

The Identity Project

www.PapersPlease.org

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Transportation Security Administration
Office of Civil Rights and Liberties (TSA-6)
External Compliance Division
601 S. 12th Street
Arlington, VA 20598

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Review and Compliance
245 Murray Lane, SW
Building 410, Mail Stop #0800
Washington, DC 20528

According to the TSA "Civil Rights Policy Statement" at:
http://www.tsa.gov/assets/pdf/civil_rights_policy.pdf

"[T]he public we serve are to be treated in a fair, lawful, and nondiscriminatory manner, without regard to ... national origin".

However, according to Appendix 2A-2.C.1(b)(iv) of the TSA "Screening Management SOP" (Revision: 3, Date: May 28, 2008, Implementation Date: June 30, 2008), as posted at fbo.gov, and as we have discussed at:

<http://www.papersplease.org/wp/2009/12/10/tsa-discloses-discriminatory-and-improperly-withheld-procedures/>

"If the individual's photo ID is a passport issued by the Government of Cuba, Iran, North Korea, Libya, Syria, Sudan, Afghanistan, Lebanon, Somalia, Iraq, Yemen, or Algeria, refer the individual for selectee screening unless the individual has been exempted from selectee screening by the FSD or aircraft operator."

As applied to dual U.S. citizens or permanent U.S. residents from these countries traveling domestically within the U.S., this provision of the SOP imposing "selectee

screening" (more intrusive search and/or interrogation) on the overt basis of national origin is, on its face, in flagrant violation of the TSA Civil Rights Policy Statement, statutory and Constitutional obligations, and obligations of compliance with Article 12 of the International Covenant on Civil and Political Rights (ICCPR), a treaty ratified by and binding on the U.S., and which all federal agencies have been specifically instructed to comply with by Executive Order 13107 on Implementation of Human Rights Treaties (61 Federal Register 68991).

Accordingly, the Identity Project requests that appropriate investigation, enforcement, and corrective action be taken against the agency and the personnel responsible for these illegally discriminatory procedures.

Please reply to confirm your receipt and docketing of this complaint as a complaint of a civil rights violation and a complaint of violation of the ICCPR, in accordance with Section 3 of Executive Order 13107:

"Sec. 3. Human Rights Inquiries and Complaints. Each agency shall take lead responsibility, in coordination with other appropriate agencies, for responding to inquiries, requests for information, and complaints about violations of human rights obligations that fall within its areas of responsibility or, if the matter does not fall within its areas of responsibility, referring it to the appropriate agency for response."

We also specifically request that this complaint be included in your next report of complaints of violations of the ICCPR to the U.N. Human Rights Committee, as is required by Article 40 of that treaty.

If your office is not the office within DHS and/or TSA designated pursuant to Section 3 of Executive Order 13107 as responsible for responding to complaints of violations of human rights treaties including the ICCPR, we request that you refer this complaint to that office (in addition to your own action on this complaint of violation of domestic civil rights law), and inform us of the contact information for that office to which it has been referred and from which we can expect a response.

Should you have any questions or wish further information, please don't hesitate to contact me by phone at 415-824-0214 or by e-mail at <edward@hasbrouck.org>.

Sincerely,

Edward Hasbrouck
Consultant on travel-related civil liberties and human rights issues
The Identity Project

p.s. The address at <[http://www.tsa.gov/what we do/civilrights/travelers.shtm](http://www.tsa.gov/what_we_do/civilrights/travelers.shtm)> appears to be incorrect. I believe that the TSA zip code is now 20598, not 22202.

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Transportation
Security
Administration

Civil Rights Policy Statement

The Transportation Security Administration's (TSA) vision is excellence in transportation security through our people, processes, and technology. With this vision, comes a commitment that all TSA employees and the public we serve are to be treated in a fair, lawful, and nondiscriminatory manner. It is TSA's policy that:

- TSA employees, applicants for employment, and the public we serve are to be treated in a fair, lawful, and nondiscriminatory manner, without regard to race, color, national origin, religion, age, sex, disability, sexual orientation, status as a parent, or protected genetic information.
- TSA's equal employment opportunity policy applies to all personnel and employment programs and management practices and decisions.
- TSA will comply with all applicable Federal laws and Executive Orders regarding civil rights protections.
- TSA has no tolerance for harassment in the workplace or in the treatment of the public we serve.
- TSA will not tolerate reprisal against those who exercise their rights under the civil rights laws.
- TSA will scrutinize processes, review results, and work to remove any barriers that may impede equal opportunity for recruitment, hiring, promotion, reassignment, career development, or other employment benefits.
- TSA will review and analyze from a civil rights perspective how its programs, policies, and operations impact the public we serve.

