



## Washington State Senate

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February 8, 2011

William S. Ayer  
Chairman and Chief Executive Officer  
Alaska Airlines Corporate Office  
P.O. Box 68900  
Seattle, WA 98168

Dear Mr Ayer:

For many years I have been an A Advantage frequent flyer and frequently fly with Alaska Airlines for business.

It was a disappointment that there was no objection from the airlines industry when Transportation Security Agency (TSA) deployed invasive body pat down and full body X-ray techniques on your customers in the name of National Security. Those of us, who have traveled to many parts of the world where terrorism was a concern, know this is an illogical approach and is only designed to determine how many liberties Americans will relinquish.

When it became apparent that you intended to remain silent while several laws were being broken, your lack of concern for the emotional and physical well being of the flying public was very unsettling.

As an Alaska Airlines customer, I was personally disappointed by your lack of public protest. The airline industry has failed to challenge the harassment and protect customers from unwarranted searches.

The following is the state statute RCW 9A.44.100 **Indecent liberties** (Emphasis added in bold):

(1) A person is guilty of indecent liberties when he or she **knowingly causes another person who is not his or her spouse to have sexual contact with him or her or another:**

(a) **By forcible compulsion;**

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless;

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(c) When the victim is a person with a developmental disability and **the perpetrator is a person who is not married to the victim and who:**

(i) **Has supervisory authority over the victim;** or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense;

(2)(a) Except as provided in (b) of this subsection, indecent liberties is a class B felony.

**(b) Indecent liberties by forcible compulsion is a class A felony**

The Transportation Security Agency (TSA) has deployed full body scanning technology at SeaTac Airport. "**Sea-Tac installs body scanners, Leave your weapons at home this Thanksgiving because air travel may now require a strip search, Taylor Lutz, THE DAILY EVERGREEN, Published: 11/16/2010.**"

According to the Daily Evergreen "machines violate basic human rights and dignities by **strip-searching innocent people. Without probable cause or any reasonable suspicion**, innocent civilians are being subjected to the same treatment that would usually be reserved for criminals. In other words, everyone is guilty until proven innocent.

As of now, individuals have a choice to "opt-out" from the strip search, but **those who do will be forced to submit to an even more thorough screening**. TSA officials have moved away from the "**traditional hand-pat to more of a hand sliding motion.**" People unwilling to submit can only choose not to fly.

The scanners used by the TSA render digital photographs of a person completely nude, and when enhanced with simple software available to the TSA, become explicit, detailed, color photos of the person in the nude, both front and back. There have already been cases of these photographs being stored and used in settings outside security. Gizmodo lost track of some 35,000 images that somehow ended up with a tech website that published the images that were taken at a Florida Federal courthouse.

Here is a list of the crimes TSA personnel are committing when they impose this invasive violation of individual liberty:

**Applicable state law -**

The taking of a photograph of a person's body that is covered by clothing and intended to be protected from public view is **the crime of voyeurism**, RCW 9A.44.115. A person commits the crime of voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films:

(2)(a) Another person without that person's knowledge and consent while the person being

viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy; or

(b) The intimate areas of another person without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

(3) **Voyeurism is a class C felony.**

If you object to the taking of such photographs, you are subjected to a search that includes groping of intimate body parts, which is also a crime, pursuant to RCW 9A.44.170

(1) A person is guilty of **custodial sexual misconduct** in the second degree when the person has sexual contact with another person:

(b) When the victim is being detained, under arrest, or in the custody of a law enforcement officer and **the perpetrator is a law enforcement officer.**

(2) **Consent of the victim is not a defense** to a prosecution under this section.

(3) Custodial sexual misconduct in the second degree is a **gross misdemeanor.**

As for the TSA workers who are taking nude photographs of children, these workers are also perpetrating felonies under state law, pursuant to RCW 9.68A.040, the sexual exploitation of a minor.

(1) A person is guilty of sexual exploitation of a minor if the person:

(a) Compels a minor by threat or force to engage in sexually explicit conduct, **knowing that such conduct will be photographed** or part of a live performance;

(b) Aids, invites, employs, authorizes, or causes a minor to engage in sexually explicit conduct, **knowing that such conduct will be photographed** or part of a live performance; or

(c) Being a parent, legal guardian, or person having custody or control of a minor, permits the minor to engage in sexually explicit conduct, **knowing that the conduct will be photographed** or part of a live performance.

(2) **Sexual exploitation of a minor is a class B felony punishable under chapter 9A.20 RCW.**

When the parent rightfully declines to allow the TSA to sexually exploit their child, and the TSA subjects the child to a search that includes making sexual contact, yet another felony has been perpetrated, pursuant to RCW 9A.44.083:

(1) A person is **guilty of child molestation** in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, **sexual contact with another who is less than twelve years old** and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

(2) **Child molestation in the first degree is a class A felony.**

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Any law enforcement officer who knows of these crimes and willfully turns away from making an arrest is aiding and abetting these crimes pursuant to RCW 9A.08.020 (4-6).

When pilots revealed that they were required to be X-rayed and groped, the question was being asked, "Why would I get on an airplane when pilots and flight attendants are suspected terrorists?" It then became obvious that public safety was not the reason your customers were being put through such torment, your employees pulled the mask off the whole ridiculous procedure and we, the traveling public, thank them.

However, because your industry has offered no objection to the way our government has embarked on this ill-conceived treatment of your customers, and because I was forced to cancel a business trip to Washington, D.C. due to my refusal to submit to the invasive treatment by the TSA, I am hereby requesting that you refund my ticket price of \$922.40.

A copy of the auto-generated email from Alaska/Horizon Airlines, dated November 28, 2010 is enclosed. It acknowledges cancellation of my reservation. I do not wish to apply the value of this ticket to future travel; therefore I request that you refund the full ticket price at your earliest convenience.

Thank you for your attention to this matter. Should you wish to discuss this further, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Val Stevens". The signature is fluid and cursive, with the first name "Val" being particularly prominent.

Senator Val Stevens  
39<sup>th</sup> Legislative District

Enclosure