Watch List. Perhaps this will give you some additional info, maybe not...

b7C -1,3
b2 -1
b6 -1,3

[redacted]

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division

[redacted]@leo.gov

b2 -1,2
b7C -1
b6 -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60262NLS/AG/JS

CA# 03-1779

SUSSMAN-158

[redacted]
From: ACummings
Sent: Thursday, June 27, 2002 1:10 PM
To: [redacted]
Cc: [redacted]
Subject: Re: Meet with TSA and FBI Counsel re TSA lists

b7C -1,3
b6 -1,3

[redacted] if at all possible I will attempt to attend this. AMC

b7C -1,3
b6 -1,3

>>> [redacted] 06/26 10:50 AM >>>

[redacted] please set it up as soon as possible, Mon afternoon or Tues. thanks.

b7C -1,3
b6 -1,3
b2 -1

>>> [redacted] 6/26/02 10:47:21 AM >>>

[redacted] Just let me know when the meeting is going to be, and where.

Thanks
[redacted]

>>> [redacted] 06/25/02 05:00PM >>>

[redacted] are you available early next week to go over the No Fly and Selectee lists with the TSA Counsel? As I mentioned in a previous email, I spoke with [redacted] yesterday about the list "basics", but I was not able to identify the criteria, for one, as to what makes one a "known" vs a "possible" threat to aviation, and other issues re interviewing passengers on the basis of the list, etc.

[redacted]

>>> [redacted] 6/25/02 1:41:21 PM >>>

[redacted] I called the TSA counsel and he wants to meet w/me, you and [redacted] to learn more about the watchlists and what we should all do about it. I think that's a good idea. What is your availability this week and next? and can you find out what [redacted] is?

[redacted] Ex [redacted]

>>> [redacted] 06/24/02 12:19PM >>>

Attached are two pieces which I've written or contributed to relative to the Watch lists. In "kohl [redacted] wpd", the second "bullet" talks briefly about Project Lookout transitioning into the current Watch lists. "feingold [redacted] wpd" is more extensive, and is a combination of answers provided by [redacted] and me about the TSA lists versus other lists, i.e., the FBI's Terrorism Watch List. Perhaps this will give you some additional info, maybe not....

[redacted]

b2 -1
b7C -1
b6 -1

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b2 -1,2
b7C -1
b6 -1

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 8/3/03 BY 60367NLS/AG/KS

CA# 03-1779

[redacted]
From: ACummings
Sent: Wednesday, August 07, 2002 1:49 PM
To: [redacted]
Cc: [redacted]
Subject: Re: Legat dissem of No Fly List

b7C

b2
b5
b7E

All, the No Fly and Selectee lists are controlled by the TSA and as such will be disseminated by that organization. The FBI watch list is not to be disseminated outside of the U.S. intelligence community if that far [redacted]

>>> [redacted] 08/05 6:52 PM >>> b7C

H [redacted]

This is probably a tricky question depending on to whom you wish to give it and why. If you have an FAA/TSA rep at your embassy, it might be best to discuss this with them and let me know what they say. I've been answering this question for other legats, but each legat's situation may be different.

I think it should be disseminable to liaison contacts responsible for aviation-security matters, meaning the police at the airport who will be interviewing potential matches to the list. You can't conduct the interviews... Beyond that, we have made no decisions as to putting these folks in NCIC, and what to do if they are stopped on a street corner. I am permitted, by TSA regulation now, to disseminate within my agency, and the carriers are permitted to disseminate locally to law enforcement, so if you give it to law enforcement, same thing.

Hopefully, you can look at the purpose of the list, and go from there. Thanks for your question. If you run into problems or other questions, please let me know.

>>> [redacted] 8/5/02 1:11:06 AM >>>

b7C

Can we disseminate this list to [redacted]

[redacted]

>>> [redacted] 08/01/02 05:58AM >>>

I've received a couple of questions from Legats about the lists, such as whether the names are in other databases, etc. I'll answer as I can and cc everyone, and then try to compile a comprehensive info sheet at some point. For example, since the FBI is only one contributor to these lists, I cannot say what other databases may contain ALL the names. However, it is very likely that a lot, if not all, of the names are in TECS and Visa/Viper, because those agencies often receive the same info that the FBI receives, and those agencies input names whether they end up on the TSA lists or not. I am hoping that any FBI entity which adds a name to this list also sees to it that the name is added to all the other lists as well.

Please forward this mail as appropriate within your offices and to CP/Duty Agent. Thank you.

** Recipients of this mail have either been designated as Airport Liaison Agents or have duties and responsibilities which necessitate, or are enhanced by, awareness of Transportation Security Administration (TSA - formerly FAA) security information.

b2

These lists and general guidance for FBI response to possible name matches on TSA lists may be found at [redacted] on the FBI Intranet, and also on LEO, Special Interest Groups, FBI, Member Area. The lists are sorted two ways, alphabetically and by SID (Subject ID) number.**

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b2
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60367NLS/AG/JS
CAF 03-1779

SUSSMAN-161

From:
Sent:
To:
Cc:
Subject:

Thursday, February 13, 2003 2:46 PM

b7C -1,3
b6 -1,3

TSA No-Fly List

Another fine issue to put on your plate. Some time ago, we got into a "discussion" with TSA general counsel about criteria to put people on the No-Fly List.

Haven't heard anymore from TSA on doing this but I believe we should start thinking about it.

Do you know of any movement in this area from your vantage point do you?

Anyway, something more to think about.

b2 -4
b5 -1,2
b7C -1,3
b7E -1
b6 -1,3

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 2/5/03 BY 60267 NLS/AG/J3
CA# 83-1779

[redacted]
From: [redacted]
Sent: Thursday, October 17, 2002 11:23 AM
To: [redacted]
Cc: [redacted]
Subject: Fwd: Re: Terrorism Watch List, etc.

b7C -1
b6 -1

b7C -1
b6 -1

[redacted] I have dealt with [redacted] in DT (who disseminates the No-Fly list to field offices and provides them guidance on what to do in response to a "hit") and the TSA people on these concerns a few months ago but not the TWL people directly. Feel free to send it to [redacted] although I realize the criminal law/procedure concerns are not really his job to tend to directly.

b7C -1
b6 -1

[redacted]
>>> [redacted] 10/17/02 11:06AM >>>

[redacted] I sent the information to you for the criminal law issues that you raised, and not the intel issues. I can't determine from your response whether you are dealing with TWL people regarding the issues you raised in your response to me. If not, I'll forward your response to [redacted] unless you did so separately. Thanks.

>>> [redacted] 10/17/02 09:46AM >>>
Thanks [redacted]

[redacted]

[redacted]

[redacted]

[redacted]
>> [redacted] 10/16/02 01:56PM >>>
[redacted] mentioned that you would be reviewing this for ILU.
[redacted] this is ty!

b2 -4
b5 -1,2
b7C -1
b7E -1
b6 -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60267NLS/AG/JS
CAF 03-1779

[redacted]
From: [redacted]
Sent: Thursday, October 17, 2002 9:46 AM
To: [redacted]
Cc:
Subject: Fwd: Re: Terrorism Watch List, etc.

b7C -1
b6 -1

Thanks [redacted]
[redacted]
[redacted]
[redacted]

b2 -4
b5 -1,2
b7C -1
b7E -1
b6 -1

>>> [redacted] 10/16/02 01:56PM >>>
[redacted] mentioned that you would be reviewing this for ILU.
[redacted] his is tyi

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60262 NLS/AG/JS

CAT# 03-1779

From: [REDACTED]
Sent: Thursday, October 10, 2002 9:11 AM
To: [REDACTED]
Subject: Fwd: Re: Terrorism Watch List, etc.

b7C -1
b6 -1

>>> [REDACTED] 10/10/02 07:53AM >>>

How come you were not part of this e-mail? Are you aware of this? Please review and let me know what you think.

b2 -4
b5 -1
b7C -1
b7E -1
b6 -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60267NLS/JS/AG
CAF# 03-1779

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60267 NLS/AG/JS

[redacted]
From: [redacted]
Sent: Thursday, August 01, 2002 10:18 AM
To: [redacted]
Cc: [redacted]
Subject: Re: [redacted]

b7C -1
b6 -1

b7D -1

STATE

[redacted] When do you think we will know and should we push for the delay (with [redacted] for the reasons that we have i
to know how soon we will have our own house in order and can discuss
with the [redacted] it is very hard to say--but it has to be sooner rather than later. I suggest we try to delay a month ar
prioritize this issue in house with the right senior people right away.

TS b7C -1
b7D -1
b6 -1
INFO

>>> [redacted] 07/31/02 09:13PM >>>

I talked at great length with [redacted] tonite. She is with Customs as you said. [redacted]

[redacted] They are the same issues we face
with our own agents, so solve those and we don't need a meeting. I think we need to talk in-house again, once you get
those criteria about who ends up on the list. We need to try and draw a line about the minimum info needed on someone
before they go on a list.

b2 -4
b7D -1
b7E -1b2 -4
b7D -1
b7E -1

>>> [redacted] 07/30/02 09:55AM >>>

All - Re previous mail, the day was incorrectly listed as Tuesday, and because the flight time from Dulles
doesn't arrive [redacted] until 9:56 am, [redacted] scheduled the meeting from 11am - 1pm. I've made the
change in the original mail below. In addition, there will be no discussion [redacted] as the No
Fly List issues will undoubtedly take up the whole 2 hours.

b2 -4
b7C -1
b7D -1
b7E -1
b6 -1

I will be attending, as will [redacted] for TSA. I
strongly suggest that as many of you plan to attend as possible (with the possible exception of TMU).

FYI - The [redacted] and TSA consider [redacted] TSA No Fly List matters (I'm [redacted]
[redacted] The list is known as the "FBI Watchlist" in
circles and the TSA is referring all complaints from citizens to the FBI, [redacted] Now, I do
mind that as I believe I am able to explain to them how it works and some of their options for contacting the
airlines, as in most cases, it is the airlines that are causing delays by not clearing the passengers when they can.

b2 -4
b7C -1,3
b7D -1
b7E -1
b6 -1,3

Thank you. [redacted]

b2 -4
b7D -1
b7E -1

b2 -4
b7D -1
b7E -1

Thank you.

b2 -4
b7C -1,3,5
b7D -1
b7E -1
b6 -1,3,5

From: [redacted]@state.gov>
To: [redacted] (FBI)" <[redacted] (E-mail)" [redacted]
Cc: [redacted] (E-mail)" <[redacted] <[redacted] <[redacted] <

Subject: RE: TSA No Fly List
Date: Thu, 18 Jul 2002 13:51:03 -0400

[Large redacted block]

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

From: [redacted] (FBI) [mailto:[redacted]eo.gov]
Sent: July 06, 2002 2:51 PM
To: [redacted] (E-mail); [redacted]
Cc: [redacted] (E-mail); [redacted] (E-mail)
Subject: Re: TSA No Fly List

b7C -1,3,5
b6 -1,3,5

[redacted] - sorry, I was looking on the wrong lists - it looks like there is a [redacted] on the most current Selectee

List 44.

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

From: [redacted] (FBI)" <[redacted]@leo.gov>
 To: [redacted] (E-mail)"
 [redacted]@faa.gov>
 Cc: [redacted] (E-mail) [redacted]@state.gov>; [redacted]
 (E-mail)" [redacted]@ost.dot.gov>
 Sent: Friday, July 05, 2002 5:50 PM
 Subject: Re: TSA No Fly List

b7C -1,3,5
 b7D -1
 b6 -1,3,5

Hello [redacted]

It appears that there is no more [redacted] on either of the two lists (No Fly 73 or Selectee 44), so Mr. [redacted] should have no more problems for now. However, if another [redacted] should be put on the list, his name would trigger something. Your advice was the best that could be given under the circumstances. I don't know if FBI put him on the list or not.

b7C -2,5
 b6 -2,5

[redacted] Supervisory Special Agent
 Civil Aviation Security Program
 Special Events Management Unit, Room 11795
 Domestic Terrorism Counterterrorism Planning Section
 Counterterrorism Division
 Federal Bureau of Investigation
 [redacted] (fax)

b2 -1,2
 b7C -1,3,5
 b7D -1
 b6 -1,3,5

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

From: [redacted]
 To: [redacted] (E-mail)" <[redacted]@faa.gov>
 Cc: [redacted] (E-mail)" <[redacted]@state.gov>; [redacted] (E-mail)"
 [redacted]@ost.dot.gov; [redacted] (E-mail)" <[redacted]@leo.gov>
 Sent: Friday, July 05, 2002 9:51 AM
 Subject: TSA No Fly List

b7C -1,2
 b6 -1,2

There is a specific case involving the TSA List which is a slightly bigger problem for us. The list contains the name: [redacted] we have a Mr. [redacted] who is continually denied access to the automated check-in and is given the third degree every time he flies. The problem is our [redacted] which means that he a member of [redacted] which means that he is required to travel the world for preparatory meetings related to the [redacted] We have advised our [redacted] to book his ticket using his full names which match those on his passport i.e. [redacted] His travel agent has added his Frequent Flyer details to all his bookings and provides Mr [redacted] DOB, Passport # and Country of Issue so he can checked out early through [redacted] when he travels to the [redacted] Still he get's hassled. Is there anyway way for you folks to verify whether your [redacted] is still a valid name, add more details or delete it? We're still looking forward to meeting with you folks to try and come to grips with the TSA List issue.

CA# 03-1775
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 6b7C -1
b6 -1b2 -4
b7C -1,3,5
b7D -1
b7E -1
b6 -1,3,5

From:
Sent:
To:
Cc:
Subject:

Tuesday, July 30, 2002 10:19 AM

b7D -1

Re:

TSA
info

>>> [REDACTED] 07/30/02 09:55AM >>>

All - Re previous mail, the day was incorrectly listed as Tuesday, and because the flight time from Dulles doesn't arrive [REDACTED] until 9:56 am, [REDACTED] scheduled the meeting from 11 am - 1 pm. I've made the change in the original mail below. In addition, there will be no discussion [REDACTED] as the Fly List issues will undoubtedly take up the whole 2 hours.

b2 -4
b7C -1,3
b7D -1
b7E -1
b6 -1,3

I will be attending, as will [REDACTED] for TSA. I strongly suggest that as many of you plan to attend as possible (with the possible exception of TMU).

FYI - The [REDACTED] and TSA consider [REDACTED] TSA No Fly List matters (I'm still [REDACTED] The list is known as the "FBI Watchlist" in all circles and the TSA is referring all complaints from citizens to the FBI. [REDACTED] Now, I don't mind that as I believe I am able to explain to them how it works and some of their options for contacting the airlines, as in most cases, it is the airlines that are causing delays by not clearing the passengers when they call.

b2 -4
b7E -1
b2 -4
b7D -1
b7E -1

Thank you. [REDACTED]

Thank you.

b2 -4
b7E -1

From: [REDACTED]@state.gov>

To: [REDACTED] (FBI)" <[REDACTED] E-mail)" [REDACTED]

b7C -1,3,5
b7D -1
b6 -1,3,5

Cc: [redacted] (E-mail)" <[redacted]> <[redacted]> <[redacted]>

b7C -1
b6 -1

Subject: RE: TSA No Fly List

Date: Thu, 18 Jul 2002 13:51:03 -0400

b2 -4
b7C -1, 3, 5
b7D -1
b7E -1
b6 -1, 3, 5

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

From: [redacted] (FBI) [mailto:[redacted]@leo.gov]
Sent: July 06, 2002 2:51 PM
To: [redacted] (E-mail); [redacted]
Cc: [redacted] (E-mail); [redacted] (E-mail)
Subject: Re: TSA No Fly List

List 44.

Bev

b2 -4
b7C -1, 3, 5
b7D -1
b7E -1
b6 -1, 3, 5

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

From: [redacted] (FBI)" <[redacted]@leo.gov>
To: [redacted] (E-mail)"
<[redacted]@faa.gov>
Cc: [redacted] (E-mail); [redacted]@state.gov>; [redacted]
(E-mail)" <[redacted]@ost.dot.gov>
Sent: Friday, July 05, 2002 5:50 PM

b7C -1, 3, 5
b7D -1
b6 -1, 3, 5

b7C -2,5
b6 -2,5

Subject: Re: TSA No Fly List

Hello, [REDACTED]

It appears that there is no more [REDACTED] on either of the two lists (No Fly 73 or Selectee 44), so Mr. [REDACTED] should have no more problems for now. However, if another [REDACTED] should be put on the list, his name would trigger something. Your advice was the best that could be given under the circumstances. I don't know if FBI put him on the list or not.

[REDACTED]
[REDACTED] Supervisory Special Agent
Civil Aviation Security Program
Special Events Management Unit, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
Federal Bureau of Investigation
[REDACTED] (fax)

b2 -1,2
b7C -1,3,5
b7D -1
b6 -1,3,5

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

To: [REDACTED] (E-mail)" <[REDACTED]@faa.gov>
Cc: [REDACTED] (E-mail)" [REDACTED]@state.gov; [REDACTED] (E-mail)" [REDACTED]@ost.dot.gov; [REDACTED] (E-mail)" [REDACTED]@leo.gov
Sent: Friday, July 05, 2002 9:51 AM
Subject: TSA No Fly List

b7C -1,2,5
b6 -1,2,5

There is a specific case involving the TSA List which is a slightly bigger problem for us. The list contains the name: [REDACTED] we have a Mr. [REDACTED] who is continually denied access to the automated check-in and is given the third degree every time he flies. The problem is our [REDACTED] which means that he is a member of [REDACTED] which means that he is required to travel the world for preparatory meetings related to the [REDACTED]. We have advised our [REDACTED] to book his ticket using his full names which match those on his passport i.e. [REDACTED]. His travel agent has added his Frequent Flyer details to all his bookings and provides Mr. [REDACTED] DOB, Passport # and Country of Issue so he can checked out early through [REDACTED] when he travels to the States. Still he get's hassled. Is there anyway way for you folks to verify whether your [REDACTED] is still a valid name, add more details or delete it? We're still looking forward to meeting with you folks to try and come to grips with the TSA List issue.

b7C -1
b6 -1

b5 -1,2

To that end, you agreed to consult with the cognizant people in the TWL unit and other IT sources to assemble some of the actual

b5 -1,2
b7C -3
b6 -3

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CA#03-1779

CA# 83-1779
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60267NLS/AG/JS

b7C -1,3
b6 -1,3

[redacted]
From: [redacted]
Sent: Wednesday, July 03, 2002 9:04 AM
To: [redacted]
Cc: [redacted] MBOWMAN; [redacted] ACUMMINGS; MKING
Subject: Re: No Fly and Selectee Lists

[redacted] As far as I am concerned, [redacted]
[redacted]

You heard their counsel say he wants more, such as [redacted]

b5 -1,2
b7C -1
b6 -1

But, what TSA is entitled to expect is [redacted]
[redacted]

Maybe, at some point [redacted]
[redacted]

In the end, even though we are dealing with lists or groupings of people who are joined together by a [redacted]
[redacted]

b7C -1
b6 -1

b2 -4
b7E -1

>>> [redacted] 07/02/02 07:39PM >>>
[redacted]

Thank you so much for the detailed legal opinion and support on the FBI's role in crafting security directives. [redacted]
[redacted]

We still need to address the legal, policy and procedural questions as a total picture, rather than piecemeal. [redacted]
[redacted]

Re authority to hold No Fly passengers until the FBI arrives. [redacted]
[redacted]
[redacted]

If the FBI and the TSA cannot agree [redacted]
[redacted]

Regards [redacted]

b7C -1
b6 -1

>>> [redacted] 7/2/02 11:59:21 AM >>>

[redacted] The specific statutory citation for the terrorist watch list [redacted]
[redacted]
[redacted]
[redacted]

b2 -4
b7E -1

b2 -4
b7E -1

My next move is to consult the [REDACTED] in the DAG's office--about the issue of the legal basis for No-Fly decisions after I discuss this within OGC.

b2 -1
b7C -1
b6 -1

>>> [REDACTED] 07/01/02 07:32PM >>>

When it rains, it pours [REDACTED]

[REDACTED] I ask that [REDACTED] OGC, go into additional legal citations from the USA PATRIOT ACT that might be pertinent, but the Aviation and Transportation Security Act (ATSA) of 2001, passed on November 19, 2001, mandates in Section 101, (a), §114 (h) entitled "Management of Security Information", that the Under Secretary of Transportation for Security shall:

b2 -4
b7C -1
b7E -1
b6 -1

- (1) enter into memoranda of understanding with Federal agencies or other entities to share or otherwise cross-check as necessary data on individuals identified on Federal agency databases who may pose a risk to transportation or national security;
- (2) establish procedures for notifying the Administrator of the Federal Aviation Administration, appropriate State and local law enforcement officials, and airport or airline security officers of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety;
- (3) in consultation with other appropriate Federal agencies and air carriers, **establish policies and procedures requiring air carriers--**
 - (A) to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation or national security; and**
 - (B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and**
- (4) consider requiring passenger air carriers to share passenger lists with appropriate Federal agencies for the purpose of identifying individuals who may pose a threat to aviation safety or national security.

Personally, I think that this about covers it, and hopefully, the FBI will be consulted on revisions to the TSA Security Directives to be more clear about who is to contact whom in what situation. [REDACTED]

[REDACTED] Perhaps they need to hear a definitive statement from the FBI on these matters.

b2 -4
b5 -1,2
b7C -1
b7E -1
b6 -1

I hope this helps.

SSA [REDACTED] (fax)

Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted] eo.gov

b2 -2
b7C -1
b6 -1

b7C -1
b6 -1

>>> [redacted] 6/27/02 5:05:03 PM >>>
SSA [redacted]

As CDC of the [redacted] Division, I have been asked to obtain some information for the United States Attorney's Office, [redacted] concerning the legal authority under which the FAA/TSA promulgate the No Fly and Selectee lists. Personnel [redacted] from the United States Attorney's Office were recently afforded a briefing regarding the No Fly and Selectee lists by SA [redacted] [redacted] Airport Liaison Agent. Following this briefing, SA [redacted] received a request for additional information which has been forwarded to the CDC for handling.

My understanding is that the U.S. Attorney's Office would like some assistance in identifying the specific statutes/regulations/executive orders or any other enabling provisions which grant authority to the FAA and/or TSA to compile and disseminate the lists. There is no known agenda attached to the request other than further informing the understanding of appropriate personnel regarding the program.

I have read the "Notes and Guidance" which you prepared on 03/25/2002 and accordingly, I hope that you may be of some help in responding to the request from the United States Attorney's Office [redacted] If your Unit maintains responsive information, please forward same to my attention. I may be reached at [redacted]

b2 -1
b6 -1
b7C -1

[REDACTED]

From: [REDACTED]
Sent: Tuesday, July 23, 2002 8:53 AM
To: [REDACTED]
Subject: Yesterday's TSA List meeting

b7C -1
b6 -1

Thank you all for working on this situation and for your patience with my frustration to get to a logical and streamlined process that is written down, legally defensible and understood by all. I do believe that these discussions will enable us to provide TSA with the information they seek, and we will all be more clear, too.

[REDACTED]

[REDACTED]

Thanks again. [REDACTED]

b5 -1,2
b7C -1
b6 -1

ALL INFORMATION CONTAINED
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DATE 8/5/03 BY 60267 NLS/AG/KS

CA# 03-1779

[REDACTED]

From: [REDACTED]
Sent: Monday, July 29, 2002 3:32 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: No Fly List re [REDACTED]

b7C -2
b6 -2

[REDACTED]

Occasionally I get calls from passengers who match No Fly names, looking for some guidance and potentially a solution to be stopped all the time. Although there is no way to prevent the initial "stop", I usually try to make sure that all possible procedures are being implemented to avoid delay to non-matches and to avoid the FBI or police being called unnecessarily.

[REDACTED]

[REDACTED] I don't know if what he says is true, but I'm hoping that you can determine from him the exact nature of what's happening, and if it sounds like there is something the airlines or the police could do better, maybe you can facilitate that.

He understands (1) that there is a list, (2) how he matches the other 3 names, but has no other criteria, and (3) that he needs to be "cleared". However, he says that in Jacksonville, it's more difficult and involves the police, whereas in larger airports, the airlines clear him directly. Furthermore, he said the police in Jacksonville talked about having INS talk to him. That's when he got upset and said he is a U.S. citizen, etc etc.....He says he's made a several calls to the TSA and local FBI, and ended up with my name....

