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NOTICE TO ALL RESIDENTS AND PUBLIC SERVANTS OF UTAH **Right to Privacy - Declaration of Law and Duty Regarding Unconstitutional Government Surveillance**

This declaration is presented in pursuance of the mission of the Utah Central Committee for Protecting Rights, which is to assist Utah individuals, whether individually or as part of any organization, in knowing and asserting their rights; And to assist assemblies of the people or cities or counties or any proper constitutional sub-division in asserting their citizens' rights and protecting their authority to represent the people, under the jurisdiction of the several constitutions.

INTRODUCTION

Cities, towns, counties or any government entity in Utah should add their voice to this declaration by formally ratifying this declaration (or creating their own substantially similar declaration), to declare their jurisdictions to be a constitutional privacy zone. Such adoption can be lawfully done legislatively or executively as part of faithful execution of existing laws as this declaration is only restating and then following existing constitutional law, already passed and ratified as the voice of the people of Utah.

WHEREAS, the state of Utah, including subdivisions, quasi-government "regional" entities, so-called "public/private partnerships" and private entities that are all acting on behalf of Utah governments, have chosen to engage in a **program of widespread surveillance and data gathering on all Utahns**. This is being done through controls on private property and inappropriate use of public infrastructure that gathers (and plans to gather in the future) private biometric information, allowing automated personal identification by computers. Examples of unlawful data gathering and actions include, but are not limited to, plans to monitor and control private vehicles and travel with "smart" streets and drone surveillance, plans to monitor and control private water and power usage, cameras and sensors in public areas to gather deeply personal private biometric information, and linking surveillance with digital driver's licenses and digital currency. These programs are fundamentally unlawful by every reasonable understanding of the constitutional limits that exist on government and no reasonable Utahn would accept these if they were to be presented with all the relevant facts. Government officials and employees are oath-bound to support the right to privacy instead of supporting warrantless surveillance programs.

CONSTITUTIONAL LAWS ON PRIVACY

WHEREAS, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." (*US Constitution, Fourth Amendment*)

WHEREAS, "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched, and the person or thing to be seized." (*Utah Constitution, Article 1, Section 14*)

COURTS UPHOLDING CONSTITUTIONAL LAW

WHEREAS, the supreme court has ruled "The Fourth Amendment is to be construed in the light of what was deemed an unreasonable search and seizure when it was adopted, and in a manner which will conserve public interests as well as the interests and rights of individual citizens." (*Carroll v. United States, 267 U.S. 132, 149 (1925)*).

WHEREAS, established legal doctrine in the United States courts is that a violation of the fourth amendment occurs when the government violates an expectation of privacy that society recognizes as reasonable. An individual maintains a legitimate expectation of privacy **in the record of his physical movements**” (*Carpenter v. United States*, 138 S. Ct. 2206, 2217 - 2018). “[The] basic purpose of this Amendment, is to safeguard the privacy and security of individuals against arbitrary invasions by governmental officials.” (*Carpenter v. United States*, 138 S. Ct. 2206, 2213 - 2018) “Facial Recognition” and similar data gathering programs, whether carried out by government officials or a private institution on behalf of government, are arbitrary invasions of privacy and security.

WHEREAS, additional established legal doctrine in the United States courts is that a violation of the fourth amendment occurs against a private home **when the government obtains information through technological surveillance where that information could not otherwise be obtained without physical intrusion of the home**. The supreme court has ruled “Where... the Government uses a device that is not in general public use, to explore details of the home that would previously have been unknowable without physical intrusion, the surveillance is an [unconstitutional search] and is presumptively unreasonable without a warrant.” (*Kyllo v United States*, 2001).

BEHAVIOR BY GOVERNMENT

WHEREAS, warrantless surveillance is being implemented directly or indirectly by government, including through contractual relationships with private companies and/or public/private partnerships or regional governments with unlawfully delegated powers. **No matter how it is arranged in practice, the government is gathering this data intentionally.**

WHEREAS, “smart” public utility meters collect data on private homes and about private behavior that would otherwise be unknowable without physical intrusion of the home. **Easements for utility meters do not authorize surveillance devices.**

WHEREAS, in-progress plans to build **“smart” streets** that talk to **“smart”-enabled cars** also do and will collect data on private individuals in their private automobiles, which is a space where there exists a reasonable expectation of privacy.

WHEREAS, “digital identity” or **“digital drivers license”** programs are being tested with the purpose of aligning them with the surveillance infrastructure to **track the personal movements and various private life details** of every private Utah citizen.

