

**ASSEMBLY CONCURRENT
RESOLUTION No. 160**

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED NOVEMBER 22, 2010

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman JOHN DIMAIO

District 23 (Warren and Hunterdon)

Assemblyman ERIK PETERSON

District 23 (Warren and Hunterdon)

Assemblyman PATRICK J. DIEGNAN, JR.

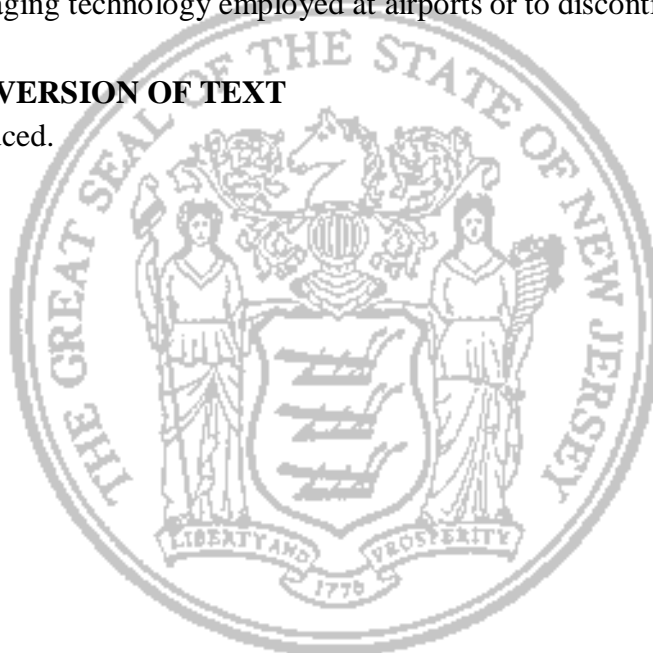
District 18 (Middlesex)

SYNOPSIS

Urges Congress and President to address certain concerns raised by advanced imaging technology employed at airports or to discontinue their use.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/7/2010)

1 **A CONCURRENT RESOLUTION** urging Congress and the President to
2 address certain concerns raised by advanced imaging technology
3 employed at airports or to discontinue their use.
4

5 **WHEREAS**, In a September 2010 press release, Department of
6 Homeland Security Secretary Janet Napolitano announced that the
7 Transportation Security Agency (TSA) would increase the use of
8 advanced imaging technology at airports around the country
9 including Newark Liberty International in Newark, New Jersey; and

10 **WHEREAS**, This advanced imaging technology, also known as full-
11 body scanners, produces detailed images of air travelers' naked
12 bodies which are reviewed by TSA employees for evidence of
13 certain prohibited items and substances; and

14 **WHEREAS**, These full-body scans appear to intrude upon personal
15 privacy rights and may violate the Fourth Amendment of the United
16 States Constitution and Article I, paragraph 7 of the New Jersey
17 Constitution both of which specifically protect citizens from
18 unreasonable searches and seizures; and

19 **WHEREAS**, Full-body scans may also violate the Religious Freedom
20 Restoration Act by requiring persons with strongly held religious
21 beliefs about personal modesty to submit to the intrusive imaging,
22 or should the person object to full-body scanning, an enhanced pat
23 down that requires the TSA agent to contact the person's genitals,
24 and these methods have been publicly rejected by religious leaders
25 of a variety of faiths; and

26 **WHEREAS**, The effectiveness of advanced imaging technology to
27 detect prohibited substances more reliably than existing technology
28 and security measures has not been sufficiently proven; and

29 **WHEREAS**, Furthermore, full-body scans subject the traveling public
30 to radiation in order to generate the image, the potential health
31 consequences of which have not been fully explored, especially the
32 impact on frequent fliers, flight crews, pregnant women, and
33 children; and

34 **WHEREAS**, Advanced imaging technology may present real risks to
35 New Jersey citizens, and it is therefore fitting and proper that the
36 Legislature call upon the President and Congress of the United
37 States to immediately address these concerns, and if they cannot be
38 satisfactorily addressed, to discontinue their use; now, therefore,
39

40 **BE IT RESOLVED** by the General Assembly the State of New
41 Jersey (the Senate concurring):
42

43 1. The Legislature of this State respectfully urges the President
44 and Congress of the United States to immediately address the
45 serious privacy, constitutional, safety, and religious freedom
46 concerns presented by advanced imaging technology employed by
47 Transportation Security Agency employees at the nation's airports;

1 and if these concerns cannot be satisfactorily addressed, urges the
2 discontinuation of their use.

3
4 2. Duly authenticated copies of this resolution, signed by the
5 President of the Senate and Speaker of the General Assembly and
6 attested by the Secretary of the Senate and the Clerk of the General
7 Assembly, shall be transmitted to the President and Vice President
8 of the United States, the Majority and Minority Leaders of the
9 United States Senate, the Speaker and Minority Leader of the
10 United States House of Representatives, and every member of
11 Congress elected from this State.

12
13
14 STATEMENT

15
16 This resolution urges Congress and the President of the United
17 States to immediately address the serious privacy, constitutional,
18 safety, and religious freedom concerns raised by advanced imaging
19 technology used by Transportation Security Agency employees at
20 the nation's airport. If these concerns cannot be satisfactorily
21 addressed, this resolution urges the discontinuation of their use.

22 The Department of Homeland Security has recently moved to
23 increase the use of advanced imaging technology, also known as
24 full-body scanners, at the nation's airports, including Newark
25 Liberty International in Newark, New Jersey.

26 Full-body scanners produce detailed images of air travelers'
27 naked bodies which are reviewed by TSA employees for evidence
28 of certain prohibited items and substances. These full-body scans
29 appear to intrude upon personal privacy rights and may violate the
30 Fourth Amendment of the United States Constitution and Article I,
31 paragraph 7 of the New Jersey Constitution both of which
32 specifically protect citizens from unreasonable searches and
33 seizures.

34 Full-body scans may also violate the Religious Freedom
35 Restoration Act by requiring persons with strongly held religious
36 beliefs about personal modesty to submit to the intrusive imaging,
37 or should the person object to full-body scanning, an enhanced pat
38 down that requires the TSA agent to contact the person's genitals.

39 Full-body scans also subject the traveling public to radiation in
40 order to generate the image, the potential health consequences of
41 which have not been fully explored, especially the impact on
42 frequent fliers, flight crews, pregnant women, and children.

43 This resolution calls upon the Congress and President to address
44 these concerns which may present real risks to New Jersey
45 residents, or to discontinue the use of advanced imaging technology
46 if the concerns cannot be satisfactorily addressed.