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Aviation Security: An Analysis of Opposition to Evaluating Racial Profiling

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Abstract. This article analyzes a public rationale for opposing Federal Aviation Administration (FAA) efforts to evaluate the discriminatory impact of the FAA's own Computer-Assisted Passenger Prescreening System.

The Arab American Institute (AAI) represents Arab American interests in United States (US) government and politics. The Institute has frequently and consistently come out against security policies and programs that support, establish, and effect racial profiling. Yet the AAI has recently asked the United States Department of Transportation (administratively responsible for the FAA) to not go forward with an initiative to evaluate the discriminatory impact of the Computer-Assisted Passenger Prescreening System (CAPPS). Why is the AAI taking such a stance given its long and steady commitment to fighting racist and ethnocentric attacks against Arab Americans? According to The New York Times, the AAI president has maintained that the very manner in which the FAA seeks to evaluate CAPPS would result in a form of '"self-incrimination"' for Arab Americans. Let's explore this contention.

The FAA seeks to survey planeloads of people at selected airports and ask for the ethnicity and religion of each person. The FAA would then obtain airline data on which people had undergone extra screening as mandated by CAPPS. Data on ethnicity and religion would then be compared with data on extra screening and a determination would be made as to whether there was "disparate impact" on particular ethnic and religious groupings.

How is this "self-incrimination"? One interpretation is that merely asking someone about an aspect of their identity--when that aspect may have a discriminatory past, present, and/or future--has too high a potential for damage to that someone. The damage may comprise memories of past discrimination, the experience of present discrimination, and the fear of future discrimination. Here "discrimination" is not the mere perception that a person of a particular ethnicity or religion has that particularity as opposed to another. Instead, "discrimination" denotes that the particularity is linked to a noxious consequence for that person that is unwarranted for that person because it is based solely on that person being characterized by that particularity. The criterion of "unwarranted" might be comprised by the lack of some combination of moral, ethical, legal, social, and cultural threats to a political entity being associated with the particularity. Ultimately, one would rely on faith that there was or was not a threat to the political entity and that measures to deter, attenuate, or manage it must or must not be taken.

This interpretation may be close to what the AAI has in mind and may be just. If so, the FAA may be left with having to demonstrate such high true positive and true negative rates and such low false positive and false negative rates, that "self-incrimination" might be allowed. If not--or if "self-incrimination" is judged so egregious that no other consequence could override it--the very notion of employing aspects (racial, ethnic, religious, etc.) commonly attributed to "racial profiling" would have to be jettisoned. If other security programs effected in the breach led to no loss or even an improvement in security, than the AAI would receive kudos for being at least somewhat responsible. If security took a decided turn for the worse, the AAI would need to mull over the meaning of responsibility for it would have contributed

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to human tragedy. (See Airport security and passenger profiling: Issues of substantive, procedural, and distributive justice. (October 16, 1998). 5(16); Critiquing critiques of profiling in aviation security screening programs: Why the ACLU has it wrong. (January 9, 1998). IBPP, 4(1); Hopton, J. (1998). Risk assessment using psychological profiling techniques: An evaluation of possibilities. British Journal of Social Work, 28, 247-261; Smith, B.L., & Morgan, K.D. (1994). Terrorists right and left: Empirical Issues in profiling American terrorists. Studies in Conflict and Terrorism, 17, 39-57; Turco, R.N. (1990). Psychological profiling. International Journal of Offender Therapy and Comparative Criminology, 34, 147-154; Wald, M. (January 15, 2000). Objections stall test to detect prejudice in airport screenings. The New York Times, p. A 12.)(Keywords: Arab American Institute, Aviation Security, Computer-Assisted Passenger Prescreening System, Federal Aviation Administration.)

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