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FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
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Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2) - 4

(b)(7)(B)

(j)(2)

(b)(3) - 2

(b)(7)(C) - 1

(k)(1)

Title 50, U.S.C.

(b)(7)(D) - 1

(k)(2)

Section 403, per CIA

(b)(7)(E) - 1

(k)(3)

(b)(7)(F)

(k)(4)

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(k)(6)

(b)(6) - 1

(k)(7)

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b2 -4

From:

[Redacted]

b7C -1

To:

b7E -1

Date:

9/18/02 4:41PM

b6 -1

Subject:

No Fly List Procedures

[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

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

b7C -1

b6 -1

[Redacted]

[Redacted]

[Redacted]

Is that still the procedure? Thanks.

[Redacted]

SSA

[Redacted]

(fax)

b2 -1,2

Civil Aviation Security Program, Room 11795

Domestic Terrorism Counterterrorism Planning Section

b7C -1

Counterterrorism Division

b6 -1

[Redacted]

@leo.gov

CC:

[Redacted]

b7C -1,3

b6 -1,3

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

SUSSMAN-52

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Section 552

Section 552a

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(b)(7)(C) - 1, 3

(k)(1)

(b)(7)(D) - 1

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(k)(7)

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Section 552

Section 552a

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(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

(b)(7)(D)

(k)(2)

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The following number is to be used for reference regarding these pages:

SLISSMAN - 54 - 60

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b7C -1  
b6 -1

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

[redacted]

b2 -4

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

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

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

b7E -1

A. [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 entries.

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

A. [redacted]

b2 -4

b7C -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 place on the list and again determine that they have not

b7E -1

b6 -3

A. [redacted]

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CAN 03-1779

SUSSMAN-61

b2 -4

b7C -1,3

b7E -1

b6 -1,3

[Redacted]

[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 possibility [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] [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.

b2 -4

Thanks [Redacted]

b7C -1,3

b7E -1

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

b6 -1,3

SUSSMAN-62

[Redacted]

TSA No Fly 123 & Selectee 80 lists

b2 -5

b7C -1

b6 -1

b7E -2

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.

[Redacted]

[Redacted]

[Redacted]

Please forward/disseminate as appropriate

b2 -4

b7E -1

\*\* 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]

[Redacted]

[Redacted]

[Redacted]

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CA#03-1779

SUSSMAN-63

b7C -1

b6 -1

From:

To:

Date:

10/7/02 4:40PM

Subject:

Re: the TSA No Fly list b7C -1

[redacted] b6 -1

The question has arisen many times already. Persons are placed on the list based on a variety criteria, including the following, which all focus being a known or suspected terrorist, planning or suspected of planning a terrorist act, etc AND posing a threat to aviation. When you ask if any persons on the list are

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

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

b2 -4

[redacted]

b7C -1, 3

b7E -1

>> [redacted] 10/7/02 10:56:33 AM >>>

b6 -1, 3

do you know what factor(s) are used in placing individuals names on the list? For example: [redacted]

[redacted] I would like to know for future reference in case the question arises.

b2 -4

Thanks,

b7E -1

[redacted]

CC:

[redacted]

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C0103-1779

SUSSMAN-64



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

b7C -1  
b6 -1

Hi [redacted]

b7C -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.

b6 -1

[redacted]

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

b7C -1

b6 -1

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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CA#03-1779

SUSSMAN-65

[Redacted]

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."

