Growing Pains at the Transportation Security Administration

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CHAPTER 7
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Since September 11, 2001, the United States has significantly revamped the ways and means used to provide and ensure national security against terrorist attacks. Key legislation included the PATRIOT Act (signed October 2001) and its revision, the USA PATRIOT Improvement and Reauthorization Act of 2005 (passed March 2006), which created new rules on domestic surveillance and detention; the Homeland Security Act (signed November 2002), which established the Department of Homeland Security (DHS); and the Aviation and Transportation Security Act (passed November 2001), which created the Transportation Security Administration (TSA).

Given the nature of the September 11 attacks, coupled with the failure of the then current safety measures to detect and/or deter the al Qaeda terrorists, it seems logical that there would be increased demands for changes in the way the United States’ transportation industry conducts its business. Congress has given the TSA responsibility for supervising all modes of travel in the United States. The TSA is, further, charged with implementing relevant security changes. In general, “the primary goals of the new TSA were to increase the effectiveness and efficiency of (1) identifying passengers who were potential threats and (2) screening passengers and luggage for potential weapons and explosives.”

Unless they work for the federal government agencies and/or as a first responder for either state or local government, most Americans are probably not directly or physically affected by the PATRIOT and Homeland Security Acts. On the other hand, the average person traveling on a commercial airliner will be directly affected by changes brought about because of the establishment of the TSA.

The TSA has been singled out for intense scrutiny, in large measure because of the inconveniences passengers must now endure when boarding, deplaning, and traveling on commercial airlines inside, and to and from, the United States. In addition to the restrictions and other measures air passengers encounter, there have been increased citizen criticisms surrounding the privacy rights that are curtailed every time they take a plane trip. These difficulties are not felt just by consumers but also by airline personnel and TSA workers who have also expressed their discontent. Consequently, the TSA has been singled out for intense scrutiny. However, it is not my intent to gauge how widespread these criticisms are, nor to undervalue the significant contributions that TSA personnel have made in protecting America (e.g., intercepting weapons, actual or potential), nor to downplay the real difficulties experienced by TSA officers (especially when dealing with rude and surly rude passengers), but simply to document the most salient complaints and some of the unintended consequences.

In order to contextualize the growth and development of the controversial security-related TSA policies and practices over the past six years, this chapter follows a relatively simple chronology, tracing the events that passengers might experience from getting to an airport to deplaning. It then briefly reviews the different kinds of theories of bureaucratic decision making that are applied to policy making, and concludes that to all intents and purposes, the TSA has been operating on an incremental decision-making basis.

THE TSA AND AVIATION SECURITY IN THE POST-SEPTEMBER 11 ERA

There are numerous vulnerabilities in airline and airport safety that necessitate safeguards. Concerns about our country's air safety as a result of criminals, hijackers, and terrorists did not begin with September 11. There is a long history of individual, traditional criminals, and terrorists commandeering passenger airplanes, and/or placing explosive devices on planes. Naturally, there has been a considerable amount of scholarly research that has examined these incidents and the government and industry responses to them.

Since September 11, the passenger airline industry has focused its security efforts on four areas: "Airport security; passenger identification and screening; airport proximity security; aircraft security during take off and landings, [and] in-flight security." In short, since September 11, in most of the large airports in the United States, security procedures have become more rigorous. The following sections point out these areas of concern and the numerous inconveniences passengers have experienced as a result.

Dropping Off and Picking Up Passengers

Depending on the airport, picking up and dropping off passengers by car is now more inconvenient, and sometimes a more time-consuming and expensive venture than pre-September 11. Those wishing to pick up passengers who are arriving or drop off passengers who are departing are no longer allowed to stand (i.e., stay in the vehicle with the motor running), wait, or park their cars (i.e., leave the vehicle unattended). Most big-city airports (in Chicago, Los Angeles, New York, and elsewhere) use local police, state police/troopers, or airport police to constantly and vigorously monitor the traffic and dissuade drivers from waiting for passengers at the curbside by threatening ticketing or towing. Some airport authorities, recognizing the inconvenience of these practices, have negotiated with companies that have leased parking facilities to let drivers park free for the first half hour. Other airport authorities have established or constructed cell-phone waiting areas, where drivers can temporarily park their cars and wait (typically up to an hour), until their loved ones, friends, colleagues, or clients call to be picked up at a designated place. Negotiating the dropping off of a passenger is only the beginning. The inconveniences for travelers do not appreciably diminish from curbside to ticketing counter (another post–September 11 security point).

