



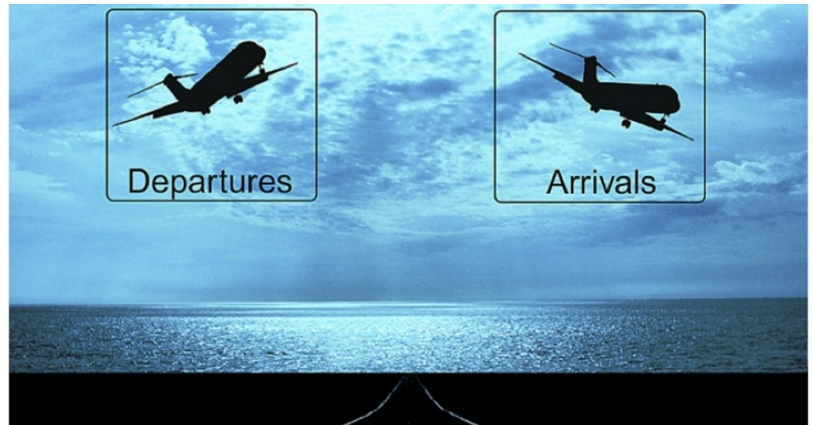
Written by [Joe Wolverton, II, J.D.](#) on November 5, 2013

TSA to Pre-Screen Air Travelers' Tax Info, Property Records, Travel History

Owe money to the IRS? Having trouble making your mortgage payments? Ever been sued or been arrested?

Soon, the Transportation Security Administration (TSA) will know the answers to these questions before you pass through security, and they might affect whether you are cleared for travel.

In a recently published article, [the New York Times reported](#):



The Transportation Security Administration is expanding its screening of passengers before they arrive at the airport by searching a wide array of government and private databases that can include records like car registrations and employment information.

The complete list of sources of personal data reviewed by the TSA also includes:

- private employment information
- vehicle registrations
- travel history
- property ownership records
- physical characteristics
- tax identification numbers
- past travel itineraries
- law enforcement information
- “intelligence” information
- passport numbers
- frequent flier information
- other “identifiers” linked to DHS databases

What does all of this have to do with “national security?” The *New York Times* writes that the “the agency says that the goal is to streamline the security procedures for millions of passengers who pose no risk.”

The TSA released the documents detailing the depth of this screening, but has refused to comment publicly.

Speaking under condition of anonymity, a TSA official told the *New York Times* “the main goal of the program was to identify low-risk travelers for lighter screening at airport security checkpoints, adapting methods similar to those used to flag suspicious people entering the United States.”



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If the traveler is a member of an airline's frequent flier program, the airline will be required to share the person's travel history with the TSA.

Apparently, the protection of the "homeland" is not the true purpose of the intrusion; rather it is to persuade travelers to register with the [TSA's "PreCheck" program](#).

By enrolling in "PreCheck," a person becomes a "trusted traveler." In order to apply for "PreCheck," a traveler must submit their biometric fingerprint for registration with an FBI database, submit to a criminal background check, and pay an \$85 fee to the TSA for a five-year PreCheck membership. [One story on "PreCheck"](#) claims that the TSA may receive as much as \$255 million from such fees in 2013.

Constitutionalists will readily recognize the "PreCheck" program for what it is: a means whereby the federal government not only violates the civil liberties protected by the Fourth Amendment, but that converts a right into a privilege, one revocable at the will of an unelected, unaccountable, unconstitutional agency of the federal behemoth.

The key violation of the [Fourth Amendment](#) is obvious. Everyone, regardless of probable cause or reasonable suspicion, is considered a suspect. This is contrary to the Fourth Amendment, which states that the right of the people "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

When questioned about the provenance of such a power, the TSA points to the *Federal Register* and regulations that have been enacted after the period of public comment has closed.

There is a fundamental problem with this explanation, however. Nothing in the *Federal Register*, no regulation promulgated under the color of law by the enormous federal bureaucracy, can have any legal effect if it violates the supreme law of the land — the Constitution.

The same holds true, in fact, for acts of Congress and orders issued by the president. Not one of them has any legal efficacy if it is contrary to the few and defined powers granted to the federal government in the Constitution.

Another unacceptable aspect of this massive intrusion into the personal lives of Americans is the universe of organizations that will have access to the data. As reported by the *New York Times*:

Much of this personal data is widely shared within the Department of Homeland Security and with other government agencies. Privacy notices for these databases note that the information may be shared with federal, state and local authorities; foreign governments; law enforcement and intelligence agencies — and in some cases, private companies for purposes unrelated to security or travel.

The federal government is not content to expose the private information of Americans within its own circle, but will now pass that data around to all those who could make use of it, including private companies for "purposes unrelated to security or travel."

"The average person doesn't understand how much intelligence-driven matching is going on and how this could be accessed for other purposes," said Khaliah Barnes, a lawyer with the Electronic Privacy Information Center, as quoted in the *New York Times* article. "There's no meaningful oversight, transparency or accountability."

The solution lies with Congress. Congress created this monster, and it has the means to kill it. Although



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there have been a couple of attempts to curtail the creature, they have been thwarted by bipartisan support for perpetuating TSA's authority as a means of "protecting the homeland."

National security is a curtain behind which a cabal of wizards is making our civil liberties disappear.

The only true protection for our national security is by strictly adhering to the Constitution and the timeless principles of liberty that it enshrines. Any step away from that sure footing, and we edge ever closer to a precipice at the bottom of which is found the rubble of the republics of the past.

Each of these formerly free societies eventually devolved into totalitarian regimes where rights were the exclusive inventory of the state, to give and take according to its whim.

There is hope, however, for the United States to avoid falling off that historic cliff.

Any day, one of the 435 members of Congress could introduce a bill defunding the TSA and repealing the relevant provisions of the Aviation and Transportation Security Act that established the TSA.

Americans who are tired of the pat-downs, the unconscionable treatment of the young, old, infirm, and disabled at the hands of TSA agents, and the revelation that now any and all personal information will be collected and passed around must contact their representatives and demand that a stop be put to this abuse and that the TSA monster be put down.

Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels frequently nationwide speaking on topics of nullification, the NDAA, and the surveillance state. He is the host of The New American Review radio show that is simulcast on YouTube every Monday. Follow him on Twitter @TNAJoeWolverton and he can be reached at jwolverton@thenewamerican.com



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