

HOUSE JOINT RESOLUTION NO. 22

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GUTTENBERG, Coghill, Crawford, Kerttula , Holm, McGuire

Introduced: 4/2/03

Referred: State Affairs, Judiciary

A RESOLUTION

1 **Relating to the USA PATRIOT Act and to defending the Bill of Rights, the Constitution**
2 **of the State of Alaska, and civil liberties.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the State of Alaska recognizes the Constitution of the United States to be
5 the supreme law of the land, which all public servants are sworn to uphold; and

6 **WHEREAS** the State of Alaska cherishes Alaskans' proud history of respecting the
7 fundamental right to privacy and individual liberties, as reflected in the Constitution of the
8 State of Alaska; and

9 **WHEREAS** the State of Alaska has a long and proud tradition of upholding the free
10 exercise and enjoyment of the inalienable rights granted to all persons by the Constitution of
11 the State of Alaska and the Constitution of the United States; and

12 **WHEREAS** the State of Alaska greatly benefits from the many contributions of its
13 highly diverse population, which includes citizens from around the world and is vital to our
14 state's unique character; and

15 **WHEREAS** the State of Alaska affirms its strong opposition to terrorism, but also
16 affirms that any efforts to end terrorism must not be waged at the expense of essential civil

1 rights and liberties of the people of the State of Alaska, the United States, and the world; and

2 **WHEREAS** the provisions of the USA PATRIOT Act that expand the authority of the
3 federal government to detain and investigate citizens and noncitizens and to engage in the
4 electronic surveillance of citizens and noncitizens violate civil rights and liberties guaranteed
5 under the Constitution of the United States; and

6 **WHEREAS** the State of Alaska recognizes that an infringement of the
7 constitutionally guaranteed rights of any person, under the color of law, is an abuse of power,
8 a breach of the public trust, a misappropriation of public resources, and a violation of civil
9 rights, and is beyond the scope of governmental authority;

10 **BE IT RESOLVED** that the Alaska State Legislature remains firmly committed to
11 the protection of civil rights and civil liberties for all people, and that the State of Alaska will
12 completely avoid discrimination in every function of government and vigorously uphold the
13 constitutionally protected rights of all persons to peacefully protest and express their political
14 views without any form of governmental interference; and be it

15 **FURTHER RESOLVED** that the Alaska State Legislature joins communities in
16 Alaska and across the nation in expressing concern that the USA PATRIOT Act violates civil
17 rights and liberties guaranteed under the Constitution of the United States and the
18 Constitution of the State of Alaska; and be it

19 **FURTHER RESOLVED** that it is the policy of the State of Alaska to forbid, in the
20 absence of probable cause indicating criminal activity,

21 (1) an initiation of, participation in, or assistance or cooperation with an
22 inquiry, investigation, surveillance, or detention;

23 (2) the recording, filing, and sharing of any intelligence information
24 concerning a person or organization, even if authorized by federal law enforcement acting
25 under new powers granted by the USA PATRIOT Act or Executive Orders; this includes
26 collection and review of library lending and research records, book and video store sales and
27 rental records, medical records, financial records, student records, and other personal data;

28 (3) the retention of intelligence information; information that is currently held
29 shall be thoroughly and carefully reviewed by the state Attorney General for its legality and
30 appropriateness under the United States and Alaska Constitutions; any information that was
31 collected is to be permanently disposed of if there is no probable cause indicating criminal

1 activity;

2 (4) enforcement of immigration matters, which are entirely the responsibility
3 of the Immigration and Naturalization Service; state government service will not be denied on
4 the basis of citizenship;

5 (5) collection or maintenance of information about the political, religious, or
6 social views, associations, or activities of an individual, group, association, organization,
7 corporation, business, or partnership; and

8 (6) profiling based on race, ethnicity, citizenship, religion, or political views;
9 and be it

10 **FURTHER RESOLVED** that the Alaska State Legislature urges Alaska's
11 Congressional delegation to actively work toward the passage of measures to correct
12 provisions of the USA PATRIOT Act and other measures that unduly infringe on civil
13 liberties, and to oppose the Domestic Security Enhancement Act of 2003 (aka PATRIOT II)
14 to the extent that it continues to unduly infringe on Americans' civil liberties and further erode
15 the American system of checks and balances so fundamental to our democracy.

16 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
17 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States
18 and President of the U.S. Senate; the Honorable Ted Stevens, President Pro Tempore of the
19 U.S. Senate and member of the Alaska delegation in Congress; the Honorable J. Dennis
20 Hastert, Speaker of the U.S. House of Representatives; the Honorable John Ashcroft,
21 Attorney General of the United States; and to the Honorable Lisa Murkowski, U.S. Senator,
22 and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in
23 Congress.