

Growing public outrage over full-body scans, “enhanced” pat-downs at US airports

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The widespread use of full-body scans at US airports is provoking considerable opposition and outrage among both the traveling public and airline personnel.

The Transportation Security Administration (TSA) has put 385 Advanced Imaging Technology (AIT) units into service at 68 of the largest airports across the country. Those passengers refusing to submit to the scans are subjected to “enhanced” pat-downs by TSA agents. If a passenger refuses to undergo the screening measures, he or she can be subject to civil penalties.

These measures are an expansion under the Obama administration of the increasingly invasive and anti-democratic methods initiated by Bush, employing the pretext of the “war on terror.” In fact, they have nothing to do with security, and everything to do with acclimating the public to the violation of basic civil liberties.

Airports have already become virtual police states. In order to have the privilege of traveling by airplane, passengers in the US must subject themselves to increasingly arbitrary and absurd procedures—now including what amounts to a strip search or full body pat-down.

Responding to criticism on Wednesday, TSA administrator John Pistole declared, “I’m not going to change those policies.”

The TSA began installing the full-body scan devices in 2007 and plans to expand their use. The agency started the new pat-downs on October 28. Controversy over the use of the body-scanners and pat-downs was brought to the forefront last Friday when a traveler at the San Diego, California airport refused to submit to the procedures. John Tyner, a 31-year-old software programmer, captured the incident on his cell phone, and the video spread quickly on the Internet.

After choosing not to go through the scanner, Tyner also refused the alternative enhanced pat-down. He told the TSA agent, “If you touch my junk, I’ll have you arrested.” He was quickly surrounded by security and police, and escorted from the security area. He faces a TSA investigation and a possible \$11,000 federal penalty.

The 9th US Circuit Court of Appeals has ruled that passengers have no right to refuse invasive searches. “Requiring that a potential passenger be allowed to revoke consent to an ongoing airport security search makes little sense

in a post-9/11 world. Such a rule would afford terrorists multiple opportunities to attempt to penetrate airport security by ‘electing not to fly’ on the cusp of detection until a vulnerable portal is found.”

If a passenger is selected to be scanned, he or she is required to step into the shower stall-sized unit and is asked to raise his or her arms. An X-ray is then taken, revealing a detailed picture of the front and back of the person’s body under their clothing, as well as any objects that might be contained beneath.

The images are viewed in a private room by security officials. The TSA claims that the faces of those being scanned are blurred out, the images are not recorded, printed or stored to a database, and they are immediately destroyed once analyzed. The identities of those scanned reportedly remain anonymous.

Those who refuse to submit to the full-body scans, or whose scans raise suspicions, are then subject to the pat-downs. These pat-downs are also performed on a random basis or if a traveler sets off traditional metal detectors, wears bulky clothing or refuses to remove head wear.

Under the new pat-down rules, the TSA official uses a sliding motion, with either the front or back of the hands, and scans the body, including the inner thighs, genitals, buttocks and breasts. If the individual is wearing baggy pants, inspectors may also check beneath the waistband. Women wearing tight skirts may also be asked to be taken to a private room where they must remove their skirt, replaced by a towel or gown, to facilitate the pat-down.

Opponents of both the full-body scanning and enhanced pat-downs note that the new procedure violates the right to privacy, particularly Constitutional protections against unreasonable search and seizure. The Fourth Amendment guards against strip searches or frisking people unless there is reasonable suspicion that they are engaged in criminal activity. Those opposing the new TSA procedures include the American Civil Liberties Union, conservative groups such as the Rutherford Institute, and unions representing airline pilots and other employees.

Homeland Security officials claim that the type of explosive brought on board a Northwest Airlines flight bound for Detroit by Farouk Abdulmutallab on Christmas Day 2009 would have been detected by either the full-body scanner or the enhanced pat-down. However, they admit that explosives or other devices

hidden in body cavities would not be detected by these methods.

