

## HOUSE JOINT RESOLUTION NO. HJ0005

Patriot Act-modifications.

Sponsored by: Representative(s) Esquibel, Jorgensen,  
Johnson, L., Landon, McOmie and Warren and  
Senator(s) Case and Job

A Bill

for

1 A JOINT RESOLUTION requesting Congress to modify the USA  
2 PATRIOT Act to protect civil liberties, exempt libraries  
3 and bookstores from compliance with the act, enforce sunset  
4 provisions of the act and repeal or rescind orders and  
5 provisions that impinge upon civil liberties.

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7 WHEREAS, on September 11, 2001, for the first time since  
8 the War of 1812, the continental United States was  
9 subjected to an attack from abroad when terrorists  
10 commandeered four (4) commercial airliners and destroyed  
11 the World Trade Center in New York City and caused  
12 significant damage to the Pentagon; and

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14 WHEREAS, in response to these tragic and devastating  
15 events, which cost nearly three thousand (3,000) innocent

1 American lives in New York City, Virginia and Pennsylvania,  
2 Congress adopted the USA PATRIOT Act (Uniting and  
3 Strengthening America by Providing Appropriate Tools  
4 Required to Intercept and Obstruct Terrorism Act of 2001)  
5 which is intended to enable the federal government to act  
6 authoritatively in preventing future attacks; and

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8 WHEREAS, while the prevention of future terrorist attacks  
9 is a critical national priority, it is equally important to  
10 preserve the fundamental civil liberties and personal  
11 freedoms which were enshrined in the Bill of Rights over  
12 two hundred (200) years ago and which have been preserved  
13 through a constant vigilance and outcry against periodic  
14 threats to its existence; and

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16 WHEREAS, while sunset review dates were attached to certain  
17 provisions of the act, those provisions and other  
18 provisions, as enumerated in this resolution, remain the  
19 greatest challenge to civil liberties since the passage of  
20 the Alien and Sedition Acts in 1798; and

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22 WHEREAS, under the auspices of both the USA PATRIOT Act and  
23 related executive orders, persons from the Middle East and

1 South Asia have been targeted for interrogation and  
2 possible deportation; and

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4 WHEREAS, the ability of the Central Intelligence Agency to  
5 engage in domestic spying activities, fortunately halted in  
6 the 1970s, could now be revived pursuant to section 901 of  
7 the act; and

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9 WHEREAS, section 213 of the act greatly lowers the  
10 threshold required for a court to issue a search warrant;  
11 and

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13 WHEREAS, section 216 of the act significantly reduces the  
14 scope and effectiveness of judicial oversight of telephone  
15 and internet surveillance; and

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17 WHEREAS, section 411 of the act gives the United States  
18 Attorney General sole and complete oversight authority to  
19 designate domestic groups as "terrorist organizations"; and

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21 WHEREAS, both sections 411 and 412 of the act subject  
22 noncitizens to indefinite detention or deportation even if  
23 they have not committed a crime; and

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1 WHEREAS, several sections of the act, including sections  
2 215, 218, 358 and 508, permit law enforcement authorities  
3 to have broad access to sensitive mental health, library,  
4 business, financial and educational records despite the  
5 existence of previously adopted state and federal laws  
6 which were intended to strengthen the protection of these  
7 types of records; and

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9 WHEREAS, there has been an outcry in Wyoming against the  
10 ability of federal authorities, under section 215 of the  
11 act, to obtain judicially issued warrants for library or  
12 bookstore patron records based on minimal information and  
13 the accompanying prohibition on librarians and bookstore  
14 personnel from revealing any information regarding the  
15 request; and

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17 WHEREAS, this provision runs directly counter to the intent  
18 of the Wyoming Legislature to protect the privacy of a  
19 library patron's records, as codified in W.S.  
20 16-4-203(d)(ix), and the Code of Ethics of the American  
21 Library Association; and

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23 WHEREAS, the Wyoming Library Association has expressed its  
24 strongest possible concerns that the USA PATRIOT Act

1 undermines constitutionally protected rights and the  
2 privacy of library patrons; and

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4 WHEREAS, the provisions of the act cited in this resolution  
5 threaten the civic values, personal freedoms and rights  
6 that constitute the foundation of our national existence.

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8 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*  
9 *LEGISLATURE OF THE STATE OF WYOMING:*

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11 **Section 1.** That the President and members of the executive  
12 branch review and revise or rescind executive orders and  
13 policies which have been adopted since September 11, 2001  
14 which limit or impinge upon liberties guaranteed by the  
15 Bill of Rights;

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17 **Section 2.** That the United States Congress amend the USA  
18 PATRIOT Act in order to restore and protect our nation's  
19 fundamental liberties, beginning by exempting libraries and  
20 bookstores from the provisions of the act;

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22 **Section 3.** That all statutory provisions of the USA  
23 PATRIOT Act which are subject to a sunset be repealed no

1 later, if not sooner, than their scheduled termination  
2 dates; and

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4 **Section 4.** That the Secretary of State of Wyoming transmit  
5 copies of this resolution to the President of the United  
6 States, to the President of the Senate and the Speaker of  
7 the House of Representatives of the United States Congress,  
8 to the Wyoming Congressional Delegation and to the  
9 Executive Director of the American Library Association, in  
10 Chicago, Illinois.

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(END)