

EARLY RELEASE - MAY 27, 2011

INFORMATION KIT DISCUSSING:

TSA – Transportation Security Administration

**Unconstitutional Procedures, Documented Abuses, and
A Continuing Threat To American Freedom**

How is the TSA threatening my rights as an American citizen?

Am I being made safer from terrorism?

*Can you explain to me why I am being “strip searched” by the TSA
when policemen can’t do that?*

*If I opt out of the “strip searches”, will I and my children still be
touched inappropriately?*

Do government strangers see naked pictures of my children?

*What is the radiation risk to me from being in the “strip search”
scanners?*

” If Tyranny and Oppression come to this land, it will be in the guise of fighting a foreign enemy.”

- James Madison

“Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety”

- Benjamin Franklin

“Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has.”

- Margaret Mead

“Freedom To Travel USA” is a group of US citizens who are concerned about the actions of the Transportation Security Administration (TSA). We live all across the United States and are of many different political persuasions. We could comfortably live our lives without worrying about the TSA, but the TSA represents a federal agency that is, every day, violating the rights embodied in the US constitution and for which hundreds of thousands of Americans have died. If not confronted now, the United States in which our children are growing up will be a more unpleasant place.

We hope you read this document with an open mind, arrive at the same conclusions we have, and join us in restoring our rights and our dignity while traveling.

Contents

Executive Summary	5
<i>The TSA Is Helping Terrorists “Win”</i>	5
<i>Request for Legal Action To Restore America’s Freedoms</i>	6
<i>Federal Legislation Campaign</i>	6
<i>State Legislation Campaign</i>	7
The US Constitution	9
<i>4th Amendment</i>	9
<i>History of Administrative Searches</i>	10
<i>History of Airport Screenings</i>	10
<i>United States vs Davis</i>	10
<i>Discussion of United States vs Davis</i>	12
<i>TSA Scanners Are “Strip Searches”</i>	14
<i>Sexual Assault Pat Downs</i>	16
<i>Privileged Class Concerns</i>	17
Security Risk?	18
<i>Hijackings</i>	18
<i>Airline Passenger Bombings Post-911</i>	19
<i>Fatal US Airline Passenger Bombings Pre-911</i>	20
<i>Risk Assessment</i>	20
<i>Risk Table</i>	21
<i>Other Airline Related Risks</i>	24
<i>Strip Search Scanner and Overall Screening Effectiveness</i>	25

Trusted Traveler – US Travel Association (USTA) Lobbying..... 26

TSA Illegal Acts and Abuses..... 30

Medical Issues..... 30

TSA – Expanding Illegal Acts (VIPR in Savannah, Georgia Amtrak) 31

Pregnant Women 32

Children 32

Sexual Assault Victims..... 33

Health Concerns 34

Executive Summary

The intent of this document is to educate concerned legislators, media, and citizens about the Transportation Security Administration (TSA), the Department of Homeland Security (DHS) agency responsible for protecting transportation including airports, railways, and ports.

It is our **assertion** that the TSA is...

- ✓ **violating our rights guaranteed to us by the United States Constitution's 4th Amendment**, because of the TSA conducting unreasonable "strip searches" and groping of genitalia and breasts, including those of children, without a compelling administrative need and beyond what legitimate law enforcement officers are allowed to do
- ✓ **trying to justify these illegal acts based on ineffective "strip search" scanners** deployed to combat nearly non-existent security risks, while not redirecting spending to legal methods of combating other, higher security risks
- ✓ **overreaching its authority by carrying out illegal acts and abusing passengers**, not only at airlines, but also in other areas of transportation; and that these abuses include traumatizing those with medical issues and touching our children inappropriately
- ✓ **potentially exposing millions of airline passengers to radiation risks** using "strip search" scanners untested by objective 3rd party medical and radiological professionals

We show this to you in a well-reasoned format, free from hysteria and extreme hyperbole, without allegiance to a particular brand of political philosophy, and without influence of corporate or private money sponsorship.

The TSA Is Helping Terrorists "Win"

The FBI (<http://www.fbi.gov/stats-services/publications/terrorism-2002-2005>) says the intent of terrorism is **"..to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion..."** .

We suggest the **terrorists are winning** when the TSA is making you and your children appear naked to government strangers and forcing you and your children to be touched on genitals and breasts before you can board a plane in the United States. **It's just that simple.**

There is no overwhelmingly grave threat that even begins to justify the new TSA procedures that are focused on passengers bringing bombs on an airplane. In fact, no airline passenger getting on a plane in the US has set off a bomb that has killed anyone in almost half a decade – nearly 50 years!

Not only is the security risk almost non-existent, the suspension of constitutional rights and basic privacy are very troubling as well. If we had told you 3 years ago that government strangers would be “feeling you up” or looking at your penis or breasts before you could get on a plane, you would have laughed. Not anymore.

Request for Legal Action To Restore America’s Freedoms

We ask that all concerned legislators and citizens join us in restoring freedoms in our great country and to stand up against the fear of terrorism, instead of helping terrorists “win” by changing the nature of America.

We are not asking for the abolition of airport security – but we are asking for reasonable, legal means to be restored.

The specific legislative goals for airport security that we support and are asking you to support are:

- Provide for airline passenger screenings using **long-standing and effective legal means** which existed prior to strip search scanners and sexual assault pat downs, specifically magnetometer (metal detector) screening. We also support effective explosive detection technology, “bomb sniffing” dogs, and cargo screening for passenger flights.
- **Forbid strip searches**, including body scanners, of U.S. citizens, including children, except that law enforcement officers may perform strip searches under current legal authority and circumstances.
- **Forbid physical searches** of U.S. citizens, including children, except that law enforcement officers may perform physical searches under current legal authority and circumstances.
- We are especially **concerned** that U.S. citizens with ‘medical metal’ – think of metal joint replacements (knee, hip, surgery metal), artificial limbs, and similar medical issues -are currently profiled an extremely high percentage for the strip search scanners and sexual assault pat downs. We propose a pre-flight clearance procedure be developed that will protect those with medical assistive devices from needing to violate their privacy rights in order to exercise their right to travel.

Federal Legislation Campaign

In conjunction with the initial release of this INFORMATION KIT, we are spearheading the most comprehensive analysis of the Senate and House congressional members and where they are positioned regarding the TSA. From this initial accounting, we will work with legislators to promote reasonable and legal airline security measures that preserve the dignity and rights of the traveling public.

This is a bipartisan issue; the introduction of **H.R. 1279 “Aircraft Passenger Whole-Body Imaging Limitations Act of 2011”** as introduced by Rep. Jason Chaffetz (Republican, Utah, 3rd District) and Rep. Rush Holt (Democrat, New Jersey, 12th District) is a potential first step in restoring our rights and reigning in the illegal and abusive TSA tactics. Details of the bill are at <http://www.gpo.gov/fdsys/pkg/BILLS-112hr1279ih/pdf/BILLS-112hr1279ih.pdf> .

The TSA’s aggressive tactics have resulted in increasingly negative views. A recent New York Times Op-Ed by Maureen Dowd (<http://www.nytimes.com/2011/04/20/opinion/20dowd.html> , NY Times, April 19th, 2011) generated many comments. Out of all the comments on this article, 61 out of 377 were Pro-TSA, which makes **83% against the current TSA procedures**. [NOTE: One of the authors of this Information Kit read every comment to arrive at the numbers]. Clearly, more and more people are becoming more informed and aware of the TSA tactics.

