

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

RECEIVED

10/27/2021

DEBORAH S. HUNT, Clerk

MICHAEL FARIS *et al.*,

Petitioners,

v.

TRANSPORTATION SECURITY  
ADMINISTRATION,

Respondent.

Case No. 21-3951

**PETITIONERS' EMERGENCY MOTION FOR INJUNCTION MANDAT-  
ING RESPONDENT REMOVE MICHAEL FARIS FROM TSA TERROR-  
IST WATCHLIST, TO COMPEL RESPONDENT TO DISCLOSE WATCH-  
LIST STATUS OF OTHER PETITIONERS, AND FOR RESPONDENT TO  
SHOW CAUSE WHY IT SHOULD NOT BE SANCTIONED AND/OR  
HELD IN CONTEMPT OF COURT FOR ILLEGAL RETALIATION**

COME NOW petitioners, *pro se*, and move for orders: 1) granting us an injunc-  
tion mandating that Respondent Transportation Security Administration ("TSA")  
immediately remove Petitioner Michael Faris from its terrorist watchlist and/or  
any other database flagging him for Secondary Security Screening Selection  
("SSSS"); 2) compelling TSA to disclose to petitioners and the Court within five  
days whether it has placed Petitioners Charity Anderson, Angela Byrd, and Michael  
Clark on its terrorist watchlist and/or any other database flagging them for SSSS;  
and 3) directing TSA to show cause to the Court why it should not be sanctioned  
and/or held in contempt for illegally retaliating against petitioner(s) for bringing

this lawsuit seeking review of the Federal Transportation Mask Mandate (“FTMM”).

This motion is designated as an emergency because Mr. Faris must next fly Saturday, Oct. 30, for work. Faris Declaration, attached hereto as Ex. 1. A ruling is requested no later than **Friday, Oct. 29**.

## **I. STATEMENT OF FACTS**

We filed a Petition for Review Oct. 19 challenging three so-called “Security Directives” (actually *ultra vires* Health Directives) and one Emergency Amendment issued by TSA to enforce the FTMM. Doc. 1. Two days later, Petitioner Faris attempted to board a flight home to Kentucky via Denver from Ontario, California, where United Airlines issued him – after a lengthy check-in delay – boarding passes marked SSSS and informed him he had been placed on the terrorist watchlist by TSA. *Id.*

Mr. Faris endured an abnormally lengthy and intrusive screening by TSA, which nearly made him miss his flight to Denver. In fact, TSA officers had to phone United to tell it to hold the plane for him. *Id.* Upon arrival at the boarding gate, United’s agent made Mr. Faris put on a face mask, which caused him to have a panic attack and collapse in the jetway. United then denied him boarding because the airline deemed him an in-flight medical-emergency threat. *Id.*

Mr. Faris rebooked on American Airlines, which had difficulty checking him in because he was again flagged as SSSS. Upon completion of numerous phone calls,

the American agent told Mr. Faris she would not issue his boarding passes until he put a mask on. Mr. Faris asserted his right under the Americans with Disabilities Act (“ADA”) to be exempt from any airport mask requirement because he suffers from Generalized Anxiety Disorder. Covering his only sources of oxygen can quickly instigate a panic attack and cause Mr. Faris to lose consciousness as occurred Oct. 21 in the United jetway – causing bruises to his elbow and knee – and on a prior United flight, where he smashed his head onto a galley cart. *Id.* Because Mr. Faris asserted his ADA right not to wear a mask, American refused to issue his boarding passes, citing the FTMM. He then had to go to LAX airport to get a flight home to Louisville on Spirit Airlines, where his boarding pass was again tagged SSSS. *Id.*

Mr. Faris submitted a complaint to the Department of Homeland Security (“DHS”), TSA’s parent agency, regarding his placement on the terrorist watchlist. Ex. 2. DHS nor TSA have responded to the complaint, therefore this Court’s intervention is required before Mr. Faris’ next flight Oct. 30.

Petitioner Angela Byrd attempted to check in online for a Delta Air Lines flight Oct. 26. She received a strange message that “We’re sorry. We can’t validate your ticket.” Ex. 3. Fearing she too had been placed on the terrorist watchlist by TSA in retaliation for filing this lawsuit, she canceled her trip as she did not want to arrive at the airport only to be informed Delta would not check her in due to her possible SSSS status.

Petitioner Anderson has booked a work trip in the near future on Southwest Airlines. Her partner, Petitioner Clark, and her three children are booked to tag along. Ms. Anderson and Mr. Clark also fear they have been blacklisted by TSA in retribution for filing this lawsuit.

## **II. ARGUMENT**

TSA's action placing Mr. Faris – and possibly also Ms. Anderson, Ms. Byrd, and Mr. Clark – on its terrorist watchlist for filing this lawsuit challenging the FTMM represents the absolute worst form of vengeance against citizens exercising our First Amendment right to petition the government for a redress of grievances. Our Petition for Review of TSA orders is authorized by statute. 49 USC § 46110(a). Suspending TSA does not constitute a threat of terrorism nor any other risk to transportation security that warrants placement on the watchlist triggering SSSS treatment.

TSA's enabling act is the Aviation & Transportation Security Act, P.L. 107–71, 115 Stat. 597, codified at 49 USC § 114. TSA's function is limited by law to address security threats. In no way has Congress authorized TSA to declare passengers litigating against its orders potential terrorists or otherwise subject them to secondary security screening. By retaliating against Mr. Faris and perhaps the other petitioners in this case, TSA violates our First Amendment right to petition.

Furthermore, Air Carrier Access Act regulations prohibit an entity from retaliating against disabled airline passengers who assert their rights to be free of dis-



crimination: “You must not take any adverse action against an individual (e.g., refusing to provide transportation) because the individual asserts, on his or her own behalf or through or on behalf of others, rights protected by this part or the Air Carrier Access Act.” 14 CFR § 382.11(a)(4).

TSA’s actions against Mr. Faris violate its own standards: “TSA security screening policies, procedures and practices must comply with all applicable civil liberties and civil rights laws, regulations, executive orders, and policies and must not discriminate against travelers...” Ex. 4.

The Terrorist Screening Center (“TSC”) is a multi-agency center administered by the Federal Bureau of Investigation (“FBI”). It serves as the U.S. government’s consolidated counterterrorism watchlisting component and is responsible for the management and operation of the Terrorist Screening Database, commonly known as “the watchlist.” Ex. 5. “The watchlist is a single database that contains sensitive national security and law enforcement information concerning the identities of those who are known or reasonably suspected of being involved in terrorist activities.” *Id.*

TSA has violated FBI standards that “The TSC is dedicated to ensuring watchlisting and screening activities are conducted in a manner consistent with protecting privacy and civil liberties. Individuals are included in the watchlist when there is reasonable suspicion to believe that a person is a known or suspected terrorist. ***Individuals are not watchlisted based solely on*** race, ethnicity, national origin, religious affiliation, or ***any First Amendment-protected activities***

***such as*** free speech, the exercise of religion, freedom of press, freedom of peaceful assembly, and ***petitioning the government for redress of grievances.***” *Id.* (emphasis added).

Finally, TSA’s action offends this Court’s inherent authority to hear cases and controversies under Article III of the Constitution. Taking such serious an action as placing petitioner(s) on a terrorist watchlist for doing nothing more than challenging TSA’s orders in this legal proceeding infringes on this Court’s authority to protect litigants from reprisal by the Executive Branch. This Court has not only the constitutional authority to enjoin TSA’s conduct but also statutory authority to issue a writ of injunction. “The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 USC § 1651(a).

### III. CONCLUSION

TSA must be enjoined to immediately remove Mr. Faris from its terrorist watchlist and/or any other database that would trigger any airline to issue him a boarding pass marked with SSSS. The Court should also compel TSA to disclose to petitioners and the Court within five days whether it has placed Petitioners Anderson, Byrd, and Clark on its terrorist watchlist and/or any other database flagging them for SSSS so that petitioners may quickly return to this Court if necessary to seek another injunction mandating TSA remove them from any such lists.

