
ATTACHMENT B
PART FOUR

[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
b7C

----- 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
b7D

[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. 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 [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.

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[Redacted]

[Redacted]

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b7D

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Section 552

Section 552a

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[redacted]
From: [redacted] b7C
Sent: Wednesday, September 18, 2002 3:24 PM
To: [redacted] b7D
Cc: [redacted]
Subject: No Fly List issues [redacted]

[redacted]
In [redacted] absence, and [redacted] not being available at the time, I responded to [redacted] today re the below question [redacted] b2
[redacted] b7C
[redacted] b7D

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] b2
[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;..." b7E

[redacted] b2
[redacted] b7C

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] b7E

[redacted] b2
[redacted] b7E

[redacted] b2
[redacted] b7E

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

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DATE 8/6/03 BY 60218/NLS/AC/JS
CA# 03-1779 b2
b7C

>>> [redacted] 9/18/02 10:10:22 AM >>>
[redacted] b7C

[redacted] will coordinate with CTD and [redacted] (FAA) in an effort to answer your question.

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From the Desk Of:

Date: 04/09/03

b7C

[Redacted]
Supervisory Special Agent

TO: [Redacted] Litigation *Rm 7097*
FROM: [Redacted]
SUBJECT: ACLU - No Fly/Selectee List Request

b7C

ENCLOSURES: Copies of SSA [Redacted] Documentation re Above

[Redacted]

b7C

[Redacted] As promised, enclosed are photocopies of all records both myself and SSA [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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CA# 03-1779

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b7C

Civil Aviation Security Program
Special Events Management Unit, Room 11795
Domestic Terrorism Counterterrorism Planning Section
Counterterrorism Division, FBI Headquarters, Washington, DC 20535

[Redacted]

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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b7C

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

>>> [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:

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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

b7C

b2

CC: [redacted]

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CA# 03-1799

b7C

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

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CC: [redacted]

b7C

9/29/02

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b7C

From: [redacted]
To: [redacted]
Date: 7/18/02 8:06:11 AM
Subject: Re: TSA Legal Request re No Fly List

[redacted]
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.

b7C

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.

[redacted]
>>> [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.

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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

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

1. What does the FBI want the TSA to "do" relative to No Fly Lists and detaining passengers?

A. [redacted]

B. [redacted]

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C. [redacted]

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D. [redacted]

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[Redacted]

E. [Redacted]

F. [Redacted]

G. [Redacted]

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b7E

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

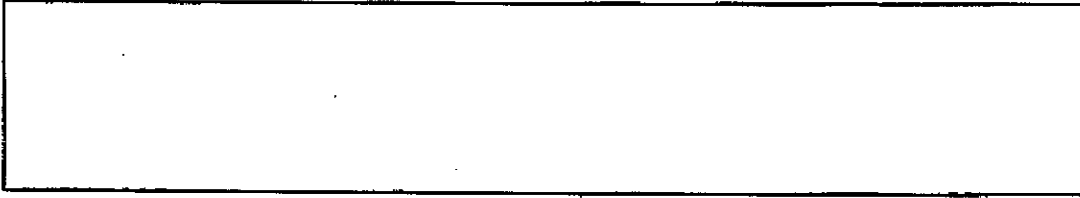
(B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and

(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.

B. [Redacted]

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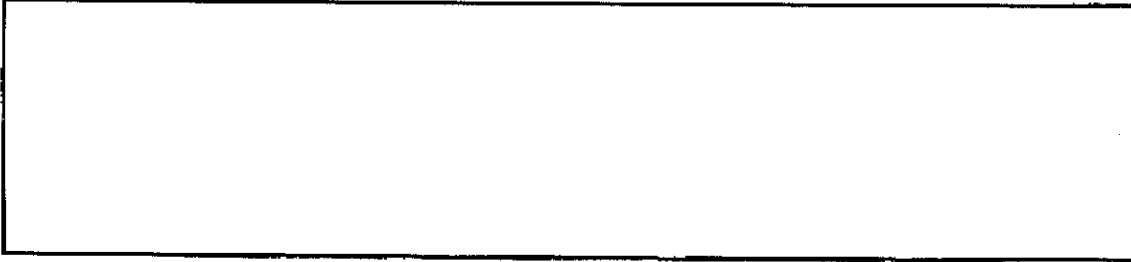
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The ATSA requires passenger information to be compared against databases (which are based on criminal evidence and intelligence) and identical passengers prevented from boarding planes. The FBI provides the intelligence on which TSA can fulfill this 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.