He also says he spoke in person with someone at the Jacksonville office, but he couldn't remember their name and he said the person was "dressed down" so maybe he wasn't an agent. He said the person was very kind, but couldn't assist him.

He has Frequent Flyer numbers so I told him to contact the airlines to see if the corporate security managers of those airlines could find a way to have the Jacksonville personnel clear him without the police. I told him that not all airlines have implemented systems that can clear passengers who only match one criteria, so I also told him that he can contact the airport police in advance of his check-in, to alert them to his arrival, to avoid delays. Those are the only two solutions I could offer him.

Do you know this gentleman? Please see if you can find out what might be happening in the airport, with the airlines and with the police, i.e., are they delaying him unnecessarily, or is he a close match to the names on the list? Seems to me that if he is a regular traveler, Jacksonville Airport employees and police should be able to clear him pretty quickly. If you work something out, please let me and [REDACTED] know. You will be doing everyone a great service!

Thanks. [REDACTED]

b7C -1,2
b6 -1,2

Lastly,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60262MLS/AG/JS
CA# 03-1779

From: [REDACTED]
 Sent: Monday, July 29, 2002 3:51 PM
 To: [REDACTED]
 Cc: [REDACTED]
 Subject: MORE No Fly List re [REDACTED]

b7C -1,2
 b6 -1,2

Immediately after I sent my previous mail, I received an email from [REDACTED]
 [REDACTED] Attached is that mail and my response.

Thanks for looking into this situation.

b7C -1,2
 b6 -1,2

Occasionally I get calls from passengers who match No Fly names, looking for some guidance and potentially a solution to be stopped all the time. Although there is no way to prevent the initial "stop", I usually try to make sure that all possible procedures are being implemented to avoid delay to non-matches and to avoid the FBI or police being called unnecessarily.

b7C -2
 b6 -2

[REDACTED] I don't know if what he says is true, but I'm hoping that you can determine from him the exact nature of what's happening, and if it sounds like there is something the airlines or the police could do better, maybe you can facilitate that.

He understands (1) that there is a list, (2) how he matches the other 3 names, but has no other criteria, and (3) that he needs to be "cleared". However, he says that in Jacksonville, it's more difficult and involves the police, whereas in larger airports, the airlines clear him directly. Furthermore, he said the police in Jacksonville talked about having INS talk to him. That's when he got upset and said he is a U.S. citizen, etc etc.....He says he's made a several calls to the TSA and local FBI, and ended up with my name....

He also says he spoke in person with someone at the Jacksonville office, but he couldn't remember their name and he said the person was "dressed down" so maybe he wasn't an agent. He said the person was very kind, but couldn't assist him.

He has Frequent Flyer numbers so I told him to contact the airlines to see if the corporate security managers of those airlines could find a way to have the Jacksonville personnel clear him without the police. I told him that not all airlines have implemented systems that can clear passengers who only match one criteria, so I also told him that he can contact the airport police in advance of his check-in, to alert them to his arrival, to avoid delays. Those are the only two solutions I could offer him.

Do you know this gentleman? Please see if you can find out what might be happening in the airport, with the airlines and with the police, i.e., are they delaying him unnecessarily, or is he a close match to the names on the list? Seems to me that if he is a regular traveler, Jacksonville Airport employees and police should be able to clear him pretty quickly. If you work something out, please let me and [REDACTED] know. You will be doing everyone a great service!

Thanks. [REDACTED]

b7C -1,2
 b6 -1,2

Lastly,

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8/5/03 BY 60267NLS/AG/JS
 CAA 03-1779

From: [REDACTED] (FBI)" [REDACTED]@leo.gov
 To: [REDACTED]
 Cc: [REDACTED]
 Bcc: [REDACTED]
 Subject: Re: [REDACTED]
 Date: Mon, 29 Jul 2002 15:46:48 -0400

b2 -2
 b7C -1,2,6
 b6 -1,2,6

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8/5/03 BY 60267 NLS/AG/RS

CAF 03-1779

Dear Ms. [REDACTED]

Thank you for your email to explain [REDACTED] experience at Jacksonville Airport. Please understand that it is not [REDACTED] who is on the No Fly list, but similarly named people who may pose a danger to aviation. As you might imagine, [REDACTED] experience is repeated across the country with the more common names, both in Arabic and English. It's difficult to be too cautious. Procedurally, when people with names similar to names on the list present themselves at the ticket counter with their identification, airlines are given the option of determining for themselves that the passenger is not the person on the list. Some airlines either don't have the capability or don't accept the option to make the determination, and therefore they must contact the airport police for a decision. If the police were checking databases, it's possible they didn't want to render a decision until they were absolutely sure of who [REDACTED] was, or wasn't. Unless there is a real question as to whether [REDACTED] is the same as someone on the list, clearance should not take more than 5 minutes.

b7C -2
 b6 -2

I just got off the phone with [REDACTED] and it sounds like a problem with the airlines at Jacksonville airport, because [REDACTED] advised that he didn't have the same problem at Dulles in D.C. I provided [REDACTED] with some guidance for contacting the airlines with whom he has a Frequent Flyer number, and also for initiating contact himself with the airport police prior to arrival at the airport, to give them a heads-up.

In the meantime, I know [REDACTED] spoke with someone today at the Jacksonville FBI office, but I didn't recognize the name of the person he spoke with. Therefore, I will be contacting two experienced aviation security agents in our Jacksonville office for follow-up at the airport to see if there is a problem which can be easily rectified.

Sincerely,

[REDACTED] Supervisory Special Agent
 Civil Aviation Security Program
 Special Events Management Unit, Room 11795
 Domestic Terrorism Counterterrorism Planning Section
 Counterterrorism Division
 Federal Bureau of Investigation
 [REDACTED] (fax)

b2 -1,2
 b7C -1,6
 b6 -1,6

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

From: [REDACTED].com
 To: [REDACTED]
 Cc: [REDACTED]
 Sent: Monday, July 29, 2002 2:33 PM
 Subject: [REDACTED]

The FAA referred me to you regarding a "No Fly List" in which our [REDACTED] has inadvertently been put on. As he was leaving Jacksonville this morning, he was detained for forty-five (45) minutes (and almost missed his flight to New Orleans) to be run through every computer database that was available by the local authorities. The local authorities suggested that he call the FBI to have his removed from

b7C -2
 b6 -2

Re [redacted]
this so-called "No Fly List". The TSA and FAA were also notified by both [redacted] office personnel, as well as myself. After numerous calls, transfers, etc., we were directed back to the FBI.

[redacted] is a very well-known and respected physician here the Jacksonville, FL area (please refer to his website: [redacted]). Quite often, he is required to travel out of state for seminars, business, personal and other hospital related issues; and it is imperative that he not be continually detained by the authorities. After the 9/11 terrorists attacks, we understand the need for increased security; however, we hope that [redacted] will not have to endure the humiliation and delay in travel that he experienced this morning.

b6 -2,6
b7C -2,6

His passport number is: [redacted] His date of birth is: [redacted]

On Monday, July 29th, [redacted] will be meeting with the local FBI here in Jacksonville, FL. If there is any further light you can shed on this incident, it would be greatly appreciated.

Sincerely,

[redacted]

[Redacted]

From: [Redacted]
Sent: Friday, August 30, 2002 5:04 PM
To: [Redacted]
Cc: [Redacted]
Subject: No Fly & Selectee List ID Info

b7C -1,3
b6 -1,3

[Redacted]

[Redacted]

[Redacted]

b2 -4
b7E -1

[Redacted]

[Redacted]

Thanks.

Example

[Redacted] and her husband, [Redacted] have been stopped several times, in San Diego (her home town), Newark (for three hours), Portland and L.A. The first time, her daughter was also stopped and queried. Both [Redacted] and are U.S. citizens. [Redacted] reported that she was unable to make a business meeting because she missed two flights waiting for the police to clear her. She is concerned about the embarrassment, the delays, the effect on her employment and the potential trauma to her daughter if they continue to be unduly delayed. I advised [Redacted] to contact the three airlines she flies regularly (Alaska, United, and Continental), to see if they will be able to assist her by putting some bio info into their systems so that when she presents herself at the ticket counter, she can be excluded as THE person on the list.

b7C -2
b6 -2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60247NLS/AG/JS
CAF# 03-1779

From: [REDACTED]
 Sent: Thursday, October 10, 2002 8:07 PM
 To: [REDACTED]
 Cc: Aviation-CAS Program; TSA LIST PROCESS; TBUSH
 Subject: Re: No-fly List

b7C -1
 b6 -1

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8/5/03 BY 60267 NLS/AG/CAH 03-1779

b2 -4
 b7E -1

First of all, thanks to Tom Bush - I have him fooled, eh? :-)

1. Q. We have found out that there are possibility [REDACTED] No-Fly lists being maintained and utilized at the airport.

A. There is only one No Fly List - it is capable of being printed and the TSA maintains it, based on info from FBI, CIA and other intel sources. The current list is #115, and it is about 41 pages long right now.

2. Q. The agencies having lists, as we know of are TSA, FBI and the airlines.

b2 -4
 b7E -1

3. Q. These list are not comprehensive and not centralized.

A. The lists will never be comprehensive and centralized, as they have different purposes and are maintained by different agencies. However, one day they will all be checked simultaneously (I will be retired by then!)

3. Q. Some subjects appear are one list but not the others.

A. I would imagine that the No Fly List contains some names that are also in VGTOF, but not all No Fly names are in VGTOF, although they should be. There will never be consistency due to input mechanisms, etc. and purpose of "lists."

4. Q. Some of the lists are old and not current. A. Throw old lists away and ask the agencies for new lists. I keep you up to date as best as I can with the TSA list. VGTOF is as current as the entries.

5. Q. Please advise how we can get these people on the No-Fly List ASAP.

b2 -4
 b7E -1

6. Q. BU EC, Dated 10/09/02, titled [REDACTED] is a directive to field offices confirming that all subjects have been appropriately watchlisted. We have contacted TSA today, 10/10/02 to verify if our subjects have been place on the list and again determine that they have not.

b7C -1
 b6 -1

b2 -4
 b7E -1

I have to leave for the evening - I hope this helps somewhat.

10/10/02 12:12:44 PM >>>

Hello from [REDACTED] Our New SAC, Tom Bush spoke highly of you yesterday.

we here in [REDACTED] have a problem and are wondering if you could help us out. We have found out that

b2 -4
 b7E -1

there are possibly [redacted] No-Fly lists being maintained and utilized at the airport. The agencies having lists, as we know of are TSA, FBI and the airlines. These lists are not comprehensive and not centralized. Some subjects appear on one list but not the others. Some of the lists are old and not current. We are really confused.

b2 -4
b7E -1

[redacted]
[redacted] SA [redacted] of our office has been in contact with [redacted] TSA at SIOC and [redacted] FBIHQ attempting to place these [redacted] Subjects on the NO-Fly lists, again with no success. [redacted] has been the most helpful but we have not yet been able to get the subjects placed on the lists. BU EC, Dated 10/09/02, titled [redacted] [redacted] is a directive to field offices confirming that all subjects have been appropriately watchlisted. We have contacted TSA today, 10/10/02 to verify if our subjects have been placed on the list and again determine that they have not. Please advise how we can get these people on the No-Fly List ASAP.

b2 -4
b7E -1

Thanks [redacted]

b2 -4
b7C -1, 3, 5
b7E -1
b6 -1, 3, 5

~~SECRET~~b7C -1,3
b6 -1,3b1
b2 -4
b7C -2,3
b7E -1
b6 -2,3

From: [redacted]
 Sent: Thursday, December 12, 2002 1:21 PM
 To: [redacted]
 Cc: [redacted] APISTERZI; Aviation-CAS Program; TERRORIST WATCH LIST Unit; TSA LIST
 Subject: PROCESS
 Re: No Fly List Issue

ASAC Pisterzi writes of a situation which I've brought to your attention as well as to the TSI Watch, namely that we need

Please talk to [redacted] to see if TSA will require the submitting agencies to put [redacted]

I'm sure an expeditious response will be most appreciated by all concerned. Thanks. [redacted]

b3 -2
b6 -3
b7C -3

SSA [redacted] (fax)
 Civil Aviation Security Program, Room 11795
 Domestic Terrorism Counterterrorism Planning Section
 Counterterrorism Division
 [redacted]@leo.gov

b2 -1,2
b7C -1
b6 -1b1
b2 -4
b7E -1

>>> ALBERT J PISTERZI 12/10/02 12:08:13 PM >>>

SAC Knowlton would like a resolution to a recurring problem we've encountered in LV regarding a No-Fly List (NFL) issue.

[redacted] (S) This problem has occurred several times over the past few months and has not been rectified.

Your attention in this matter is very much appreciated.

b3 -2
b6 -2
b7C -2

b2 -1

8/5/03
 CLASSIFIED BY: 60267NLS/AG/JS
 REASON: 1.5 (C)
 DECLASSIFY ON: X 9

CA# 03-1779

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE.

~~SECRET~~

[redacted]
From: [redacted]
Sent: Monday, August 05, 2002 7:25 PM
To: [redacted]
Cc: [redacted]
Subject: No Fly Name & Frozen Money

b2 -4
b7E -1

[redacted]
I don't know anything about the freeze on his assets, but I've cc'd [redacted] Financial Review Group, in the event he can provide additional info.

b7C -1
b6 -1

This is the best info I have at the present time [redacted]

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b2 -1,2
b6 -1
b7C -1b2 -4
b7C -2,4
b7E -1
b6 -2,4

>>> [redacted] 8/2/02 8:31:04 PM >>>
Hi [redacted]

I wasn't sure where else to start on this issue and I thought you might have some advice. We received a call from a [redacted] who is a Sergeant First Class in the US Army stationed at [redacted] and who was wondering if we could do anything to help his situation. He was very polite on the phone. He says that he is stopped and queried by LE on a very regular basis when he tries to fly commercially. Apparently the exception to this is Northwest Airlines with whom he has had an account for several years. He understands why, if you will, but wanted to know if there was anything he could do, such as using his full name instead of a middle initial when making reservations, etc. He also recently had a [redacted] when he attempted to send money to his wife in Memphis, Tenn. His mother resides in the UK and fears that if he tries to [redacted] to his mother, something similar will happen.

Having told you this whole story, have you heard any methods for trying to preempt special attention at airports specifically and other places like [redacted] I checked the most recent No-Fly and Selectee lists and found 3 [redacted] on the NF and 1 [redacted] on the Selectee. Are other offices reporting similar issues?

Just wondering if you had any advice...
Thank
[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60267NLS/AG/JS

CA# 03-1779

[redacted]
From: [redacted]
Sent: Wednesday, September 18, 2002 4:41 PM
To: [redacted]
Cc: [redacted]
Subject: No Fly List Procedures

b7C -1,3
b6 -1,3

[redacted]
To your knowledge, have the TSA and the FBI agreed to a change in response protocols for potential matches on the No Fly List, i.e., [redacted] I'm sure that if there had been such a major change in procedure, you would have let me know. I've seen no Security Directive to that effect and I can't imagine it. Anyway, I ask because I think SIOC may have inadvertently misadvised one field office to that effect, and that office has asked for clarification. As far as I know, and please correct me if I'm wrong, the process, in a nutshell, is still as follows:

b2 -4
b7E -1

FBI agents get contacted by the local police or air carrier to resolve potential list matches. [redacted]
[redacted]

Is that still the procedure? Thanks. [redacted]

b2 -4
b7E -1

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b2 -1,2
b7C -1
b6 -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60267NLS/AG/JS
CA# 03-1779

From:
Sent:
To:
Cc:
Subject:

Tuesday, July 23, 2002 1:03 PM

Re: No-Fly List

b7C -1,3
b6 -1,3

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/03 BY 60267NLS/AG/JS

CAT# 03-1779

I agree with your assessment of the needs, the rationale, the assistance OGC can provide, and hearing from [redacted]
(as to his perceptions and even to verify or confirm some of what we discussed yesterday - if he provides info that is at odds with my understanding of TSA's position or handling of things, please let me know.)

Thanks again.

b7C -1
b6 -1

>>> [redacted] 7/23/02 10:51:02 AM >>>

I would also add that OGC can help in the first category, establishing criteria, inasmuch as we can, per [redacted] suggestion

b5 -1,2
b7C -1
b6 -1

>>> [redacted] 07/23/02 10:16AM >>>

et al: This is to confirm our understanding in OGC of yesterday's meeting. We all recognize the needs:

b7C -1
b6 -1

b5 -1,2

Obviously, CTD will have to address the last three of the four items listed above--although OGC will certainly help wherever we can. However, we can and should play an integral role in developing criteria. We can work on criteria in theory but we really need to learn the track record of experience so far.

b5 -1,2
b7C -3
b6 -3

To that end, you agreed to consult with the cognizant people in the TWI unit and other IT sources to assemble some of the actual [redacted]

Let me know if your understanding is different than what I have described and please let us know how you are progressing in finding out the actual criteria used so far.

[redacted]
From: [redacted]
Sent: Wednesday, June 19, 2002 7:15 PM
To: [redacted]
Cc: [redacted]
Subject: Re: USA PATRIOT Act Sec. 1009?

b7C -1
b6 -1

[redacted] boy, this is getting a bit complicated. Of course, I should have known that someone in the FBI was following the implementation requirements of various parts of all this legislation, and usually I will end up with aviation-related things like this, but not this time. So, not only is Congress wanting an update, but now DOJ is tracking it too. Just gets worse, doesn't it?

b5 -1, 2
b7C -1
b6 -1

In response to your question, yes, I've developed a significant role in the watch list procedures and am privy, along with others, to various info sharing efforts regarding comparing passenger data and names of known/suspected terrorists, but that grew independently of any legislative mandate to study such things. From your description, it sounds like no one picked it up "officially". However, that hopefully will [redacted]

[redacted] Does anyone disagree with that assessment, based on my description of procedures as they are and how they are envisioned?

b5
b7C

Thanks. [redacted]

>> [redacted] 6/19/02 9:55:49 AM >>>

[redacted] you may recall that back in November the FBI made a report to the AG on implementation responsibilities for various parts of the USA Patriot Act. IRD designated then-DAD Frank Sauer as the POC/ticket-holder for Section 1009. DOJ (OLP [redacted]) is now calling for an update on implementation status (report was due to Congress months ago). Now that Frank's moved from IRD, can you advise who has this ticket?

[redacted] Section 1009 requires the FBI to study and report to Congress on the feasibility of providing to the airlines "via computer" the names of passengers who are suspected of terrorist activities by federal law enforcement officials.. So I've also addressed this to you on the chance that in pursuit of your other info-sharing efforts you might have picked this up???

b7C -1, 3
b6 -1, 3



Re: Overdue
Patriot Act requir...

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/6/03 BY 60267 NLS/AE/JS

CAT# 03-1779

[redacted]
From: [redacted]
Sent: Thursday, June 20, 2002 9:42 AM
To: [redacted]
Cc: [redacted]
Subject: Re: RE: USA PATRIOT Act Sec. 1009?

b7C -1
b6 -1

[redacted] yes, I think so re coordinating and with [redacted] as POC.

[redacted] as I originally stated, I think my draft letter is accurate, but should be coordinated/reviewed by others, which looks like CJIS and [redacted]

[redacted] If you want to meet on the response I drafted and/or for us to gain a common understanding of the legislative intent etc, just let me know. Obviously, I could be off base because I responded only based on my own observations of the current situation and what I know or think I know to be happening in other Bureau entities.

Thanks to all [redacted]

>>> [redacted] 6/20/02 9:24:14 AM >>>

Thanks, [redacted] From the threads on this message, sounds like CJIS and [redacted] will want to get together on this.

>>> [redacted] 06/20/02 09:14AM >>>

[redacted] just talked to [redacted] and we agree that he is best suited to take over this responsibility for now. if duties evolve into something else, then we may have to reassign later. for now [redacted] is the man. ext [redacted]

b7C -1
b6 -1
b2 -1

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

From: [redacted]
Sent: Wednesday, June 19, 2002 9:55 AM
To: [redacted]
Cc: [redacted]

Subject: USA PATRIOT Act Sec. 1009?

[redacted], you may recall that back in November the FBI made a report to the AG on implementation responsibilities for various parts of the USA Patriot Act. IRD designated then-DAD Frank Sauer as the POC/ticket-holder for Section 1009. DOJ (OLP's [redacted]) is now calling for an update on implementation status (report was due to Congress months ago). Now that Frank's moved from IRD, can you advise who has this ticket?

b7C -1,3
b6 -1,3

[redacted] Section 1009 requires the FBI to study and report to Congress on the feasibility of providing to the airlines "via computer" the names of passengers who are suspected of terrorist activities by federal law enforcement officials.. So I've also addressed this to you on the chance that in pursuit of your other info-sharing efforts you might have picked this up???



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/6/03 BY 60267NLS/AG/JS
CA# 03-1779

[redacted]
From: [redacted]
Sent: Monday, July 22, 2002 1:48 PM
To: [redacted]
Subject: Info for TSA Legal Request

CA# 03-1779
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/6/03 BY 60267NLS/AG/JS

[redacted] seems to believe that he is entitled to an immediate response to his issues, when the FBI has been waiting since Nov 2001 for resolution to our issues asking them for [redacted] to the watch lists and to cooperate on crafting the Security Directives. They ignored [redacted] January letter, and have yet to act, based on discussions held at a meeting in early June to go over these issues again. Therefore, I don't know that we should be in any rush for him, but you have to keep letting him think you're working on "it" - same tactic they use with us.

[redacted] is going to write the FBI a letter about what TSA wants to know from us about detaining passengers, etc. These are the points that I think need to be iterated, among any others we might add about how a person gets on the list in the first place.

[redacted]
b2 -4
b7E -1

1. What does the FBI want the TSA to "do" re a "No Fly" List?

A. [redacted]

B. [redacted]

C. [redacted]

D. [redacted]

E. [redacted]

F. [redacted]

G. [redacted]

H. [redacted]

I. [redacted]

b2 -4
b5 -1,2
b7E -1

2. What is the legal justification for what the FBI wants the TSA to do?

A. The legal justification for requiring air carriers to identify passengers on threat lists (including NCIC) and for preventing passengers from boarding until and if identified as a "match" may be found in the Aviation and Transportation Security Act (ATSA) of 2001, passed on November 19, 2001, mandates in Section 101, (a), §114 (h) entitled "Management of Security Information", that the Under Secretary of Transportation for Security shall:

(1) enter into memoranda of understanding with Federal agencies or other entities to share or otherwise cross-check as necessary data on individuals identified on Federal agency databases who may pose a risk to transportation or national security;

(2) establish procedures for notifying the Administrator of the Federal Aviation Administration, appropriate State and local law enforcement officials, and airport or airline security officers of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety;

(3) in consultation with other appropriate Federal agencies and air carriers, establish policies and procedures requiring air carriers--

(A) to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation or national security; and

(B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and

(4) consider requiring passenger air carriers to share passenger lists with appropriate Federal agencies for the purpose of identifying individuals who may pose a threat to aviation safety or national security.

B [REDACTED]

[REDACTED]

C [REDACTED]

[REDACTED]

That's as far my legal brain will carry me, which may still not be far enough to properly address the issues. Thanks.

SSA [REDACTED] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division

[REDACTED]@leo.gov

b2 -1, 2, 4
b5
b7C -1
b7E -1
b6 -1

SUSSMAN-204

*Refer
State
TSA*

[redacted]
From: [redacted]
Sent: Wednesday, July 31, 2002 9:14 PM
To: [redacted]
Cc: [redacted]
Subject: Re: [redacted]

b7D -1

ACIMMIN

I talked at great length with [redacted] onite. She is with Customs as you said. [redacted]

b2 -4
b7C -1,5
b7D -1
b7E -1
b6 -1,5

[redacted] They are the same issues we face with our own agents, so solve those and we don't need a meeting. I think we need to talk in-house again, once you get those criteria about who ends up on the list. We need to try and draw a line about the minimum info needed on someone before they go on a list.

