



Congressman: 'Shout Fire' Against TSA's 'Security Theater'

Congressman says roaming TSA squads could affect all Americans

By: Steven Nelson - November 14, 2013

Rep. Scott Garrett, R-N.J., wants to abolish roaming TSA squads that he says disregard the 4th Amendment.

Rep. Scott Garrett, R-N.J., is encouraging opponents of the Transportation Security Administration to "shout fire" and loudly object to "security theater" he believes is ineffective and unconstitutional.

The TSA currently claims broad search authority resembling the British general warrants that outraged American colonists in the 1700s and inspired the 4th Amendment to the U.S. Constitution, Garrett said Thursday at a Cato Institute-hosted event.

Americans do have some limits to their freedom, he said, pointing to Supreme Court Justice Oliver Wendell Holmes' famous 1919 quote that "falsely shouting fire in a theater" would be illegal.

But in the case of the TSA, he said, "I encourage you to shout fire, but in this case shout fire in the course of public debate."

Garrett is sponsoring legislation that would restrict the TSA's role to airport security. His bill would abolish the TSA's Visible Intermodal Prevention and Response squads, which randomly inspect passengers at bus stops, train stations and other transportation hubs around the country. VIPR squads, he said, conduct ineffective "security theater."

"No terrorists have been found, but a lot of time and money and fuel has been wasted," Garrett said. He strenuously objects to VIPR searches at National Football League games, political conventions and along highways.

In theory, he said, "No conceivable aspect of our lives [is] free of the TSA and their VIPR squads."

Criticism of the TSA's spending and concerns about civil liberties are largely nonpartisan. Republicans, and some Democrats, objected to TSA body scanners that gave detailed glimpses of passengers' anatomy to TSA screeners. Those scanners were removed in May after being found ineffective.

The nonpartisan Government Accountability Office released a damning report Wednesday that found the TSA spent nearly \$1 billion since 2007 on a behavioral detection program that may not actually improve safety.

Discussion about reining in the TSA comes as one man's actions threaten to unleash new search procedures.

In the first attack of its kind, New Jersey native Paul Cianci, 23, allegedly shot and killed a TSA agent at Los Angeles International Airport on Nov. 1, while carrying a note that said he hoped to frighten the "traitorous minds" of TSA workers.

"This LAX attack is quite unfortunate," said Jim Harper, director of information policy studies at Cato, "[But] attacks on the exterior of an airport are no different than attacks on a supermarket."

Harper said he worries the shooting will inspire the TSA to begin invasive and time-consuming scans of all incoming vehicles at airport terminals.

Khaliyah Barnes of the Electronic Privacy Information Center agreed with Garrett's claim that searches by the VIPR squads resemble colonial era searches authorized with general warrants.

Barnes said that, unlike with most police searches, it's very hard to challenge broad administrative warrants used by TSA agents for random stops outside airports.

Harper said administrative searches are court-approved within airports, but their use by TSA agents at various non-airport locations is untested in court.