

SCR 15

Alaska State Legislature
House of Representatives

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Representative Sharon Cissna
District 22

Hawaii State Senate

Senator Will Espero, Chair

Senator Michelle N. Kidani, Vice Chair

Re: Testimony Relating to Airport Security, SCR 15, TIA/PGM

Chair Senator Espero and Vice Chair Senator Michelle Kidani:

My name is Sharon M. Cissna, I am a State Representative from the State of Alaska and I would like to make a few comments about Senate Concurrent Resolution 15. The State of Hawaii and your neighbor to the north, the State of Alaska have a series of issues in common. The fact that both of our states are not contiguous to the other 48 states means that our constituents travel significantly more than other Americans do. Our Alaska Department of Transportation recently completed a study that shows that Alaskan's travel eight times more than other states. I would assume that Hawaiians also fly much more than those Americans, who can either drive, take a train or bus to the many services and purposes flight gives access to.

Constitutional rights is an issue that is especially important in our state because of the distances from basic service, incredibly expensive costs in traveling hundreds, to more than one thousand miles to get help, for work, or family responsibilities. Respect to our people, safety from spreading disease and harming people who are returning from operations as well as indecent touch by strangers do not equal the elements required to achieve the high level of terrorist security our own states must demand.

I have served more than a decade on our Legislatures Military and Veteran's Affairs Committee and I know the need to safeguard our state, and the need to be ever vigilant. The current procedures do not have verifiable oversight over their equipment and give very poor management and training to their employees. Security is not being served by this current program. We must demand better.

I am forwarding several documents that give you an understanding of the issues that we may share, and will always be available to speak to you if you wish to ask for further information about the work we are doing in our state to provide safety to our constituents, protect their rights, and to encourage Congress to do the service they have been elected to give through the U.S. Government's resources.

Thank you for this opportunity!

Sharon M. Cissna, State Representative, District 22, University/Medical District

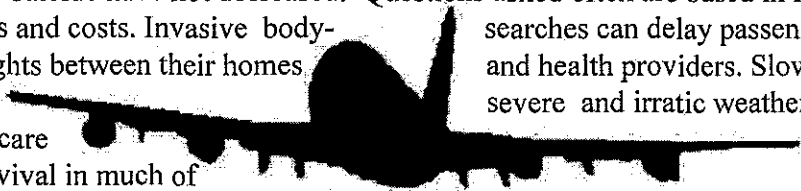
E-mail: Representative_Sharon_Cissna@legis.state.ak.us

Questions asked for the protection of Alaska's traveling through TSA air travel security screening.

Three Legislative Health Caucus forums were held in 2011 to discuss TSA's plan to bring the full-body scanner to Alaska. Study is needed to assess impacts of the new equipment and resulting hand-examination by TSA non-medically trained employees.

During the past eight years the Legislative Health Caucus has held forums on the State's health conditions, resulting costs and cost-drivers.

Alaska has become the most expensive state in per capita health care spending. At the same time, Alaskan rankings in domestic violence, abuse and suicide have not decreased. Questions asked often are based in fear for already over-burdened health services and costs. Invasive body-searches can delay passengers (often patients in our state) from flights between their homes and health providers. Slow-down in catching flights dependent on crippling to both individuals and health care systems providing care. Community survival in much of urban and rural Alaska depends on recognition of true human safety.



Questions asked:

- √ Alaskans fly eight times more than the national average. How can Alaskans safely travel with the multiple times many fliers will be subjected to scanners?
- √ Alaska's number one cause of death is cancer. What studies have been done to insure the safety of a population that has often survived previous cancer?
- √ Both the older full-body scanners and the reported safer scanners will automatically target seniors and persons with injuries and prostheses. What can TSA do to change the target to unsafe travelers with dangerous intentions?
- √ Alaska has the highest number of traumas experienced per capita in the U.S. How will TSA work to safeguard those who live in difficult conditions and require respectful treatment?
- √ What are the maintenance and safety regimes for the scanning equipment to safeguard not only the flying public, but the TSA employees as well?
- √ Transportation scheduling and maintenance is difficult at airports when subjected to severe weather, earthquakes, volcanic ash and floods. How does TSA plan to keep sensitive screening equipment safe and current in maintenance upkeep when the shortage of qualified inspectors and travel challenges will make

access to equipment difficult?

