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CAPPS

- In place right now since 1997

- ~~DOJ~~ DOJ reviewed

- Survey would give to a host of ^{all} people - identity, religion
in large
particular light
data out are discrimination.

get a sample on ~~the~~ light

determine if ~~are~~ pulling people out the religion > who was ~~successful~~
succeeded

Make adjustment to questionnaire

- continued development of the survey.

**U.S. Department of Transportation
Talking Points on CAPPS Survey
January 18, 2000**

BACKGROUND

In 1997, the Federal Aviation Administration adopted an airport security program, the Computer Assisted Passenger Prescreening System (CAPPS). The details of the system are secret, but it is used to identify passengers about whom enough is known so that additional security measures, such as searches, are not deemed necessary.

A concern originally voiced by civil rights groups was that the system would be racially or religiously discriminatory. However, prior to its initiation, the Department of Justice reviewed the criteria of the program and concluded that it was not discriminatory.

As part of the DOT's continuing effort to ensure that no inappropriate discrimination occurs, particularly on racial or religious grounds, the department is developing a survey to question airline passengers and determine if they believe that they have been the victim of discrimination while going through airport security. The DOT has been consulting with civil rights groups on the development of the survey.

The Arab American Institute has objected to the plans for the survey, believing, according to today's New York Times, that "asking questions would contribute to the perception that Arabs were unfairly viewed as suspects."

A Department of Transportation spokesman stated that the DOT would take the concerns into consideration as plans for evaluating any potential for discrimination are developed. "Our interest is security. We won't tolerate discrimination," he stated. The spokesperson did not state whether the survey would proceed as planned.

QUESTIONS AND ANSWERS

- **Is the DOT halting plans to question passengers about discrimination by the CAPPS airport security systems?**
- **The survey is being designed to evaluate and help ensure that no discrimination occurs. We will not tolerate discrimination, particularly on ethnic, racial or religious grounds. Our commitment is to ensuring a safe and secure aviation system.**

The DOT has reached out broadly within the civil rights community to ensure that the survey is appropriately developed. No final decision has been made about the survey. The concerns raised by the Arab American Institute are being fully considered.

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Objections Stall Test to Detect Prejudice in Airport Screenings

By MATTHEW L. WALD

WASHINGTON, Jan. 17 — The Transportation Department is rethinking a plan to test whether an airport security measure discriminates against members of minorities after the Arab American Institute complained that the test was worse than the problem it was supposed to detect.

The institute objected to the department's plan to ask passengers about their religion and ethnic background to help determine whether they were being unfairly singled out by security officers. The institute complained that asking the questions would contribute to the perception that Arabs were unfairly viewed as suspects.

The security measure, adopted by the Federal Aviation Administration in late 1997, is called the Computer-Assisted Passenger Prescreening System. Using secret criteria, it identifies passengers about whom enough is known so that they are not subjected to extra security measures, including searches of checked baggage or more careful scanning of carry-on luggage.

Before the system was introduced, Arab-Americans and others complained that it might unfairly single out people because of their race, ethnic background or religious beliefs. The F.A.A. said that for security reasons it would not say what the selection criteria were. But the agency said the criteria did not include race or religion, and the Justice Department, after conducting a review, agreed.

In December 1999, however, the Transportation Department, the F.A.A.'s parent, said it would test the prescreening system for what it called "disparate impact," meaning that certain ethnic groups received disparate treatment. To do that, the department said it would survey plane loads of people at six or seven airports, starting with Detroit, beginning as early as April, and focusing on flights to Europe that connected with flights to the Middle East.

The idea was to determine the ethnicity and religion of everyone on the flight, to get from the airlines

data on who had been subjected to extra screening and then to determine "whether the selection criteria in fact have a disparate impact," according to a plan the department sent the Arab group.

The department drafted a form asking passengers for their name, sex, race, "ethnicity/national origin," religion and citizenship. It asked the Arab group for help in winning the cooperation of Arab and Arab American passengers.

But James Zogby, president of the Arab American Institute, said he had asked the department to drop the survey idea.

"Everybody knows we're already viewed as suspect," Mr. Zogby said. "If you live in a country where you feel you are judged guilty because of ethnicity or religion, and then you ask about ethnicity and religion, you're asking for a form of self-incrimination."

"Their intention is good," he added, "but there has to be a less intrusive way to do this."

Bill Adams, a spokesman for the Transportation Department, said the department was listening to the complaints, but was determined to carry out some kind of test.

"Our interest is security," Mr. Adams said, adding: "We won't tolerate discrimination."

Because of the complaints, he said the department was not certain it would proceed with the survey as originally planned.

Mr. Zogby said the computerized system had turned out to be less offensive than the system that preceded it, which was a secret set of criteria applied by airline personnel. Women with veils or head coverings and men with beards who appeared Arab were much more likely to be subjected to extra security measures when the judgment was made by a person than when it was made by a computer, he said.

Although the list of criteria is secret, F.A.A. officials have said it includes factors like a passenger's travel history, which experts say could, in fact, bring more scrutiny to people who travel regularly to Middle Eastern countries.