

Resolutions and Ordinances Critical of the  
**USA PATRIOT Act**  
and Other Laws and Policies that Diminish Civil Liberties

**Enacted by eight state legislatures, 406 county and local governments, and  
many organizations, religious bodies, and campus bodies**

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January 7, 2002 through December 4, 2007

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# NATIONAL SECURITY LETTERS

## Brighton, NY

Passed on March 28, 2007

WHEREAS, the Board of the Town of Brighton recognizes the Constitution of the United States as the supreme law of the nation and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, and

WHEREAS, attacks against the United States such as those that occurred on September 11, 2001, have necessitated the crafting of laws to protect the public from terrorist attacks but, at the same time, those laws must not infringe on the civil liberties and rights of innocent people as guaranteed in the Constitution and Bill of Rights, and

WHEREAS, the USA PATRIOT Act was enacted by Congress on October 26, 2001 and re-authorized in March 2006, and

WHEREAS, within the USA PATRIOT Act are provisions expanding the scope of national security letters (“NSL”), an administrative subpoena primarily issued by the FBI compelling third parties to turn over certain information without court approval, and the scope of warrants for the production of “tangible things”, issued by a secret court created by the Foreign Intelligence Surveillance Act (“215 orders”), and

WHEREAS, provisions of the USA PATRIOT Act prohibited indefinitely the recipients of NSLs and 215 orders from disclosing the contents of the notices and the very fact that they had received the notices; and

WHEREAS, following much criticism and two adverse court decisions, Congress on March 2006, amended the provisions pertaining to NSLs and 215 orders to allow the recipient of a NSL or a 215 order to challenge the validity of the NSL or the 215 order in court and to allow the recipient to challenge the gag in court; and

WHEREAS, questions persist about the constitutionality of the provisions pertaining to NSLs and 215 orders, as amended, because to prevail in a challenge a recipient must meet a high burden of proof and no exchanges of information, even those between attorney and client and physician and patient are deemed confidential; and

WHEREAS, the Town of Brighton collects and retains many sensitive and nonpublic records which the federal government could seek by the means of NSL or 215 order, and desires to ensure that the constitutional rights of Town residents, employees and other persons using Town facilities and services are safeguarded.

THEREFORE, BE IT RESOLVED that

1. The Board of the Town of Brighton supports the government of the United States of America in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of civil liberties of the people of this country and community.
2. The supervisor shall prepare guidelines similar to the guidelines drafted by the American Library Association and reflecting any changes based on the reenactment of the USA Patriot Act, in order to educate the employees of the Town on how to respond to inquiries from law enforcement, the Federal Bureau of Investigation, the Central Intelligence Agency, and any other government intelligence agency seeking nonpublic information collected and retained by the Town.
3. The Town shall critically examine any NSL that it may receive to determine if compliance would be unlawful and if so, the town shall consider a challenge to the validity of the NSL in court.
4. If the Town receives a NSL which contains a statement prohibiting it from disclosing to any person, other than the attorney for the Town, that the issuer of the NSL is seeking certain information, the Town shall consider challenging the prohibition in court. The Town may decide to challenge the prohibition even though it decides not to challenge the validity of the NSL.
5. The Town shall examine any 215 order that it may receive to determine if it was lawfully issued, and if it was not, the town shall consider a challenge to the validity of the 215 order in court.
6. If the Town receives a 215 order, the Town shall consider challenging the prohibition on disclosure in court, after one year has elapsed if such delay mandated under the reenacted Act is determined to be constitutional. The Town may decide to challenge the prohibition even though it decides not to challenge the validity of the 215 order.
7. The Town Board of the Town of Brighton urges its Congressional representatives to address concerns about these provisions in the USA PATRIOT Act, as amended, and other statutes that infringe on civil liberties and to oppose pending and future legislation to the extent that it unconstitutionally infringes on the rights and liberties of the people of the United States.

Dated: March 28, 2007

Sandra L. Frankel, Supervisor

Voting

Sherry S. Kraus, Councilperson

Voting

James R. Vogel, Councilman

Voting

Louise Novros, Councilperson

Voting

Raymond J. Tierney III, Councilman

Voting

**Eureka Springs, AR**  
**Passed on May 14, 2007**

**A Resolution in Support of the Constitutions of the United States and the State of Arkansas and in Opposition to the Loss of Any of Our Constitutional Freedoms**

WHEREAS, the City Council of Eureka Springs, Arkansas, has been requested to oppose any lessening of our constitutionally granted freedoms; and

WHEREAS issues have recently arisen regarding the constitutionality of certain recent acts of the Federal government; and

WHEREAS, attacks against the United States such as those that occurred on September 11, 2001, have necessitated the crafting of laws to protect the public from terrorist attacks but, at the same time, those laws must not infringe on the civil liberties and rights of innocent people as guaranteed in the Constitution and Bill of Rights, and

WHEREAS, the USA PATRIOT Act was enacted by Congress on October 26, 2001 and reauthorized in March 2006, and

WHEREAS, within the USA PATRIOT Act are provisions expanding the scope of national security letters (“NSL”), an administrative subpoena primarily issued by the FBI compelling third parties to turn over certain information without court approval, and the scope of warrants for the production of “tangible things”, issued by a secret court created by the Foreign Intelligence Surveillance Act (“215 orders”), and

WHEREAS, provisions of the USA PATRIOT Act prohibited indefinitely the recipients of NSLs and 215 orders from disclosing the contents of the notices and the very fact that they had received the notices; and

WHEREAS, following much criticism and two adverse court decisions, Congress on March 2006, amended the provisions pertaining to NSLs and 215 orders to allow the recipient of an NSL or an 215 order to challenge the validity of the NSL or the 215 order in court and to allow the recipient to challenge the gag in court; and

WHEREAS, questions persist about the constitutionality of the provisions pertaining to NSLs and 215 orders, as amended, because to prevail in a challenge a recipient must meet a high burden of proof and no exchanges of information, even those between attorney and client and physician and patient are deemed confidential; and

WHEREAS, the City of Eureka Springs, AR, collects and retains many sensitive and non public records which the federal government could seek by the means of NSL or 215 order, and desires to ensure that the constitutional rights of City residents, employees and other persons using City facilities and services are safeguarded.