[redacted]

[redacted]

>>> [redacted] 07/30/02 09:55AM >>>

All - Re previous mail, the day was incorrectly listed as Tuesday, and because the flight time from Dulles doesn't arrive [redacted] until 9:56 am [redacted] scheduled the meeting from 11am - 1pm. I've made the change in the original mail below. In addition, there will be no discussion [redacted] as the No Fly List issues will undoubtedly take up the whole 2 hours.

b2 -4
b7C -1,3
b7D -1
b7E -1
b6 -1,3

I will be attending, as will [redacted] for TSA. I strongly suggest that as many of you plan to attend as possible (with the possible exception of TMU).

FYI - The [redacted] and TSA consider [redacted] TSA No Fly List matters (I'm still [redacted] The list is known as the "FBI Watchlist" in all circles and the TSA is referring all complaints from citizens to the FBI, [redacted] Now, I don't mind that as I believe I am able to explain to them how it works and some of their options for contacting the airlines, as in most cases, it is the airlines that are causing delays by not clearing the passengers when they call.

b2 -4
b7E -1
b2 -4
b7D -1
b7E -1

Thank you. [redacted]

[redacted]

[redacted]

b7C -1,3,5
b7D -1
b6 -1,3,5

Thank you.

b2 -4
b7C -1,3,5
b7D -1
b7E -1
b6 -1,3,5

From: [redacted] state.gov>
To: [redacted] (FBI)" <[redacted] (E-mail)" [redacted]
Cc: [redacted] (E-mail)" <[redacted] <[redacted] <[redacted] <

Subject: RE: TSA No Fly List
Date: Thu, 18 Jul 2002 13:51:03 -0400

[Large redacted area]

b2 -2
b7C -1,2,3,5
b7D -1
b6 -1,2,3,5

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

From: [redacted] (FBI) [mailto:[redacted]@leo.gov]
Sent: July 06, 2002 2:51 PM
To: [redacted] (E-mail); [redacted]
Cc: [redacted] (E-mail); [redacted] (E-mail)
Subject: Re: TSA No Fly List

[redacted] sorry, I was looking on the wrong lists - it looks like there is a [redacted] on the most current Selectee List 44.

[redacted]

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

b7C -1,3,5
b6 -1,3,5

From: [redacted] (FBI)" [redacted]@leo.gov>
 To: [redacted] (E-mail)" [redacted]
 [redacted]@faa.gov>
 CC: [redacted] (E-mail)" [redacted]@state.gov>; [redacted]
 (E-mail)" [redacted]@ost.dot.gov>
 Sent: Friday, July 05, 2002 5:50 PM
 Subject: Re: TSA No Fly List

b7C -2,5
b6 -2,5

Hello, [redacted]

It appears that there is no more [redacted] on either of the two lists (No Fly 73 or Selectee 44), so Mr. [redacted] should have no more problems for now. However, if another [redacted] should be put on the list, his name would trigger something. Your advice was the best that could be given under the circumstances. I don't know if FBI put him on the list or not.

[redacted]

[redacted] Supervisory Special Agent
 Civil Aviation Security Program
 Special Events Management Unit, Room 11795
 Domestic Terrorism Counterterrorism Planning Section
 Counterterrorism Division
 Federal Bureau of Investigation
 [redacted] (fax)

b2 -1
b7C -1
b6 -1

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

b7C -1,3,5
b7D -1
b6 -1,3,5

From: [redacted]@tc.gc.ca
 To: [redacted] (E-mail)" [redacted]@faa.gov
 Cc: [redacted] (E-mail)" [redacted]@state.gov; [redacted] (E-mail)"
 [redacted]@ost.dot.gov; [redacted] (E-mail)" [redacted]@leo.gov
 Sent: Friday, July 05, 2002 9:51 AM
 Subject: TSA No Fly List

b7C -2,5
b7D -1
b6 -2,5

[redacted]

There is a specific case involving the TSA List which is a slightly bigger problem for us. The list contains the name: [redacted] [redacted] we have a Mr. [redacted] who is continually denied access to the automated check-in and is given the third degree every time he flies. The problem is our Mr. [redacted] which means that he a member of [redacted] which means that he is required to travel the world for preparatory meetings related to the [redacted] We have advised our [redacted] to book his ticket using his full names which match those on his passport i.e. [redacted] His travel agent has added his Frequent Flyer details to all his bookings and provides Mr. [redacted] DOB, Passport # and Country of Issue so he can checked out early through [redacted] when he travels to the [redacted] Still he get's hassled. Is there anyway way for you folks to verify whether [redacted] is still a valid name, add more details or delete it? We're still looking forward to meeting with you folks to try and come to grips with the TSA List issue.

[redacted]

09#03-1779

From: [REDACTED] SUSSMAN-208
Sent: Tuesday, July 30, 2002 9:56 AM
To: [REDACTED] ACUMMINGS b7D -1
Cc: [REDACTED]
Subject: UPDATE/FOLLOWUP [REDACTED]

All - Re previous mail, the day was incorrectly listed as Tuesday, and because the flight time fr doesn't arrive [REDACTED] until 9:56 am, [REDACTED] scheduled the meeting from 11am - 1pm. I v change in the original mail below. In addition, there will be no discussion [REDACTED] Fly List issues will undoubtedly take up the whole 2 hours.

b2 -4
b7C -3
b7E -1
b6 -3

State

I will be attending, as will [REDACTED] fo strongly suggest that as many of you plan to attend as possible (with the possible exception of TMU).

FYI - The [REDACTED] and TSA consider [REDACTED] TSA No Fly List matters (I'm still [REDACTED] The list is known as the "FBI Watchlist" in all circles and the TSA is referring all complaints from citizens to the FBI, [REDACTED] Now, I don't mind that as I believe I am able to explain to them how it works and some of their options for contacting the airlines, as in most cases, it is the airlines that are causing delays by not clearing the passengers when they

b2 -4
b7E -1

b7C -1,3
b7D -1
b6 -1,3

Thank you. [REDACTED]

[REDACTED]

b2 -4
b7D -1
b7E -1

[REDACTED]

Thank you.

b2 -4
b7E -1

From: [REDACTED] <[REDACTED]@state.gov>
To: [REDACTED] (FBI)" <[REDACTED] (E-mail)" <[REDACTED]>
Cc: [REDACTED] (E-mail)" <[REDACTED]> <[REDACTED]> <[REDACTED]>

b7C -1,3,5
b7D -1
b6 -1,3,5

Subject: RE: TSA No Fly List
Date: Thu, 18 Jul 2002 13:51:03 -0400

[REDACTED]

b2 -4
b7D -1
b7E -1

b2 -4
b7C -1, 3, 5
b7D -1
b7E -1
b6 -1, 3, 5

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

From: [REDACTED] (FBI) [mailto:[REDACTED]@leo.gov]
Sent: July 06, 2002 2:51 PM
To: [REDACTED] (E-mail); [REDACTED]
Cc: [REDACTED] (E-mail); [REDACTED] (E-mail)
Subject: Re: TSA No Fly List

b7C -1, 3, 5
b7D -1
b6 -1, 3, 5

[REDACTED] - sorry, I was looking on the wrong lists - it looks like there is a [REDACTED] on the most current Selectee List 44.

b7C -1, 2, 5
b7D -1
b6 -1, 2, 5

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

From: [REDACTED] (FBI)" <[REDACTED]@leo.gov>
To: [REDACTED] (E-mail)"
[REDACTED]@faa.gov>
Cc: [REDACTED] (E-mail)" [REDACTED]@state.gov>; [REDACTED]
(E-mail)" [REDACTED]@ost.dot.gov>
Sent: Friday, July 05, 2002 5:50 PM
Subject: Re: TSA No Fly List

b7C -1, 3, 5
b7D -1
b6 -1, 3, 5

b7C -2, 5
b6 -2, 5

Hello, [REDACTED]

It appears that there is no more [REDACTED] on either of the two lists (No Fly 73 or Selectee 44), so Mr [REDACTED] should have no more problems for now. However, if another [REDACTED] should be put on the list, his name would trigger something. Your advice was the best that could be given under the circumstances. I don't know if FBI put him on the list or not.

[redacted]
 [redacted] Supervisory Special Agent
 Civil Aviation Security Program
 Special Events Management Unit, Room 11795
 Domestic Terrorism Counterterrorism Planning Section
 Counterterrorism Division
 Federal Bureau of Investigation
 [redacted] (fax)

b2 -1
 b7C -1
 b6 -1

b7C -1,3,5
 b7D -1
 b6 -1,3,5

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

From: [redacted]
 To: [redacted] (E-mail) [redacted]@faa.gov
 Cc: [redacted] (E-mail)" [redacted]@state.gov; [redacted] (E-mail)"
 [redacted]@ost.dot.gov; [redacted] (E-mail)" [redacted]@leo.gov
 Sent: Friday, July 05, 2002 9:51 AM
 Subject: TSA No Fly List

b7C -1,5
 b6 -1,5

[redacted]
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b7C -5
 b7D -1
 b6 -5

*State
&
TSA*

From: [redacted]
To: "[redacted] (FBI)" [redacted]@leo.gov>
Subject: RE: TSA No Fly List
Date: Tue, 18 Jun 2002 20:46:23 -0400
Hi [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/6/03 BY 603
CA#03

b2 -4
b7E -1
b6 -3
b7C -3

[redacted]

1. [redacted]

2. [redacted]

3. [redacted]

4. [redacted]

[redacted]

[redacted]

[redacted]

b2 -2
b6 -1,5
b7C -1,5
b7D -1

From: [redacted] (FBI)" [redacted]@leo.gov>
To: [redacted]
References: [redacted]
Subject: Re: TSA No Fly List
Date: Tue, 18 Jun 2002 21:31:57 -0400

[redacted]

b2 -4
b7E -1

1. [redacted]

[Redacted]

b2 -4
b7E -1

2.

[Redacted]

3.

[Redacted]

[Redacted]

From:

To:

Cc:

[Redacted] (E-mail)" [Redacted]@state.gov>
[Redacted] (E-mail)" [Redacted]@faa.gov>,
[Redacted] (E-mail)" [Redacted]@ost.dot.gov>,
[Redacted] (E-mail)" [Redacted]@leo.gov>

b2 -2
b6 -1,3,5
b7C -1,3,5
b7D -1

Subject: TSA No Fly List

Date: Tue, 18 Jun 2002 12:18:29 -0400

[Redacted]

[Redacted]

b2 -4
b6 -5
b7C -5
b7D -1
b7E -1

[Redacted]

[Redacted]

b7C -1, 3
b7D -1
b6 -1

From: [REDACTED]
Sent: Wednesday, September 18, 2002 3:24 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: No Fly List issues [REDACTED]

b2 -4
b6 -1, 3
b7C -1, 3
b7D -1
b7E -1

In [REDACTED] absence, and [REDACTED] not being available at the time, I responded to [REDACTED] today re the below question [REDACTED]

I advised [REDACTED] that this was not an FBI list, but a list to which the FBI, as well as other domestic and foreign law enforcement/intel services contribute and which the TSA compiles and disseminates to the air carriers, airports and the FBI. [REDACTED]

[REDACTED] want to think of it, Congress authorized the U.S. to require any air carrier [REDACTED] (for example) that flies to the U.S. to comply with measures to protect U.S. interests. To wit, the Aviation and Transportation Security Act authorizes the TSA to "...to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation or national security; and, if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual;..."

b2 -4
b7E -1

Re handling similarly-named passengers at the airport, I told him that if a possible match approaches the ticket counter, the [REDACTED] police would hopefully be able to eliminate that person as IDENT. [REDACTED]

b2 -4
b7E -1

SSA [REDACTED] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[REDACTED]@leo.gov

b2 -1, 2
b7C -1
b6 -1

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DATE 8/6/03 BY 60248/15/AG/JS

CA# 03-1779

b2 -4
b7E -1

>>> [REDACTED] 9/18/02 10:10:22 AM >>>

[REDACTED] will coordinate with CTD and [REDACTED] (FAA) in an effort to answer your question.

b7C -1, 3
b6 -1, 3

(Rev. 08-28-2000)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE**Date:** 08/23/2002**To:** Criminal Investigative**Attn:** VCMOS

SC Gerald L. Buten

MT/TCU

UC [REDACTED]

SSA [REDACTED]

b7C -1

b6 -1

Counter Terrorism

Attn: DT/CPS

SC Tom Carey

SEMU [REDACTED]

SSA [REDACTED]

ITOS-I/II

SC Andrew Arena

SC Charles Frahm

From: Office of the General Counsel

Investigative Law Unit

Contact: David C. Larson, ext [REDACTED]**Approved By:** Steele Charles M

b2 -1,3

b7C -1

b6 -1

ALL INFORMATION CONTAINED

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DATE 8/6/03 BY 60262 NLS/AC/JS

CA#03-1779

Drafted By: [REDACTED]**Case ID #:** [REDACTED] (Pending)**Title:** CRIMES INVOLVING CIVIL AVIATION;
FBI INVESTIGATIVE JURISDICTION**Synopsis:** To provide a legal opinion from the Office of the General Counsel (OGC) concerning the jurisdictional relationship between the FBI and the Transportation Security Administration.**Administrative:** This document is a privileged FBI attorney communication and may not be disseminated outside the FBI without OGC approval. Also, to read the footnotes in this document, it may be required to download and print the document in WordPerfect. b5 -1,2**Details:** [REDACTED]

To: Criminal Investigative From: Office of the General Counsel
Re: [REDACTED] 08/23/2002

b2 -3

(1) Carrying out the provisions in Chapter 449 of Title 49 of the U.S. Code, relating to civil aviation security, and related research and development activities;

(2) Airport screening operations; and

(3) Receiving, assessing, and distributing intelligence information related to transportation security.

Chapter 449 of Title 49, entitled "Security," addresses all aspects of aviation security, including: screening passengers and cargo; receiving and evaluating threats to aviation; research and development of modern security systems and facilities; and regulation of security of foreign carriers and foreign airports that serve passengers bound for the U.S.

In addition, ATSA grants the Under Secretary permissive (as opposed to mandatory) authority to designate federal law enforcement officers (LEOs) and empowers these LEOs to exercise standard law enforcement powers when engaged in "official duties of the Administration as required to fulfill the responsibilities under [ATSA]." These powers include authority to carry firearms, make arrests without warrant for any federal offense committed in their presence or for which they have probable cause, and seek and execute federal warrants for arrest or search and seizure of evidence. ATSA also requires the Under Secretary to provide guidelines by which to exercise these law enforcement powers in consultation with the Attorney General. The proposed guidelines have been submitted to the Department of Justice for review.

Finally, ATSA continues the Federal Air Marshal (FAM) program (formerly part of the Federal Aviation Administration) by authorizing the TSA to deploy FAMs aboard aircraft for what are clearly reactive law enforcement functions.

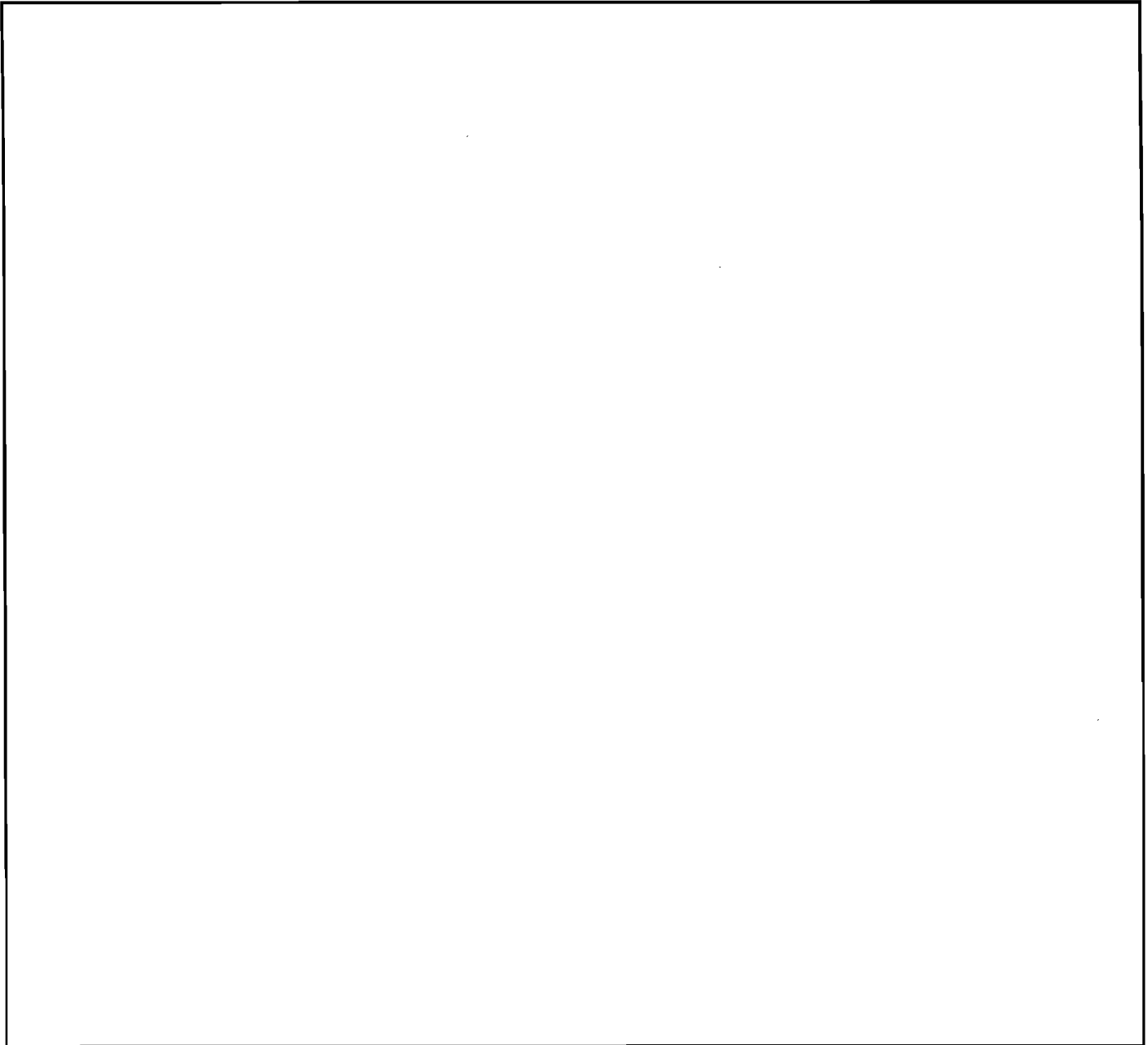
FBI Statutory Authority

The FBI's general enabling statute, 28 U.S.C. § 533, grants the agency the authority to investigate any violation of the criminal laws of the United States. As noted previously, 28 U.S.C. § 538 specifically empowers the FBI to investigate the primary crimes-aboard-aircraft violations in Title 49, which are set forth in Chapter 465, entitled: "Special Aircraft Jurisdiction of the United States." These include Section 46502, Aircraft piracy; Section 46504, Interference with flight crew members and attendants; Section 46505, Carrying a weapon or explosive on an aircraft; Section 46505 which lists a variety of common law crimes (e.g., murder, robbery) committed within the

To: Criminal Investigative From: Office of the General Counsel
Re: [REDACTED] 08/23/2002

b2 -3

for the TSA to serve as a "liaison" to law enforcement communities (Section 101(f)(5)); the use of information from other agencies to identify passengers who may be a threat to civil aviation and the requirement to notify appropriate law enforcement agencies upon identifying such an individual (Section 101(h)(3)); and the mandate to enter into memoranda of understanding with other agencies for information-sharing purposes (Section 101(h)(1)).





From the Desk Of:

Date: 04/09/03

b7C -1
b6 -1

[Redacted]
Supervisory Special Agent

TO:

FROM:

SUBJECT:

[Redacted] Litigation Rm 7A97

ACLU - No Fly/Selectee List Request

b7C -1
b6 -1

ENCLOSURES:

Copies of SSA [Redacted] Documentation re Above



b7C -1
b6 -1

As promised, enclosed are photocopies of all records both myself and SSA [Redacted]
[Redacted] had (filed) in our desks re the above. SSA [Redacted] retired on 1/03 and as you can see, kept many notes on this topic.

If you need anything else, please don't hesitate to email or call.

Please note that this information is law enforcement sensitive.

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DATE 8-7-03 BY UC 60267 NLS/AG/CL
CAN 03-1779

b2 -1
b7C -1
b6 -1

Civil Aviation Security Program

Special Events Management Unit, Room 11795

Domestic Terrorism Counterterrorism Planning Section

Counterterrorism Division, FBI Headquarters, Washington, DC 20535

SUSSMAN-218

From: SIOC
To: TMU, TRANSPORT, Watch
Date: Tue, Apr 22, 2003 9:18 PM
Subject: 4/22/03 NewsEdge Article re ACLU seeks government data regarding secret "no-fly" list

ACLU seeks government data regarding secret "no-fly" list

SAN FRANCISCO (AP) The American Civil Liberties Union sued the FBI and other government agencies Tuesday on behalf of two peace activists detained at an airport because their names popped up on a secret "no-fly" list.

The women were among 339 travelers briefly detained and questioned at San Francisco International Airport during the past two years after their names were found in the database, the ACLU said, citing government documents. Those travelers ultimately were allowed to continue on their journeys.

"Thousands of passengers are likely being subjected to the same sort of treatment at airports across the country," said Jayashri Srikantiah, an ACLU attorney.

The database was created after the Sept. 11 terrorist attacks as a way to prevent potential terrorists from boarding planes. The Transportation Security Administration gets names from law enforcement officials and gives the lists to airlines to screen passengers.

The ACLU is asking a federal judge to demand that the TSA, FBI or the Justice Department disclose who is on the list, how they got on it and how they can get off it.

The plaintiffs, Rebecca Gordon and Janet Adams, publish the San Francisco-based War Times. They were stopped in August while checking in for a flight to Boston.

"It was very distressing," Gordon said. The two invoked the Freedom of Information Act to demand that authorities reveal why they were stopped. The TSA did not respond to their request and the FBI said no files on the two existed, the ACLU said.

An FBI spokesman on Tuesday referred inquiries to the TSA. TSA spokesman Niko Melendez said those on the no-fly list pose, or are suspected of posing, a threat to civil aviation and national security. He added that the agency does "not confirm the presence of a particular name of an individual on a list."

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WH03-1779

SUSSMAN-219

b7C -1
b6 -1

From: [redacted]
To: [redacted]
Date: 9/25/02 10:29:53 AM
Subject: Re: No Fly List Procedures

I am not aware of any change in procedures. I know [redacted] currently is working with TSA to establish protocols regarding FBI additions/deletions to TSA's No Fly and Selectee Lists. As far as TSA responding to airports regarding potential matches...that's a new one to me.

b7C -1
b6 -1

>>> [redacted] 09/18 3:40 PM >>>

To your knowledge, have the TSA and the FBI agreed to a change in response protocols for potential matches on the No Fly List, i.e. [redacted] I'm sure that if there had been such a major change in procedure, you would have let me know. I've seen no Security Directive to that effect and I can't imagine it. Anyway, I ask because I think SIOC may have inadvertently misadvised one field office to that effect, and that office has asked for clarification. As far as I know, and please correct me if I'm wrong, the process, in a nutshell, is still as follows:

b2 -4
b7E -1

FBI agents get contacted by the local police or air carrier to resolve potential list matches. [redacted]

Is that still the procedure? Thanks. [redacted]

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b7C -1
b2 -1,2
b6 -1

CC: [redacted]

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DATE 8-7-03 BY [redacted]

4460267 NLS/AG/CCL
C# 03-1779

SUSSMAN-221

b7C -1

b6 -1

From: [REDACTED]
To: SIOC-CS
Date: 9/27/02 2:48:41 PM
Subject: TSA No Fly/Selectee List

Just a heads up to avoid unnecessary calls for air carriers who want us to check TSA's No Fly/Selectee Lists. The individuals here in the Watch List have been told to respond to FBI requests to check TSA's lists, but we have advised them not to provide information from TSA's lists to air carriers since the lists are not the FBI's lists. I will be discussing this with [REDACTED] in the near future, but for now air carriers should be directed to [REDACTED] Thanks

b2 -1
b7C -1
b6 -1

CC:

[REDACTED] b7C -1

9000

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DATE 07-03 BY UC60267NLS/AG/CL

CA# 03-1779

From: [REDACTED]
 To: [REDACTED]
 Date: 7/18/02 8:06:11 AM
 Subject: Re: TSA Legal Request re No Fly List

b7C -1
 b6 -1

b7C -1,3
 b6 -1,3

I got your voicemail this a.m., and I'm sorry you have to deal with [REDACTED] I can definitely see that he can be that way, but I think if you hang in there a little longer with him, and try to overlook it when he acts that way, you'll win in the end.

