

Obama administration seeks to conceal records of discredited airport screening program

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The American Civil Liberties Union (ACLU) has filed a lawsuit against the federal Transportation Security Administration (TSA) alleging that the Obama administration has improperly withheld records related to the discredited Screening Passengers by Observation Techniques (SPOT) program.

The *ACLU v. TSA* lawsuit, based on the Freedom of Information Act, was filed on Thursday in a federal district court in New York. The ACLU has demanded the release of “scientific data or research that would support the program,” “training requirements for behavior detection officers,” and records reflecting the “extent to which the program disproportionately impacts minorities.”

Implemented in 2007 at a total cost of more than \$1 billion, the SPOT program involves thousands of “behavior detection officers” (BDOs) stationed at US airports. These officers are trained to use observation techniques that allegedly detect “microfacial expressions” that reveal “mal-intent.” These officers also engage in unsolicited conversations with travelers, which are supposedly calculated to unmask terrorists.

According to the ACLU, the TSA’s BDOs are trained to identify individuals exhibiting a “cluster” of behaviors from a list of over 90 indicators that are allegedly associated with stress, fear or deception, referring those individuals for secondary inspection or questioning.

The SPOT program employs 2,800 full-time staff. Anyone who has passed through a major US airport since 2007 has likely encountered these BDOs prowling around the security checkpoints. Many travelers have found themselves subjected to additional scrutiny as a result of these officers’ determinations.

It has emerged that the entire SPOT program is based on junk science. The “observation techniques” employed by the TSA’s behavior detection officers do not actually work, and not one terrorist has been successfully identified by the program.

“No scientific evidence exists to support the detection or inference of future behavior, including intent,” the JASON defense advisory group concluded in a 2008 report. “Simply put, people (including professional lie-catchers with extensive experience of assessing veracity) would achieve similar hit rates if they flipped a coin,” concluded a 2007 report by a panel of scientists.

The ACLU lists the following points from 2011 congressional testimony by Dr. Maria Hartwig, who summarized decades of scientific research:

- * Humans do barely better than 50% (chance expectation) in trying to guess whether someone is being deceptive.

- * There are no great variations in individuals’ ability to detect deception.

- * Supposed experts such as cops and customs agents are no better than anyone else.

- * There are few if any reliable cues to deception.

- * People frequently misread signs of stress, nervousness and discomfort as indicating that someone was lying.

A 99-page Government Accountability Office (GAO) report published in November 2013 found that there was no scientific basis for the program and recommended cutting its funding. “Congress should consider the absence of scientifically validated evidence for using behavioral indicators to identify threats to aviation security when assessing the potential

benefits and cost in making future funding decisions for aviation security,” the GAO concluded.

The Department of Homeland Security inspector general similarly concluded, “TSA cannot ensure that passengers at US airports are screened objectively, show that the program is cost-effective, or reasonably justify the program’s expansion.”

The TSA, backed by the Obama administration, has obstinately refused to make any concessions with respect to the billion-dollar program. When the ACLU made its initial Freedom of Information Act request in October 2014, the Obama administration refused to turn over the requested records, responding in boilerplate language that the ACLU had “failed to demonstrate a particular urgency to inform the public about the government activity involved in the request.”

The Obama presidency—which campaigned on promises of greater “transparency”—has set a record for censoring and withholding documents requested under the Freedom of Information Act, a 1966 reform that ostensibly permits anyone to request and access government documents for a fee (see: “Obama administration sets record for denying access to government documents”).

As is often the case with the projects of America’s political-military-intelligence establishment, what appears on the surface to be laughable incompetence reveals itself upon closer examination to be something more sinister. While the ACLU criticizes the SPOT program for being “ineffective, unscientific, and wasteful,” the program is more likely arbitrary by design.

In other words, the practical effect of all the junk science about “microfacial expressions” is that any passenger can be arbitrarily targeted on the subjective whim of the officer. Thanks to the SPOT program, anyone who allegedly “looks” suspicious (literally!) can be subjected to additional warrantless searches, questioning and detention, without the bother of having to come up with legitimate reasons.

Not surprisingly, people of Middle Eastern appearance or descent have more frequently found themselves the subject of additional scrutiny, together with other religious and racial minorities. “The TSA’s use of these techniques has resulted in numerous allegations of racial and religious profiling,” the ACLU noted in a press release, specifically pointing to the

Boston, Newark and Honolulu airports.

The TSA was created immediately after the September 2001 attacks as part of a surge of anti-democratic legislation that included the PATRIOT Act and the formation of the Department of Homeland Security, among many other measures.

The TSA has since expanded to nearly 56,000 employees and enjoys a bloated annual budget of \$7.39 billion. By comparison, the annual budget of the National Endowment for the Arts is around \$146 million. Since September 2001, the United States has spent \$40 billion on airport security.

Despite multimillion-dollar public relations campaigns and repeated attempts to give the TSA an “image makeover,” the agency and its activities remain overwhelmingly unpopular. Especially hated are the “peeper” screening machines that produce semi-nude images of each passenger, the blue-gloved “pat-downs” even of children (considered by many a form of sexual molestation), and the absurd confiscations of items like water, toothpaste and cosmetics.

The ongoing debacle of the TSA’s SPOT program underscores once again the fact that the billions of dollars spent on airport security are not primarily concerned with making travelers any safer. Indeed, a 2010 ABC News Houston report found that the failure rate at TSA security checkpoints approached 70 percent at some airports, and one security expert has labeled the TSA’s airport screenings nothing more than “security theater.”

Nevertheless, the TSA serves an important role as indirect state propaganda for America’s so-called war on terror, pummeling travelers every day with the notion that the country is in a “state of exception” that requires them to sacrifice their privacy and civil liberties. Behind the façade, the TSA’s real purpose is to bully public opinion, set authoritarian legal precedents and accustom the public to the stink of a police state.



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