

1 **RESOLUTION REAFFIRMING PROTECTION**
2 **OF LIBERTIES AND CIVIL RIGHTS OF**
3 **CITIZENS OF UTAH**

4 2003 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Eric K. Hutchings**

7 **This joint resolution of the Legislature upholds and defends the fundamental rights and**
8 **freedoms vouchsafed by the United States Constitution and its Bill of Rights. The**
9 **resolution urges Utah's congressional delegation and federal agencies and authorities to**
10 **act to preserve these rights.**

11 *Be it resolved by the Legislature of the state of Utah:*

12 WHEREAS, the United States Constitution and its Bill of Rights recognizes and
13 guarantees its citizens certain fundamental rights, including freedom of religion, speech,
14 assembly and privacy, protection from unreasonable searches and seizures, due process and
15 equal protection to any person, equality before the law and the presumption of innocence,
16 access to counsel in judicial proceedings, and a fair, speedy, and public trial by an impartial
17 jury;

18 WHEREAS, the state of Utah recognizes the United States Constitution and its Bill of
19 Rights to be the supreme law of the land, which all public servants are sworn to uphold and
20 protect;

21 WHEREAS, any infringement of this law is an abuse of power, a breach of the public
22 trust, a misappropriation of public resources, a violation of civil rights, and is beyond the scope
23 of governmental authority;

24 WHEREAS, the state of Utah recognizes and fully supports the responsibility of
25 government to protect its borders and citizens from acts of aggression;

26 WHEREAS, the state of Utah recognizes that these efforts should be conducted in a
27 rational and deliberative fashion and should never infringe on the nation's most treasured



28 constitutional rights and freedoms;

29 WHEREAS, government security measures that carelessly undermine essential rights
30 and freedoms threaten the well-being and very existence of a free Republic;

31 WHEREAS, in response to the tragic events of September 11, 2001, the United States
32 Congress passed the USA Patriot Act and the Homeland Security Act and the President has
33 issued several related Executive Orders;

34 WHEREAS, many citizens of Utah and communities across the nation are concerned
35 that these measures threaten their civil rights and freedoms;

36 WHEREAS, the USA Patriot Act greatly expands the government's ability to conduct
37 secret searches;

38 WHEREAS, the USA Patriot Act gives law enforcement officials broad access to
39 sensitive medical, mental health, library, business, educational, and other records about
40 individuals without first showing probable cause or evidence of a crime;

41 WHEREAS, the USA Patriot Act tasks the Central Intelligence Agency to spy on
42 fellow Americans;

43 WHEREAS, the USA Patriot Act grants broad, unchecked power to the United States
44 Attorney General and the Secretary of State to designate domestic groups as "terrorist
45 organizations";

46 WHEREAS, the USA Patriot Act permits the United States Attorney General to subject
47 noncitizens and citizens designated as "enemy combatants" to indefinite detention or
48 deportation even if they have not committed a crime; and

49 WHEREAS, secret military tribunals have been established for "terrorism" suspects:

50 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
51 recognizes the United States Constitution and its Bill of Rights to be the supreme law of the
52 land and that government efforts to protect the citizenry must never violate the fundamental
53 rights and freedoms that these documents guarantee to the people of the United States and to
54 their posterity.

55 BE IT FURTHER RESOLVED that the Legislature of the state of Utah calls upon the
56 United States Attorney General's Office, the Federal Bureau of Investigation, and all other
57 federal agencies to uphold their oath of office and to cease all activities that undermine the civil
58 rights and freedoms guaranteed by the United States Constitution and its Bill of Rights to the

59 citizens of Utah.

60 BE IT FURTHER RESOLVED that the Legislature urges the members of Utah's
61 congressional delegation to monitor federal antiterrorism tactics and to actively and vigorously
62 work to protect the civil rights and freedoms of the citizens of Utah.

63 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
64 the United States, the Federal Bureau of Investigation, the United States Attorney General, and
65 the members of Utah's congressional delegation.

Legislative Review Note
as of 2-21-03 4:34 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Bill Number HJR019****Resolution Reaffirming Protection of Liberties and Civil Rights of
Citizens of Utah***26-Feb-03**8:54 AM*

State Impact

Provisions of this resolution can be enacted within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst