

June 30, 2006

COMMENT OF INTERESTED PERSONAS
REQUESTED PER NOTICE OF OPPORTUNITY
TO COMMENT OF DATED JUNE 2, 2006

Utilities and Transportation Commission
Attn: Records Center
records@wutc.wa.gov

RE: ACLU Request for Investigation
 Docket UT-060856
 Name of Commenting Party:
 Laurie A. Baughman, U.S. Citizen and Resident of Washington State

I am presenting my personal comments and thoughts to the Commission as a private citizen. I also went back to basics and in preparing my thoughts and comments, referred to the following documents:

- (1) a transcript of the Declaration of Independence of 1776
- (2) a transcript of the Constitution of the United States of
1787
- (3) a transcript of the Northwest Ordinance of 1787
- (4) a transcript of the Bill of Rights of 1791
- (5) a transcript of the Washington State Constitution.

With Regard to the Question:

“Does WAC 480-120-202 or any other state law or regulation prohibit a regulated telephone company or its affiliated interests from providing customer telephone calling information to the National Security Agency (NSA)?”

Comment:

YES. But this also includes certain assumptions of circumstances and conditions of the information sharing. Any action of any party, be it an individual, or by individuals working in the form of a Corporation, is subject to all lawful rules, regulations, restrictions, and codes of conduct required under all state laws, but most importantly, under the Washington State Constitution and the Federal Constitution. If in sharing information, were all established lawful and constitutional requirements met in the most common understanding of those requirements and as historically accepted by The People?

The National Security Agency, as an agent of the United States Government, must ultimately operate in accordance with the Federal Constitution. Any law of Congress must also be consistent with the Constitution and Bill of Rights and pass all public scrutiny. The NSA has no choice in this regard. Congress and the President are expressly prohibited by the Federal Constitution, and the Bill of Rights from passing any law or rule, that in any way infringes on the liberties and freedoms of individuals provided under the Constitution. If the underlying rules, procedures, laws, and assumptions relied upon by the NSA and the regulated telephone companies is flawed and does not meet the highest Constitutional standards and those of proper State laws then the actions of those entities is unjustified, improper and must be stopped. The People must be protected and liberty has the highest priority of consideration. Due Process rights of The People are not negotiable. They SHALL be protected and upheld.

With regard to the arbitrary, random and en masse collection of private records (be they from individual persons or corporate entities), without due process of law for each and every individual for whom such records are obtained, without a subpoena, any warrant, any restraint whatsoever, under the contrived application of "National Security" argument is indeed a direct violation of the Washington State Constitution and the Federal Constitution and the Bill of Rights. Any such contrived "law" or "executive order" or other singular directive or device is BLATANTLY CONTRADICTORY TO THE U.S. CONSTITUTION AND THUS IS NOT LEGITIMATE, IS INSUPPORTABLE, AND IS ACTIONABLE BY THE PEOPLE, IN OUR CAPACITY AS THE GOVERNED, AND THE STATES AS THE TRUSTEES OF ITS CITIZENS' FREEDOMS, HAS NO CHOICE BUT TO ACT.

We, The People, ultimately make the decision as to legitimacy of a request, and we have been clear and forceful in our objections.

It is my firm belief and understanding as a born US citizen, that the rights of The People, trump any asserted claims of any company or U.S. Government agency in their attempt to justify gross invasions of privacy and violating of any person's "papers" as such records were obtained without warrants, without specific naming of any subject of investigation or its lawful purpose, or any type of legitimate form of "just cause" as recognized and agreed to by The People.

Under these conditions, a regulated telephone company or its affiliated interests are indeed prohibited from providing customer telephone calling information to the NSA.

With regard to the question:

"Does the Commission have the legal authority to compel a regulated telephone company or its affiliates to disclose whether it has provided customer calling information to the NSA?"

Comment:

Yes. The Authority of the Commission, as an agent of the State of Washington, and therefore as an agent of each of its citizens to compel

such disclosures of a regulated telephone company, IS ABSOLUTE AND NECESSARY to uphold Washington State laws and regulations, the Washington State Constitution, and indeed as the federal Constitution. If State law and regulations require conduct or refrains from certain activities as a requirement of licensure in this State, the State must be able to enforce those laws and requirements. If any company violates those rules, the state has an inherent right to know, and only at that time, should the company be allowed an opportunity to defend its actions to the State. But it may not conceal its actions from the State (i.e., The People).

The very foundations of democracy and our Constitution-based government processes, demand open government, where the actions and conduct of the government and/or companies may be scrutinized and kept in check by the Governed. In addition, the State's authority in this case is absolute in that neither the Constitution nor the Northwest Covenant prohibit the State from asserting any rights or claims on behalf of its citizens with regard to matters of individual liberties, freedoms, due process in search and seizure of non-real property.

