

**Congress of the United States**  
**Washington, DC 20515**

September 14, 2007

Secretary Michael Chertoff  
U.S. Department of Homeland Security  
Washington, D.C. 20528

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

Dear Secretary Chertoff and Administrator Hawley,

We are writing to express our concerns about the recent change in TSA screening policy for headwear. We are concerned that the change was made without community consultation that has been characteristic of past policy changes, and that greater discretion for searching headwear without proper guidance for Transportation Security Officers (TSOs), has led to racial and religious profiling. Of particular concern is how the screening policy for headwear is applied to persons wearing turbans, an article of faith worn by many Sikh Americans.

We commend the fact that TSA had engaged in extensive community consultation after the attacks of September 11<sup>th</sup>, 2001 to ensure that any new screening policy would strike a fair balance between protecting civil rights and liberties of all passengers and the need for greater airport security. As we understand, the result was a carefully crafted policy that included reasonable precautions against potential security risks but also outlined specific procedures that ensured against racial and religious profiling. However, we are puzzled by why this screening policy with respect to headwear was changed in early August without consultation with Sikh Americans and other relevant community groups.

Additionally disconcerting is that greater ambiguity in the new policy lends itself to misapplication. We understand that the nation's 43,000 airport screeners now have increased discretion over whether to subject travelers with headwear to a secondary screening process. We are concerned that this policy change was made without adequate procedures and direction to TSOs to ensure against racial and religious profiling. We have been informed that dozens of complaints filed with Sikh American community groups indicate that passengers had been told that turban "pat-downs" are now mandatory in airports around the country. A mandatory turban pat-down is tantamount to racial and religious profiling and is therefore unacceptable in our democracy. It would be intolerable if the new policy has indeed been implemented, whether intended or not, in this matter.

Moreover, this policy may have the unintended effect of misdirecting our valuable law enforcement resources. If this new policy was drafted to address the potential for improvised explosive devices (IEDs) that are non-metallic, a screening policy should not solely target turbans, but all articles of clothing that could hide a potential threat device. By directing TSOs to target head coverings, and specifically turbans, we are not only discriminating based on religion but are also potentially overlooking other articles of clothing that could just as easily hide an IED. Furthermore, if improper guidance is causing TSOs to focus on all turbaned passengers simply because they are wearing turbans, we are concerned that TSOs will miss the truly dangerous people who seek to do our country harm.

Our country was built on a proud tradition of religious pluralism. Some of the first immigrants to the United States were themselves fleeing religious persecution. As TSA continues to refine its screening policies, we request that you take into account both national security issues and the religious concerns of all Americans. Given the widespread concern about the new policy and its implementation – both at home and abroad – we urge you to:

- provide us with a clear written explanation of:
  - o the current policy, including any written guidelines that have been adopted;
  - o the reasons why the old policy was changed;
  - o what community consultation was done to craft the current policy;
  - o how the headwear screening policy relates to the TSA policy on any garments that could hold non-metallic threat devices;
  - o how the current policy was communicated to TSOs and other TSA employees;
  - o how the current policy was communicated to the public;
  - o how and why the policy was interpreted as a mandatory turban “pat-down” policy;
- work with representatives of the Sikh American community to ensure that the policy reflects a respect for the religious significance of turbans within the Sikh faith, and that the screening policy protects our homeland without sacrificing our religious freedoms;
- conduct better outreach to the traveling public regarding policy and implementation changes, including outreach to language minorities through ethnic press and translated materials; and
- provide better guidance and direction to TSOs in implementing the policy, if indeed, the implementation of a mandatory turban pat-down was due to misunderstanding or misguidance.

We trust that the Department of Homeland Security will do its best to balance national security concerns with protecting the civil rights and liberties of all passengers.

Sincerely,

Mike Honda  
Chair  
Congressional Asian Pacific American Caucus  
(CAPAC)

John Conyers, Jr.  
Chair  
Judiciary Committee

Robert “Bobby” Scott  
Chair  
CAPAC Civil Rights Taskforce

Sheila Jackson-Lee  
Chair  
Subcommittee on Transportation  
Security and Infrastructure Protection

Tom Lantos  
Chair  
Foreign Affairs Committee