These and other incidents cited by the US government as justification for subjecting passengers to ever more invasive techniques, however, were not attributable to inadequate screening. In the case of Abdulmutallab and the so-called Christmas Day bombing attempt, a US State Department official acknowledged that ample information was available to identify him as a risk, revoke his visa and stop him from boarding a flight, but that US intelligence agencies intervened to ensure he was allowed to slip through, supposedly in order to further a wider investigation.

The media's fixation on the two packages from Yemen late last month apparently containing high explosives and addressed to synagogues in Chicago has also been exploited by government security officials to argue for heightened screening procedures to be used against US airline travelers. But it is acknowledged that these new procedures would do nothing to stop such a threat. In an interview with National Public Radio, TSA chief Pistole said that a significant portion of the cargo that comes to the US from overseas is not scanned.

On Tuesday, two commercial airline pilots filed suit against the federal government over the new airport procedures. Michael S. Roberts of Memphis, a pilot with ExpressJet, and Ann Poe of Fort Lauderdale, Florida, a Continental pilot, are suing the Department of Homeland Security and the TSA in federal court in Washington saying the TSA screenings violate their constitutional rights.

Both of the pilots have been grounded since they refused to submit in separate incidents to the full-body scans or the alternative pat-downs. Their suit asks a judge to bar use of the whole-body scanning technology or enhanced pat-downs as the main method of passenger screening. Roberts and Poe are being represented by the Rutherford Institute.

Capt. Chesley "Sully" Sullenberger voiced his opposition Tuesday to the heightened security procedures for airline personnel. Sullenberger, known for landing a disabled US Airways jet on the Hudson River in New York last year, said the new screening and pat-downs are not "an efficient use of our resources."

Sullenberger said that pilots and flight attendants should be respected as "trusted partners" who are already "thoroughly screened." He added, "We're among the most scrutinized professional groups in the country, even more than doctors."

The *Cleveland Plain Dealer* quoted Capt. Mike Cleary, president of the Airline Pilots Association, who said one pilot "experienced a frisking that has left him unable to function as a crew member." Cleary said, "The words this pilot used to describe the event involved 'sexual molestation,' and in the aftermath of trying to recover this pilot reported that he had literally vomited in his own driveway while contemplating going back to work."

Airline personnel are also worried about radiation from the

body-scans, a concern shared by the traveling public and scientists. United Airlines pilot Capt. Garry Kravit told McClatchy news service that he has cut down on dental X-rays out of concern for the levels of radiation he already faces in the cockpit at high altitudes.

In a column defending the scanners, Janet Napolitano, secretary of the Department of Homeland Security, said that the devices had been determined to be safe and had been "independently evaluated by the Food and Drug Administration [FDA], the National Institute of Standards and Technology, and the Johns Hopkins University Applied Physics Laboratory."

However, Helen Worth, a spokesman for the Johns Hopkins laboratory referred to by Napolitano, told CNN that the group had not evaluated the AIT units for passenger safety. "That was not our role," she said. "We measured the level of radiation, which was then evaluated by the TSA."

And in an letter in April of this year, University of California at San Francisco faculty members wrote to Dr. John Holdren, assistant to President Obama for science and technology, noting that even though the scanners use a relatively low beam, "the dose to the skin may be dangerously high."

Despite the warnings raised by scientific and medical experts about potential radiation dangers, and the objections of passengers and airline employees over invasions of privacy posed by the scans and pat-downs, the public should expect these methods to be in full operation during the upcoming busy holiday travel period.

These procedures will add to an already wearisome and oftentimes exasperating travel experience for travelers waiting in long lines at security checkpoints, crammed into shrinking seats and being charged increasingly higher prices for everything from fares to drinks, snacks, blankets and pillows.

Moves by most major carriers to now charge fees for checked baggage have also led to passengers carrying on board increasing numbers of items, which in turn must be screened at security checkpoints and then stuffed into overhead bins.

In addition to keeping liquids and gels in plastic bags for examination by security personnel, travelers have been advised to check the TSA web site to see which holiday foods are approved as carry-ons this season. Cakes and pies are OK, but gravy, cheese dips, cranberry sauce, and other dense edibles that might be detected as explosive materials are prohibited.



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