

FAA-1999-5536-17

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OFFICE DEPT. OF TRANSPORTATION
COUNCIL DOCKETS
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Date: 4/20/99 10: 11 PM
Sender: Tom Hensley <henslet@email.uc.edu>
To: 9-NPRM-CMTS
cc: Declan McCullagh <declan@well.com>
Priority: Normal
Subject: Proposed regulation

Dear Sirs:

I am writing to you with regards to the implementation of the CAPS system prior to phasing in an EDS system at a later and otherwise unspecified date. In general, I am sure that everyone supports the concept of making our skies terrorist free; however, to do so at the expense of our Constitutional guarantees may be unwise and not necessarily enforceable. Specifically, I am referring to the following remarks by FAA spokesperson Rebecca Trexler as reported in Wired magazine:

"It's software that runs on the airline's reservation system. What it does is select passengers whose checked bags will require additional security and it also selects passengers at random," says FAA spokesperson Rebecca Trexler.

These remarks referring to the selection of "passengers at random" seem to be an artfully disguised way of saying that the CAPS will identify a lot of people as terrorists who are entirely innocent of these charges but whom CAPS sees as potential terrorists. This scrutiny and labeling of the innocents is frightening and I suspect amounts to "unlawful search and seizure". Perhaps even more frightening is what will happen to this data identifying the innocents as terrorists after a negative search of their luggage has been performed by the EDS; will it be expunged or saved for future consideration and an as yet unspecified action.

Even with a hefty price tag of around one million dollars per EDS; it seems to me that we could buy several thousand of these machines and thus hasten their implementation for the estimated multi-billion dollar price tag of implementing the CAPS program. Additionally, I suspect that even the CAPS system is not as effective as screening all luggage with the EDS prior to transport on the subject aircraft.

On the bright side, it looks as though this proposed regulation will make the airlines deliver my luggage with my flight; instead of having to fill out a lost baggage claim because it went somewhere else or by some other means.

Respectfully,

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TOM HENSLEY

"...and they struck his name with an iron pen from the Godly record of Christian men." lyric from the American folk opera, "The Devil and Daniel Webster"

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