At the Ticketing Counter

Despite the advent of electronic ticketing, airline passengers are now required to check in at least an hour before their plane takes off for domestic flights and two hours for international flights. Unfortunately this practice can lead to inordinately long wait times. This is especially frustrating given the fact that in the past few years passengers have also witnessed significant increases in the number of late departures and/or cancellations. Once at the ticket counter, passengers must show more forms of identification and are still asked a number of security questions by airline personnel, such as, “Has anyone helped you pack your bag?” and “Has your bag been in your possession at all times?” These are not foolproof questions, as passengers can easily lie and there is little that airline personnel can do to detect this.

Because of increased baggage restrictions and screenings, checking baggage is more onerous. Airlines now restrict carry-on luggage to one item, either to increase their revenue by charging for baggage that passengers would in the past have normally taken as carry-on, or to minimize the items that could possibly be carried on to the plane and used as weapons. In another new measure, baggage handlers and screeners have been "federalized" and integrated into the TSA. In general, passenger and baggage screeners (there are now some 30,000 of them) are doing a more thorough job, including testing ticketed passengers' personal effects for gunpowder residue, using equipment which increased metal sensitivity, and making regular and random searches. In short, those responsible for baggage handling and inspection are said to be better trained and more experienced than pre–September 11 employees performing similar functions.
Security Processes before Entering a Terminal

Many people, from passengers to TSA workers, believe that the procedures for screening ticketed customers range somewhere along a scale from pointless to ridiculous.

Procedures such as having 80-year-old women turn over nail files or treating quadriplegics as would-be terrorists simply to demonstrate impartiality in screening annoy passengers far more than they convey any sense of safety. Meanwhile, there appears to be considerable inconsistency with respect to items that are considered to be potential weapons, for example, not allowing nail clippers but permitting disposable razors, or not being able to take cigarette lighters on board, but being permitted to take three boxes of matches. Documentary film director Michael Moore captured these ironies well in his controversial 2004 movie Fahrenheit 9/11, when he showed all the items that could not be brought aboard aircraft and those that were permissible. These contradictions helped to lead to the reversal of the ban on carrying cigarette lighters.5

Passenger Identification

Over the past six years, a number of different passenger prescreening programs have been implemented, often with little success. Many passengers have been unnecessarily searched and delayed because of ethnic profiling, being on watch lists because of certain types of employment, participation in public protests, and previous travel. The secret no-fly list once led to Senator Edward M. Kennedy (D-Mass.) being detained on his regular Washington to Boston flight and again on his attempt to fly back to Boston.

Baggage Handling and Screening/Clearing Security

Although failures to intercept weapons and properly vet TSA personnel have repeatedly garnished media attention,6 some of the biggest passenger complaints are connected to the screening procedures they experience while trying to clear security to enter the terminals on the way to their gates. This is usually caused by the increasing number of banned items, and the apparent randomness of decisions connected to specific individuals and items that are subjected to increased security.

In December 2001, Richard Colvin Reid, a British citizen, a recent convert to Islam with nebulous ties to al Qaeda, the terrorist group responsible for the September 11 attack, tried to blow up an American Airlines flight on route from Paris to Miami. The primitive bomb was located in his shoes. Only when passengers noticed that he was trying to light his shoes was he overpowered and the bomb discovered. This led to a revision of policies such that airline passengers are now required to take off their shoes while going through a gate check and have them placed on the conveyor belts on their way to the X-ray machines. Then belts were targeted, with the occasional person seen walking through X-ray scanning devices grasping the waistband of his pants to prevent them from falling down around his shoeless feet. Passengers started to wonder what other kinds of clothing would be next.

Then, in August 2006, it was announced that al Qaeda was experimenting with carrying liquid explosives in water or perfume bottles. Almost immediately, the TSA banned passengers from carrying bottles in excess of four ounces, whether liquids, gels, or pastes, in carry-on bags. In September 2006, the TSA lifted its ban on carrying liquids in favor of requiring travelers to carry only “travel-size toiletries (3.4 ounces or less) that fit comfortably in one quart-size, clear plastic, zip-top bag.” Predictably, at least in the beginning, bags were not provided to passengers. And when travelers used wrong-size bags they were often chastised by TSA workers. Only later did the TSA or airport authorities start providing the bags. TSA workers who identify passengers carrying prohibited liquids and so on give travelers the opportunity to stow the items in their carry-on bags once the items have been thoroughly screened, but by that time most passengers are in a rush to board their planes, or do not want to incur the extra inconvenience of retrieving their bags, going back to the ticketing counter, and dealing with the airline personnel, and simply agree to have their prohibited items thrown in the garbage.

Waiting in the Terminal

Since September 11, airports have adopted a “standard concentric circle security design,” featuring increased security checkpoints that ticketed passengers and authorized personnel must go through before they are allowed to enter the terminals and gate areas, and eventually board the planes. “Prior to September 11 many airports were designed as mini-shopping centers.”7 Since the new security restrictions were implemented, a number of retail businesses located in the terminals and the parking facilities (usually leased by the airport authorities to private companies) have incurred significant losses in revenue. Some terminals have resembled veritable ghost towns on the American landscape.

