



Written by [Patrick Krey](#) on April 6, 2009

Campaign for Liberty Staffer & Airport Security

- Having to restrict all fluids in your carry-on to no more than 3.4 ounce bottles (by volume) that must be contained in a 1 quart-sized, clear, plastic, zip-top bag with a limit of one bag per customer. This precaution has been given the commercial jingle like catch phrase of “3-1-1” to help travelers remember the rule. One has to wonder why 3.4 ounces was chosen and not 3.5 or 3.3?
- Occasionally going through the explosive detection devices affectionately referred to as “puffer machines.”
- The removal of shoes, belts, watches, coats, wallets, keys, hats, and even laptops from carrying cases before going through the metal detectors. The removed items must be placed in plastic bins that are then placed on a conveyor belt that takes them through x-ray machine, where the contents are inspected by a TSA screener.
- Some “lucky” travelers even get the chance to have their carry-on luggage pulled aside to be rifled through by an inquisitive TSA agent.



One such traveler was Steve Bierfeldt, Director of Development for the Campaign for Liberty, whose carry-on luggage was scanned at approximately 6:50 p.m. on March 29, 2009 at the Lambert-St. Louis International Airport. The Campaign for Liberty (which is sometimes identified by C4L) is an organization created to continue on the grassroots activism inspired by Ron Paul’s 2008 presidential bid. C4L states its mission statement “is to promote and defend the great American principles of individual liberty, constitutional government, sound money, free markets, and a noninterventionist foreign policy, by means of educational and political activity.” Steve was in St. Louis for a C4L regional conference and was returning home on Sunday evening with no idea of what was about to unfold.

In an interview with [The New American](#), Steve recalled his experience: “I headed over to the airport and had gone through all the different levels of security.” It was at the final security checkpoint that Steve’s encounter with the TSA would take an unexpected turn. Steve had on him all the typical items a traveler usually brings in his carry-on luggage, from his wallet and laptop to his bible. He also had C4L literature and bumper stickers. Also among his belongings was a cash box that was used for sales of C4L merchandise, tickets, and books at the conference. “One of the agents monitoring the screener called over her supervisor, who took my bag out of the line and brought it over to a side table. He told me he had to look at it. He pulled out the cash box and said he had to look through it. My response was ‘am I being detained, sir, or am I free to go?’”

After a back-and-forth exchange with the TSA agent, the agent directed Steve to a windowless side



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room that was the size of the typical household bathroom and closed the door. Steve, at this point, began recording the event with his I-phone. The first thing heard on the recording is the agent asking, "What and why?" The agent asked Steve who he works for, why he has that money with him, and what he's doing here, to which Steve inquired whether he was legally required to answer those questions. After a minute of this, the agent called in the St. Louis Police because he says that Steve is suspicious and refuses to answer their questions.

The question is why was Steve suspicious to the TSA agents? Was it the money or the C4L literature? "They were aware that I had C4L literature and bumper stickers. They found that when they searched my bag. The checks had C4L on them. They asked me 'What is C4L,' but I don't know specifically their motives. I only know that from my point of view, I was aware of the MIAC report and assumed it was a big deal in Missouri and they were aware of it. So when they asked me about where I work, I wasn't in a rush to give them that information. It might be a red flag to them."

The MIAC report Steve mentions is the Missouri Information Analysis Center strategic report released on February 20, 2009, entitled "The Modern Militia Movement," It groups constitutionalists, pro-lifers, third party candidates, and the Campaign for Liberty and Ron Paul with white supremacists, Neo-Nazis, and domestic terrorists as potential threats to law enforcement. James Fitzgerald, National Director of Field Activities for the [John Birch Society](#) and former police officer, [had the following to say](#) about the report: "Police officers are trained to anticipate the worst in situations, so they are prepared to effectively do their job and go home safely. They rely on intelligence information to keep them apprised of threats in their areas. Unfortunately this report is totally irresponsible. It places an unworthy veil of suspicion over responsible citizens that respect the rule of law." (For additional information about the report, which has been withdrawn, see "[Do You Fit the Terrorist Profile?](#)")

The TSA agent who pulled Steve into the room for questioning was not armed, but others who would soon join in on the interrogation were. The people involved were two TSA agents, three armed police, and a plainclothes agent Steve was led to believe that the plainclothes agent, who was armed, was from the FBI. "Most of them were carrying guns, and at any given time there were six to seven people in the room. At one point, they asked me the same question two or three times in a row but just phrased differently as if they were trying to trick me. Basically, I just asked them, 'Sir, am I legally required to answer that?'" They waffled on their answers, claiming that Steve did have to answer and then quickly backtracking. Their frustration was becoming extremely apparent.

"At one point, I asked the officer for legal counsel and he said 'I don't have to tell you that,' and they also said, 'You don't have to know the law to answer the question, just answer the question.'" They eventually started to up the ante by threatening to include more federal agencies in the interrogation. "Clearly it was the typical strong arm tactic of 'Let's call this guy's bluff and see how big of a hotshot he is.' The one person who asked me if I was from this planet said that they needed to get the Drug Enforcement Agency down there to learn about this money as if he had the right to know about how I got that money." At all times though, Steve kept his cool and maintained his composure while respectfully asking about his legal rights. "If something did come of this, I wanted to make sure that (1) I was respectful, (2) that I was following the law, which I knew I was, and (3) I knew he was just strong-arming me and trying to scare me. They became much more irate after I called their bluff right back at them and you can hear that on the tape."

