

The growing revolt against invasive TSA practices is encouraging to Americans who are fed up with federal government encroachment in their lives. In the case of air travelers, this encroachment is quite literally physical. But a deep-seated libertarian impulse still exists within the American people, and opposition to the new TSA full body scanner and groping searches is gathering momentum.

I introduced legislation last week that is based on a very simple principle: federal agents should be subject to the same laws as ordinary citizens. If you would face criminal prosecution or a lawsuit for groping someone, exposing them to unwelcome radiation, causing them emotional distress, or violating indecency laws, then TSA agents should similarly face sanctions for their actions.

This principle goes beyond TSA agents, however. As commentator Lew Rockwell recently noted, the bill “enshrines the key lesson of the freedom philosophy: the government is not above the moral law. If it is wrong for you and me, it is wrong for people in government suits... That is true of TSA crimes too.” The revolt against TSA also serves as a refreshing reminder that we should not give in to government alarmism or be afraid to question government policies.

Certainly, those who choose to refuse the humiliating and potentially harmful new full body scanner machines may suffer delays, inconveniences, or worse. But I still believe peaceful resistance is the most effective tool against federal encroachment on our constitutional rights, which leads me to be supportive of any kind of “opt-out” or similar popular movements.

After all, what price can we place on our dignity, personal privacy, and physical integrity? We have a right not to be treated like criminals and searched by federal agents without some reasonable evidence of criminal activity. Are we now to accept that merely wishing to travel and board an aircraft give rise to reasonable suspicion of criminality?

Also, let's not forget that TSA was created in the aftermath of 9/11, when far too many Americans were clamoring for government protection from the specter of terrorism. Indeed it was congressional Republicans, the majority party in 2001, who must bear much of the blame for creating the Department of Homeland Security and TSA in the first place. Congressional Republicans also overwhelmingly supported the Patriot Act, which added to the atmosphere of hostility toward civil liberties in the name of state-provided “security.”

But as we've seen with TSA, federal “security” has more to do with humiliation and control than making us safe. It has more to do with instilling a mindset of subservience, which is why laughable policies such as removing one's shoes continue to be enforced. What else could explain the shabby, degrading spectacle of a long line of normally upbeat Americans shuffling

obediently through airport security in their stocking feet?

TSA may be merely symbolic of much bigger problems with the federal government, but it is an important symbol and we have a real chance to do something about it. We must seize this opportunity, before TSA offers some cosmetic compromise or the media spotlight fades. If you don't live in my congressional district, please consider contacting your member of Congress and asking him or her to cosponsor HR 6416, the American Traveler Dignity Act of 2010. With enough help, we can push the bill to a vote early next year. Unless grassroots Americans take action, federal agencies like TSA will continue to bully us and ignore our basic constitutional freedoms.