We fully believe that this and other data show that the public supports our goals. Championing restoration of constitutional rights for citizens and returning dignity for airline travelers is a demonstrable, winning issue for elected officials.

State Legislation Campaign

State legislatures are also responding to public outrage at the illegal and abusive TSA tactics. The states of New Hampshire, New Jersey, Texas, and others are introducing or are vetting bills that would make TSA procedures criminal activities in those states.

We support these initiatives.

Recently, Alaskan State Representative Sharon Cissna helped start an initiative for multiple states to discuss and share their efforts. Interested readers can follow these strong efforts by connecting to <http://www.akhealthcaucus.org/TSA.php> . The initiative is called “United States for Travel Freedom”.

Hawaiian State Senator Sam Slom has a good background article on this at <http://www.hawaiireporter.com/hawaii-other-states-form-caucus-to-oppose-tsa-intrusions/123> .

US Government Threatens the State of Texas With a “No Fly” Zone

In May, 2011, the Texas House passed a unanimous bill to arrest public officers who touch the genitals of citizens as part of a search. The State Senate was going to bring the bill to a vote, but a last minute letter by US Attorney General John E. Murphy **actually threatened to stop all airline traffic in the state!** Because of this threat by the federal government against Texas, some Senators were concerned about passing the bill and thus the bill was not brought up for a vote.

An actual (http://stopaustinscanners.org/wp-content/uploads/2011/05/dept_of_justice_letter.pdf) quote from the US Attorney general is “If HR1937 were enacted, the federal government would likely seek an emergency stay of the statute. Unless or until such a stay were granted, the TSA would likely be required to cancel any flight or series of flights for which it could not ensure the safety of passengers

and crew.” In other words, they would likely shut down airline flights until they could be assured of touching passengers’ genitals.

The US Constitution

4th Amendment

The United States Transportation Security Administration (TSA) formally announced, in November 2010, that it would move forward with an aggressive implementation of “pat-downs” and “full-body scans” using Advanced Imaging Technology (AIT), formerly called ‘whole body imaging’ (the original name was changed by the TSA after a couple of months in order to project a less intrusive connotation in their official documents.)

NOTE: We have promised not to use hyperbole, but please be aware that we will use the following terms as we feel they **EXACTLY describe** – no more and no less – the TSA procedures fairly and accurately.

Strip Search Scanners – these are what the TSA refers to as AIT scanners. From www.merriam-webster.com, the definition of “strip search” is “a search for something concealed on a person made after removal of the person's clothing”. The AIT scanners use technology to remove your clothing; no matter how convenient in terms of your time and effort, it is a strip search procedure and exposes your naked body to a government stranger.

Sexual Assault Pat Down – this is what the TSA refers to as “pat down”. Laws vary from state to state, but we have used one of our largest states, California, to define “sexual assault”. An excerpt from http://www.ehow.com/about_6623976_definition-california-law-sexual-assault.html is that “sexual assault is defined as a non-consensual sexual act. Sexual assault includes unwanted touching on an intimate area of a person's body.” We do acknowledge that criminal sexual assault often includes intent of the perpetrator, but we hope that you would agree that anyone touching your intimate areas without your consent is inappropriate at the least.

Naturally, many US Citizens who value all of our rights – as enumerated in the United States Constitution - questioned these new procedures. They became alarmed that our 4th amendment rights were being infringed upon by the aggressive TSA policy.

To be clear, the 4th amendment is:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

We do not expect you to go to law school and study thousands of pages of legal cases and opinions. However, it is important to clarify some of the history of airport security screenings, the legal cases behind it, some interesting analogies and facts on security risks, and the implications for maintaining and securing the basic rights of US citizens.

History of Administrative Searches

The idea of an “administrative search” has its genesis in the rights of cities to conduct searches necessary to promote public health and safety. For example, cities have traditionally been able to inspect dwellings to see if they conform to fire codes, for it is clear that dangerous conditions may lead to endangering the lives of others in the surrounding buildings. An often referenced case is ***Camara vs Municipal Court and City of San Francisco*** (<http://openjurist.org/387/us/523>). The result of this case upheld that government can institute “administrative searches” as long as they are general schemes and it also said the defendant had the right to require an administrative warrant before his premises could be entered. Essentially, the public safety concerns supported the administrative search, and in this case the city STILL had a requirement to get a warrant because that did not substantially make it impractical to carry out inspections since most people agreed to inspections.

History of Airport Screenings

There was a time when United States airports did not have any substantial security screening processes. However, in the late 1960s, the incidences of hijackings increased substantially and alarmed the government, public, and aviation industry. We quote from a legal decision , ***United States vs Davis***, which we will explore in more detail:

“Between 1961 and 1968, hijackings of United States aircraft averaged about one per year. In 1968, however, the number rose to 18. In 1969 there were 40 attempted hijackings of United States aircraft, 33 successful.”

The government continued to refine screening requirements, and by 1972 the standard system we are familiar with was instituted and has been the backbone of our security ever since. Quoting again:

“On December 5, 1972, the FAA ordered that searches of all carry-on items and magnetometer screening of all passengers be instituted by January 5, 1973.”

United States vs Davis

In 1971, a passenger was arrested and fined for having a gun in his briefcase. The passenger argued that the gun was found illegally based on his circumstances. Eventually, this case (<http://openjurist.org/482/f2d/893/united-states-v-davis>) made it to the United States Courts of Appeal, Ninth Circuit and has been an oft-cited case for transportation security. We invite you to read the link for details, and we have extracted the salient assertions from this lower-level (not Supreme Court) court ruling:

- The essential basis of airport screenings is based on an administrative search.
- The Ninth Circuit Court of Appeal stated:

” The essence of these decisions is that searches conducted as part of a general regulatory scheme in furtherance of an administrative purpose, rather than as part of a criminal investigation to secure evidence of crime, may be permissible under the Fourth Amendment though not supported by a showing of probable cause directed to a particular place or person to be searched.

As we have seen, screening searches of airline passengers are conducted as part of a general regulatory scheme in furtherance of an administrative purpose, namely, to prevent the carrying of weapons or explosives aboard aircraft, and thereby to prevent hijackings. The essential purpose of the scheme is not to detect weapons or explosives or to apprehend those who carry them, but to deter persons carrying such material from seeking to board at all”

- The court was clear when it said: “It follows that airport screening searches are valid only if they recognize the right of a person to avoid search by electing not to board the aircraft.” NOTE: The reason for this is that the search would be elevated to a criminal search and thus require a warrant; so the intent of the search cannot be to prosecute a crime. They further conclude “In sum, airport screening searches of the persons and immediate possessions of potential passengers for weapons and explosives are reasonable under the Fourth Amendment provided each prospective boarder retains the right to leave rather than submit to the search.”
- The court concluded about the right to travel: “This Court long ago recognized that the nature of our Federal Union and our constitutional concepts of personal liberty unite to require that all citizens be free to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement.”
- The Ninth Circuit Court also stated: “These doctrines dictate a critical examination of each element of the airport security program to make certain that neither the passenger's right to travel nor his right to personal privacy is burdened beyond the clear necessities of current circumstances.

As we have seen, however, the need for some limitations upon these rights is clear. In light of that need, a screening of passengers and of the articles that will be accessible to them in flight does not exceed constitutional limitations provided that the screening process is no more extensive nor intensive than necessary, in the light of current technology, to detect the presence of weapons or explosives, that it is confined in good faith to that purpose, and that potential passengers may avoid the search by electing not to fly.”