TSA has achieved much in its first few years of existence but much remains to be done. This includes continued self-analysis and improvement and constant awareness. We must recruit the best; hire, mentor, and retain the best; and provide the best service and security to our customers. Finally, I am committed to integrating our adherence to the nation's civil rights laws and civil liberties into all TSA activities and processes.

A handwritten signature in black ink that reads "Kip Hawley".

Kip Hawley
Assistant Secretary

AVIATION SECURITY

SCREENING MANAGEMENT STANDARD OPERATING PROCEDURES



Transportation
Security
Administration

Transportation Security Administration (TSA) personnel and contractors must use and implement these standard operating procedures in carrying out their functions related to security screening of passengers, accessible property and checked baggage. Nothing in these procedures is intended to create any substantive or procedural rights, privileges, or benefits enforceable in any administrative, civil, or criminal matter by prospective or actual witnesses or parties. See *United States v. Caceres*, 440 U.S. 741 (1979).

Revision: 3

Date: May 28, 2008

Implementation Date: June 30, 2008

Screening Management SOP

B. Advisements and Assessments

- 1) If passenger flow permits, the TDC may assist with divesting advisements to include: prohibitions regarding liquids, gels, and aerosols; removal of footwear and outer coats/jackets; and separation of electronic equipment from its carrying case in accordance with Screening Checkpoint SOP, Section 2.1.B.5.f.
- 2) When positioned in close proximity to the end of the screening checkpoint divesting tables, the TDC may assist in the queuing of accessible property into the x-ray system if passenger flow permits.

C. Travel Document and ID Checking Procedures

- 1) Authorization to access the sterile area is limited to those categories of individuals listed in Section 1.9.1 of the Screening Checkpoint SOP. For each authorized individual seeking access to the screening checkpoint, the TDC must ask to see the individual's travel document and, if the passenger appears to be 18 years of age or older, a valid form of ID.
 - a. Check the travel document for valid information, for example, departing flight number, correct date, and selectee marking.
 - b. If the TDC determines that the individual appears to be 18 years of age or older, check the individual's ID for the following:
 - i. The ID is either a photo ID issued by a Government authority, an airport issued SIDA or sterile area airport ID card, or aircraft operator issued RAMP or CREW ID. The TDC must verify the photo on the ID is a true representation of the person presenting the ID. If a passenger does not have a photo ID, the TDC may accept two other forms of ID, at least one of which must be issued by a Government authority. See Subsection 4.2.1.B. of this SOP for a description of these ID types. An expired ID is not valid for the purposes of this check.
 - ii. The name on the ID substantially matches the name on the travel document. Initials, common nicknames, or abbreviated names (for example, Beth for Elizabeth, Chuck for Charles) should not preclude acceptance. If the name on the travel document does not substantially match the name on the photo ID, designate and process the individual as a selectee.
 - iii. The ID shows no signs of tampering.
 - iv. If the individual's photo ID is a passport issued by the Government of Cuba, Iran, North Korea, Libya, Syria, Sudan, Afghanistan, Lebanon, Somalia, Iraq, Yemen, or Algeria, refer the individual for selectee screening unless the individual has been exempted from selectee screening by the FSD or aircraft operator.
 - v. At screening checkpoints equipped with ultraviolet lights and magnifying loupes, expose the ID to an ultraviolet light (black light) source.
 1. If the correct Federal, State, or local government, airport, or aircraft operator ultraviolet security feature is present, the ID is clear.
 2. If the ID does not contain ultraviolet security features, or the TDC is unfamiliar with the ID's ultraviolet security features, or the ID fluoresces when exposed, use a magnifying loupe to determine if correct micro printing security features are present. If the correct Federal, State, or local government, airport, or aircraft operator micro printing security features are present, the ID is clear.
 3. If the ID does not contain micro printing security features or the TDC is unfamiliar with the ID's micro printing security features, use a magnifying loupe to inspect the ID for signs of tampering and the presence of inkjet dots throughout the ID to include the photograph. If the ID is free of inkjet dots and signs of tampering, the ID is clear.

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 CFR PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTIES OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE GOVERNED BY 5 U.S.C. 552 AND 49 CFR PARTS 15 AND 1520.