Be it resolved by the City Council of the City of Eureka Springs, Arkansas,

Section 1. That we whole-heartedly support the Constitutions of the United States of America and the State of Arkansas and the Freedoms therein guaranteed and abide by the oaths we swore upon entering the offices to which we were elected;

Section 2. Be it further resolved that we support all efforts by legal means to maintain the freedoms promised to the citizens of Eureka Springs, AR, by these two great Documents.

Section 3. That the City Council of Eureka Springs, AR supports the government of the United States of America in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of civil liberties of the people of this country and community.

Section 4. The Mayor shall critically examine any NSL that he or she may receive to determine if compliance would be unlawful and if so, the Mayor shall consider a challenge to the validity of the NSL in court.

Section 5. If the City receives an NSL which contains a statement prohibiting it from disclosing to any person, other than the attorney for the City and the Mayor, that the issuer of the NSL is seeking certain information, the Mayor shall consider challenging the prohibition in court. The Mayor may decide to challenge the prohibition even though he or she decides not to challenge the validity of the NSL.

Section 6. The Mayor shall examine any 215 order that the City may receive to determine if it was lawfully issued, and if it was not, the Mayor shall consider a challenge to the validity of the 215 order in court.

Section 7. If the Mayor receives a 215 order, the Mayor shall consider challenging the prohibition on disclosure in court, after one year has elapsed if such delay mandated under the reenacted Act is determined to be constitutional. The Mayor may decide to challenge the prohibition even though he or she decides not to challenge the validity of the 215 order.

Section 8. The City Council of Eureka Springs, AR., urges its Congressional representatives to address concerns about these provisions in the USA PATRIOT Act, as amended, and other statutes that infringe on civil liberties and to oppose pending and future legislation to the extent that it unconstitutionally infringes on the rights and liberties of the people of the United States.

Read and adopted this 14th day of May, 2007.

Dani D. Wilson, Mayor

Mary Jean Sell, City Clerk

## American Library Association

Passed on June 27, 2007

### Resolution on the Use and Abuse of National Security Letters: On the Need for Legislative Reforms to Assure the Right to Read Free of Government Surveillance

WHEREAS, the American Library Association (ALA) is committed to preserving the privacy rights of all persons in the United States, especially library users and library employees; and

WHEREAS, the freedom of thought is the most basic of all freedoms and is inextricably linked to freedom of inquiry; and freedom of inquiry can be preserved only in a society in which privacy rights are rigorously protected; and

WHEREAS, ALA reiterates its opposition to any proposal or actions by government that suppresses the free and open exchange of knowledge and information or that intimidates individuals exercising free inquiry; and

WHEREAS, certain statutes authorized by Congress provide the Federal Bureau of Investigation (FBI) authority to use National Security Letters (NSLs), a form of administrative subpoena issued without judicial oversight or adequate judicial review; and

WHEREAS, NSLs can be used by the FBI to obtain an individual's most personal information, including financial records, credit records, telecommunication records, and Internet use records, including library Internet use records, without ever notifying the individual; and

WHEREAS, the laws authorizing the use of NSLs automatically impose a permanent nondisclosure or "gag" order on any recipient of an NSL, making it illegal for individuals or organizations to ever reveal that they have been asked to provide records or information to the FBI and requiring NSL recipients to risk fines and imprisonment in order to report any abuse of government authority, abrogating the recipients' First Amendment rights; and

WHEREAS, the Department of Justice's Office of the Inspector General (OIG) reported it found that the FBI had engaged in widespread and serious abuses of its authority to use NSLs. These abuses include significantly understating the number of NSLs used by the FBI in the classified reports given to Congress; using NSLs to collect consumer information, a practice that is prohibited by statute; and using exigent letters (requests to provide information prior to the issuance of an actual NSL or subpoena) to circumvent the requirements of the NSL statute and to obtain information in the absence of any duly authorized investigation; and

WHEREAS, the FBI collects and shares vast amounts of information derived from NSLs with local, state, and federal law enforcement and intelligence agencies, foreign governments, and, pursuant to executive order, "appropriate private sector entities"; and

WHEREAS, the FBI attempted to use an NSL to obtain library users' records from the Library Connection in Windsor, Connecticut; and

WHEREAS, FBI Director Robert Mueller caused classified written testimony to be provided to the Senate Judiciary Committee on March 30, 2007, concerning other instances when FBI agents may have used NSLs to obtain information from libraries about library users; and

WHEREAS, the FBI's documented abuse of its NSL authorities indicates that information about library users may be misused and disclosed in a manner contrary to law and professional ethics; and

WHEREAS, the use of NSLs strips members of the public, including librarians, of their fundamental First Amendment rights; now, therefore, be it

RESOLVED, That the American Library Association condemns the use of National Security Letters to obtain library records; and, be it further

RESOLVED, That the American Library Association urges Congress to pursue legislative reforms in order to provide adequate protection for each library user's Constitutional right to be free from unwarranted and unjustified government surveillance, including:

Judicial oversight of National Security Letters (NSLs) requiring a showing of individualized suspicion and demonstrating a factual connection between the individual whose records are sought by the FBI and an actual investigation;

Elimination of the automatic and permanent imposition of a nondisclosure or "gag" order whenever an NSL is served on an individual or institution;

Allowing recipients of NSLs to receive meaningful judicial review of a challenge to their NSL without deferring to the government's claims;

Increased oversight by Congress and the Office of the Inspector General of the U.S. Department of Justice over NSLs and FBI activities that implicate the First Amendment; and

Providing for the management, handling, dissemination and destruction of personally identifiable information obtained through NSLs; and, be it further

RESOLVED, That the ALA communicates this resolution to the Offices of the President and Vice President, Congress, ALA members, and state chapters; and that ALA urges its members, state chapters, and all library advocates to ask Congress to restore civil liberties and correct the abuse and misuse of National Security Letters.