You said on your message that you wanted to add to this, so I'll wait until you finish it. This is a great start.

Thanks again for all your hard work in dealing with all this. Nobody said this was going to be fun!! Hang in there.

b2 -4
 b7C -1,3
 b7E -1
 b6 -1,3

>>> [REDACTED] 07/17/02 08:18PM >>>>

OK, guys - I'm going to vent first. [REDACTED] TSA, is obnoxious and I think it's unwise for me to ever deal with him again. He seems to believe that he is entitled to an immediate response to his issues, when the FBI has been waiting since Nov 2001 for resolution to our issues asking them [REDACTED] and to cooperate on crafting the Security Directives. They ignored [REDACTED] January letter, and have yet to act, based on discussions held at a meeting in early June to go over these issues again. Therefore, I don't know that we should be in any rush for him, but you have to keep letting him think you're working on "it" - same tactic they use with us.

Now to the issue at hand - [REDACTED] says that you said [REDACTED] was working on "something". [REDACTED] says you told him you sent something for legal review because you weren't a lawyer. [REDACTED] doesn't think he's working on anything, and I'll be he doesn't know what [REDACTED] is referring to. [REDACTED] I sent you the ATSA section and I thought you were going to discuss or respond to [REDACTED] in some way.

b7C -1,3
 b6 -1,3

It appears that, because we don't yet appear to want to take control of a Threat to Aviation (aka No Fly) List itself (although that is my recommendation), we must ask the TSA to keep the list and control the initial process [REDACTED] is demanding a letter from the FBI answering these questions, thereby indemnifying the TSA and doing their legal work for them. If we do this letter, it will clarify the issues for all concerned, including the FBI. Therefore, I will write the main body of the letter and you can approve it.

b7C -3
 b6 -3

1. What does the FBI want the TSA to "do" relative to No Fly Lists and detaining passengers?

A. [REDACTED]

B. [REDACTED]

b2 -4
 b7E -1
 b5 -1

C. [REDACTED]

D. [REDACTED]

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SUSSMAN-224

[REDACTED]

E. [REDACTED]

F. [REDACTED]

b2 -4
b5 -1
b6 -1
b7C -1
b7E -1

G. [REDACTED]

H. [REDACTED]

I. [REDACTED]

2. What is the legal justification for what the FBI wants the TSA to do.

A. The legal burden requiring air carriers to identify passengers who may be a threat to aviation and for preventing them from boarding is on the TSA. The Aviation and Transportation Security Act (ATSA) of 2001, passed on November 19, 2001, mandates in Section 101, (a), §114 (h) entitled "Management of Security Information", that the Under Secretary of Transportation for Security shall:

(1) enter into memoranda of understanding with Federal agencies or other entities to share or otherwise cross-check as necessary data on individuals identified on Federal agency databases who may pose a risk to transportation or national security;

(2) establish procedures for notifying the Administrator of the Federal Aviation Administration, appropriate State and local law enforcement officials, and airport or airline security officers of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety;

(3) in consultation with other appropriate Federal agencies and air carriers, establish policies and procedures requiring air carriers--

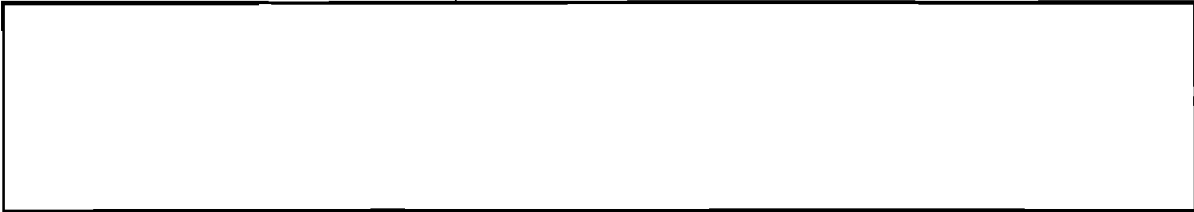
(A) to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation or national security; and

(B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and

(4) consider requiring passenger air carriers to share passenger lists with appropriate Federal agencies for the purpose of identifying individuals who may pose a threat to aviation safety or national security.


b2 -4
b7E -1

B. [REDACTED]



b2 -4
b7E -1

The ATSA requires passenger information to be compared against databases (which are based on criminal evidence and intelligence) and identical passengers prevented from boarding planes. The FBI provides the intelligence on which TSA can fulfill this mandate. TSA must ultimately determine if the person is or is not the same, and if so or they are uncertain, they should call the FBI.



b2 -4
b7E -1



SUSSMAN-226

b7C -1
b6 -1

From: [REDACTED]
To: [REDACTED]
Date: 7/22/02 1:47:40 PM
Subject: Info for TSA Legal Request

[REDACTED] seems to believe that he is entitled to an immediate response to his issues, when the FBI has been waiting since Nov 2001 for resolution to our issues asking them for [REDACTED] and to cooperate on crafting the Security Directives. They ignored [REDACTED] January letter, and have yet to act, based on discussions held at a meeting in early June to go over these issues again. Therefore, I don't know that we should be in any rush for him, but you have to keep letting him think you're working on "it" - same tactic they use with us.

b2 -4
b7C -1,3
b7E -1
b6 -1,3

[REDACTED] is going to write the FBI a letter about what TSA wants to know from us about detaining passengers, etc. These are the points that I think need to be iterated, among any others we might add about how a person gets on the list in the first place.

b2 -4
b7E -1

1. What does the FBI want the TSA to "do" re a "No Fly" List?

A. [REDACTED]

B. [REDACTED]

C. [REDACTED]

D. [REDACTED]

b2 -4
b5 -1
b7E -1

E. [REDACTED]

F. [REDACTED]

G. [REDACTED]

H. [REDACTED]

I. [REDACTED]

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CA# 03-1779

SUSSMAN-227

b7C -1
b6 -1

b2 -4
b5 -1
b7E -1

2. What is the legal justification for what the FBI wants the TSA to do?

A. The legal justification for requiring air carriers to identify passengers on threat lists (including NCIC) and for preventing passengers from boarding until and if identified as a "match" may be found in the Aviation and Transportation Security Act (ATSA) of 2001, passed on November 19, 2001, mandates in Section 101, (a), §114 (h) entitled "Management of Security Information", that the Under Secretary of Transportation for Security shall:

(1) enter into memoranda of understanding with Federal agencies or other entities to share or otherwise cross-check as necessary data on individuals identified on Federal agency databases who may pose a risk to transportation or national security;

(2) establish procedures for notifying the Administrator of the Federal Aviation Administration, appropriate State and local law enforcement officials, and airport or airline security officers of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety;

(3) in consultation with other appropriate Federal agencies and air carriers, establish policies and procedures requiring air carriers--

(A) to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation or national security; and

(B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and

(4) consider requiring passenger air carriers to share passenger lists with appropriate Federal agencies for the purpose of identifying individuals who may pose a threat to aviation safety or national security.

B.

b2 -4
b7E -1
b5 -1

C.

That's as far my legal brain will carry me, which may still not be far enough to properly address the issues. Thanks.

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]

b2 -1,2
b7C -1
b6 -1

SUSSMAN-228

From: [redacted]
To: ARTHUR M. CUMMINGS; [redacted]
Date: 5/28/02 1:43:30 PM
Subject: Issue: TSA and No Fly Lists

b7C -1
b6 -1

[redacted] Art,

[redacted] b5 -1

Here's some background, if you have the patience to read it:

Since 10/2001, when the TSA No Fly and Selectee lists came into being (aftermath of the FBI Watchlist), I have been attempting to make the updated lists available to the field agents [redacted] on a timely basis, i.e., when they are issued, because TSA has made the agents responsible for responding to possible name matches. The agents need these lists in order to have background and ID info.

TSA issues these lists to the air carriers and the airport police [redacted]

b2 -4
b5 -1
b7E -1

TSA also fails (except on one occasion) to coordinate with us when they tell [redacted] (the FBI) or when they change the Security Directives concerning response which affects FBI offices. Despite my best efforts, the TSA just motors along and I and the agents are being whipped around the flagpole trying to do the right thing.

b2 -4
b7E -1
b5 -1

[redacted]
[redacted]
Example - today List 51 was issued; Lists 49 and 50 were issued on Friday. I believe I was here, but no mail from TSA, and I check every hour. I have raised this issue with people in TSA and here, and told the agents that getting the lists from me is now a luxury instead of a certainty.

b5 -1

I have tried to arrange a meeting with [redacted] TSA, but that has not worked out yet [redacted]

b7C -3
b5 -1
b6 -3

Again, please try to give me some time so we can meet and decide how we want to proceed.

Thanks, [redacted]

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b7C -1
b2 -1,2
b6 -1

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CA# 03.1779

SUSSMAN-238

From: [redacted]@faa.gov
Sent: Wednesday, October 02, 2002 2:57 PM
To: [redacted]@leo.gov
Subject: Re:RE: RE: RE: Fwd[2]:NEADS NOBLE EAGLE Conference 15 Oct 02

[redacted]
No problem with you or [redacted] coming over to review our holdings. [redacted]
[redacted] is the TSI Watchlist POC, but she was out yesterday with
[redacted] who was on the hill testifying, so [redacted] may
have talked with [redacted] instead. [redacted] is on [redacted]
[redacted] is on [redacted] I'll be pleased to assist if you are
unable to reach either one [redacted] is out today but will be back tomorrow).

b7C -1,3
b2 -1
b6 -1,3

Reply Separator

Subject: RE: RE: RE: Fwd[2]:NEADS NOBLE EAGLE Conference 15 Oct 02
Author: [redacted] [redacted]@leo.gov>
Date: 10/2/2002 1:24 PM

b7C -1
b6 -1
b2 -1

Hi [redacted]

Yes, that would have been SSA [redacted] and he is assigned to the
FBI
Terrorist Watch List Unit. As [redacted] discovered and as [redacted] and I
mentioned to [redacted] months ago (and as I told you [redacted])

b7C -1
b2 -4
b7E -1
b6 -1

[redacted] I guess we're not asking in the right
manner, or too informally. I was the one who suggested that [redacted] try to
come over and see you all, and discuss our needs in person, as working
through [redacted] won't accomplish our purpose. I suggested that [redacted]
get
the [redacted] first, and then come back
here,
see what we can locate on our own here and if we can't find something,
ask
you for the justification document later.

Exactly who is it that we should deal with on a regular basis to
regarding
list content? List process?

Thank you.

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CA#03-1779

SUSSMAN-244

b7C -1
b6 -1

From: [redacted]
To: [redacted]
Date: 7/23/02 10:51:33 AM
Subject: Re: No-Fly List

I would also add that OGC can help in the first category, establishing criteria, inasmuch as we can, per

[redacted]

b2 -4
b5 -1,2
b7E -1

pik

>>> [redacted] 07/23/02 10:16AM >>>

b7C -1
b6 -1

[redacted] et al: This is to confirm our understanding in OGC of yesterday's meeting. We all recognize the needs:

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

b5 -1,2

[redacted]

Obviously, CTD will have to address the last three of the four items listed above--although OGC will certainly help wherever we can. However, we can and should play an integral role in developing criteria. We can work on criteria in theory but we really need to learn the track record of experience so far.

To that end, you agreed to consult with the cognizant people in the TWL unit and other IT sources to assemble some of the actual

[redacted]

b5 -1,2
b7C -1
b6 -1

Let me know if your understanding is different than what I have described and please let us know how you are progressing in finding out the actual criteria used so far.

Thanks// [redacted] Ext [redacted]

CC: CUMMINGS, ARTHUR M.; [redacted]

b2 -1
b7C -1
b6 -1

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CA# 03-1779

SUSSMAN-246

b7C -1
b6 -1

From: [redacted]

To: [redacted]

Date:

1/10/02 7:42:36 PM

Subject:

FAA lists

I would again like to discuss the purpose of the FAA name lists and the actual situation that is transpiring out in the field. I'm ok with the No-Fly list - threat to aviation - if we identify you, you don't fly. period.

b2 -4
b5 -1,2
b7C -2
b7E -1
b6 -2

This whole issue needs to be revisited.

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b2 -1
b7C -1
b6 -1

CC: [redacted]

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C# 03-1779

[redacted] - Re: Terrorism Watch List, etc.

Page 1

From: [redacted]
 To: [redacted]
 Date: 10/9/02 1:14:21 PM
 Subject: Re: Terrorism Watch List, etc.

b7C -1
 b6 -1

[redacted] and I have reviewed your email and TWL Criteria for Entry. We have several questions.

b2 -4
 b5 -1,2
 b7E -1

These are just our preliminary thoughts. We would be happy to meet with you to address these issues.

>>> [redacted] 10/08/02 11:31AM >>>

SSA [redacted] and I have been working on an EC to field offices and Legats to summarize the evolution of the Terrorism Watch List (TWL), affirm criteria and protocols for TWL entries/removals, highlight ongoing TWL initiatives, and distinguish the TWL from other commonly-used watch lists.

b7C -1
 b6 -1

One of the more frequent issues [redacted] and I deal with on a daily basis is confusion in the field regarding what exactly the TWL is. Many SAs feel the FBI's TWL and TSA's No Fly and Selectee Lists are one and the same. Others express confusion regarding which agency handles which watch list. [redacted] and I have managed to pull together some information regarding some of the more commonly-used watch lists. Likewise, we have been meeting with representatives from those respective agencies who administer those watch lists to either validate or correct our understanding of their watch lists.

[redacted] as you know, we have been trying to work with TSA (a slow and interesting process) to resolve a lot of issues. In the interim, would you please review the attached "descriptions" of TSA's Lists to see if the descriptions are what you understand them to be? With the TWL EC we're working on, it is not our goal to send guidance to the field regarding TSA's lists. That will have to be handled in a subsequent communication, after we have worked out our differences with TSA. As such, I'm trying to keep the

b7C -1
 b6 -1

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 03-1779

[REDACTED] Re: Terrorism Watch List, etc.

Page 2

descriptions as brief as possible.

[REDACTED] we've tried to stay consistent with the criteria for entry onto the TWL, as it is for criteria for entry into VGTOF. [REDACTED] and I would welcome any feedback you might have. Also, for information of ALU, a communication will be forthcoming regarding the privacy impact assessment.

Attached hereto for [REDACTED] is the description of TSA's No Fly and Selectee Lists.

b7C -1
b6 -1

Attached hereto for NSLU and ALU are suggested criteria and protocols for entry/removal to the TWL.

Again, [REDACTED] and I will welcome your input. We're trying to get a comprehensive communication out to the field as quickly as possible to answer a lot of frequently asked questions. Thanks.

CC:

Bowman, MARION; [REDACTED]

From:

To:

Date:

Subject:

6/6/02 8:28:00 AM

No Fly Lists

b7C -1

b6 -1

Ran into an interesting problem and would like your take on the matter:

Per what seems to be the growing trend, I took steps to help APD gain some autonomy in the No-Fly and Selectee Lists checking business. Specifically, I burned copies of both current lists, placed them in clearly marked folders, included a detailed instruction sheet on how to check the names and when to notify FBI, and gave a folder each to their communications section (dispatch) and their watch commander's office. The understanding was that as new lists were published, I would keep them updated.

I got a call this morning from APD dispatch, asking me to check a name on the list. When I told them to check the list I had given them, the dispatcher said she had no knowledge of such a list. Certain this could not be the case, I contacted the APD day watch commander, who advised me that [redacted] the Airport Precinct Commander, had ordered the lists removed and destroyed, as APD "wasn't going to do the FBI's job for them." Have not been able to contact [redacted] for comment, but it appears he does not want his people to have to take on the responsibility of actually checking the names on the list. (Prior to my giving APD copies of the list, the officer would respond to wherever the subject was, call [redacted] or me, and we would give the thumbs up/down for the person to travel.)

b7C -1, 4
b6 1,4

As you know, neither myself nor [redacted] can make ourselves available 24-7 to respond to every John Thomas or Ahmed Ahmed who presents himself at a Hartsfield ticket counter. I guess we could go back to the old way, but it seems silly for [redacted] or myself to relay information to APD which they could have in their own hands. Plus, your communications to the Airport Agents on this very subject seemed to indicate that the Bureau wants us out of the business of routine ID checks at ticket counters, limiting our involvement to matters which indicate the need for our INVESTIGATIVE involvement.

b7C -1
b6 -1

Of course, we'll handle the political situation with APD here in Atlanta, but I'd be interested in anything helpful you could add.

Regards,

b7C -1

b6 -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-8-03 BY UC60267 NLS/AG/CAL

CA # 03-1779

From: [REDACTED]
To: [REDACTED]
Date: 9/20/02 10:42:45 PM
Subject: Re: [REDACTED] and No Fly List

b6 -1,2
b7C -1,2

[REDACTED] Thanks for your reply. I will talk to you and [REDACTED] next week if possible.

>>> [REDACTED] 9/20/02 9:38:43 AM >>>

Hi [REDACTED] sorry about the disruption yesterday, I was distracted. I did have an opportunity to talk with [REDACTED] and I also included him in my last transmission. As for know my previous communication stands. I don't know what else to say. Maybe we can revisit this issue in the future. Thanks!

>>> [REDACTED] 09/20 8:22 AM >>>

[REDACTED] thanks for the info. P.S. We miss you in the BCRA. [REDACTED]

>>> [REDACTED] 09/17 1:21 PM >>>

[REDACTED] I wanted to get back with you concerning our conversation, 09/17/2002 and your request to have [REDACTED] removed from the no fly list. I have spoken with several individuals concerning this, TSA, and others, to try to get to the bottom of this [REDACTED]

b2 -4
b7C -1,2
b7E -1
b6 -1,2

[REDACTED] However, Unfortunately we are not going to be able to remove [REDACTED] name from the list. [REDACTED]

[REDACTED] Therefore, we do not want to be faced with this risk. If you have any other questions please feel free to get back with me. Thanks! training comes the

>>> [REDACTED] 08/21 1:05 PM >>>

Anyway, can you and the Terrorist Watch List Unit and [REDACTED] revisit this matter and see if you can get [REDACTED] off the list?

b5 -1,2
b7C -1,2
b6 -1,2

Thanks.

SSA [REDACTED] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[REDACTED]@leo.gov

>>> [REDACTED] 8/20/02 3:41:04 PM >>>

Attached is an e-mail documenting concerns of a Hawaii resident by the name of [REDACTED] who is being frequently stopped and questioned at various airports based upon the similarity of his name with that [REDACTED] Can you offer any suggestions as to how this Hawaii resident can obtain some relief from this scrutiny. Can a computerised entry be made on the no-fly list that [REDACTED] with the particular biographical descriptors is not identical to [REDACTED]

b7C -1,2
b6 -1,2
b2 -1

Thanks,

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DATE 9-5-03 BY 460267 NLS/A6/CAL

CA# 03-1779

From: [redacted]
To: [redacted]
Date: 9/17/02 8:01:50 PM
Subject: [redacted] and No Fly List

b7C -1,2
b6 -1,2

Wow, that is the most interesting explanation I've heard yet. I'm not sure it's valid - it just doesn't sound right. However, I will forward this to the airport agents so they know why he is still on the list. thank you for your efforts.

>>> [redacted] 9/17/02 1:21:56 PM >>>

[redacted]

b7C -1,2
b6 -1,2

>>> [redacted] 08/21 1:05 PM >>>

[redacted]

Anyway, can you and the Terrorist Watch List Unit and [redacted] revisit this matter and see if you can get [redacted] off the list?

b7C -1,2
b6 -1,2

Thanks.

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b2 -1
b7C -1
b6 -1

>>> [redacted] 8/20/02 3:41:04 PM >>>

[redacted]

Attached is an e-mail documenting concerns of a Hawaii resident by the name of [redacted] who is being frequently stopped and questioned at various airports based upon the similarity of his name with that of [redacted]. Can you offer any suggestions as to how this Hawaii resident can obtain some relief from this scrutiny. Can a computerised entry be made on the no-fly list that [redacted] with the particular biographical descriptors is not identical to [redacted].

b7C -1,2
b6 -1,2

Thanks,

SSA [redacted] Counterterrorism Squad, Honolulu

CC: [redacted]

b7C -1
b6 -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-5-03 BY UC 60267 NLS/AG/CAL

CA#03-1779

Fwd: Re [redacted] and No Fly List

b7C -1,2
b6 -1,2

From: [redacted]

To: [redacted]

Date: 9/18/02 9:07:35 AM

Subject: Fwd: Re [redacted] and No Fly List

Under the rationale offered by [redacted]

b2 -4
b7E -1
b6 -1,2
b7C -1,2[redacted] Maybe we should put her on the
list.....

Unfortunately, eggheaded thinking like this muddies the waters to the point where the no-fly and selectee lists become virtually worthless (garbage in, garbage out). On the plus side, it strengthens FBIHQ's case regarding the limitation of TSA's 1811 investigative authority.

Fly armed,

b7C -1
b6 -1

[redacted]

>>> [redacted] 09/17 8:05 PM >>>

I forward the attached for your information. Knowing this group, there will undoubtedly be some wise comments and observations, which I welcome.

Thanks.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-5-03 BY UCL60267 NLS/AG/CAL

C# 03-1779

b7C -1

b6 -1

From:

To:

Date: 9/30/02 9:52:27 AM

Subject: No-Fly Question

Re the attached article. Who does "maintain" or is "responsible" for the no-fly list?

No-Fly Blacklist Snares Political Activists

The San Francisco Chronicle

By Alan Gathright

September 28, 2002

SAN FRANCISCO, CA -- A federal "No Fly" list, intended to keep terrorists from boarding planes, is snaring peace activists at San Francisco International and other U. S. airports, triggering complaints that civil liberties are being trampled.

And while several federal agencies acknowledge that they contribute names to the congressionally mandated list, none of them, when contacted by The Chronicle, could or would say which agency is responsible for managing the list. One detainment forced a group of 20 Wisconsin anti-war activists to miss their flight, delaying their trip to meet with congressional representatives by a day. That case and others are raising questions about the criteria federal authorities use to place people on the list -- and whether people who exercise their constitutional right to dissent are being lumped together with terrorists. "What's scariest to me is that there could be this gross interruption of civil rights and nobody is really in charge," said Sarah Backus, an organizer of the Wisconsin group. "That's really 1984-ish."

Federal law enforcement officials deny targeting dissidents. They suggested that the activists were stopped not because their names are on the list, but because their names resemble those of suspected criminals or terrorists. Congress mandated the list as part of last year's Aviation and Transportation Security Act, after two Sept. 11 hijackers on a federal "watch list" used their real names to board the jetliner that crashed into the Pentagon. The alerts about the two men, however, were not relayed to the airlines. The detaining of activists has stirred concern among members of Congress and civil liberties advocates. They want to know what safeguards exist to prevent innocent people from being branded "a threat to civil aviation or national security."

NO ACCOUNTABILITY

And they are troubled by the bureaucratic nightmare that people stumble into as they go from one government agency to another in a maddening search to find out who is the official keeper of the no-fly list. "The problem is that this list has no public accountability: People don't know why their names are put on or how to get their names off," said Jayashri Srikantiah, an attorney with the American Civil Liberties Union of Northern California. "We have heard complaints from people who triggered the list a first time and then were cleared by security to fly. But when they fly again, their name is triggered again."

Several federal agencies -- including the CIA, FBI, INS and State Department -- contribute names to the list. But no one at those agencies could say who is responsible for managing the list or who can remove names of people who have been cleared by authorities. Transportation Security Administration spokesman David Steigman initially said his agency did not have a no-fly list, but after conferring with colleagues, modified his response: His agency does not contribute to the no-fly list, he said, but simply relays names collected by other federal agencies to airlines and airports. "We are just a funnel," he said, estimating that fewer than 1,000 names are on the list. "TSA has access to it. We do not maintain it." He couldn't say who does.

