



DAVID SIMPSON
STATE REPRESENTATIVE
DISTRICT SEVEN

An Open Letter to Governor Rick Perry
Father's Day, June 19, 2011

The Honorable Rick Perry
Governor of the State of Texas
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Perry:

If you are willing, there is still time to enact legislation to protect the dignity of travelers in Texas. Egregious intrusive searches without probable cause continue every day by the Transportation Security Administration (TSA). Texans and indeed Americans around this nation are fed up with this out of control federal bureaucracy that has promulgated practices that violate the 4th Amendment and that treat grandmothers, the handicapped, Iraqi war veterans with prosthetic limbs, boys, girls and infants as criminal suspects—touching their private parts as a condition of travel.

You write in your book, *Fed Up*, that you want to “help foster a nationwide conversation about the role of government in our lives” (*Fed Up*, 187). I can think of no role less suitable for our federal government than that of routinely violating innocent citizens of this state and those of the entire country.

Even our state officials are being violated as they travel to conduct the business of this state. I am sure you have heard by now that last Tuesday TSA officials reached up the skirts of [Representative Barbara Nash](#) and another female member of the Texas House, touching their privates through their undergarments! And [Chairman Barry Smitherman of the Public Utilities Commission told FOX News](#) last Wednesday that he was so aggressively searched that he was “sore” for hours afterward in those same areas. On top of that, the TSA officials acknowledged that they were “punishing” him for opting out of the scanners by going through every item in his carry-on luggage one piece at a time, taking about 40 minutes to do so.

I agree with you that “we have let establishment politicians on both sides of the aisle empower Washington at the expense of states, and thus our liberty” (*Fed Up*, xviii). Republicans started the TSA and Democrats expanded its reach.

The establishment in Washington has shown that it cannot be trusted to run the economy. However, under your leadership Texas has stood strong despite bad federal policy because we took action in our state. The establishment in Washington has also shown that it cannot be trusted to protect the rights of our citizens as guaranteed by the [4th Amendment](#) to the US Constitution and [Article 1, Section 9 of the Texas Constitution](#). **Now it is time for us to stand strong also for the privacy, dignity, and constitutional rights of our citizens.**

This is the perfect opportunity for you to show that kind of leadership that is so needed right now—that kind of leadership that will “make Texas stronger while defending the Constitution and demonstrating the harm caused by excesses in Washington” (*Fed Up*, 187).

On June 8th in a [public teleconference call](#) you were asked about placing this legislation on the call and **you stated that it was in your “policy shop” and that, if there were support to pass the bill in both houses, you would call the bill for the special session.**

Texans overwhelmingly support this measure as I am sure your office can attest. And the Legislature is ready to pass it as soon as you call the bill:

- [HB 1937](#) passed unanimously out of the House on both second and third readings during the regular session. It also passed unanimously out of committee in the Senate.
- On May 30th [Lieutenant Governor Dewhurst formally requested in a letter](#) “in the best interest of all Texans” that [HB 1937](#) be included in your call for the special session.
- On June 2nd I filed [HB 41](#) including certain language requested by the Texas Attorney General. This same day Senator Patrick filed the identical bill ([SB 29](#)) in the Senate.
- On June 14th the House Criminal Jurisprudence Committee favorably reported [HB 41](#) out of committee by unanimous vote.
- On June 15th [Senator Patrick delivered a letter](#) to your office requesting that you add this legislation to the call and that he had the votes to pass the bill in the Senate.
- There are currently [112 coauthors from both parties](#) listed for HB 41 in the House and I am expecting another unanimous vote.

During the special session I have repeatedly checked with your legislative director, Kenneth Armbrister, confirming his knowledge of each of these facts and inquiring about your willingness to place this legislation on the call.

However, now I am perplexed because yesterday I learned that [in New Orleans at a signing of your book](#), *Fed Up*, you stated that there were not enough votes in either house to pass the bill. **However, with a full roster of coauthors in the House and the leadership of Senator Patrick and Lieutenant Governor Dewhurst in the Senate, there is clear support for the bill.**

You also stated in that [video account](#) that “there was not enough time.” With such overwhelming support for the bill in the Legislature, and throughout Texas, I respectfully submit that there is still time to pass this bill if you act now.

Governor Perry, there remains only for you to call the bill. Any concerns for time would be quickly wiped away if you would take the bull by the horns and provide leadership on this bill.

With broad bipartisan support for this bill, this is your opportunity to show America that you have what it takes to lead this state and the nation by enforcing the Constitution of this state and the Constitution of the United States which both protect innocent people from unreasonable searches of their person by their own government.

As you said in your [speech on Saturday to the Republican Leadership Conference in New Orleans](#), “In Texas, we truly believe that you can’t defer tough decisions for tomorrow’s generation” (Minute 10:48). Now is the time to act.

The public has spoken. Both Houses have spoken. Thousands of people are watching to see if you hold to your word and add HB 41 to the call for the special session.

May God help you to preserve the Texas that Sam Houston fought for and governed, a Texas that “has yet to learn submission to any tyranny, come from what source it may.”

For your daughters and mine, and indeed for all the sons and daughters of Texas:
For their dignity and liberty!



David Simpson
State Representative, House District 7

“Of all tyrannies, a tyranny sincerely exercised for the good of its victims, may be the most oppressive.”
— C. S. Lewis, 1948