



One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

August 13, 2012

The Honorable Peter King
Chairman
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Chairman King:

I write to request that you hold a Full Committee hearing on the Transportation Security Administration's (TSA) Screening Passengers by Observation Technique (SPOT) program.

As you know, on August 12, 2012, the New York Times published an article revealing serious allegations of racial profiling by the Transportation Security Administration's (TSA) Screening of Passengers by Observation Technique (SPOT) program used by Behavioral Detection Officers (BDO) at Logan International Airport at Boston.¹ I was pleased to know that you share my concern about racial profiling at our nation's airports.²

Unfortunately, this is not the first time profiling allegations and operational challenges stemming from TSA's SPOT program have been raised. In 2010, the Government Accountability Office (GAO) released a report, which found that TSA deployed SPOT nationwide before completing either a cost-benefit analysis or securing independent third party validation of the scientific premise of the program.³

It should be noted that the only prior study of SPOT was sponsored by the DHS Science and Technology Directorate. It appears that the purpose of that study was not to

¹ Michael S. Schmidt and Eric Lichtblau. *Racial Profiling Rife at Airport, U.S. Officers Say*. New York Times. August 12, 2012. <http://mobile.nytimes.com/2012/08/12/us/racial-profiling-at-boston-airport-officials-say.xml>

² Michael S. Schmidt and Eric Lichtblau. *Racial Profiling Rife at Airport, U.S. Officers Say*. New York Times. August 12, 2012. <http://mobile.nytimes.com/2012/08/12/us/racial-profiling-at-boston-airport-officials-say.xml>

³ U.S. Government Accountability Office. (2010). *TSA's Efforts to Validate TSA's Passenger Screening Detection Program Underway, but Opportunities Exist to Strengthen Validation and Address Operational Challenges*. GAO 10-763.

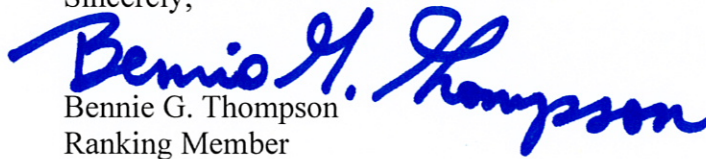
determine whether SPOT was useful in identifying travelers who may present a terrorist threat. Further, the GAO report indicated that of the 14,104 passengers detained and questioned under the program, none were deemed to pose a terrorist threat to the aviation system.⁴

In August 2010, I wrote to TSA expressing my concerns about the potential for SPOT to become a means for TSOs to engage in illegal practices such as racial profiling. Almost a year later, in June 2011, the first media reports began to surface regarding allegations of racial profiling by BDOs using the SPOT program at the Newark International Airport.⁵

Later in 2011, similar reports about racial profiling began to surface in Honolulu, Hawaii. TSOs employed at Honolulu International Airport alleged racial profiling by BDOs throughout the SPOT operations.⁶ At that time, TSA stated that its investigation “determined the available evidence does not substantiate the allegations of racial profiling.”

As the agency charged with the responsibility of protecting the nation’s transportation systems, TSA must make clear that racial profiling will not be tolerated. I urge you to hold a full committee hearing on the matter as soon as possible. If you have any questions, please contact Lanier Avant, Staff Director (Democratic Staff) at (202) 226-2616.

Sincerely,


Bennie G. Thompson
Ranking Member

⁴ U.S. Government Accountability Office. (2010). *TSA’s Efforts to Validate TSA’s Passenger Screening Detection Program Underway, but Opportunities Exist to Strengthen Validation and Address*. GAO 10-763 P. 44.

⁵ Report: Newark airport screeners targeted Mexicans and Dominicans, <http://www.cnn.com>, June 5, 2011.

⁶ Kerr, Keoki. November 8, 2011. *TSA Whistleblowers: HNL Screeners Target Mexicans*. KITV 4 News. Retrieved November 18, 2011 from <http://www.kit.com/news/29657196/detail.html>