

## **Gehrke: Wait a minute, why is Utah's attorney general helping a private company sell body scanners?**

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Attorney General Sean Reyes' campaign manager told me recently that Reyes is "strongly leaning toward running for governor."

Maybe if that doesn't work out, we'll see him searching people heading into the next Utah Jazz game or Toby Keith concert.

At least that seems to be the direction his office is headed, after Reyes last week signed a memorandum of understanding with an outfit called Liberty Defense Technologies Inc. — a company seemingly named by Sen. Mike Lee's random-word erotica generator.

Liberty Defense is a private outfit based in Canada that uses body scanner technology developed at the Massachusetts Institute of Technology — similar in a sense to what you get when you go through security at the airport, but it can scan groups of people walking through a gate, rather than scanning one at a time.

The idea is, in this age of mass shootings, to give law enforcement a head start at intercepting someone carrying a weapon.

Under the agreement, Liberty says it could test the technology at stadiums or Olympic venues, schools and universities, churches, government buildings, concert venues or even Lagoon. Over the next three years, the attorney general agrees to facilitate testing of the devices at daytime and nighttime events, all year long. And to help set up meetings between the company and prospective clients.

Aside from the basic when and where about the potential tests, the memorandum Reyes signed offers almost zero detail about HOW they will be conducted.

For example, will citizens be notified they are going to be scanned? Or will they be notified after the fact? Or at all? Can they choose not to go through the scanners if they don't want to be part of this experiment

The company has touted how it can store images that it collects. What happens to those images? How detailed are the images? How are they secured? Why save them in the first place?

What happens to someone carrying a legal concealed firearm, an off-duty cop for example? Pulling him or her out of a crowd violates their rights and sort of defeats the purpose of concealing the gun.

If any member of the public wants answers to those questions or anything related to testing protocols, problems that are reported or retention of data or images for the hundreds of thousands of Utahns who are likely to be scanned — too bad.

The company asserts in the memorandum that all of that information and more are considered confidential business data and exempt from Utah's open records law.

These are all things that could have been — should have been, frankly — in the agreement if the focus was on protecting Utahns' privacy, rather than making them corporate guinea pigs.

Perhaps most puzzling is Reyes' agreement to let Liberty Defense use the name and logo of the Utah Attorney General's Office "on Liberty's website and in brochures, social media and other marketing materials."

Do the scanners work? We don't know and it doesn't matter. Liberty got what it wanted already with the legitimacy and implied, if not explicit, endorsement of the Utah attorney general on all of its marketing materials.

The agreement to facilitate the deployment of the scanners apparently caught Gov. Gary Herbert by surprise.

"Attorney General Reyes did not inform or consult with the governor or his staff regarding his decision to sign on to the MOU," said Anna Lehnardt, a spokeswoman for the governor. "It is important to note that the MOU is not signed on behalf of the state of Utah — only on behalf of the attorney general. While the MOU allows Liberty Defense to use the AG's name and logo, they are certainly not permitted to use the state seal or represent an endorsement from the state of Utah."

Ric Cantrell, Reyes' chief of staff, said the office agrees to test dozens of products that might help law enforcement. "We see this as no different than testing out a bulletproof vest. Or if we're asked to try out a radio to see if it would be beneficial," he said.

Except, overwhelmingly, these machines from Liberty Defense are more likely to be used in private arenas and venues. So let them test them.

If the people who run the Vivint Smarhome Arena want to hire this company to do a full body scan of every little princess going to see Elsa at Disney on Ice without telling parents and then store the images indefinitely, I guess that's between the venue and the parents.

It also shows just how far some Utah Republicans have come since 2009 when then-Rep. Jason Chaffetz got into a squabble with, and cursed at, a TSA screener at the airport because he refused to go through the body scanner before boarding a flight.

The quality of the Liberty Defense images isn't the same as the airport scanners, I'm told. But what it lacks in quality, it more than makes up for in quantity.

When you board a flight, which most would say needs to be secure, you agree to be scanned. If you object, you can choose a pat-down.

Liberty's technology would enable the government to scan any group of people in any location for any reason at all without their consent or even knowledge. John Mejia, legal director for the ACLU of Utah, called it the "airportization" of America.

"There certainly is an expectation that when you're out on the street the government is not able to look under your clothing for whatever reason," Mejia said.

It's invasive, arbitrary and creepy. And Reyes, apparently, is fine with it.

He shouldn't be.

What we need in this age of the surveillance state infringing on our privacy is an attorney general less zealous about literally putting his seal of approval on Liberty Defense, and more zealous about defending liberty for Utahns.