- √ Concern has been expressed about the effect of touch in highly personal parts of the body by non-medical TSA employees. Those touched in private body areas, who have experienced trauma may experience re-victimization. The impact on children is more severe because it not only might create damage to abuse recovery, but may damage healthy self-concept.
- √ What safeguards will provide third party monitoring of safety concerns to provide excellent security for children to protect them from being touched inappropriately?
- √ What program exists to coordinate children traveling unaccompanied by family, or an adult caregiver, with the airlines they travel on?
- √ Are closed rooms taping invasive hand-exams and what is being done with those tapes?
- √ Can Alaskans be assured of respectful treatment in the TSA invasive process?

Legislative
Health Caucus

Alaskan Trauma



Alaska leads the nation in:

⌘ Dangerous jobs & recreation.

⌘ Hostile weather & environment.

⌘ Living in remote locations without access to help.

⌘ Domestic violence and/or abuse.

⌘ Population of military veterans per capita.

Alaskans face many types of trauma, both physical and emotional. Loss of personal control during invasive TSA screening can re-trigger former victim trauma reactions.

To ask questions about your rights, or to share your concerns: Representative Sharon Cissna's email: Representative_Sharon_Cissna@legis.state.ak.us, or call (907) 269-0241 from Anchorage, and (800) 922-3875 in Alaska. The website that addresses Alaska's unique lifestyle challenges to be considered in the screening procedures currently being introduced into Alaska: www.akhealthcaucus.org.



Committee: Committee on Transportation and International Affairs
Committee on Public Safety, Government Operations and Military Affairs

Hearing Date/Time: Monday, March 19, 2012, 1:22 p.m.

Place: Room 224

Re: Testimony of the ACLU of Hawaii in Support of S.C.R. 15, relating to Airport Security

Dear Chairs English and Espero and Members of the Committees on Transportation and International Affairs and Public Safety, Government Operations and Military Affairs:

We should not be forced to choose between embarrassingly revealing “naked scans” of our bodies and overly aggressive pat-downs by strangers to keep our airplanes safe.

Following the 9/11 attacks and in the wake of attempted acts of terrorism since, much talk has rightly centered on increasing security measures at airports. But the government’s approach to keeping our skies safe has often been marked by an unfortunate focus on high-tech gimmicks and, more recently, highly invasive pat-downs. Travelers at many airports have been faced with choosing between full body scanners that create a naked outline of their bodies, and aggressive pat-downs by TSA agents that include touching around the breast and groin area.

The government must keep us safe, but it must do so in an effective way that poses the least threat to our civil liberties. Nobody should be forced to choose between “naked scans” and intrusive groping by strangers to keep our airplanes safe.

The non-targeted use of full body scanners on all travelers passes neither the civil liberties nor security test.

Our government should strive for the best security possible without intruding on the privacy of innocent travelers. Enacting ineffective measures designed to make us feel better while taking away our rights won’t help anyone. The new “enhanced” security methods are far more intrusive than other methods but have not been shown to be any more effective. Once we betray our own values, we stop looking like a free America, and the terrorists win.

Body scanners pose a huge threat to privacy by producing strikingly graphic images of passengers’ bodies (and can potentially show highly personal details like colostomy bags, adult diapers and mastectomy scars).

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Hon. Sens. English and Espero, Chairs, TIA/PGM Committees
and Members Thereof

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The effectiveness of body scanners is uncertain. It is far from clear that the machines would have detected the “anatomically congruent” explosives used in the Christmas Day attacks. Some experts have said explosives can be hidden from the machines by being molded against the human body, or in folds of skin. A study by British officials found the scanners would not be effective for stopping terrorist threats to planes.

TSA is also touting privacy safeguards including the non-retention of images and the viewing of images only by screeners in a separate room. Scanners with such protections are certainly far better than those without. However, we are skeptical of the safeguards the TSA is touting. Unfortunately, the government’s record of safeguarding private information is not great. A policy of not retaining images is certainly a vital step for such a potentially invasive system, but given the irresistible pull that images created by this system will create on some employees, how much assurance can we really have that images are not going to end up on the Internet? Already, it has been revealed that – contrary to the TSA’s claims – the machines are capable of storing and transmitting images. Intrusive technologies are often introduced very gingerly with all manner of safeguards and protections, but once the technology is accepted the protections are stripped away.

The government has ample authority to use enhanced techniques when individualized suspicion suggests they are necessary. But body scanners should only be used when the facts and circumstances suggest that it is the most effective method for a particular individual. Such technology may be used in place of an intrusive search, such as a strip search – when there is reasonable suspicion sufficient to support such a search.

