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SENATE JOINT MEMORIAL 8016

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Finkbeiner, Kline, Hargrove, Benton, Fairley, Shin, Prentice, Zarelli, Doumit, Franklin, B. Sheldon, Brown, Spanel, Keiser, Kohl-Welles and Mulliken

Read first time 02/13/2003. Referred to Committee on Judiciary.

1            TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,  
2            AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3            REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4            UNITED STATES, IN CONGRESS ASSEMBLED:

5            We, your Memorialists, the Senate and House of Representatives of  
6            the State of Washington, in legislative session assembled, respectfully  
7            represent and petition as follows:

8            WHEREAS, The Washington State Legislature recognizes the need to  
9            effectively combat international and domestic terrorism, and the  
10           requirement that combatting such acts be done within the confines of  
11           our constitutionally protected liberties and with a recognition of the  
12           need to balance security, safety, and basic freedoms; and

13           WHEREAS, The Constitution of the United States and the Washington  
14           State Constitution guarantee all people in Washington state rights and  
15           liberties that may not be encroached upon; and

16           WHEREAS, These rights include privacy, freedom of press, speech,  
17           and assembly, freedom of religion, the presumption of innocence, the  
18           right to counsel and due process, and protection from unreasonable  
19           searches and seizures; and

1       WHEREAS, Many citizens have spilled their blood and lost their  
2 lives to preserve these rights; and

3       WHEREAS, The United States Congress passed the Uniting and  
4 Strengthening America by Providing Appropriate Tools Required to  
5 Intercept and Obstruct Terrorism Act (USA PATRIOT Act, Public Law 107-  
6 56) on October 26, 2001; and

7       WHEREAS, Some provisions of the USA PATRIOT Act pose a serious  
8 threat to the civil rights of Washington residents by reducing judicial  
9 supervision of telephone and internet surveillance, expanding the  
10 government's power to conduct warrantless searches, granting the  
11 Federal Bureau of Investigation access to medical, mental health,  
12 financial, and educational records without a showing that a crime has  
13 occurred, and granting the Federal Bureau of Investigation the power to  
14 compel libraries and bookstores to produce records of their patrons and  
15 their use of library or bookstore resources; and

16       WHEREAS, The federal government has created the Defense Advanced  
17 Research Project Agency (DARPA) and DARPA is used as a central tool for  
18 combatting terrorism through the use of expanded data collection,  
19 relation, and analyses, and DARPA has indicated its intent to create a  
20 "virtual centralized grand data base" to allow government access to  
21 individuals' records of travel, education, health, and mental health to  
22 develop risk profiles; and

23       WHEREAS, The "virtual centralized grand data base" presents the  
24 possibility of unwarranted derogation of our civil liberties and  
25 freedoms as well as an intrusion into the daily lives of our residents  
26 with no probable cause to believe that a crime has been committed or is  
27 contemplated and the harm from the "virtual centralized grand data  
28 base" may easily outweigh the benefits for the war against terrorism  
29 due to the sacrifice of our freedoms in a civil society;

30       NOW, THEREFORE, Your Memorialists respectfully pray that the United  
31 States Congress more carefully balance the need to effectively combat  
32 terrorism and the civil liberties and freedoms that we all value and  
33 enjoy by placing more safeguards and oversight on the implementation of  
34 the USA PATRIOT Act and the attempts by DARPA to accumulate and utilize  
35 data bases without oversight and protection;

36       Your Memorialists further pray that the federal government and its  
37 agents refrain from engaging in surveillance and collecting or  
38 maintaining information about the political, religious, or social

1 views, associations, activities, travel, reading habits, and medical  
2 records of our people unless the information relates directly to a  
3 specific criminal investigation and there is probable cause to suspect  
4 the subject of the information is involved in criminal conduct.

5 BE IT RESOLVED, That copies of this Memorial be immediately  
6 transmitted to the Honorable George W. Bush, President of the United  
7 States, the President of the United States Senate, the Speaker of the  
8 House of Representatives, and each member of Congress from the State of  
9 Washington.

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