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## HOUSE 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

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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

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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

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32           WHEREAS, the USA Patriot Act, even its recently amended and  
33 renewed form, defines "domestic terrorism" so broadly as to



1 potentially apply to certain acts of civil disobedience by  
2 lawful advocacy groups, which may be labeled as terrorist  
3 organizations and subjected to invasive surveillance, signal and  
4 electronic intelligence gathering, harassment, and criminal  
5 penalties for protected political advocacy; and  
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7 WHEREAS, the USA Patriot Act grants unchecked power to the  
8 Secretary of State to designate domestic groups as "terrorist"  
9 organizations and greatly expands the government's ability to  
10 conduct secret searches without warrants; and  
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12 WHEREAS, the Justice Department has issued a directive  
13 limiting compliance with the Freedom of Information Act, citing  
14 the threat of terrorism as justification, and thereby limiting  
15 disclosure of public documents and records covering all  
16 government information, much of which has no connection to  
17 national security or law enforcement; and  
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19 WHEREAS, the United States Attorney General unilaterally,  
20 without consulting Congress, eased long-standing intelligence  
21 guidelines which were put in place in 1976 as a result of gross  
22 intelligence abuses by the Federal Bureau of Investigation and  
23 issues surrounding the Watergate Hotel break-in by operatives  
24 linked to the Nixon White House; and  
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26 WHEREAS, guidelines now allow Federal Bureau of  
27 Investigation agents to spy on religious groups, political  
28 rallies, and organized meetings without any suspicion that the  
29 organization is involved in terrorism or any other criminal  
30 activity; and  
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32 WHEREAS, in December 2005, the New York Times disclosed  
33 that, in late 2001, President George W. Bush, relying on a  
34 Congressional resolution authorizing him to use force to  
35 prosecute the "war on terrorism," authorized the National  
36 Security Agency to intercept messages if one of its supervisors  
37 believed there was a link to al-Qaida; and  
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39 WHEREAS, in authorizing such surveillance by the National  
40 Security Agency, the President has circumvented the Foreign  
41 Intelligence Surveillance Act of 1978 by which Congress created  
42 a special court for issuance of warrants for this type of  
43 surveillance; and  
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1 WHEREAS, a president does have an obligation to assess the  
 2 constitutionality of statutes, but when a president secretly  
 3 decides a measure is unconstitutional and neglects to say so,  
 4 much less why, that president undermines the very system of  
 5 public consent for which we are fighting; now, therefore,  
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7 BE IT RESOLVED by the House of Representatives of the  
 8 Twenty-third Legislature of the State of Hawaii, Regular Session  
 9 of 2006, that the President's authorization of warrantless  
 10 wiretapping of American citizens by the National Security Agency  
 11 is condemned as unconstitutional, illegal, and immoral in light  
 12 of the importance that people of this country be free from  
 13 tyranny; and  
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15 BE IT FURTHER RESOLVED that certified copies of this  
 16 Resolution be transmitted to the President of the United States,  
 17 the Director of the National Security Agency, the Speaker of the  
 18 United States House of Representatives, the President of the  
 19 United States Senate, and to each member of Hawaii's  
 20 congressional delegation.  
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OFFERED BY:

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