Steigman added he cannot state the criteria for placing someone on the list, because it's "special security information not releasable (to the public)." However, FBI spokesman Bill Carter said the Transportation Security Administration oversees the no-fly list: "You're asking me about something TSA manages. You'd have to ask TSA their criteria as far as allowing individuals on an airplane or not." In addition to their alarm that no agency seems to be in charge of the list, critics are worried by the many agencies and airlines that can access it. "The fact that so many people potentially have access to the list," ACLU lawyer Srikantiah said, "creates a large potential for abuse."

At least two dozen activists who have been stopped -- none have been arrested -- say they support sensible steps to bolster aviation security. But they criticize the no-fly list as being, at worst, a Big Brother campaign to muzzle dissent and, at best, a bureaucratic exercise that distracts airport security from

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09-03-1779

looking for real bad guys. "I think it's a combination of an attempt to silence dissent by scaring people and probably a lot of bumbling and inept implementation of some bad security protocols," said Rebecca Gordon, 50, a veteran San Francisco human rights activist and co-founder of War Times, a San Francisco publication distributed nationally and on the Internet.

Gordon and fellow War Times co-founder Jan Adams, 55, were briefly detained and questioned by police at San Francisco International Airport Aug. 7 after checking in at the American Trans Air counter for a flight to Boston. While they were eventually allowed to fly, their boarding passes were marked with a red "S" -- for "search" -- which subjected them to more scrutiny at SFO and during a layover in Chicago. Before Adams' return flight from Boston's Logan International, she was trailed to the gate by a police officer and an airline official and searched yet again. While Gordon, Adams and several of the detained activists acknowledged minor past arrests or citations for participating in nonviolent sit-in or other trespassing protests, **FBI** spokesman Carter said individuals would have to be "involved in criminal activity" -- not just civil disobedience -- to be banned from U.S. airlines.

DEFINING AN ACTIVIST

But, Carter added, "When you say 'activists,' what type of activity are they involved in? Are they involved in criminal activity to disrupt a particular meeting? . . . Do you plan on blowing up a building? Do you plan on breaking windows or throwing rocks? Some people consider that civil disobedience, some people consider that criminal activity." Critics question whether Sister Virgine Lawinger, a 74-year-old Catholic nun, is the kind of "air pirate" lawmakers had in mind when they passed the law. Lawinger, one of the Wisconsin activists stopped at the Milwaukee airport on April 19, said she didn't get upset when two sheriff's deputies escorted her for questioning.

"We didn't initially say too much about the detainment, because we do respect the need to be careful (about airline security)," the nun recounted. "They just said your name is flagged and we have to clear it. And from that moment on no one ever gave me any clarification of what that meant and why. I guess that was our frustration." Five months later, the 20 members of Peace Action Wisconsin still haven't been told why they were detained. Even local sheriff's deputies and airline officials admitted confusion about why the group was stopped, when only one member's name resembled one on the no-fly list.

At the time, a Midwest Express Airlines spokeswoman told a Wisconsin magazine, the Progressive, that a group member's name was similar to one on the list and "the (Transportation Security Administration) made the decision that since this was a group, we should rescreen all of them." At a congressional hearing in May, Wisconsin Sen. Russ Feingold pressed **FBI Director Robert Mueller** about the Milwaukee incident, asking him pointedly for an assurance that the agency was not including people on the list because they had expressed opinions contrary to the policies of the U.S. government. Mueller's response: "We would never put a person on the watch list solely because they sought to express their First Amendment rights and their views."

DATABASE OF SUSPICION

The law orders the head of the Transportation Security Administration to work with federal intelligence and law enforcement agencies to share database information on individuals "who may pose a risk to transportation or national security" and relay it to airlines, airports and local law enforcement. It also requires airlines to use the list to identify suspect passengers and "notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft or take other appropriate action." In November, Nancy Oden, a Green Party USA official in Maine, wound up being a suspect passenger and was barred from flying out of the Bangor airport to Chicago, where she planned to attend a Green Party meeting and make a presentation about "pesticides as weapons of war."

Oden said a National Guardsman grabbed her arm when she tried to help a security screener searching her bags with a stuck zipper. The middle-aged woman, who said she was conservatively dressed and wore no anti-war buttons, said the guardsman seemed to know her activist background. "He started spouting this pro-war nonsense: 'Don't you understand that we have to get them before they get us? Don't you understand what happened on Sept. 11?'" Airport officials said at the time that Oden was barred from boarding because she was uncooperative with security procedures, which she denies.

Instead, Oden pointed out that the American Airlines ticket clerk -- who marked her boarding pass with an "S" -- had acknowledged she wasn't picked by random. "You were going to be searched no matter what. Your name was checked on the list," he said, according to Oden. "The only reason I could come up with is that the **FBI** is reactivating their old anti-war activists' files," said Oden, who protested the Vietnam War as a young office worker in Washington, D.C. "It is intimidation. It's just like years ago when the **FBI** built a file about me and they called my landlord and my co-workers. . . . They did that with everyone in the anti-war

movement." A

TOOL FOR TERROR

In his testimony before Congress, Mueller described the watch list as an necessary tool for tracking individuals who had not committed a crime but were suspected of terrorist links. "It is critically important," he said, "that we have state and locals (police) identify a person has been stopped, not necessarily detained, but get us the information that the person has been stopped at a particular place." None of this makes the peace activists feel any safer -- about flying or about their right to disagree with their government.

"It's probably bad for (airport) security," said Sister Virgine. "Stopping us took a lot of staff away from checking out what else was going on in that airport." Ultimately, she said, "To not have dissent in a country like this would be an attack on one of our most precious freedoms. This is the essence of being an American citizen -- the right to dissent."

CC:

From: [redacted]
To: [redacted]
Date: 12/26/02 2:57:25 PM
Subject: Re: No Fly List Issue

~~SECRET~~

b7C -1
b6 -1

Hi [redacted]

No, I have not heard anything, but I would be pleased if the SACs would talk to someone about it. As with everything else these days, there probably needs to be an MOU between the TSA and all the submitting agencies that no names will go on the list without associated gender, unless the reason is compelling. No one is really fully accountable to fix the problem you describe - [redacted]

b2

[redacted] (S)

[redacted]

b2 -4
b7E -1

I'm sorry I can't help you further, except that I will send a copy of the below email directly to [redacted]

By the way, I'm retiring from the FBI on 12/31, and SSA [redacted] will be the Civil Aviation Security Program manager, if you have further questions or need additional help. Please give my best to SAC Knowlton.

b7C -1
b6 -1

Regards [redacted]

>>> [redacted] 12/26/02 12:10:14 PM >>>

b1
b2 -4
b5 -1
b7E -1
b6 -2,6
b7C -2,6

Do you have any update on this matter?

Thanks,

b2 -1
b7C -1
b6 -1

>>> [redacted] 12/12 11:20 AM >>>

ASAC Pisterzi writes of a situation which I've brought to your attention, as well as to the TSI Watch; namely that we need to [redacted]

[redacted] (S)

b1
b2
b7E
b3
b6

Please talk to [redacted] to see if TSA will require the submitting agencies to put gender into the information forwarded to TSA for inclusion on the list [redacted]

[redacted] (S)

3-3-03
CLASSIFIED BY: UC60267 NLS / AG/CAL
REASON: 1.5 (C)
DECLASSIFY ON: X (1)
CS# 03-1779

~~SECRET~~

SUSSMAN-264

as per
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EXCEPT WHERE SHOWN
OTHERWISE

~~SECRET~~

I'm sure an expeditious response will be most appreciated by all concerned. Thanks. [redacted]

SSA [redacted] (fax)
Civil Aviation Security Program, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
[redacted]@leo.gov

b2 -1
b7C -1
b6 -1

>>> ALBERT J PISTERZI 12/10/02 12:08:13 PM >>>

[redacted]
SAC Knowlton would like a resolution to a recurring problem we've encountered in LV regarding a No-Fly List (NFL) issue.

[redacted]

[redacted] (S)

[redacted]
[redacted] This problem has occurred several times over the past few months
and has not been rectified. (S)

b1
b2 -4
b7E -1
b6 -2, 6
b7C -2, 6

Your attention in this matter is very much appreciated.

AL

[redacted]

b2 -1
b7C -1
b6 -1

CC: Aviation-CAS Program; [redacted]

SUSSMAN-265

~~SECRET~~

From: [redacted]@state.gov>
 To: [redacted] (FBI)" [redacted]@leo.gov>, [redacted] (E-mail)"
 [redacted]@faa.gov>, [redacted]
 Cc: [redacted] (E-mail) [redacted]@ost.dot.gov>, [redacted]
 [redacted]@state.gov>, [redacted]@state.gov>, [redacted]
 [redacted]@state.gov>

b7C -1,3,4,5
 b7D -1
 b6 -1,3,4,5
 b2 -2

Subject: RE: TSA No Fly List

Date: Thu, 18 Jul 2002 13:51:03 -0400

[redacted]

[redacted]

[redacted]

[redacted]

Please advise who will attend this meeting. I may be reached at [redacted] Thanks.

b6 -3
 b7C -3

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 DATE 8-12-03 BY 60267NLS/AG/CAL

CA#03-1779

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

From: [REDACTED] (FBI) [mailto:[REDACTED]@leo.gov]
 Sent: July 06, 2002 2:51 PM
 To: [REDACTED] (E-mail); [REDACTED]
 Cc: [REDACTED] (E-mail); [REDACTED] (E-mail)
 Subject: Re: TSA No Fly List

b7C -1,3,4,5
 b7D -1
 b6 -1,3,4,5

[REDACTED] sorry, I was looking on the wrong lists - it looks like there is a [REDACTED] on the most current Selectee List 44.

b7C -1,2,5
 b6 -1,2,5

[REDACTED]

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

From: [REDACTED] (FBI)" [REDACTED]@leo.gov>
 To: [REDACTED]
 [REDACTED]@faa.gov>
 Cc: [REDACTED] (E-mail)" [REDACTED]@state.gov>; [REDACTED]
 (E-mail)" [REDACTED]@ost.dot.gov>
 Sent: Friday, July 05, 2002 5:50 PM
 Subject: Re: TSA No Fly List

b7C -1,3,4,5
 b7D -1
 b6 -1,3,4,5

Hello, [REDACTED]

It appears that there is no more [REDACTED] on either of the two lists (No Fly 73 or Selectee 44), so Mr. [REDACTED] should have no more problems for now. However, if another [REDACTED] should be put on the list, his name would trigger something. Your advice was the best that could be given under the circumstances. I don't know if FBI put him on the list or not.

b7C -1,2,5
 b6 -1,2,5

[REDACTED]

[REDACTED] Supervisory Special Agent
 Civil Aviation Security Program
 Special Events Management Unit, Room 11795
 Domestic Terrorism Counterterrorism Planning Section
 Counterterrorism Division
 Federal Bureau of Investigation
 [REDACTED]

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

From: [REDACTED]
 To: [REDACTED] (E-mail)" [REDACTED]@faa.gov
 Cc: [REDACTED] (E-mail)" [REDACTED]@state.gov; [REDACTED]
 (E-mail)" [REDACTED]@ost.dot.gov; [REDACTED] (E-mail)"

b2 -1
 b7C -1,3,4,5
 b7D -1
 b6 -1,3,4,5

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 DATE 8-8-03 BY 60267 NLS/AG/CL

60403-1779

From: [redacted] (FBI) [redacted]@leo.gov>

To: [redacted]

References: [redacted]

Subject: Re: TSA No Fly List

Date: Tue, 18 Jun 2002 21:31:57 -0400

b2 -2
b7C -1,5
b7D -1
b6 -1,5

Hi - I'm working late, which gives me time to answer. I have been =
preaching the exact same problems here, but perhaps it will mean more to =
my bosses coming from you. Anyway, I met with TSA recently and it was =
quite revealing, so I'll give you the latest.

b2 -4
b7C -1
b7D -1
b7E -1
b6 -1

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DATE 8-8-03 BY UC60267 NLS/AG/CAL

C#03-1779

Reply-To: [redacted] (FBI)" [redacted]@leo.gov>
 From: [redacted] (FBI)" [redacted]@leo.gov>
 To: [redacted]
 Bcc: [redacted] (DOT)" [redacted]@ost.dot.gov>
 Subject: Re: TSA No Fly List
 Date: Tue, 18 Jun 02 18:35:33 -0400

b7C -1,3,5
 b7D -1
 b2 -2
 b6 -1,3,5

Hi [redacted]

Thank you for the email, and who is [redacted] - obviously TSA, but I've never met her. Is she an International rep or someone directly involved with the lists? I would welcome such a meeting, as our agents are having the same problems, but we are the ones giving the TSA the info, so it's hard to criticize ourselves. I've learned more about that since our last interaction and can talk to you about it if you want to call. The TSA maintains that they still only act as a conduit for the FBI and make no decisions about who or what to put on the list, but they refuse to coordinate the procedures with the FBI. The lack of coordination issue has been raised up pretty high now in the FBI due to questions posed to the Director for the hearings. I will keep you posted.

b7C -3,5
 b6 -3,5

Thanks. [redacted]

b7C -1
 b6 -1

[redacted] Supervisory Special Agent
 Civil Aviation Security Program
 Special Events Management Unit, Room 11795
 Domestic Terrorism Counterterrorism Planning Section
 Counterterrorism Division
 Federal Bureau of Investigation
 [redacted] (fax)

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

From: [redacted]
 To: [redacted] (E-mail)
 Cc: [redacted] (E-mail); [redacted] (E-mail); [redacted]
 (E-mail)
 Sent: Tuesday, June 18, 02 12:18 PM
 Subject: TSA No Fly List

b2 -1
 b7C -1,3,5
 b6 -1,3,5

[redacted]

b2 -4
 b7C -3
 b7D -1
 b7E -1
 b6 -3

ALL INFORMATION CONTAINED
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DATE 8-03 BY UC60267 NLS/AG/CAL
 CA# 03-1779

[REDACTED]
JACKSONVILLE, FLORIDA 32207

PHONE: [REDACTED]

FAX: [REDACTED]

b2 -1
b7C -1,2,6
b6 -1,2,6

Date: 8/8/02 Time: _____

To: [REDACTED] Sender: [REDACTED]

From: [REDACTED]

RE: No fly uot

Telecopy #: [REDACTED]

Number of pages (including cover): 1

Special Instructions: With: [REDACTED]

originals are in the mail -

If there is any problem with the enclosed telecopy, please call.

CONFIDENTIALITY NOTE

The documents accompanying this telecopy transmission contain information from the [REDACTED] which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are the intended recipient, be aware that any disclosures, copying, distribution, or use of this information is prohibited. If you have received this telecopy in error, please notify us by telephone immediately so we can arrange for the retrieval of the original document.

Florida Statute (395.017) and Federal Regulations (42 CFR Part 2), prohibits you from making any further disclosure of this information except with the specific written consent of the person to whom it pertains.

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DATE 8-8-03 BY UC60267NLS/AG/CAL
CA#03-1779

b7C -2
b6 -2

August 6, 2002

[redacted] Supervisory Special Agent
Civil Aviation Security Program
Special Events Management Unit, Room 11795
Domestic Terrorism Counterterrorism Planning Section

b7C -1
b6 -1

RE: No fly list/deny boarding list.

Dear [redacted]

I am writing this letter to thank you for your effort in resolving my situation. As recommended I wrote a letter to the Corporate Security Offices of most of the North American Airlines. To help you remember my situation, I am attaching a copy of your e-mail to [redacted]

b7C -2,6
b6 -2,6

I have not heard from the Airlines and it may be some time before I receive a response from them. It may be extremely helpful for me if I could have a statement from you, on your stationary, indicating the fact that I am not the individual that the FBI is looking for.

Essentially, if I have a note stating [redacted] passport number [redacted] date of birth [redacted] social security number [redacted] resident at [redacted] in Jacksonville, Florida, born in [redacted] etc. is not the [redacted] that we are looking for".

b7C -2
b6 -2

I am assuming that if I can present this statement at the time of boarding an aircraft it would facilitate my processing.

I send my best regards and I wish you luck with catching the three bad guys that are causing me such anguish.

Sincerely,

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 8-8-03 BY UC60267 NLS/AG/CAL

CA#03-1779

b2 -2
b7C -1
b6 -1

From: [REDACTED]@leo.gov]
Sent: Monday, July 29, 2002 3:47 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

Dear [REDACTED]

Thank you for your email to explain [REDACTED] experience at Jacksonville Airport. Please understand that it is not [REDACTED] who is on the No Fly list, but similarly named people who may pose a danger to aviation. As you might imagine, [REDACTED] experience is repeated across the country with the more common names, both in Arabic and English. It's difficult to be too cautious. Procedurally, when people with names similar to names on the list present themselves at the ticket counter with their identification, airlines are given the option of determining for themselves that the passenger is not the person on the list. Some airlines either don't have the capability or don't accept the option to make the determination, and therefore they must contact the airport police for a decision. If the police were checking databases, it's possible they didn't want to render a decision until they were absolutely sure of who [REDACTED] was, or wasn't. Unless there is a real question as to whether [REDACTED] is the same as someone on the list, clearance should not take more than 5 minutes.

b7C -2
b6 -2

I just got off the phone with [REDACTED] and it sounds like a problem with the airlines at Jacksonville airport, because [REDACTED] advised that he didn't have the same problem at Dulles in D.C. I provided [REDACTED] with some guidance for contacting the airlines with whom he has a Frequent Flyer number, and also for initiating contact himself with the airport police prior to arrival at the airport, to give them a heads-up.

b2 -1
b7C -1,2,6
b6 -1,2,6

In the meantime, I know [REDACTED] spoke with someone today at the Jacksonville FBI office, but I didn't recognize the name of the person he spoke with. Therefore, I will be contacting two experienced aviation security agents in our Jacksonville office for follow-up at the airport to see if there is a problem which can be easily rectified.

b6 -2
b7C -2

Sincerely,

[REDACTED] Supervisory Special Agent
Civil Aviation Security Program
Special Events Management Unit, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division
Federal Bureau of Investigation
[REDACTED] (fax)

b2 -2
b7C -1,2,6
b6 -1,2,6

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

From: [REDACTED]
To: [REDACTED]<[REDACTED]@leo.gov>
Cc: [REDACTED]
Sent: Monday, July 29, 2002 2:33 PM
Subject: [REDACTED]

> The FAA referred me to you regarding a "No Fly List" in which our [REDACTED]
> [REDACTED] has inadvertently been put on. As he was
> leaving Jacksonville this morning, he was detained for forty-five (45)
> minutes (and almost missed his flight to New Orleans) to be run through
> every computer database that was available by the local authorities. The

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DATE 8-8-03 BY 60267 NLS/AC/CNC
CA# 03-1779

> local authorities suggested that he call the FBI to have his removed from
> this so-called "No Fly List". The TSA and FAA were also notified by both
> [redacted] office personnel, as well as myself. After numerous calls,
> transfers, etc., we were directed back to the FBI.
>
> [redacted] is a very well-known and respected [redacted] here the
> Jacksonville, FL area (please refer to his website: [redacted])
> Quite often, he is required to travel out of state for seminars, business,
> personal and other hospital related issues; and it is imperative that he
> not
> be continually detained by the authorities. After the 9/11 terrorists
> attacks, we understand the need for increased security; however, we hope
> that [redacted] will not have to endure the humiliation and delay in travel
> that he experienced this morning.
>
> His passport number is: [redacted] His date of birth is: [redacted]
>
> On Monday, July 29th, [redacted] will be meeting with the local FBI here in
> Jacksonville, FL. If there is any further light you can shed on this
> incident, it would be greatly appreciated.
>
> Sincerely,
> [redacted]
>
>
>
>
>
>
>

b6 -2,6
b7C -2,6

July 30, 2002

Delta Airlines Inc.
Hartsfield Atlanta International Airport
Atlanta, Georgia 30320

ATTN: Corporate Security

b7C -1,2
b6 -1,2

RE: No fly list and/or deny boarding list

I am writing this letter on a suggestion from [redacted] with the FBI office in Washington, DC. Apparently, three names similar to mine are currently included in the above list. During my recent travels I had significant difficulties boarding a plane because of the increased security. I understand the added security requirements that are mandated by the FBI and the homeland security needs.

[redacted] with the FBI office in Washington, DC, has indicated that the airlines Corporate Security Offices are required to implement systems that will meet the security needs of law enforcement without creating a burden on innocent passengers like myself. b7C -1
b6 -1

On July 12, 2002, while traveling thru Washington Dulles Airport I was delayed 20 minutes because my name came up in the system as matching a name in the list. On July 26, 2002 in Jacksonville International Airport I was detained for 45 minutes by police officers at the airport because my name matched a name on the list. I was eventually allowed to board the airplane but not before causing me great anguish.

The name [redacted] cannot be removed from the list until the issues of the three individuals mentioned in the list are resolved. I understand this. However, I believe that your agency can include some information in your system to identify me as someone that was already cleared by the FBI and should be allowed to board without unnecessary delays.

I am enclosing a complete set of information about myself in the attached sheet of paper. I am also sending you copies of my passport, driver's license and a few of my frequent flyer numbers. If you have any questions please call me. Moreover, if you have any questions about your duties and your responsibilities to US Citizens please contact [redacted] at the FBI office in Washington, DC. If you need to contact me directly, my cell phone is [redacted]

b7C -2
b6 -2

With kindest regards,

cc: [redacted] FBI Supervisory Special Agent

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HEREIN IS UNCLASSIFIED
DATE 09-03 BY UC60267 NLS/AG/COL

CA# 03-1779

b7C -2
b6 -2

[REDACTED]

My name is [REDACTED] my middle initial is [REDACTED]

My full name is [REDACTED]

Social Security Number: [REDACTED]

Date of Birth [REDACTED]

Place of birth: [REDACTED]

My US Passport Number is [REDACTED]

My United Airlines Frequent Flyer Number is [REDACTED]

My Delta Frequent Flyer Number is: [REDACTED]

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HEREIN IS UNCLASSIFIED

DATE 8-13-03 BY UC60267 NLS/A6/CAL
CA#03-1779

b7C -2
b6 -2

August 6, 2002

[redacted] Supervisory Special Agent
Civil Aviation Security Program
Special Events Management Unit, Room 11795
Domestic Terrorism Counterterrorism Planning Section

RE: No fly list/deny boarding list.

b7C -2
b6 -2

Dear [redacted]

I am writing this letter to thank you for your effort in resolving my situation. As recommended I wrote a letter to the Corporate Security Offices of most of the North American Airlines. To help you remember my situation, I am attaching a copy of your e-mail to [redacted]

I have not heard from the Airlines and it may be some time before I receive a response from them. It may be extremely helpful for me if I could have a statement from you, on your stationary, indicating the fact that I am not the individual that the FBI is looking for.

Essentially, if I have a note stating [redacted] with passport number [redacted] date of birth [redacted] social security number [redacted] resident at [redacted] in Jacksonville, Florida, born in [redacted] etc. is not the [redacted] that we are looking for".

b7C -1
b6 -1

I am assuming that if I can present this statement at the time of boarding an aircraft it would facilitate my processing.

I send my best regards and I wish you luck with catching the three bad guys that are causing me such anguish.

Sincerely,

b7C -2
b6 -2

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HEREIN IS UNCLASSIFIED

DATE 8-8-03 BY 1160267 NLS/AG/COL

CA#031779

b7C -2
b6 -2

July 30, 2002

Delta Airlines Inc.
Hartsfield Atlanta International Airport
Atlanta, Georgia 30320

ATTN: Corporate Security

b7C -1
b6 -1

RE: No fly list and/or deny boarding list

I am writing this letter on a suggestion from [redacted] with the FBI office in Washington, DC. Apparently, three names similar to mine are currently included in the above list. During my recent travels I had significant difficulties boarding a plane because of the increased security. I understand the added security requirements that are mandated by the FBI and the homeland security needs.

[redacted] with the FBI office in Washington, DC, has indicated that the airlines Corporate Security Offices are required to implement systems that will meet the security needs of law enforcement without creating a burden on innocent passengers like myself.

