

My name is Michael Roberts, and I am a pilot for ExpressJet Airlines, Inc., based in Houston (that is, I still am for the time being). This morning as I attempted to pass through the security line for my commute to work I was denied access to the secured area of the terminal building at Memphis International Airport. I have passed through the same line roughly once per week for the past four and a half years without incident. Today, however, the Transportation Security Administration (TSA) agents at this checkpoint were using one of the new Advanced Imaging Technology (AIT) systems that are currently being deployed at airports across the nation. These are the controversial devices featured by the media in recent months, albeit sparingly, which enable screeners to see beneath people's clothing to an extremely graphic and intrusive level of detail (virtual strip searching). Travelers refusing this indignity may instead be physically frisked by a government security agent until the agent is satisfied to release them on their way in what is being touted as an "alternative option" to AIT. The following is a somewhat hastily drafted account of my experience this morning.

As I loaded my bags onto the X-ray scanner belt, an agent told me to remove my shoes and send them through as well, which I've not normally been required to do when passing through the standard metal detectors in uniform. When I questioned her, she said it was necessary to remove my shoes for the AIT scanner. I explained that I did not wish to participate in the AIT program, so she told me I could keep my shoes and directed me through the metal detector that had been roped off. She then called somewhat urgently to the agents on the other side: "We got an opt-out!" and also reported the "opt-out" into her handheld radio. On the other side I was stopped by another agent and informed that because I had "opted out" of AIT screening, I would have to go through secondary screening. I asked for clarification to be sure he was talking about frisking me, which he confirmed, and I declined. At this point he and another agent explained the TSA's latest decree, saying I would not be permitted to pass without showing them my naked body, and how my refusal to do so had now given them cause to put their hands on me as I evidently posed a threat to air transportation security (this, of course, is my nutshell synopsis of the exchange). I asked whether they did in fact suspect I was concealing something after I had passed through the metal detector, or whether they believed that I had made any threats or given other indications of malicious designs to warrant treating me, a law-abiding fellow citizen, so rudely. None of that was relevant, I was told. They were just doing their job.

Eventually the airport police were summoned. Several officers showed up and we essentially repeated the conversation above. When it became clear that we had reached an impasse, one of the more sensible officers and I agreed that any further conversation would be pointless at this time. I then asked whether I was free to go. I was not. Another officer wanted to see my driver's license. When I asked why, he said they needed information for their report on this "incident" – my name, address, phone number, etc. I recited my information for him, until he asked for my supervisor's name and number at the airline. Why did he need that, I asked. For the report, he answered. I had already given him the primary phone number at my company's headquarters. When I asked him what the Chief Pilot in Houston had to do with any of this, he either refused or was simply unable to provide a meaningful explanation. I chose not to divulge my supervisor's name as I preferred to be the first to inform him of the situation myself. In any event, after a brief huddle with several other officers, my interrogator told me I was free to go.

As I approached the airport exit, however, I was stopped again by a man whom I believe to be the airport police chief, though I can't say for sure. He said I still needed to speak with an investigator who was on his way over. I asked what sort of investigator. A TSA investigator, he said. As I was by this time looking eagerly forward to leaving the airport, I had little patience for the additional vexation. I'd been denied access to my workplace and had no other business keeping me there.

"Am I under arrest?" I asked.

"No, he just needs to ask you some more questions."

"But I was told I'm free to go. So... am I being detained now, or what?"

"We just need to hold you here so he can..."

"Hold me in what capacity?" I insisted.

"Detain you while we..."

Okay, so now they were detaining me as I was leaving the airport facility.

We stood there awkwardly, waiting for the investigator while he kept an eye on me. Being chatty by nature, I asked his opinion of what new procedures might be implemented if someday someone were to smuggle an explosive device in his or her rectum or a similar orifice. Ever since would-be terrorist Richard Reid set his shoes on fire, travelers have been required to remove their footwear in the security line. And the TSA has repeatedly attempted to justify these latest measures by citing Northwest flight 253, on which Umar Farouk Abdulmutallab scorched his genitalia. Where, then, would the evolution of these policies lead next?

