

Kip Hawley
Administrator
Transportation Security Administration
601 South 12th Street
Arlington, VA 22202-4220

Dear Administrator Hawley,

Our organizations write to you out of concern that recent policy changes regarding airport screening procedures provide Transportation Security Officers (TSOs) with an unchecked ability to engage in racial, religious, ethnic, or national origin profiling of air travelers.

In recent months, a variety of Transportation Security Administration (TSA) policies have been altered to allow TSOs more discretion in deciding when to pull a passenger aside for additional screening after he/she has already cleared the metal detectors. Such policies include the SPOT program, the discretionary lighter ban, and the revised policy for screening bulky clothing.

We appreciate that this discretion makes it more difficult for terrorists to understand the security calculus in place at airports. However, the broad individual discretion allotted to screeners also allows them to bring individual biases to the screening process, which may result in some communities being selected for a second screening at disproportionate rates. This places our communities and all Americans at risk because individual TSO biases may distract from actual security threats at the airport.

While we know that you have taken a strong stance against racial, ethnic and religious profiling in your department, no internal controls exist to regularly review whether profiling occurs in practice. As you know, with over 45,000 TSA employees nationwide, it is unrealistic to believe that a policy created in Washington is being implemented flawlessly on the ground, without stricter oversight and monitoring. There are always holes in the system that we must be vigilant in plugging.

To address this concern, we would urge the TSA to implement some sort of auditing mechanism by which TSA administrators and the public alike can ensure that discriminatory forms of profiling truly do not play a role in airport security screenings. The goal of such a process would be to ensure that the internal policies you have set for your employees are being appropriately implemented on the ground. Such a mechanism should be put in place in both large and small markets, since large numbers of passengers provide more opportunity for the policy to go wrong, but problems also often arise when a passenger is an unfamiliar face at a smaller airport.

Our groups would like to suggest one form of auditing that you could consider in dealing with this issue. We propose a quarterly video audit of 10 airports chosen at random out of the TSA's 50 busiest markets across the country. Each month, external, independent auditor(s) would review a total of 24 hours of video tapes from screening areas at each of the 10 airports.

The 24 hours of tape would be divided equally between peak and non-peak travel times at the relevant airport.

By doing so, the auditor should be able to collect data on the *perceived* race, religion, ethnicity and national origin of each passenger who is asked to submit to additional screening beyond the metal detector. In order to establish a baseline for comparison, the auditor would also need to record the same data for those who undergo security screening, but are not asked to undergo additional screening. The information collected in this manner should be reported back to Congress on a quarterly basis.

This simple yet effective mechanism would allow the TSA to implement its procedures without affecting throughput at the screening gates or the level of security the TSA provides passengers, and with little added expense. The video footage is already being collected by the TSA and is often used by TSA administrators to resolve passenger complaints. Moreover, no TSA employee would be responsible for ascertaining the race, religion, ethnicity or national origin of any passenger. Rather, the independent video auditor(s) would examine only the perceived characteristics of the passenger pulled aside for secondary screening.

We request that you engage our organizations and our representatives as soon as possible to discuss this proposal or any others that would meet the goals of this project, and to begin a substantive dialogue to ensure that there is internal oversight by the TSA to allow it to make good on its no-profiling pledge. We believe such controls are critical to ensuring that our nation's TSOs are focused squarely on security threats and not distracted by any personal bias.

We will expect your response, and would like to set up a time to meet with you to address these concerns as soon as possible. We look forward to receiving your continued support and cooperation.

Sincerely,

The Sikh Coalition

The American-Arab Anti-Discrimination Committee (ADC)
American Civil Liberties Union
Asian American Justice Center (AAJC)
Council on American-Islamic Relations (CAIR)
Leadership Conference on Civil Rights
National Association for the Advancement of Colored People (NAACP)
The National Council of La Raza
South Asian Americans Leading Together
United Methodist Church, General Board of Church and Society

Cc:

Dan Sutherland, Office for Civil Rights and Civil Liberties, U.S. Department of Homeland Security
Kimberly Walton, Special Counselor, Transportation Security Administration