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I am enclosing a complete set of information about myself in the attached sheet of paper. I am also sending you copies of my passport, driver's license and a few of my frequent flyer numbers. If you have any questions please call me. Moreover, if you have any questions about your duties and your responsibilities to US Citizens please contact [redacted] at the FBI office in Washington, DC. If you need to contact me directly, my cell phone is [redacted]

With kindest regards,

[redacted]

b7C -1
b6 -1

cc: [redacted] FBI Supervisory Special Agent

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HEREIN IS UNCLASSIFIED

DATE 8-8-03 BY UC60267 NLS/AG/GCL

CA 03-1779

[REDACTED]

My name is [REDACTED] my middle initial is [REDACTED]

My full name is [REDACTED] or [REDACTED]

Social Security Number [REDACTED]

Date of Birth [REDACTED]

Place of birth: [REDACTED]

My US Passport Number is [REDACTED]

My United Airlines Frequent Flyer Number is [REDACTED]

My Delta Frequent Flyer Number is: [REDACTED]

b7C -2
b6 -2

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HEREIN IS UNCLASSIFIED
DATE 8-8-03 BY UC60267 NLS/AG/CSL
CA#03-1779

From: [REDACTED]@leo.gov]
 Sent: Monday, July 29, 2002 3:47 PM
 To: [REDACTED]
 Cc: [REDACTED]
 Subject: [REDACTED]

b2 -2
 b7C -1,2,6
 b6 -1,2,6

Dear Ms. [REDACTED]

Thank you for your email to explain [REDACTED] experience at Jacksonville Airport. Please understand that it is not [REDACTED] who is on the No Fly list, but similarly named people who may pose a danger to aviation. As you might imagine, [REDACTED] experience is repeated across the country with the more common names, both in Arabic and English. It's difficult to be too cautious. Procedurally, when people with names similar to names on the list present themselves at the ticket counter with their identification, airlines are given the option of determining for themselves that the passenger is not the person on the list. Some airlines either don't have the capability or don't accept the option to make the determination, and therefore they must contact the airport police for a decision. If the police were checking databases, it's possible they didn't want to render a decision until they were absolutely sure of who [REDACTED] was, or wasn't. Unless there is a real question as to whether [REDACTED] is the same as someone on the list, clearance should not take more than 5 minutes.

b7C -2
 b6 -2

I just got off the phone with [REDACTED] and it sounds like a problem with the airlines at Jacksonville airport, because [REDACTED] advised that he didn't have the same problem at Dulles in D.C. I provided [REDACTED] with some guidance for contacting the airlines with whom he has a Frequent Flyer number, and also for initiating contact himself with the airport police prior to arrival at the airport, to give them a heads-up.

b7C -2
 b6 -2

In the meantime, I know [REDACTED] spoke with someone today at the Jacksonville FBI office, but I didn't recognize the name of the person he spoke with. Therefore, I will be contacting two experienced aviation security agents in our Jacksonville office for follow-up at the airport to see if there is a problem which can be easily rectified.

Sincerely,

[REDACTED] Supervisory Special Agent
 Civil Aviation Security Program
 Special Events Management Unit, Room 11795
 Domestic Terrorism Counterterrorism Planning Section
 Counterterrorism Division
 Federal Bureau of Investigation

b2 -1
 b7C -1,2,6
 b6 -1,2,6

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

From: [REDACTED]
 To: [REDACTED]@leo.gov>
 Cc: [REDACTED]
 Sent: Monday, July 29, 2002 2:33 PM
 Subject: [REDACTED]

> The FAA referred me to you regarding a "No Fly List" in which our [REDACTED]
 > [REDACTED] has inadvertently been put on. As he was
 > leaving Jacksonville this morning, he was detained for forty-five (45)
 > minutes (and almost missed his flight to New Orleans) to be run through
 > every computer database that was available by the local authorities. The

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>

> be

>

>

>

>

-

>

[redacted]@leo.gov

Sent: Friday, July 05, 2002 9:51 AM

Subject: TSA No Fly List

b7C -1

b2 -1

b6 -1

[redacted]

There is a specific case involving the TSA List which is a slightly bigger problem for us. The list contains the name [redacted]

In [redacted] we have a Mr. [redacted] who is continually denied access to the automated check-in and is given the third

degree every time he flies. The problem is our Mr. [redacted] is the [redacted]

[redacted]

[redacted] which means that he a member of [redacted]

[redacted] which means that he is required to travel the world for

preparatory meetings related to the [redacted]

We have advised our [redacted] to book his ticket using his full names which

match those on his passport i.e. [redacted] His

travel agent has added his Frequent Flyer details to all his bookings

and

provides [redacted] DOB, Passport # and Country of Issue so he can checked out early through [redacted] when he travels to the [redacted] Still he get's hassled.

Is there anyway way for you folks to verify whether your [redacted] is still

a

valid name, add more details or delete it?

We're still looking forward to meeting with you folks to try and come to grips with the TSA List issue.

Happy 4th!

[redacted]

b7C -5

b6 -5

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SUSSMAN-286

Criteria to take off

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CAF 03-1779

b6 -1

b7C -1

b7E -1

TSB ~~would~~ will only take off there that FBI is is is

unit (L₀ RFU) - depends on a threat to civil aviation

CTD Dam Terr Section - ~~Revised~~
Revised list from TSA + documents class

She ~~also~~ replied

Pepe ~~should~~ call her a lot -

Good person to start with

②

①

b2 -4

b7E -1

24/7 C/T Watch (Frt ) get calls from
in direct

SUSSMAN

4. Watch Lists

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Number of different lists

9/11 - Project Lookout Watch List (450 names)

Widely disseminated

Pared down, threats to air travel turned over to FBI

Eliminated on 10-23-01

Terrorism Watch List established March, 2002

Protocols for addition and removal of names

Through VGTOF, [REDACTED]

b2 -4

b7E -1

TSA maintains 2 lists: (1) No Fly List and (2) Selectee List [REDACTED]

Names from various sources, but attributed to FBI

Poor Identifiers

No Fly List - FBI called upon to investigate

No removal process

Investigative Law Unit involved

b2 -4

b7E -1

NSLU working with DOJ, INS on MOU

Recommendations:

b5 -1

b2 -4

b7E -1

SUSSMAN-288

*Check w/
Larry Medford
→ Terrorism Jo
get you a
off +
make sure
is correct*

b7C -1

b6 -1

*Check w/
[REDACTED]*

b7C -1

b6 -1

Spike
(1) Records from Schools of government and they can select - judged as
(2) Teeth in the National
See letter to Capital Building 2001
of Records -

Privacy Issues

Post 9/11 Detainees

b7C -1
b6 -1

NSLU

Spike)

Inspections

After 9/11, lots were meeting at FBI, [redacted] was
the glue (name checks list) to be run through CIA
to b: clear [redacted] managed the process

Libraries/Book Stores

b7C -1
b6 -1
b2 -1

NSLU

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Colleges

NSLU

b2 -4

b7E -1

First Amendment Activities -

b7C -1
b5 -1
b6 -1

Spike

FCI Guidelines - (check)
w/ asst

Dissemination of Watch Lists/ No Fly Lists

Don't like the term Watch List - Spike
Green

Spike

may have worked on - put together EC on who should go on list)

Information Sharing with State and Local Law Enforcement

b7C -1
b6 -1

Charlie Steele

FTTTF - Data Mining

Carnivore/DOS 1000

b7C -1
b6 -1

(Technology Law Unit) -

Not used often - Providers order
to give it + usually can
do this + the

Other Technology Issues Related to Data Systems with over 10,000 records - Pat Kelley (Privacy Council, Privacy Impact Analysis Review

M.O.G

PIA Expert -

b7C -1
b6 -1

Technology Review Board

Interim Process

FISA - Spike

Privacy Issues - Follow-up

Follow-up after 12-20-02 Mtg with Director on Privacy Issues

Racial Profiling - Check on OLP Guidance (**Done-Nothing forthcoming**)

Re: Watch Lists (TWL, No Fly List/Selectee List)

Talk to Larry Mefford about Protocols as to who goes on list, and how names can be removed, criteria for Terry category of detain for questioning by FBI [redacted]

Follow-up on MOU re: Tip-Off Terror names into NCIC [redacted]

b7C -1

Re: Investigations relating to Public Places and Events

b6 -1

CDC Conference scheduled for January, put it on agenda for discussion to determine whether it is being done, whether they have concerns (Steele, [redacted])

Re: Schools/Libraries

Prepare EC or e-mail instructing that if making non-specific request for records in absence of predication, check with OGC (Steele/ILU)

Technology Review Board

Move forward on design, formation (Kelley/TLU)

Designate OGC Attorney to monitor ongoing privacy issues (Wainstein/Steele)

Prepare Talking Points ()

Prepare Briefings/Speeches ()

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b7C -1

b6 -1

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CA# 03-1779

units of TSA

No-Fly List

Aviation + Transportation Sec Act - set up TSA

1. Required to use info from ~~pass~~ govt to
"A threat to civil aviation"

~~EBT~~ First using the FBI's Terrorist Watch List

FBI + CIA got names on list

Evolved into 2 lists, from TSA Security Directives

- ① No-Fly List - don't have discretion name + an other identifiers
- ② Selectee List

want 4 identifiers, but
require at least 2

Names go through Center/Terr Dev - Richard F. ...
Unit, to TSA Dept [redacted] - he sends names even
now

[redacted]

in CTD - makes up

[redacted]

b7C -1,3

b6 -1,3

Agon course is identifying the guy properly

Guy comes up

SA. stand called CTD-Terr Watch List

Originators are supposed

Selectee List - Of heightened interest for the agency "Gene
Link" - Screen this guy if more scrutiny
Airline can keep him from flying, but they don't



makes the distinction

b7C -1,3

TSA ~~is~~ runs the list

b6 -1,3

Lawsuit in Michigan
city



- Civil Lit Unit

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Tuesday, November 19, 2002

Far Afield: FBI's Post-Sept. 11 'Watch List' Mutates, Acquires Life of Its Own

Bureau Gave It to Companies; Now, Out-of-Date Versions Dog Some People Named

Still Citing the Atta Brothers
 By Ann Davis

LAS VEGAS -- When a patron at the New York-New York casino plugged his frequent-player card into a slot machine one day this summer, something strange happened: An alert warned the casino's surveillance officials that an associate of a suspected terrorist might be on the grounds.

How did a casino's computer make such a connection? Shortly after Sept. 11, the FBI had entrusted a quickly developed watch list to scores of corporations around the country.

Departing from its usual practice of closely guarding such lists, the FBI circulated the names of hundreds of people it wanted to question. Counterterrorism officials gave the list to car-rental companies. Then FBI field agents and other officials circulated it to big banks, travel-reservations systems, firms that collect consumer data, as well as casino operators such as MGM Mirage, the owner of New York-New York. Additional recipients included businesses thought vulnerable to terrorist intrusion, including truckers, chemical companies and power-plant operators. It was the largest intelligence-sharing experiment the bureau has ever undertaken with the private sector.

A year later, the list has taken on a life of its own, with multiplying -- and error-filled -- versions being passed around like bootleg music. Some companies fed a version of the list into their own databases and now use it to screen job applicants and customers. A water-utilities trade association used the list "in lieu of" standard background checks, says the New Jersey group's executive director.

The list included many people the FBI didn't suspect but just wanted to talk to. Yet a version on Segured.com, a South American security-oriented Web site that got a copy from a Venezuelan bank's security officer, is headed: "list of suspected terrorists sent by the FBI to financial institutions." (The site's editor says he may change the heading.) Meanwhile, a supermarket trade group uses a version of the list to try to check whether terrorists were raising funds

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SUSSMAN-293

/

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through known shoplifting rings. The trade group won't disclose results.

The FBI credits the effort, dubbed Project Lookout, with helping it rapidly find some people with relevant information in the crisis atmosphere right after the terror attacks. MGM Mirage says it has tipped off the FBI at least six times since beginning to track hotel and casino guests against the list.

The FBI and other investigative agencies -- which were criticized after Sept. 11 for not sharing their information enough -- are exploring new ways to do so, including mining corporate data to find suspects or spot suspicious activity. The Pentagon is developing technology it can use to sweep up personal data from commercial transactions around the world. "Information sharing" has become a buzzword. But one significant step in this direction, Project Lookout, is in many ways a study in how not to share intelligence.

The watch list shared with companies -- one part of the FBI's massive counterterrorism database -- quickly became obsolete as the bureau worked its way through the names. The FBI's counterterrorism division quietly stopped updating the list more than a year ago. But it never informed most of the companies that had received a copy. FBI headquarters doesn't know who is still using the list because officials never kept track of who got it.

"We have now lost control of that list," says Art Cummings, head of the strategic analysis and warning section of the FBI's counterterrorism division. "We shouldn't have had those problems."

The bureau tried to cut off distribution after less than six weeks, partly from worry that suspects could too easily find out they had been tagged. Another concern has been misidentification, especially as multipart Middle Eastern names are degraded by typos when faxed and are fed into new databases.

Then there's the problem of getting off the list. At first the FBI frequently removed names of people it had cleared. But issuing updated lists, which the FBI once did as often as four times a day, didn't fix the older ones already in circulation. Three brothers in Texas named Atta -- long since exonerated, and no relation to the alleged lead hijacker -- are still trying to chase their names off copies of the list posted on Internet sites in at least five countries.

People who've asked the FBI for help getting off the bootleg lists say they've been told the bureau can't do anything to correct outdated lists still floating around. The FBI's Mr. Cummings says that "the most we can control is our official dissemination of that list." Once it left the law-enforcement community, "we have no jurisdiction to say, 'If you disseminate this further, we will prosecute you.'"

Despite the problems, Mr. Cummings and other proponents of information-sharing say the process should be improved, not abandoned. Software companies are rushing to help, trying to make information-sharing easier and more effective.

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Systems Research & Development in Las Vegas is among those working on ways to make exchanging law-enforcement and corporate information a two-way street without compromising privacy. "I believe there's probably 10 to 50 companies in America that across them touch 80% to 90% of the entire country," says SRD founder Jeff Jonas, citing credit-card companies, banks, airlines, hotel chains and rental-car companies. "There should be a protocol in place that corporate America could be plugged into that allows them to say, 'We'd like to help,' " he says.

But some officials at the U.S. Customs Service, the Office of Homeland Security and the FBI's own Criminal Justice Information Services Division doubt the wisdom of circulating watch lists widely, and some say they didn't even know about Project Lookout. Civil libertarians worry about enlisting companies to track innocent people for the government. Many companies say they need to be insulated from liability if they're expected to share data on people with the government.

"It's a tough, tough box to get into. You end up with legitimate concerns about moving into Orwell's '1984,'" says Henry Nocella, an official of Professional Security Bureau Ltd. in Nutley, N.J., and a former security director at Bestfoods. "Yet you know there's a need to collect and analyze information."

Before Sept. 11, the government rarely revealed the names of terrorism suspects to companies. The exception was when it had a subpoena for specific information the government believed a company had about a person under investigation. But after the attacks, counterterrorism officials were concerned that members of terrorist cells could have slipped undetected into companies or communities. They feared that by the time they figured out where to direct subpoenas, the suspects could get away or even stage another attack.

Holed up in a "strategic information and operations center" in Washington, a small circle of FBI officials decided on Sept. 15, 2001, to put out a broad heads-up to state and local police and to trusted companies. "We're not playing games here. This was real life. We wanted as many people as possible to know this is who we wanted to talk to," says Steven Berry, an FBI spokesman.

Agents cast a wide net that, by its nature, included scores of innocent people. They started by using record searches and interviews to identify "anybody who has contact" with the 19 hijackers, Mr. Cummings recalls. Kevin Giblin, chief of the terrorist warning unit, decided that car-rental companies and local police should be the first outside of the airlines to get the list. One firm that received it, Ford Motor Co.'s Hertz unit, says it checked the list against its records and told the FBI of any matches, but then basically let the list lie dormant.

Trade groups proved a quick way to spread the word. The FBI gave the list to the Transportation Department. It shared the names with the American Trucking Associations, which promptly e-mailed the list to nearly 3,000 trucking companies. The International Security Management Association, an elite group of executives at 350 companies, put the list on a password-protected part of its Web site, allowing members to scan it in private, members say.

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On their own, FBI field agents shared the list with some chemical, drug, security-guard, gambling and power-plant companies, according to interviews with companies. The FBI's Mr. Giblin says he hadn't realized how extensively field agents distributed the list. But he says agents have considerable autonomy and are expected to keep close ties to companies in their area.

One field agent, Daron Borst of the FBI's Las Vegas office, says, "I do remember very distinctly the attitude of the country was, 'Do something.' This was one way to get out there and develop an intelligence base. The other option was to sit in our offices and wait for the phones to ring."

Mr. Giblin says that by Oct. 23 of 2001, he had notified police agencies that the bureau was no longer looking for the people on the watch list. But he made n arrangements to tell businesses. Indeed, Southern Co. didn't receive its list until November 2001, when FBI field agents in Alabama asked the power company to "see if any folks on the list . . . had [customer] accounts," says a company spokeswoman, Laura Varn. The FBI declines to comment on the timing.

Mr. Giblin says the bureau stressed to recipients that the people named weren't all suspects. "This wasn't a blacklist," he says.

Mark Deutch landed on the list. A financier from Boone, N.C., he works on deals for Middle Eastern investors. On Sept. 11, he was scheduled to begin a flight that would take him to Washington -- using a ticket purchased by a Saudi business partner. After interviewing Mr. Deutch, the FBI removed his name.

But even now, Mr. Deutch says, nearly every time he does a Google search of the Internet, he finds another version of the list that still has his name on it. He says he is searched so often at airports that he has curtailed his flying. He says it once took him nearly two hours to get a rental car from Budget in Florida. Budget Group Inc. had no comment about Mr. Deutch's experience except to say it gave the FBI historical reservations data right after Sept. 11 and "we have not been asked in recent months to assist the FBI in this manner." Mr. Deutch says his worst fear is "an unstable person getting hold of the name and wanting to take some sort of revenge."

The initial list also named Asem Atta. Mr. Atta, a Pakistani programmer who once worked for Enron Corp., wasn't hiding. He has his own Web site, which proclaims his affection for the rock band Red Hot Chili Peppers, his dislike for the color purple and his love of a special hummus recipe.

The FBI later removed Mr. Atta and two brothers from updated versions of the watch list. The brothers declined to comment, but Rhonda Atta, the U.S.-born wife of one of them, recently called the FBI to complain about several lists that still include the brothers. She cited an Italian Web site and one in Mexico. Ms. Atta says an FBI agent in Texas told her it didn't have control over those sites and she needed to write the sites a letter.

At DuPont Co., global security manager William Reiter says he ran the FBI watc

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list against all 97,000 DuPont employees. He also sent a printout to managers at hazardous-chemical plants and asked them to check the names of vendors' employees, warning: "If you find anybody, do not confront them. Go to your local terrorism task force." DuPont saw a few names it had questions about, but none turned out to be the people the FBI was interested in.

The absence of addresses, dates of birth and Social Security numbers for many names made some companies fret that the lists were an invitation to misidentify people. At Securitas Holdings Inc., a unit of Securitas AB that runs the Pinkerton and Burns security-guard businesses, Chairman Don Walker says he compared a watch list of about 150 to 175 names against his payrolls once, then told the FBI to take it back.

The few hits he got turned out to be the wrong person. Mr. Walker says he was uncomfortable participating in "a snitch system" based on possibly faulty data. "We didn't feel like it was information that was something you could make a decision about. You get a name and what are you going to do with it? Are you not going to hire anybody with that name?"

Airline Automation Inc., a Tucson, Ariz., company that helps airlines process reservations, says that early on, it was receiving four or five versions of the list a day from an airline client. Using a "fax of a fax," staffers furiously pecked names into a database. "Some of the names were so smudged it was difficult to see. . . . The 'o's blurred into 'e's," says Frank Arciuolo, an executive vice president. The FBI later sent some companies electronic versions.

Few companies had the skills to detect whether Middle Eastern names had errors or to check for common alternative spellings. Airline Automation called in Language Analysis Systems Inc., a name-recognition-software firm in Herndon, Va. A list reviewed by the language firm's chief executive, Jack Hermansen, for The Wall Street Journal contained a number of first names of Abdul, which Mr. Hermansen says is almost never a complete first name on its own. "The risk is that you'll match many, many Abduls. It's like looking for 'Mac' in the Scottish phone book," he says. Other entries looked as if they'd been transcribed by an optical scanning machine with some mistaken letters.

By the time the FBI tried to close out its list, at least 50 versions were floating around, say people who saw numbered ones. Some companies were asking software firms such as Systems Research & Development how to make better use of the lists. SRD, which is financed in part by a venture-capital arm of the Central Intelligence Agency, has a program called NORA, for Non-Obvious Relationship Awareness. It mines data to detect hard-to-see links between people, such as use of the same residence or phone number.

MGM Mirage -- which was already using NORA to check hotel and casino guests' names against a lot of lists, such as those of people whose assets have been frozen -- began using the software with the FBI watch list. This is how Patricia Fischer, an MGM surveillance executive, got a computer alert this summer about the gambler at the New York-New York casino. She decided the gambler's link to

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the watch list was too tenuous to pass on to the FBI: The man merely lived in an apartment building across the street from someone whose name had once had been on the list but had been removed. NORA software had made the link.

Though MGM's list is out of date, Alan Feldman, an MGM senior vice president, figures that "it's better to have the information than not, on the off chance that something might develop from one of the names even though it had been removed. . . . We don't see the harm in it." Mr. Feldman says "the beauty of the system is that we're getting advance information" such as a hotel reservation and "watch for you to come in."

The FBI's Mr. Giblin says when he fields tips nowadays from companies that have the watch list, he tells them it's obsolete. But not all field offices turn down such tips.

There are conflicting views in the government about how far to go in recruiting companies as law enforcement's eyes and ears. The Office of Homeland Security says it has no plan to share with companies a master list it's compiling that consolidates watch lists from various agencies. SRD, meanwhile, is trying to interest companies and the FBI in software that would allow them to query one another about possible matches without letting them see each other's data.

If the government does decide to disseminate watch lists in the future, it won't face high legal hurdles, says Daniel Ortiz, a law professor at the University of Virginia. He says someone who appears wrongly on a watch list could ask for a correction but couldn't prevent the list's circulation or sue the government for damages under current privacy laws. The government just has to be careful not to single people out solely on race or ethnicity.

Businesses face more jeopardy, however. Many industries, such as cable companies and banks, operate under special privacy laws preventing them from giving customer information to the government without a subpoena.

Galileo International, which processes millions of air, hotel and car-rental reservations, has discussed ways the government might link up to Galileo's system. The firm, a unit of Cendant Corp., hasn't gone forward in part because of both privacy and liability concerns, says Paul Quade, a vice president.

"If the government comes out with an indemnification or firewall or total privacy system, we'd be happy to participate in anything that serves homeland security," Mr. Quade says. "I don't think anybody's come up with a solution yet that we can use to identify dangerous people and at the same time protect real people."

Question: Should companies be given the names of people the FBI wants to interview in its counter-terrorism efforts? Visit WSJ.com/Question to vote.

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Tough Call

Enlisting corporations to help terror investigators has benefits and pitfalls:

PROS

- Could help find terror suspects more quickly.
- Vastly increases information at law enforcement's disposal.
- May help vulnerable companies discover terrorist intruders before being attacked.

CONS

- Increases chance of mistreatment or misidentification of innocent people.
- List could fall into terrorists' hands, leading them to assume new identities.
- Raises fears that government will store corporate data for future, nonterror uses.

---- INDEX REFERENCES ----

COMPANY (TICKER): Mgm Grand Inc. (MGG)

NEWS SUBJECT: Executive Government; Law Enforcement; Justice Department; Treasury Department; September 11 Terrorist Attacks; Acts Of Terror; Newspapers' Section Fronts; Law Enforcement; Management Issues; Management Issues; Front-Page Stories; Page-One Story; Public Policy & Regulatory Issues; Regulation/Government Policy; Dow Jones Total Market Index; Wall Street Journal; English language content; Content Types; Corporate/Industrial News; Crime/Courts; Political/General News; Crime; Government Bodies; Domestic Politics (GVEXE GHOME GVJUS GVTRE 911 GTERR FRT LEN MNT C41 PAG NPAG PBP C

MARKET SECTOR: Consumer Cyclical; Newswire More Code; Newswire End Code (CYC MMR NND)

INDUSTRY: Casinos & Gambling; All Entertainment & Leisure (CNO ENT)

PRODUCT: Wall Street Journal Graphics (PIC)

GOVERNMENT: Executive Branch; Federal Bureau of Investigation (FBI); Justice Department; Treasury Department; U.S. Government Agencies (EXE FBI JUS TRE USG)

REGION: North America; Nevada; United States - Nevada; United States; United States; Western U.S.; North American Countries (NME NV USNV US USA USW NAMZ)

LAYOUT CODES: Page One Umbrella; Right Leader (PGO RGT)

Word Count: 2974
11/19/02 WSJ A1

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From: SIOC
To: TMU, TRANSPORT, Watch
Date: Tue, Apr 22, 2003 9:18 PM
Subject: 4/22/03 NewsEdge Article re ACLU seeks government data regarding secret "no-fly" list

ACLU seeks government data regarding secret "no-fly" list

SAN FRANCISCO (AP) The American Civil Liberties Union sued the FBI and other government agencies Tuesday on behalf of two peace activists detained at an airport because their names popped up on a secret "no-fly" list.