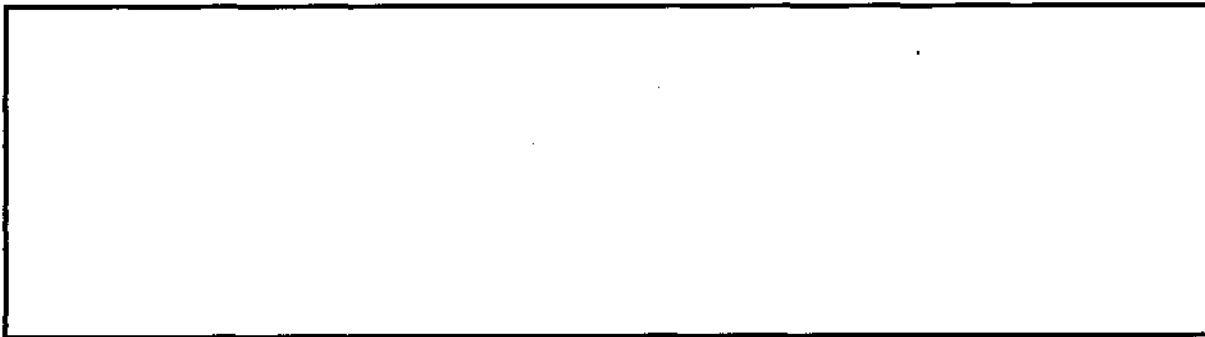
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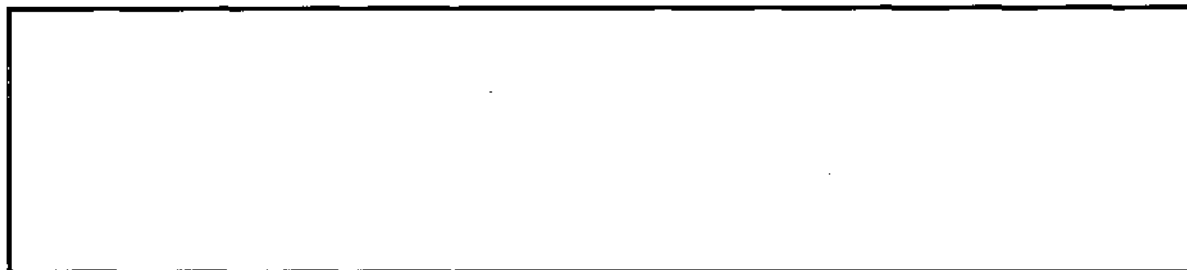
TERRORIST WATCH LIST Unit; TSA LIST

SUSSMAN-66

into VGTOF.



**The Terrorism Watch List**



**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.

The Selectee List consists of individuals who are [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.

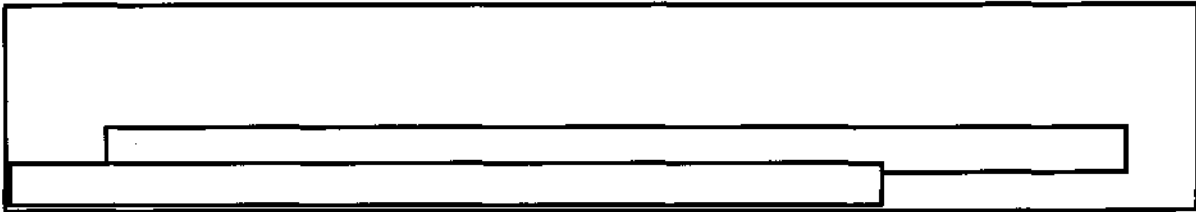
Additions to the No Fly and Selectee lists are based on recommendations from the U.S. Intelligence Community [redacted] (the FBI and CIA). Removals are based on

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CA# 03-1779

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b7E -1

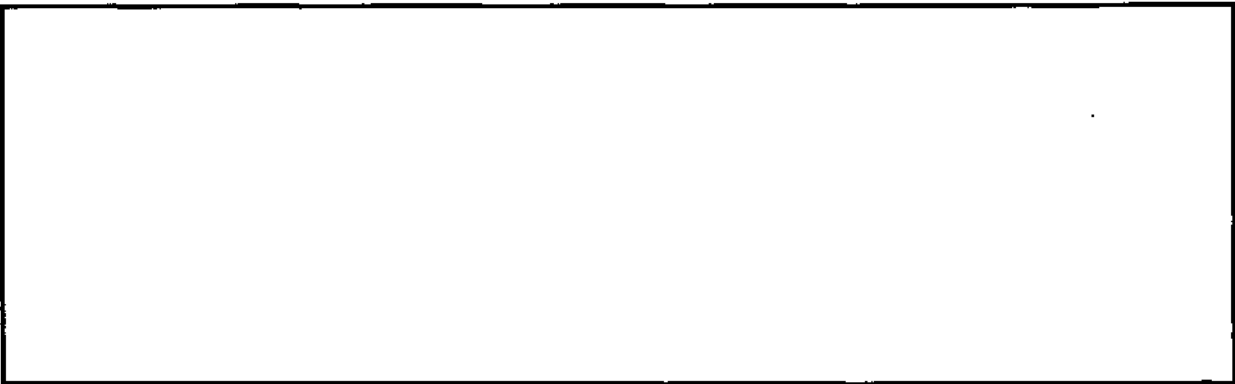
recommendations from the originators of the information.