WHEREAS, government movements towards a “digital currency” will end all privacy in commerce if currencies are linked to digital identities. Governments will be gathering unprecedented levels of private information on citizens **having never obtained warrants in advance before the data is collected.**

WHEREAS, Utah governments have been installing highway and many other public cameras with facial recognition and audio listening devices and other types of advanced sensors. Tracking long term movements, and potentially being capable of listening to every conversation that happens in public all at once, through the use of central computers beyond the capabilities of an army of humans, enables government to understand private behavior that goes beyond the long-established expectations of public spaces. Human beings cannot gather this type of information on their own, nor will they ever be able to. Therefore, it is reasonable to expect that advanced analysis of human movement is a private concern, even with that data gathered in the public square. This is in line with interpreting the fourth amendment “as it was adopted”, as the supreme court has interpreted.

WHEREAS, the installation of 5G infrastructure has been primarily influenced by the demand for government surveillance and not by private demand or the free market.

NO WARRANTS

WHEREAS, **a warrant for every home has not been obtained** where these “smart” devices have been installed to collect data directly for or on-behalf-of any government entity.

WHEREAS, **a warrant for every individual driving any vehicle or automobile in Utah has not been obtained** to authorize smart streets and smart cars to collect data directly for or on-behalf-of any government entity.

WHEREAS, no government entity has an authorized “general warrant” to gather personal biometric data on any human being **nor is it constitutionally possible to obtain one for the general public**. To gather this data on any individual the government must have “probable cause” supported by “oath or affirmation”, specifically describing what to be searched and seized; a judge must hear and agree to these things, **all before the data is gathered.**

WHEREAS, the public is well aware that some government agencies (such as the NSA) gather private data without a warrant, and while this data is not directly used against the people in legal cases, it does provide leads to where “parallel construction” of the same data is gathered otherwise. Thus, simply allowing government to have this type of public infrastructure is a danger to the rights of Utahns.

WHEREFORE Utah’s legislative act (SB34 in 2021) created a quasi-warrant-like process to justify gathering private data on individuals. This process is not sufficient to meet the constitutional requirements of a warrant and does not authorize government to collect data or use this data for any reason. An LEO’s statement of probable cause under the new process is not specific for who or what they are looking for and is not done under oath or affirmation and is not done **before** the search which “seizes” your private biometric data.

GOVERNMENT SURVEILLANCE IS NOT THE WILL OF THE PEOPLE IN UTAH

WHEREAS, the voice of the people in Utah is contained within the several constitutions and must be followed by Government.

WHEREAS, it is public knowledge that a primary influence behind this push for surveillance comes from international organizations, foreign to our constitutions (including, but not limited to, the United Nations and the World Economic Forum). It is often summarized in what community leaders have called “Agenda 2030” or “Agenda 21”. Examples of this term being used can be found in legislation, government meetings, church general conferences, etc.

WHEREAS, Utah’s legislative act SJR11 “JOINT RESOLUTION ON ENVIRONMENTAL AND DEVELOPMENT POLICIES” in the year 2013 declared “the Legislature rejects United Nations Agenda 21”.

CONSTITUTIONAL DUTIES OF GOVERNMENT

THEREFORE, BE IT RESOLVED that Utah’s governments should transition to a new era of honoring the spirit of the law with its original intent in protecting the intended privacy guarantees found in the several constitutions.

THEREFORE, BE IT RESOLVED that Utahns are recognized as having a reasonable expectation of privacy in the record of their physical movements and in regards to their personal biometric data even while they are in public spaces.

THEREFORE, BE IT RESOLVED that all public surveillance infrastructure, software, computers, or anything similar that empowers governments or public/private partnerships to gather and/or store biometric data or track the movements of anyone without a warrant must be physically and permanently removed/deleted. **Biometric and personal data** includes, but is not limited to, face scans, eye scans, voice scans, fingerprint scans, and records of physical movements as explained by the Supreme Court. **Surveillance infrastructure** will include in part: public cameras, microphones, and sensors, whether stationary or mobile (“drones”), or visible or hidden to the public, various databases and especially Utah’s image database which store facial recognition scans. These must be permanently abandoned.

THEREFORE, BE IT RESOLVED that any government funding of 5G infrastructure is unconstitutional and unlawful, and any 5G infrastructure that was funded in whole or part by governments (and not private companies) must be removed as soon as possible.

THEREFORE, BE IT RESOLVED that all public utilities in Utah must cease installing any type of “smart” device that adds surveillance capabilities on top of metering capabilities, and should immediately set a goal to return to non-surveillance metering as soon as possible.

THEREFORE, BE IT RESOLVED that private Utahns who choose to protect their privacy by physically removing surveillance devices which governments have placed on their property, are lawfully protecting their rights and their property as guaranteed by the several constitutions. Local governments that assist citizens in removing unauthorized surveillance devices are lawfully protecting their constituents and faithfully executing the laws as their constitutional oaths require.

THEREFORE, BE IT RESOLVED that Utah’s legislative act (SB34 in 2021) is considered void. Attempts to use this process are illegal.

THEREFORE, BE IT RESOLVED that private entities or public/private partnerships or private companies acting on behalf of the government are considered to be the same as government when they are acting on its behalf.