

Judge Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHELLE D. GREEN, et al.,

Plaintiffs,

v.

TRANSPORTATION SECURITY
ADMINISTRATION, et al.,

Defendants

NO. C04-763 Z

**NOTICE OF SUBMISSION OF
DOCUMENTS FOR IN CAMERA
AND EX PARTE REVIEW**

Pursuant to the Court's Order of October 29, 2004, defendants Transportation Security Administration (TSA), David M. Stone, Administrator of the TSA, the Department of Homeland Security (DHS), and Tom Ridge, Secretary of the DHS, are submitting a copy of the following documents for in camera and ex parte review by the Court:

1. Six Security Directives Governing No Fly List and Selectee List Procedures, together with the portions of the current No Fly List and Selectee List identified below;
2. Policy Memorandum dated July 9, 2004 regarding TSA's No Fly and Selectee Lists; and

1 3. Policy Memorandum dated April 22, 2003 regarding TSA's No Fly and Selectee
2 Lists.

3 In lieu of the complete No Fly List and Selectee List, defendants are submitting the first page of
4 each list referencing individuals who have been "cleared" through the TSA's ombudsman
5 process, pages of the list of "cleared" individuals that refer to three of the named plaintiffs, and
6 the first page of each list referencing individuals who have not been cleared through the TSA's
7 ombudsman process. Defendants have not undertaken to submit every page on either list that
8 may contain names that are the same as or similar to those of the named plaintiffs.

9 In addition, defendants have electronically filed and served upon plaintiffs publicly
10 available documents that describe the expedited No Fly List and Selectee List clearance process
11 administered by the Office of the Ombudsman of the TSA.

12
13 Dated: November 2, 2004

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

JOHN MCKAY
United States Attorney

BRIAN C. KIPNIS
Civil Chief
United States Attorney's Office

s/ Joseph W. LoBue

SANDRA M. SCHRAIBMAN
D.C. Bar # 188599
JOSEPH W. LOBUE, D.C. Bar # 293514
U.S. Department of Justice
20 Massachusetts Avenue, N.W., Rm. 7300
Washington, D.C. 20530

14
15
16
17
18
19
20
21 AMY A. RUGGERI
Assistant Chief Counsel

22
23 CARLA J. MARTIN
Senior Attorney

24 Transportation Security Administration
25 Department of Homeland Security
601 S. 12th Street
26 Arlington, VA 22202

Telephone: (202) 514-4640
Fax: (202) 616-8470

Attorneys for Defendants

1 **CERTIFICATE OF SERVICE**

2 I certify that, on November 2, 2004, I electronically filed the foregoing Notice of
3 Submission of Documents For In Camera and Ex Parte Review with the Clerk of the Court using
4 the CM/ECF system which will send notification of such filing to the following:

5 Reginald T. Shuford
6 Catherine Y. Kim
7 ACLU
8 125 Broad Street, 18th Floor
9 New York, NY 10013

10 Aaron Kaplan
11 ACLU of Washington
12 705 Second Avenue, Suite 300
13 Seattle, Washington 98104

14 Michael E. Kipling
15 Summit Law Group PLLC
16 315 Fifth Avenue South, Suite 1000
17 Seattle, Washington 98104

18 s/ Joseph W. LoBue
19 JOSEPH W. LOBUE