

By: Simpson

H.C.R. No. 80

CONCURRENT RESOLUTION

1 WHEREAS, The Transportation Security Administration has
2 repeatedly abridged the fundamental rights of citizens to travel
3 safe and secure in their persons by engaging in unreasonable and
4 unwarranted searches of air passengers; and

5 WHEREAS, At many airports, the TSA is now forcing passengers
6 to submit to irradiating scans and visualizations of their bodies,
7 and those passengers who refuse scanning are subjected to invasive
8 pat-downs; if performed by anyone outside the TSA, such action
9 would be deemed criminal in nature; and

10 WHEREAS, The Fourth Amendment to the Constitution of the
11 United States ensures the security of persons and property from
12 unwarranted search and seizure by the civil government: "The right
13 of the people to be secure in their persons, houses, papers, and
14 effects, against unreasonable searches and seizures, shall not be
15 violated, and no Warrants shall issue, but upon probable cause,
16 supported by Oath or affirmation, and particularly describing the
17 place to be searched, and the persons or things to be seized"; and

18 WHEREAS, The Texas Constitution affirms the same fundamental
19 right in Section 9, Article I: "The people shall be secure in their
20 persons, houses, papers and possessions, from all unreasonable
21 seizures or searches, and no warrant to search any place, or to
22 seize any person or thing, shall issue without describing them as
23 near as may be, nor without probable cause, supported by oath or
24 affirmation"; and

1 WHEREAS, Section 29, Article I, of the Texas Constitution
2 declares that "everything in this 'Bill of Rights' is excepted out
3 of the general powers of government, and shall forever remain
4 inviolate, and all laws contrary thereto, or to the following
5 provisions, shall be void"; and

6 WHEREAS, The Supreme Court of the United States, interpreting
7 the United States Constitution in *United States v. Guest*, held
8 that: "the right to travel is a part of the 'liberty' of which the
9 citizen cannot be deprived without the due process of law under the
10 Fifth Amendment. . . . The constitutional right to travel from one
11 State to another, and necessarily to use the highways and other
12 instrumentalities of interstate commerce in doing so, occupies a
13 position fundamental to the concept of our Federal Union"; and

14 WHEREAS, The graphic body scans that the Transportation
15 Security Administration has implemented, as well as the intimate
16 physical searches that are offered as the only alternative, are
17 inappropriate, unacceptable, and unconstitutional, and these
18 procedures must be stopped; now, therefore, be it

19 RESOLVED, That the 82nd Legislature of the State of Texas
20 hereby express its strong opposition to Transportation Security
21 Administration searches that involve irradiation, scanning,
22 visualization, or groping and its position that such searches are a
23 violation of the Bill of Rights of both the United States
24 Constitution and the Texas Constitution and the law authorizing
25 these searches should be considered void and as having no force of
26 law; and, be it further

27 RESOLVED, That the 82nd Texas Legislature hereby urge the

1 Transportation Security Administration to immediately cease
2 unwarranted and invasive searches at all security checkpoints,
3 whether in airports or otherwise, that irradiate, scan, visualize,
4 and/or grope the bodies of citizens, who possess a fundamental
5 right to travel and have been guaranteed the same by their civil
6 covenants; and, be it further

7 RESOLVED, That the legislature hereby urge the governor of
8 Texas to actively support efforts, legislative and otherwise, to
9 ensure that the citizens of Texas retain their fundamental right to
10 travel secure in their persons and property and free from
11 unwarranted, unreasonable searches, especially those searches
12 conducted by agents of the federal government; and, be it further

13 RESOLVED, That the Texas secretary of state forward official
14 copies of this resolution to the president of the United States, to
15 the president of the Senate and the speaker of the House of
16 Representatives of the United States Congress, to the administrator
17 of the Transportation Security Administration, and to all the
18 members of the Texas delegation to Congress with the request that
19 this resolution be entered in the Congressional Record as a
20 memorial to the Congress of the United States of America.