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June 7, 2013

Secretary Janet Napolitano
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano,

In light of recent developments in Congress, I write to urge you to take this opportunity to end the Transportation Security Administration's (TSA) Screening Passengers by Observation Techniques (SPOT) program. We believe that SPOT has been ineffective at stopping terrorists, costing the government hundreds of millions of dollars annually without providing any tangible security benefits to travelers. We are also troubled by the numerous reports and allegations of racial profiling in airports that are currently using the SPOT program. In light of these failures and as a result of the release of the DHS's inspector general report, Rep. Bennie Thompson (D-MS) offered an amendment this week to the Department of Homeland Security's (DHS) FY2014 appropriations bill that would have denied the Department funding for the SPOT program. Though the amendment failed on the House floor, we urge you to take the opportunity offered by Rep. Thompson's amendment to terminate the SPOT program immediately.

As you know, on May 29th DHS's Office of Inspector General (OIG) released a report on the SPOT program that included an audit of the program's costs and benefits.¹ The OIG's report found that DHS has spent \$878 million on the SPOT program as of September 2012, including training 2,800 behavior detection officers (BDOs). Ideally, BDOs work in pairs, using their training to spot certain behaviors thought to indicate suspicious activity. Unfortunately, numerous experts in the fields have challenged the basic assumption that underlies the SPOT program, the idea that certain movements or behaviors can indicate deception, and that those behaviors can be effectively and quickly identified by BDOs.² SPOT's results seem to validate this view. According to the Government Accountability Office (GAO), *SPOT singled out nearly 50,000 people for extra scrutiny in 2010, but only 300 were arrested, and none of those cases involved terrorism.* The GAO also found that 17 suspected terrorists moved through airports equipped with SPOT without being identified by BDOs.³

¹ Department of Homeland Security Office of Inspector General, "Transportation Security Administration's Screening of Passengers by Observation Techniques," http://www.oig.dhs.gov/assets/Mgmt/2013/OIG_13-91_May13.pdf

² Maria Hartwig testimony at House Committee on Science Space and Technology Subcommittee on Investigations and Oversight Hearing on April 6, 2011, <http://science.house.gov/sites/republicans.science.house.gov/files/documents/hearings/2011%2003%2031%20Hartwig%20Testimony.pdf>

³ Bloomberg Businessweek, "How Not to Catch a Terrorist," <http://www.businessweek.com/articles/2012-09-20/how-not-to-catch-a-terrorist>

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Beyond SPOT's cost and inefficacy, we are deeply troubled by its embrace of racial, ethnic, and religious profiling as a way to identify potential terrorists. SPOT programs in Honolulu and Newark led to allegations of racial profiling, but it is the case at Boston's Logan Airport that was by far the most troubling. More than 30 TSA officers came forward last summer to expose widespread racial profiling at Logan. According to the officers, passengers were targeted because of their race, their appearance or their ultimate destination. Needless to say, the SPOT program as practiced in Boston added a veneer of behavioral science to simple racial profiling. SPOT's use of racial profiling has hurt TSA's and DHS's relationships with minority communities at no benefit to traveler security.

After costing federal taxpayers nearly a billion dollars, SPOT has never effectively identified a potential terrorist, and instead has devolved into a racial profiling program that violates the civil rights of minority travelers. By embittering minority travelers, TSA and DHS endanger the work both agencies have done to forge effective working relationships with potential allies like the Arab American community. The combination of the damning May 29th IG report and Rep. Thompson's amendment to the FY2014 appropriations bill present DHS and TSA with an opportunity to end this failed program. On behalf of concerned Arab Americans, we urge you to seize it.

Sincerely,



Maya Berry
Executive Director
Arab American Institute

CC: The Honorable John S. Pistole, Administrator
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