



P.O. Box 13458  
Los Angeles, CA 90013  
213.935.0553

*Jan. 30, 2015*  
*Re: Support for SB13*

Dear members of the Alaska legislature,

The Tenth Amendment Center fully supports passage of SB13, prohibiting the state and municipalities from using assets to assist a federal agency in collecting certain telephone records or electronic data without a warrant.

In 1975, Sen. Frank Church warned us about the NSA, saying it had the potential for 'total tyranny. That was before widespread public access to the Internet, before everybody used cell phones, and before the widespread use of email and text messaging. Imagine the threat the spy agency poses today.

Forty years later, Congress still hasn't done anything to address the surveillance state. In fact, it has given the NSA more power and made it more intrusive.

Congress won't act to protect our privacy, so you must. By refusing to provide "material support or resources" to the NSA, you will not only support efforts to turn off the NSA's water in Utah, but will also end some practical effects of warrantless spying in Alaska. As more states take action, it will box the agency in and force the reforms D.C. politicians seem unwilling to pursue.

SB13 will address the NSA in three important ways.

- Practically-speaking, the legislation would almost certainly stop the NSA from ever setting up a new facility in Alaska.
- It would prohibit the state from obtaining or utilizing data gathered by the NSA without a warrant and shared with state and local law enforcement, a practice revealed in a 2013 Reuters article. Former NSA Chief Technical Director William Binney called data sharing the country's "greatest threat since the Civil War."
- It would set the stage to end partnerships between the NSA and state universities.

SB13 rests on a rock-solid legal principle known as the anti-commandeering doctrine. The Supreme Court has repeatedly upheld the principle that the federal government cannot required states to expend resources or manpower to help carry out its acts or programs.

In fact, SB13 merely builds on anti-commandeering legislation already passed by the Alaska legislature. Whether or not Alaska can refuse material support and resources to the federal government stands as a settled issue. The only question remaining is whether or not the Alaska will continue to support unconstitutional, warrantless spying.

You have the opportunity to do what Congress has failed to do for 40 years – protect the privacy of Alaskans, preserve the Fourth Amendment and help rein in an unaccountable and out of control federal spy agency.

We strongly urge you to vote yes on SB13.

Sincerely,

Michael Boldin, Tenth Amendment Center founder and executive director  
Mike Maharrey, Tenth Amendment Center national communications director