



June 7, 2012

RE: ACLU recommends a YES vote on Broun Amendment #8 (SPOT Program) to HR 5855

AMERICAN CIVIL
LIBERTIES UNION
WASHINGTON

LEGISLATIVE OFFICE
915 15th STREET, NW, 6TH FL
WASHINGTON, DC 20005
T/202.544.1681
F/202.546.0738
WWW.ACLU.ORG

LAURA W. MURPHY
DIRECTOR

NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500

OFFICERS AND DIRECTORS
SUSAN N. HERMAN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

ROBERT REMAR
TREASURER

Good Afternoon,

On behalf of the American Civil Liberties Union, please find attached our vote recommendation for today's anticipated vote on Representative Paul Broun's amendment #8 (SPOT Program) to H.R. 5855 the Department of Homeland Security Appropriations Act, 2013. A recorded vote on this amendment is anticipated on the House floor soon.

Please call Legislative Counsel Christopher Calabrese with any questions at (202) 715-0839.

Regards,

Laura W. Murphy
Director, Washington Legislative Office

Christopher Calabrese
Legislative Counsel

cc: Members of the U. S. House of Representatives

ACLU Vote Recommendation for Broun Amendment #8 (SPOT Program)

Broun Amendment #8 bars funding for Behavior Detection Officers or the SPOT program.

The American Civil Liberties Union recommends a YES vote on the Broun amendment.

Vote YES because the SPOT program is an ineffective program that wastes scarce homeland security resources, leads to unnecessary security screenings of innocent Americans and results in racial profiling.

A 2010 Government Accountability Office review of the Transportation Security Agency's behavioral detection system called Screening of Passengers by Observation Techniques (SPOT), in which Behavioral Detection Officers are purportedly trained to identify threats to aviation by looking for suspicious behavior and appearance, confirmed that no large-scale security screening program based on behavioral indicators has ever been scientifically validated (page 14). *Efforts to Validate TSA's Passenger Screening Behavior Detection Program Underway, but Opportunities Exist to Strengthen Validation and Address Operational Challenges*, GAO-10-763, May 20, 2010. GAO noted that while Behavioral Detection Officers had sent over 150,000 travelers to secondary screening there is no evidence the program ever identified a terrorist or other threat to aviation (page 46).

Meanwhile, at least 16 individuals suspected of involvement in terrorist plots traveled 23 times through 8 SPOT airports undetected (pages 46-47). Behavioral detection programs like SPOT, which pose significant threats to civil rights and privacy, must be proven effective before they are implemented or they will simply waste security resources.

In addition, SPOT has led directly to racial profiling in at least two cases. According to media accounts and internal government reports the SPOT program led to widespread racial profiling at Newark's Liberty Airport. Behavior detection officers were described by colleagues as "Mexican hunters" because of their focus on ethnicity rather than specific behaviors. According to internal government reports these activities continued from early 2008 to late 2009. TSA whistleblowers have described similar issues at Honolulu International Airport where some behavioral detection officers earned the nickname "Mexicutioners" for racial bias in profiling passengers.

Given the demonstrated potential for harm and the lack of scientific rigor, defunding the SPOT program is an appropriate measure to both save government resources and protect the rights of innocent Americans.

For more information, please contact Christopher Calabrese, ACLU Legislative Counsel, at (202) 715-0839 or Ccalabrese@dcacclu.org.