



June 7, 2012

**Re: Vote YES on Blackburn Amendment #2 (VIPR teams) to H.R. 5855,
DHS Appropriations Act, 2013**

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Good Afternoon,

On behalf of the American Civil Liberties Union, please find attached our vote recommendation for today's anticipated vote on Representative Blackburn's amendment, Blackburn #2 to H.R. 5855, the Department of Homeland Security Appropriations Act, 2013. A recorded vote on this amendment is anticipated on the House floor soon.

Please call Legislative Counsel Christopher Calabrese with any questions at (202) 715-0839.

Regards,

Laura W. Murphy
Director, Washington Legislative Office

Christopher Calabrese
Legislative Counsel

cc: Members of the U. S. House of Representatives

ACLU Vote Recommendation for Amendment Blackburn #2 (VIPR Teams)

Amendment Blackburn #2 bars funding for any operations of Department of Homeland Security Visible Intermodal Prevention and Response (VIPR) teams.

The American Civil Liberties Union recommends a YES vote on the Blackburn amendment.

Vote YES because VIPR teams represent a dangerous infringement on American's Fourth Amendment right to be free of warrantless searches by the government and lack demonstrated efficacy as a security measure.

Representative Blackburn's amendment would defund the Transportation Security Administration's (TSA) Visible Intermodal Prevention and Response (VIPR) program. The VIPR program creates roving teams of security agents which expand the use of checkpoints currently found in airports to bus and train stations, highways, the subway, and other transportation facilities around the country. This program violates Americans' Fourth Amendment right to privacy.

The Fourth Amendment protects individuals from search without probable cause. Over the years, the courts have carved an exception for airports, where the government can carry out a limited "administrative" search solely for the purpose of protecting the safety of air travel. Weapons and explosives pose unique dangers on airplanes that make them different from other public spaces like crowded sidewalks, shopping centers, movie theaters, buses or trains. The justification for carving out an exception to our constitutional freedoms does not extend to these other venues. Ground transportation like trains and buses are ordinary public spaces where Americans should not have to endure suspicionless searches.

Security officials have also questioned the necessity and efficacy of the program. The National President of the Federal Law Enforcement Officers Association described the VIPR program as "clearly a waste of scarce Federal Air Marshal resources." For a period last year, VIPR squads search tactics led Amtrak to bar them from Amtrak facilities.

The Transportation Security Administration's FY 2013 budget request would allocate \$100.2 million to VIPR teams.

For more information, please contact Christopher Calabrese, ACLU Legislative Counsel, at (202) 715-0839 or Ccalabrese@dcacclu.org.