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Adopted unanimously by the Council of the American Library Association

Wednesday, June 27, 2007

Washington, D.C.

Endorsed by the following 44 State Library Associations as of October 23, 2008:

Alabama (September 19, 2007)	Maine (August 10, 2007)	Oregon (August 24, 2007)
Alaska (September 23, 2007)	Maryland (September 11, 2007)	Pennsylvania (November 29, 2007)
Arizona (July 27, 2007)	Massachusetts (August 9, 2007)	Rhode Island (July 24, 2007)
Arkansas (August 3, 2007)	Michigan (December 16, 2007)	South Carolina (August 15, 2007)
California (August 14, 2007)	Minnesota (July 20, 2007)	South Dakota (October 1, 2007)
Colorado (July 27, 2007)	Missouri (July 27, 2007)	Tennessee (August 25, 2007)
Connecticut (August 9, 2007)	Montana (January 8, 2008)	Texas (September 26, 2007)
Delaware (November 14, 2007)	New Hampshire (September 18, 2007)	Utah (November 9, 2007)
Florida (February 8, 2008)	New Jersey (September 18, 2007)	Vermont (July 12, 2007)
Georgia (July 21, 2007)	New Mexico (August 27, 2007)	Virginia (September 7, 2007)
Idaho (October 5, 2007)	New York (September 27, 2007)	Washington (September 7, 2007)
Illinois (August 16, 2007)	North Carolina (July 20, 2007)	West Virginia (January 18, 2008)
Indiana (August 9, 2007)	North Dakota (September 26, 2007)	Wisconsin (September 7, 2007)
Iowa (August 14, 2007)	Ohio (July 13, 2007)	Wyoming (September 13, 2007)
Kansas (October 12, 2007)	Oklahoma (August 31, 2007)	

Also endorsed by:

California Academic and Research Libraries (August 15, 2007)

California Association of Library Trustees and Commissioners (February 2, 2008)

New England Library Association (November 11, 2007)

# WARRANTLESS GOVERNMENT SURVEILLANCE

## San Francisco, CA

Passed on April 4, 2006

### Resolution urging President Bush to stop the warrantless surveillance of Americans and to follow the Foreign Intelligence Surveillance Act.

WHEREAS, The safety and security of San Franciscans depends upon the maintenance of a vigorous democracy under law, in which the branches of government work effectively and cooperatively together; and

WHEREAS, The Fourth Amendment of the United States Constitution states: “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”; and,

WHEREAS, The Foreign Intelligence Surveillance Act of 1989 (FISA) comprehensively regulates electronic surveillance within the United States, with the goal of striking a proper constitutional balance between protection of civil liberties and safeguarding national security; and,

WHEREAS, FISA provides a legal mechanism for the United States government to engage in surveillance of a foreign power or of an agent of a foreign power in instances when it is likely that the surveillance will acquire the contents of a communication with a United States-based person; and,

WHEREAS, FISA and specified provisions of the federal criminal code are the exclusive means by which electronic surveillance may be conducted, and federal law makes criminal any electronic surveillance not authorized by statute; and,

WHEREAS, FISA provides specific exceptions that allow the President to authorize warrantless electronic surveillance for foreign intelligence purposes in emergency situations, provided an application for judicial approval from a FISA court is made within 72 hours and within 15 calendar days following a declaration of war by Congress; and,

WHEREAS, President Bush has directed the National Security Agency (NSA) to conduct secret and warrantless electronic surveillance of persons within the United States without any plausible legal authority for such surveillance, and is in direct violation of FISA and the Fourth Amendment to the United States Constitution; and,

WHEREAS, The actions diminish the rule of law and do not enhance national security; now, therefore, be it

RESOLVED, That the San Francisco Board of Supervisors supports the vigorous pursuit and prosecution of persons and organizations that plan terrorist acts anywhere in the world; and, be it

RESOLVED, That the San Francisco Board of Supervisors calls upon the President to abide by the limitations which the Constitution imposes on the executive branch under our system of checks and balances and respect the essential roles of the legislative branch and the judicial branch in ensuring that our national security is protected in a manner consistent with constitutional guarantees; and, be it

RESOLVED, That the San Francisco Board of Supervisors expresses deep concern over President Bush’s order to the National Security Agency to intercept telephone and e-mail exchanges between the United States and overseas without court authorization, as required under FISA; and, be it

RESOLVED, That the San Francisco Board of Supervisors urges Congress to affirm that the Authorization for Use of Military Force of September 18, 2001, Pub. L. No 107-40, 115 Stat. 224§ 2(a) (2001) (AUMF), did not provide a statutory exception to the FISA requirements, and that any such exception can be authorized only through affirmative explicit congressional action; and, be it

RESOLVED, That the San Francisco Board of Supervisors requests the President to immediately direct the NSA to observe FISA’s requirements, and urges the President, if he believes that FISA is inadequate to safeguard national security, to seek appropriate amendments or new legislation rather than acting without explicit statutory authorization; and, be it

RESOLVED, That the San Francisco Board of Supervisors urges Congress to reaffirm that their vote for the Authorization to Use Military Force (AUMF) in Afghanistan which President Bush relies on to justify the warrantless surveillance of U.S. residents was not a vote to authorize such warrantless surveillance; and, be it

RESOLVED, That the San Francisco Board of Supervisors urges all City and County of San Francisco government agencies and each person and business entity that receives a request to cooperate in the electronic surveillance of a person within the United States to obtain assurance from the state or federal government agency making the request that it is lawful under FISA or applicable provisions of the federal criminal code; and, be it

