



Op-ed: TSA should follow the law

A Whitehouse.gov petition seeks to force the TSA to comply with a court ruling.

by [Jim Harper](#) - July 11 2012, 11:44am EDT

A year ago this coming Sunday, the US Court of Appeals for the DC Circuit ordered the Transportation Security Administration to do a notice-and-comment rulemaking on its use of Advanced Imaging Technology (aka “body-scanners” or “strip-search machines”) for primary screening at airports. (The alternative for those who refuse such treatment: a prison-style pat-down.) It was a very important ruling, for [reasons I discussed](#) in a post back then. The TSA was supposed to publish its policy in the *Federal Register*, take comments from the public, and issue a final ruling that responds to public input.

So far, it hasn’t done any of those things.

The reason for the delay, stated in a [filing with the court](#) last year, was the complexity and expense of doing a rulemaking in this area. But [CEI’s Ryan Radia](#), at work on a legal brief in the case, notes that the TSA has devoted substantial resources to the [PreCheck program](#) during this time, rolling it out to additional airports. How can an agency pour resources into its latest, greatest project, yet claim poverty when it comes to complying with the law?

So on Monday, I started a petition on Whitehouse.gov. It says the president should “[Require the Transportation Security Administration to Follow the Law!](#)”

By the end of the day yesterday, the petition had garnered the 150 signatures needed to get it published on Whitehouse.gov. The petition says:

Defying the court, the TSA has not satisfied public concerns about privacy, about costs and delays, security weaknesses, and the potential health effects of these machines. If the government is going to “body-scan” Americans at U.S. airports, President Obama should force the TSA to begin the public process the court ordered.

That’s not a huge request. Getting 25,000 signatures requires the administration to supply a response, according to the White House’s petition rules.

The response we want is legal compliance. The public deserves to know where the administration stands on freedom to travel and the rule of law. While TSA agents bark orders at American travelers, should the agency itself be allowed to flout one of the highest courts in the land? If the petition gets enough signatures, we’ll find out.

[Signing the petition](#) requires an e-mail address for confirmation, but it does not sign you up for any mailing list unless you volunteer for that. If you’re concerned about sharing an e-mail address, you can create a throwaway account on AOL or Yahoo and use it once.

Please pass the word about the petition. If it gets to 25,000 people, the Obama administration will owe the public a response. I’ll report on it, and whether or not it’s satisfactory, right here.