Revised Boarding Procedures

A number of changes have occurred with respect to boarding and onboard procedures as well. Nationwide, when boarding a plane, certain passengers can be taken aside to have their persons and their carry-on items completely searched.

Onboard Security Processes

In addition, after the September 11 attacks, because of Ronald Reagan National Airport's close proximity to the Pentagon (one of the sites of the September 11 attacks), flights out of this airport were initially suspended,
then scaled back, and sky marshals were placed on all flights in and out of the airport. Moreover, passengers are not allowed to leave their seats for the first half hour after departure from or during the approach to Reagan Airport and nearby Dulles Airport in northern Virginia. In other decisions that were as arbitrary, in December 2003 the Federal Air Marshal Service was transferred from the TSA to the U.S. Bureau of Immigration and Customs Enforcement, and then in 2006 it was returned to the TSA.

Pilots are now allowed to carry guns (under the Federal Flight Deck Officer Program), and cockpit doors have been reinforced. The airlines no longer serve food on so-called short-haul trips; one would assume this last precaution has been introduced because utensils are potential weapons, and because not providing food makes up for the loss of income incurred immediately after September 11.

Remaining Gaps in Security Provision

Despite the increased security, there is no point-to-point baggage checking. In other words, in many airports once your bag comes off the conveyor belt almost anyone can pick it up. Rarely are airline personnel or security guards in attendance to make sure that the bag you retrieve is yours. And there is criticism of the fact that cargo placed in the airplane's hold is either never screened at all, or not properly screened.

Formal Responses to the Terrorist Threat: Passenger Identification Systems

One of the preferred measures to dealing with the evolving terrorist threat involves passenger identification systems.

1. CAPPS I. A considerable number of passenger identification procedures have been created that lie outside of the TSA's purview. "Recognizing the need for more effective screening and monitoring of foreign visitors, the United States has new visa requirements, new high-tech passport requirements, and the United States Visitor and Immigration Status Indicator Technology, or US VISIT program." Within the TSA's domain, however, is the Computer Assisted Passenger Pre-screening System, or CAPPS.

As James A. Fagin points out, "In 1996, Northwest Airlines developed a refined system called Computer-Assisted Passenger Pre-screening System or CAPPS. The system was operated by the airlines and based on their computer records about passengers. It did not compare passenger names to lists of potential terrorists kept by the State Department. In 1998, other airlines began to use CAPPS, as recommended by the White House Commission on Aviation Safety and Security. In 1999, CAPPS was no longer used to select passengers and their carry-on luggage for additional screening. After September 11 CAPPS was again used to screen passengers for additional security screening but was still not connected to State Department watch list which has now expanded to include people not necessarily connected to or a part of terrorist organizations. The data used by CAPPS to select passengers for additional security screening did not accurately discriminate between passengers who were potential security risks and those who were not. As a result CAPPS flagged about 50 percent of the passengers for additional security screening in short-haul flights." 96

2. CAPPS II. CAPPS did not prevent the September 11 attacks, and this fact together with "its poor record in discriminating between potential hijackers and ordinary passengers resulted in Congress authorizing the creation of a new system for determining who should receive additional security screening at airport checkpoints." 97 The new system, named CAPPS II, examines a passenger's travel history to determine if there are any "unusual" patterns. CAPPS "uses airline reservation computers to identify passengers who may pose a higher risk of being terrorists and subjects them to additional scrutiny." 98 CAPPS II "discriminates 25 aspects of a passenger's travel history," but we don't know exactly what those items are because "details are classified." 99

Apparently in order to determine the utility of this process, the country's airlines gave the Federal Bureau of Investigation information on 10 million passengers. When news of this came to public attention there were "complaints of privacy violation, lawsuits, and warnings of infringement on privacy rights by various civil rights watchdogs.... CAPPS II was criticized as being not only a significant intrusion into privacy rights but also being ineffective in screening for terrorists." 100

3. Secure Flight. Although CAPPS II was to be introduced in fall 2004, by then the number of problems connected to protecting the privacy of citizens and to "mission creep" forced Congress and the DHS to terminate the program. By that time, the government had already invested over $100 million in it. In its place, the DHS created Secure Flight. "Preliminary details of Secure Flight indicate that it would focus on screening for potential terrorists and would not screen passengers wanted for violent crimes. Secure Flight would rely primarily on government databases rather than commercial databases for its data mining, but would make some use of the latter." 101 In 2004, Secure Flight was criticized by the American Civil Liberties Union (ACLU) as a violation of passenger rights, because of the unreasonable search and seizure practices to which it exposed airline passengers. The TSA changed its procedures. "In 2005, Congress prohibited the use of appropriated funds for CAPPS II or its successor, Secure Flight, until the government could certify that privacy requirements were being met, largely related to false positives and the sharing of private information." 102

