

Full-Body Scans: Virtual Strip Searches or Magic Boxes?

In the weeks following the attempted Christmas Day bombing attack, airline security policies ranged from a little strange to, some might argue, just plain absurd (Play-Doh confiscation, anyone?). The U.S. Transportation Security Administration's latest safety initiative is rekindling a broad debate: how should we view privacy concerns in a world where terrorism, as evidenced by Umar Farouk Abdulmutallab's attempt to blow up a plane with explosives in his underwear on Dec. 25, 2009, is still a very real threat.

The TSA recently announced plans to purchase 450 "full-body scanners" to be installed at airports across the country beginning this year. The machines, which clock in at \$150,000 each, are designed to detect weapons a would-be terrorist might be concealing under his or her clothes. Travelers must walk through an X-ray-like scanning machine, which generates a black-and-white image of the individual's body. *Everything* — or almost everything, depending on whom you ask — is exposed to TSA officials who monitor the images. Forty of these machines are currently in place at 19 American airports.

A Freedom of Information Act lawsuit filed by the non-partisan Electronic Privacy Information Center (EPIC) also found that images can be stored on the scanner, even though the TSA's Privacy Impact Assessment says that the storage capabilities have been disabled.

Jena Baker McNeill, a homeland security policy analyst for the conservative Heritage Foundation, said the American public is conflicted about how much privacy infringement we can stomach in the name of security.

"We're both concerned about our security and the ability of government to prevent these kinds of attacks, and also concerned that there's going to be an overreaction," McNeill said. "On one side of the coin, we want to be safe, but we want to make sure



Chip Somodevilla, Getty Images

we are able to go about our daily lives and to travel freely."

Gallup found that American concern about terrorism hasn't increased significantly since Dec. 25: "Thirty-nine percent of Americans were either 'very' or 'somewhat' worried that they or a family member could be a victim of terrorism" in a Dec. 11-13 survey, while a USA Today/Gallup poll conducted Jan. 8-10 found that number had risen to only 42 percent.

Yet some are citing security concerns as a key factor in Scott Brown's Senate victory in Massachusetts. The Republican takes a tough line on terrorism, which may have helped him win over voters shaken up by the Christmas Day attempt.

And when it comes to the full-body scanner debate, safety concerns are outweighing privacy considerations, at least for now. A number of polls indicate that most Americans are supportive of the technology. A CNN/Opinion Research poll conducted Jan. 8-10 found that eight in 10 Americans think full-body scanners should be used in

airports. In a Jan. 5-6 USA Today/Gallup poll, 78 percent of survey participants approved of scanner use and 84 percent said they thought the machines would deter terrorists from bringing explosives onto planes.

But the announcement of the body scanner expansion also caught heat from a diverse number of politicians and interest groups. Republican Rep. Jason Chaffetz, of Utah, called the machine-generated images "TSA porn," and the left-leaning American Civil Liberties Union dubbed the process "a virtual strip search."

Jim Harper, the director of information policy studies at the Cato Institute, a libertarian think tank, said this is the first time he's seen significant opposition to a proposed airline security tool in a post-9/11 world.

"In the past, when there's been some sort of terrorist attempt, the public threw up their hands and was willing to accept any security procedure the government claimed would do something," Harper said. "After

the 12/25 attempt, there was pushback against the full-body scanners.”

Harper said some are resistant to these machines because they aren’t convinced the security benefits outweigh the privacy concerns, and that we have to draw the line somewhere.

“These machines represent a small increase in security for a fairly large cost in privacy — that is, the appearance of a person’s body,” he said. “The next thing after body scanners is for attackers to hide bombs inside their bodies.” If the TSA implements body-cavity searches, “air travel will be very disconcerting to a lot of people. And that’s a bit of an understatement.”

Marc Rotenberg, executive director of EPIC, said the machines compromise privacy needlessly.

“We have no objection to the government making better use of the information it collects — that seems to have been the key weakness on Dec. 25,” Rotenberg said. “But the current proposal to expand the use of body scanners is unnecessary and invasive.”

He said the contraptions might not have prevented the Christmas Day attempt because the scanners are meant to detect hard-edged, dense material — not the explosive powder, called PETN, that Abdulmutallab used, Rotenberg said.

“There’s been very little analysis of some of these shortcomings, and the public doesn’t understand how the machines operate,” he said. “The body scanners are largely ineffective.”

McNeill said that while she’s not inherently opposed to the machines, they don’t seem to address the root cause of the Dec. 25 fiasco — a “failure to connect the dots,” as President Obama put it.

“Clearly there’s a security benefit to the machines, and they’re not a problem for me from a civil liberties angle,” she said. “The problem with [the scanners] is, they’re not using tax dollars in the most efficient way. We need to be discouraging terrorists from

ever making it to the TSA screening line, and that’s best achieved through intelligence and information sharing. That’s really where the flaws were in this process.”

At a Homeland Security and Governmental Affairs Senate Committee hearing last Wednesday, senators set out to determine exactly what “flaws in the process” were responsible for the Christmas Day attempt.

National Counterterrorism Center Chairman Michael Leiter, Director of National Intelligence Dennis Blair and Secretary of Homeland Security Janet Napolitano all testified before the committee.

The intelligence and security officials alternately played the blame game and expressed remorse for their various departments’ oversights. No one has yet offered a coherent strategy for reform. But one thing is certain: as the congressional hearings move away from examining intelligence failure and focus more on constructive security measures, lawmakers will have to weigh security benefits versus privacy concerns. Whether considering full-body scanners or components of the Patriot Act, which are set to expire in February, civil liberties will feature prominently in national security conversations over the next few months.

As the debates get under way, Rotenberg said it’s important to remember that reducing privacy doesn’t guarantee better security.

“It’s a mistake to believe you can trade privacy for security,” Rotenberg said. “A lot of times people give up privacy and they’re no more secure. I’m very skeptical of people who say that if you only trade in privacy, you’ll get more security. I don’t think that’s true, and body scanners are a good example of that.”

McNeill said as we move forward in the War on Terror, she’s hoping for policies that balance privacy and civil liberties.

“There’s a way to put in policies that not only keep us safe, but also keep us free and prosperous,” she said. “We have to find

policies that meet that mandate. What the American public wants are policies at that intersection: we want to be safe, but we also want our civil liberties.”

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