b2 -4

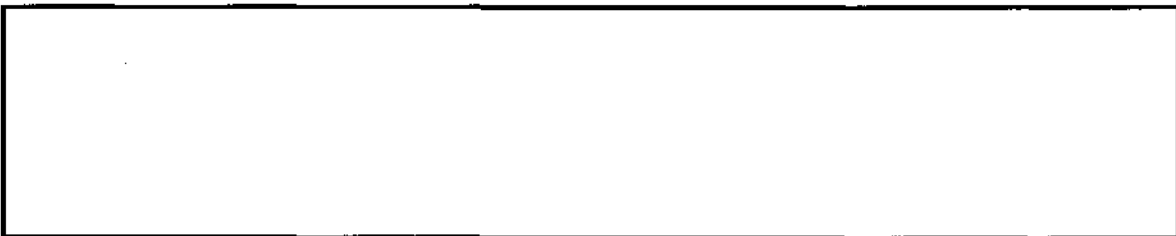
**DEPARTMENT OF STATE (DOS)**

b7E -1



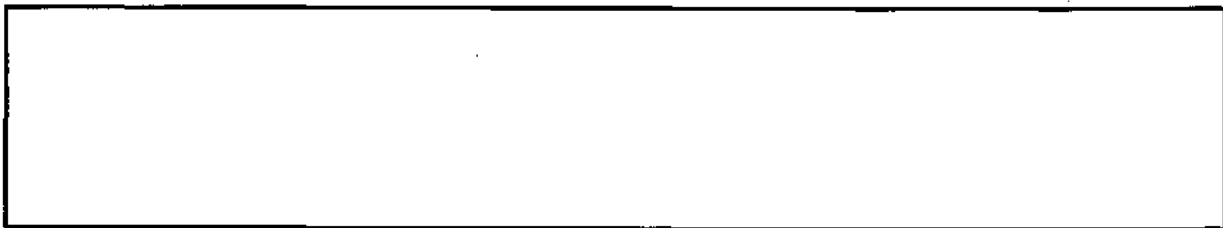
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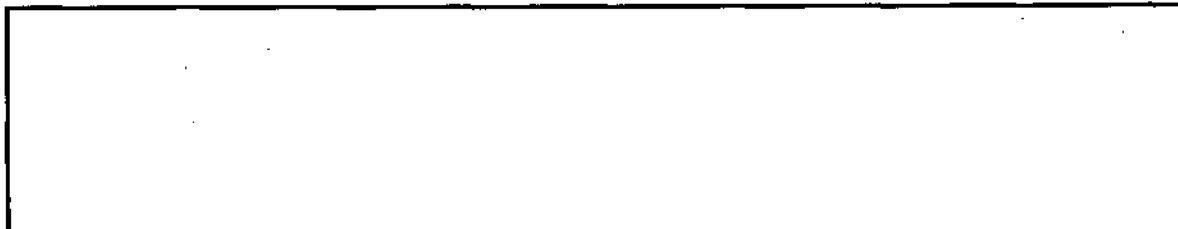
b2 -4

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

The Selectee List consists of individuals

  
  
 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

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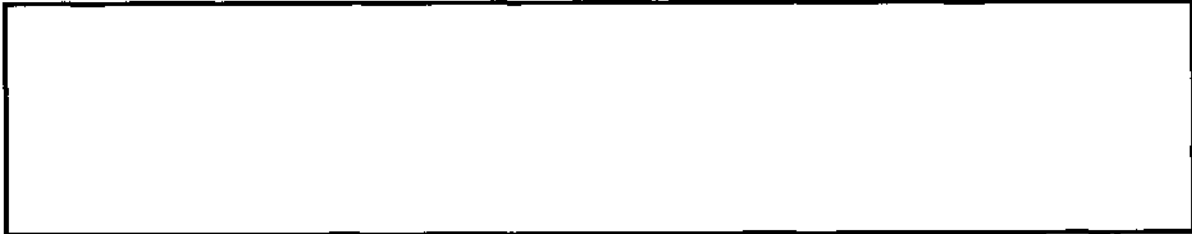
CA# 03-1779