“Enhanced” pat-downs that amount to groping by TSA agents are embarrassing, intolerably invasive and raise concern of abuse by TSA agents.

While every American wants to be safe when flying, they also recognize that there are limits to what security agents can do to the traveling public. This just goes too far.

These pat-downs are no guarantee that aircraft will be safe. Government testing has regularly found that contraband can be slipped through carryon luggage screening, application of these pat-downs are sporadic and unpredictable, screeners’ training and expertise at detecting contraband underneath clothes is uncertain, and explosives secreted in body cavities are not detected. The intrusion involved in these enhanced pat-downs is extreme and goes well beyond what ordinary Americans have experienced in the past.

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The ACLU has received hundreds of detailed reports from travelers who have been subject to the enhanced pat-downs. Reports include:

- Feelings of violation, humiliation and trauma comparable to sexual assault.
- Some victims of criminal sexual assault report being reminded of past abuses.
- Travelers having their genitals areas touched, including forceful squeezing of arms, thighs, stomachs, backs and buttocks, the touching of men's scrotums and penises, and forceful touching and pressing of women's vaginas and breasts. Screeners often run their hands on the inside of the waistbands of travelers' pants or skirts.
- Female passengers regularly report male screeners standing around and gawking as they are patted down by a female agent.
- Widely varying experiences with TSA agents, with some travelers reporting rough, hostile, or sneering screeners, and those making inappropriate remarks; others saying their agents were strictly professional; and some saying their screeners appeared nearly as uncomfortable as they were. Some believed that their screeners derived sexual satisfaction from the pat-down, or were conducting it in a punitive fashion.

The first line of defense should be old fashioned law enforcement and intelligence work that stops plotters before they get to the airport.

Evidence-based, targeted and narrowly tailored investigations based on individualized suspicion would be both more consistent with our values and more effective than diverting resources to a system of mass suspicion.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney

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Sharon Lum Ho

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 16, 2012 3:35 PM
To: TIATestimony
Cc: theede@hawaii.rr.com
Subject: Testimony for SCR15 on 3/19/2012 1:22:00 PM

Testimony for TIA/PGM 3/19/2012 1:22:00 PM SCR15

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Teri Heede
Organization: Individual
E-mail: theede@hawaii.rr.com
Submitted on: 3/16/2012

Comments:
Aloha!

I support S.C.R 15 that is urging Congress to protect the privacy rights of airline passengers. We should not be forced to choose between embarrassingly revealing "naked scans" of our bodies and overly aggressive pat-downs by strangers to keep air travel safe.

I already have medical issues and am handicapped so I refuse to go through the scanner resulting in a pat down everytime. I am a Grandma and Navy Vet. What a waste of time and effort. My companion opted to go through the scanner last time and still got patted down...why? Because he was sweating from carrying all the bags. He was pretty impressed by how invasive the pat down is. Since they wipe for explosives I was wondering why we don't use non intrusive technology like I have seen suggested. You could have everybody walk through a box, then test the air inside...no "rays" and nobody getting a pat down for now reason.

Mahalo for your time and opportunity to testify.

Sharon Lum Ho

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 16, 2012 4:05 PM
To: TIATestimony
Cc: kit@lava.net
Subject: Testimony for SCR15 on 3/19/2012 1:22:00 PM

Testimony for TIA/PGM 3/19/2012 1:22:00 PM SCR15

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Kit Grant
Organization: Individual
E-mail: kit@lava.net
Submitted on: 3/16/2012

Comments:
Honorable Chair and lawmakers:

Thank you for the opportunity to enthusiastically SUPPORT the passage of SRC 15, relating to travel.

I just completed a month of travel and, refusing to let the government take naked pictures of me, had to go thru groping, offensive and humiliating pat downs four times in U.S. airports as lines and lines of people backed up for these mandatory privacy invasions that even the TSA is on record as saying will not stop a determined terrorist. It's government-mandated chaos. I have to ask: why?

As a geographically isolated state requiring air travel for any interisland or out of state travel, the people of and visitors to Hawaii know all to well and first hand and from local news reports how ineffective, invasive and even corrupt the entire TSA screening procedure is.

Congress needs to stand up for my privacy, and for meaningful, Constitutionally sound measures to keep air travelers safe AND free. What we have now is a fantastically expensive, out-of-control government agency, answerable to no one, taking advantage of the American people's cooperative spirit and fear. It's high time Congress stepped in and reigned in this monster of baseless government surveillance.

Thank you for your consideration.