

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 11

BY WAYS AND MEANS COMMITTEE

A JOINT MEMORIAL

1
2 TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
3 ASSEMBLED, THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF
4 IDAHO IN THE CONGRESS OF THE UNITED STATES, THE FEDERAL BUREAU OF INVES-
5 TIGATION, THE NATIONAL SECURITY AGENCY AND THE UNITED STATES DEPARTMENT
6 OF HOMELAND SECURITY.

7 We, your Memorialists, the House of Representatives and the Senate of
8 the State of Idaho assembled in the Second Regular Session of the Sixty-sec-
9 ond Idaho Legislature, do hereby respectfully represent that:

10 WHEREAS, the United States of America was founded on the principles of
11 protecting individual liberties and inalienable rights of people from in-
12 fringement by oppressive government; and

13 WHEREAS, the Fourth Amendment to the United States Constitution states,
14 and Section 17, Article I, of the Constitution of the State of Idaho affirms,
15 "The right of the people to be secure in their persons, houses, papers, and
16 effects, against unreasonable searches and seizures, shall not be violated,
17 and no warrants shall issue, but upon probable cause, supported by oath or
18 affirmation, and particularly describing the place to be searched, and the
19 persons or things to be seized"; and

20 WHEREAS, public safety, national security and the protection of civil
21 liberties are of the utmost importance and highest priority of government;
22 and

23 WHEREAS, in providing national security, the federal government must be
24 careful not to tread on personal freedoms and the right to privacy; and

25 WHEREAS, civil liberties and personal privacy must remain secure and
26 protected and should not be abridged to pursue politically or bureaucrati-
27 cally desired initiatives without oversight and public knowledge; and

28 WHEREAS, in today's modern, technologically advanced society, the per-
29 sonal information of the citizenry can be easily obtained and cataloged, and
30 it is therefore incumbent on everyone to be constantly vigilant in the pro-
31 tection of our civil liberties; and

32 WHEREAS, the National Security Administration has been operating a
33 clandestine surveillance program that mined user data transmitted through
34 the servers of major Internet entities for over a decade; and

35 WHEREAS, Section 215 of the Patriot Act grants the federal government
36 broad powers to access records in the possession of private entities in the
37 name of protecting against international terrorism; and

38 WHEREAS, a mass collection and storage of the Internet, email and tele-
39 phone records of innocent American citizens is contrary to the very spirit of
40 the Fourth Amendment to the United States Constitution and a violation of the
41 civil rights of all Americans; and

42 WHEREAS, the potential justification for mass data collection as in-
43 creasing national security and thwarting terrorists should not take prece-

1 dence over the United States Constitution and the protection of the civil
2 liberties of American citizens; and

3 WHEREAS, it is incumbent on our offices to lead by example in the pro-
4 tection of Americans so as to steer the actions of government agencies down a
5 path that holds the citizens and their conscience in the highest regard; and

6 WHEREAS, James Madison once noted, "Since the general civilization of
7 mankind, I believe there are more instances of the abridgment of the freedom
8 of the people by gradual and silent encroachments of those in power than by
9 violent and sudden usurpation."

10 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
11 Session of the Sixty-second Idaho Legislature, the House of Representatives
12 and the Senate concurring therein, that we urge Congress and the President
13 of the United States to make the protection of civil liberties and national
14 security equal priorities, to immediately discontinue bulk data collection
15 practices that are contrary to the Fourth Amendment to the United States
16 Constitution, and to instruct our national security agencies to ensure that
17 national security will be achieved without invasive violations of civil
18 liberties.

19 BE IT FURTHER RESOLVED that privacy is a matter that has been foremost in
20 the hearts of every American since the creation of our great nation and the
21 ratification of the United States Constitution.

22 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
23 tives be, and she is hereby authorized and directed to forward a copy of this
24 Memorial to the President of the Senate and the Speaker of the House of Repre-
25 sentatives of Congress, the congressional delegation representing the State
26 of Idaho in the Congress of the United States, the Federal Bureau of Inves-
27 tigation, the National Security Agency and the United States Department of
28 Homeland Security.