

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Jonathan Corbett,
Plaintiff

v.

Transportation Security Administration,
United States of America,
Alejandro Chamizo,
Broward County
Broward Sheriff's Office
Defendants

12-CV-20863(Lenard/O'Sullivan)

**PLAINTIFF'S DECLARATION IN
OPPOSITION TO
DEFENDANT CHAMIZO'S
MOTION TO DISMISS**

In support of the attached opposition to Defendant Chamizo's motion to dismiss, Plaintiff Jonathan Corbett declares to this Court the following:

1. My name is Jonathan Corbett, and I am the *pro se* plaintiff in this action.
2. I am 28 years old, male, a U.S. citizen, and a Florida resident.
3. I am the author of the First Amended Complaint.
4. To the best of my knowledge, all statements of fact contained in the First Amended Complaint are true and correct representations of the actual occurrences.
5. I have strong moral opposition to allowing my government to use a "nude body scanner" to generate an image of my nude body as a condition of commercial air travel.
6. I have strong moral opposition to allowing my government to touch my genitals as a condition of commercial air travel.
7. I am a frequent flyer who flies no less than 25 flights per year.
8. Approximately 9 out of 10 times I travel through TSA checkpoints at airports, I am able to access the secure area without being required to pass through a nude body

- scanner or have my genitals inspected as a result of carefully choosing airports, terminals, and screening lanes that are less likely to utilize those methods of screening.
9. However, occasionally, despite my efforts and due to random luck, I find myself directed to nude body scanners by TSA screeners¹.
 10. I found myself directed to a nude body scanner on August 27th, 2011 at FLL airport (the incident that gave rise to this suit), on November 2nd, 2011 at EWR airport, and on March 2nd, 2012 at RSW airport.
 11. On each of these three occasions, I informed the screener that I “opt[ed] out” of the scanners, which the TSA permits all travelers to do.
 12. On each of these three occasions, I was informed that I would be subject to a pat-down search in lieu of nude body scanner screening.
 13. On each of these three occasions, I informed the screener that I would consent to a pat-down so long as he would be touching neither my genitals nor buttocks.
 14. On each of these three occasions, a supervisor was summoned, I was denied access to the secure area of the airport (and escorted back to the public area), and I missed my flight.
 15. However, only on the occasion at FLL did I feel I was not “free to go.”
 16. Only on the occasion at FLL was I told that I was not “free to go.”
 17. Only on the occasion at FLL was I threatened with forcible search.

¹ In addition, I have twice voluntarily passed through TSA nude body scanners. Both times were successful efforts to prove that the nude body scanners are easily defeated by passing through the scanners with undetected objects while video recording. My work in this regard has not only gained international media attention, it has been presented to Congress on May 22nd, 2012. I feel that the sacrifice of my personal liberties that I made by traveling through the scanners for this purpose was justified by the resultant exposure of TSA failure.

18. Only on the occasion at FLL was I threatened with being taken to jail – a threat that was made solely for refusing to consent to allowing TSA screeners to touch my genitals.
19. Only on the occasion at FLL were my bags utterly torn apart and searched for 30 minutes (the entire encounters at EWR and RSW took mere minutes).
20. Only on the occasion at FLL did I ever see a screener read a book as part of the screening process.
21. Only on the occasion at FLL did I ever see a screener read through my credit cards.
22. Only on the occasion at FLL did the TSA, to the best of my knowledge, ever request that an arrest warrant check, or other database check, be conducted.
23. It was quite clear to me that the TSA screeners at FLL, including Mr. Chamizo, were well aware that they would not find weapons, explosives, or incendiaries in my belongings or on my person throughout the retaliatory portion of the search.
24. I make this observation based on the facts that: 1) my belongings had already been x-rayed and tested for explosive residue towards the beginning of the search, 2) my conversations with the screeners made clear that my actions were a protest² of their policies, and 3) the conversation and demeanor of the screeners so indicated³.

² My intent on the day of the incident, before being forced to choose a nude body scanner or genital pat-down by the TSA, was to fly, not to protest. I booked another flight to my destination later that day and successfully completed my travels.

³ Many TSA employees present, including and especially Mr. Chamizo, were visibly upset that a traveler had dared to say “no,” and some, specially Mr. Chamizo, spent significant time attempting to persuade me to forfeit my rights.

25. It was quite clear to me that the TSA screeners, including Mr. Chamizo, at a certain point continued their search only in hopes of finding some kind of contraband in order to “teach me a lesson” about disrespecting their authority⁴.

26. I make this observation based on the facts that: 1) the places they were looking (inside of the “fifth pocket” of jeans, for example), were obviously too small to hide any sort of weapon, explosive, or incendiaries, but would have been large enough to conceal small quantities of drugs, 2) searching through my credit cards seemed to have no purpose other than to try and find a stolen credit card, 3) whether or not I have a warrant out for my arrest is not something that is typically verified by TSA screeners, 4) the conversation and demeanor of the screeners conveyed a “we’ll get you!” vibe.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY

July 9th, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan Corbett', written over a horizontal line.

Jonathan Corbett

Plaintiff, *Pro Se*

2885 Sanford Ave. SW #16511

Grandville, MI 49418

E-mail: jcorbett@fourtentech.com

⁴ Any assertion of rights is considered by many TSA screeners to be disrespect of their authority, even though I attempted to assert my rights as calmly and respectfully as possible.