



*New York's Senator*

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FOR IMMEDIATE RELEASE:  
December 11, 2011

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After Series of Complaints Over Security Screening Issues in Last Several Weeks:

## **SCHUMER AND GIANARIS URGE TSA TO DESIGNATE AN ON-DUTY PASSENGER ADVOCATE AT AIRPORTS TO HEAR PASSENGER CONCERNS AS THEY OCCUR; CALL FOR INVESTIGATION INTO RECENT CASES OF INAPPROPRIATE SEARCHING AT KENNEDY AIRPORT**

*TSA 'Passenger Advocate' at Airports Will Assist Travelers With Concerns  
Over Inappropriate Screening Processes, Immediately and On-Site*

*Schumer, Gianaris Request Investigation of Security Checkpoint Procedures at  
Kennedy Airport Following Recent Cases of Alleged Inappropriate Searching  
of Three Elderly Women*

*Schumer, Gianaris: Enhanced Screening Programs at Airports are Making the  
Skies Safer, But We Must Strike the Right Balance Between Security and  
Protecting Vulnerable Passengers*

U.S. Senator Charles E. Schumer and New York State Senator Michael Gianaris, joined by Bruce Zimmerman and Ralph Sherman, sons of two of elderly women who were allegedly inappropriately searched, today called on the Transportation Security Administration (TSA) to designate a "passenger advocate" at every airport who can be summoned by passengers to hear their concerns if they feel they have been inappropriately treated by TSA screening agents. In addition, Schumer and Gianaris are requesting the TSA conduct an immediate and comprehensive investigation of three separate incidents in which elderly women were inappropriately searched at a security checkpoint at JFK Airport. The women claim they were strip-searched, a level of screening that would be considered excessively onerous under many circumstances.

"While the safety and security of our flights must be a top priority, we need to make sure that flying does not become a fear-inducing, degrading, and potentially humiliating experience," said Schumer. "Right now, passengers

who feel that their rights are about to be violated have nowhere to turn, but by training passenger advocates at each of our airports, the TSA can finally give passengers a voice.”

“We must use common sense as we preserve safety,” Senator Gianaris said. “There is no good reason why an individual should be violated in such an outrageous manner. I appreciate the TSA’s work to keep air passengers safe, but passengers should not be humiliated and degraded during their travels.”

Schumer and Gianaris today called on the TSA to both investigate what actually occurred during each of the three searches and designate an on-duty consumer advocate at airports who can be summoned by passengers and would be responsible for resolving disputes between passengers and agents over screening procedures. Under the Schumer/Gianaris plan, the TSA would train existing officers in dispute resolution and require the agency to have one TSA agent designated as the on-duty passenger advocate to assist fliers with concerns and complaints at all airports.

The passengers who have come forward with complaints of TSA agents’ conduct towards them were only able to report their concerns after the fact because, currently, there is no designated TSA agent to handle passengers’ complaints of how they are treated while going through security. Following the passengers’ complaints, TSA officials, at the word of their employees, immediately denied that strip-searches took place without conducting an extensive review of the facts.

In the last week, three elderly women have come forward claiming they were strip-searched by TSA agents – including three at JFK airport. On November 29th, it was reported that TSA agents took 85-year-old Lenore Zimmerman, of Long Beach, N.Y., into a private room to remove her back brace for screening after she decided against going through a scanning machine because of her heart defibrillator. Zimmerman said she had to raise her blouse and remove her undergarments for a female TSA agent. On the same day, Ruth Sherman, age 88, of Sunrise, Fla. was pulled aside and asked about the visible protrusion from her waist band as she arrived for a flight at JFK. Sherman identified the item as her colostomy bag, and then was escorted to another room where two female agents made her lower her pants for an inspection. Sherman raised concerns that the agents would disrupt her colostomy bag, causing pain and potential damage.

Since reports of the first two women’s experiences with the TSA agents, a third woman, Linda Kallish, of Boynton, Fla., has also come forward, saying she was taken out of line and made to stand in a corner of the security area while her belongings continued through the security conveyor belt upon telling agents that she is diabetic and has an insulin pump in her leg. She was not allowed to retrieve her belongings, which remained at the end of the conveyor belt, before being escorted to a separate room where she was told to remove her pants so the agents could check the insulin pump. In addition to the most recent cases, last June, the daughter of a 95-year-old woman, Lena Reppert, reported that TSA agents would not let her mother board a flight from Fort Walton Beach, Fla., to Detroit because her incontinence pad set off alarms.

Currently, the TSA does not have a system in place that monitors, in real-time, whether vulnerable individuals are being subjected to excessively onerous and potentially degrading treatment during security screening. The agency only uses an internet based, written complaint system that is geared solely toward reporting, after-the-fact, whether an individual feels he or she was subjected to improper profiling. Schumer and Gianaris noted that this system provides little comfort to passengers who are involved in disputes at the airport or felt their rights were being violated by the level of screening required of them.

In a letter to Department of Homeland Security Director Janet Napolitano and TSA Administrator John Pistole, Schumer and Gianaris stressed the necessity of rigorous passenger screening at airports across the country to provide the greatest level of security possible, but argued that the balance between security and preserving passenger dignity must be carefully managed. In their letter, they specifically called on the TSA to designate a “passenger advocate” at every airport who can be summoned by passengers before events like the reported incidents above occur. The “passenger advocate” would be required to immediately review on-site disputes to determine whether there are more amicable, yet equally effective, methods for screening a passenger. They also

requested a more extensive investigation into what actually happened during the occurrences referenced above that made these women feel so violated.

