

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 7, 2011

The Honorable John S. Pistole
Administrator
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598

Dear Mr. Pistole:

On June 17, 2010, the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on Racial Profiling and the Use of Suspect Classifications in Law Enforcement Policy. At this hearing, members of the Sikh, South Asian, Arab and Muslim communities expressed substantial concerns about how TSA officials treat them at our nation's airports. In January 2010, this fear of Muslim, Arab, Sikh, and South Asian passengers made headlines when TSA issued a policy that targeted travelers from 14 countries, most of them Muslim nations. While this policy was rescinded, the conduct of TSA officials seems mixed at best. Passengers have reported that minorities continue to be singled out for enhanced screening based primarily on racial characteristics. We are requesting a briefing to continue dialogue on how TSA policies impact these communities and ways we can work to address these issues.

A coalition of community organizations sent Secretary Napolitano a letter in May 2010 detailing some of their concerns with TSA's practices, but has yet to receive an answer. A copy of this letter is enclosed. We request that you brief the Sikh, South Asian, Arab and Muslim communities and Members of the Subcommittee on how you are responding to the concerns of these communities.

Specifically we ask that you address the following four areas of interest.

1) How Current Standard Operating Procedures Affect These Communities

The Sikh Coalition has reported that TSA officials in airports in Oakland, Seattle, Dallas, Chicago, Houston, and Los Angeles pull aside Sikh passengers for enhanced screening virtually 100% of the time. There is also strong evidence that existing TSA guidelines on bulky clothes have a disparate impact on Sikh and Muslim passengers whose traditional

and religious dress is considered “bulky.” These guidelines are used by TSA officials to search religious wear like saris, scarves and turbans, sometimes invasively.

Current TSA guidelines allow for individuals to avoid invasive and public searches by completing their own self-pat down or by going to a private area for a search. Community Groups report that many TSA officials are often either unaware of these options or simply neglect to tell the travelers their options. How can TSA address these concerns and ensure their employees are properly following TSA guidelines that disproportionately affect Sikh, South Asian, Arab and Muslim passengers?

2) **Using New Technologies to Address the Concerns of These Communities**

TSA is constantly improving its screening technology to better protect passengers. Recent reports have indicated that even with the use of full body scanners, the newest screening technology, individuals from the Sikh, South Asian, Arab and Muslim communities continue to be pulled for additional physical screenings. How do these new technological developments help address the concerns over bulky clothing SOPs and invasive physical screening raised by these communities?

3) **Improving the TRIP Complaint System**

In testimony submitted to the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties, UNITED SIKHS reported that it has filed a series of Traveler Redress Inquiry Program (TRIP) complaints with TSA and has not received a timely official response or update on each of these complaints, some of which were filed over 3 years ago. This has created the impression that there is no avenue for passengers to pursue for redress or even acknowledgement of their concerns when TSA procedures are not followed properly. Why have official complaints about mistreatment failed to receive a consistent and timely response? How can the TRIP Complaint System be improved to ensure that passenger and community complaints receive a prompt and substantive response?

4) **Better Data Collection and Oversight**

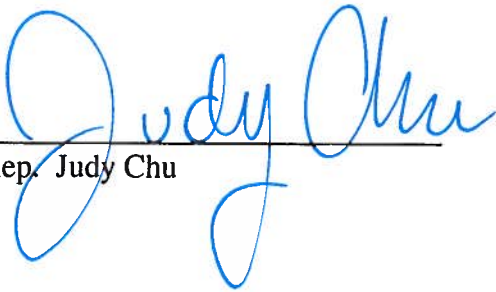
In their May 2010 letter, the Sikh, South Asian, Arab and Muslim communities requested that TSA implement an auditing mechanism to ensure that TSA screening policies do not disproportionately or unjustly target Sikh, South Asian, Arab and Muslim passengers for additional screening. An independent audit and a method of data collection would help determine whether TSA’s policies are fair to all passengers. How could TSA implement better data collection and oversight to ensure that racial profiling or discriminatory treatment is not occurring in our nation’s airports?

Protecting the United States is of paramount concern and we recognize that the TSA must have screening policies in place to keep our airports and skies safe. However, we remain concerned that some policies that may be neutral on their face may be discriminatory in their application. Terrorists against the US have been of every racial background; indeed many of the most well

known terrorists do not fit a commonly perceived stereotype. We must ensure that all policies are carried out in an effective, neutral and non-discriminatory manner. This will not only ensure our continued safety but preserve the trust of Muslim, Arab, Sikh and South Asian communities in our government.

A briefing will provide an opportunity to resume open and productive conversations between TSA, concerned community groups and Congress to ensure that these concerns are addressed appropriately. Please contact Allison Rose of Rep. Judy Chu's staff if you have any questions and to schedule the meeting. We thank you for consideration and look forward to your reply.

Sincerely,



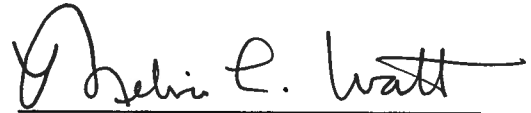
Rep. Judy Chu



Rep. Sheila Jackson-Lee



Rep. Bobby Scott



Rep. Melvin Watt