4. STAR System. In July 2007, it was announced that the FBI "is developing a computer profiling system that would enable investigators to target possible terror suspects.... The System to Assess Risk, or STAR, assigns risk scores to possible suspects, based on a variety of information, similar to the way a credit bureau assigns a rating based.
Theories of Decision Making

To better understand how TSA has evolved since its inception, it helps to look at the agency’s decision-making process. There are three major explanations of how people and by extension groups make decisions: rational, incremental, and cognitive. First, rational or intellectual approaches attempt to make broad-ranging diagnoses. This style of decision making involves obtaining definitions of the situation. Those using this style then attempt to collect a wide range of information. They tap different sources for information to minimize bias. Then they conduct an extensive search for policy options. These decision makers are open to new information, and they evaluate opportunity costs, compare costs and benefits, and estimate the usefulness of options. They choose the options that promise to give the greatest benefits and the lowest costs. The rational process recognizes that it is difficult and to compare things of different magnitudes and to measure many constructs, and that the process is very time consuming. In reality, people, from leaders to workers, have little time to make complicated decisions. Consequently, most people do not routinely engage in this sort of decision making, save for those paid to do it.

The incremental, mechanical, or cybernetic approach involves the consideration of one option at a time. This kind of decision making looks at the first available option that will satisfy the minimum needs. This process is also called satisfying. Options only differ to a small degree. This is why decision makers typically rely on standing operating procedures (SOPs). These may be set out in written form or may simply be informally accepted as the product of past experience. SOPs are usually based on trial and error experiences. The decision makers don’t analyze, and don’t weigh opportunity costs. The cybernetic model of decision making explains the phenomenon of conservatism (resistance to change). It assumes that decision makers have experience with situations and that crises are of a structured nature.

Finally, there are cognitive theories of decision making. These show a better empirical fit between theory and practice. They compensate for weaknesses in the rational and cybernetic methods. Cognitive theories argue that decision makers are bounded by constraints. Those who follow cognitive theories diagnose problems with prevailing beliefs, search for information and opinions that confirm prevailing beliefs, and ignore information that disconfirms them. The decision makers then use techniques of inconsistency management to support their decisions. Only when they are overwhelmingly wrong do these people change their behavior. In general, these decision makers do not consider trade-offs but argue that their option is to be preferred and will meet all the objectives.

While the TSA has only been in operation for seven years, it seems the decision is mainly incremental. That is, each new threat or event is dealt with almost totally separate and apart from other happenings. This leads to a snapshot approach to security where long-term planning is lacking. In the absence of some sort of strategic planning, it seems that the TSA is operating in an incremental fashion. The TSA’s practice of dealing with crises as they develop and scrambling to set in place policies and practices inevitably frustrates the public in general and commercial air travelers in particular, whose patience has worn thin over the last six years, and it decreases public confidence in the agency.

Notes

1. For a review of post-September 11 counterterrorism policies and practices, see, for example, Jeffrey Ian Ross, Political Terrorism: An Interdisciplinary Approach (New York: Peter Lang, 2006).
7. Ibid., 158.
8. Ibid., 159.
9. Ibid., 160.
10. Ibid.
12. Ibid.
14. Ibid., 162.
17. Ibid.
CHAPTER 8

In-Cabin Security

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This chapter will present a picture of aviation security issues today and also predict what we can expect to experience in the future. It touches upon the effort to protect commercial airliners from terrorists, considering what can occur and how we might counter potentially lethal assaults within the passenger cabin environment. It also examines the current state of preparedness in this environment. As of this writing, November 2007, the public and private dialogue and the often contentious debate between the parties with an interest in commercial airline security are unceasing.

A REACTIVE PROTECTION HISTORY

When we pose investigative questions about the security of the airliner cabin, it becomes clear that this is an area that is sorely neglected. Moreover, we are now in a period when our guard, specifically in the context of in-cabin security, is gradually slipping, going back to the self-deception of the “comfort zone” that has historically created opportunities for successful terror attacks.

Experience shows, and there is no greater example than that of the pivotal events of September 11, 2001, that it is the action of the aggressor, not the defender, that leads to changes in commercial aviation security. This pattern is demonstrated by the series of hijacking and bombing events that have spanned more than 70 years, starting with the first recorded hijacking in May of 1930, when a Pan American mail-carrying aircraft was seized and commandeered by revolutionaries in the skies over Peru. Since that time, with the exception of a limited number of acts designed for personal criminal gain,