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Aviation Security: An Analysis of Opposition to Evaluating Racial Profiling II

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Abstract. This article provides a further elaboration of last week's IBPP article on the Arab American Institute (AAI)'s opposition to the Department of Transportation's (DOT) initiative to evaluate the discriminatory impact of the Computer-Assisted Passenger Prescreening Program (CAPPS). It is based on an IBPP interview with the AAI President, James Zogby.

Last week's IBPP analyzed the AAI opposition to the DOT initiative to evaluate the discriminatory impact of CAPPS. The focus of this opposition was said to be the "self-incrimination" aspect of surveying plane loads of people for their ethnicity and religion. Since the article was posted, AAI President, Mr. James Zogby, has elaborated on the AAI opposition and "self-incrimination" to the IBPP editor. The following material reflects this interview with commentary by the IBPP editor in brackets.

Mr. Zogby points out that at one time the DOT [and the Federal Aviation Agency that it administers] supported "subjective profiling"--largely intuitive and impressionistic reactions to physical cues of aviation passengers and other individuals present at an airport. Often this profiling was based on the most egregious racial, ethnic, [and physiognomonic and kinesic] biases. Since subjective profiling was formally discontinued and since CAPPS was publicly announced as a new policy of "objective profiling," at least one aspect of the aviation security system seems to have improved in that disparate impact on specific groups seems to have lessened. [Of course, this may have occurred with positive, negative, or no consequences for the actual security threat.] Yet the lessening of disparate impact can still be considered as a positive reflection on the DOT and FAA.

However, the effort to evaluate the remaining disparate impact produced by CAPPS--as well-meaning as it might be--has at least one significant problem. It ignores the noxious subjective reactions of some specific groups irrespective of whether "objective" or "subjective profiling" is being used. One reaction subsumes feelings of discomfort towards Government harbored by some groups based on their political histories. Another subsumes feelings of anger, resentment, and fear towards the consequences of subjective profiling and other government interventions intended to minimize security threats. Because of such reactions, members of specific groups may well feel that complying with a survey is to engage in "self-incrimination" and that not complying may well risk some retaliation or other negative consequence.

As a solution to the problem of improving security without inducing disparate impact, Mr. Zogby recommends the DOT/FAA use of focus groups of population samples most at risk for disparate impact before an evaluation is approved for use. The focus groups will be able to serve as testers for the "self-incrimination" potential of an evaluation approach. They also will be able to come up with suggestions for less noxious evaluation approaches.

IBPP's stance on the AAI position as expounded by Mr. Zogby is that still--at some point--public officials will need to make a determination on when security concerns override those of disparate impact. However, the AAI position amply points out that well-meaning solutions may add to a problem as opposed to helping resolve it. (See Arab American Institute, <http://www.arab-aa.org>; Aviation security:

International Bulletin of Political Psychology

An analysis of opposition to evaluating racial profiling. (January 21, 2000). IBPP, 8; Bond, L. (1998). Disparate impact and teacher certification. *Journal of Personnel Evaluation in Education*, 12, 211-220; Goodey, J. (1998). Examining the "White racist/Black victim" stereotype. *International Review of Victimology*, 5, 235-256; Stevens, G. (1998). "Radicalised discourses: Understanding perceptions of threat in post-apartheid South Africa. *South African Journal of Psychology*, 28, 204-214; Telephone interview with Mr. James Zogby. (January 25, 2000); Williamson, L.G., et al. (1997). Employment interview on trial: Linking interview structure with litigation outcomes. *Journal of Applied Psychology*, 82, 900-912; Yardley, J. (January 26, 2000). Some Texans tiring of stops by Border Patrol. *The New York Times*, p. A1; A17.) (Keywords: Aviation Security, Disparate Impact, Racial Profiling.)