

MAR 15 2006

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# SENATE CONCURRENT RESOLUTION

CONDEMNING THE USA PATRIOT ACT AS CONTRARY TO THE LONG STANDING  
TRADITION OF PROTECTING CIVIL LIBERTIES IN HAWAII AND THE  
UNITED STATES.

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

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7           WHEREAS, the State of Hawaii has the most diverse  
8 population in the nation, and the contributions of citizens and  
9 noncitizens are vital to its character, harmony, and spirit of  
10 aloha; and

11  
12           WHEREAS, the people of the State of Hawaii are in a unique  
13 position to understand the gravity and horror of a massive,  
14 lethal attack, as the December 7, 1941, attack on Pearl Harbor  
15 was the last time American territory was attacked by foreign  
16 forces prior to the events of September 11, 2001; and

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18           WHEREAS, Hawaii is further uniquely situated as it  
19 witnessed and bore the burden of having many of its citizens of  
20 Japanese ancestry interned and subject to governmental scrutiny,  
21 under the guise of "national security" during World War II, so  
22 it is alarming that, even today, the government may act to deny  
23 United States citizens their inherent and supposedly inalienable  
24 fundamental rights guaranteed by the United States Constitution;  
25 and

26  
27           WHEREAS, numerous American citizens from Hawaii have served  
28 in the Armed Forces of the United States with courage and honor,  
29 including the 442nd Regimental Combat Team, the most decorated  
30 unit of its size in American military history; and  
31



1 WHEREAS, the State of Hawaii contains many sites that  
 2 memorialize the gratitude felt by the State of Hawaii and the  
 3 nation for the supreme sacrifice made by those in the Armed  
 4 Forces who have died in battle protecting these same cherished  
 5 rights, liberties, and protections, including the National  
 6 Memorial Cemetery of the Pacific at Punchbowl, and the U.S.S.  
 7 Arizona Memorial; and

8  
 9 WHEREAS, several actions recently taken by the federal  
 10 government, including the wiretapping without warrant of United  
 11 States citizens and the extension of the USA PATRIOT Act show  
 12 that the federal government is prepared to sacrifice fundamental  
 13 human rights and civil liberties that are guaranteed by the  
 14 constitutions of the State of Hawaii and United States; and

15  
 16 WHEREAS, the USA PATRIOT Act defines "domestic terrorism"  
 17 so broadly as to potentially apply to certain acts of civil  
 18 disobedience by lawful advocacy groups, which may be labeled as  
 19 terrorist organizations and subjected to invasive surveillance,  
 20 signal and electronic intelligence gathering, harassment, and  
 21 criminal penalties for protected political advocacy; and

22  
 23 WHEREAS, the USA PATRIOT Act grants unchecked power to the  
 24 Secretary of State to designate domestic groups as "terrorist  
 25 organizations" and greatly expands the government's ability to  
 26 conduct secret searches without warrants; and

27  
 28 WHEREAS, new guidelines 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, this type of unchecked intelligence gathering led  
 35 to the intelligence abuses of the 1960s and 1970s, including the  
 36 severe disruption of the civil rights movement and the murder of  
 37 many leading activists and dissidents; now, therefore,

38  
 39 BE IT RESOLVED by the Senate of the Twenty-third  
 40 Legislature of the State of Hawaii, Regular Session of 2006, the  
 41 House of Representatives concurring, that actions recently taken  
 42 by the federal government pose a threat to the civil liberties  
 43 and constitutional protections of the residents of this State  
 44 and run the very serious risk of destroying freedom, security,



1 and prosperity of Americans in a misguided attempt to save them;  
2 and

3  
4 BE IT FURTHER RESOLVED that the Legislature remains firmly  
5 committed to the protection of the civil liberties and  
6 constitutional protections of all people residing within the  
7 State, including those who are citizens of other nations, and  
8 affirms its commitment to embody the true spirit of democracy,  
9 to embrace and defend the rights, liberties, and protections now  
10 under siege, and to make them equally viable for all, regardless  
11 of citizenship status or country of origin; and

12  
13 BE IT FURTHER RESOLVED that to the extent legally possible,  
14 no state resources - including law enforcement funds and  
15 educational administrative resources - should be used for  
16 unconstitutional activities, including but not limited to the  
17 following under the USA PATRIOT ACT:

- 18  
19 (1) Monitoring political and religious gatherings  
20 exercising First Amendment Rights;  
21  
22 (2) Obtaining library records, bookstore records, and  
23 records of website activities without proper  
24 authorization and without notification;  
25  
26 (3) Issuing subpoenas through the United States Attorney's  
27 Office without a court's approval or knowledge;  
28  
29 (4) Requesting nonconsensual releases of student and  
30 faculty records from public schools and institutions  
31 of higher learning; and  
32  
33 (5) Eavesdropping on confidential communications between  
34 lawyers and their clients; and  
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36 BE IT FURTHER RESOLVED that the Legislature requests that  
37 Hawaii's congressional delegation monitor the ongoing  
38 implementation of the USA PATRIOT Act and actively work for the  
39 repeal of the Act; and  
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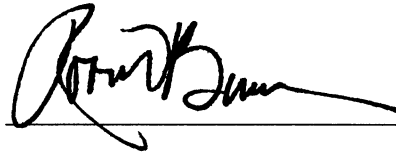
41 BE IT FURTHER RESOLVED that certified copies of this  
42 Concurrent Resolution be transmitted to the President of the  
43 United States, the United States Attorney General, the Secretary  
44 of Homeland Security, the Director of the Federal Bureau of



1 Investigation, the President of the United States Senate, the  
2 Speaker of the United States House of Representatives, the  
3 members of Hawaii's congressional delegation, the Governor, the  
4 State Attorney General, and the Mayors and Council Chairpersons  
5 of the respective counties.

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OFFERED BY:



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