This leads also to the broader issue that MUST be addressed, and that is the pattern of conduct during the last five years by the Bush Administration, the Republican-Controlled Congress, Officials and other agents of the U.S. Government, which has been to flat out disregard any civil protection, law, the Bill of Rights and protections and procedures mandated by the Constitution itself, and use the tragedy of 9/11 as its pretense. Any claims of National Security in this case are simply bogus on their face and lack any credibility and are out of place. The term National Security has been thrown about like crumbs for the pigeons, and no longer holds legitimate meaning for The People outside of a direct attack from a foreign power.

National Security as used by the NSA, Bush Administration and others, is now nothing but a theoretical concept in this context. There is no imminent need to know, no immediate or direct threat related to phone records, no condition in which there is any reason to believe that millions of Americans should be, by default, an open book of their private business. There is no actual War per se. The attacks of 9/11 were criminal attacks that took us to the brink of a formal War, and the US Government again, has used that pretense to systematically gut and undermine the Bill of Rights and the Constitution ever since, in direct violation of their Oaths of Office.

The Bush Administration, Congress and the NSA, have grossly violated the law, breached the Constitution, Bill of Rights and due process rights seek to legitimize tyranny, acting as benevolent Dictators and socially and politically lull the general population into blind submission as if we ourselves were real property of the US Government.

With regard to the question:

“Does the Commission have the legal authority to compel regulated telephone companies or their affiliates to release relevant information about such allegations?”

Comment:

YES. Incorporating all of my comments above, the State intrinsically, by its nature, structure, and duty, has the right and legal authority to compel release of relevant information in order to fulfill its DUTY TO THE PEOPLE, and the rights and duties of The People ourselves.

With regard to the question:

“Would an assertion of the military and state secrets privilege by the United States Government preclude the Commission from taking action against a regulated telecommunications company?”

Comment:

NO. Again, our country is founded on critical principals of freedoms and liberties identified and protected by the federal Constitution and Washington State Constitution. The limits of authority on the US Government are strong. The US Government under no circumstance may usurp those protections. We are not a military state. These are individual civilian records and “papers” of a domestic nature, of United States citizens and residents protected also by laws and regulations of the State of Washington - a sovereign state in the union. Gestapo tactics of spying on domestic soil without warrants without just cause is aberrant to everything for which we stand.

The Government’s ONLY power are those granted by the Governed. We, The People, have spoken loudly and firmly on this matter: We do NOT give our consent to such invasive and egregious conduct and any claim of military or “state secret” privilege is bogus and unworthy of further consideration.

There are NO RESTRICTIONS on States defined by the US Constitution, the Northwest Covenant, the Washington State Constitution that prevent any state from taking legal action against any company or the US Government when it comes to regulating activities within state borders, under its jurisdiction. Again, these are domestic companies, domestic individuals, and domestic laws.

The “War on Terror” as used by the US Government, is only a metaphor for the social, political and economic efforts of a Government whose people have experienced violent attack and economic and emotional hardships as a result of criminal conduct of individuals. There is no “WAR” as defined and understood by the Constitution. There is NO MILITARY JUSTIFICATION FOR INTERFERENCE IN CIVILIAN BUSINESS AFFAIRS AND PRIVATE PERSONAL RECORDS OR THOSE RECORDS CREATED BY AND INDIVIDUAL’S UTILIZATION OF A REGULATED SERVICE IN THE MARKETPLACE FOR PERSONAL OR BUSINESS REASONS.

When President Bush initially invaded Iraq, and then shortly thereafter declared publicly for all the world to see "Mission Accomplished" - he declared such "War" authority under the War Powers Act to have concluded, as far as I am concerned as a Citizen. Therefore, I believe the continued occupation of Iraq and its related losses, casualties and hardships, as well as worsening all nation relations with the United States, now are under the guise of an extended, foreign military operation. As that "War" was declared concluded by President Bush's statement, there remains no valid reason whatsoever to infringe on the rights of individuals.

General tensions in the world toward the US or its interests are not sufficient or appropriate basis to render the Bill of Rights and Constitutions (both Federal and State) null and void in part or in whole.

A free people are not, by definition, subject to such intrusive tyrannies. The US Government's assertions of defense cannot stand as We, The People have expressly DENIED the US government our consent in this matter. Our disapproval has been made clear time and time again.

With regard to the question:

"If the Commission decides to investigate the matter raised in the ACLU's May 25, 2006, letter, which procedural options would be most appropriate? (e.g., informal investigation, formal investigation, complaint)."•

Comment:

The only fair avenue for the State to pursue any justice for the citizens of Washington and to restore the grossly lost trust between The People and the US Government, is to conduct a formal and detailed investigation as called for in the ACLU letter.

It is time We, The People, reclaim our lawful and just power and each of us take personal responsibility for upholding each and every provision of the Washington State Constitution, the Bill of Rights, the Northwest Covenant, and the Federal Constitution.