



April 3, 2014

Via U.S. Mail and Electronic Mail

Ms. Kimberly Walton
Assistant Administrator
Multicultural Branch, Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement
Transportation Security Administration
701 South 12th Street
Arlington, VA 20598-6006
TSA-CRL@tsa.dhs.gov

Re: Civil Rights/Civil Liberties Complaint on Behalf of Malaika Singleton

Dear Ms. Walton:

The American Civil Liberties Union of Northern California (ACLU-NC) submits this complaint on behalf of Malaika Singleton based on unreasonable and racially discriminatory searches by federal employees of the Transportation Security Administration (TSA) at Los Angeles International Airport (LAX) on December 9, 2013 and again at Minneapolis International Airport (MSP) on December 16, 2013.

Ms. Singleton, an African American woman whose hair is styled in “sisterlocks,”¹ is among the countless other African American woman across the country subjected to unnecessary, unreasonable and discriminatory hair pat-downs by TSA employees after passing through the full body scanner screening. The ACLU-NC has previously brought this disturbing practice to the attention of TSA and the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties when it filed a complaint on May 16, 2012 on behalf of Novella Coleman, also an African American woman. Despite TSA’s response on June 19, 2012 claiming its commitment to race neutrality in security screening programs, African American women continue to be subject to unreasonable and discriminatory hair pat-downs by TSA employees.

Contact Information for Complainant

Complainant’s Name: Malaika Singleton
Complainant’s Address: [REDACTED]
Complainant’s Email: [REDACTED]
Complainant’s Telephone: [REDACTED]

¹ <http://www.sisterlocks.com>



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Representatives' Names and Titles: Alan Schlosser, Legal Director
Novella Coleman, Staff Attorney
Organization: American Civil Liberties Union Foundation of Northern
California, Inc.
Representative's Address: 39 Drumm Street, San Francisco, CA 94111
Representatives' email: aschlosser@aclunc.org
ncoleman@aclunc.org
Representative's Telephone: (415) 621-2493

Ms. Singleton's affidavit authorizing Mr. Schlosser and Ms. Coleman's representation of her in this matter is attached hereto as Attachment A.

Detailed Description of Ms. Singleton's Experience with TSA

December 9, 2013

On the evening of December 9, 2013, Ms. Singleton traveled to London for the G8 Dementia Summit hosted by the UK Government. Ms. Singleton had a flight from Sacramento to LAX and then from LAX to London. When she arrived at LAX, Ms. Singleton departed from Terminal 2. She had to be expedited through the screening process in order to avoid missing her connecting flight on Virgin Atlantic, DL 4835, that was scheduled to depart at 6:50 pm. Sometime between 5:39 and 6:50 pm, after Ms. Singleton walked through an Advanced Imaging Technology (AIT) scanner x-ray machine, a female TSA employee said she needed to pat down Ms. Singleton and search her hair. Before Ms. Singleton had a chance to respond, the TSA employee grabbed her hair and squeezed it. Finding nothing, Ms. Singleton was permitted to continue on her trip.

December 16, 2013

On Ms. Singleton's return flight she traveled from London to MSP and then from MSP to Sacramento. Approximately between 3:40 and 5:36 pm, Ms. Singleton passed through the AIT scanner, and a female TSA employee conducted a pat-down that included grabbing and squeezing Ms. Singleton's hair. Finding nothing, the TSA employee attempted to give her a compliment by saying, "She," perhaps referring to Ms. Singleton's hair stylist, "did a good job". Ms. Singleton continued on her trip. Her flight on Delta airline, DL 2054, left out of Terminal 1.

Media Accounts of Race-Based Hair Searches of African American Women

As the ACLU-NC has previously pointed out in its complaint filed on May 16, 2012, experiences like Ms. Singleton's are not isolated incidents or specific to her particular hairstyle. On October 18, 2012, Ashanté Reese, another African American woman, posted an article online describing her three hair pat-downs by TSA employees.² On November 20, 2012, Dana Oliver posted a blog on the Huffington Post website describing the experiences of herself and other African American women,

² Ashanté Reese, My Hair: Threat to National Security, The Feminist Wire, Oct. 18, 2012, <http://thefeministwire.com/2012/10/my-hair-threat-to-national-security/>.

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including Solange Knowles, Isis Brantley, and Laura Aidiele, who have been subject to hair pat-downs after passing through AIT scanners.³

Relief Sought

Ms. Singleton requests a thorough response to this complaint. In addition, Ms. Singleton requests that:

1. TSA and the DHS Office of Civil Rights and Civil Liberties conduct an audit of TSA screening practices with respect to the "patting down" or inspection of hair with a focus on whether African American women are subject to such inspections on a disproportionate basis;
2. TSA and the DHS Office of Civil Rights and Civil Liberties conduct an audit of full body imaging scanners, and issue findings with respect to their consistency and accuracy, including rates of false positive alerts;
3. TSA adopt a rule against inspection of hair or hair coverings when a traveler has passed through a full body scan without any alert;
4. TSA incorporate into its regular training instruction against disparate treatment of African American women with respect to hair inspection; and
5. TSA train its employees at LAX and MSP
 - a. not to "pat down" or "inspect" the hair of African American women who have completed a full body scan without alert,
 - b. on best practices to avoid discrimination against African American women with respect to security inspections generally, and
 - c. on the application of clear, consistent, and non-discriminatory standards for hair pat downs where there is an applicable body scanner alert.

Thank you for your attention to this matter. We look forward to your prompt response.

Sincerely,



Alan Schlosser
Legal Director

Novella Coleman
Staff Attorney

Attachment A: Singleton affidavit

cc: Ms. Malaika Singleton, Malaika.Singleton@sen.ca.gov

³ Dana Oliver, *Dear TSA: Leave My Hair Alone*, The Huffington Post, Nov. 20, 2013, http://www.huffingtonpost.com/dana-oliver/tsa-airport-search-hair_b_2156451.html.

Attachment A

I, Malaika Singleton, give permission to Alan Schlosser and Novella Coleman to file a complaint on my behalf with the Transportation Security Agency ("TSA") and to receive information about me concerning the experiences and charges set forth in that complaint. I direct TSA to provide information and otherwise respond to my complaint through my representatives, Alan Schlosser and Novella Coleman.

Signed this 28th of March in Sacramento, California.


MALAIKA SINGLETON