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

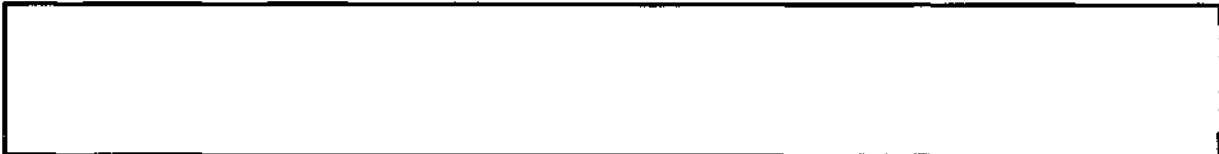


b7E -1

 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]@nromesa.com>  
 Bcc: [redacted]@customs.treas.gov>,  
 [redacted]@state.gov>,  
 [redacted]@fbi.gov>,  
 [redacted]@ost.dot.gov>,  
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 [redacted]@faa.gov>

b7C -1, 3, 5, 6

b6 -1, 3, 5, 6

b2 -2

References: [redacted]

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

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 C# 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



b2 -2

From: [redacted]@leo.gov

b7C -1, 2, 3, 6

To: [redacted]@broeckiax.com

b6 -1, 2, 3, 6

Cc: [redacted]

Bcc: [redacted]@tsa.dot.gov

Subject: Re: [redacted]

Date: Mon, 29 Jul 2002 15:46:48 -0400

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, 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

b2 -1

b7C -1

b6 -1

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

From: [redacted]

b2 -2

To: [redacted]@leo.gov

b7C -6

Cc: [redacted]

Sent: Monday, July 29, 2002 2:33 PM

b6 -6

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DATE 8-6-03 BY UC60267 NLS/AG/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 the [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,

[redacted signature box]

b7C -2,6

b6 -2,6

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

b7C -1

b6 -1

[redacted] (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]

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

b2 -4

\* [redacted]

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]

[redacted]

b2 -4

2. [redacted]

[redacted]

b7E -1

3. [redacted]

[redacted]

[redacted]

b2 -4

[redacted]

b7E -1

4. [redacted]

[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]

[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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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..

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

b7C -1  
b6 -1

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

[redacted]

>>> [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.

[redacted]

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

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

ITOS-VII  
SC Andrew Arena

SSA [redacted]

b7C -1

SC Charles Frahm

b6 -1

From: Office of the General Counsel  
Investigative Law Unit

b7C -1

Contact: [redacted] ext [redacted]

b6 -1

Approved By: Steele Charles M

b2 -1

Drafted By: [redacted]

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

Title: CRIMES INVOLVING CIVIL AVIATION;  
FBI INVESTIGATIVE JURISDICTION

Synopsis: 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.

b5 -1,2

Details: [redacted]

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CA# 03-1779

b7C -1

b6 -1

(Rev. 06-28-2000)

FEDERAL BUREAU OF INVESTIGATION

To: Criminal Investigative From: Office of the General Counsel

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

[redacted]

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

[redacted]

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.<sup>2</sup> 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]

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]

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 States<sup>3</sup>; 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

---

<sup>3</sup> 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)