- This particular case is about the current state of the proposed administrative search and the court offered: “To pass constitutional muster, an administrative search must meet the Fourth Amendment's standard of reasonableness.” Unfortunately, there can be no ready test for determining reasonableness other than by balancing the need to search against the invasion

which the search entails." *Camara v. Municipal Court*, supra, 387 U.S. at 536-537, 87 S.Ct. at 1735.

The need to prevent airline hijacking is unquestionably grave and urgent. The potential damage to person and property from such acts is enormous. The disruption of air traffic is severe. There is serious risk of complications in our foreign relations."

Discussion of United States vs Davis

We have several comments about what was written by the lower court.

- 1) The idea of an administrative search arose originally from property searches. However, the warrantless search of a "person" has been carved out in several legal cases under the administrative doctrine, such as when preventing the spread of communicable diseases. We do not think the courts will overturn the administrative search doctrine as it applies to general security screenings.
- 2) We think the court contradicts itself when it says "screening searches of airline passengers are conducted as part of a general regulatory scheme in furtherance of an administrative purpose, namely, **to prevent the carrying of weapons or explosives aboard aircraft**, and thereby to prevent hijackings. The essential **purpose of the scheme is not to detect weapons or explosives or to apprehend those who carry them**, but to deter persons carrying such material from seeking to board at all".

Frankly, it is twisted logic to say the purpose of equipment to detect explosives is not to detect explosives, but to stop persons from having explosives. How else would one prevent the carrying of explosives unless one put in equipment to detect explosives? The actual effect is that you are still looking to detect explosives. Regardless of the express purpose, we do not believe weapons detection and explosive detection will be stopped.

- 3) The court reaffirms a passenger's right to leave as an alternative. The TSA disagrees on when your consent to search is given. Our research on actual incidents shows inconsistency in written policy and practice. For example, the written policy is that you consent when you stand in a security line after having your boarding pass checked. Yet, Alaskan State Senator Sharon Cissna was allowed to leave the airport without completing a scanner strip search and subsequent sexual assault pat down, although she had entered a security line. She was not arrested, nor was she fined \$11,000 as is threatened by the TSA.

We do believe if you are in line for a metal detector for example, and then a Transportation Security Officer (TSO) asks you to go through a strip search scanner, you have the right to refuse and leave.

- 4) We agree with the right to travel. It should be noted that it can be argued that airline travel is a unique form of transportation which has grown to be a significant requirement to conduct business, to maintain physical relationships with family and relatives, and to go on leisure vacations. There is no alternative to covering significant distances in such a short time frame. For this reason, the restrictions on airplane travel should be **especially scrutinized** for impact to our citizens.
- 5) A main TSA argument put forth concerning strip search scanners is based on the 1973 lower court opinion which stated "...-screening...does not exceed constitutional limitations provided that the screening process is no more extensive nor intensive than necessary, in the light of current technology, to detect the presence of weapons or explosives, that it is confined in good faith to that purpose..."

We think this bears some discussion. The original opinion is based ONLY on magnetometer technology which was available at the time of the decision. At no time was a strip search contemplated as the standard primary screening, despite the fact that an explosive like PETN had been around since the early 1900s and was used by the Germans as early as World War 1.

Apparently, the decision had been made decades ago to forego strip searches of airline passengers, despite the presence of non-metallic explosives. Is this because of the enhanced time to perform the physical search or the intrusion on privacy by forcing airline passengers to show their naked bodies to government strangers?

Regardless of the answer, the new strip search scanners are completely different technologies with a different level of intrusiveness from magnetometers.

- 6) What the TSA does not state, is the lower court also said: "These doctrines dictate a critical examination of each element of the airport security program to make certain that **neither the passenger's right to travel nor his right to personal privacy is burdened beyond the clear necessities of current circumstances.**

The necessities of current circumstances were 33 successful hijackings out of 40 hijackings in one year. We will discuss today's necessities based on non-metallic explosives in the RISKS sections. Clearly, we do have a right to travel and the lower court recognized a right to personal privacy.

- 7) Which leads us to what is probably the major issue concerning the "doctrine" of administrative searches. The reference to the Camara case said: "To pass constitutional muster, an administrative search must meet the Fourth Amendment's standard of reasonableness." Unfortunately, there can be no ready test for determining reasonableness other than by

balancing the need to search against the invasion which the search entails." *Camara v. Municipal Court*, supra, 387 U.S. at 536-537, 87 S.Ct. at 1735.'

There are really two parts to "carving out" the 4th Amendment. One is to measure the "need to search" and the other is to measure the "invasion" which the search entails. The former is the security risk, and the latter is the method of the search.

The assertion in the *Camara* case is that **even an administrative search must meet the standard of reasonableness**. The issue in the *Camara* case was that a gentleman had his private domicile searched without a warrant as we discussed earlier. The point is that if an administrative search is allowed to be conducted without a warrant, it must still meet the standards of the 4th amendment.

TSA Scanners Are "Strip Searches"

Our society has an expectation of privacy, especially of our bodies. This is why we wear clothing in public, why we break laws when we expose our bodies without clothing, and why TV stations are subjected to large fines for displaying nude bodies. Our teachers do not teach in the nude, our government does not make a government job contingent on working without clothes, and we have voyeurism laws against strangers viewing one naked without one's permission.

Furthermore, we teach our children to "not let strangers touch you" from an early age. Also, generally we do not share nude pictures of our children with strangers. There are laws against unwanted touching by strangers, especially touching of a sexual nature. Again, there is a well-established custom and expectation of privacy for ourselves and especially for our children.

In the (www.epic.org) EPIC vs DHS lawsuit, EPIC notes:

' "The desire to shield one's unclothed figure from view of strangers, and particularly strangers of the opposite sex, is impelled by elementary self-respect and personal dignity," said the U.S. Ninth Circuit Court of Appeals in 1958. The law of privacy, according to a federal judge in California in 1976, "encompasses the individual's regard for his own dignity; his resistance to humiliation and embarrassment; his privilege against unwanted exposure of his nude body and bodily functions." Both courts were discussing dignity in prisons, even though other rights of privacy are not accorded inmates. '

Meanwhile, the TSA has tried to make strip search scanners a mandatory tool of airport screenings. The strip search scanners completely violate our expectations of privacy and customs and are applied to travelers who are not under arrest or even under the remotest suspicion. The TSA website describes the strip search scanners (<http://www.tsa.gov/approach/tech/ait/faqs.shtml>) as "...advanced imaging technology..screens passengers..for..threats..concealed under a passengers' clothing." The TSA clearly is

performing a search after removing your clothing, and in fact, they are “..highly confident in its detection capability.”

We agree with the TSA that they take images of your naked body. On April 15th, 2008 the TSA blog (<http://blog.tsa.gov/2008/04/first-significant-deployment-of.html>) suggested that “These images are friendly enough to post in a preschool. Heck, it could even make the cover of Reader’s Digest and not offend anybody.” Since that time, the TSA has made it clear the images are invasive to the point that “The officer who views the image is remotely located in a secure resolution room.” according to the TSA FAQ (Frequently Asked Questions). Although actual high-resolution photos have not been released, a sample low-resolution photograph is shown below from the EPIC vs DHS lawsuit discovery.



