

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NICHOLAS GEORGE
202 Deaver Road
Wyncote, PA 19095

Plaintiff,

v.

WILLIAM REHIEL, Philadelphia Police Officer, in
his individual capacity;

EDWARD RICHARDS, JR., Philadelphia Police
Sergeant, in his individual capacity;

JOHN DOE 1, JOHN DOE 2, AND JANE DOE 3,

JOHN DOE 4 AND JOHN DOE 5, Philadelphia
Police Department Detectives, in their individual
capacities; and

UNITED STATES OF AMERICA,

Defendants.

No. 2:10-cv-00586-EL

JURY TRIAL DEMANDED

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1. Plaintiff Nicholas George, a 21-year-old student at Pomona College at the time of the events described in this Complaint, was detained, abusively interrogated, handcuffed, and jailed for several hours in a holding cell solely because he passed through an airport screening checkpoint with a set of Arabic-English flashcards and a book critical of American foreign policy.

2. Mr. George was attempting to travel from the Philadelphia International
airport to Philadelphia, Pennsylvania, on 10/10/1997. Mr. George was
at the airport at approximately 10:00 a.m. on 10/10/1997. Mr. George
was wearing a dark jacket, dark pants, and a dark hat. Mr. George
was carrying a briefcase and a suitcase. Mr. George was seen by
airport security personnel and was identified as a suspect in the
murder of Dr. King. Mr. George was arrested and taken to the
Philadelphia Police Department. Mr. George was held in custody
until 10:30 a.m. on 10/10/1997. Mr. George was then released
on bond. Mr. George was later identified as a suspect in the
murder of Dr. King.

traveled to several other countries, including Egypt, Sudan, Ethiopia, Malaysia, and Indonesia.

5. John Doe 1 and John Doe 2 were employees of the Transportation Security Administration working as screeners at a security checkpoint at the Philadelphia Airport at the time of the events giving rise to this action. Each was responsible for detaining Mr. George for 30 minutes at the screening area and, upon information and belief, they summoned the TSA Supervisor known here as Jane Doe 3, as well as the Philadelphia Police Department, for further interrogation, detention, and arrest of Mr. George. John Does 1 and 2 are sued here in their individual capacities.

6. Jane Doe 3 was an employee of the Transportation Security Agency at the time of the events giving rise to this action. Upon information and belief, Jane Doe 3 held a position that involved supervising airport screeners, including Defendants John Does 1 and 2. Jane Doe 3 interrogated Mr. George in a hostile and aggressive manner, continued his detention, and turned him over to Defendant Rehiel to be handcuffed, arrested, jailed, and further interrogated. Jane Doe 3 is sued in her individual capacity.

7. Defendant William Rehiel was an officer of the Philadelphia Police Department at the time of the events giving rise to this action. He handcuffed Mr. George in the airport terminal, jailed him in a cell in the airport police detachment, failed to remove his handcuffs upon jailing him, and left him in the cell for more than two hours. Defendant Rehiel was acting under color of state law during the events described in this Complaint. He is sued in his individual capacity.

8. Defendant Edward Richards, Jr. was a sergeant of the Philadelphia Police Department at the time of the events giving rise to this action. On information and belief,

Defendant Richards was the duty sergeant for at least part of the time during which Mr. George was incarcerated. Defendant Richards prolonged Mr. George's detention until John Does 4 and 5 arrived to interrogate him. Defendant Richards was acting under color of state law during the events described in this complaint. He is sued in his individual

Mr. George's personal effects that posed a safety risk or was otherwise prohibited in the "sterile" area of the airport and aboard an airplane. Indeed, Mr. George was not carrying any prohibited items or items that could pose a safety risk. Nor was Mr. George carrying anything suggestive of criminal or otherwise prohibited activity.

28. It soon became apparent to Mr. George that the two TSA officials were stalling. The TSA officials completed their search of Mr. George's carry-on items within ten minutes. One of the officials flipped through the pages of books that Mr. George had among his carry-on items. He swabbed Mr. George's cell phone for a second time and half-heartedly re-examined Mr. George's other carry-on items. The official also attempted to make small talk, asking Mr. George if he had seen the recent Philadelphia Phillies baseball game. After Mr. George responded in the affirmative and offered his opinion of the game, the TSA official admitted that he had not seen the game and did not generally watch the Phillies.

29. The other official stepped away and placed a phone call. He was speaking on the phone for some time. Mr. George could not hear the call but believed that he might have been speaking with a TSA supervisor. On information and belief, the TSA official was speaking on the phone with a TSA supervisor or other official about Mr. George's screening, including the English-Arabic flash cards.

time Mr. George was detained by the TSA officials. Mr. George was not free to leave and believed that he was not free to leave.