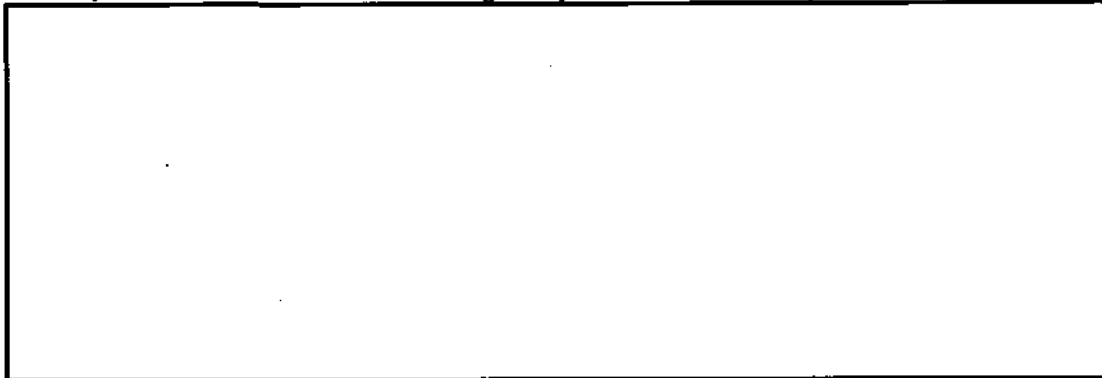
FEDERAL BUREAU OF INVESTIGATION

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.<sup>5</sup>



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

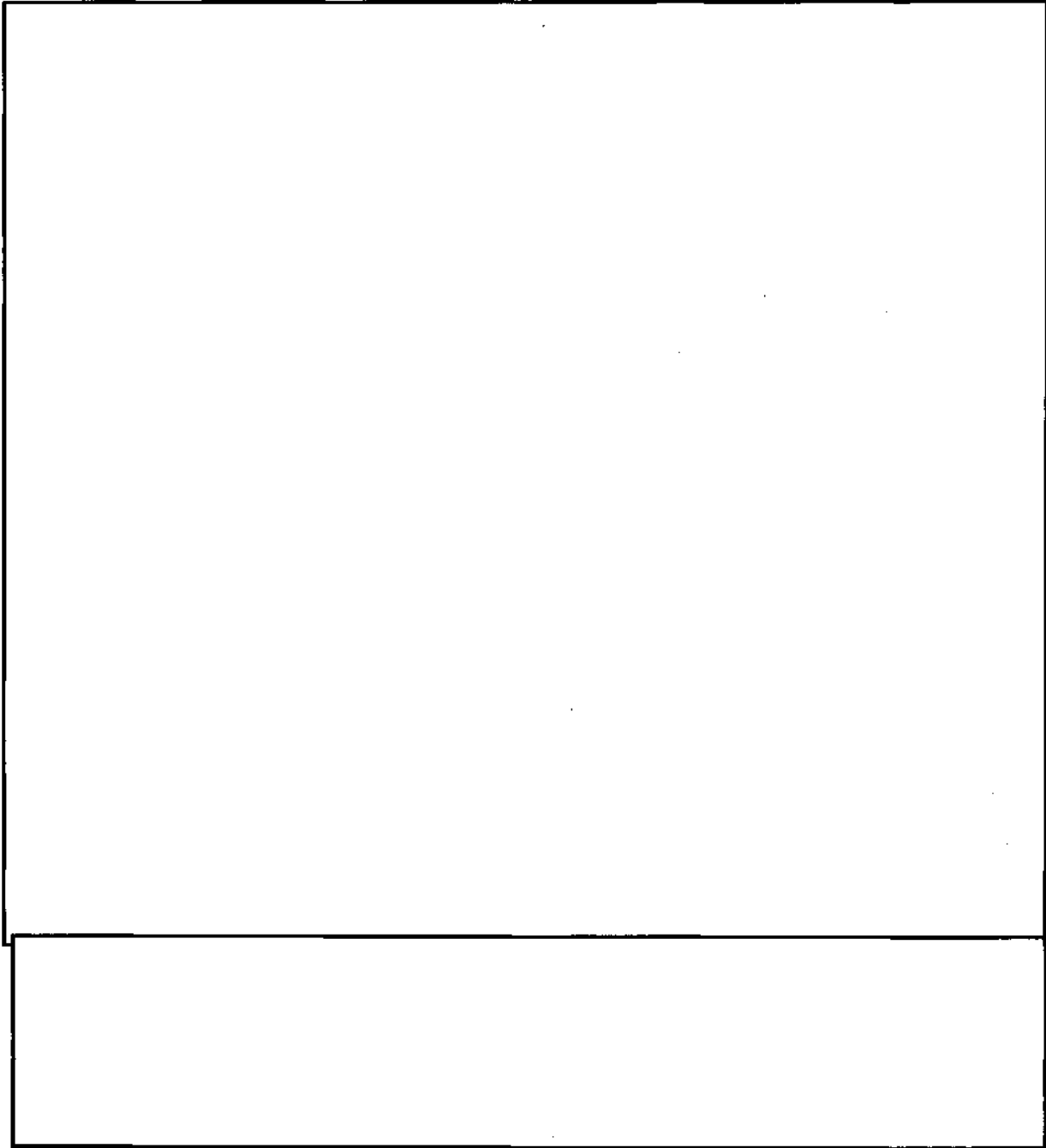
b2 -3

Re: **Criminal Investigation** From: Office of the General Counsel

Re: [redacted] 08/23/2002

FEDERAL BUREAU OF INVESTIGATION

b5 -1,2



SUSSMAN-81

b7C -1

b6 -1

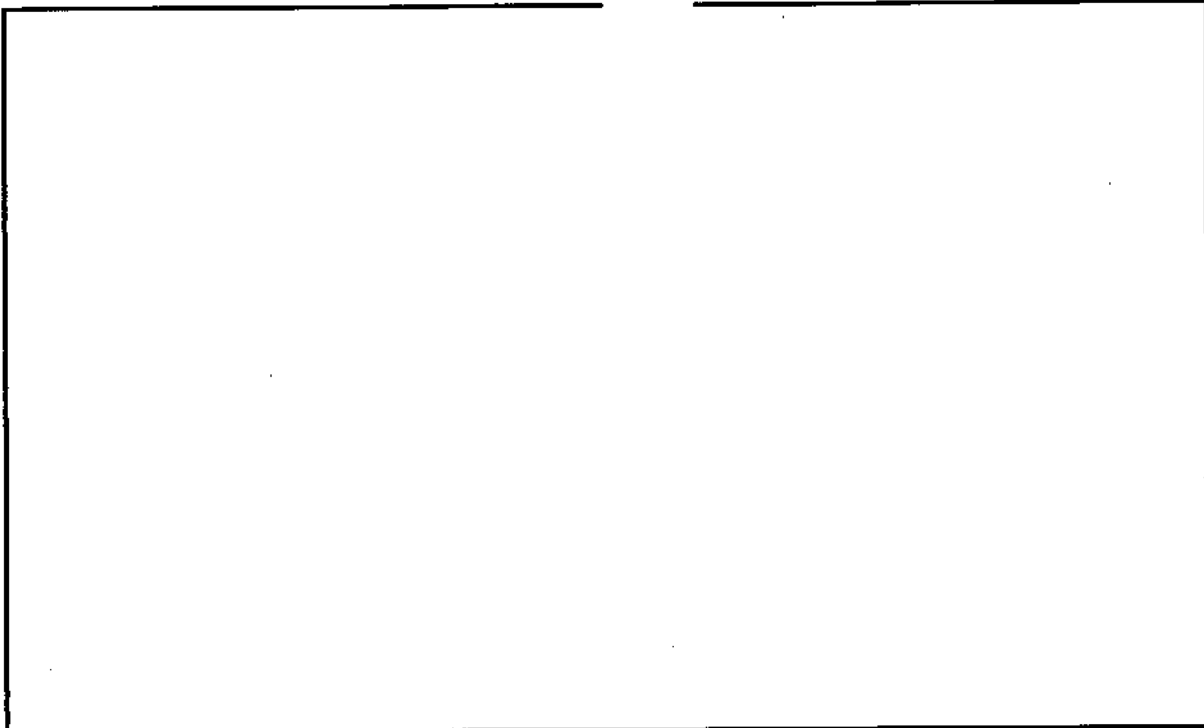
(Rev. 08-28-2000)

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

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DATE 6-03 BY UC 60267 NLS/AG/COL

CA# 03-1779

b7C -1,3

b2 -1,4

b6 -1,3

b5 -1

From:  
To:  
Date:  
Subject:

[Redacted]

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

[Redacted]

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]

(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

b7C -1

[Redacted]@leo.gov

b6 -1

b1

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

b2 -2

b2 -4

[Redacted]

b5 -1

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

b7C -2

[Redacted]

b7E -1

b6 -2

[Redacted] (S)

b1

(S) [Redacted]

b3 -2

This problem has occurred several times over the past few months and has not been rectified.

b6 -2

as per CIA

Your attention in this matter is very much appreciated.

b7C -2

AL  
[Redacted]

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EXCEPT WHERE SHOWN  
OTHERWISE

CC: ALBERT J PISTERZI; Aviation-CAS Program; [Redacted]

b7C -1

b6 -1

8-6-03

b2 -1

~~SECRET~~

CLASSIFIED BY: DLG 60262NKS/AC/CA  
REASON: 1.5 ( C )  
DECLASSIFY ON: X ( 1 )  
CA#03-1779

XXXXXX  
XXXXXX  
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FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)-4