The actual detection capabilities highlighted by the TSA include the comment (<http://blog.tsa.gov/2010/03/advanced-imaging-technology-yes-its.html?commentPage=4>): “Using AIT,

our officers are finding things like small packages of powder-based drugs hidden on the body. When I say small, I mean that one packet was smaller than a thumb print.” So, the images we have obtained obviously are not at the quality level hinted at in the TSA statement.

One consequence of the graphic nature of the strip search scanner images is that a Miami TSA worker assaulted a co-worker after his coworkers made fun of the size of his genitalia after he walked through a strip search scanner during training (<http://www.nbcmiami.com/news/local/TSA-Fracas-After-Body-Scanner-Reveals-TMI-92971929.html>). Another incident occurred in London (http://news.bbc.co.uk/2/hi/uk_news/england/london/8584484.stm)when a female security agent accidentally (NOTE: Apparently, the people using the scanners know they completely invade privacy) entered a scanner, and was subsequently harassed by a male coworker.

Let there be no doubt about the intrusiveness of the strip search.

The intrusive strip searches used by the TSA are not even allowed for police. The police may perform strip searches on prisoners, or in certain circumstances on people under arrest. There is some debate, even within the courts, on what offenses and in what conditions police may strip search people under arrest. For example, people under arrest for jaywalking, failure to pay a parking ticket, and other misdemeanors may not necessarily be strip searched. **One would think that a non-law enforcement agency could not use methods, which are prohibited to police, on people who are not under arrest.**

Sexual Assault Pat Downs

It is a little known fact that a passenger is not required to go through a strip search scanner – the TSA offers an “opt out” to have your person searched. As previously stated, this is not the “pat down” you might get at a sporting event where they touch your outer clothing to feel for prohibited items such as alcohol containers. Instead, the Transportation Security Officer (TSO) follows a secret procedure that has not been made public. We can assure you that the procedure includes having a TSO touch your genitals and breasts – if you searched your neighbors and your neighbors’ children this way for potential weapons when they visited your house, you would be arrested.

In another Supreme Court decision *Terry vs State of Ohio* (<http://openjurist.org/392/us/1/terry-v-state-of-ohio>), the Supreme Court ruled that police are allowed to “frisk” potential suspects, even if not under arrest, based on the potential for an immediate threat of injury or death to a police officer. Under the administrative search doctrine, the TSA is asserting the government right to perform a “Terry frisk” without remotely reaching the relaxed 4th amendment standards that the Supreme Court carefully laid out in this decision. It is important to note that the Supreme Court justified the frisk method based on the fact that many officers were killed every year by people with hidden weapons. A police frisk should not be allowed by non-law enforcement government workers, especially using more relaxed standards than those which police must follow.

Privileged Class Concerns

With the proliferation of strip search scanners and sexual assault pat downs, one might wonder, “Who is exempt?” Are there any special exemptions or treatment?

The President

President Obama is exempt as he uses non-commercial airline travel. Just an aside, the President actually joked about the TSA “pat downs” in his 2011 State of the Union speech (<http://www.youtube.com/watch?v=sGyuvhKQ-HQ>), while promoting rail travel as a way to avoid them. He is a little misinformed as the TSA is has planned expansions into rail travel and has instituted “pat downs” for rail travel on separate occasions.

Limited Congress Members

According to the Washington Post (http://voices.washingtonpost.com/federal-eye/2010/11/who_is_exempt_from_airport_sec.html), “Congressional leaders who are assigned a security detail, including the speaker of the House, the House minority leader and the Senate majority leader, are allowed to pass through airport security checkpoints when flying commercial jets, according to the TSA. All other members of Congress are expected to stand in line and wait.”

Government Officials

Again, according to the Washington Post, “President Obama, Vice President Biden and Cabinet secretaries who travel on government aircraft or with security details (Clinton and Defense Secretary Robert M. Gates) obviously don't pass through security checkpoints. Former presidents flying commercial with Secret Service agents, Cabinet secretaries who use commercial aviation and travel with bodyguards and some foreign ambassadors also traveling with guards are exempt from screening.”

Pilots and Flight Crews

After complaints from pilots and crew, the TSA modified rules for pilots and crews so that they did not need to go through strip search scanners. However, two pilots have sued the TSA claiming the procedures are still too invasive. One of these pilots said she was still subject to the sexual assault pat down all the time, after going through a metal detector, because of her artificial hip.

Football Players

Interestingly enough, the TSA has gone out of its way to help the NFL. According to <http://www.sfbayareaobserver.com/2011/02/how-nfls-chiefs-almost-didnt-get-out-of.html>, the visiting team in Oakland gets special treatment at the stadium by the TSA.

Security Risk?

We think a critical examination of the TSA strip search scanner and sexual assault pat downs needs to focus on the security risk and how this relates to the Supreme Court admonition in the *Camara vs Municipal Court* case. To restate, the Supreme Court asserted:

“Unfortunately, there can be no ready test for determining reasonableness other than by balancing the need to search against the invasion which the search entails.” *Camara v. Municipal Court*, supra, 387 U.S. at 536-537, 87 S.Ct. at 1735.

Hijackings

The “need to search” was driven by hijackings in the 1960s and is why we have government security screening at airports today. One source (fairly well-corroborated in other sources discussed later) for hijacking totals is <http://www.southasiaanalysis.org/%5Cpapers2%5Cpaper103.html>. The author compiled the following global statistics:

YEAR--- TOTAL

1968 ---	38
1969 ---	82
1970 ---	74
1971 ---	55
1972 ---	56
1973 ---	22
1974 ---	20
1975 ---	19
1976 ---	20
1977 ---	28

We note that apparently a lot of the hijackings were people who wanted to go to Cuba. In 1973, the CIA and Cuban authorities apparently reached an agreement which severely reduced total hijackings from previous years.

The source web link further states:

PERIOD-----TOTAL

1948-1957---	15
1958-1967 ---	48
1968-1977---	414
1978-1987---	260
1988-1997 ---	180

“Of the 87 hijackings between 1993 and 1997, only seven, that is less than 10 per cent, were terrorism-motivated. 68 were committed for personal reasons and the remaining 12 were committed for other reasons. 44 per cent of all the hijackings during this period took place in three countries--China (23), Russia (6) and Ethiopia (6) “

Another source, http://www.centennialofflight.gov/essay/Government_Role/security/POL18.htm states that the last US-based hijacking before 9-11 was in February, 1991. Since then, there have been no US-based hijackings. We suggest this is probably due to two main reasons. First, the US had airplane cockpit doors “hardened” to protect potential hijackers from entering. Second, pilots could be armed and passengers are more apt to confront potential hijackers. We can also not discount the TSA increased scrutiny using the metal detectors and baggage x-ray scanners which are the primary means of finding guns in carry-on baggage and on airline passengers.

Airline Passenger Bombings Post-911

The accelerated use of strip search scanners and sexual assault pat downs became a TSA focus based on two incidents that occurred since 9-11.

The first incident occurred on December 22nd, 2001 when Richard Reid, a UK citizen commonly known as “the Shoe Bomber”, boarded an aircraft in Paris that was bound for the US. He was overpowered by crew and passengers who saw him attempting to set a fuse in his shoe, which contained the explosive PETN. Reid had been denied boarding on a flight the previous day because of his disheveled appearance, but he was given a ticket after further review and the fact that he had a legitimate British passport.

