



TSA in the Airport and Beyond

Despite the controversy surrounding the intrusiveness of the Transportation Security Administration, its duties continue to expand. The agency now has Visible Intermodal Prevention and Response squads, known as [VIPR teams](#), assigned to perform security sweeps at transportation facilities across the United States in the name of terrorism prevention.



**Transportation
Security
Administration**

Included in the “transportation hubs” in which the VIPR squads are found are highway weigh stations, train terminals, sporting events, and music festivals, according to the Daily Kos.

The teams were created in 2005 in response to the train bombing in Madrid, Spain, that killed 191 people in 2004, but the program has now reached a budget of \$100 million, with 37 teams, marking a significant expansion of the program. Records from the Transportation and Security Administration show that in 2012, the VIPR teams conducted more than 8,800 unannounced checkpoints and search operations with local law enforcement outside of airports.

According to the TSA’s [official website](#), “TSA routinely conducts thousands of VIPR operations each year in transportation systems nationwide” — nearly [4000 in 2010](#) according to CNN.

The *New York Times* [writes](#) that the teams are “composed of federal air marshals, explosives experts and baggage inspectors,” as well as bomb-sniffing dogs. Likewise, there is typically an undercover member who is dressed as a passenger who monitors the crowds for suspicious activity.

Predictably, the squads have provoked the ire of privacy-protection advocates.

The *New York Times* reports, “TSA and local law enforcement officials say the teams are a critical component of the nation’s counterterrorism efforts, but some members of Congress, auditors at the Department of Homeland Security and civil liberties groups are sounding alarms.”

But the agency asserts the squads’ necessity.

“Our mandate is to provide security and counterterrorism operations for all high-risk transportation targets, not just airports and aviation,” explains John S. Pistole, TSA administrator. “The VIPR teams are a big part of that.”

Civil liberties groups are opposed to the VIPR teams, asserting that they are too far removed from the agency’s original mission, and that the actions of the TSA and their VIPR squads often violate constitutional protections.

“The problem with TSA stopping and searching people in public places outside the airport is that there are no real legal standards, or probable cause,” said Khaliah Barnes, administrative law counsel at the Electronic Privacy Information Center in Washington. “It’s something that is easily abused because the reason that they are conducting the stops is shrouded in secrecy.”



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The TSA contends that the searches are “special needs” or “administrative searches” and are exempt from probable cause because they advance the government’s agenda to prevent terrorism. TSA officials claim that the random searches and the presence of armed officers at stations provide the public with confidence in their safety.

Some state that VIPR squads help to bolster security. For example, Kimberly Woods, a spokeswoman for Amtrak, indicates that the VIPR teams have been helpful to the Amtrak police. “They supplement our security measures,” she said.

But the VIPR teams have not been well received everywhere. In 2011, people exiting an Amtrak train in Savannah, Georgia, were unhappy with the screening procedures of the VIPR teams. Responding to the criticism, the Amtrak police banned the teams from railroad property for a brief period of time.

Similarly, in April 2012, passengers in Houston complained that TSA officers had been stopping them during a joint operation with the Houston police and local transit police. The operation resulted in several arrests, mostly related to warrants for drug possession and prostitution. Later, dozens of angry residents flooded a public meeting with Houston transit officials to complain about the TSA and its intrusiveness.

“It was an incredible waste of taxpayers’ money,” said Robert Fickman, a defense lawyer who was in attendance at the meeting. “Did we need to have TSA in here for a couple of minor busts?”

Even some TSA officials have raised concerns about the VIPR teams, arguing that they have been deployed based on intelligence that is not always credible. TSA auditors also state that VIPR teams may not have the “skills and information to perform successfully in the mass transit environment.”

The VIPR teams are just another reason for opposition against the TSA, as if there weren’t enough reasons already.

A recent Government Accountability Report [reveals](#) a 26-percent increase in misconduct amongst TSA personnel between 2010 and 2012, including theft and illegal searches.

CNN reports, “While not specifically mentioned in the report, notable cases of theft by TSA agents include a 2012 case in which two former employees pleaded guilty to stealing \$40,000 from a checked bag at New York’s John F. Kennedy Airport, and a 2011 guilty plea from an officer who admitted [stealing between \\$10,000 and \\$30,000](#) from travelers at Newark Liberty International Airport in New Jersey.”

The report’s findings also showed that approximately one third of the cases of misconduct included being late or not reporting to work. Ten percent involved inappropriate remarks and abusive behavior, and about a quarter of the misconduct cases included screening and security failures, sleeping on the job, and neglect of duty.

Regardless of these findings, however, the TSA continues to enjoy a bloated budget of billions of dollars, paid for by the very people being violated by the agency.

Critics have been attacking the TSA, particularly the VIPR teams, for years. The liberty-oriented Cato Institute’s Jim Harper [noted](#) years ago that VIPR was “sinking its fangs into Americans’ civil liberties.”

“The natural illogic of VIPR stings is that terrorism can strike anywhere, so VIPR teams should search anywhere,” he wrote. “It’s the undoing of the Fourth Amendment, and it’s unwarranted counterterrorism because it expends resources on things that won’t catch or deter terrorists. Indeed, VIPR ‘stings’ may encourage terrorism because they show that terrorism successfully undermines the



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American way of life.”

Lawmakers such as former Texas Republican [Representative Ron Paul](#) and [Senator Rand Paul](#) (R-Ky.) have introduced various bills over the last decade that would have reigned in and ultimately eliminated the Transportation Security Administration. Unfortunately, there has been tremendous bipartisan support in Congress for the TSA and its alleged terrorist protections that has made it difficult to gain support for those bills.



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