



Written by [Kelly Holt](#) on June 28, 2011

Texans Still Fighting for Traveler Dignity Anti-TSA Bill May Pass

Texans in support of the exceedingly popular anti-TSA groping bill, which garnered national attention, experienced yet another harried ascent on the roller-coaster that has been the bill's life in this legislative session. After being stomped by Speaker of the Texas House Joe Straus last week, passage appeared all but lost in the special session, but the House yesterday managed to pass a weakened version. It was sent to the Senate and a surprise move by Senator Dan Patrick restored some teeth to the bill, which had been so watered down it had even lost support from some grassroots movements. Passage by the Senate sent the bill back to the House today, and it appears victory may be snatched from the jaws of defeat.



The original bill, H.B. 1937, authored by State Representative David Simpson (pictured), criminalized the [outrageous groping practices](#) by the TSA that are making daily headlines. Assaulted passengers and constitutionalists alike, recognizing the illegality of TSA policies, expressed unprecedented support for the bill, and the fight was on. After the bill was passed unanimously in the House's regular session, federal intervention in the form of a [threat](#) to suspend Texas air travel scared away some Senate support, and the effort seemed lost. But Governor Rick Perry [called a special session](#) for some other matters, dodging placement of the bill in the special session. But constituent pressure eventually forced him to move the measure to the agenda. However, after Straus prevented its being heard last week, constituents burned up cell minutes again, and with the end of the session just days away, it landed on yesterday's calendar.

However, concessions in some of the bill's wording (H.B. 41, the special session version) caused concern for some bill supporters. Some argue that the changes made in order to please Straus placed the burden of proof on the prosecutor, or traveler, rather than the TSA, thereby stripping the bill of its constitutional teeth, and changed other important wording. Also, the requirement that the TSA search a passenger only with "probable cause" was changed to "reasonable suspicion." While professional law enforcement personnel are trained to distinguish the difference between the two, TSA agents do not have that training, therefore cannot be expected to interpret the distinction correctly at the gates. So, when the bill reached the Senate for a vote, Senator Dan Patrick laid out a new version, restoring some of the bill's moxie. Today, lawmakers are embroiled in straightening out the language so that a truly useful version will be passed that protects air travelers.

In addition to a savvy author to the bill, David Simpson, and other constitutionally-minded grassroots folks, constituent input has been paramount in getting the attention of the Legislature. Which is as it should be. If an appropriate version of the bill is voted upon favorably by the House today, and sent to



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the Governor's desk, federal overreach will have been dealt a serious blow, and encouragement will certainly be forwarded to other states considering similar measures.

What happens in Texas is critical to how other states handle this issue. "Don't Mess With Texas" (originally conceived as part of an anti-littering campaign) might come to mean something even more powerful (and memorable: "Give me liberty or give me death!" comes to mind), and show that we don't draw just dotted lines in the sand. Texans are still urging contact with Governor Perry (512-463-2000) and state representatives to ensure that this measure passes.



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