Finally, the Court should direct TSA to show cause why it should not be sanctioned and/or held in contempt for illegally retaliating against petitioner(s) for bringing this lawsuit seeking review of its *ultra vires* FTMM orders in direct disdain for this Court's constitutional and statutory authority to consider challenges to TSA actions.

WHEREFORE, we request the Court issue no later than Oct. 29, 2021, orders granting us the three-part relief requested herein.

All petitioners have reviewed and approved this motion. Petitioners Anderson, Byrd, and Clark authorize Mr. Faris to submit this motion on our behalf using the Court's e-filing address.

Respectfully submitted this 27th day of October 2021.

/s/ Michael Faris<sup>1</sup>

Michael Faris, petitioner  
160 Charlotte Cir.  
Elizabethtown, KY 42701  
Telephone: 270-723-4944  
E-Mail: Michael.Faris@blueskycopters.com

/s/ Charity Anderson

Charity Anderson, petitioner  
552 Prouty Ave.  
Toledo, OH 43609  
Telephone: 419-250-1915  
E-Mail: charitylynanderson@yahoo.com

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<sup>1</sup> Pursuant to petitioners' letter of Oct. 25 to Clerk Deborah Hunt, this document is signed electronically as it is being submitted electronically. *See* FRAP 15(a)(2)(B)(iii). Also, given the emergency nature of this motion, petitioners do not have time to circulate it for ink signatures.

/s/ Angela Byrd

Angela Byrd, petitioner  
244 N. Meadow Ct.  
Batavia, OH 45103  
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E-Mail: mattnang6@gmail.com

/s/ Michael Clark

Michael Clark, petitioner  
552 Prouty Ave.  
Toledo, OH 43609  
Telephone: 419-250-1915  
E-Mail: Michael\_Clark18@student.owens.edu

### **CERTIFICATE OF COMPLIANCE**

This motion complies with the limit of 5,200 words established by FRAP 27(d)(2)(A) because it contains 1,389 words as measured by Microsoft Word excluding sections not counted pursuant to FRAP 32(f) and 6 Cir. R. 32(b)(1).

## **CERTIFICATE OF SERVICE**

I hereby certify that on Oct. 27, 2021, I e-mailed this motion and all exhibits to respondent TSA's counsel:

Jennifer Utrecht  
U.S. Department of Justice  
Civil Division  
Appellate Staff  
Jennifer.L.Utrecht@usdoj.gov

Daniel Tenny  
U.S. Department of Justice  
Civil Division  
Appellate Staff  
Daniel.Tenny@usdoj.gov

/s/ Michael Faris  
Michael Faris, petitioner

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

|                                     |   |                   |
|-------------------------------------|---|-------------------|
| <b>MICHAEL FARIS <i>et al.</i>,</b> | : |                   |
|                                     | : |                   |
| Petitioners,                        | : |                   |
|                                     | : |                   |
| v.                                  | : | Case No. 21- 3951 |
|                                     | : |                   |
| <b>TRANSPORTATION SECURITY</b>      | : |                   |
| <b>ADMINISTRATION,</b>              | : |                   |
|                                     | : |                   |
| Respondent.                         | : |                   |

**DECLARATION OF MICHAEL FARIS**

I, Michael Faris, declare as follows:

1. I am over the age of majority.
2. I could testify to the facts set out herein if called upon to do so.
3. I reside at 160 Charlotte Cir, Elizabethtown, KY 42701.
4. I make this declaration based on my personal knowledge and to explain the impact of Respondent Transportation Security Administration's ("TSA") decision to illegally retaliate against me by placing me on its terrorist watchlist because I filed this petition against its Federal Transportation Mask Mandate ("FTMM").
5. Due to my Generalized Anxiety Disorder, I can't tolerate wearing a face mask. Covering my nose and mouth has led to severe panic attacks and two fainting episodes, one on an airplane and another in a jetway leading to an airplane. This is why I am challenging the FTMM.

6. Along with Charity Anderson, Angela Byrd, and Michael Clark, I filed with this Court Oct. 19 a Petition for Review of TSA's FTMM so-called "Security Directives" (actually Health Directives) and Emergency Amendment.
7. Two days after filing the petition, on Oct. 21, I was returning from my work assignment in California to my home in Kentucky. I tried to check in for a United Airlines flight from Ontario (ONT) to Louisville (SDF) via Denver (DEN) using the airline's smartphone app.
8. The app gave me a message that my reservation "requires special handling."
9. When I arrived at ONT, I tried to check in using a United kiosk. Again, it noted I require "special handling" and must check in with an agent.
10. The United agent took an extremely long time to check me in, having to place several phone calls to read my driver's license details, among other information, to various unknown people.
11. Much to my surprise, when I was finally issued my boarding passes, they were marked "SSSS," a code that means Secondary Security Screening Selection. I was told this means I've been placed on TSA's terrorist watchlist.
12. I gave a full account of my experiences Oct. 21 to travel blogger Lucas Wall,<sup>1</sup> who published two articles about what happened to me. Those articles are attached. I attest to the accuracy of the articles and I incorporate them into

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<sup>1</sup> Mr. Wall is also challenging TSA's FTMM in two lawsuits: *Wall v. Centers for Disease Control & Prevention*, No. 6:21-cv-975 (M.D. Fla.) and *Wall v. Transportation Security Administration*, No. 21-13619 (11th Cir.)

this declaration by reference. The articles contain pictures of my boarding passes marked “SSSS.”

13. I’m employed by Bluesky Helicopters. My base of operations is in Laverne, California.

14. Due to the nature of my work as a helicopter maintenance supervisor for wildland fire suppression and electric-line construction, I must travel by commercial airlines every 12 days as my work schedule is 12 days on site in California or elsewhere in the western United States, then 12 days home in Kentucky, and repeating.

15. I have held my current position for 3½ years, during which I have taken hundreds of flights. Never before did I receive a boarding pass from an airline marked “SSSS” nor was I ever told before Oct. 21 – two days after I sued TSA – that I was on its terrorist watchlist.

16. TSA’s decision to place me on its terrorist watchlist jeopardizes my employment as I am required to fly out west every 24 days to report for work. Should airlines continue to ban me because I can’t wear a mask and/or the TSA flagged me as a potential terrorist, my family and I would suffer enormous harm.

17. In my previous job, I was a maintenance supervisor for Republic Airways. It is a regional affiliate that operates flights for American, Delta, and United.

18. During that job, I was required to fix aircraft all across the United States. I usually booked anywhere from one to four flights a month for nearly four



years. Never during this period did I ever receive a boarding pass from an airline marked "SSSS" nor was I ever told that I was on TSA's terrorist watchlist.

19. I have been frequently flying commercially for the past 7½ years due to my employment without any trouble from the airlines or TSA until two days after I sued TSA in this case.

20. I am a licensed A&P Mechanic and was previously granted SIDA (Security Identification Display Area) badge credentials at SDF and New York (LGA) airports. The SIDA badge process requires an extensive and thorough background check.

21. TSA's action last week placing me on its terrorist watchlist after I sued the agency appears to be blatant, illegal retaliation.

22. My next flight will be Saturday, Oct. 30, therefore I require emergency action by this Court to be removed from TSA's terrorist watchlist. My work schedule showing I must travel Oct. 30 is attached and incorporated into this declaration by reference.

23. Because of the nature of my work, I do not know the location of my assignment until 1-2 days in advance of my report-for-duty date. When my manager calls me 1-2 days before my travel-to-work date, he informs me if I should book a plane ticket to ONT to report to our base of operations in Laverne or if I need to fly to another city for a firefighting or other mission.

Therefore, I do not have an airline ticket to present to the Court today for my Oct. 30 trip because it won't be booked until the 28th or 29th.

Pursuant to 28 USC § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on Oct. 27, 2021.

/s/ Michael Faris<sup>2</sup>  
Michael Faris, petitioner

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<sup>2</sup> Pursuant to petitioners' letter of Oct. 25 to Clerk Deborah Hunt, this document is signed electronically as it is being submitted electronically. *See* FRAP 15(a)(2)(B)(iii).

