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DEPT. OF TRANSPORTATION

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Docket No. TSA-2002-11604 Security Programs for Aircraft 12,500 Pounds or more.

Dear Sir or Madam:

My grievance is with the new Transportation Security Administration, specifically 49CFR 1544.229 and 230 pertaining to Criminal History Records Checks (CHRCs) with a "Lookback" of 10 years for Flight Crewmembers of aircraft 12,500 lbs or more which disqualifies individuals from their careers even for convictions previously reported to the FAA, and after extensive rehabilitation being able to continue their Airline career under close monitoring.

The enforcement of such a law violates 4 basic Fundamental Rights guaranteed to every citizen by the U.S. Constitution.

- 1) The "Due Process" clause as stated in the 5th Amendment bars the Government from arbitrarily depriving anyone of life, liberty and property without due process of law.
- 2) Ex- Post Facto Laws are Prohibited by the U.S. Constitution as stated in ARTICLE 1 SECTION 9.
- 3) The 14th Amendment states, "All Laws MUST be enacted and enforced in a way that treats people equally." The new Maritime Security Act, before disqualifying an individual, allows for Due Process of Law and also places the "Burden of Proof" squarely on the shoulders of the Secretary to prove the individual a "Terrorism Security Risk to the United States." This type of "Double Standard" policy making obviously does not allow the equal treatment of individuals as guaranteed by the 14th Amendment. An even more outrageous example is the fact that even Jihad Johnny and Zacarias Moussaoui both have their day in court which satisfies their right to "Due Process", but people like myself who have never spent a night outside of the U.S.A. don't get their day in court?
- 4) ARTICLE IV states "All Laws in the U.S.- Federal, State, and Local- MUST be consistent with the Constitution. All Judges MUST hold the U.S. Constitution above ALL Laws.

For example: An individual is convicted of a DUI in 1996. The law at that time permits the individual to regain their driving privileges following successful completion of the requirements as stated by the governing agency. Five years go by and there is an unfortunate fatal accident caused by a Drunk Driver involving many innocent people. In an effort to keep Drunk Drivers off the road, a new law is enacted which mandates that any person convicted of a DUI must have their driving privileges REVOKED for life. Is it Constitutional, ethical or moral to REVOKE all individuals convicted of a DUI for the past 10 years even after continued successful sobriety and after following the proper steps needed to regain their driving privileges? No, of course not! What makes this situation any different? What Security breach would exist if an individual were at least allowed due process of law as guaranteed by the 5th Amendment? My request to you Sir is to enforce the fundamental rights guaranteed by the U.S. Constitution.

Sincerely,



Louis Secco

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