The women were among 339 travelers briefly detained and questioned at San Francisco International Airport during the past two years after their names were found in the database, the ACLU said, citing government documents. Those travelers ultimately were allowed to continue on their journeys.

"Thousands of passengers are likely being subjected to the same sort of treatment at airports across the country," said Jayashri Srikantiah, an ACLU attorney.

The database was created after the Sept. 11 terrorist attacks as a way to prevent potential terrorists from boarding planes. The Transportation Security Administration gets names from law enforcement officials and gives the lists to airlines to screen passengers.

The ACLU is asking a federal judge to demand that the TSA, FBI or the Justice Department disclose who is on the list, how they got on it and how they can get off it.

The plaintiffs, Rebecca Gordon and Janet Adams, publish the San Francisco-based War Times. They were stopped in August while checking in for a flight to Boston.

"It was very distressing," Gordon said. The two invoked the Freedom of Information Act to demand that authorities reveal why they were stopped. The TSA did not respond to their request and the FBI said no files on the two existed, the ACLU said.

An FBI spokesman on Tuesday referred inquiries to the TSA. TSA spokesman Niko Melendez said those on the no-fly list pose, or are suspected of posing, a threat to civil aviation and national security. He added that the agency does "not confirm the presence of a particular name of an individual on a list."

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DATE 8/6/03 BY 60267NLS/AG/JS

CAF# 03-1779

SUSSMAN-300

Larson, David C.

From: Semo, Alina M.
Sent: Friday, April 25, 2003 6:21 PM
To: Gulyassy, Anne M.; MCCORMACK, WILLIAM; Larson, David C.; Calogero, Valerie P.; Bowman, Marion E.; Livingston, John R. Jr.; Steele, Charles M.
Cc: Roppel, Ruth; NOLAND, BEATRIZ; Manley, Debora
Subject: ACLU, et al. v. FBI, et al (N.D. Cal.)

I thought I would let everyone know collectively that the ACLU and two individuals (Rebecca Allison Gordon and Janet Amelia Adams) have sued the FBI, DOJ, TSA pursuant to FOIA and the Privacy Act, seeking access, inter alia, to all records, including memoranda, policy directives and guidance, regarding "no fly" lists and other watchlists, documents concerning how individuals are placed on or removed from such lists, what agencies maintain these lists, and more specific requests with regard to the two named plaintiffs, Gordon and Adams. According to the complaint, the FBI issued a "no records" response administratively. Plaintiffs are now challenging the "no records" response in the lawsuit they have filed in the N.D. of California, San Francisco Division. Below is the article that Jim Landon saw regarding the case in the NY Times two days ago. Main DOJ will handle the case (Joe LoBue), and they anticipate [REDACTED]
 [REDACTED] I am awaiting receipt of a file-stamped copy of the complaint, along with the numerous exhibits; right now I have an internet copy of the complaint if anyone would like to see this version [REDACTED]

b5 -1,2,3

Thanks, Alina.

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

From: [REDACTED]
Sent: Wednesday, April 23, 2003 9:01 AM
To: [REDACTED]
Subject: News?

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 DATE 1/16/03 BY 60267 NLS/AG/JS

b7C -1
 b6 -1

CA# 03-1779

'No Fly' List Is Challenged In A Lawsuit

The New York Times

By Eric Lichtblau

April 23, 2003

WASHINGTON, DC — Civil rights advocates demanded today that the federal government explain how hundreds of people — some of them vocal critics of the Bush administration — have ended up on a list used to stop people suspected of having terrorist links from boarding commercial air flights.

In a lawsuit filed in San Francisco, the American Civil Liberties Union said government officials had improperly withheld information about how people wind up on the "no fly" list, what steps are taken to ensure its accuracy and how people who are erroneously detained at airports can get their names off the list. "Without even basic information about the no-fly list or other watch lists," the lawsuit said, "the public cannot evaluate the government's decision to use such lists." Since the attacks on Sept. 11, 2001, the **FBI** and federal transportation officials have generated secret lists of people suspected of having terrorist ties who should be stopped and questioned if they try to board an airplane.

Law enforcement officials say the policy is a necessary safeguard to prevent the type of security lapses that allowed two of the Sept. 11 hijackers to board a plane even though intelligence officials had reason to suspect they were terrorists. But the so-called no-fly lists have generated criticism. Many people have been mistakenly stopped, while others assert they were on the list in part because of their strong liberal politics. In a well-publicized incident last year, some two dozen members of a group called Peace Action of Wisconsin, including a priest, a nun and high school and college students, were detained in Milwaukee

en route to a "teach-in" and missed their flight.

In San Francisco, meanwhile, Rebecca Gordon and Janet Adams, two self-described peace activists who help run a publication called War Times that has been critical of the administration's terrorism policies, were detained on their way to Boston. An American Trans Air employee told them their names appeared on a no-fly list, according to the A.C.L.U. lawsuit, which includes both women as plaintiffs. Officials insisted they were not seeking to single out legitimate political critics. Ms. Adams's name may have been similar to that of another person on the no-fly list, they said. Ms. Adams said in an interview that "it strains my credulity" to think that her longtime role as a political advocate did not play a part in the incident. "It's bad enough that the government is stopping people in these vast quantities," she said.

"But then to learn that you can't even find out why they did it is just an additional injury." In its lawsuit, the civil liberties union said it had documented 339 cases since the Sept. 11 attacks in which people at San Francisco International Airport were stopped and questioned because they were thought to be on the no-fly list. While the group's investigation has focused on San Francisco because of complaints there, it said the situation there offers a window into what is happening at airports around the country, based on anecdotal evidence the group has collected. "There's every reason to believe this is happening at airports around the country," said Jayashri Srikantiah, staff lawyer for the A.C.L.U. of Northern California.

The civil liberties union brought the lawsuit under the Privacy Act and the Freedom of Information Act after federal officials turned down several months of requests for information on the passenger lists. The FBI told the group in a letter last December that it found "no records pertinent" to the no-fly issue. But A.C.L.U. officials said records from the San Francisco airport showed that the FBI was contacted about many of the airport detentions. Officials at the Transportation Security Administration, named as a defendant in the suit, did not return calls seeking comment. Officials at the FBI, also named as a defendant, said they could not comment because the lawsuit was pending.

- But a law enforcement official, who would speak only if not named, acknowledged that there was confusion in the public about how the no-fly lists were created and executed. The official said the FBI provided intelligence on people suspected of links to terrorism, which was relayed to the transportation security agency. Transportation officials then provide airlines and airports with lists of people to look for at airports. The security agency "needs to do a better job of explaining what this list is," the official said. The official insisted that politics had nothing to do with who makes the list, saying that "people that are expressing their constitutional rights of free expression would not come to the attention of the FBI."

Subject: 4/22/03 NewsEdge Article re ACLU seeks government data
regarding secret ``no-fly'' list

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The plaintiffs, Rebecca Gordon and Janet Adams, publish the San Francisco-based War Times. They were stopped in August while checking in for a flight to Boston.

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CAF 03-1779

THE WALL STREET JOURNAL.

FACSIMILE TRANSMITTAL SHEET

TO: Art Cummings
FROM: Ann Davis
COMPANY: FBI
DATE: 1/8/03
FAX NUMBER: [REDACTED]
TOTAL NO. OF PAGES INCLUDING COVER: 19
PHONE NUMBER: [REDACTED]
SENDER'S REFERENCE NUMBER: Phone: 212-416 3318
RE: "no fly" claims
YOUR REFERENCE NUMBER: Fax: 212-416 2653; cell 917-797-8701

URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS

PLEASE DELIVER TO ART CUMMINGS BEFORE HIS DEPARTURE AT 3 P.M.
TODAY.
THANK YOU!

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DATE 8/16/03 BY 60216 JML/ALG/BS

CA # 03-1779

Davis, Ann

From: Davis, Ann
 Sent: Wednesday, January 08, 2003 2:26 PM
 To: 'acummings@fbi.gov'
 Cc: Davis, Ann
 Subject: "No Fly" claims

CA# 03-1779
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 DATE 8/8/03 BY 60267NLS/AB/JS

Dear Art,

As promised, here is a more comprehensive list of some of the activists who claim to have been placed on the federal No Fly List or its companion, the Selectee list. I have also noted a few others who claim they have been placed on the VGTOFF list or are monitored by local police or federal investigators. Some of these individuals say they've been arrested over the years for what they call non-violent civil disobedience--such things as protesting without a permit, refusing to leave government offices/sites when police tried to break up demonstrations, or trespassing. Others say they have no criminal record at all. I may learn of additional claims while you're traveling, so if you'd like me to pass the new examples on to anyone before your return on 1/17, please just let me know. I'll also print this out and fax it with any articles that might help fill out these activists' versions of what they say happened. Since there are many possible reasons why these people were stopped, it will be very helpful to hear from you and work with you on this. I've listed contact information at the bottom of the email; don't hesitate to get in touch with me if you have a question. Also, I just need to add my standard request here: please don't relay my interest in this topic, or the examples I have compiled, to other news organizations. Thank you again for being so responsive.

Regards,
 Ann Davis

1) Jan Adams and Rebecca Gordon (already sent to you); in their 50s, stopped at San Francisco airport on 8/7/02; publishers of an anti-war publication called War Times; claim they were told they were on the No Fly list and were questioned, but then were allowed to fly.

2) Bill Sutzman (already sent to you); longtime activist, affiliated with a group called Citizens for Peace in Space; arrested at political demonstration on or around 5/29/02 at the U.S. Air Force Academy; claims he overheard police dispatcher tell the officer holding him a patrol car that he was listed by the FBI as belonging to a terrorist organization (VGTOFF).

3) ***this is the new case I described in our phone conversation*** Members of Peace Action in Milwaukee say that 20 of 37 people who were traveling together on 4/20/02 on Midwest Express out of Milwaukee were pulled aside and questioned. They were kept from boarding a flight to Washington for a political demonstration on U.S. aid to Columbia after several of them reportedly showed up on a No Fly or similar list. They were allowed to fly later, possibly the next day. Local sheriffs say "five or six" of the Milwaukee activists' names came up on the watchlist and the TSA determined that the whole group should be questioned. Some of them say they were told they were "on a list" or that their name had been "flagged" or that their names resembled a name on the "No Fly list." Among those who say they were questioned are: Sister Virgine Lawinger (Catholic nun involved with Peace Action and a member of the Racine Dominicans), Alia Kate (high school student), Dianne Henke (Peace action volunteer), Jacob Laden (college student), Manuel Sanchez, Isabella Homing, Father Bill Brennan (priest), Sarah Backus (coordinator for School of the Americas Watch Wisconsin), and Judith Williams. (**see attached article in a local Wisconsin paper, The Progressive.)

4) Members of the Center for Constitutional Rights. Barbara Olshansky, the executive director of

CCR, claims to have been pulled over for scrutiny many times and contends that in September 2002, she and six members of her staff were stopped while traveling together on a flight from Newark to Washington D.C. She claims agents told her "the computer spit you out." She says they were later allowed to board. (**see attached article in Salon, an online news magazine)

5) Larry Musarra, a retired Coast Guard Lt. commander, claims he was told by Alaska Airlines in late June, while traveling from Juneau, Alaska, to Portland, Ore., that he showed up on "an FBI list." He was questioned and then allowed to board. He said his uncle was told the same thing when he flew another time. (** see story by The Juneau Empire, picked up by Associated Press)

6) Johnnie Thomas, a 70-year-old grandmother. Claims she's been stopped and questioned several times and kept off of flights while being questioned and told she was on the No Fly List. She has later been allowed to board. She says she was told her name resembles that of a man in Oregon who allegedly murdered his wife and three children who used an alias of John Thomas Christopher.

7) Doug Stuber, an official with the Green Party of North Carolina, claims that he was traveling through Raleigh on October 2002 and got into a dispute with someone in security after making a comment about George Bush. He claims that a Secret Service agent who later questioned him was holding a binder that listed a number of activist organizations, including Amnesty International, Greenpeace and Earthfirst. He alleges that he was questioned about Green Party political activities, his family and friends. He claims he's been barred from boarding other flights. If he really is on a No Fly or Selectee list, I wonder if he was flagged only after this confrontation with security.

8) Nancy Oden, Green Party of Maine, claims she was told she was "on a list" when she flew from Bangor to Chicago recently. However, airport officials claimed she was barred from boarding a flight because she was uncooperative with security. Ms. Oden says she was told by an American Airlines agent that even if she hadn't attracted attention when security officials looked through her luggage, "You were going to be searched no matter what. Your name was checked on the list." Undcar if she was later allowed to fly.

9) John Dear, a priest and member of a Catholic peace group called Pax Christi, claims he's been taken aside since 9/11 and repeatedly searched at airports. He says a gate agent for Southwest Airlines once stopped him after looking at his boarding pass at the San Jose Airport, as he attempted to board a flight to Los Angeles, and told him, "You can't be here. You have to be searched." It appears he was allowed to fly after the search. (** see attached story from Inthesetimes.com)

10) Some of the groups tracked by the Denver Police intelligence unit, who say they are concerned they are being tracked statewide or nationwide, include the Chlapas Coalition, Direct Action Now, Pikes Peak Justice & Peace Commission, Citizens for Peace in Space, Justice for Mena, Amnesty International, American Friends Service Committee, End Politics of Cruelty, and the Colorado Coalition for Prevention of Nuclear War.

Ann Davis

The Wall Street Journal

Please note we have moved back to our original offices:

200 Liberty Street, 10th Fl.

New York, NY 10281

Voice: 212.416.3318

Fax: 212.416.2653

Cell: 917.797.8701

Email: ann.davis@wsj.com

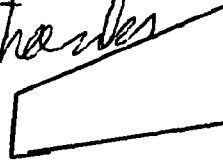
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CA# 03-1779



b7C -1
b6 -1

Could you check
the names of all highlights
The people mentioned
in these articles who
claim they were searched
or not allowed to fly
And see if they are
on any of our lists

Thanks



b7C -1
b6 -1

Davis, Ann

From: Davis, Ann
Sent: Wednesday, January 08, 2003 2:26 PM
To: 'acuminnings@fbi.gov'
Cc: Davis, Ann
Subject: "No Fly" claims

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DATE 8/8/03 BY 60362NLS/AG/JS

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b7C -1
b6 -1

aka



Per your
request—
All names
were
Negative
KJ

CCR, claims to have been pulled over for scrutiny many times and contends that in September 2002, she and six members of her staff were stopped while traveling together on a flight from Newark to Washington D.C. She claims agents told her "the computer spit you out." She says they were later allowed to board. (**see attached article in Salon, an online news magazine)

5) Larry Musarra, a retired Coast Guard II. commander, claims he was told by Alaska Airlines in late June, while traveling from Juneau, Alaska, to Portland, Ore., that he showed up on "an FBI list." He was questioned and then allowed to board. He said his uncle was told the same thing when he flew another time. (** see story by The Juneau Empire, picked up by Associated Press)

6) Johnnie Thomas, a 70-year-old grandmother. Claims she's been stopped and questioned several times and kept off of flights while being questioned and told she was on the No Fly List. She has later been allowed to board. She says she was told her name resembles that of a man in Oregon who allegedly murdered his wife and three children who used an alias of John Thomas Christopher.

7) Doug Stuber, an official with the Green Party of North Carolina, claims that he was traveling through Raleigh on October 2002 and got into a dispute with someone in security after making a comment about George Bush. He claims that a Secret Service agent who later questioned him was holding a binder that listed a number of activist organizations, including Amnesty International, Greenpeace and Earthfirst. He alleges that he was questioned about Green Party political activities, his family and friends. He claims he's been barred from boarding other flights. If he really is on a No Fly or Selectee list, I wonder if he was flagged only after this confrontation with security.

8) Nancy Oden, Green Party of Maine, claims she was told she was "on a list" when she flew from Bangor to Chicago recently. However, airport officials claimed she was barred from boarding a flight because she was uncooperative with security. Ms. Oden says she was told by an American Airlines agent that even if she hadn't attracted attention when security officials looked through her luggage, "You were going to be searched no matter what. Your name was checked on the list." Unclear if she was later allowed to fly.

9) John Dear, a priest and member of a Catholic peace group called Pax Christi, claims he's been taken aside since 9/11 and repeatedly searched at airports. He says a gate agent for Southwest Airlines once stopped him after looking at his boarding pass at the San Jose Airport, as he attempted to board a flight to Los Angeles, and told him, "You can't be here. You have to be searched." It appears he was allowed to fly after the search. (** see attached story from Inthesetimes.com)

10) Some of the groups tracked by the Denver Police intelligence unit, who say they are concerned they are being tracked statewide or nationwide, include the Chlapas Coalition, Direct Action Now, Pikes Peak Justice & Peace Commission, Citizens for Peace in Space, Justice for Mena, Amnesty International, American Friends Service Committee, End Politics of Cruelty, and the Colorado Coalition for Prevention of Nuclear War.

Ann Davis
The Wall Street Journal
Please note we have moved back to our original offices:
200 Liberty Street, 10th Fl.
New York, NY 10281
Voice: 212.416.3318
Fax: 212.416.2653
Cell: 917.797.8701
Email: ann.davis@wsj.com

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SUSSMAN-310

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Art Cummings	Ann Davis
COMPANY:	DATE:
FBI	1/6/03
PAY NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
	21
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	Phone 212 416 3318
RE:	YOUR REFERENCE NUMBER:
"no Rly"	ann.davis@wsj.com

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

re: our discussion today.

I will get you more specifics but here are
3 examples of activists with questions about
how they were tracked —

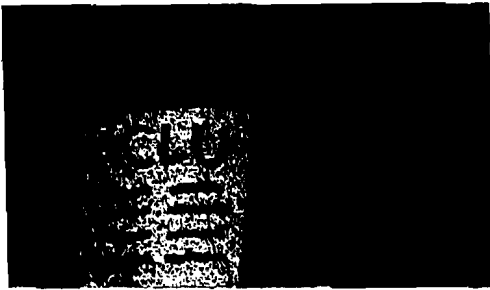
- ① Jan Adams + Rebecca Gordon —
stopped at San Francisco airport } 6 pp
- ② Bill Sulzman — arrested at political } 2 pp
demonstration in Colorado
- ③ ACLU chronology of Denver } 12 pp
police case on intelligence files
(I am providing this as background; the ACLU
materials do not refer to the FBI)

Speak with
you soon
— Thanks —

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**ACLU-NC Press Release**

For Immediate Release:

December 12, 2002

Press Contact:

Stella Richardson ACLU-NC, 415-621-2493

**ACLU Seeks Government Accountability Regarding
Federal "No Fly" List
ACLU Files Request under the Freedom of Information Act and
Privacy Act**

SAN FRANCISCO – The ACLU of Northern California filed requests under the Freedom of Information Act (FOIA) and the Privacy Act seeking information about the government's "no fly list" and other government watch lists today. The requests were filed on behalf of Jan Adams and Rebecca Gordon, who were told by airline agents that their names appeared on a "no fly" list at San Francisco International Airport (SFO). The requests were filed with the Transportation Security Agency (TSA), the FBI in Washington D.C., and the FBI in San Francisco.

"We want to find out how a person's name gets on government watch lists like the "no fly" list, and how a person can get their name off such lists," said Jayashri Srikantiah, staff attorney with the ACLU of Northern California. "There should be public accountability as to government watch lists like the "no fly" list."

The requests also seek information on the number of names on the "no fly" list or other government watch lists, the number of times that individuals were incorrectly identified as being on such lists at SFO and other airports across the country, and whether individuals are targeted for such lists based on First Amendment activity.

On November 14, 2002, the ACLU-NC sent a request to SFO under the California Public Records Act asking for documents relating to the SFO incident involving Jan Adams and Rebecca Gordon. SFO responded by providing documentation confirming the existence of a "no-fly" list, and also confirming that Ms. Adams' and Ms. Gordons' names were checked against a master "FBI list."

Jan Adams and Rebecca Gordon were stopped at SFO on August 7, 2002 when they checked in for an American Trans Air (ATA) flight to Boston via Chicago. The ATA agents who checked them in told them that their

names appeared on a "no fly" list. San Francisco police arrived and informed Ms. Adams and Ms. Gordon that the police would have to check whether their names appeared on a "master list." Although they were eventually allowed to fly, their boarding passes were marked with a red "S," which subjected them to additional searches at SFO.

Download the following Freedom of Information Act and Privacy Act request letters by clicking on the links. Jan Adams: [FBI \(San Francisco\)](#), [FBI \(Washington, DC\)](#), [Transportation Security Administration](#). Rebecca Gordon: [FBI \(San Francisco\)](#), [FBI \(Washington, DC\)](#), [Transportation Security Administration](#). For more information about their story go to <http://www.aclunc.org/911/backlash/>

###

The American Civil Liberties Union of Northern California
1663 Mission Street, Suite 460, San Francisco, CA 94103
(415) 621-2493

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SFO

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San Francisco International Airport

November 22, 2002

P.O. Box 2097

San Francisco, CA 94128

Tel 650.821.5000

Fax 650.821.5005

www.flysfo.com

American Civil Liberties Union
Foundation of Northern California
1663 Mission Street, Suite 460
San Francisco, CA 94103

Attn: Jayashri Srikantiah

Re: Public Records Act Request Dated November 14, 2002
Your Clients: Rebecca A. Gordon; Janet A. Adams
Date of Incident: August 7, 2002

AIRPORT
COMMISSION

CITY AND COUNTY
OF SAN FRANCISCO

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HENRY L. UERMAN
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LINDA S. CRAYTON

CAROLITO

JOHN L. MARTIN
AIRPORT DIRECTOR

Dear Ms. Srikantiah:

This is in response to your Public Records Act Request dated November 14, 2002, received in my office on November 15, 2002.

I enclose copies of all responsive documents you requested which are under the custody of the San Francisco International Airport and which are a matter of public record:

1. Calls for Service Report: Call ID: 02000060761 for 8/7/02 event;
2. Event Chronology for Event Number: P02000060761 for 8/7/02 event;
3. Unit Information for 8/7/02 event.

Your request for "protocols that were followed or consulted in relation to the August 7 incident" contains sensitive security information that is controlled under the provisions of 49 CFR Part 1520 and request for such protocols must be directed to the Under Secretary of Transportation for Security, Washington, DC 20590.

As you requested in your letter, I am providing copies of these documents to your office at no duplicating cost.