## TSA Adds to Terrorist Watchlist Kentucky Man Who Sued Agency 2 Days Ago over Mask Mandate – Quest for 243

8-10 minutes

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*Frequent Flyer Searched Extensively,  
Denied Boarding United Flight after Fainting*



Michael Faris at Ontario, California, airport today

Oct. 21, 2021

By LUCAS WALL

ONTARIO, California – The Transportation Security Administration appears to have placed a frequent flyer on its terrorist watchlist after he [filed suit Tuesday in the U.S. Court of Appeals for the 6th Circuit](#) in Cincinnati challenging the [Federal Transportation Mask Mandate](#).

Michael Faris, a helicopter maintenance supervisor, is trying to fly home today to Elizabethtown, Kentucky, from a work assignment near Ontario, California. When he tried to check in on the United Airlines mobile app, he received a message that his “reservation requires special handling. Please check in at an airport kiosk.” When he used a United kiosk at Ontario airport, it displayed a message to “Please collect the printed document and see a United representative for further assistance.”

It took United agents a long time on the phone to check Faris in, during which a TSA officer responded to the counter. He was then escorted to the security checkpoint, where she showed his mask-exemption letter from his physician. TSA officer Steven Pointer and supervisor Ramona Baker reluctantly allowed Faris into the screening area without a face covering.

TSA then put him through a lengthy process known as “Secondary Security Screening Selectee,” noted on his boarding pass by the code “SSSS.” During the extended search, he was patted down for more than five minutes and every item was removed from his carry-on bag. TSA officers even swabbed inside his wallet.



Faris' boarding pass marked "SSSS"

Three TSA officers walked Faris to the gate, where United was holding the airplane bound for Denver for him. A United agent told him he had to put on a mask before stepping into

the jetway, ignoring his [medical exemption](#). While walking down the jetbridge, Faris, who suffers from Generalized Anxiety Disorder, had a panic attack and fainted, collapsing to the floor. His elbow and knee were bruised.

The TSA officers responded and called 911, after which four airport police officers and four paramedics arrived. Meanwhile United closed the boarding door said Faris could not fly today because of his fainting episode. He had to rebook with another airline and is currently enduring a five-hour delay.

“It seems awfully suspicious that just two days ago I filed suit in the 6th Circuit against TSA, then all the sudden I was put on a terrorist watchlist,” Faris said while waiting for his new flight home to Louisville on via Dallas. “I’m in a little bit of pain from the fall, I’m mentally exhausted, and I feel betrayed and belittled – completely disrespected in the sense that TSA and the airlines are making me feel like I should not be a member of society because I suffer from a medical condition that precludes me from safely wearing a mask.”

When passing through TSA’s checkpoint today, one female officer belittled Faris by telling a colleague that he’s “a piece of work,” “give me a break,” and “not cool.” These remarks were captured on Faris’ phone at [Minute 36 of an audio recording of today’s incidents](#). Faris immediately filed a [complaint with the Department of Homeland Security](#), TSA’s parent agency.

Faris is part of a group of 12 disabled flyers and a former flight attendant from nine states and the District of Columbia who [filed six lawsuits Tuesday around the country](#) charging TSA with exceeding its legal authority by continuing to extend a requirement that all public-transportation passengers don face masks. Faris is the lead petitioner in the [6th Circuit case](#), which includes three others.

“TSA’s function is limited by law to address security threats. Congress has never given the agency power to regulate the public health and welfare,” the petitioners argue. “Wearing face masks has nothing whatsoever to do with transportation security.”

Faris has to fly every 12 days for work. He is medically exempt by a neurologist from wearing a mask, but airlines have consistently refused to grant him an exception because of the FTMM. Faris was injured on a United Airlines plane earlier this year when blocking his breathing caused him to faint during a flight. He smashed his face on a galley cart.

“As a person who has endured physical injury by the airlines due to these unconstitutional mandates, I am standing up for people like me,” Faris said. “We cannot allow TSA to continue down the path of discriminating against Americans with medical conditions who cannot wear a face covering.”

Fellow litigants denounced TSA’s actions blacklisting Faris for asserting his legal rights in

court and fear they also have been deemed potential terrorists.

“Our own government is being weaponized against us now simply for exercising our rights of redress, a fundamental constitutional protection,” said Kleanthis Andreadakis of Henrico County, Virginia, lead petitioner in the [4th Circuit case against TSA's mask mandate](#). “This is yet another example of how incompetent the Biden Administration is. It cannot control how any of its organizations behave. Let this be a warning to all Americans: This can happen to anyone. Stop being silent and stand up against this nonsense.”

Petitions for review of TSA's mask mandate were filed Tuesday: [Abadi v. Transportation Security Administration](#), case number pending (2nd Circuit); [Andreadakis v. Transportation Security Administration](#), No. 21-2173 (4th Circuit); [Marcus v. Transportation Security Administration](#), No. 21-60808 (5th Circuit); [Faris v. Transportation Security Administration](#), No. 21-3951 (6th Circuit); [Eades v. Transportation Security Administration](#), No. 21-3362 (8th Circuit); and [Wall v. Transportation Security Administration](#), No. 21-13619 (11th Circuit).

Lucas Wall, lead petitioner in the [11th Circuit case](#), said all 13 litigants plan to file emergency motions in the next week to get Faris removed from TSA's terrorist list and to make the agency disclose to the courts whether any others suing it have been blacklisted.

“TSA equating law-abiding Americans exercising their right to challenge an illegal and unconstitutional agency mandate in court to terrorists is deeply disturbing and represents unlawful retaliation,” Wall said. “TSA must immediately remove Michael and any other petitioner from its watchlist or we will seek court orders to stop this insanity.”

Michael Seklecki of Sanford, Florida, has a 4-year-old autistic son who needs to fly often to Massachusetts for specialized medical care. Seklecki can't wear a mask because of his anxiety disorder. Covering his face makes it very uncomfortable for him to breathe. His son, identified in court papers by his initials M.S., also can't tolerate having his breathing blocked.

“Because of the FTMM, airlines have given Mr. Seklecki and his son a hard time about getting mask exemptions, almost making them miss flights that would cause harm to M.S.'s medical care,” according to the [11th Circuit petition](#). “This is despite M.S.'s mask-exemption form signed by a licensed pediatrician.”

Seklecki called it appalling TSA is not only denying Americans with disabilities accommodations but is now vindictively going after anyone who sues it.

“This behavior by the government is totally despicable,” he said.

The FTMM represents the greatest systemic discrimination against the disabled since the Americans with Disabilities Act was passed in 1990. Petitioners argue TSA's mandate

violates not only the ADA but also the Air Carrier Access Act; Rehabilitation Act; Food, Drug, & Cosmetic Act; their constitutional right to travel; and other federal laws and international treaties. By regulating intrastate transportation and commandeering state employees to enforce the mask mandate, TSA's orders also violate the 10th Amendment to the Constitution, according to the petitions.