The second incident occurred on December 25th, 2009 when Umar Farouk Abdulmutallab, a Nigerian commonly known as “the Underwear Bomber”, boarded an aircraft in Amsterdam that was bound for Detroit. Like with Richard Reid, Abdulmutallab was overpowered by passengers after he accidentally burned himself while trying to detonate the PETN explosive.

What is especially important to know about the “Underwear Bomber” is that his father had called the U.S. Embassy in Nigeria to talk about his son’s extremist views and that he might be in Yemen. Umar’s name was added to a database, but never reached the No-Fly list. The State Department also claimed in testimony that they wanted to deny him a visa, but that intelligence officials were against that because it might interfere with a larger investigation. Clearly, Umar could have been denied a visa and boarding or he could have been subjected to additional scrutiny.

To summarize: Since 9-11, there have only been two attempted airline passenger bombings on planes – **by foreigners getting on planes outside the US**. There have been **no airline passenger bombings by passengers boarding planes in the US**.

Fatal US Airline Passenger Bombings Pre-911

Ok, but how many airline passenger bombings have there been – by passengers boarding planes in the US?

In reviewing <http://www.planecrashinfo.com/cause.htm> and <http://aviation-safety.net/database/events/event.php?code=SE>, they show the last US-originated airline passenger bombing which killed someone occurred May 22nd, 1962 – **forty-nine (49) years ago**. There hasn't been another single instance of a US airline passenger bomb since then. There was one more attempt, with no injuries, in 1968.

Risk Assessment

In March, 2011, Jim Harper, a member of the Department of Homeland Security's Data Privacy and Integrity Advisory Committee, testified in a Pennsylvania state hearing concerning a state bill introduced to curtail TSA activities in the state of Pennsylvania.

His formal testimony included a good analysis of risk assessment. As he identified, there are four important concepts for evaluating risk (below, from Jim Harper's testimony):

- A vulnerability is weakness or exposure that could prevent an objective from being reached. Vulnerabilities are common, and having a vulnerability does not damn an enterprise. The importance of vulnerabilities depend on other factors.
- A threat is some kind of actor or entity that might prevent an objective from being reached. When the threat is a conscious actor, we say that actor "exploits" a vulnerability. When the threat is some environmental or physical force, it is often called a "hazard." As with vulnerability, the existence of a threat is not significant in and of itself. A threat's importance turns on other factors.
- Likelihood is the chance that a vulnerability left open to a threat will materialize as an unwanted event, a development that frustrates the safety, soundness, or security objective. Knowing the likelihood that a threat will materialize is part of what allows risk managers to apportion their responses.
- Consequence is the significance of loss or the impediment to objectives should the threat materialize. Consequences can range from very low to very high. As with likelihood, gauging consequence allows risk managers to focus on the most significant risks.

Analyzing vulnerabilities and threats permits risk managers to make rough calculations about likelihood and consequence. This process will float the most significant risks to the surface. Though these factors are often difficult to measure, a simple formula guides risk assessment:
Likelihood x Consequence = Risk

Events with a high likelihood and consequence should be addressed first, and with the most assets. Those are the highest risks. Events with low likelihood can wait, or they can even be ignored.

We highlight the important testimony by Jim Harper concerning the TSA and the strip search scanners and sexual assault pat downs:

“The most common error I see in risk management is the propensity to address vulnerabilities rather than full-fledged risks. In late 2009, a bomber’s attempt to take down a plane by concealing explosives in his undergarments exposed a vulnerability. It is possible to sneak a small quantity of explosive through conventional security systems, though not necessarily the needed detonator and not necessarily enough explosive material to take down a plane.

But this says nothing about the likelihood of this happening again — or of it being successful. In hundreds of millions of enplanements each year, this attack has manifested itself once. And it failed. The TSA effort is going after a vulnerability — of that there is no doubt — **but it is arguable whether or not it is addressing a significant risk.**”

Risk Table

So, what is the real risk of a US-originating airline passenger boarding a plane, and then committing suicide by setting off an explosive bomb and being successful? We have created a table to show the historical frequency and the fatalities of the vulnerability based on using non-metallic explosive materials. In addition, other events that threaten one’s life are included for comparison.

NOTE: Reference sites used include:

<http://aviation-safety.net/database/dblist.php?Event=SEB>

RISK	STATISTICS	ODDS	NOTES
US-originating Flight with airline passenger setting off a bomb, <u>since</u> 1962	1 Attempt / 0 Deaths	0 dead out of 19.83 Billion passengers 2010: 630 million US domestic flight passengers (no international	US LAST FATAL BOMBING: May, 1962: Insured passenger planted dynamite bomb, killing all 45 onboard. Nov, 1968: Passenger set off bomb in lavatory. Plane landed safely.

		<p>flights to or from US)</p> <p>1990: 466 million passengers. Estimate 6.6B in 2000-2010, 5B in 1990-2000, 25% less each previous decade (1980s 3.75B, 1970s 2.8B , 1960s 2.1B)</p>	
<p>International -Originating Flight with airline passenger setting off a bomb, since 1962</p>	<p>15 Attempts / 223 Deaths</p>	<p>223 dead out of 48.37 Billion passengers</p> <p>A 1996 report (http://adg.stanford.edu/aa241/intro/airlineindustry.html) said the US market is 41% of scheduled passengers. Let's say this is same, although today it might be lower because of globalization.</p>	<p>Dec, 1964: Heavily insured passenger planted bomb on plane.</p> <p>Oct, 1967: Athens departure. Bomb left by passenger exploded.</p> <p>Aug, 1969: Passenger set off gelignite bomb in lavatory, blew himself out of plane, plane landed safely.</p> <p>Feb, 1975: Passenger used whiskey to set a fire. No fatalities.</p> <p>June, 1975: Rear lavatory explosion, one fatality. May have been placed by passenger, but not confirmed.</p> <p>July, 1975: No fatalities.</p> <p>August, 1978: Rear lavatory explosion, one fatality. May have been placed by passenger, but not confirmed.</p> <p>April, 1979: Forward lavatory explosion, no fatalities. May have been placed by passenger, but not confirmed.</p> <p>April, 1986: Athens flight (4 killed, plane landed safely)</p> <p>Nov, 1987: Burma.</p>

			<p>March, 1988: Small Embraer, passenger with marital/money problems committed bombing after buying large life insurance policy</p> <p>March, 1991: Psychiatric patient set plane on fire with petrol bomb (no fatalities)</p> <p>July, 1997: 1 person killed in Brazil, Fokker 100</p> <p>Dec, 2001: Shoe-Bomber (failed)</p> <p>Dec, 2009: Underwear Bomber (failed)</p>
Being Killed with a Hand Gun in the United States, EACH YEAR	8,478 people died in 2005	<p>8,478 Killed / 288.4 million population (2005, from census.gov) means <u>1 out of every 34,017</u> people were killed by handguns</p> <p>Source: http://bjs.ojp.usdoj.gov/content/homicide/tables/weaponstab.cfm</p>	Injuries not included. Suicides not included.
Being killed due to Lightning in the US in 2010	29	<p>29 Killed out of 308 million people in 2010</p> <p>SOURCE: http://www.weather.gov/om/lightning/fatalities.htm</p>	

Other Airline Related Risks

It is interesting to consider other airline related risks that might threaten aviation safety. We have documented ACTUAL events other than airline passenger bombings (which we have none to document for the US over the last several decades).