Steve also explains that an online video entitled [Why You Should Never Talk to the Police](#) influenced his actions. The video is a lecture by Regent University Law School Professor James Duane about the Fifth



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Amendment's protection against self-incrimination and the hazards of answering the questions of law enforcement. Professor Duane sums up his lecture with reasons why one should never talk to law enforcement that include the following: "Even if your client is innocent and only tells the truth and does not tell the police anything incriminating and the entire interview is videotaped, his answers can still be used to crucify him if the police have any evidence, even mistaken or unreliable evidence, that any of his statements are false." Duane uses Martha Stewart and Marion Jones as perfect examples of this.

Steve learned this lesson well: "If I told them that there was \$4,710 in the cash box and they counted \$4,750, they could say that I lied to police." As the interrogation proceeded with Steve's noncombative noncompliance, they finally said they were going to take him to the police station. To get clarification on what was happening, Steve asked if he was detained or free to go. "The one officer said, 'Yes, you are required to go,' and he made it very clear that I was physically being taken. The other officer asked if I needed to be handcuffed. I said I was happy to go because I didn't want to push the issue too much. They opened the door, escorted me out, and we walked about ten yards down the hallway when the senior officer who I assumed was FBI called them back into the room. This plain-clothes officer was in and out throughout the interrogation and was clearly in charge. He half-asked me if these are campaign contributions, to which I replied that they said C4L on them and he said I was free to go." This resolution didn't sit well with the TSA worker who initiated the whole encounter. "The TSA agent stated that 'I need to check this out with my supervisor before I'm comfortable letting him through my checkpoint.'"

Steve continued: "It was the 'my checkpoint' that really struck me. There two things which really stuck out: (1) 'My checkpoint,' which personifies where we've come as a nation. He's the one with the badge and the power, and it's his checkpoint. How dare I question his authority? (2) When they were taking me to the station and I said that I didn't understand the law, the one officer told me that 'We're going to make you understand the law.' At that point, I thought it was in my best interest to walk quietly and not push them anymore."

The TSA agent's supervisor did clear it, and Steve was on his way and still was able to catch his flight. But the story doesn't end there. The new Fox News program *Freedomwatch* hosted by Judge Napolitano highlighted what occurred. After playing an excerpt of the audio recorded on Steve's phone and interviewing Steve on air, the Judge explained the legal issues involved. "He did not have to answer those questions because the presence of cash is not one of the items which automatically eliminates you from getting on the plane.... It's one thing for them to make sure that you don't have a bomb or a gun in your pocket. It's another thing for them to not like a book or not like the papers you have with you."

The TSA itself even responded to the story via their official blog explaining that the stop and closer inspection of the luggage was standard procedure although the questioning that followed it might have been "inappropriate." "Because the box contained a number of items including a large amount of cash, all of which needed to be removed to be properly screened, it was deemed more appropriate to continue the screening process in a private area.... The tone and language used by the TSA employee was inappropriate. TSA holds its employees to the highest professional standards. TSA will continue to investigate this matter and take appropriate action."

The blog post by "Bob" from the TSA also stresses the point that the St. Louis police officers were the ones threatening to cuff Steve and take him to the station and not the TSA agents because TSA agents do not have such authority. The TSA did add that "movements of large amounts of cash through the checkpoint may be investigated by law enforcement authorities if criminal activity is suspected. As a



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general rule, passengers are required to cooperate with the screening process. Cooperation may involve answering questions about their property, including why they are carrying a large sum of cash. A passenger who refuses to answer questions may be referred to appropriate authorities for further inquiry." The ambiguities in the last statement are obvious. If passengers are required to answer questions, what types of questions are allowed versus not allowed? The TSA doesn't clarify.

Another illuminating part of the TSA blog was the comment section that included someone claiming to be a TSA worker writing, "So let me get this straight, the TSO made an 'innappropriate comment' yet the law enforcement personnel detained this person and were the ones questioning him and the public wants the TSO disciplined / fired / strung up? Yup, and you wonder why we feel as we do toward the public." One question that immediately comes to mind is how do TSA workers truly feel about the public? It would seem that a dangerous precedent is being established with an increasingly adversarial relationship being adopted by workers toward the travelers they are entrusted to protect.

Another question is whether the TSA workers are educated on what they can and cannot legally do and what they can actually detain people for. Steve further explains this: "Some of them may not want to share the law or some might just be ignorant of the law themselves. If these are the people who we are putting in charge of our security, then they need to know what they're talking about, they need to know the law."

Indeed they do. Anthony Gregory, Editor in Chief for the C4L and a consultant for the organization, [stated](#) that "whether it was the literature, the cash, or they just didn't like the look of Steve, none of it bodes well for a country that sees itself as a free society. In a free America, carrying literature of any type or cash of any amount would be just another peaceful activity fully tolerated by law. This kind of screening in our airports goes beyond demanding, 'Your Papers, Please.'"

Photo of Steve Bierfeldt



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