"Do you want them to board your plane?" he asked.

"No, but I understand there are other, better ways to keep them off. Besides, at this point I'm more concerned with the greater threat to our rights and liberties as a free society."

"Yeah, I know," he said. And then, to my amazement, he continued, "But somebody's already taken those away."

"Maybe they have," I conceded, watching the throng of passengers waiting their turn to get virtually naked for the federal security guards.

As a side note, I cannot refrain here from expressing my dismay and heartbreak over a civil servant's personal resignation to the loss of civil liberty among the people by whom he is employed to protect and serve. If he no longer affirms the rights and freedom of his fellow citizens, one can only wonder exactly what he has in view as the purpose of his profession.

The TSA investigator arrived and asked for my account of the situation. I explained that the agents weren't allowing me to pass through the checkpoint. He told me he had been advised that I was refusing security screening, to which I replied that I had willingly walked through the metal detector with no alarms, the same way I always do when commuting to work. He then briefed me on the recent screening policy changes and, apparently confused, asked whether they would be a problem for me. I stated that I did indeed have a problem with the infringement of my civil rights and liberty.

His reply: "That's irrelevant."

It wasn't irrelevant to me. We continued briefly in the conversation until I recognized that we were essentially repeating the same discussion I'd already had with the other officers and agents standing by. With that realization, I told him I did not wish to keep going around and around with them and asked whether he had anything else to say to me. Yes, he said he did, marching indignantly over to a table nearby with an air as though he were about to do something drastic.

"I need to get your information for my report," he demanded.

"The officer over there just took my information for his report. I'm sure you could just get it from him."

"No, I have to document everything separately and send it to TSOC. That's the Transportation Security Operations Center where we report..."

"I'm familiar with TSOC," I assured him. "In fact, I've actually taught the TSA mandated security portion of our training program at the airline."

"Well, if you're an instructor, then you should know better," he barked.

"Really? What do you mean I 'should know better'? Are you scolding me? Have I done something wrong?"

"I'm not saying you've done something wrong. But you have to go through security screening if you want to enter the facility."

"Understood. I've been going through security screening right here in this line for five years and never blown up an airplane, broken any laws, made any threats, or had a government agent call my boss in Houston. And you guys have never tried to touch me or see me naked that whole time. But, if that's what it's come to now, I don't want to enter the facility that badly."

Finishing up, he asked me to confirm that I had been offered secondary screening as an alternative "option" to ATS, and that I had refused it. I confirmed. Then he asked whether I'd "had words" with any of the agents. I asked what he meant by that and he said he wanted to know whether there had been "any exchange of words." I told him that yes, we spoke. He then turned to the crowd of officers and asked whether I had been abusive toward any of them when they wanted to create images

of my naked body and touch me in an unwelcome manner. I didn't hear what they said in reply, but he returned and finally told me I was free to leave the airport.

As it turned out, they did reach the chief pilot's office in Houston before I was able to. Shortly after I got home, my boss called and said they had been contacted by the TSA. I suppose my employment status at this point can best be described as on hold.

It's probably fairly obvious here that I am outraged. This took place today, 15 October 2010. Anyone who reads this is welcome to contact me for confirmation of the details or any additional information I can provide. The dialog above is quoted according to my best recollection, without embellishment or significant alteration except for the sake of clarity. I would greatly appreciate any recommendations for legal counsel – preferably a firm with a libertarian bent and experience resisting this kind of tyrannical madness. This is not a left or right, red or blue state issue. The very bedrock of our way of life in this country is under attack from within. Please don't let it be taken from us without a fight.

*Malo Periculosam Libertatem Quam Quietum Servitium*

**Michael S. Roberts**

[See this thread for additional background.](#)

*Last edited by SpatialD; 10-16-2010 at 12:57 AM.*

**Media inquiries contact Nisha Mohammed at the [Rutherford Institute](#): 434.466.6168.**

**Bill collectors contact the [Transportation Security Administration](#): 877.266.2837.**