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Congress of the United States
House of Representatives
Washington, DC 20515–4302

November 19, 2010

The Honorable Janet Napolitano
Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, D.C. 20393

Dear Secretary Napolitano,

I write to you to express my grave concern that the new security methods implemented by the Transportation Security Administration (TSA) may be a violation of the Constitutional protections of American citizens.

New guidelines established by the TSA force passengers to choose between a full body scan and an invasive physical pat-down in order to board an aircraft. Not only are these choices unreasonable and humiliating, they may be in violation of the Fourth Amendment protections against unreasonable searches.

I understand that the security of Americans is paramount. That is why passengers are asked to go through reasonable measures of screening in order to fly – going through metal detectors, having clothing tested for trace explosives, and random palm swipes are sensible measures that strike the correct balance between privacy invasion and airline security. However, these new measures tip the scales of reasonableness and cross the line into unreasonable, invasive, embarrassing and potentially unsafe methods.

The full body scans are explicit at best, and voyeuristic, at worst. Consider that these machines generate what can only be described as naked images of men, women and children. No American should have to submit to a virtual strip search in order to board an aircraft, particularly when airfare is such a vital component to commercial activity in the United States.

The alternative to these peek-a-boo scanners is no better. The "enhanced pat-downs" utilized by TSA are considered a form of assault by some passengers. In a recent news report, some pilots revealed they felt so violated after the pat-down that they were unfit to fly. **Similarly, there have been several instances where survivors of rape and sexual assault reported feeling as though they had re-lived their experience at the hands of TSA officials. To my knowledge, there has been no training provided to TSA officials on how to handle the psychological impact that these new measures may have on the approximately 4.2 million Americans who have been raped or assaulted in the last decade.**

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Equally troubling is the fact that TSA would subject Americans to these humiliating procedures without proof that they are even effective. Following the attempted bombing of Airbus A330 in December 2009, a March 2010 report from the Government Accountability Office stated that it was "unclear whether the AIT [scanners] would have been able to detect the weapon Mr. Abdulmutallab used in his attempted attack." A recent article in the Christian Science Monitor reported that Italian security officials stopped using the scanners in September, because they were "slow and ineffective." Likewise, the same article reported that British scientists found that the scanners failed to pick up plastics, chemicals, and liquids.

We are a nation of innovators. Surely we can devise alternative methods of screening that are at once safe, reasonable and Constitutional. Until it can be determined that these new screening measures fall within our Constitutional guidelines, I respectfully request that your office place an immediate injunction upon their implementation.

Sincerely,

TED POE
Member of Congress
TEXAS