31. During this time, Mr. George became increasingly concerned that he would miss his flight. He asked the TSA officials how much longer he would have to wait and mentioned to the officials that his flight was leaving shortly.

32. The TSA officials did not explain to Mr. George why he could not proceed to the gate, nor did they explain to him the reason that he was being delayed and detained.

Detention and interrogation by TSA Supervisor

33. After 30 minutes, a TSA Supervisor arrived (Jane Doe 3). The Supervisor immediately began questioning Mr. George in a hostile and aggressive manner. Mr. George responded to all questions truthfully and to the best of his ability, in a polite and calm manner.

34. The TSA Supervisor's questioning proceeded, in part, as follows (as best recalled by Plaintiff):

How do you feel about 9/11?

described the book as “[a] conservative’s sober warning of the dangers of unilateralism and the temptations of empire.”

37. After noticing the book, the TSA Supervisor continued her hostile and aggressive questioning as follows:

You obviously read. You know who did 9/11?

38. Mr. George, surprised by the question, did not immediately answer. The TSA Supervisor repeated the question:

You know who did 9/11?

Osama bin Laden.

Do you know what language he spoke?

Arabic.

39. At this point the TSA Supervisor held up Mr. George’s flashcards and stated:

Do you see why these cards are suspicious?

40. Mr. George was surprised and intimidated by these questions. Mr. George told the TSA Supervisor that he was carrying the flashcards because he was studying Arabic in college. Nevertheless, the TSA Supervisor’s interrogation lasted approximately 15 minutes.

41. Mr. George was detained by the three TSA officials—John Does 1 and 2 and Jane Doe 3—during this interrogation. He was not free to leave and believed that he was not free to leave. He reasonably believed that he was obligated to answer the TSA Supervisor’s questions. The three TSA officials maintained custody of his property

throughout the interrogation. None of the TSA officials, including the TSA supervisor, ever suggested that Mr. George could leave the screening area if he wished.

Handcuffing by Philadelphia Police Officer Rehiel

42. The TSA Supervisor (Jane Doe 3) was in mid-sentence when a police officer arrived. On information and belief, this was Defendant Rehiel, an officer of the Philadelphia Police Department.

43. The first and only thing that the officer said was: "Place your hands behind your back." Mr. George complied and the officer handcuffed Mr. George.

44. Mr. George was shocked by the arrival of the police officer and by the fact that he had been handcuffed.

45. The officer took hold of Mr. George's arms and led him, handcuffed and in plain view of other passengers, through the terminal and down a set of stairs to the airport police station.

46. While he was being led away, Mr. George asked, "Can you tell me what is going on?" The officer replied, "We are taking you for extra screening." No further explanation was given. Mr. George was not informed of the reasons why he had been detained, handcuffed, and arrested, or why "extra screening" was necessary.

47. During this time Mr. George remained shocked and bewildered as to what was transpiring. Mr. George had never been arrested before. He did not know why he was being arrested, where he was being taken, how long he would be detained, how he might have avoided being detained, arrested, and handcuffed, or whether he had any right to make a phone call or to speak with an attorney.

48. At no time did the officer inform Mr. George of any rights he retained, including the right to speak with an attorney, the right to remain silent, or the right to leave the airport rather than get on the flight. Neither did the officer inform Mr. George on what grounds he was being detained or arrested, how long he would be detained, or how he might have avoided being detained, arrested, and handcuffed.

49. Mr. George was handcuffed and arrested by Officer Rehiel at approximately 2:20 in the afternoon.

Incarceration for several hours

50. Defendant Rehiel led Mr. George to a jail cell in the airport police station. The officer walked into the cell with Mr. George.

51. The officer asked Mr. George whether he had “ever been arrested before.” Mr. George replied, “No. Am I being arrested now?” The officer responded, “No. You are just being detained.”

52. The officer then exited the cell and locked the door behind him. He did not remove Mr. George’s handcuffs. No one ever provided Mr. George with any reason or explanation for why he was put into and kept in handcuffs.

53. Mr. George remained handcuffed in the cell for approximately two hours. He was able to determine the passage of time by looking at a clock visible through a window in the door of his cell.

54. The cell contained a tile bench and had several windows, including the one in the door of the cell. Mr. George was able to move around the cell. He could observe what was occurring in the police station by looking out the door’s window.

