
HOUSE CONCURRENT RESOLUTION

CONDEMNING WARRANTLESS WIRETAPPING OF AMERICAN CITIZENS BY THE
NATIONAL SECURITY AGENCY AS UNCONSTITUTIONAL, ILLEGAL, AND
IMMORAL IN LIGHT OF THE IMPORTANCE THAT PEOPLE OF THIS
COUNTRY BE FREE FROM TYRANNY.

1 WHEREAS, Hawaii has a long and distinguished history of
2 protecting and expanding human rights, civil liberties, and
3 constitutional protections, often serving as a beacon for our
4 country's citizens when their rights, liberties, and protections
5 are threatened; and

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7 WHEREAS, in addition to the Fourth Amendment to the United
8 States Constitution which protects American citizens against
9 unreasonable searches and seizures, the Hawaii Constitution in
10 Article 1, Section 7 protects the right of the people to be
11 secure in their persons, houses, papers and effects against
12 unreasonable searches, seizures, and invasions of privacy and in
13 Article 1, Section 6, recognizes the right of the people to
14 privacy and prohibits infringement of that right without the
15 showing of a compelling state interest; and

16
17 WHEREAS, the people of this State are in a unique position
18 to understand the gravity and horror of a massive, lethal
19 attack, as the December 7, 1941 attack on Pearl Harbor was the
20 last time American territory was attacked by foreign forces
21 prior to the events of September 11, 2001; and

22
23 WHEREAS, after the tragic events of September 11, 2001,
24 hasty reaction led to the adoption of the Uniting and
25 Strengthening America by Providing Appropriate Tools Required to
26 Intercept and Obstruct Terrorism (or "USA Patriot Act") and
27 Homeland Security Act, and the promulgation of several executive
28 orders and departmental rules and regulations has lead the
29 federal government to sacrifice fundamental human rights and
30 civil liberties; and



1 WHEREAS, the USA Patriot Act, even its recently amended and
2 renewed form, defines "domestic terrorism" so broadly as to
3 potentially apply to certain acts of civil disobedience by
4 lawful advocacy groups, which may be labeled as terrorist
5 organizations and subjected to invasive surveillance, signal and
6 electronic intelligence gathering, harassment, and criminal
7 penalties for protected political advocacy; and
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9 WHEREAS, the USA Patriot Act grants unchecked power to the
10 Secretary of State to designate domestic groups as "terrorist"
11 organizations and greatly expands the government's ability to
12 conduct secret searches without warrants; and
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14 WHEREAS, the Justice Department has issued a directive
15 limiting compliance with the Freedom of Information Act, citing
16 the threat of terrorism as justification, and thereby limiting
17 disclosure of public documents and records covering all
18 government information, much of which has no connection to
19 national security or law enforcement; and
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21 WHEREAS, the United States Attorney General unilaterally,
22 without consulting Congress, eased long-standing intelligence
23 guidelines which were put in place in 1976 as a result of gross
24 intelligence abuses by the Federal Bureau of Investigation and
25 issues surrounding the Watergate Hotel break-in by operatives
26 linked to the Nixon White House; and
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28 WHEREAS, guidelines now allow Federal Bureau of
29 Investigation agents to spy on religious groups, political
30 rallies, and organized meetings without any suspicion that the
31 organization is involved in terrorism or any other criminal
32 activity; and
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34 WHEREAS, in December 2005, the New York Times disclosed
35 that, in late 2001, President George W. Bush, relying on a
36 Congressional resolution authorizing him to use force to
37 prosecute the "war on terrorism," authorized the National
38 Security Agency to intercept messages if one of its supervisors
39 believed there was a link to al-Qaida; and
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41 WHEREAS, in authorizing such surveillance by the National
42 Security Agency, the President has circumvented the Foreign
43 Intelligence Surveillance Act of 1978 by which Congress created




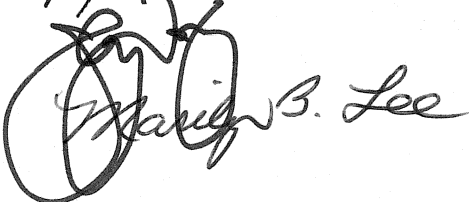
1 a special court for issuance of warrants for this type of
2 surveillance; and
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4 WHEREAS, a president does have an obligation to assess the
5 constitutionality of statutes, but when a president secretly
6 decides a measure is unconstitutional and neglects to say so,
7 much less why, that president undermines the very system of
8 public consent for which we are fighting; now, therefore,
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10 BE IT RESOLVED by the House of Representatives of the
11 Twenty-third Legislature of the State of Hawaii, Regular Session
12 of 2006, the Senate concurring, that the President's
13 authorization of warrantless wiretapping of American citizens by
14 the National Security Agency is condemned as unconstitutional,
15 illegal, and immoral in light of the importance that people of
16 this country be free from tyranny; and
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18 BE IT FURTHER RESOLVED that certified copies of this
19 Concurrent Resolution be transmitted to the President of the
20 United States, the Director of the National Security Agency, the
21 Speaker of the United States House of Representatives, the
22 President of the United States Senate, and to each member of
23 Hawaii's congressional delegation.
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