RESOLVED, That the San Francisco Board of Supervisors requests that the State Attorney General assist, and if needed, intervene on behalf of, any San Francisco resident who is asked to cooperate in the electronic surveillance of a person within the United States

when such person did not receive an assurance that the request is lawful under FISA or applicable provisions of the federal criminal code law; and, be it

RESOLVED, That the San Francisco Board of Supervisors urges Congress to conduct a comprehensive investigation to determine: (a) the nature and extent of electronic surveillance of U.S. persons conducted by any U.S. government agency for foreign intelligence purposes that does not comply with FISA; (b) what basis or bases were advanced for the legality of such surveillance; (c) whether Congress was properly informed of and consulted as to the surveillance; (d) the nature of the information obtained as a result of the surveillance; (e) whether the surveillance information collected was retained or shared with other agencies; and (e) whether this information was used in legal proceedings against any U.S. citizen or resident; and, be it

RESOLVED, That the San Francisco Board of Supervisors urges Congress to ensure that such proceedings are open to the public, conducted in a fashion that will provide a clear and credible account to the people of the United States, except to the extent the Congress determines that any portions of such proceedings must be closed to prevent the disclosure of classified or other protected information; and, be it

RESOLVED, That the San Francisco Board of Supervisors urges Congress to thoroughly review and make recommendations concerning the intelligence oversight process, and urges the President to ensure that the House and Senate are fully and currently informed of all intelligence operations as required by the National Security Act of 1947; and, be it

FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board to send a copy of this resolution to President George Bush, U.S. Attorney General Alberto Gonzales, U.S. Senate Majority Leader Bill Frist, Senator Barbara Boxer, Senator Dianne Feinstein, Congresswoman Nancy Pelosi, members of the California Congressional Delegation, and to State Attorney General Bill Lockyer.

## **American Bar Association**

### **Passed on February 13, 2006**

RESOLVED, that the American Bar Association calls upon the President to abide by the limitations which the Constitution imposes on a president under our system of checks and balances and respect the essential roles of the Congress and the judicial branch in ensuring that our national security is protected in a manner consistent with constitutional guarantees;

FURTHER RESOLVED, that the American Bar Association opposes any future electronic surveillance inside the United States by any U.S. government agency for foreign intelligence purposes that does not comply with the provisions of the Foreign Intelligence Surveillance Act, 50 U.S.C. §§ 1801 et seq. (FISA), and urges the President, if he believes that FISA is inadequate to safeguard national security, to seek appropriate amendments or new legislation rather than acting without explicit statutory authorization;

FURTHER RESOLVED, that the American Bar Association urges the Congress to affirm that the Authorization for Use of Military Force of September 18, 2001, Pub.L. No. 107-40, 115 Stat. 224 § 2(a) (2001) (AUMF), did not provide a statutory exception to the FISA requirements, and that any such exception can be authorized only through affirmative and explicit congressional action;

FURTHER RESOLVED, that the American Bar Association urges the Congress to conduct a thorough, comprehensive investigation to determine: (a) the nature and extent of electronic surveillance of U.S. persons conducted by any U.S. government agency for foreign intelligence purposes that does not comply with FISA; (b) what basis or bases were advanced (at the time it was initiated and subsequently) for the legality of such surveillance; (c) whether the Congress was properly informed of and consulted as to the surveillance; (d) the nature of the information obtained as a result of the surveillance and whether it was retained or shared with other agencies; and (e) whether this information was used in legal proceedings against any U.S. citizen.

FURTHER RESOLVED, that the American Bar Association urges the Congress to ensure that such proceedings are open to the public and conducted in a fashion that will provide a clear and credible account to the people of the United States, except to the extent the Congress determines that any portions of such proceedings must be closed to prevent the disclosure of classified or other protected information; and

FURTHER RESOLVED, that the American Bar Association urges the Congress to thoroughly review and make recommendations concerning the intelligence oversight process, and urges the President to ensure that the House and Senate are fully and currently informed of all intelligence operations as required by the National Security Act of 1947.

## **California Bar Association**

### **Passed on May 18, 2006**

RESOLVED, that the Conference of Delegates of California Bar Associations adopts American Bar Association (ABA) Resolution 302 regarding the roles of Congress and the President in the fight against terrorism.

We, the Conference of Delegates of California Bar Associations, hereby adopt American Bar Association (ABA) Resolution 302, as set forth below, in its entirety. The ABA resolution urges Congress to: conduct a comprehensive investigation to determine the nature and extent of any electronic surveillance of U.S. persons that does not comply with the Foreign Intelligence Surveillance Act (FISA); the bases for the legality of such surveillance; whether Congress was properly informed of and consulted as to the surveillance; the

nature of the information obtained and whether it was retained or shared with other agencies; and whether this information was used in legal proceedings against any U.S. citizen. The U.S. Constitution, the system of checks and balances established by our Constitution and the individual rights and liberties set forth in our Constitution must be protected. We call upon bar associations and legal organizations nationwide to join in this statement in support of ensuring that our national security is protected in a manner consistent with constitutional guarantees.

PROPONENT: Beverly Hills Bar Association.

#### STATEMENT OF REASONS:

Existing Law: U.S. Constitution; Foreign Intelligence Surveillance Act, 50 U.S.C. §§ 1801 et seq. (FISA); Authorization for Use of Military Force of Sept. 18, 2001, Pub. L. No. 107-40, 115 Stat. 224 § 2(a)(2001)(AUMF); Intelligence Authorization Act for Fiscal Year 2002, Pub. L. No. 107-108, § 314(a)(2)(B), 115 Stat. 1394 (Dec. 28, 2001)(IAA); USA Patriot Act, Pub. L. 107-56, § 218, 115 Stat. 272 (Oct. 26, 2001).