55. Mr. George observed the activities in the police station while he was detained in the cell. He saw that his carry-on items, including the bag containing his speakers, his wallet, and his flashcards had been brought to the station. These items had been placed on a table.

56. At no point from the moment he was handcuffed until his release from the police station did anybody tell Mr. George that he had the right to make a phone call or to contact an attorney.

57. Mr. George observed several police officers, including Defendants Rehiel
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61. Defendant Richards escorted Mr. George to the restroom, which was located approximately four feet from the cell. The restroom's door was kept open while Mr. George used the restroom. Mr. George was then escorted back into to the cell by Defendant Richards, who exited the cell and locked it, leaving Mr. George alone once again. Mr. George was not put back into handcuffs.

62. Before Defendant Richards left, Mr. George asked why he was being held. Defendant Richards responded: "I don't know. What did you do?" Mr. George responded: "I don't know. Learn Arabic?"

Interrogation

63. Some time after Mr. George was returned to his cell without handcuffs, two detectives—John Does 4 and 5—arrived at the police station wearing plainclothes. Upon information and belief, John Does 4 and 5 were both employees of the Philadelphia Police Department, one of whom was affiliated with the Philadelphia Police Department's Homeland Security Unit and the other with the FBI's Joint Terrorism Task Force. Mr. George observed that the Philadelphia police officers appeared to treat the detectives with deference and respect. It appeared that the police officers had been expecting and waiting for the detectives to arrive. During Mr. George's incarceration, the Philadelphia police officers had called various federal and state agencies including the JTTF and the PPD-HS in order to arrange for Mr. George to be interrogated while in custody.

64. John Does 4 and 5 searched Mr. George's carry-on items, including opening Mr. George's stereo speakers to inspect their insides.

65. Mr. George was subsequently escorted out of his cell by John Does 4 and 5 and led to a room inside the police station containing a large table and several chairs. Mr. George was seated near one end of the table. One detective was seated at the head of the table next to Mr. George and the other was directly across from Mr. George.

66. The detectives never informed Mr. George of any rights that he retained. They did not inform Mr. George that he had the right to contact an attorney or that he had the right not to answer questions or to remain silent. Mr. George was detained during this interrogation, he was not free to leave, and the property that had been seized from him was at this time still in the possession of John Does 4 and 5, and Philadelphia police defendants. Mr. George reasonably believed that he was obligated to answer all of the

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81. The detention, arrest, unnecessary and extended restraint, incarceration, and interrogation of the Plaintiff by the Defendants, as described in paragraphs 1-80, constituted an unreasonable search and seizure in violation of clearly established rights under the Fourth and Fourteenth Amendments to the United States Constitution.

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82. The detention, arrest, unnecessary and extended restraint, and incarceration of the Plaintiff by Defendants Rehiel and Richards, as described in paragraphs 1-

clearly established rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

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84. Plaintiff's detention and arrest without probable cause or any other lawful grounds, as described in paragraphs 1-80, constitute the tort of false arrest under the laws of the Commonwealth of Pennsylvania.

85. Under the Federal Tort Claims Act, Defendant United States of America is liable for these actions.

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86. Plaintiff's detention and imprisonment without probable cause or any other lawful grounds, as described in paragraphs 1-80, constitute the tort of false imprisonment under the laws of the Commonwealth of Pennsylvania.

87. Under the Federal Tort Claims Act, Defendant United States of America is liable for these actions.

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88. The handcuffing, post-arrest pat-down and other unauthorized contacts with Plaintiff's person, as well as the imminent apprehension of such unauthorized

contacts, as described in paragraphs 1-80, constitute the torts of battery and assault under the laws of the Commonwealth of Pennsylvania.

89. Under the Federal Tort Claims Act, Defendant United States of America is liable for these actions.

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90. Plaintiff was detained, abusively interrogated, handcuffed, arrested, and forced to walk to the airport police station in plain view of numerous members of the public, as described in paragraphs 1-80. These actions constitute the tort of false light under the laws of the Commonwealth of Pennsylvania.

91. Under the Federal Tort Claims Act, Defendant United States of America is liable for these actions.

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WHEREFORE, Plaintiff respectfully requests that the Court enter a judgment including:

- (a) Compensatory damages in an amount to be determined at trial;
- (b) Punitive damages in an amount to be determined at trial as to all Defendants except the United States of America;
- (c) Reasonable attorneys' fees and costs of suit;
- (d) Prejudgment interest; and
- (e) Such other relief as the Court deems appropriate and just.

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Respectfully Submitted,

Ben Wizner,
Jonathan Manes,
American Civil Liberties Union