Suicide Bomber in Baggage Claim

<http://www.reuters.com/article/2011/01/24/us-russia-blast-airport-idUSTRE70N2TQ20110124>

On January 24th, 2011, a suicide bomber killed at least 35 people in baggage claim in a Russian Airport.

Private Plane Suicide Attack on IRS

<http://abcnews.go.com/WN/texas-plane-crash-austin-office-complex-hit-single/story?id=9874966>

On February 18th, 2010, an irate US citizen crashed his small plane into an IRS building, killing himself and an IRS employee.

Cargo Bombings

If you look at the web-site <http://aviation-safety.net/database/dblist.php?Event=SEB> , the majority of bombings with fatalities are caused by bombs exploding in the cargo area. These presumably are from passenger luggage or cargo packages carried by the plane. One of the most compelling terroristic acts was the Lockerbie bombing, where the country of Libya is firmly believed to have sanctioned this terrorist bombing on a foreign jet that took off from Scotland, killing 270 (including people on the ground) on December 21st, 1988.

TSA and Airport Worker Security Risks

The **TSA does NOT** have airport workers screened with the same methods and frequency as airline passengers. A review of criminal activity might make one reasonably alarmed that airport workers who commit these crimes might be susceptible to taking money in exchange for smuggling objects into the secure zone or may be potentially unstable enough to threaten the lives of airline passengers or their children.

It is interesting to note that several TSA officers have been convicted of stealing from airline passengers, **yet ZERO airline passengers have been caught** with a non-metallic bomb, which is the theoretical justification for the illegal and invasive strip search scanners and sexual assault pat downs.

Pedophile Screener Worked For TSA

http://www.philly.com/philly/news/20110423_Airport_passenger_screener_charged_in_distributing_child_pornography.html X

The only risk here is that a pedophile might be touching your children when they do the illegal and invasive sexual assault pat down.

TSA Worker Charged With Sex Assault

<http://www.eagletribune.com/latestnews/x300769656/Former-TSA-employee-charged-with-sex-assault>

This story highlights a TSA worker who is charged, not yet convicted (as of April, 2011), with a sexual assault and the story references juveniles. The significance is that screeners touch you and your children inappropriately as part of the standard TSA procedures.

TSA Supervising Screener Pleads Guilty To Theft

<http://www.lvrj.com/news/former-airport-security-screener-pleads-guilty-to-theft-120146664.html>

A Lead Supervisor stole money from airline passengers, which suggests one may be able to bribe a TSA agent if there is enough financial incentive.

TSA Worker In Hawaii Admits To Theft

http://www.staradvertiser.com/news/breaking/Former_TSA_screener_admits_to_stealing_.html

This screener took advantage of her position of searching carry-on luggage.

TSA Worker Accused Of Assisting Drug Dealer

<http://www.q13fox.com/news/ktla-tsa-drug-traffickers,0,3849550.story?track=rss>

Likely, this screener helped drug dealers get packages through security without detection in addition to assisting the drug dealers to get through security without issues.

Strip Search Scanner and Overall Screening Effectiveness

The TSA aggressive move to strip search scanners seems to be based on the belief that they provide significant improvement in security. We ask you the following questions:

- If there have been NO airline passengers who have set off a bomb that killed anyone on a US plane for over 49 years, what is the real risk? Compare this to 3 – 4 hijackings a month in the US in the late 1960s.
- If the strip search scanners are not used on 100% of airline passengers, doesn't that negate their effectiveness? Consider please that 100% of airline passengers used to go through metal

detectors. Today, as we write this in 2011, it is extremely easy to find airports and security gates without the strip search scanners – yet, for some reason, there have been no problems.

- Do you personally believe that strip search scanners measurably increase detection of non-metallic materials? As Rod Serling said in the Twilight Zone TV show, “submitted for your approval...” is the following news article. A TSA Agent [passed through a strip search scanner 5 times with a gun](http://www.nbcdfw.com/news/local/TSA-Agent-Slips-Through-DFW-Body-Scanner-With-a-Gun-116497568.html). If you can’t detect a gun, how do you detect irregularly shaped non-metallic objects? And what happens now with guns when a metal detector would have found it?

<http://www.nbcdfw.com/news/local/TSA-Agent-Slips-Through-DFW-Body-Scanner-With-a-Gun-116497568.html>

In fact, the **LEADER of the TSA** - John Pistole – even says that screenings are not effective in TSA’s own tests:

“We’ve had a series of reports actually going back several years from the inspector general, from the General Accounting Office, and our own TSA Office of Inspection, where they do, as you describe, covert testing,” Pistole acknowledged to George Stephanopoulos last month during an interview on Good Morning America. “And unfortunately, [undercover testers] have been very successful over the years. And one of the findings is that we have not been thorough enough.”

(<http://abcnews.go.com/Blotter/loaded-gun-slips-past-tsa-screeners/story?id=12412458&page=2>)

ABC NEWS also found that “According to one report, undercover TSA agents testing security at a Newark airport terminal on one day in 2006 found that TSA screeners failed to detect concealed bombs and guns 20 out of 22 times. A 2007 government audit leaked to USA Today revealed that undercover agents were successful slipping simulated explosives and bomb parts through Los Angeles’s LAX airport in 50 out of 70 attempts, and at Chicago’s O’Hare airport agents made 75 attempts and succeeded in getting through undetected 45 times.”

(<http://abcnews.go.com/Blotter/loaded-gun-slips-past-tsa-screeners/story?id=12412458>)

Representative Mica (FL), **chairman of the House Transportation and Infrastructure Committee**, commented on the effectiveness of the strip search scanners and sexual assault patdowns

(<http://www.newsmax.com/InsideCover/JohnMica-TransportationSecurityAdministration/2011/04/16/id/393095>):

Mica said in December he tested the new technology for naked body scanners and in January tested new pat-down procedures “**and I can tell you the results were dismal. Neither of these are effective.**”

Trusted Traveler – US Travel Association (USTA) Lobbying

One idea that has been floated by an influential travel industry lobbying group, called the U.S. Travel Association (www.ustravel.org), is the idea of including “trusted travelers” which is essentially allowing elite people to pay for the privilege of being included in a “trusted” group. Presumably, by providing yet

more private information about yourself – such as past frequent travel schedule, tax returns, and other unidentified criteria – one can join this program. The USTA is heavily promoting this idea as part of their suggested security point of the future blueprint.

This organization’s “blueprint” and its motives require some explanation. As we said, they promote travel and tourism, and their members include hotel, car, airline, travel agencies, and marketing organizations which benefit from travel - certainly an innocuous goal when we plan business meetings or take vacations! With the advent of the TSA’s invasive procedures, the USTA has documented that travel can be impacted. They created a “Blue Ribbon Panel for Aviation Security” which included these members (http://www.ustravel.org/sites/default/files/page/2011/03/A_Better_Way_032011.pdf) on page 30, among others:

- Ajay Mehra – President of Rapiscan Systems (**strip search scanner** manufacturer)
- Thomas Ripp – President of L-3 Security and Detection Systems (**strip search scanner** manufacturer)
- Jim Turner – Former Ranking Member of the House Homeland Security Committee and now a partner in a law firm
- Tom Ridge, Former DHS Administrator
- Sam Gilliland, Chairman and CEO of Sabre Holdings (reservation systems)

Essentially, you have ex-Government officials and politicians, travel industry business people, and the most egregious members – the **Presidents of the two leading strip search scanner companies, who make lots of money personally from the sale of strip search scanners!**

The USTA recommendations (page 9) include the “trusted traveler” program, the CONTINUED use of strip search scanners even if you are an elite trusted traveler, continued use of sexual assault pat downs, and the recommendations of new biometric technology to verify the “trusted traveler” is who they say they are. In short, the USTA recommendations are:

- Continue to make money for the current strip search scanner vendors who helped write the proposed recommendation, and possibly INCREASE new revenue for strip search scanner vendors, such as the “biometric” kiosks described in the Trusted Traveler (TT) program
- Continue to use strip search scanners.
 - NOTE: In the USTA’s defense, they talk about “robust privacy” but that is the SAME language used by the TSA today to describe their current procedures.
- Continue to use sexual assault pat downs.
- Elite people can give up private information and pay for the privilege of maybe avoiding the illegal and invasive TSA procedures.

