
SENATE JOINT MEMORIAL 8053

State of Washington 58th Legislature 2004 Regular Session

By Senators Thibaudeau, Kohl-Welles, Kline, McAuliffe and Spanel

Read first time 02/04/2004. 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, AND TO THE UNITED STATES ATTORNEY
5 GENERAL JOHN D. ASHCROFT:

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

9 WHEREAS, The State of Washington affirms its commitment to the war
10 on terrorism and acknowledges that federal, state, and local
11 governments need to protect the public from terrorist attacks such as
12 those that occurred on September 11, 2001; and

13 WHEREAS, The State of Washington has a long and distinguished
14 history of protecting and expanding civil rights and civil liberties of
15 all persons, its citizens and its noncitizen residents, as expressed in
16 the United States Constitution and the Constitution of the State of
17 Washington; and

18 WHEREAS, The State of Washington has with gratitude for their
19 supreme sacrifice honored those in the Armed Forces who have died in
20 battle protecting these same cherished rights and liberties; and

1 WHEREAS, The State of Washington is the proud home of a diverse
2 population, including many residents and students from other nations,
3 whose contributions to our community are vital to and enrich its
4 character and function; and

5 WHEREAS, The State of Washington has the following laws recognizing
6 the value of freedom and privacy for its residents: RCW 9.73.030,
7 protecting the private communications between persons from
8 interception, recording, or disclosure by third parties, without the
9 consent of all participants to the communication; RCW 43.101.410,
10 condemning the practice of and adopting procedures to prevent racial
11 profiling; and RCW 26.23.140, expressing concern to the federal
12 government's demand that the state collect personally identifiable
13 information on Washington residents; and

14 WHEREAS, The Washington State Constitution, Washington law, the
15 Bill of Rights of the United States Constitution, and treaties ratified
16 by the United States guarantee those living in the United States the
17 following rights:

18 Freedom of speech, religion, assembly and privacy;

19 Equality before the law and the presumption of innocence;

20 Access to counsel and due process in judicial proceedings;

21 Protection from unreasonable searches and seizures;

22 Protection against profiling based on race, religion, gender,
23 national origin, and political beliefs or actions;

24 Freedom from arbitrary and indefinite detention;

25 Freedom from torture and other cruel, inhuman, or degrading
26 treatment or punishment; and

27 WHEREAS, We believe these civil liberties are precious and are now
28 threatened by certain provisions of the U.S.A. P.A.T.R.I.O.T. Act
29 (Public Law 107-56, hereafter referred to as the Patriot Act), which:

30 Reduces judicial supervision of telephone and internet
31 surveillance;

32 Expands the government's ability to conduct searches with and
33 without warrants;

34 Grants additional power to the United States Secretary of State to
35 designate domestic groups as "terrorist organizations";

36 Grants additional power to the United States Attorney General to

1 subject noncitizens to indefinite detention or deportation even if they
2 have not committed a crime;

3 Grants the FBI broad access to sensitive and personal information
4 without having to show evidence of a crime, without a court order and,
5 in some instances, without having to notify the target and demonstrate
6 that the information relates to terrorism; and

7 WHEREAS, A growing climate of fear among people in this country
8 caused by the expansion of federal government powers under the Patriot
9 Act undermines national unity, resolve, and the rights of the people,
10 all guaranteed by the Constitution of the State of Washington, and the
11 United States Constitution and its Bill of Rights; and

12 WHEREAS, The fight against terrorism requires city, county, state,
13 and federal law enforcement agencies to cooperate in efforts to
14 investigate, prosecute, and prevent acts of terrorism such as those
15 that occurred on September 11, 2001; and

16 WHEREAS, The Senate of the State of Washington and the House of
17 Representatives of the State of Washington concur that the fight
18 against terrorism must not be waged at the expense of the essential
19 rights and liberties of the residents of this state, as contained in
20 the United States Constitution and Bill of Rights and the Constitution
21 of the State of Washington; and

22 WHEREAS, We reaffirm our strong opposition to the indefinite
23 detention of people who have not been charged with a crime, and
24 measures that target individuals for legal scrutiny or enforcement
25 activity based solely on their religion, country of origin, ethnicity,
26 or immigration status;

27 NOW, THEREFORE, Your Memorialists respectfully pray, reflecting the
28 concern that portions of the Patriot Act may violate the rights and
29 liberties guaranteed by the United States Constitution and Bill of
30 Rights and the Constitution of the State of Washington, undermining the
31 First Amendment right of public demonstrations, vigils, protests,
32 marches, and similar forms of protected expression of ideas and views
33 without fear of prosecution under federal terrorism laws, that the
34 United States Congress correct provisions of the Patriot Act that
35 unduly impair or infringe on civil liberties and oppose any pending or
36 future federal legislation to the extent it infringes on civil
37 liberties; and

1 Your Memorialists further pray that the United States Congress work
2 to modify the Patriot Act to the extent that it infringes on civil
3 rights and liberties, ensure that provisions of the Patriot Act
4 "sunset" in accordance with the provisions of the Act, and work to
5 prevent the passage of new legislation that infringes on privacy, due
6 process, civil rights, and liberties, and may alter the checks and
7 balances in government.

8 BE IT RESOLVED, That copies of this Memorial be immediately
9 transmitted to the Honorable George W. Bush, President of the United
10 States, United States Attorney General John D. Ashcroft, the President
11 of the United States Senate, the Speaker of the House of
12 Representatives, and each member of Congress from the State of
13 Washington.

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