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

(b)(7)(D)

(k)(2)

(b)(7)(E)-1

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

- Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

- Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

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SUSSMAN - 85, 86

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X Deleted Page(s) X  
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05/12/2003

## OVERVIEW OF TERRORISM WATCH LISTS

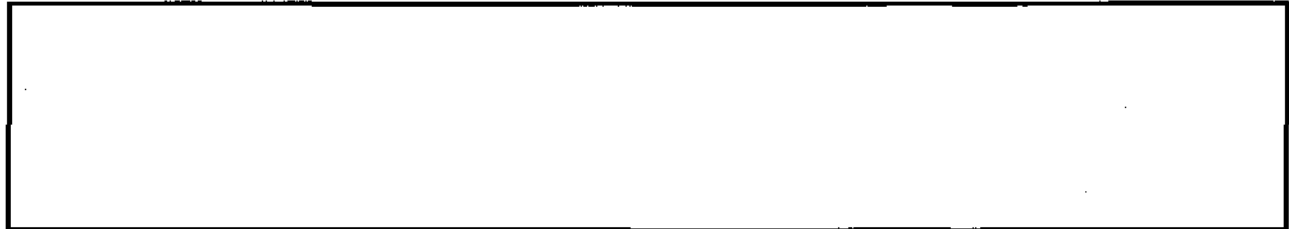
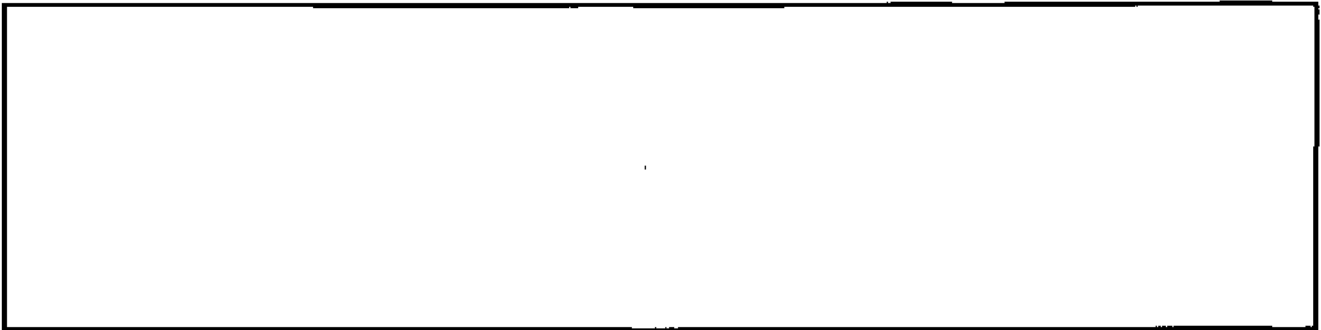
Various federal government agencies maintain lists of individuals of investigative interest or national security interest. These lists, as they pertain to terrorism matters, are often referred to as "watch lists". The following are databases containing lists of individuals which have been commonly referred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

### FBI

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

b2 -4

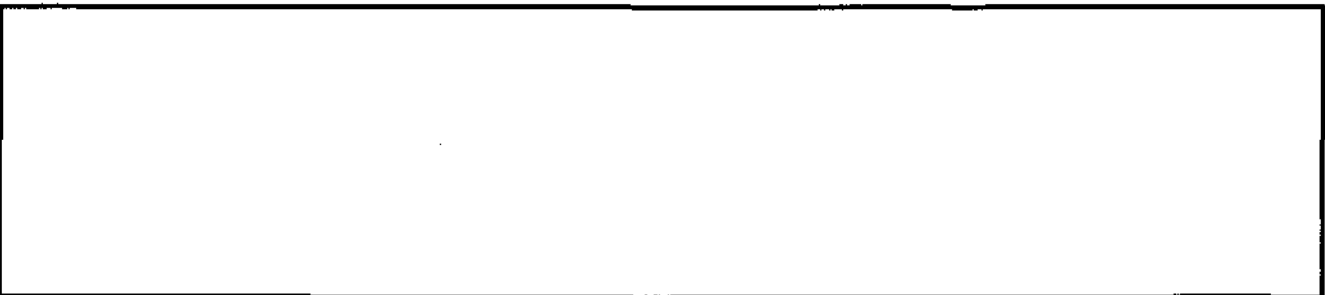
b7E -1



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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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 (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]

[Redacted]

b2 -4  
b7E -1

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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

[redacted]

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.

