

THE VERGE

A year after court order, TSA still fails to comply with airport body scanner ruling

By [Joshua Kopstein](#) on July 11, 2012 03:40 pm

A full year after a Washington, DC circuit court ruled that the TSA must disclose information on their use of Advanced Imaging Technology (AIT) body scanners in airports across the United States, the agency remains tight-lipped as ever about the controversial security practices. In an editorial today for [Ars Technica](#), Jim Harper, director of information policy studies at the Cato Institute, announced that he has started a [petition on Whitehouse.gov](#) demanding that the TSA respect the rule of law.

Rather than deciding on whether the scanners run afoul of the Constitution, the ruling in question tagged the TSA for failing to follow a federally-mandated "notice-and-comment" rulemaking procedure when introducing the machines, which requires the agency to detail their policy, allow comment from the public, and issue a final decision which responds to public opinion. That is to say, the ruling demanded the TSA simply follow the process they were suppose to have undertaken in the first place.

"The response we want is legal compliance."

The TSA has previously attributed their disobedience to the complexity and cost associated with the rulemaking procedure. But CEI's Ryan Radia points out that despite their claims of budgetary woes, the TSA is actually pouring money and resources into PreCheck, their new e-screening program. "The response we want is legal compliance," Harper writes. "The public deserves to know where the administration stands on freedom to travel and the rule of law." He hopes to elicit a response from the Obama Administration by accruing 25,000 signatures on [the petition](#), which is titled "Require the Transportation Security Administration to Follow the Law."

