



July 20, 2004

Tom Ridge
Secretary of Department of Homeland Security
Department of Homeland Security
Washington, DC 20528

AMERICAN CIVIL
LIBERTIES UNION
WASHINGTON
LEGISLATIVE OFFICE
915 15th STREET, NW
WASHINGTON, DC 20005
T/202.544.1681
F/202.546.0738
WWW.ACLU.ORG

LAURA W. MURPHY
DIRECTOR

NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500

OFFICERS AND DIRECTORS
NADINE STROSSEN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

KENNETH B. CLARK
CHAIR, NATIONAL
ADVISORY COUNCIL

RICHARD ZACKS
TREASURER

Dear Secretary Ridge,

We welcome your announcement that the CAPPs II passenger profiling program is going to be terminated. However, we remain deeply concerned about the fate of the large amounts of personal information about Americans citizens and others that DHS has already collected. We are also concerned that some Administration officials have hinted that the program will not be completely terminated.

During a June 23rd hearing David Stone, Acting Administrator of the Transportation Security Administration, told the Senate Government Affairs Committee that the TSA has collected passenger information from Delta Air Lines, Continental Airlines, America West Airlines, Frontier Airlines, and the Galileo and Sabre reservation systems. (See, for example, "TSA: Airlines Gave Gov't Passenger Data," Associated Press, June 23, 2004). Previously, it was disclosed that personal data regarding passengers had been obtained by the Federal Government from Northwest and Jet Blue Airlines.

As you are no doubt aware, the maintenance by the government of files on the innocent travel and associational activities of American citizens and others, collected without their knowledge or consent, raises numerous serious privacy issues – especially when those files are maintained for law enforcement purposes. It was in that spirit, for example, that Congress in the Privacy Act of 1974 banned the maintenance of dossiers on individuals not involved in wrongdoing.

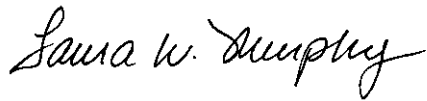
We also ask that you clarify comments by other Homeland Security officials that seem to indicate that CAPPs II may reappear in another guise. Although you indicated to USA Today last Thursday that CAPPs II will be killed with "a stake through its heart," others have said that the program will be "reshaped and repackaged" (David Stone testifying before Congress) or both dead in its original form and to be reshaped (Homeland Security spokeswoman Suzanne Luber quoted by WashingtonPost.com). We therefore would like to respectfully inquire:

(i) is personal information collected for CAPPS II testing purposes being retained, and if so for what purpose and in what form will it be retained?;
(ii) has any other data from Passenger Name Record (PNR) files been collected or used in the testing of CAPPS II and, if so, what use was made of that data and will it be maintained beyond the testing period? and
(iii) what data does TSA intend to collect from future passengers, and what does it propose to do with it?

Thank you for your consideration of these questions. We look forward to hearing from you.

Sincerely,

Barry Steinhardt
Director
ACLU Technology and Liberty Project

A handwritten signature in black ink that reads "Laura W. Murphy". The signature is written in a cursive, flowing style.

Laura W. Murphy
Director
ACLU Washington Legislative Office

LaShawn Y. Warren
Legislative Counsel
ACLU Washington Legislative Office