This Resolution: Will emphasize the importance of conducting foreign intelligence in a manner consistent with the Constitution, Congressionally-enacted legislation and Judicial oversight. This resolution calls upon the President to abide by Constitutional limitations on his executive powers and upon Congress to assume its constitutionally-designated role and investigate and oversee the intelligence process in an open forum, closing hearings only when necessary given the nature of the inquiry. The legal community must educate the public on the important roles that all branches of government bring to our democratic system regardless of whether our nation is at peace or at war. It is also important to remind all elected officials and their constituents that a healthy democratic society cannot survive without respect for, and adherence to, the rule of law. Unification of the legal community on this matter is necessary so that our constitutional freedoms do not become victims of the fight against terrorism.

The Problem: The President has admitted that he authorized the National Security Agency (NSA) to engage in domestic surveillance of U.S. residents without first obtaining court-approved warrants, and that the NSA has engaged in such activity for the past four years. The President contends that his Administration has the authority to conduct foreign intelligence electronic surveillance without obtaining court orders. In support of this authority, he has cited the executive powers granted by the Constitution and the AUMF's grant of authority to use "all necessary and appropriate force" against Al Qaeda and its supporters.

After revelations of wiretapping abuses during the Nixon administration and a Senate committee's investigation of Executive branch surveillance procedures, FISA was enacted in 1978. FISA required, for the first time, a prior judicial warrant for all electronic surveillance for foreign intelligence or counterintelligence purposes in the U.S. in which communications of a "United States person" might be intercepted. The Patriot Act and the IAA amended FISA to expand the period for emergency electronic surveillance (without a court order) from 24 to 72 hours. Congress also reduced the standard for obtaining a warrant from a showing that foreign intelligence gathering was the "primary purpose" to a showing that it was for a "significant purpose".<sup>1</sup>

Despite the flexibility provided to the Administration by Congress, the President insists that he has unlimited power to order unlimited warrantless wiretapping of Americans with no judicial review. For the reasons set forth above, bar associations and legal organizations nationwide should join in this statement in support of ensuring that our national security is protected in a manner consistent with constitutional guarantees.

#### AMERICAN BAR ASSOCIATION

Adopted by the House of Delegates, February 13, 2006

RESOLVED, that the American Bar Association calls upon the President to abide by the limitations which the Constitution imposes on a president under our system of checks and balances and respect the essential roles of the Congress and the judicial branch in ensuring that our national security is protected in a manner consistent with constitutional guarantees;

FURTHER RESOLVED, that the American Bar Association opposes any future electronic surveillance inside the United States by any U.S. government agency for foreign intelligence purposes that does not comply with the provisions of the Foreign Intelligence Surveillance Act, 50 U.S.C. §§ 1801 et seq. (FISA), and urges the President, if he believes that FISA is inadequate to safeguard national security, to seek appropriate amendments or new legislation rather than acting without explicit statutory authorization;

FURTHER RESOLVED, that the American Bar Association urges the Congress to affirm that the Authorization for Use of Military Force of September 18, 2001, Pub.L. No. 107-40, 115 Stat. 224 § 2(a) (2001) (AUMF), did not provide a statutory exception to the FISA requirements, and that any such exception can be authorized only through affirmative and explicit congressional action;

FURTHER RESOLVED, that the American Bar Association urges the Congress to conduct a thorough, comprehensive investigation to determine: (a) the nature and extent of electronic surveillance of U.S. persons conducted by any U.S. government agency for foreign intelligence purposes that does not comply with FISA; (b) what basis or bases were advanced (at the time it was initiated and subsequently) for the legality of such surveillance; (c) whether the Congress was properly informed of and consulted as to the surveillance; (d) the nature of the information obtained as a result of the surveillance and whether it was retained or shared with other agencies; and (e) whether this information was used in legal proceedings against any U.S. citizen.

FURTHER RESOLVED, that the American Bar Association urges the Congress to ensure that such proceedings are open to the public and conducted in a fashion that will provide a clear and credible account to the people of the United States, except to the extent the



Congress determines that any portions of such proceedings must be closed to prevent the disclosure of classified or other protected information; and

FURTHER RESOLVED, that the American Bar Association urges the Congress to thoroughly review and make recommendations concerning the intelligence oversight process, and urges the President to ensure that the House and Senate are fully and currently informed of all intelligence operations as required by the National Security Act of 1947.

## **Georgetown University Law Center**

### **Passed on March 29, 2006**

#### **“No Illegal Surveillance” Resolution**

WHEREAS, Georgetown University Law Center respects the rights of its students to gather, organize, and speak freely on political issues without fear of government intrusion or surveillance.

WHEREAS, Ongoing revelations surrounding government surveillance programs have raised public awareness that government surveillance is expanding and existing legal safeguards are diminishing.

WHEREAS, The National Security Agency’s (NSA) domestic wiretapping program has raised serious legal concerns under federal law, the First and Fourth Amendments, and the Constitution’s separation of powers.

WHEREAS, The full extent of domestic surveillance activities undertaken by government agencies including the NSA, the Federal Bureau of Investigation and the Pentagon remains unknown.

WHEREAS, There is an extensive history of government abuse of such programs.

WHEREAS, University students who have engaged in legal, non-violent political activism and education have been monitored under various state and federal government surveillance programs—UC Santa Cruz’s Students Against War, NYU Law School’s Outlaw chapter and an Arab-American conference at Stanford University are among the organizations and events that have been monitored.

WHEREAS, Catholic and Jesuit-identified organizations, including the Thomas More Center for Peace and Justice and the Catholic Workers Group have also been targeted for government surveillance.

WHEREAS, The FBI, the Department of Justice and the Federal Communications Commission are in favor of requiring providers of communications systems, including Universities, to create systems that will facilitate government surveillance of their users.

WHEREAS, These surveillance programs and policies represent a threat to academic freedom.

