

July 27, 2006

Hugo Teufel III
Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528
Email: privacy@dhs.gov
Fax: 571-227-4171

Dear Mr. Teufel:

We request an immediate investigation into allegations that Department of Homeland Security air marshals have a “quota,” or face any other inducement beyond protecting the public, for filing a Surveillance Detection Report (SDR).

According to a written and on-air news report produced by 7NEWS in Denver, Colorado air marshals based in Las Vegas state that they are required to submit at least one SDR per month (article attached). The report references a July 2004 memo from management in the Las Vegas office stating, “Each federal air marshal is now expected to generate at least one SDR per month.” A second memo, also from July 2004 reads “There may come an occasion when you just don't see anything out of the ordinary for a month at a time, but I'm sure that if you are looking for it, you'll see something.” According to the report, which featured air marshals discussing the quota system on camera with their identities masked, this system remains in force and affects annual raises, bonuses, awards and special assignments. In short, the report claims that air marshals are induced by financial and professional advancement to file SDRs.

Perhaps most disturbing, the report also alleges that marshals falsely reported individuals as suspicious in order to meet these alleged quota. At least one agent, Don Savage, is reported to have lost his job because he was attempting to remedy this problem.

The report quotes one former air marshal as saying that being described in a SDR “could have serious impact ... They could be placed on a watch list. They could wind up on databases that identify them as potential terrorists or a threat to an aircraft. It could be very serious.”

The allegations contained in this report are very serious. Its most immediate and dramatic impact is on Americans who are falsely accused of being dangers to airline travel. If they are in fact placed on a terrorism watch list, at a minimum they face increased searches and other hassles – and may even be barred from air travel. This policy is also reportedly affecting the careers of air marshals who try to make a good faith effort to avoid adding the names of ordinary individuals of national security watchlists. And most broadly, this policy appears to be harming U.S. efforts to make air travel more

secure. Every false report represents an enormous waste of resources; every man-hour spent hassling the innocent is time not spent on real security issues.

We urge you to investigate the truth of these allegations and issue a full public report on whether such a policy exists and its impact on individual travelers and the flying public.

We have also cc:ed Donna Bucella, head of the Terrorism Screening Center, on this letter. We believe that it is imperative that you work closely with her office to examine every report that originated from the Las Vegas Airport and determine if any innocent Americans have been implicated or suffered any harm due to misguided surveillance reports.

Thank you for your time and attention to this important matter.

Sincerely,

Barry Steinhardt
Director, Technology & Liberty Program

Timothy Sparapani
Legislative Counsel

Chris Calabrese
Counsel, Technology & Liberty Program

Cc: Donna Bucella
Terrorist Screening Center
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001