



WHEREAS, King County is proud of its long and distinguished tradition of protecting the civil rights and civil liberties of all its residents and affirming the fundamental rights of all people, and

WHEREAS, Congress passed the USA PATRIOT Act (PL 107-56) on October 26, 2001, following the horrific attacks on America of September 11, 2001, and

WHEREAS, the King County council believes that there is no inherent conflict between national security and the preservation of constitutional rights and liberties, and

WHEREAS, the Bill of Rights of the United States Constitution and the Declaration of Rights of the Constitution of the state of Washington guarantee freedom of speech, assembly and privacy, 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, for all people living in King County, and

WHEREAS, the preservation of civil rights and civil liberties is a pillar of American society and is essential to the well-being of any democracy, and

WHEREAS, the King County council believes that residents of this county and this nation can be both safe and free;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

That we:

A. Affirm King County's abhorrence of and opposition to global terrorism;

B. Affirm King County's commitment to protecting the civil rights and civil liberties of all King County residents and oppose any measures that unconstitutionally infringe upon those civil rights and civil liberties;

and

C. Resolve that King County calls on Congress to adopt S. 1709, the SAFE Act, which is sponsored by a bipartisan group of senators and which would amend and clarify several provisions of the USA PATRIOT Act including:

1. Codifying the pre-USA PATRIOT Act standards for delayed notice or "sneak and peek" warrants to

allow these warrants if notice of the warrant would: endanger someone's life or physical safety; result in flight from prosecution; or result in destruction or tampering with evidence;

2. Requiring requests for roving wiretaps to identify either the person or place to be wiretapped and that the suspect is present at the place to be wiretapped, before collecting information;

3. Reinstating the pre-USA PATRIOT Act standard for seizing business and library records by requiring the Federal Bureau of Investigation to demonstrate it has reasons to believe that the person to whom the records are related is a suspected terrorist or spy. The SAFE Act also exempts libraries from the section of the USA PATRIOT Act that allows access to electronic communications on the strength of an administrative subpoena rather than a court order; and

4. Sunsetting the provisions allowing for: nationwide search warrants, requiring Congress to review and reauthorize it; delayed notice of "sneak and peek" warrants;

application of pen registers and trap and trace devices to electronic communications; and national security letter authority.