

BY FIRST CLASS AND FACSIMILE

September 23, 2002

The Honorable Chaka Fattah
United States Representative
1205 Longworth House Office Building
Washington, D.C., 20515

**Re: Unconstitutional Conduct of United States Air Marshals on
Delta Flight 442**

Dear Representative Fattah:

I write on behalf of my clients who were passengers on Delta's Flight 442 from Atlanta to Philadelphia on August 31, 2002. That flight may have already come to your attention as a result of the national press accounts concerning the behavior of the Transportation Security Administration's marshals who held passengers at gunpoint for the final 30 minutes of the flight's duration. What you may not have been apprised, as it was only more recently reported in the New York Times and Philadelphia Inquirer (see " **H i g h A l t i t u d e R a m b o s** , <http://www.nytimes.com/2002/09/23/opinion/23HERB.html?ex=1033796072&ei=1&en=50c35b9b3696d34a> , and ' **P r o f i l i n g C h a r g e d o n " N i g h t m a r e F l i g h t "** ' <http://www.philly.com/mld/philly/news/4102992.htm>), concerns the arrest and detention of Dr. Rajcoomar.

Notwithstanding the fact that Dr. Rajcoomar was commissioned as a Lt. Colonel in the United States Army Reserves when called for active duty during Desert Storm, and gave the marshals absolutely no legal cause, indeed gave no cause whatsoever, he was removed in handcuffs and held for nearly four hours before being released without charge. Indeed, TSA personnel have told the Inquirer that he was treated in this unconstitutional fashion simply because he "had been observing too closely." Prior to this official statement, however, one of the air marshals specifically told Dr. Rajcoomar that he was arrested simply because these federal officials did not "like the way he looked." Clearly the original explanation bespeaks of impermissible race profiling, which I am sure you abhor and indeed which our President has stated will not form the basis for law enforcement in this nation's war against terrorism. As for the second explanation, I am sure with your many years of legal and legislative practice, you will agree that it cannot pass constitutional muster.

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Aside from the wrongs done the Rajcoomars, each and every one of the passengers on that flight was subjected to the horror of being held at gunpoint by the air marshals for the last 30 minutes of the flight. It is not clear that the marshals should ever have responded to the passenger who was observed boking through the overhead compartments at other passengers' luggage. Yet even if their assistance had been required, I hope that you will concur that once the individual in question had been subdued, there was no need to hold hostage all of the passengers on that flight.

The Rajcoomars wish to ensure that no one has to endure the kind of treatment which he and the other passengers received at the hands of Transportation Security Administration Air Marshals. Given the fact that the incident occurred in Philadelphia, my clients have requested that I write in the hope that you will immediately begin an investigation of the training and conduct of the armed personnel who are now placed on civilian air craft. There is reason to believe that given the rapid expansion of the air marshal program, the TSA is hiring persons who are truly not qualified to fulfill such critical responsibilities. Moreover, once hired, it would appear that the future air marshals are not receiving appropriate or sufficient training. All told, in this instance, we were fortunate that no one was killed. Without immediate corrective measures, we may not be so fortunate in the future. Both Dr. and Mrs. Rajcoomar are prepared to assist you in any way should you choose to review the air marshal program.

In addition to what is owed to all who ride under the protection of our air marshals, I believe the Rajcoomars are not only owed an apology from our government but further compensation for Dr. Rajcoomar's unconstitutional arrest and detention, and the emotional distress this inflicted on both husband and wife. I hope to hear from you shortly.

Sincerely yours,

Stefan Presser

cc: Representative Fattah's Philadelphia office
Dr. and Mrs. Rajcoomar
Reggie Shufford, Esq.
James Green, Esq.