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b7C

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.

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

A. [redacted]

[redacted]

B. [redacted]

[redacted]

C. [redacted]

[redacted]

D. [redacted]

[redacted]

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E. [redacted]

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I. [redacted]

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[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

(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]

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C. [redacted]

b7E

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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

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[redacted]

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Gordon/Adams pg-235

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Section 552

Section 552a

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Gordon/Adams pg-236 through pg-237

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

b7C

[redacted] Art,

[redacted]

b5

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]

[redacted]

b2

b5

b7E

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.

[redacted]

b2

b7E

[redacted]

b5

b5

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]

[redacted]

b7C

b5

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

b2

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Gordon/Adams pg-239

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Gordon/Adams pg - 240

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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] 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
b2

Reply Separator
Subject: RE: RE: RE: Fwd(2):NEADS NOBLE EAGLE Conference 15 Oct 02
Author: [redacted]@leo.gov
Date: 10/2/2002 1:24 PM

b7C

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])

[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.

b7C
b2
b7E

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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Gordon/Adams pg-244

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Gordon / Adams pg-245

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b7C

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
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b7E

pik

>> [redacted] 07/23/02 10:16AM >>>

b7C

[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

[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
b7C

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]

b2

CC: CUMMINGS, ARTHUR M.: [redacted]

b7C

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Gordon/Adams pg-247

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[Redacted]

FAA lists

b7C

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.

[Redacted]

b2

b5

[Redacted]

b7C

b7E

This whole issue needs to be revisited.

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

b2

b7C

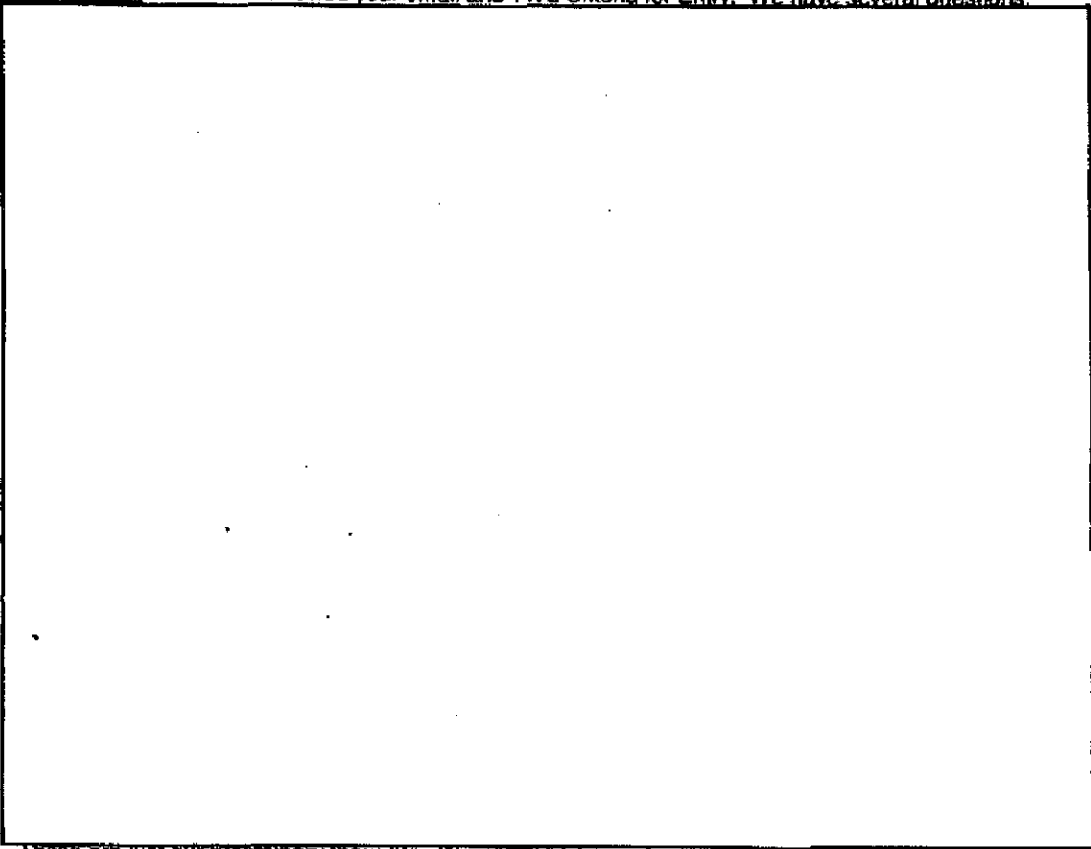
CC: [Redacted]

