

49 CFR 1544.201.b requires that commercial airline passengers selected for special pre-board screening (commonly known amongst frequent fliers as "gate rape") undergo the screening even for connecting flights. This poses an excessive and undue burden to passengers, and does not improve security.

We suspect that the authors of this rule were afraid of a conspiracy by passengers to leave secure areas, acquire prohibited items, and then return to the secure area to board a connection. However, the special screening will not substantially deter such plans even if it is done on every segment of travel. Presently passengers know when they have been selected for special screening because it is clearly marked on all their tickets. Even if he did not know in advance a malicious passenger could simply exercise his right to refuse the search and not take that connecting flight.

Given the low probability of being selected for screening, and the ease of tailoring travel to avoid selection by CAPPS, "gate rape" is not an effective mechanism for detecting contraband, especially in view of the regular screening to which all passengers are subject prior to entering secure areas. Passengers who were gate raped at their origination are typically rushing to make connections and never have a chance to leave secure areas. Even in these cases, however, they are pulled aside boarding their connections to have all their carry-on luggage taken apart again. This is a waste not only of their time, but also of security resources and often of the entire flight that is delayed while they are re-screened.

Furthermore, it is obvious by now that CAPPS is ineffective in selecting for real security threats. This has reduced the effectiveness of special screening as masses of travel agents, law enforcement, and military personnel on leave are often selected in spite of the fact that they are (or should be) among the most trusted travelers in the system.

In summary, special screening as it is currently practiced is ineffective and excessively burdensome. Too many people are selected for the screening, which has degraded its effectiveness. Furthermore, the truly malicious security threats it is designed to catch will simply refuse the special security and try again another time, knowing that they will probably get lost in the noise generated by CAPPS and the masses of benign passengers it selects for harassment.