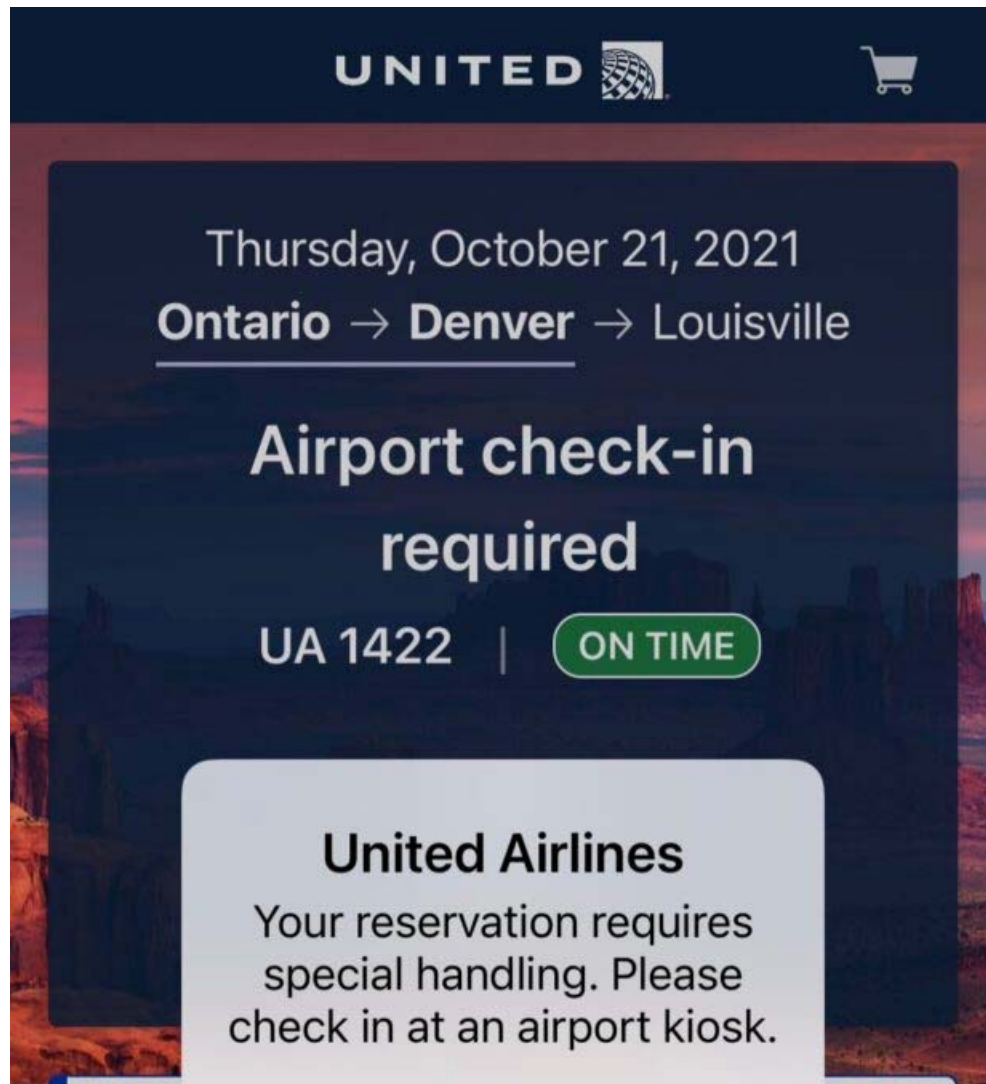
Donate to our legal fund on GoFundMe: [Help End Federal Transportation Mask Mandate](#)

Join our Facebook group: [Americans Against Mask Mandates](#)

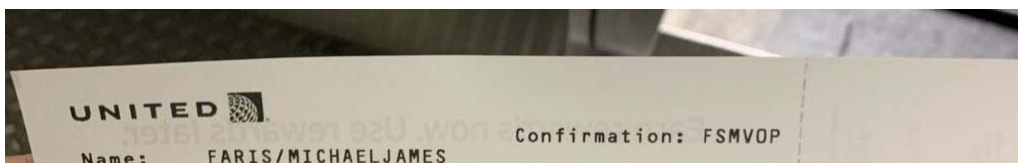
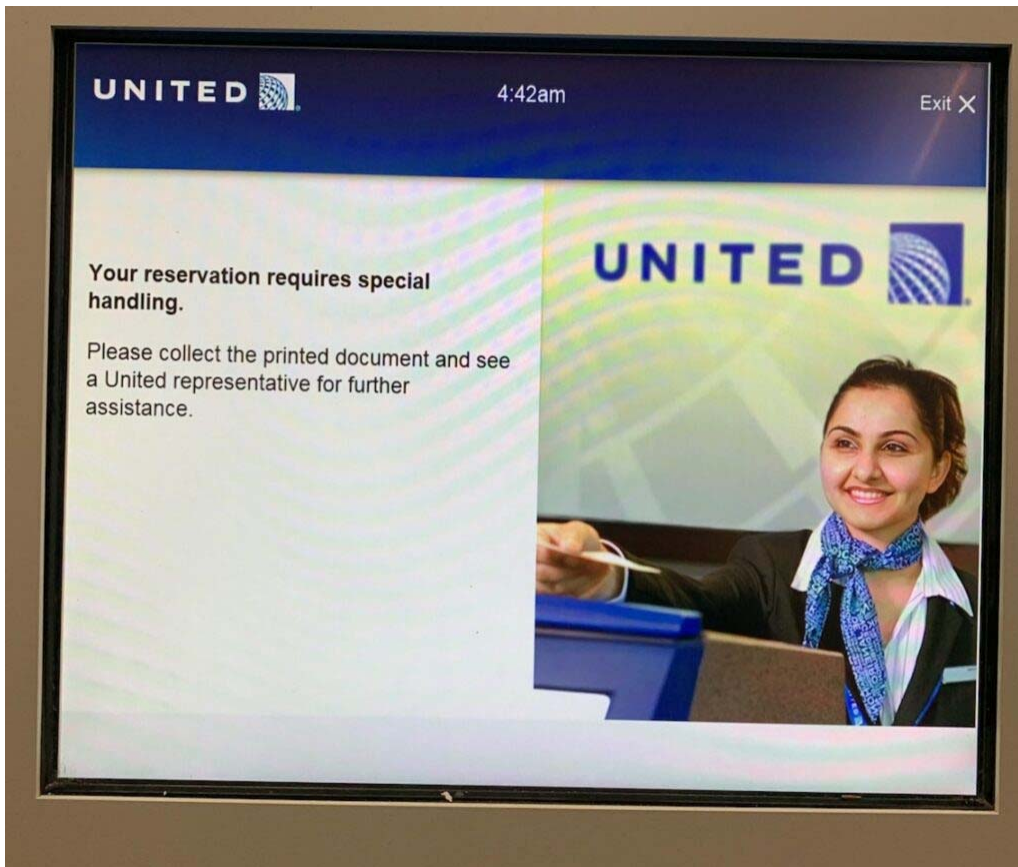
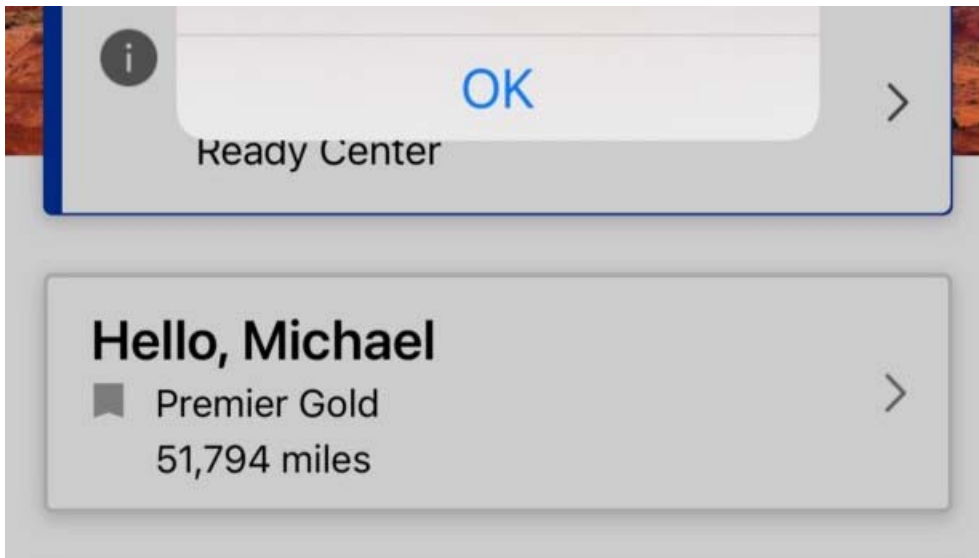
View: [223 Studies, Articles, & Videos Describe How Masks Don't Reduce COVID-19 Spread But Harm Human Health](#)