- NOTE: We might suggest that your 65-year old mother or grandmother shouldn't have to pay for the privilege of maintaining their rights in our country when they take their annual pilgrimage to visit you.

A "Trusted Traveler " program has four issues:

- It assumes you have to prove you are trusted to fly, which is "guilty until proven innocent."
 - This supposition means the U.S. government can override your basic constitutional rights by forcing you to undergo warrantless searches that examine your genitals unless you are willing to pay money and provide information to be classified as "low risk". In effect, you are buying back your constitutional rights.

Perhaps a good analogy would be if the government said you could vote ONLY after you pay a "poll tax" and pass a literacy test. In effect, you have to buy back your right to vote and be classified as a "good risk" for voting appropriately. Of course, we all know these procedures were used in the past and have been declared unconstitutional and illegal.

- It assumes you have a set of criteria to define a "low risk" traveler.
 - Here's a quiz: "Three guys walk into an airport – an honorably discharged US Army soldier who served in the Gulf war and has a bronze star, a 5-year veteran of the TSA who is a Behavior Detection Officer, and an Iranian businessman who is known to have carried a gun onto an airplane. None have a criminal record and all pay taxes. Who becomes a "trusted traveler"?"

The US soldier might be an issue when you find out his name is Timothy McVeigh, who committed a terroristic act which killed 168 people in Oklahoma City and injured 450 people.

The TSA employee might be an issue when you find out he kidnapped and sexually assaulted a woman (<http://www.aic.com/news/clayton/hartsfield-tsa-worker-allegedly-751953.html>)

The Iranian businessman might be...OK?...when you find out he reported to the authorities, after he landed, that he had accidentally carried his gun on the flight. (http://www.economist.com/blogs/gulliver/2010/12/airport_gun_rights)

Obviously, the point is that there are "low risk" travelers, but no way to define "no risk" travelers. We might suggest that "US citizen" should make you a trusted traveler as no

US citizen has set a bomb off on a US domestic flight for over 42 years! That sounds like low risk to us.

- You now have additional security concerns since you must “prove” the identity of the trusted traveler.
 - o There is now a security risk if someone were to steal an ID so you introduce additional complexity and technology to prove someone is who they say they are – retinal scans, fingerprint technology, or other means have been mentioned.
- The final issue is the fact that the USTA is still suggesting you test a Trusted Traveler for explosive material or search them randomly. This SEEMS **to take the “trust” out of “trusted”**. **Either one is or one isn’t trusted. Our suggested “Trusted Traveler” Program is that U.S. Citizens can “trust” they get to “travel” without their rights being violated!**

TSA Illegal Acts and Abuses

We have documented some of the TSA acts and, in our opinion, abuses perpetrated by the TSA.

Illegal Search Of Wallet

http://articles.philly.com/2010-08-18/news/24973352_1_tsa-police-officer-checks

The 9th Circuit Court Of Appeals had already warned in their US vs Davis decision that security screenings could not be used as a primary purpose to find evidence of crimes as this would lead to using warrantless administrative searches as a ‘substitute’ for complying with the 4th amendment.

Miss America Genitals Touched By The TSA

<http://www.susiecastillo.net/blog/2011/4/25/my-tsa-pat-down-experience.html?SSScrollPosition=0>

Ironically, a well-known role-model of our country gets exposure to the new ideals practiced in America. We don't think “equal-opportunity molestation” makes the sexual assault pat downs acceptable.

Medical Issues

A huge issue for airport screening is that an overwhelming number of citizens with medical conditions are subjected over and over to the invasive and illegal procedures. Many of us who have tracked the TSA closely have become aware that a specific class of citizens are repeatedly subject to this attention, and we ask that the reader consider their rights should you be fortunate enough not to share these medical conditions.

Breast Cancer Survivors – ONE EXAMPLE: Alaskan Representative Sharon Cissna

http://www.huffingtonpost.com/2011/02/24/rep-sharon-cissna-tsa_n_827934.html

This State Representative received a sexual assault pat down AFTER going through a strip search scanner. Her mastectomy scar was the apparent threat that required further investigation. When she encountered the SAME situation, she decided to take a stand.

Bladder-Cancer Survivor Left Covered In Urine

<http://www.msnbc.msn.com/id/40291856/ns/travel-news/>

Anyone with a urostomy bag will be 100% subjected to a sexual assault pat down, even if strip search scanners were used first. The headline says it all.

AND – Follow Up With TSA Does Nothing

<http://www.wlns.com/Global/story.asp?S=14504088>

The TSA clearly is **NOT TREATING MEDICALLY CHALLENGED US CITIZENS with any respect or reasonable program!**

TSA Made Child Remove Leg Braces

<http://www.myfoxorlando.com/dpp/news/local/021610-TSA>

This is again impacting medically challenged individual.

Amputee Forced To Remove Prosthesis

<http://www.boingboing.net/2010/11/21/amputee-forced-to-re.html>

Citizens with artificial limbs are being subject to overly intrusive and unnecessary actions.

75% Of Surveyed Amputees Have Issues With TSA

<http://www.amputee-coalition.org/absolutenm/anviewer.asp?a=1236>

If you are not an amputee, that doesn't mean you shouldn't fight for their right to .

TSA Promises To Touch "Disabled's" Genitals

<http://ontd-feminism.livejournal.com/449802.html>

Many of your neighbors will have no option but to be forced by the government to let strangers touch their buttocks, breasts, penises, testicles, and vulvas if they want to travel long distances in a timely manner.

TSA – Expanding Illegal Acts (VIPR in Savannah, Georgia Amtrak)

The TSA has been running special operations in conjunction with law enforcement agency support, using what are called Visible Intermodal Prevention and Response (VIPR) teams.

A TSA release (http://www.tsa.gov/press/happenings/vipr_blockisland.shtm) describes these operations as using a combination of TSA resources to supplement local law enforcement. The TSA has envisioned these VIPR teams as randomly "swooping" in with a large show of force to disrupt potential "terrorist" operations.

As far as we can tell, the only thing the TSA VIPR teams are disrupting is the 4th amendment.

Specifically, there are reports that the VIPR teams are used to perform random searches primarily at transportation points. These searches may go much further than law enforcement officers are able to perform without warrants or reasonable suspicion. For example, police may perform cursory inspections of backpacks at subway stations, but these are quick glimpses and not detailed, prolonged

searches to find evidence of criminal activity. And especially, by no means are the police allowed to randomly frisk you.

