
HOUSE JOINT MEMORIAL 4030

State of Washington

59th Legislature

2006 Regular Session

By Representative Nixon

Read first time 01/10/2006. Referred to Committee on State Government Operations & Accountability.

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

8 WHEREAS, The state of Washington is resolved that the public
9 confidence in government at all levels is essential and must be
10 promoted by all possible means; and

11 WHEREAS, The state of Washington is resolved that full access to
12 information concerning the conduct of government on every level must be
13 assured as a fundamental and necessary precondition to the sound
14 governance of a free society; and

15 WHEREAS, The people of the state of Washington, in delegating
16 authority to act to their public servants, do not give those public
17 servants the right to decide what is good for the people to know and
18 what is not good for them to know; and

19 WHEREAS, The people of the state of Washington insist on remaining
20 informed of the conduct of government at every level; and

1 WHEREAS, The people of the state of Washington rely upon the
2 ability to obtain judicial review of an agency's determination that
3 information should not be released to the public; and

4 WHEREAS, The Freedom of Information Act, 5 U.S.C. Sec. 552 et seq.,
5 preserves the right of the people to stay informed about the conduct of
6 federal government agencies; and

7 WHEREAS, The Freedom of Information Act further preserves the right
8 to judicial review of an agency's decision to withhold information from
9 the public; and

10 WHEREAS, The Freedom of Information Act applies to all federal
11 agencies, including agencies such as the Central Intelligence Agency,
12 the Federal Bureau of Investigation, and the Department of Defense,
13 which handle sensitive information; and

14 WHEREAS, The Freedom of Information Act contains exemptions that
15 adequately protect information essential to national security and other
16 sensitive information; and

17 WHEREAS, The Washington state legislature affirms its commitment to
18 open government on all levels as a fundamental precondition to the
19 sound governance of a free society;

20 NOW, THEREFORE, Your Memorialists respectfully pray that the United
21 States Congress reject section 3(f) of S. 1873, the Biodefense and
22 Pandemic Vaccine and Drug Development Act of 2005, which provides that
23 information that relates to the activities, working groups, and
24 advisory boards of the Biomedical Advanced Research and Development
25 Agency (the "BARDA") shall not be subject to disclosure under the
26 Freedom of Information Act unless the Secretary or Director determines
27 such disclosure would not pose a threat to national security; and that
28 any decision of the Secretary or Director regarding the disclosure of
29 information would not be subject to judicial review.

30 BE IT RESOLVED, That copies of this Memorial be immediately
31 transmitted to the Honorable George W. Bush, President of the United
32 States, the President of the United States Senate, the Speaker of the
33 House of Representatives, and each member of Congress from the State of
34 Washington.

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