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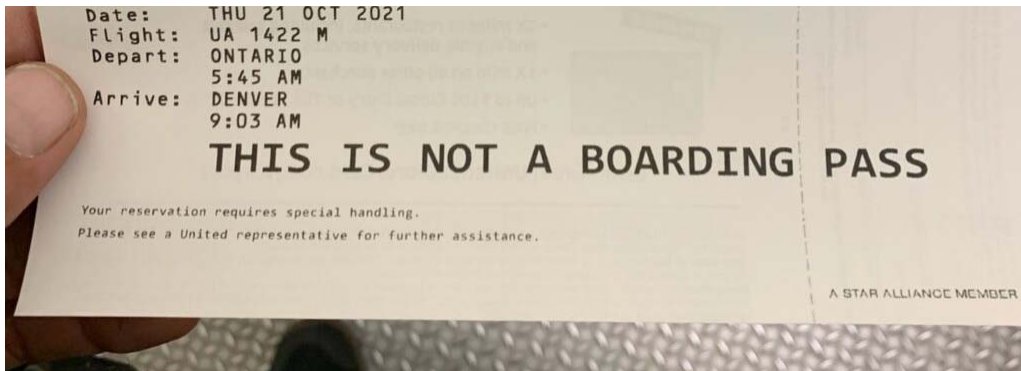
### Photo Gallery












**New York  
Neurology & Pain  
MEDICINE**  
**New York Neurology and Medical Services, P.C.**  
Dr. Russell Surasky FAAN, ABPM, Board Certified Neurologist  
15 Barstow Road ♦ Great Neck, N.Y. 11021 ♦ 516.487.9414 ♦ telefax: 516.487.2302

Date: 05/13/2021

Re: Michael Faris [REDACTED]

Michael Faris has been under my medical care since April 24, 2021. The patient has a medically diagnosed mental disability that qualifies as such under the American Disabilities Act and because of the disability, he can not safely wear a mask for the duration of travel. He is diagnosed with Generalized anxiety disorder. The patient is currently being treated for this disability. Wearing a mask has led to severe panic attacks and near syncope. It is my recommendation that he not be mandated to wear a mask as it has proven to be detrimental to his health.

If you require any further information or documentation please do not hesitate to contact my office.

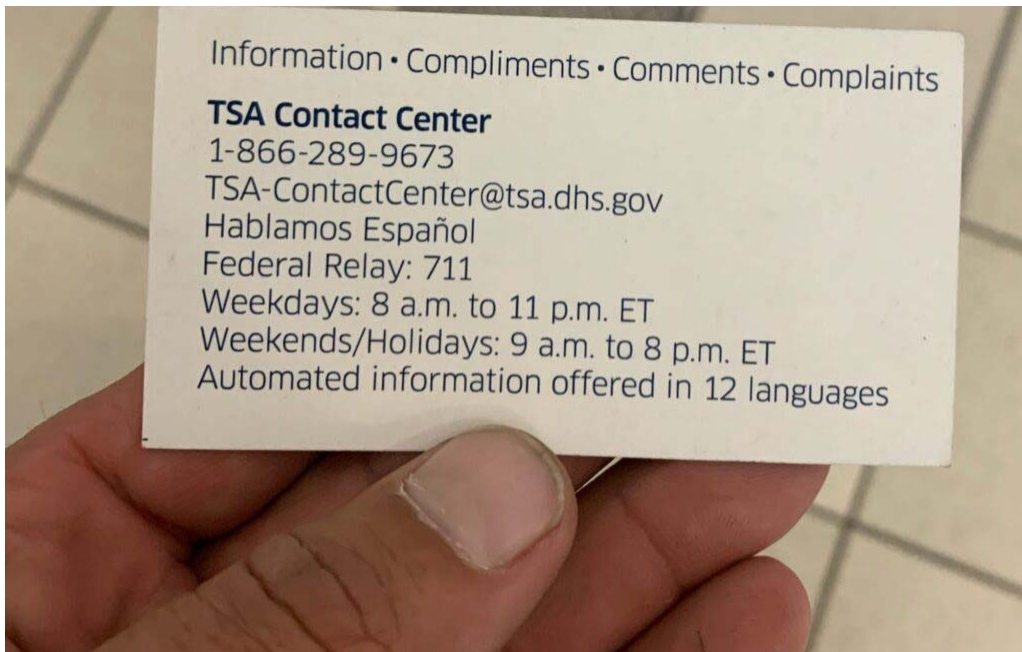
Sincerely,

Dr. Russell Surasky, ABPM, ABAM  
Board Certified Neurologist

Dr. Russell Surasky FAAN, ABAM  
Board Certified : Neurologist  
Board Certified: Addiction Medicine  
LIC # [REDACTED]  
DEA # [REDACTED]

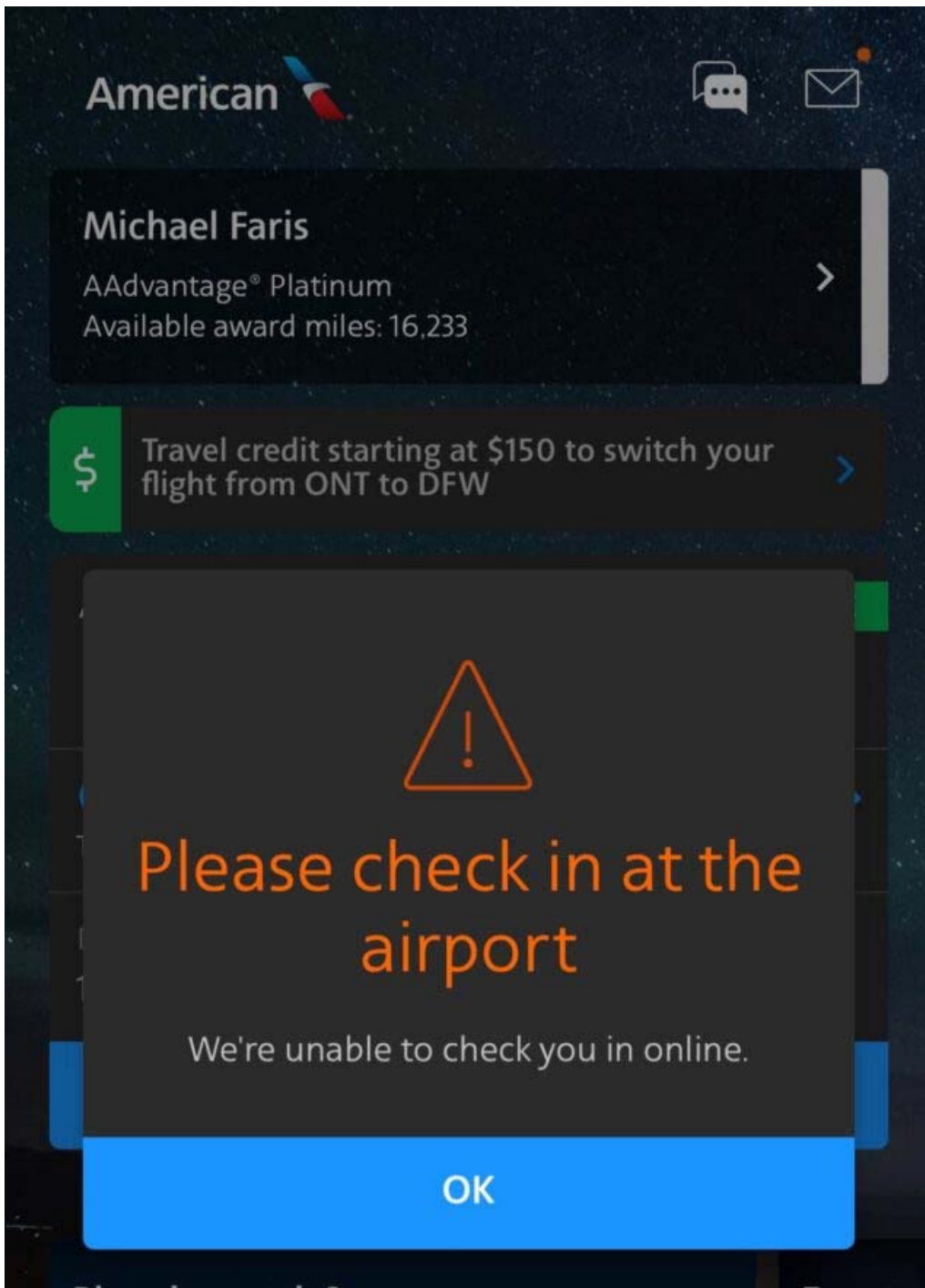
- Michael Faris Mask Medical Exemption











## American Calls Police, Bans Disabled Man for Asking for Mask Exemption after Fainting – Quest for 243

8-10 minutes

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***Kentucky Frequent Flyer Blacklisted for***

***Suing TSA Tuesday over Mask Mandate***

Oct. 22, 2021

By LUCAS WALL

ONTARIO, California – American Airlines appears to have banned a Kentucky frequent traveler who attempted to check in Thursday for a flight from Ontario to Louisville via Dallas after he asked for a mask exemption and noted he had fainted earlier that morning in the airport when forced to muzzle himself.

