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September 12, 2007

Administrator Kip Hawley
Transportation Security Administration
601 South 12th Street
Arlington, VA 22202-4220

Dear Administrator Hawley:

I am deeply concerned about the Transportation Security Administration's (TSA) new approach to screening airline passengers' head coverings. I have the greatest respect for your mission to secure our nation's transportation systems. But unfortunately, it seems that this policy change, which went into effect on August 4, has prompted TSA employees to engage in rampant religious discrimination and profiling. I hope you agree that such practices are not only illegal and inconsistent with American values, but also ultimately detrimental to national security.

I am very skeptical that a policy targeting particular religious head coverings, such as turbans, can be effective. And I am alarmed about the way this policy has been abused and inappropriately implemented by Transportation Security Officers (TSOs). Of particular concern is the fact that out of the more than 50 reported incidents that have occurred since the institution of this new policy, the most egregious abuses of civil liberties as a direct result of this new policy appear to have occurred at San Francisco International Airport (SFO), which is in my congressional district.

In one recent incident there, a TSO told a turbaned Sikh American traveler that a secondary screening for anyone wearing a turban was mandatory. This comment was in direct contravention of TSA's revised policy, which calls on TSOs to use their discretion. The TSO then made the traveler take off his turban and proceeded to pat down the gentleman's hair, all in broad public view. As a trained TSO would know, a Sikh's turban is an article of faith and not an ordinary piece of cloth to be removed in public, which made this offense all the more outrageous. Another incident at the San Francisco airport left a Sikh American traveler so disgruntled and disgraced that he has decided to

book future travel from other nearby airports so that he does not have to face such mistreatment at that airport again.

It is apparent to me that these incidents demonstrate how the inconsistent application of this flawed policy has led to religious profiling and discrimination and the humiliation of ordinary Americans. Furthermore, such practices feed public stereotypes that erroneously equate members of the Sikh American community with terrorism. Provoking a sense of fear against innocent American citizens simply because they wear turbans is a dangerous precedent that our government should take extensive care to avoid.

The lack of religious sensitivity and inconsistency in implementing this revised policy is astounding and disturbing. How could an agency that took pride in working with religious and community groups after the tragic events of September 11, 2001 be so cavalier and discriminatory in its policy that affects those same groups just six years later? The consequence is an abuse of power and the deliberate degradation of everyday Americans.

I would like to know what actions TSA will undertake to ensure that these kinds of incidents no longer occur at SFO airport. In particular, I would appreciate the following:

- An explanation of what policy guidance was given to TSOs at SFO airport, and why they seem to have been involved in a disproportionate number of religiously discriminatory incidents since the institution of this revised policy;
- An explanation of the criteria that is to be used by TSOs at SFO airport when determining whether a secondary screening should take place, on the basis of clothing or dress, even after a traveler passes through a metal detector without setting off an alarm;
- An explanation of how TSA will prevent this policy from being used as a method of religious discrimination, profiling, and humiliation against Sikhs and other religious groups who wear religiously proscribed dress, especially at SFO airport where some of the most egregious offenses have occurred;
- An explanation of what actions TSA will undertake to amend the current policy, appropriately train TSOs, and/or perform outreach to the public to better advise revisions to the policy; and

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- An explanation of why head coverings, and specifically turbans, have been singled out for secondary screening when other articles of clothing could also be used to conceal threat devices, and whether you believe this has led or could lead to religious discrimination and/or profiling.

As a victim of religious persecution myself, I abhor the idea that a U.S. government agency is engaged in a practice that isolates and humiliates ordinary Sikh Americans solely because they choose to wear the turban as an article of their faith. I hope that under your leadership, TSA will make the appropriate and necessary changes so that no future discriminatory practices are imposed on travelers. I look forward to a response at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads "Tom Lantos". The signature is written in a cursive style with a prominent horizontal stroke above the first few letters.

TOM LANTOS
Chairman