



Written by [Raven Clabough](#) on July 21, 2015

Three Groups Sue TSA Over Body Scanners

Three groups filed suit against the Transportation Security Administration last week over its controversial body scanners, claiming that the agency has forged ahead with the use of the machines without the required regulations.

USA Today [reports](#), "This is the latest filing in a lengthy court battle since the TSA deployed the machines in 2007. Currently there are more than 740 scanners in 160 airports, according to the lawsuit."



The plaintiffs — the Competitive Enterprise Institute, the National Center for Transgender Equality, and the Rutherford Institute — contend that the TSA does not have rules in place by which they should be operating the scanners.

"There is no regulation controlling the use of body scanners right now," Marc Scribner, a research fellow at CEI, told FoxNews.com. "TSA has been using scanners the last seven years but that entire span of time they've been operating without a regulation."

The lawsuit seeks to force the TSA to establish regulations for the scanners within 90 days. Further, the plaintiffs are asking that all TSA proposals be subject to public comment and expert evaluation before approval and implementation.

As *USA Today* notes,

Harper Jean Tobin, policy director for the transgender group, said travelers who are different from the general public will bear the brunt of relying on body scanners and pat-downs. According to the lawsuit, transgenders typically experience greater scrutiny at the airport because of their identification or physical features.

"The public deserves clear rules that address the effectiveness and the privacy impact of practices that affect millions of Americans every day," Tobin said.

According to Fox News, this is not the first time that the TSA was asked to establish regulations for the machines:

The same D.C. federal appeals court ruled in 2011 that the agency must develop rules for scanners under the Administrative Procedure Act. The TSA proposed ideas in 2013, but has never followed through. Since 2007 the agency has installed 740 scanners across 160 airports. The plaintiffs want the court to enforce its prior ruling.

While officials at the TSA claim the machines, which allegedly detect objects within or under the clothing of travelers who have their arms raised, are critical in detecting non-metallic explosives, the efficacy of body scanners came under fire when an undercover DHS security inspector general investigation found that the scanners and TSA agents were both missing banned items a staggering 95 percent of the time.

The body scanners have been the subject of intense controversy following privacy grievances over the



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nearly naked images the machines produce, which compelled the TSA to end its contract with Rapiscan Systems — the manufacturer — in 2013.

And the body scanners have also generated complaints concerning the amount of X-ray exposure to which travelers are subjected. The European Union has banned the use of backscatter scanners at European airports over health concerns.

“While TSA has told the public that the amount of radiation emitted from these machines is small, passengers and some scientific experts have raised questions about the impact of repeated exposure to this radiation,” declared Senator Susan Collins (R-Maine) last month.

Still, though the TSA has expanded its use of body scanners, Scribner is confident that the lawsuit will force the agency to set parameters for their usage. He asserted,

I think after four years of TSA essentially flouting the law and more than two years since the last meaningful action of the agency, we are confident the court will see TSA’s lack of action [as] troubling, and that it warrants a court order to speed up this required process.



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