“I warned you that putting this mask on could possibly make me faint and you’re okay with that?” Michael Faris of Elizabethtown, Kentucky, asked the American check-in agent, who refused to disclose her name. Faris [captured the incident on video](#).

“I’m calling the police,” the American agent said in response to Faris’ mask-exemption request. “They’re going to come talk to you cause I’m done talking to you.”





American Agent calls the police on Michael Faris at ONT

Faris then said on the video: “This lady has basically said even after I told her that making me wear a mask makes me faint – I’ve already done it twice on these airlines – that she is okay and will not [check me in] until I put a mask on. But she’s okay with me being injured if that’s what it takes to [check me in]. It’s wrong.”

Earlier Thursday morning, Faris – who [sued the Transportation Security Administration](#) on Tuesday challenging the [Federal Transportation Mask Mandate](#) in the U.S. Court of Appeals for the 6th Circuit in Cincinnati, learned he [had been placed on TSA’s terrorist watch list](#) for filing the lawsuit. After enduring a lengthy special security screening, United Airlines made Faris put on a mask to board his flight to Louisville via Denver. He fainted in the jetway during a panic attack, scraping his elbow and knee. United refused to allow him on the flight because of his medical condition.

Faris booked a new flight for five hours later on American to fly home from his work assignment in California. When he tried to check in, he asked for a mask exemption. American’s agent told him no and ordered him to put a mask on even though American has no jurisdiction over airport property. Faris said he would put on a mask only when stepping into American’s airplane. The agent responded by calling American’s corporate security office.

“After finishing the conversation with the security department, she informed me that if I did not put the mask on immediately that she would not give me my boarding pass,” Faris said. “That’s when the agent said she didn’t have a problem with the possibility that I could be injured. I must wear the mask or I would not get my ticket.”

The customer-service agent became combative and called the police in the [incident recorded by Faris](#). He is [medically exempt by a neurologist from wearing a mask](#), but airlines have consistently refused to grant him an exception because of the FTMM.

As Ontario cops responded, Faris spoke with American supervisor Edward Norman III. Police stood by observing the conversation but told Faris he wasn’t doing anything wrong and American had no cause to summon them.

Norman informed Faris that his booking had been cancelled by American security with a note “do not rebook.” Norman then said because he knew that wearing a mask could cause Faris cause to faint again, he was not comfortable allowing him to rebook and

board another flight. Norman, American's legally designated Complaint Resolution Officer at ONT, said he was not willing to help Faris obtain a mask exemption, in what Faris asserts is a violation of the [Air Carrier Access Act](#), a federal law prohibiting airlines from discriminating against passengers with disabilities.

Faris was forced to go to LAX airport to take another airline home to Kentucky. During the COVID-19 pandemic, he has filed seven complaints against American's mask policies with the U.S. Department of Transportation. None have been resolved.

ONT airport is a public facility owned by the Ontario International Airport Authority, formed by the city of Ontario and San Bernardino County.

"The airlines do not own property at the airport. The lobby areas, jetbridges, and lounges are all leased from the airport owner," Faris said. "Airport facilities are taxpayer funded, meaning we have certain rights protected under the Americans with Disabilities Act. It's absurd that a private business like American Airlines thinks it has authority to control what a person with an anxiety disorder – or any other passenger – has to wear on his face in the common areas of an airport."

Faris described his experiences getting blacklisted by TSA, United, and American as mentally exhausting.

"There is no compassion, decency, or understanding from these agents," said Faris, who typically flies at least twice a month for his job as a helicopter maintenance supervisor. "I have a platinum frequent-flyer status with American Airlines. You would think that amount of loyalty would count for something. After today's events, it is clear that their customers mean nothing more to them than another couple dollars."

Faris is part of a group of 12 disabled flyers and a former flight attendant from nine states and the District of Columbia who [filed six lawsuits Tuesday around the country](#) charging TSA with exceeding its legal authority by continuing to extend a requirement that all public-transportation passengers don face masks. Faris is the lead petitioner in the 6th Circuit case, which also includes three Ohio residents.

"TSA's function is limited by law to address security threats. Congress has never given the agency power to regulate the public health and welfare," the petitioners argue. "Wearing face masks has nothing whatsoever to do with transportation security."

Faris has to fly every 12 days for work. He was injured on a United Airlines plane earlier this year when blocking his breathing caused him to faint during a flight. He smashed his face on a galley cart.

"As a person who has endured physical injury by the airlines due to these unconstitutional mandates, I am standing up for people like me," Faris said. "We cannot allow TSA to

continue down the path of discriminating against Americans with medical conditions who cannot wear a face covering.”

Fellow litigants denounced American’s action blacklisting Faris for doing nothing more than asking for a medical exemption from its mask mandate.

Charity of Anderson of Toledo, Ohio, who is part of Faris’ case before the 6th Circuit, described his experiences at ONT on Thursday as horrific.

“Is this where we are now in America?” she asked. “Open retaliation by the government and American Airlines against disabled people who sue for their rights to travel? Being labeled a threat for addressing grievances through legal channels?”

Tony Eades of Warsaw, Missouri, is involved in a [class-action lawsuit against seven airlines](#) regarding their illegal mask policies after he was thrown off a Southwest Airlines flight earlier this year for removing his mask so he could breathe. He suffers from asthma and Post-Traumatic Stress Disorder after being shot while serving in the military in Iraq. Eades is also the petitioner in the lawsuit filed Tuesday against TSA’s mask mandate with the [U.S. Court of Appeals for the 8th Circuit](#) in St. Louis.

“My experience wasn’t as bad as what Michael endured yesterday, but I do know how degrading it feels to be blocked from flying because of not medically being able to tolerate blocking my breathing,” Eades said. “It’s horrible to have the airlines make a scene over a disabled person who can’t muzzle.”

Donate to our legal fund on GoFundMe: [Help End Federal Transportation Mask Mandate](#)

Join our Facebook group: [Americans Against Mask Mandates](#)

View: [223 Studies, Articles, & Videos Describe How Masks Don’t Reduce COVID-19 Spread But Harm Human Health](#)



# Schedule: Michael Faris



| OCTOBER |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |  |
|---------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--|
| FRI     | SAT | SUN | MON | TUE | WED | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI | SAT | SUN |  |
| 1       | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31  |  |
|         |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |  |
|         |     |     |     |     | T   | H   | H   | H   | H   | H   | H   | H   | H   | H   | H   | H   | H   | H   | T   |     |     |     |     |     |     |     |     |     | T   | H   |  |
|         |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |  |

| NOVEMBER |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |  |
|----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--|
| MON      | TUE | WED | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI | SAT | SUN | MON | TUE |  |
| 1        | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  |  |
|          |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |  |
| H        | H   | H   | H   | H   | H   | H   | H   | H   | H   | H   | T   |     |     |     |     |     |     |     |     |     |     |     |     |     |     | T   | H   | H   | H   |  |
|          |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |  |

| DECEMBER |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
|----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| WED      | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI |
| 1        | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31  |
|          |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| H        | H   | H   | H   | H   | T   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
|          |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |

H = Days at the hangar  
 L = Assigned to N51BH (Lucy)  
 P = Assigned to N82BH (Pepper)  
 C = Assigned to N83BH (Charlie)  
 N = Assigned to N60G  
 T = Travel Days  
 V = Requested vacation days  
 DO = Days off in place  
 Blank= Days off

## Petitioners' Exhibit 2

### Michael Faris Request to be Removed from "SSSS"

---

From: Michael Faris (michaelfaris@me.com)

To: trip@tsa.dhs.gov

Date: Thursday, October 21, 2021, 02:21 PM EDT

---

Dear DHS,

Please see the attached as requested.