NOW, THEREFORE, BE IT RESOLVED:

BE IT RESOLVED that the Georgetown University Law Center (GULC) SBA does not condone or accept the legitimacy of any government surveillance program conducted on Georgetown University campuses that is not in accordance with federal law and the United States Constitution, and that does not protect the First and Fourth Amendment rights of all members of the university community.

BE IT FURTHER RESOLVED that the GULC SBA expresses its particular concern that the government not engage in surveillance of any members of the Georgetown University community or conduct physical searches of any members of the university community, their property or university property without judicial warrants. The GULC SBA is further concerned that the government not engage in any surveillance of any student groups or individuals engaged in speech or expression protected by the First Amendment.

BE IT FURTHER RESOLVED that the GULC SBA expresses its desire that Georgetown University enact a campus-wide policy consistent with this resolution, and that the policy affirm Georgetown University’s support of its students’ rights to free political and religious assembly and expression, including their rights to engage in lawful direct action, education, and political advocacy. The GULC SBA further expresses its desire that the policy state Georgetown University’s opposition to any program that would facilitate increased surveillance of members of the university community or further threaten academic freedom.

Finally,

BE IT FURTHER RESOLVED that an official copy of this petition be printed and distributed to the Chairman of the Board of Directors, President of the University, Secretary of the University, Vice President General Counsel, Vice President for Mission and Ministry, Provost, Dean of the College, Dean of the Graduate School, Vice President for Student Affairs, Vice President for Public Affairs and Strategic Development, Vice President and Chief Human Resources Officer, and the Dean of the Law Center.

Sponsored by: Beau Finley, Luke van Houwelingen

Authored by: Rebecca Shaeffer and James Duff Lyall

Adopted: March 29, 2006

## CENSURE OF THE PRESIDENT

**Hampton, CT**

**Passed on May 15, 2006**

### **Resolution to Censure the President of the United States**

WHEREAS, Our country was founded on the principle that everyone, including the president of the United States, is subject to the law, and

WHEREAS President George W. Bush authorized an illegal program to spy on American citizens on American soil, and

WHEREAS, he misled Congress and the public about the existence and legality of the program,

NOW THEREFORE, This town meeting resolves to urge the Congress of the United States to censure George W. Bush for breaking the law by illegally wiretapping American citizens.

# MILITARY COMMISSIONS ACT

## California Bar Association

Passed at its October 2006 conference

### Resolution to Censure the President of the United States

WHEREAS the Congress of the United States has passed and sent to the President for signature the Military Commissions Act of 2006 which will deny the writ of habeas corpus to “unlawful enemy combatants” at a time when the United States is not in the process of rebellion or invasion, which may include citizens determined by the Executive Branch to be an unlawful enemy combatant; and

WHEREAS the suspension of the writ of habeas corpus as proposed in such statute is a violation of Article I, Section 9 of the Constitution of the United States; and

WHEREAS the statute would deny to human beings determined to be unlawful enemy combatants the rights and privileges guaranteed under the Constitution, including the Bill of Rights and the Universal Declaration of Human Rights; and

WHEREAS the proposed statute would deny to persons including citizens brought within the power of the United States the rights to which they are entitled under the Universal Declaration of Human Rights and the Geneva Conventions; and

WHEREAS the proposed statute provides for the immunization of members of the United States armed forces and government entities for acts which may have violated the rules of law, both national and international, which would otherwise subject such persons to possible criminal prosecution for war crimes, and that such immunity be retroactive to September 11, 2001; and

WHEREAS the proposed statute purports in numerous other ways to exempt the United States and its armed forces from responsibility for actions which have violated the Geneva Convention and the Universal Declaration of Human Rights; and

WHEREAS the statute appears on its face to fail to comply with the Constitution of the United States by failing to uphold the rule of law or to adhere to the doctrine of separation of powers; and

NOW THEREFORE, be it RESOLVED that the Conference of Delegates urges lawyers to (1) initiate a program to educate the citizens of the State of California concerning the challenge to the rule of law by the government of the United States as it purports to advance laws in violation of the United States Constitution and International Law, (2) urge its Congressional delegation to initiate action to repeal the Military Commissions Act of 2006, and (3) when possible initiate or support judicial challenges to a law that is unconstitutional on its face.

PROPOSER: Beverly Hills Bar Association

STATEMENT OF REASONS Existing Law: Imposes certain constitutional restraints on the use of power by the Government of the United States, as expressed in the Constitution of the United States and the other elements of the Supreme Law of the Land. This Resolution: Urges the Conference to initiate a program to educate the citizens of the State of California concerning the effort by the Congress of the United States and the current administration to ignore the rule of law, to urge its repeal and to initiate judicial proceedings.

The Problem: The Military Commissions Act of 2006, if signed, will exceed the rule of law and the powers which have been established by the United States Constitution and the Universal Declaration of Human Rights. It purports to deprive important constitutional rights to “unlawful enemy combatants,” as it defines that term and determines such persons. When signed by the President, the statute will on its face violate the Constitution of the United States and the Universal Declaration of Human Rights. The unilateral determination by the Executive Branch of the status of an unlawful enemy combatant, which may include citizens who may also be attorneys involved in representing parties held by the government, deprives a person of the basic human and civil rights that are the hallmark of the ideals of this country. This statute is an overreaching for power by a government acting without restraint, and doing so by stirring fear and terror to quell dissent. The implementation of this statute cannot help but foster the impression throughout the world that the United States is a country that is unable or unwilling to restrain the use of its resources for peaceful purposes and appears to be advancing a process of hegemony through military power, unrestrained by law or reason. Our government can perform its duties without destroying the constitutional foundation which differentiates this country from totalitarian regimes which have flourished through history. This organization must speak out in opposition to his course.

#### IMPACT STATEMENT

This proposed resolution potentially affects other laws, statutes or rules.

