



Texas Officials Groped by TSA As Anti-Groping Bill Makes Comeback

High-ranking Texas officials groped by agents with the Transportation Security Administration (TSA) are sounding off about the scandal in the press, adding more pressure on state lawmakers and Gov. Rick Perry to resurrect a bill criminalizing the invasive measures without probable cause.

In May, it appeared likely that the Texas anti-groping legislation would succeed. After [unanimously](#) sailing through the state House of Representatives, the bill was on its way to passage in the Texas Senate. Originally it had more than enough support to pass.

Then the feds [intervened](#). U.S. Attorney John E. Murphy sent a thinly veiled warning to lawmakers and senior officials: if the TSA was no longer permitted to violate the Fourth Amendment rights of passengers and the courts refused to block the legislation, the federal government would basically create a “no-fly zone” in Texas.

The State Senate [backed down](#). But the battle is still not over. In fact, it may be just getting started. After two Texas officials described their recent experiences with the TSA on local television, calls for state action are growing even louder.

The first victim was Chairman Barry Smitherman of the Texas Public Utility Commission. At the airport in New Orleans, Smitherman was ordered to go through the so-called “naked body scanner” by a TSA worker. He declined, asking to go through the metal detector instead.

The TSA representative promptly and loudly began trumpeting the fact that a passenger had opted-out of the invasive machine, which produces naked images of passengers’ bodies. Agents spent around 40 minutes tearing through his hand luggage. And he got the notorious TSA “pat down,” a procedure that countless critics refer to as sexual assault.

“Let me put this delicately,” Smitherman told a local Fox affiliate in an interview. “I was still feeling the effects of the pat down as I sat in my seat from New Orleans to Houston and then Houston to Austin.”

Smitherman told the TSA agent that he felt like he was being “punished” for “opting out.” And incredibly, the agent admitted that to be the case, Smitherman said.

State Rep. Barbara Nash, also interviewed for the segment, was horrified by her recent treatment at the hands of the TSA, too. “[The agent] made me move my legs apart, and she felt down my legs, and up – all the way up,” Rep. Nash explained after the incident. “And then she made me stand a different way where she could go all the way up the front and then all the way up the back of my dress.”

The Republican lawmaker told Fox7 that she wouldn’t want children or her constituents to be subjected to similar abuse. Watch the video below:

Insert video here: <http://www.youtube.com/watch?v=AKE98sJpGig>

Incidents like those described by the state officials were exactly the sort of problem that the wildly popular anti-TSA bill was supposed to remedy. In the absence of probable cause, such behavior could have landed TSA workers in jail. The bill would have criminalized “intentionally, knowingly, or recklessly touching the anus, sexual organ, buttocks, or breast of the other person, including touching through clothing, or touching the other person in a manner that would be offensive to a reasonable person” by federal agents.



Written by [Alex Newman](#) on June 17, 2011

The author and original sponsor of the legislation, state Rep. David Simpson, explained why such a measure was necessary: “The federal government is attempting to deprive the citizens of Texas of their constitutional rights under the Fourth Amendment of the United States Constitution and Article 1, Section 9, of the Texas Constitution,” he noted. “If we do not stand up for our citizens in the face of this deprivation of their personal rights and dignity, who will?”

But after at least a dozen state senators [cowered](#) before the federal intimidation campaign, some activists thought it was over. Since the legislative session was just about finished, it appeared that the anti-TSA legislation would have to wait. But now, there is renewed hope: Gov. Perry has called a special session, providing another opportunity for Texas to adopt the bill this year.

Since being re-introduced, it has already passed unanimously out of the House Committee on Criminal Jurisprudence. And more than 75 percent of state representatives so far have co-sponsored the bill again.

The Lt. Governor is [onboard](#) this time, too. State Sen. Dan Patrick also re-introduced the bill into the Senate. And this time, he says there are enough votes to pass it.

Now the fate of the bill rests with Gov. Perry. In Texas, only legislation that is called up by the governor can be voted on during the special legislative session. So, a broad coalition of liberty-minded organizations is mobilizing to make sure that happens.

On June 4, a rally organized by Texans for Accountable Government (TAG) was held at the Texas Capitol to pressure Perry. “Texans have drawn the line against TSA's egregious abuse of power and the US Department of ‘Justice’ threatening a ‘no-fly zone!’” the group [said](#) on its website, urging supporters to get involved. “Governor Perry has said, on the record, that he will add this legislation to the special session if there is enough support from members of the House and Senate. Now it's time for more grassroots action!”

More than a few other groups are also working on the massive campaign, urging Texans to flood Gov. Perry's office with phone calls expressing support for the bill. The John Birch Society, Campaign for Liberty, the Libertarian Party of Texas and other organizations are all getting involved.

“First, the TSA threatened to shut down Texas airports. Now they are molesting state officials,” said Ken Hoover, a field coordinator for The John Birch Society in South and Central Texas and the borderlands. “How much more do they have to do before Texans say enough is enough?” In correspondence with Texas members and supporters of the JBS, Hoover urged them to call Gov. Perry's office at (512) 463-2000.

The special legislative session will come to an end by July 1 at the latest. So, as activists noted, time is of the essence if Texans hope to stop TSA abuses this year.

Other states are also considering similar measures right now. And according to analysts, that's another reason why the battle in Texas is so crucial: the outcome in the Lone Star State could have an important impact on state-based efforts to restrain the TSA and restore the God-given rights of Americans nationwide.



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