2. [redacted]

b2 -4

[redacted]

b7E -1

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

CC: [redacted]

b6 -1,3

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CA#03-1779

## 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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These Talking Points are being created to answer questions from the public, media, and Congress. It is not, however, to be copied and distributed to any public venue or distributed outside the govt. Any questions, please contact TSA Public Affairs at 571-227-2749.

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**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.**

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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

1. [Redacted]

2. [Redacted]

b2 -4  
b7E -1

3. [Redacted]

4. [Redacted]

b2 -4  
b7E -1

5. [Redacted]

b2 -4

6. [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] 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] 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]

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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]

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[Redacted]

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[Redacted]

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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]

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**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.

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[Redacted]

**NEW PROCEDURES**

[Redacted]

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SD 108-01-20 and 108-01-21 for exact language.

Please read FAA Security Directives

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[Redacted]





b2 -4

b7E -1

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

b2 -1, 2

[redacted]@leo.gov

b7C -1

b6 -1

SUSSMAN-98



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PAGE ONE

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

SPECIAL PAGE

For continuing coverage, see War on Terror<sup>2</sup>.

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 Rajeib  
Kuwait, Bahrain, Qatar, Saudi Arabia, Oman, Yemen, United Arab Emirates

Haj Muhammad Osman Abdurra'ib  
Egypt, Sudan

Haj Imhemed Otmane Abdaraqib  
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

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particularly if they had Arabic names -- it's far from certain that current methods would flag them.

One reason: In checking passengers against the No Fly List, some airlines use techniques that were designed decades ago, and for an entirely different task: to let agents find passenger records quickly without having a full name or a name's precise spelling.

These "name matching" systems also help airlines spot abusive bookings, in which travelers reserve a bunch of flights under slightly varying names. The idea is to cast a wide net. But when applied to a watch list, they have the perverse effect of flagging numerous travelers whose names are merely similar to one of those on the list.

One name-matching technique that airlines have used, called Soundex, dates back more than 100 years, to when it was invented to analyze names from the 1890 census. In its simplest form, it takes a name, strips out vowels and assigns codes to somewhat-similar-sounding consonants, such as "c" and "z."

The result can be bizarre. Hencke and Hamza, for example, have the same code, H520. If there's a Hamza on the No Fly List, a traveler named Hencke could be pulled aside for a background check before being allowed to board.

A 40-year-old method designed specifically for airlines does something similar, stripping names down to consonants and pulling up names that have the same consonants in the same order. A third technique sometimes used by airlines hunts for matches based on the first few letters of surnames.

Hence Mr. Musarra's troubles in Juneau. In an algorithm used by Sabre, whose software runs Alaska Airlines' reservations system and many others, "Musarra" appears to pop up as a match for any name starting with "Mus." A fair number of names from the Mideast and Central Asia begin that way, including at least one on the No Fly List.



Larry Musarra

Exactly what techniques airlines and firms such as Sabre use to check passengers against the list is impossible to know. They won't identify their formulas, and the government doesn't want them to. But some current and former industry executives say most airlines -- while making periodic refinements, including since Sept. 11 -- still use roughly the same name-matching tools as they have for decades.

Why not just match names precisely, and question only people whose names exactly fit an entry on the No Fly List? That wouldn't do, either. Many people's names have a number of variations, such as William or Bill. Many are spelled either with a middle initial or without one. And non-Western names can be rendered in the Roman alphabet in a host of ways.

A name written as "Haj Imhemed Otmane Abderaqqib" in Algeria might be "Hajj Mohamed Uthman Abd al Ragib" in Iraq, and as "Hag Muhammad Osman Abdurra'ib" in Sudan, according to Language Analysis Systems Inc., a Herndon, Va., company that does name-analysis work for many federal agencies.

One wanted terrorism suspect, Adnan G. El Shukrijumah, uses five aliases. The six names can be translated a total of more than 500 ways, says Language Analysis Systems. The firm adds that foreign words can also be mistaken for first or last names, such as "Effendi," which is an honorific for "Sir" or "Mister" in some Mideastern languages.