

Airport Body Scanners: Health Concerns and Invasion of Privacy

TSA ejects Oceanside man from airport for refusing security check

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SAN DIEGO — John Tyner won't be pheasant hunting in South Dakota with his father-in-law any time soon.

Tyner was simultaneously thrown out of San Diego International Airport on Saturday morning for refusing to submit to a security check and threatened with a civil suit and \$10,000 fine if he left.

And he got the whole thing on his cell phone. Well, the audio at least.

The 31-year-old Oceanside software programmer was supposed to leave from Lindbergh Field on Saturday morning and until a TSA agent directed him toward one of the recently installed full-body scanners, Tyner seemed to be on his way.

Tyner balked. He'd been reading about the scanners and didn't like them for a number of reasons, ranging from health concerns to "a huge invasion of privacy." He'd even checked the TSA website which indicated that San Diego did not have the machines, he said in a phone interview Saturday night.

"I was surprised to see them," said Tyner.

He also did something that may seem odd to some, manipulative to others but fortuitous to plenty of others for whom Tyner is becoming something of a folk hero: Tyner turned on his cell phone's video camera and placed it atop the luggage he sent through the x-ray machine.

He may not be the first traveler tossed from an airport for security reasons but he could well be the first to have the whole experience captured on his cell phone.

During the next half-hour, his cell phone recorded Tyner refusing to submit to a full body scan, opting for the traditional metal scanner and a basic "pat down" — and then refusing to submit to a "groin check" by a TSA security guard.

He even told the guard, "You touch my junk and I'm going to have you arrested."

That threat triggered a code red of sorts as TSA agents, supervisors and eventually the local police gravitated to the spot where the reluctant traveler stood in his stocking feet, his cell phone sitting in the nearby bin (which he wasn't allowed to touch) picking up the audio.

According to TSA when the controversial body scanners were installed, travelers would have the option to request walking through the traditional metal detector it would be accompanied by a “pat down.”



Why Tyner was targeted for a secondary pat down is unknown.

“I’m 6-foot-1, white with short brown hair,” he said Saturday night. “I don’t look like a terrorist.”

Was he singled out for “punishment”?

Before Tyner was told he was getting a “groin check,” a TSA agent is heard on the recording telling another agent “I had a problem with the passenger I was patting down. So I backed down. He was obnoxious.”

Tyner is sure he was talking about someone else. On the whole, with a single final exception, he found the agents “professional if standoffish.”

He did marvel that while his own situation was being deliberated, many passengers passed through the metal detector and on to their flights with no pat-down. “One guy even set off the alarm and they sent him through again without a pat-down,” he said.

Once he threatened to have the TSA agent arrested though, events turned surreal.

A supervisor is heard re-explaining the groin check process to Tyner then adding “If you’re not comfortable with that we can escort you back out and you don’t have to fly today.”

Tyner responded “OK, I don’t understand how a sexual assault can be made a condition of my flying.”

"This is not considered a sexual assault," replied the supervisor, calmly.

"It would be if you were not the government," said Tyner.

"By buying your ticket you gave up a lot of rights," countered the TSA supervisor.

"I think the government took them away after 9/11," said Tyner.

"OK," came the reply.

More senior TSA administrators showed up, and one San Diego police officer. Tyner's personal information was taken down and then he was escorted out of the security area. After he put his shoes back.

His father-in-law, a 40 year retired deputy sheriff can be heard pleading in the back ground for some common sense.

Tyner went over to the American Airlines counter where an agent, to his amazement, refunded the price of his non-refundable ticket.

Before he could leave however he was again surrounded by TSA employees who told him he couldn't leave the security area. One, who kept insisting he was trying to help Tyner, told him that if he left he would be subject to a civil suit and a \$10,000 fine.

Tyner asked if the agents who escorted him from the security area would also be sued and fined.

The same man who told Tyner he would be sued and fined if he left, also insisted that he did not tell him he couldn't leave.

So Tyner left.

Two hours later he wrote the whole experience up on his blog and posted the audio files to YouTube.

You could say it has gone viral.

By Saturday evening, 70,000 people had accessed the entry and 488 comments were posted to the blog item. Those comments are divided over Tyner's experience. "Only 5 percent say I'm an idiot," he said.

Far more applaud him for "standing up" to the security forces. Many more people share his disdain for how airport security is conducted.

"People generally are angry about what is going on," said Tyner, "but they don't know how to assert their rights....there is a general feeling that TSA is ineffective, out of control, over-reaching."

If Tyner has touched some undercurrent of resentment, he doesn't want to be the guy who leads the charge to overturn the machines. "I'm not so sure I'm the right person to start a movement," he said.

If he isn't, he can sound like he's auditioning for the job.

Tyner points out that every terrorist act on an airplane has been halted by passengers. "It's time to stop treating passengers like criminals and start treating them as assets," he said.

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