*Michael Faris  
H-60 MX Supervisor  
Bluesky Helicopters  
2015 McKinley Ave Ste.F4  
Laverne, CA 91750  
270-723-4944*



DHS.pdf  
1.6MB



# Homeland Security

## DHS Traveler Redress Inquiry Program (DHS TRIP)

 **Menu**

### Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP)

TO COMPLETE THE PROCESS, PRINT AND SIGN THIS PAGE TO E-MAIL TO DHS TRIP. You should also retain a copy for your records

If DHS does not receive the documents within 30 days, including a signed copy of this page, your request for redress will not be processed.

---

## DHS TRAVELER REDRESS INQUIRY PROGRAM (TRIP)

### Traveler Inquiry Form

---

Thank You: Michael Faris Your Redress Control Number is: **2360066**

To complete the process, please submit COPIES of the following documents to DHS TRIP at [TRIP@tsa.dhs.gov](mailto:TRIP@tsa.dhs.gov):

1. Driver's License

Dear DHS Traveler Redress Inquiry Program,

The comment section of the webpage kept flagging the information I tried to submit. I rechecked all of the characters in the box multiple times, and there was nothing in there that the page shouldn't have accepted. Only periods (.) and commas (,) were used. With that being said, please see complaint below.

On October 21, 2021, I booked a ticket with United Airlines, flight number UA1422. When I went to check in from the app, it was flagged with "your reservation requires special handling". Much to my surprise my reservation was marked "ssss". The United ticket agent was not helpful, but when the TSA arrived, they had informed me that I'd been selected for special screening. I went through the process without issue. They ran through all of my belongings and patted me down for roughly five minutes.

Once done with TSA, three officers and the TSA manager escorted me to my gate. When I got to the gate, I was asked to wear a mask. I put the mask on, walked about halfway down the jet bridge and suddenly fainted. This is nothing new and is the second time that I have been injured and fainted on United Airlines watch. I have filed for medical exemption to wearing a mask with United and American. None of them will approve them as they say that I do not qualify based on the letter from my physician. I cannot not wear a mask well. I have generalized anxiety and wearing a mask, coupled with the confrontation from all of the officers and airlines staff, makes it much worse and easier for me to breach syncope.

I have done nothing wrong. I fly every 12 days commercially. I have never in my life been put on this list. Why now? Is it because I've asked to be exempt from this mask requirement? Is it because I've filed a lawsuit against the TSA in the 6<sup>th</sup> Circuit Court of Appeals? I don't understand. I have never caused anyone any harm traveling on commercial airlines. I have given them physicians letters, submitted negative covid test, the whole process. What is going on? I formally request to be removed from this list immediately.

Michael Faris

270-723-4944

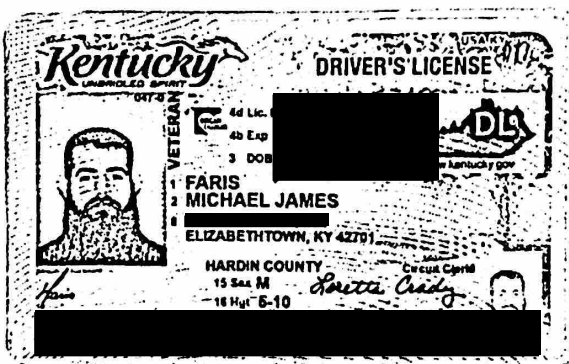
I understand the above information and am voluntarily submitting this information to the Department of Homeland Security.


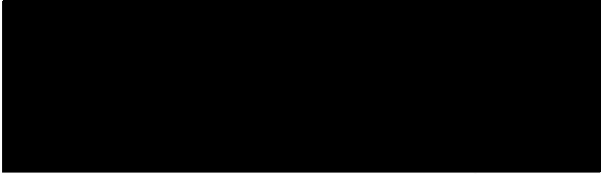
## Paperwork Reduction Act Statement:

Through this information collection, DHS is gathering information about you to conduct redress procedures, as an individual who believes he or she has been (1) denied or delayed boarding, (2) denied or delayed entry into or departure from the United States as a port of entry, or (3) identifies for additional screening at our Nation's transportation hubs, including airports, seaports, train stations and land borders. The public burden for this collection of information is estimated to be one hour. This voluntary collection of information. If you have any comments on this form, you may contact the Transportation Security Administration, Office of Transportation Security Redress, 6595 Springfield Center Drive, Springfield, VA 22150. An agency may not conduct or sponsor, and persons are not required to respond to, a collection of information unless it displays a currently OMB control number. The OMB control number assigned to this collection is 1652-0044 which expires on 05/31/2022

*M. Faris* 10-21-2021  
Signature / Date  
FORM APPROVED OMB NO. 1652-0044. EXPIRES 05/31/2022

[Click here to return to the DHS TRIP website.](#)



|   |                             |
|---|-----------------------------|
|                |                             |
|                 |                             |
| Class: D-OPERATOR<br>DL Restrictions: NONE<br>CDL Restrictions: NONE                                |                             |
| Endorsements: NONE<br>A driver MUST get duplicate license within 10 days of address or name change. |                             |
| Organ Donor   | Yes _____ Donor's Sig _____ |
| Witness   | _____ Witness _____         |

Michael Faris Redress#: 2360066

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From: Michael Faris (michaelfaris@me.com)

To: trip@dhs.gov

Date: Thursday, October 21, 2021, 03:15 PM EDT

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Please see attached as requested.

*Michael Faris  
H-60 MX Supervisor  
Bluesky Helicopters  
2015 McKinley Ave Ste.F4  
Laverne, CA 91750  
270-723-4944*



attachment 1.pdf  
4.3MB



# Traveler Inquiry Form



# Homeland Security

Redress #: 2360066

## VII. Acknowledgement (Required)

The information I have provided on this application is true, complete and correct to the best of my knowledge and is provided in good faith. I understand that knowingly and willfully making any materially false statement, or omission of a material fact, on this application can be punished by fine or imprisonment or both (see section 1001 of Title 18 United States Code).

I understand the above information and am voluntarily submitting this information to the Department of Homeland Security

Date:

Full Name:

Signature:

10-21-2021

MICHAEL JAMES FARIS

*M. Faris*

**PAPERWORK REDUCTION ACT STATEMENT:** Through this information collection, DHS is gathering information about you to conduct redress procedures, as an individual who believes he or she has been (1) denied or delayed boarding, (2) denied or delayed entry into or departure from the United States as a port of entry, or (3) identifies for additional screening at our Nation's transportation hubs, including airports, seaports, train stations and land borders. The public burden for this collection of information is estimated to be one hour. This is voluntary collection of information. If you have any comments on this form, you may contact the Transportation Security Administration, Office of Transportation Security Redress, TSA-901, 601 South 12<sup>th</sup> Street, Arlington, VA 20598-6901. An agency may not conduct or sponsor, and persons are not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number assigned to this collection is 1652-0044 which expires on 03/31/2019.

**PRIVACY ACT NOTICE AUTHORITY:** Title IV of the Intelligence Reform and Terrorism Prevention Act of 2004 authorizes DHS to take security measures to protect travel, and under Subtitle B, Section 4012(I) (G), the Act directs DHS to provide appeal and correction opportunities for travelers whose information may be incorrect. Principal Purposes: DHS will use this information in order to assist you with seeking redress in connection with travel. Routine Uses: DHS will use and disclose this information to appropriate governmental agencies to verify your identity, distinguish your identity from that of another individual, such as someone included on a watch list, and/or address your redress request, or for routine uses identified in DHS/ALL-005 Redress and Response Records System. Additionally, limited information may be shared with non-governmental entities, such as air carriers, where necessary for the sole purpose of carrying out your redress request. Disclosure: Furnishing this information is voluntary; however, the Department of Homeland Security may not be able to process your redress inquiry without the information requested.





## DHS Traveler Redress Inquiry Program

The DHS Traveler Redress Inquiry Program can provide resolution to travelers with difficulties getting through security and inspection at airport checkpoints, train stations and when crossing U.S. borders.

