

**STATE OF ALASKA
THE LEGISLATURE**

2003

Source

SCS CSHJR 22(JUD)

**Legislative
Resolve No.**

27



Relating to the USA PATRIOT Act, the Bill of Rights, the Constitution of the State of Alaska, and the civil liberties, peace, and security of the citizens of our country.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the State of Alaska recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS each of Alaska's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Alaska; and

WHEREAS the State of Alaska denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the

civil liberties and rights of innocent citizens of the State of Alaska and the nation; and

WHEREAS certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001," also known as the USA PATRIOT Act, allow the federal government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions;

BE IT RESOLVED that the Alaska State Legislature supports the government of the United States of America in its campaign against terrorism, and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the United States Constitution and the Bill of Rights; and be it

FURTHER RESOLVED that it is the policy of the State of Alaska to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed equally under the state and federal constitutions; and be it

FURTHER RESOLVED that, in accordance with Alaska state policy, an agency or instrumentality of the State of Alaska, in the absence of reasonable suspicion of criminal activity under Alaska state law, may not

(1) initiate, participate in, or assist or cooperate with an inquiry, investigation, surveillance, or detention;

(2) record, file, or share intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the USA PATRIOT Act;

(3) retain such intelligence information; the state Attorney General shall review the intelligence information currently held by the state for its legality and appropriateness under the United States and Alaska Constitutions and permanently dispose of it if there is no reasonable suspicion of criminal activity; and be it

FURTHER RESOLVED that an agency or instrumentality of the state may not,

(1) use state resources or institutions for the enforcement of federal immigration matters, which are the responsibility of the federal government;

(2) collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, organization,

corporation, business, or partnership, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;

(3) engage in racial profiling; law enforcement agencies may not use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect; and be it

FURTHER RESOLVED that the Alaska State Legislature implorers the United States Congress to correct provisions in the USA PATRIOT Act and other measures that infringe on civil liberties, and opposes any pending and future federal legislation to the extent that it infringes on Americans' civil rights and liberties.

COPIES of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable Frank Murkowski, Governor of Alaska; and to the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.