



Written by [Bruce Walker](#) on January 5, 2010

TSA Nominee Faces New Problems

Errol Southers, President Obama's nominee to head the Transportation Security Administration, faced additional confirmation problems with revelations about misuse of criminal history information. Senator Jim DeMint (R-S.C.) had already been opposing confirmation because Southers, the senator believes, will not oppose the unionization of TSA screeners. When the Department of Homeland Security was created, the unionization of staff was a major issue. DeMint has indicated that the responses from Southers regarding future unionization of screeners (something the senator opposes) are unsatisfactory.



The new problems for the nominee deal with his misuse of criminal history records twenty years ago, when Southers was an FBI agent. Southers sought and obtained information about the boyfriend of his then estranged wife (who is now his ex-wife.) The acquisition of this sort of criminal records for personal purposes is uniformly regarded as highly unethical for a federal law enforcement officer and it is a violation of federal criminal statutes. The statute of limitations for any criminal offense by Southers has run, and — now — he does not deny that what he did was a "grave error of judgment." Southers also stated that his FBI superiors censured him for misconduct.

Compounding the problem of his misconduct twenty years ago, is the fact that Mr. Southers, although nominated by Obama in August, did not mention this misconduct until October. At that time, Southers signed an affidavit in which he swore that he had asked San Diego Police to access the criminal records of his wife's boyfriend. Based upon that information, the Senate committee approved his confirmation. The day after this committee confirmation in November, Southers wrote in a letter to the Senate committee's chairman Joe Lieberman and ranking committee Republican Susan Collins. In this letter, Southers corrected his earlier sworn statement and wrote that he, personally, had accessed criminal records of his ex-wife's boyfriend on at least two occasions, and that he downloaded files and passed them on to local police.

The nature of Southers' offense and concealment may create serious problems among all Americans concerned with a federal government that has extraordinary power to invade the privacy of ordinary citizens in the name of counter-terrorism. The very sort of improper and likely criminal action which Southers engaged in, then forgot about, and then — after his nomination was voted out of committee — finally recalled, is the type of abuse of personal records which troubles many Americans.

The White House remains committed to the Southers nomination and has berated Republicans for slowing the confirmation process. The very nature of these new problems with Southers — potentially felonious misuse of criminal record information and concealment of this problem until after the Senate committee vote — will surely raise more questions about his confirmation. The amount of information that is being collected on Americans in the name of internal security is growing, not shrinking, and



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many Americans may wonder if a rogue government official who used his law enforcement powers for personal benefit, and then mislead Congress, is the right sort of person to lead the Transportation Safety Administration.

Photo of Sen. Jim DeMint: AP Images



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