Schumer and Gianaris argued that while the safety and security of our flights is a paramount concern, an appropriate circumstantial balance is necessary so that flying does not become a degrading, and potentially humiliating, experience, particularly for our most vulnerable Americans.

Schumer and Gianaris noted that their plan would not require the TSA to create any new bureaucracy or to hire any new permanent staff in order to accomplish this objective. Instead, the TSA would develop a program run out of its already-existing Ombudsman's office to train officers from each and every airport to serve as the "passenger-advocate on duty" and to provide training to a sufficient number of officers to ensure that each airport can have at least 1 "passenger-advocate" on duty at all times. The "passenger-advocate" training would include the most advanced training on dispute resolution, help with identifying common medical conditions and devices that should not present a security concern to the TSA, and alternative methods for addressing the needs and concerns of elderly, disabled, and other vulnerable passengers.

A copy of the letter Schumer and Gianaris sent to DHS and TSA is below.

December 11, 2011

Secretary Janet Napolitano  
Department of Homeland Security  
U.S. Department of Homeland Security  
Washington, DC 20528

Hon. John Pistole  
Administrator, Transportation Security  
Administration  
601 South 12th Street  
Arlington, Virginia 20598-6002

Dear Secretary Napolitano and Administrator Pistole:

Some of the most frequent concerns we hear from our constituents come from their experiences at airports. Dealing with intense security screenings, they say, is understandable but not always convenient, and can sometimes be very unpleasant. Recently, [four](#) cases have arisen of elderly individuals being subjected to what appears to have been a level of screening that was excessively onerous under the circumstances.

In the last week, four elderly women have come forward claiming they were strip-searched by TSA agents – including three at JFK airport. On November 29<sup>th</sup>, it was reported that TSA agents took 85-year-old Lenore Zimmerman, of Long Beach, N.Y., into a private room to remove her back brace for screening after she decided against going through a scanning machine because of her heart defibrillator. Zimmerman said she had to raise her blouse and remove her undergarments for a female TSA agent. On the same day, Ruth Sherman, age 88, of Sunrise, Fla. was pulled aside and asked about the visible protrusion from her waist band as she arrived for a flight at JFK on November 29. Sherman identified the item as her item colostomy bag, and then was escorted to another room where two female agents made her lower her pants for an inspection. Sherman raised concerns that the agents would disrupt her colostomy bag, causing pain and potential damage.

Since reports of the first two women's experiences with the TSA agents, a third woman, Linda Kallish, of Boynton, Fla., has also come forward, saying she was taken out of line and made to stand in a corner of the security area while her belongings continued through the security conveyor belt upon telling agents that she is diabetic and has an insulin pump in her leg. She was not allowed to retrieve her belongings, which remained at the end of the conveyor belt, before being escorted to a separate room where she was told to remove her pants so the agent could check the insulin pump. In addition, last June, the daughter of a 95-year-old woman, Lena Reppert,

reported that TSA agents would not let her mother board a flight from Fort Walton Beach, Fla., to Detroit because her incontinence pad set off alarms.

While the safety and security of our flights is a paramount concern for us, the TSA, and for the American people, an appropriate circumstantial balance is necessary so that flying does not become a fear-inducing, degrading, and potentially humiliating experience for many of our most vulnerable Americans.

That is why we are asking TSA to designate a “passenger advocate” at every airport who can be summoned by passengers before events like the ones described above occur. The “passenger advocate” would immediately review whether there are more amicable, yet equally effective, methods for resolving disputes between passengers and agents than what is being proposed by the specific agent handling the security screening at the moment.

We are also requesting an immediate and comprehensive investigation of these incidents. It appears TSA swiftly accepted the reports of its agents without extensive examination of the facts or a proper consideration of the passengers’ side of the story. We ask you to review each case and amend search procedures accordingly to ensure that this type of occurrence is not repeated. No one should have to experience such an egregious violation of his or her dignity.

At present, TSA only has an internet-complaint system that is geared solely toward after-the-fact reporting of whether an individual was subjected to improper racial profiling. TSA does not have a system in place that is designed to monitor, in real-time, whether vulnerable individuals are being subjected to excessively onerous and potentially degrading treatment in the name of security screening. This must be developed quickly, and must be developed in a manner that is readily accessible to passengers.

To be clear, we are not asking TSA to create any new bureaucracy or to hire any new permanent staff in order to accomplish this objective. Instead, we are asking TSA to develop a program run out of its already-existing Ombudsman’s office to train officers from each and every airport to serve as the “passenger-advocate on duty” and to provide training to a sufficient number of officers to ensure that each airport can have at least 1 “passenger-advocate” on duty at all times. The “passenger-advocate” training should include the most advanced training on dispute resolution, common medical conditions and medical devices that should not present a security concern to TSA, and alternative methods for addressing the needs and concerns of elderly, disabled, and other vulnerable passengers.

Your consideration on this important issue is appreciated. We look forward to working with you to address the security of our flights in a manner that best serves the needs of our flying public.