
HOUSE JOINT MEMORIAL 4033

State of Washington **58th Legislature** **2004 Regular Session**

By Representatives Moeller, Nixon, Dunshee, Tom, Santos, Jarrett, Lantz, Flannigan, Kirby, Simpson, G., Dickerson, Romero, Hunt, Chase, Darneille, Hunter, Veloria, Upthegrove, Morrell and Kagi

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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 state of Washington's highly utilized waterways, large
9 active ports, major international airports, multiple bridges, access to
10 military bases, dispatch and transport of hazardous waste into Hanford,
11 and sharing a border with Canada make the state uniquely vulnerable to
12 terrorism; and

13 WHEREAS, Washington has a diverse population whose contributions to
14 the state are vital to its economy, culture, and civic character; and

15 WHEREAS, Washington denounces terrorism and acknowledges that
16 federal, state, and local governments have a responsibility to protect
17 the public from terrorist attacks and should ensure that any new
18 security measures enhance public safety without unconstitutionally
19 impairing civil rights or civil liberties; and

1 WHEREAS, Washington is proud of its tradition of protecting the
2 civil rights and civil liberties of all its residents and affirming the
3 fundamental rights of all people; and

4 WHEREAS, Congress passed the USA PATRIOT Act (P.L. 107-56) on
5 October 26, 2001, following the horrific attacks on America of
6 September 11, 2001; and

7 WHEREAS, The Washington legislature believes that there is no
8 inherent conflict between national security and the preservation of
9 constitutional rights and liberties; and

10 WHEREAS, The Bill of Rights of the United States Constitution and
11 the Declaration of Rights of the Constitution of the state of
12 Washington guarantee freedom of speech, assembly, and privacy, equality
13 before the law, the presumption of innocence, access to counsel and due
14 process in judicial proceedings, and protection from unreasonable
15 searches and seizures, for all people living in Washington; and

16 WHEREAS, The preservation of civil rights and civil liberties is a
17 pillar of American society and is essential to the well-being of any
18 democracy; and

19 WHEREAS, The Washington legislature believes that residents of this
20 state and this nation can be both safe and free;

21 NOW, THEREFORE, BE IT RESOLVED, That the Washington legislature:

22 (1) Affirms its abhorrence of and opposition to global terrorism;
23 and

24 (2) Affirms its commitment to protecting the civil rights and civil
25 liberties of all Washington residents and oppose any measures that
26 unconstitutionally infringe upon those civil rights and civil
27 liberties; and

28 BE IT FURTHER RESOLVED, That the Washington legislature calls on
29 Congress to adopt S. 1709, the SAFE Act, which is sponsored by a
30 bipartisan group of senators and which would amend and clarify several
31 provisions of the USA PATRIOT Act including:

32 (a) Codifying the pre-USA PATRIOT Act standards for delayed notice
33 or "sneak and peek" warrants to allow these warrants if notice of the
34 warrant would: Endanger someone's life or physical safety; result in
35 flight from prosecution; or result in destruction or tampering with
36 evidence; and

37 (b) Requiring requests for roving wiretaps to identify either the

1 person or place to be wiretapped and that the suspect is present at the
2 place to be wiretapped, before collecting information; and

3 (c) Reinstating the pre-USA PATRIOT Act standard for seizing
4 business and library records by requiring the Federal Bureau of
5 Investigation to demonstrate it has reason to believe that the person
6 to whom the records are related is a suspected terrorist or spy. The
7 SAFE Act also exempts libraries from the section of the USA PATRIOT Act
8 that allows access to electronic communications on the strength of an
9 administrative subpoena rather than a court order; and

10 (d) Sunsetting the provisions allowing for: Nationwide search
11 warrants, requiring Congress to review and reauthorize it; delayed
12 notice or "sneak and peak" warrants; application of pen registers and
13 trap and trace devices to electronic communications; and national
14 security letter authority; and

15 BE IT FURTHER RESOLVED, That copies of this Memorial be immediately
16 transmitted to the Honorable George W. Bush, President of the United
17 States, the President of the United States Senate, the Speaker of the
18 House of Representatives, and each member of Congress from the State of
19 Washington.

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