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DATE 08-03-03 BY UCG0267 NLS/AG/CAL
CA#03-1779

From: [redacted]
To: [redacted]
Date: 10/9/02 1:14:21 PM
Subject: Re: Terrorism Watch List, etc.

b7C

[redacted] and I have reviewed your email and TWL Criteria for Entry. We have several questions.



b2
b5
b7E

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

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

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Gordon/Adams pg-249

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 VGT OF [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

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]

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Gordon/Adams pg - 252

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From: [redacted]
To: [redacted]
Date: 6/6/02 8:28:00 AM
Subject: No Fly Lists

b7C

[redacted]
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

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

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,

[redacted]

b7C

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DATE 8-8-03 BY UC10267 NLS/AG/CAL
CA # 03-1799

[Redacted]

Re: [Redacted] and No Fly List

From: [Redacted]
To: [Redacted]
Date: 9/20/02 10:42:45 PM
Subject: Re: [Redacted] and No Fly List

b2
b7C

[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
b7C
b7E

[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 camps the

>>> [Redacted] 08/21 1:05 PM >>>

[Large Redacted Block]

b5
b7C

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.

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

b7C

>>> [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]

Thanks.

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DATE 9-5-03 BY 4060267 NLS/AG/CAL
CA# 03-1779

From: [redacted]
To: [redacted]
Date: 9/17/02 8:01:50 PM
Subject: [redacted] and No Fly List

b7C

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 >>>

I wanted to get back with you concerning our conversation, 09/17/2002 and your request to have 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. no longer a threat. However, Unfortunately we are not going to be able to remove [redacted] name from the list.

b7C

Therefore, we do not want to be raced with this risk. If you have any other questions please feel free to get back with me. Thanks!
training camps the.

>> [redacted] 08/21 1:05 PM >>>

[Large redacted block]

b7C

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.

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

b2

b7C

>>> [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

Thanks,

SSA [redacted] Counterterrorism Squad, Honolulu

b7C

CC: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-5-03 BY UC 60267 NLS/AG/CAL

C# 03-1779

b7C

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]
[redacted] Maybe we should put her on the list.....

b2

b7E

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 1B11 investigative authority.

Fly armed,

[redacted]

b7C

>>> [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.

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CA# 03-1779

b7c

From: [REDACTED]
 To: [REDACTED]
 Date: 9/30/02 9:52:27 AM
 Subject: No-Fly Question

[REDACTED]

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

Gordon/Adams pg-257

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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 traifed 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.

b7C

"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:



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From: [redacted]
To: [redacted]
Date: 12/26/02 2:57:25 PM
Subject: Re: No Fly List Issue

~~SECRET~~

b7C

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 [redacted]

b1

[redacted]

b2

[redacted] (S)

b7E

[redacted]

b2

b7E

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

Regards [redacted]

>>> [redacted] 12/26/02 12:10:14 PM.>>>

Do you have any update on this matter?

Thanks,

[redacted]

b2

b7C

>>> [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]

b1

b2

b5

[redacted]

b7E

[redacted] (S)

b1

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

b2

[redacted] (S)

b7C

b7E

CLASSIFIED BY: UC60267NLS/AG/CAL

REASON: 1.5 (c)
DECLASSIFY ON: X (1)

CS# 03-1979

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b6

~~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
b7C

>>> 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)

b1

[Redacted]

b2

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

b7E

Your attention in this matter is very much appreciated.

AL
[Redacted]

b2
b7C

CC: Aviation-CAS Program; [Redacted]

Gordon/Adams pg-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
b7D

Subject: RE: TSA No Fly List
Date: Thu, 18 Jul 2002 13:51:03 -0400

[redacted]

[redacted]

[redacted]

b2
b7E
b7C
b7D

[redacted]

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

b2

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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
b7D

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

b7C

[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
b7D

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

[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)"

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603-1779

[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

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
b7C
b7D

[Redacted]

b2
b7C
b7D
b7E

[Redacted]

[Redacted]

[Redacted]

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Gordon Adams pg - 270

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