Congress of the United States
Washington, DC 20515

February 13, 2004

David M. Stone, Rear Admiral, USN (Ret)
Acting Administrator
Transportation Security Administration
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Rear Admiral Stone:

We write to you out of concern regarding recent reports that, despite broad opposition from across the political and business spectrum, the Transportation Security Administration (TSA) will push forward with plans to implement the Computer Assisted Passenger Prescreening System II (CAPPS II), a vast computerized network to probe the backgrounds of the 100 million Americans who fly each year in order to determine their "risk" to airline safety.

Your administration has reported that CAPPS II is intended to provide a more thorough approach to screening passengers, thereby increasing aviation security. With information supplied by the airlines, the system will check travelers' full name, home address, telephone number, date of birth, and itinerary against commercial databases. Once a passenger's identity has been established, CAPPS II will then run a "risk assessment function" to cross-reference the person's name against a secretive database compiled from unknown sources to assign the traveler a numerical and color score corresponding to his or her "risk" to passenger or aviation security. Each passenger's score will then be forwarded to security personnel at the airport. The risk score will determine the intensity of screening for each passenger prior to boarding a flight. Some passengers may be prohibited from boarding; others may be questioned or arrested.

While we greatly appreciate the vigilance exhibited by your agency in its attempt to make air travel more secure, we have serious concerns about the effectiveness and powerful dangers this system will pose to the civil rights and liberties of millions of Americans. For instance, it appears that even a known, wanted terrorist could bypass CAPPS II simply through identity theft. The system will not deter or catch a terrorist who presents a driver's license with his or her own photo but the name, address, phone number, and date of birth of an innocent person.

CAPPS II raises even more troubling questions with regard to civil liberties. TSA specifically exempts itself from having to publish the "sources of records" upon which the formula generating a passenger's risk score is based and may add new forms of data without any oversight or public notification. Members of Congress and the public thus have no real assurances that the system will not rely upon medical, religious, political or racial data in the creation of a person's risk assessment. The fact that it has been reported that the FBI is collecting data on citizens who attend peaceful political demonstrations is quite unsettling in this regard. Likewise, individuals singled out by the program will have no way of knowing why

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they have been targeted. They will not know if they are victims of a technical inaccuracy or falsely accused of wrongdoing.

Members of Congress and the public also have reason to fear that CAPPS II will eventually be expanded to the further detriment of civil liberties. Former TSA Director Loy explicitly indicated that the agency envisions utilizing CAPPS II at other transportation hubs. If the system is indeed broadened for use in venues such as bus stations, highway toll-booths, or public events, the current proposal for CAPPS II appears to set the initial ground-work for the eventual implementation of a system of internal government checkpoints reminiscent of totalitarian regimes.

Finally, while the public was initially told CAPPS II would remain confined to searching for foreign terrorists, the program has now been broadened to include domestic terrorists and violent criminals. As a result, one wonders if once implemented, the program will continue to morph into something similar to the Pentagon's "Total Information Awareness" concept, an over-arching system to monitor all available data sources in search of suspicious patterns of activity. The Congress soundly rejected this proposal.

New powers granted to government anti-terror initiatives must require that the power is necessary to thwart future attacks, and that the benefit of the new power outweighs its adverse effect on liberty. In its current form, CAPPS II fails both of these requirements. We ask that the program be suspended indefinitely until these serious concerns are addressed.

We await your prompt response to these issues.

Sincerely,

Ron Paul
Member of Congress

Dennis J. Kucinich
Member of Congress

Jerry Kleczka
Member of Congress

John Conyers Jr.
Member of Congress

Donald A. Manzullo
Member of Congress

Charles B. Rangel
Member of Congress

Barney Frank
Member of Congress

Tammy Baldwin
Member of Congress

Sheila Jackson-Lee
Member of Congress

Bernard Sanders
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Carolyn B. Maloney
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Jose E. Serrano
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Sam Farr
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Neil Abercrombie
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Major R. Owens
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Stephanie Tubbs Jones
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Raúl M. Grijalva
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James P. McGovern
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