

ALASKA STATE LEGISLATURE

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North to the Future

Senator Cathy Giessel

SJR 22 Oppose Warrantless Data Collection Sponsor Statement

SJR 22 urges the federal government to end the National Security Agency's (NSA) mass telephone data collection program and eliminate all stored metadata. This resolution opposes the secretive nature under which the Foreign Intelligence Surveillance Court operates under sec. 2156 of the USA PATRIOT Act and the court's sanctioning of warrantless data collection.

The NSA, founded in 1952, is the nation's largest intelligence agency, with a strict focus on overseas, rather than domestic surveillance. Recently the news has been abuzz, revealing a number of concerning mass-surveillance programs undertaken by NSA.

On December 16, 2013 the United States District Court Judge Richard Leon ruled that the NSA program, bulk collection, and querying of telephone record metadata are likely unconstitutional, and "almost Orwellian" in nature. He suggested that James Madison would be "aghast" to learn of his government's encroachment on the liberty of its citizens. The Electronic Communications Privacy Act of 1986 prohibits telephone companies from sharing consumer data, except in special circumstances. The January 2014 Civil Liberties Oversight Board Report concluded that the NSA's telephone data collection program likely violates this act.

The Constitution of the United States protects individuals against the abuse of government authority and the Fourth Amendment guards against unreasonable searches and seizure and lays out specific requirements for warrants. The Fifth Amendment requires that individuals may not be deprived of life, liberty, or property without due process of law.

The executive branch has been given far too much power to invade individual privacy. Thomas Paine may have said it best, "Government, even in its best state, is but a necessary evil; in its worst state, an intolerable one."

As a legislator, I took an oath to uphold both the Constitution of the United States and the Alaska Constitution. These NSA activities are yet another violation of statute and example of troubling federal overreach. With SJR 22, I stand with Alaskans and reject surrendering our liberty in the name of unconstitutional programs.

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