#### AUTHOR AND/OR PERMANENT CONTACT:

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## **Alaska Native Brotherhood, Camp #5 Maintaining Our Constitutional Rights**

WHEREAS, the Constitution of the United States of America was approved in 1787, by duly elected representatives to protect and insure the rights of the people;

WHEREAS, the Alaska Native Brotherhood, the State of Alaska, the State of California, the State of Colorado, the State of Hawaii, the State of Idaho, the State of Maine, the State of Montana, the State of Vermont, and 400 other municipalities across America have passed resolutions that state that the USA PATRIOT Act violates the rights and liberties guaranteed under our State and Federal Constitutions;

WHEREAS, that the Alaska Native Brotherhood opposes any future electronic surveillance inside the United States by any U.S. government agency for foreign intelligence purposes that does not comply with the provisions of the Foreign Intelligence Surveillance Act, 50 U.S.C. §§ 1801 et. seq. (FISA);

WHEREAS, the Alaska Native Brotherhood, cannot and will not support the violation of Constitutional Rights, specifically the attack on the right to Habeas Corpus, a basic civil right that predates the Constitution of the USA;

WHEREAS the Alaska Native Brotherhood, will not support any legislation that creates an ominously broad definition of “enemy combatant” that means that almost anyone who actively opposes the President or the Government could be locked up indefinitely without due process of law;

THEREFORE BE IT RESOLVED that the Alaska Native Brotherhood calls upon the President to abide by the limitations which the Constitution imposes on a president and our system of checks and balances and respect the essential roles of the Congress and the judicial branch in ensuring that our national security is protected in a manner consistent with Constitutional guarantees;

and the Alaska Native Brotherhood urges the Congress to thoroughly review and make recommendations concerning the intelligence oversight process, and urges the President to ensure that the House and Senate and fully and currently informed of all intelligence operations as required by the National Security Act of 1947;

and the Alaska Native Brotherhood urges the Congress to ensure that all proceedings are open to the public and conducted in a fashion that will provide a clear and credible account to the people of the United States, except to the extent the Congress determines that any portions of such proceedings must be closed to prevent the disclosure of classified or other protected information.

## SIGNING STATEMENTS

### **American Bar Association**

**Passed on August 8, 2006**

RESOLVED, That the American Bar Association opposes, as contrary to the rule of law and our constitutional system of separation of powers, the issuance of presidential signing statements that claim the authority or state the intention to disregard or decline to enforce all or part of a law the President has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress; 56

FURTHER RESOLVED, That the American Bar Association urges the President, if he believes that any provision of a bill pending before Congress would be unconstitutional if enacted, to communicate such concerns to Congress prior to passage;

FURTHER RESOLVED, That the American Bar Association urges the President to confine any signing statements to his views regarding the meaning, purpose and significance of bills presented by Congress, and if he believes that all or part of a bill is unconstitutional, to veto the bill in accordance with Article I, § 7 of the Constitution of the United States, which directs him to approve or disapprove each bill in its entirety;

FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation requiring the President promptly to submit to Congress an official copy of all signing statements he issues, and in any instance in which he claims the authority, or states the intention, to disregard or decline to enforce all or part of a law he has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress, to submit to Congress a report setting forth in full the reasons and legal basis for the statement; and further requiring that all such submissions be available in a publicly accessible database; and

FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation enabling the President, Congress, or other entities or individuals, to seek judicial review, to the extent constitutionally permissible, in any instance in which the President claims the authority, or states the intention, to disregard or decline to enforce all or part of a law he has signed, or interprets such a law in a manner inconsistent with the clear intent of Congress, and urges Congress and the President to support a judicial resolution of the President's claim or interpretation.

# **PATRIOT ACT AND OTHER LAWS AND POLICIES THAT DIMINISH OUR CIVIL LIBERTIES**

## **ALASKA**

### **State of Alaska**

**Passed on May 21, 2003**

#### **A Resolution Relating to the USA PATRIOT Act, the Bill of Rights, the Constitution of the State of Alaska, and the Civil Liberties, Peace, and Security of the Citizens of our Country.**

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the State of Alaska recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS each of Alaska's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Alaska; and

WHEREAS the State of Alaska denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the State of Alaska and the nation; and

WHEREAS certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001", also known as the USA PATRIOT Act, allow the federal government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions;

BE IT RESOLVED that the Alaska State Legislature supports the government of the United States of America in its campaign against terrorism, and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the United States Constitution and the Bill of Rights; and be it

FURTHER RESOLVED that it is the policy of the State of Alaska to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed equally under the state and federal constitutions; and be it

FURTHER RESOLVED that, in accordance with Alaska state policy, an agency or instrumentality of the State of Alaska, in the absence of reasonable suspicion of criminal activity under Alaska State law, may not

1. Initiate, participate in, or assist or cooperate with an inquiry, investigation, surveillance, or detention;
2. record, file, or share intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the USA PATRIOT Act;
3. retain such intelligence information; the state Attorney General shall review the intelligence information currently held by the state for its legality and appropriateness under the United States and Alaska Constitutions and permanently dispose of it if there is no reasonable suspicion of criminal activity; and be it

FURTHER RESOLVED that an agency or instrumentality of the state may not,

1. use state resources or institutions for the enforcement of federal immigration matters, which are the responsibility of the federal government;
2. collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;
3. engage in racial profiling; law enforcement agencies may not use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect; and be it;

FURTHER RESOLVED that the Alaska State Legislature implores the United States Congress to correct provisions in the USA PATRIOT Act and other measures that infringe on civil liberties, and opposes any pending and future federal legislation to the extent that it infringes on Americans' civil rights and liberties.

