

Reps. Miller, Accavitti, Anderson, Bennett, Bieda, Clack, Cushingberry, Farrah, Garfield, Gillard, Gleason, Gonzales, Kathleen Law, Leland, Lemmons, III, Lemmons, Jr., Lipsey, McDowell, Murphy, Plakas, Polidori, Alma Smith, Stewart, Vagnozzi, Waters, Zelenko, Meisner and Tobocman offered the following resolution:

House Resolution No. 73.

A resolution to memorialize the United States Congress to oppose the continuation of all provisions of the USA PATRIOT Act which infringe upon individuals' civil liberties and which are set to expire in 2005.

Whereas, The citizens of the state of Michigan honor the Constitution of the United States as the protector of the rights of the individual, including the right to assemble and the right to free speech; and

Whereas, The state of Michigan is home to citizens of many nationalities and religions, including many who immigrated to this land in search of the American standards of life, liberty, and the pursuit of happiness; and

Whereas, Terrorist attacks against the United States should not be tolerated, and federal, state and local governments should use all powers they are granted to prevent further attacks from occurring; and

Whereas, In this great nation, citizens can expect their government to both keep them safe from harm and protect their individual liberties and freedoms; and

Whereas, There are provisions in the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, also known as the USA PATRIOT Act of 2001, that threaten the system of checks and balances that this nation was founded upon and obstruct citizens' constitutionally protected rights to freedom of speech, freedom of assembly, freedom from unreasonable search and seizure, and entitlement to due process and equal protection under the law, specifically:

(1) Section 213, which allows law enforcement agents to enter a home or office and perform a search without notifying the resident of their presence;

(2) Section 215, which provides the Federal Bureau of Investigation with the power to request a secret court order for "any tangible thing" from a business or organization, such as library records, by telling the court the investigation is related to terrorism, while not allowing the court to investigate the matter;

(3) Section 411, which greatly expands the government's power to detain and deport immigrants, based on scant empirical evidence;

(4) Section 412, which allows for the indefinite detention of non-US citizens, even if they are never charged with a crime;

(5) Section 505, which allows the Attorney General to request an individual's records from a third party with little judicial oversight and no requirement that the individual be suspected of terrorism;

(6) Sections 507 and 508, which allow highly personal student records to be transmitted to law enforcement with no suspicion of wrong-doing;

(7) Section 802, which greatly expands the definition of "domestic terrorism" to include acts that "...appear to be intended to intimidate or coerce a civilian population"; and

(8) Section 805, which so broadly prohibits an individual's right to provide advice or assistance to any group designated by the U.S. Government to be a foreign terrorist organization that one can be prosecuted for providing medical assistance to children

; and

Whereas, It is the policy of the state of Michigan to uphold the state and federal constitutions by protecting the rights and liberties of the people of this state. We strongly support the goal of the

administration to punish all groups and individuals responsible for the terrorist attacks of September 11, 2001, and to prevent similar attacks against United States citizens from occurring in the future; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to oppose the continuation of all provisions of the USA PATRIOT Act which infringe upon individuals' civil liberties and which are set to expire in 2005; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the Attorney General of the United States, the Office of the Governor, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.