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HOUSE RESOLUTION NO. 15

Offered February 25, 2004

A resolution defending the civil liberties and civil rights of all individuals living in the Commonwealth of Virginia.

Patrons—Welch and Black

Referred to Committee on Rules

WHEREAS, the Commonwealth of Virginia recognizes the Constitution of the United States of America to be the supreme law of the land, which each of Virginia's elected public servants has sworn to uphold; and

WHEREAS, the Bill of Rights of the U.S. Constitution and the Constitution of Virginia guarantee those living in the United States the following fundamental and inalienable rights: freedom of speech, assembly and privacy; the right to bear arms; equality before the law and the presumption of innocence; access to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and

WHEREAS, Virginia's General Assembly is the oldest continuous existing representative legislative body in the world, and Virginians take great, justifiable pride in their long history of democracy, including being the birthplace of the House of Burgesses (now the House of Delegates), the first democratically elected body in the Western Hemisphere; and

WHEREAS, Virginia is the birthplace of religious freedom, with the first such law being enacted in Richmond in 1786, and later, the Virginia Statute became the model for the first article of the Bill of Rights for the new federal constitution; and

WHEREAS, the members of the Virginia House of Delegates believe that there is no inherent conflict between national security and the preservation of liberty—Americans can be both safe and free; and

WHEREAS, the members of the Virginia House of Delegates believe that a number of provisions of the U.S.A. Patriot Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act) threaten fundamental rights and liberties by: (i) granting law enforcement the power to compel libraries and bookstores to produce circulation or purchase records of their patrons merely by asserting the items are "sought for" an ongoing terrorist investigation and forbidding disclosure that such records have been requested and produced (Section 215); (ii) granting the Federal Bureau of Investigations (FBI) broad access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime (Sections 215, 218, 358, and 508); (iii) expanding the government's ability to perform searches with no one present and to delay notification of the search of a citizen's home (Section 213); and (iv) granting power to the U.S. Secretary of State to designate domestic groups as "terrorist organizations" (Section 411 and 412); and

WHEREAS, three states and more than 235 cities, towns, and counties throughout the country, as of February 1, 2004, have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values and are demanding accountability from federal agencies regarding the use of these expanded powers; now, therefore, be it

RESOLVED by the House of Delegates, That support for the United States government in its campaign against global terrorism be hereby reaffirmed; and, be it

RESOLVED FURTHER, That the House of Delegates hereby also reaffirm that any efforts to end terrorism should not be waged at the expense of the fundamental civil liberties of the citizens of Virginia or the United States; and, be it

RESOLVED FURTHER, That the House of Delegates affirm its commitment to the protection of civil rights and civil liberties for all citizens of the Commonwealth, regardless of their race, religion, ethnicity or national origin, and affirm its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties; and, be it

RESOLVED FURTHER, That the House of Delegates urge the United States Congress to review, revise, and rescind provisions of the U.S.A. Patriot Act that infringe on civil liberties and civil rights and limit the liberties granted by the Constitution and Bill of Rights; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to Senators John Warner and George Allen; to Representatives Frederick Boucher, Eric I. Cantor, Jo Ann S. Davis, Thomas M. Davis, J. Randy Forbes, Virgil H. Goode, Robert W. Goodlatte, James P. Moran, Edward L. Schrock, Robert C. Scott, and Frank R. Wolf; and to Governor Mark Warner, Lieutenant Governor Timothy Kaine, and Attorney General Jerry Kilgore so that they may be apprised

INTRODUCED

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59 of the sense of the Virginia House of Delegates in this matter.