



May 28, 2024

The Honorable Chair Cathy McMorris Rodgers  
5th Congressional District of Washington  
2188 Rayburn House Office Building  
Washington, DC, 20515

Dear Representative McMorris Rodgers,

On behalf of the over 2.1 million members of AMAC – Association of Mature American Citizens, including over 9,700 members residing in WA-05, I write to offer our support for the American Privacy Rights Act of 2024.

Our government's sacred charge is to ensure that life, liberty, and the pursuit of happiness are obtainable and sustainable realities for We the People of the United States of America. To that end, the primary function of our federal government is observing, respecting, and promoting our Constitutional Rights. This primary duty is the Law of the Land in these United States.

Our constitutional rights allow citizens to defend themselves against government intrusions, but they are also the vehicle by which government can exercise a positive duty to protect the people from intrusions upon their rights by our own citizenry. In this country, another person, or company of persons, may not take someone's life (except in self-defense), liberty, or pursuit of happiness without facing consequences brought by our judicial system. It is the role of this judicial system, the criminal and civil courts, and law enforcement to protect and serve us by ensuring we enjoy our rights without impediment.

But consider, in this nation, we have a natural right to the "privacies of life" (Boyd v. US, 1886)<sup>i</sup> based not only on natural law as noted in Allen (2013)<sup>ii</sup>, but on our right to the "liberty of privacy" Pavesich v. New England Life Ind. Co., (1905)<sup>iii</sup>, and the considerations in the Fourth Amendment to our Constitution in which we are guaranteed security in our "persons, houses, papers, and effects". Indeed, since the Constitution was written, what constitutes "papers and effects" has changed considerably when applied to the proliferation of the types of papers and effects one has access to and uses in our modern age. Justice Louis Brandeis saw these changes coming as he noted in his dissenting opinion in Olmstead v. U.S. (1928)<sup>iv</sup> and explained that the meaning and intent of the Fourth Amendment must be understood in the context of times in which it was and will be applied.

The sheer amount of data on any given person who carries a cellular smartphone, or uses any phone, completes business transactions, pays utility bills and taxes, who drives a vehicle, obtains healthcare for any reason, or who simply walks from place to place in public is *staggering*; and completely available for beneficial or nefarious purposes by both government and multiple configurations of the citizenry; like corporations, businesses, etc. This wide net view of a person contains information about *the totality of* their lives, not just the *particular* descriptions of "the place to be searched, and the persons or things to be seized." When government has access to this data it is no better than the Writ of Assistance John

Wilkes objected to in the North Briton 45 (Wilkes, 1763)<sup>v</sup>, or the general search warrant that the Fourth Amendment stands against... The government cannot go looking for evidence of any crime, only specific ones for which "probable cause" exists. Similarly, companies and corporations have no superseding right to violate the privacy of their customers, retain and or sell their data and/or the data that describes their lives, and certainly, no right to make that information available to the government, a de facto third-party search, without an appropriate warrant.

But our system of justice requires legislation as a foundation for all their efforts to stand on. In this case, it is both "necessary and proper" that Congress pass the American Privacy Rights Act as an addition to our law that recognizes the times we live in and supports the government's function to secure our natural, and constitutional rights.

AMAC thanks you, Representative McMorris Rogers, and your cosponsors, for your efforts to support and defend our rights to privacy. AMAC is pleased to offer our organization's full support for the American Privacy Rights Act.

Sincerely,



Bob Carlstrom  
President  
AMAC Action

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<sup>i</sup> *Boyd v. United States*, 116 U.S. 616, 6 S. Ct. 524 (1886)

<sup>ii</sup> Anita L. Allen, Natural Law, Slavery, and the Right to Privacy Tort, 81 Fordham L. Rev. 1187 (2013). Available at: <https://ir.lawnet.fordham.edu/flr/vol81/iss3/8>

<sup>iii</sup> *Pavesich v. New England Life Ins. Co.*, 122 Ga. 190 (Ga. 1905)

<sup>iv</sup> *Olmstead v. United States*, 277 U.S. 438 (1928)

<sup>v</sup> The North Briton, No. XLV, John Wilkes (1763)