[Learn more and apply for DHS TRIP](#) to resolve travel-related issues if:

- You are unable to print a boarding pass.
- You are denied or delayed boarding a plane.
- You are denied or delayed entry into and exit from the U.S. at a port of entry or border checkpoint.
- You are continuously referred for additional screening at the airport.

### No Fly List

The No Fly List is a small subset of the U.S. government Terrorist Screening Database (also known as the terrorist watchlist) that contains the identity information of known or suspected terrorists. This database is maintained by the FBI's Terrorist Screening Center. For more information about the Terrorist Screening Database, visit the [Terrorist Screening Center](#).

TSA is among the U.S. government agencies that screen individuals using information from the Terrorist Screening Database. TSA implements the No Fly List through its [Secure Flight](#) program. Individuals on the No Fly List are prevented from boarding an aircraft when flying within, to, from and over the United States.

[A - Z Index](#)

[Federal Relay](#)

[Civil Enforcement](#)

[FOIA](#)

[DHS](#)

[Industry](#)

[Metrics](#)

[Report Fraud, Waste & Abuse](#)

[No FEAR](#)

[Report Security Threat](#)





**MY TRIPS**

**BOOK A TRIP**

**FLIGHT STATUS**

**CHECK IN**

**CHECK IN**

**Check In**

**ADVISORY**

**We're sorry. We can't validate your ticket.**

Please contact your [local reservation office](#) for assistance.

**JUST A MOMENT...**

Finding your trip details

**SURF AT 10,000 FEET**

Stay connected with Delta. We have more Wi-Fi  
on more aircraft than any other airline.

**JUST A MOMENT...**

We're checking you in

**JUST A MOMENT...**

Retrieving your boarding documents.

We are completing your check-in

[tsa.gov](https://www.tsa.gov)

## Civil Rights | Transportation Security Administration

2 minutes

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TSA security screening policies, procedures and practices must comply with all applicable civil liberties and civil rights laws, regulations, executive orders and policies and must not discriminate against travelers on the basis of race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation and parental status.

### **The Disability and Multicultural Branches:**

- Promote respect for civil rights and civil liberties in policy and training creation and implementation;
- Educate TSA personnel at headquarters and in the field on TSA's civil rights and liberties responsibilities to the public;
- Collaborate with organizations and advocacy groups through TSA's Disability and Multicultural Coalition to identify promising practices for TSA's nondiscriminatory delivery of security, custody, and customer-service programs and activities; and
- Investigate and resolve civil rights and civil liberties complaints filed by the public alleging discrimination in TSA's security screening activities at federalized airports.

The Disability Branch addresses disability-based complaints under Section 504 of the Rehabilitation Act. [See the Disabilities and Medical Conditions page for more information.](#)

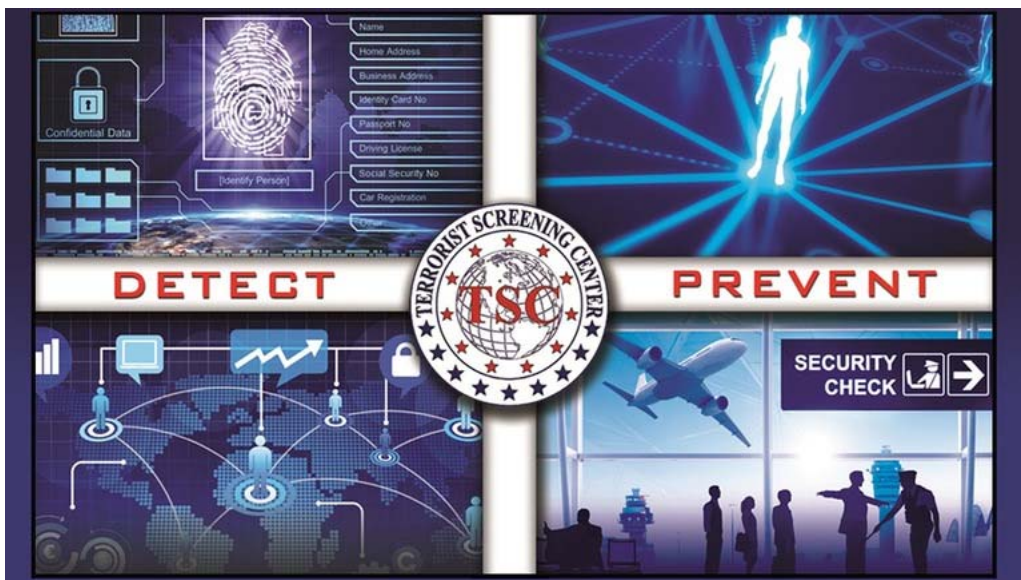
The Multicultural Branch addresses complaints alleging discrimination on the bases of race, color, national origin, sex/gender (including gender identity, sexual orientation and parental status), religion, and age. [See the Multicultural page for more information.](#)

[fbi.gov](https://www.fbi.gov)

## Terrorist Screening Center | Federal Bureau of Investigation

4-5 minutes

### Terrorist Screening Center



### About the Terrorist Screening Center

Following the terrorist attacks of September 11, 2001, the President and Congress mandated that federal executive departments and agencies share terrorism information with those in the counterterrorism community responsible for protecting the homeland. In 2003, the Terrorist Screening Center (TSC) was created to fulfill that mandate.

The Terrorist Screening Center, a multi-agency center administered by the FBI, is the U.S. Government's consolidated counterterrorism watchlisting component and is responsible for the management and operation of the Terrorist Screening Database, commonly known as "the watchlist."

The watchlist is a single database that contains sensitive national security and law enforcement information concerning the identities of those who are known or reasonably suspected of being involved in terrorist activities. The TSC uses the watchlist to support front-line screening agencies in positively identifying known or suspected terrorists who are attempting to obtain visas, enter the country, board an aircraft, or engage in other activities.

The TSC is a vital part of the U.S. Government's counterterrorism early warning and interdiction network.

You can learn more about the Terrorist Screening Center by reviewing answers to our [frequently asked questions](#).



Protecting Privacy and Safeguarding Civil Liberties

The TSC is dedicated to ensuring watchlisting and screening activities are conducted in a manner consistent with protecting privacy and civil liberties. Individuals are included in the watchlist when there is reasonable suspicion to believe that a person is a known or suspected terrorist. Individuals are not watchlisted based solely on race, ethnicity, national origin, religious affiliation, or any First Amendment-protected activities such as free speech, the exercise of religion, freedom of press, freedom of peaceful assembly, and petitioning the government for redress of grievances.

And the TSC regularly conducts comprehensive and case-specific quality assurance reviews of data in the Terrorist Screening Database to ensure the U.S. Government's substantive criteria for watchlisting is met and to ensure the records maintained in the watchlist are current, accurate, and thorough.

### The Terrorist Screening Center and Redress

The Department of Homeland Security's Traveler Redress Inquiry Program (DHS TRIP) provides the public with a single point of contact for individuals who have inquiries or seek resolution regarding difficulties they experience during travel screening at transportation hubs, such as being incorrectly delayed, denied boarding, identified for additional screening, or any other difficulties while traveling or seeking entry into the country. Since there are many reasons why a traveler may seek redress, DHS TRIP works with the TSC, as appropriate, when an inquiry appears to be related to the watchlist.

The TSC does not accept redress inquiries directly from the public. Instead, members of the public should contact the relevant screening agency with their questions or concerns about screening. The screening agency is in the best position to identify and resolve issues related to that agency's screening process. Information on how to contact screening agencies is listed below:

- For more information, or to file a redress request related to travel, please see the [DHS TRIP website](#).
- The State Department's [Bureau of Consular Affairs website](#) provides information on how to seek redress for the denial of a visa. Individuals who are overseas should contact the U.S. embassy or consular office abroad regarding visa issues.

Since the Terrorist Screening Database is derived from classified intelligence and/or sensitive law enforcement information, the Terrorist Screening Center cannot confirm or deny whether any individual may be included in the watchlist. Disclosure of such information would significantly impair the government's ability to investigate and mitigate terrorism, and expose sensitive national security information.