Very truly yours,



John L. Martin
Airport Director

Enclosures

Calls For Service Report Call ID: 02000060761					Printed: November 18, 2002
1. Agency SFPD	2. Person Received Complaint	3. Date/Time Received 08/07/2002 4. Time Dispatched 22:18	5. Time Arrived 22:28 6. Time Complete 22:36	7. Case #	
8. Nature Of Incident	SUSP PERSON				
9. Location Of Incident	200, L2 CA				
10. Victim or Caller	<div style="border: 1px solid black; width: 100px; height: 20px;"></div> b7C				
11. Classification	12. How Received	13. Disposition NO MERIT	14. Officer	15. Date Submitted 08/07/2002	

Notes: 2 PSGR ON NO FLY LIST. AWARE PD IS RESP & COOP

b7C

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SUSSMAN-314

R_CSM
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1

Event Chronology

Event Number: P02000060761

b7C -6

b6 -6

Date	Time	Term	Operator	Action
08/07/02	22:17:58	position7	920246	EVENT CREATED: LOCATION: NUMBER: [200] AREA: [TBI] MUNICIPALITY: [L2] APARTMENT: [ATATC]
08/07/02	22:17:58	position7	920246	COMMENT: [DATA TIC] Event: [SUSP PERSON(STREET SIDE)] TYPE: [917(S)] CALLER INFORMATION:
08/07/02	22:17:58	position7	920246	NAME: [REDACTED] ADDRESS: [ATA] PHONE NUMBER: [REDACTED]
08/07/02	22:17:58	position7	920246	Dispatch Group: [ALL] ETA: [0] bear: [TBI] Primary Unit: [6B40C] Primary Member: [204]
08/07/02	22:17:58	position7	920246	Priority: [1]
08/07/02	22:17:58	position7	920246	REMARK ADDED: 2 PSGR ON NO FLY LIST, AWARE PD IS RESP & COOP
08/07/02	22:17:58	position7	920246	MIT
08/07/02	22:18:50	position5	920202	UNIT 6B40C DISPATCHED
08/07/02	22:19:05	position5	920202	UNIT 6B41C DISPATCHED
08/07/02	22:19:05	position7	920246	REMARK ADDED: [REDACTED]
08/07/02	22:19:06	position5	920202	UNIT 6B41C ENROUTE
08/07/02	22:19:08	position5	920202	UNIT 6B40C ENROUTE
08/07/02	22:19:56	position7	920246	REMARK ADDED: [REDACTED]
08/07/02	22:20:23	position7	920246	REMARK ADDED: CORRECTION ON CLOTHING [REDACTED]
08/07/02	22:21:09	position13	920222	REMARK ADDED: ADM [REDACTED] COPY [REDACTED]
08/07/02	22:23:56	position5	920202	REMARK ADDED: [REDACTED]
08/07/02	22:24:11	training15	920336	UNIT 6B40C ALARM ACTIVATED
08/07/02	22:24:11	training15	920336	UNIT 6B41C ALARM ACTIVATED
08/07/02	22:24:33	senior20	920221	UNIT 6B40C CONTACTED Comment: Alarm Timer Extended: 0
08/07/02	22:24:33	senior20	920221	UNIT 6B41C CONTACTED Comment: Alarm Timer Extended: 0
08/07/02	22:28:06	pushlon5	920202	UNIT 6B40C ARRIVED
08/07/02	22:28:07	position5	920202	UNIT 6B41C ARRIVED
08/07/02	22:36:24	position5	920202	REMARK ADDED: BOTH SUBJ NEG ON FBI LIST
08/07/02	22:36:34	position5	920202	UNIT 6B40C AVAILABLE
08/07/02	22:36:41	position5	920202	Dispatch Group: [ALL] ETA: [0] bear: [TBI] Primary Unit: [6B40C] Primary Member: [204]
08/07/02	22:36:41	position5	920202	Priority: [1]
08/07/02	22:36:41	position5	920202	EVENT CLOSED: Dispensation Code: [NOM]
08/07/02	22:36:41	position5	920202	UNIT 6B41C AVAILABLE

Unit Information

Unit ID	St	Dispatch Num	Time	Emp1	Emp2	ID	Terminal	Location
6B40C	DP		22:18:50	204		92020	position5	200 TB1 L2,ATATC: @ATA TC
6B40C	ER		22:19:05	204		92020	position5	200 TB1 L2,ATATC: @ATA TC
6B40C	~		22:24:11	204		92033	training15	200 TB1 L2,ATATC: @ATA TC
6B40C	CU		22:24:33	204		92022	senior20	200 TB1 L2,ATATC: @ATA TC
6B40C	AR		22:28:06	204		92020	position5	200 TB1 L2,ATATC: @ATA TC
6B40C	AV		22:36:34	204		92020	position5	200 TB1 L2,ATATC: @ATA TC
6B41C	DP		22:19:05	4107		92020	position5	200 TB1 L2,ATATC: @ATA TC
6B41C	ER		22:19:06	4107		92020	position5	200 TB1 L2,ATATC: @ATA TC
6B41C	-		22:24:11	4107		92033	training15	200 TB1 L2,ATATC: @ATA TC
6B41C	CU		22:24:33	4107		92022	senior20	200 TB1 L2,ATATC: @ATA TC
6B41C	AR		22:28:07	4107		92020	position5	200 TB1 L2,ATATC: @ATA TC
6B41C	AV		22:36:41	4107		92020	position5	200 TB1 L2,ATATC: @ATA TC

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Terrorism Is as Terrorism Does

Local peace activist may be on FBI list
by Terje Langeland

Bill Sulzman has protested nonviolently against U.S. military policy for more than 30 years. That, he discovered last week, apparently makes him a "terrorist" in the eyes of the government.

Now, Sulzman, a veteran Colorado Springs peace activist, is concerned that he and others will be subjected to FBI surveillance under new rules that allow the agency to spy on domestic groups and individuals suspected of terrorism.

Last Thursday, May 29, Sulzman was arrested while participating in a political protest at the U.S. Air Force Academy. Between 15 and 20 activists demonstrated against the policies of U.S. Secretary of Defense Donald Rumsfeld, who was speaking at the Academy's graduation ceremony.

El Paso County sheriff's deputies broke up the demonstration at the request of Academy officials, who maintain the protesters were on Academy property without permission. Four protesters refused to leave, arguing that they were standing in the public right-of-way. The four, who included Sulzman, Peter Sprunger-Froese, Mary Sprunger-Froese and Mary Sheetz, were arrested for trespassing.

Former priest and soldier

While the four were being held, deputies ran a routine criminal background check on each of them. That's when both Sulzman and Mary Sprunger-Froese who were in separate squad cars say they heard something over the police radio: Sulzman, a voice said, was listed by the FBI as belonging to a "terrorist organization."

Though Sulzman was held for about 30 minutes longer than the rest, all four activists eventually received court summonses and were released.

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Still, Sulzman says he wants to know why he's listed as a terrorist. A former soldier and Catholic priest, Sulzman estimates he's been arrested more than 20 times in the last 30 years, but always for non-violent protests, including various acts of civil disobedience.

So far, he's been unable to get answers from the sheriff's office or the FBI. The agencies also didn't offer the *Independent* much information.

A spokeswoman for the sheriff's office, Lt. Melissa Hartman, said she couldn't divulge what information the FBI provided on Sulzman, saying it would be "privileged criminal-justice information."

Ann Atanacio, a spokeswoman for the FBI's Denver office, refused to comment specifically on Sulzman's case, citing privacy concerns.

Propensity to violate laws

However, Atanacio hypothesized that someone might be included on an FBI list of potential terrorists for "any number of things," and that such lists could include "persons who have propensity to violate laws at sensitive national security installations."

That would fit Sulzman, who has often been arrested for nonviolent actions at military bases.

A spokesman at FBI's national headquarters, meanwhile, said the agency "absolutely" does not maintain lists on peaceful protesters.

"The databases we have are on known violent [people], or those who have a propensity for violence, or who have threatened with violence in some way in the past," said the spokesman, Paul Bresson. "There's no 'peaceful demonstration list' anywhere within any FBI files."

Bresson also said he couldn't discuss Sulzman's case in specific.

Sulzman says he's determined to get to the bottom of the matter. Like many other political activists, he was concerned to learn last week that the FBI, in the wake of intelligence failures prior to Sept. 11, has received broad new powers to spy on domestic groups and individuals.

The FBI has said the new powers will only be used against suspected terrorists. But that no longer reassures Sulzman.

"That I'm labeled a 'terrorist' means a lot of people are labeled 'terrorists,'" Sulzman said.

Terje Langeland

RECENTLY:

- **Gay Discharges on the Rise** More gays booted from Fort Carson by Terje Langeland (05-30-02)
- **Ticket to Ride** Small transit businesses squeezed by rising insurance rates by Terje Langeland (05-30-02)

**old
news**

101

Gay Discharges
the Rise

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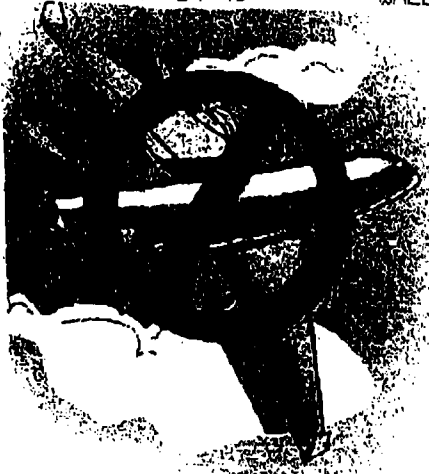
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Grounded

A federal agency confirms that it maintains an air-travel blacklist of 1,000 people. Peace activists and civil libertarians fear they're on it.

By Dave Lindorff

Nov. 15, 2002 | Barbara Olshansky was at a Newark International Airport departure gate last May when an airline agent at the counter checking her boarding pass called airport security. Olshansky was subjected to a close search and then, though she was in view of other travelers, was ordered to pull her pants down. The Sept. 11 terrorist attacks may have created a new era in airport security, but even so, she was embarrassed and annoyed.

Perhaps one such incident might've been forgotten, but Olshansky, the assistant legal director for the left-leaning Center for Constitutional Rights, was pulled out of line for special attention the next time she flew. And the next time. And the next time. On one flight this past September from Newark to Washington, six members of the center's staff, including Olshansky, were stopped and subjected to intense scrutiny, even though they had purchased their tickets independently and had not checked in as a group. On that occasion, Olshansky got angry and demanded to know why she had been singled out.

"The computer spit you out," she recalls the agent saying. "I don't know why, and I don't have time to talk to you about it."

Olshansky and her colleagues are, apparently, not alone. For months, rumors and anecdotes have circulated among left-wing and other activist groups about people who have been barred from flying or delayed at security gates because they are "on a list."

But now, a spokesman for the new Transportation Security Administration has acknowledged for the first time that the government has a list of about 1,000 people who are deemed "threats to aviation" and not allowed on airplanes under any circumstances. And in an interview with Salon, the official suggested that Olshansky and other political activists may be on a separate list that subjects them to strict scrutiny but allows them to fly.

"We have a list of about 1,000 people," said David Steigman, the TSA spokesman. The agency was created a year ago by Congress to handle transportation safety during the war on terror. "This list is composed of names that are provided to us by various government organizations like the FBI, CIA and INS ... We don't ask how they decide who to list. Each agency decides on its own who is a 'threat to aviation.'"

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The agency has no guidelines to determine who gets on the list, Steigman says, and no procedures for getting off the list if someone is wrongfully on it.

Meanwhile, airport security personnel, citing lists that are provided by the agency and that appear to be on airline ticketing and check-in computers, seem to be netting mostly priests, elderly nuns, Green Party campaign operatives, left-wing journalists, right-wing activists and people affiliated with Arab or Arab-American groups.

- Virginia Lawinger, a nun in Milwaukee and an activist with Peace Action, a well-known grassroots advocacy group, was stopped from boarding a flight last spring to Washington, where she and 20 young students were planning to lobby the Wisconsin congressional delegation against U.S. military aid to the Colombian government. "We were all prevented from boarding, and some of us were taken to another room and questioned by airport security personnel and local sheriff's deputies," says Lawinger.

In that incident, an airline employee with Midwest Air and a local sheriff's deputy who had been called in during the incident to help airport security personnel detain and question the group, told some of them that their names were "on a list," and that they were being kept off their plane on instructions from the Transportation Security Administration in Washington. Lawinger has filed a freedom-of-information request with the Transportation Security Administration seeking to learn if she is on a "threat to aviation" list.

- Last month, Rebecca Gordon and Jan Adams, two journalists with a San Francisco-based antiwar magazine called War Times were stopped at the check-in counter of ATA Airlines, where an airline clerk told them that her computer showed they were on a "No Fly list." The airline called the FBI, and local police held them for a while before telling them there had been a mistake and that they were free to go. The two made their plane, but not before the counter attendant placed a large S for "search" on their baggage, assuring that they got more close scrutiny at the boarding gate.

- Art dealer Doug Stuber, who ran Ralph Nader's Green Party presidential campaign in North Carolina in 2000, was barred last month from getting on a flight to Hamburg, Germany, where he was going on business, after he got engaged in a loud, though friendly, discussion with two other passengers in a security line. During the course of the debate, he shouted that "George Bush is as dumb as a rock," an unfortunate comment that provoked the Raleigh-Durham Airport security staff to call the local Secret Service bureau, which sent out two agents to interrogate Stuber.

"They took me into a room and questioned me all about my politics," Stuber recalls. "They were very up on Green Party politics, too." They fingerprinted him and took a digital eye scan. Particularly ominous, he says, was a loose-leaf binder held by the Secret Service agents. "It was open, and while they were questioning me, I discreetly looked at it," he says. "It had a long list of organizations, and I was able to recognize the Green Party, Greenpeace, Earth First and Amnesty International." Stuber was eventually released, but because he missed his flight, he had to pay almost \$2,000 more for a full-fare ticket to Hamburg so that he would not miss his business engagement. In the end, however, after trying several airports in the North Carolina area, he found he was barred from boarding any flights, and had to turn in his ticket and cancel his business trip.

A Secret Service agent at the agency's Washington headquarters confirmed that his agency had been called in to question Stuber. "We're not normally a part of the airport security operation," Agent Mark Connelly told Salon. "That's the FBI's job. But when one of our protection subjects gets threatened, we check it out." Asked about the list of organizations observed by Stuber, the Secret Service source speculated that those organizations might be on a list of organizations that the service, which is assigned the task of protecting the president, might need to monitor as part of its security responsibility.

Additional evidence suggests that Olshansky, Stuber and other left-leaning activists are also seen as a threat to aviation, though perhaps of a different grade. A top official for the Eagle Forum, an old-line conservative group led by anti-feminist icon Phyllis Schlafly, said several of the group's members have been delayed at security checkpoints for so long that they missed their flights. According to Pax Christi, a Catholic peace organization, an American member of the Falun Gong Chinese religious group was barred from getting back on a plane that had stopped in Iceland, reportedly based on information supplied to Icelandic customs by U.S. authorities. The person was reportedly permitted to fly onward on a later flight.

Hussein Ibish, communications director of the American Arab Anti-Discrimination Committee, says his group has documented over 80 cases -- involving 200 people -- in which fliers with Arabic names have been delayed at the airport, or barred altogether from flying. Some, he says, appear to involve people who have no political involvement at all, and he speculated that they suffered the misfortune of having the same name as someone "on the list" for legitimate security reasons.

Until Steigman's confirmation of the no-fly list, the government had never admitted its existence. While FBI spokesman Paul Bresson confirmed existence of the list, officials at the CIA and U.S. Immigration and Naturalization Service declined to comment and referred inquiries back to the TSA. Details of how it was assembled and how it is being used by the government, airports and airlines are largely kept secret.

A security officer at United Airlines, speaking on condition of anonymity, confirmed that the airlines receive no-fly lists from the Transportation Security Administration but declined further comment, saying it was a security matter. A USAir spokeswoman, however, declined to comment, saying that the airline's security relationship with the federal transit agency was a security matter and that discussing it could "jeopardize passenger safety."

Steigman declined to say who was on the no-fly list, but he conceded that people like Lawinger, Stuber, Gordon, Adams and Olshansky were not "threats to aviation," because they were being allowed to fly after being interrogated and searched. But then, in a Byzantine twist, he raised the possibility that the security agency might have more than one list. "I checked with our security people," he said, "and they said there is no [second] list," he said. "Of course, that could mean one of two things: Either there is no second list, or there is a list and they're not going to talk about it for security reasons."

In fact, most of those who have been stopped from boarding flights (like Lawinger, Stuber, Gordon and Adams) were able to fly later. Obviously, if the TSA thought someone was a genuine "threat to aviation" like those on the 1,000-name no-fly list, they would simply be

barred from flying. So does the agency have more than one list perhaps -- one for people who are totally barred from flying and another for people who are simply harassed and delayed?

Asked why the TSA would be barring a 74-year-old nun from flying, Steigman said: "I don't know. You could get on the list if you were arrested for a federal felony."

Sister Lawinger says she was arrested only once, back in the 1980s, for sitting down and refusing to leave the district office of a local congressman. And even then, she says, she was never officially charged or fined. But another person who was in the Peace Action delegation that day, Judith Williams, says she was arrested and spent three days in jail for a protest at the White House back in 1991. In that protest, Williams and other Catholic peace activists had scaled the White House perimeter fence and scattered baby dolls around the lawn to protest the bombing of Iraq. She says that the charge from that incident was a misdemeanor, an infraction that would not seem enough to establish her as a threat to aviation.

Inevitably, such questions about how one gets on a federal transit list creates questions about how to get off it. It is a classic -- and unnerving -- Catch 22: Because the Transportation Security Administration says it compiles the list from names provided by other agencies, it has no procedure for correcting a problem. Aggrieved parties would have to go to the agency that first reported their names, but for security reasons, the TSA won't disclose which agency put someone on the list.

Bresson, the FBI spokesperson, would not explain the criteria for classifying someone as a threat to aviation, but suggests that fliers who believe they're on the list improperly should "report to airport security and they should be able to contact the TSA or us and get it cleared up." He concedes that might mean missed flights or other inconveniences. His explanation: "Airline security has gotten very complicated."

Many critics of the security agency's methods accept the need for heightened air security, but remain troubled by the more Kafkaesque traits of the system. Waters, at the Eagle Forum, worries that the government has offered no explanation for how a "threat to aviation" is determined. "Maybe the people being stopped are already being profiled," she says. "If they're profiling people, what kind of things are they looking for? Whether you fit in in your neighborhood?"

"I agree that the government should be keeping known 'threats to aviation' off of planes," Toish says. "I certainly don't want those people on my plane! But there has to be a procedure for appealing this, and there isn't. There are no safeguards and there is no recourse."

Meanwhile, nobody in the federal government has explained why so many law abiding but mostly left-leaning political activists and antiwar activists are being harassed at check-in time at airports. "This all raises serious concerns about whether the government has made a decision to target Americans based on their political beliefs," says Katie Corrigan, an ACLU official. The ACLU has set up a No Fly List Complaint Form on its [Web site](#).

One particular concern about the government's threat to aviation list and any other possible lists of people to be subjected to extra security investigation at airports is that names are being made available to private companies -- the airlines and airport authorities -- charged with alerting security personnel. Unlike most other law enforcement watch lists, these lists are not being

closely held within the national security or law-enforcement files and computers, but are apparently being widely dispersed.

"It's bad enough when the federal government has lists like this with no guidelines on how they're compiled or how to use them," says Olshansky at the Center for Constitutional Rights. "But when these lists are then given to the private sector, there are even less controls over how they are used or misused." Noting that airlines have "a free hand" to decide whether someone can board a plane or not, she says the result is a "tremendous chilling of the First Amendment right to travel and speak freely."

Beth Olshansky, alarmed by her own experience and the number of others reporting apparent political harassment, is fighting back. She says now that the government has confirmed the existence of a blacklist, her center is planning a First Amendment lawsuit against the federal government. CCR has already signed up Lawinger, Stubbs, and several others from Milwaukee's Peace Action group.

About the writer

Philadelphia-based journalist Dave Lindorff writes regularly for Salon

Editor's Note: This story has been corrected.

http://www.salon.com/news/feature/2002/11/15/no_fly/index_np.html

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Correction:

"Grounded", a story published on Nov. 15, incorrectly reported that attorney Barbara Olshansky of the Center for Constitutional Rights was attempting to board a JetBlue flight when she was stopped and strip-searched earlier this year. In fact, when she flew out of Newark, she was not taking JetBlue. The story also reported incorrectly that Green Party activist Doug Stuber, after being stopped from taking his planned flight from Raleigh-Durham, N.C., to Hamburg last month by U.S. Secret Service agents, was able to fly to his destination on a later flight. In fact, after trying for two days at various airports, Stuber found he was barred from boarding any flight and missed his business trip. The story also described Peace Action as a Roman Catholic organization. In fact, it is not affiliated with any religious group. The story has been corrected. Salon regrets the errors.

[Correction made 11/15/02]

and I'm optimistic that one can be," said Glen Morgan, a Beaumont, N.J., plaintiffs attorney involved in negotiations with Halliburton.

Separately, attorneys for Honeywell told the court that the Morris Township, N.J., company has reached agreements in principle with plaintiff attorneys representing about 190,000 of 200,000 plaintiffs in lawsuits related to its former North American Refractories

An agreement would be "an enormous positive for the company," said Honeywell general counsel Peter Krein, "bringing closure to a significant portion of the company's asbestos liability."

In recent weeks, both Halliburton and Honeywell have been working furiously to strike agreements that would allow them to channel hundreds of thousands of asbestos lawsuits, as well as future claims, through trusts created through former subsidiaries that are operating under bankruptcy-law protection. If successful, the arrangement would require the companies to help fund the trusts that would compensate asbestos victims; at the same time, Honeywell and Halliburton would be free of asbestos liability. The claims relate to injuries from exposure to the mineral asbestos.

Pressure is building on both plain-

Deal With Chile

Chile's wines first will be equalized at the lower U.S. levels, and then phased out altogether, Chile also agreed. The U.S. could put in place special surge controls if imports of individual farm products shoot up in a given year.

Not everything went Chile's way. "It's a great start, but we're a little disappointed, perhaps because we had such high expectations," said Ronald Bown, director of the Chilean Fruit Exporters Association. Chilean fruit exporters had hoped to gain immediate duty-free access. That will happen with some fruits—such as grapes and pears—but others must wait as long as 12 years.

Another tough issue was the U.S. insistence that any agreement contain provisions to protect environmental and labor standards, a core concern among many in Congress. In the end the two sides agreed the free-trade agreement would contain language stipulating that fines could be imposed, backed up if necessary by trade sanctions, and only in cases in which a country wasn't enforcing its own labor and environmental laws.

Joel Millman in Santiago, Chile, contributed to this article.

Lists That Bar Air Passengers Draw Scrutiny

By ANN DAVIS

Civil-liberties groups are trying to force the federal government to reveal its criteria for putting people on top-secret watch lists that bar some from flying and subject others to extensive scrutiny.

The groups are seeking records under the Freedom of Information Act after political activists in environmental, peace and other groups complained they were detained at airports and told they are on a so-called no-fly list—but given no information about how they got on it.

The Electronic Privacy Information Center sued the Transportation Security Administration and the Transportation Department in U.S. district court in Washington, D.C., for "exceeding" the time limit to release information about the no-fly list under a two-month-old FOIA request. The advocacy groups asked for information about the number of people on all aviation security watch lists, procedures for posting and removing names and all complaints from people who claim to have mistakenly been listed. David Sobel, EPIC general counsel, says that although the public may not need to know everything about the lists' content, "general procedures surrounding the creation of such lists are a matter of legitimate public concern."

The American Civil Liberties Union of Northern California said it has prepared three similar FOIA requests on behalf of two people on such lists. Staff attorney Jayashri Srikantiah said she will file them today with the Federal Bureau of Investigation in Washington, the FBI field office in San Francisco and the TSA. If someone's "first Amendment activity" is a criterion for listing, she said, "that's definitely very troubling."

The TSA hadn't yet been served a copy of the EPIC suit. TSA spokesman Robert Johnson declined to describe how his agency's list is compiled. "We're not going to give the terrorist the opportunity to game the system," he said, but added, "You don't get on the list by expressing political views." The FBI declined to comment.

The Aviation Security and Transportation Act, passed in the months following the Sept. 11, 2001, hijack attacks, authorized the TSA to maintain "watch lists" and notify law enforcement, aviation and airline officials of the names of people suspected of posing "a risk of air piracy or terrorism or a threat to airline or passenger safety." The TSA's Mr. Johnson said the government used aviation watch lists prior to Sept. 11, but the law expanded their use. He said intelligence agencies, including the FBI, provide the names and the TSA merely maintains the data. During the past several months, several activists—including a nun and longtime political protesters—have complained of being singled out at airports.

The ACLU filed its FOIA request on behalf of San Francisco Bay area peace activists Jan Adams and Rebecca Gordon. The women, both in their 50s, founded a war-protest publication, War Times, shortly after Sept. 11. The women were stopped while checking into an Aug. 7 American Trans Air flight in San Francisco. They were told they were on the "no-fly" list and local police detained them. The ACLU subsequently obtained a record of a "suspicious person" report generated on the incident by San Francisco International Airport. It said the women were allowed to board after police officials checked another FBI list, and their names weren't on it.

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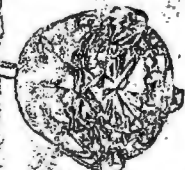
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