In March, 2011, a Jacksonville tour guide captured a video of TSA employees performing detailed baggage searches and aggressive physical pat-downs on passengers, including children, who were corralled into a room AFTER they arrived at their destination in Savannah, Georgia.

<http://www.youtube.com/watch?v=V1B3AubsTBo&NR=1>

As a result, the Chief of Amtrak Police, John O'Connor, **kicked the TSA out of Amtrak property.** (<http://cs.trains.com/TRCCS/forums/p/188504/2059127.aspx>). This is particularly remarkable since Amtrak was very supportive of using TSA resources to assist in security, but we applaud Chief O'Connor for actually being one of the few government officials to stand up against the TSA.

Pregnant Women

Pregnant Lady Unhappy on Easter Weekend

<http://theintelhub.com/2011/04/26/pregnant-teacher-harassed-by-tsa-on-easter-sunday-tells-her-story/>

Although this is not a “mainstream media” site, this story would not be unusual in that a pregnant woman was touched invasively by the TSA.

Children

6-Year Old Girl “Pat Down” (Gomez) in New Orleans

http://revolutionarypolitics.tv/video/viewVideo.php?video_id=14536&title=tsa-assaults-6-year-old-girl-in-new-orleans---tsa-must-be-abolished&flagged_content=show#

In April, 2011, a 6-year old girl was given a thorough “pat down” in a New Orleans airport. Her parents pointed out that we teach our children not to let strangers touch them, yet the TSA routinely touches children.

Baby “Pat Down” in Kansas City

<http://yfrog.com/gzlb9nkj>

In May, 2011, a baby was given a “pat down” at the Kansas City airport.

3-Year Old “Pat Down” in Chattanooga

<http://www.youtube.com/watch?v=T6ByKOhAhsU>

This 3-year old had unexplained issues with a metal detector that led to a sexual assault pat down attempt. However, she is well-trained in resisting strangers touching her body....something we might recommend more Americans consider.

Sexual Assault Victims

Rape Victims Are Often Traumatized By The TSA #1

<http://www.adn.com/2011/04/16/1813827/i-was-gate-raped-by-my-government.html>

This Alaskan native, and rape victim, had the honor of attending a reception with Supreme Court Justice Sandra Day O'Connor - and then she experienced our United States courtesy of the TSA after this honor.

Rape Victims Are Often Traumatized By The TSA #2

<http://www.kvue.com/news/local/Woman-arrested-at-ABIA-after-refusing-enhanced-pat-down-112354199.html>

This story reiterates that rape victims often face their trauma when the TSA coerces them into the sexual assault pat downs.

Health Concerns

Current TSA checkpoints and the procedures surrounding them promote unhealthy environments within which infectious bacteria, viruses and fungi can thrive.

- Escheria coli (E.coli) and other serious fecal-matter-related bacteria are found on 90% of shoes after 3 months of wear (*Dr. C. Gerba, Univ. of Arizona*)
- These shoes, after treading on airport floors, are placed in bins which are not cleaned between uses and into which all manner of articles – purses, baby blankets and toys – are placed. Bacteria can therefore be transferred from the floor to bare feet and also from the bins to whatever gets subsequently gets placed into them.
 - *“Besides E. coli, which is known to cause intestinal and urinary tract infections, the soles of the shoes picked up Klebsiella pneumonia bacteria, a source of wound and bloodstream infections as well as pneumonia, and Serratia ficaria, a rare cause of infections in the respiratory tract and wounds. Those bacteria, Dr. Gerba said, all are found in fecal material, and apparently were picked up from floors in public restrooms and outside from animal excrement. The study also showed the bacteria lived longer than usual “because you're accumulating food [for the bacteria] on the bottom of the shoes,” he added. “[The shoes] look like they're becoming a bacteria cafeteria. ... We didn't do a survival time, but they were surviving longer than they would on a desk top.”*
Dr. C. Gerba
- Methicillin-resistant Staphylococcus Aureus (MRSA), Vancomycin-resistant Enterococcus (VRE) and C-difficile are difficult to cure and all are capable of prolonged survival (up to 90 days) on hands, gloves and environmental surfaces. (*Karen K. Hoffmann, R.N., M.S., C.I.C. and Irene Pipines Kittrell, R.N., University of North Carolina*) The close quarters, high-density populations and lack of cleaning in and around security checkpoints provide near-ideal conditions for disease transmission.
- The TSA does not follow medical procedures for glove sterility. (*Mike Adams, Natural News*)
 - Gloves that are used for a pat-down should not have touched baggage, conveyors or potentially infected surfaces - and *never* have been used to perform a prior pat-down.
 - Even with gloves, localized infections on a person undergoing a pat-down can be spread from the infected area to other areas on that same passenger's body (*skin fungal infections such as ringworm or jock itch*).
- The safety of full body scanners is still controversial. Only backscatter machines emit radiation, and the radiation is lower than x-ray machines. MMW machines do not emit ionizing radiation.

- All passengers have a personal (and unknown) tolerance to radiation, and also a lifetime radiation exposure limit. Radiation exposure accumulates during a lifetime - it never goes away. The term for this is bioaccumulation. These statements are universally accepted by researchers and medical professionals.
- The possible negative effects of a backscatter scan on an individual passenger can only be assessed if that passenger's prior radiation exposure experience and their personal susceptibility to radiation damage is known.
- It is therefore **impossible** for anyone to state categorically that backscatter technology is safe for everyone.
- There have been no longitudinal studies done on backscatter technology to evaluate long-term health effects, especially on the elderly, children and pregnant women. This statement is universally accepted by researchers and medical personnel.
- The TSA full body scanning backscatter machines use a type of X-Ray usually filtered out in medical machines because they are so readily absorbed by the body. Dr. Peter Rez of the University of Arizona explains that the measure used to evaluate the backscatter machine is "effective dose" – a measure that weights internal organs more highly than the surface of the skin.
 - "It is shown that the effective dose is highly dependent on image resolution (i.e. pixel size). The effective doses for personnel screening systems are unlikely to be in compliance with the American National Standards Institute standard NS 43.17 unless the pixel sizes are >4 mm. It is shown that the effective dose is highly dependent on image resolution (i.e. pixel size). The effective doses for personnel screening systems are unlikely to be in compliance with the American National Standards Institute standard NS 43.17 unless the pixel sizes are >4 mm."
- Dr. John W. Sedat, Professor Emeritus of Biochemistry at University of California, states that it is very carefully documented that 5% of the population is more susceptible to radiation damage.
 - This is corroborated by Dr. David Brenner, head of Columbia University's Center for Radiological Research. This 5% of the population is comprised of children and those people with gene mutations that are less able to repair x-ray damage to their DNA.

Further the machines are extremely mechanically complex and any error or failure could lead to an unintended very high dose of radiation. (*Rebecca Smith-Bindman, M.D., Univ of California San Francisco*)

) Since the machines apparently do not check each dose nobody would know that the machines were giving each victim a carcinogenic dose. According to Skin Cancer Information Source, if a person burns easily in the sun or is prone to cancer or has skin cancer in his or her family, those individuals might be well advised to avoid the area within 2 yards of backscatter machine. That's because radiation is being scattered out of the machine and may be leaking from behind it, unknown to the TSA agent. The TSA agent is also in danger of overexposure and the effect of X-Ray exposure is cumulative, so each dose gets a person closer to cancer and other illnesses that may not show.