COPIES of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable Frank Murkowski, Governor of Alaska; and to the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

## **Anchorage, AK**

**Passed on July 15, 2003**

### **AR NO. 2003-223: A Resolution of the Anchorage Municipal Assembly Relating to the USA Patriot Act, the Bill of Rights, the Constitution of the State of Alaska, and the Civil Liberties, Peace, and Security of the Citizens of Our Country**

WHEREAS, the State of Alaska and the Municipality of Anchorage each recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, each of Alaska's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Alaska; and

WHEREAS, the Municipality of Anchorage again denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS, any new security measures of Federal, State, and local governments should be

carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the State of Alaska and the Nation; and

WHEREAS, certain provisions of the "Uniting and Strengthening America by Providing 33

Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001," also known as the USA PATRIOT Act, allow the Federal government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our State and Federal constitutions, and

WHEREAS, the State of Alaska, the Fairbanks North Star Borough, the City and Borough of Juneau, and the Cities of Kenai, North Pole, Skagway, and Gustavus have joined well over 150 state and local governments in speaking out against terrorism and, at the same time reaffirming their support for individual rights and freedoms guaranteed under State and Federal constitutions.

NOW, THEREFORE, the Anchorage Municipal Assembly resolves:

Section 1: That the Anchorage Assembly reaffirms its support of the government of the United States of America in its campaign against terrorism, and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the United States Constitution and the Bill of Rights.

Section 2: That it is the policy of the Municipality of Anchorage to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed equally under the State and Federal constitutions.

Section 3: That, in accordance with Municipal policy, an agency or instrumentality of the

Municipality, in the absence of reasonable suspicion of criminal activity under Alaska State law or under Municipal law, may not:

1. initiate, participate in, or assist or cooperate with an inquiry, investigation, surveillance, or detention;
2. record, file, or share intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the USA PATRIOT Act; or
3. retain such intelligence information; the State Attorney General shall review the intelligence information currently held by the State for its legality and appropriateness under the United States and Alaska Constitutions and permanently dispose of it if there is no reasonable suspicion of criminal activity.

Section 4: That an agency or instrumentality of the Municipality may not,

1. Unless necessary to protect the safety of people, use Municipal resources or institutions for the enforcement of Federal immigration matters, which are the responsibility of the Federal government;

2. collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct; or
3. engage in racial profiling; law enforcement agencies may not use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect.

Section 5: That the Anchorage Assembly implores the United States Congress to correct provisions in the USA PATRIOT Act and other measures that infringe on civil liberties, and opposes any pending and future Federal legislation to the extent that it infringes on Americans' civil rights and liberties.

Section 6: That copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable Frank Murkowski, Governor of Alaska; and to the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska Delegation in Congress.

## **Bethel, AK**

**Passed on November 18, 2003**

### **A Resolution of the Bethel City Council Affirming Civil Rights and Liberties; Requesting Immediate Review of Federal Measures that May Infringe on Civil Liberties, Resolution #03-34**

WHEREAS, the preservation of civil rights and liberties as guarded by the U.S. Constitution and the Bill of Rights is essential to the well-being of our democratic society; and

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001 and should do so in a deliberate fashion to ensure that any new securities measures will public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, in light of the horrific act of terrorism against the U.S. citizens and numerous other nationalities on September 11, 2001, it was a natural response on the part of the government to take actions to prevent such acts of terrorism in the future; and

WHEREAS, there is growing concern across the nation that language in the U.S. PATRIOT Act has expanded the government's power to use eavesdropping, surveillance, access to financial and computer records and other tools to tack terrorist suspects in ways that were not fully understood by the public or elected officials at the time of its enactment; and

WHEREAS, the intent of this resolution is not to undermine the efforts of our elected officials to protect its citizens, nor to criticize the valiant men and women in law enforcement or military service, and

NOW, THEREFORE, BE IT RESOLVED that the Bethel City Council requests members of the U.S. Congress to immediately re-examine the US PATRIOT Act that it passed in October 2001, amending any portion of it that infringes upon the civil rights of US citizens. This sweeping legislation required intense public review and comment before it was passed and enacted.

BE IT FURTHER RESOVLED that the Bethel City Council urges Congress not to re-authorize any provision in the US PATRIOT Act or enact the propose US PATRIOT Act 2 without thorough public review of these Acts.

## **Denali Borough, AK**

**Passed on November 19, 2003**

### **A Resolution Concerning the USA PATRIOT Act, the Bill of Rights and the Civil Liberties, Peace, and Security of the Citizens of our Nation**

WHEREAS, the Denali Borough recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, each of the Denali Borough's duly elected public servants has sworn to defend and uphold the United States Constitution, the Constitution of the State of Alaska and the Charter and Ordinances of the Denali Borough; and

WHEREAS, the Denali Borough denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS, any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the Denali Borough, the State of Alaska and the nation; and



WHEREAS, certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, also known as the USA PATRIOT Act, allow the federal government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by the federal constitution;

NOW, THEREFORE BE IT RESOLVED: That the Denali Borough Assembly supports the government of the United States of America in its campaign against terrorism, and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of the citizens of this country contained in the United States Constitution and the Bill of Rights; and

BE IT FURTHER RESOLVED: that the Denali Borough stands ready to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed under the federal constitution; and

BE IT FURTHER RESOLVED: that the Denali Borough Assembly implores the United States Congress to correct provisions in the USA PATRIOT Act and other measures that infringe on civil liberties, and opposes any pending and future legislation to the extent that it infringes on Americans' civil rights and liberties.

PASSED and APPROVED by the DENALI BOROUGH ASSEMBLY this 19th day of November, 2003.

## **Fairbanks, AK**

**Passed on January 6, 2003**

### **Fairbanks, Alaska; A Resolution to Defend the Bill of Rights and Civil Liberties**

WHEREAS, the City of Fairbanks recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold; and

WHEREAS, the City of Fairbanks has a long and proud tradition of upholding the free exercise and enjoyment of the inalienable rights granted to all persons by the Universal Declaration of Human Rights and the Constitution of the United States of America; and

WHEREAS, the City of Fairbanks greatly benefits from the many contributions of its highly diverse population, which includes citizens from around the world, and is vital to our city's unique character; and

WHEREAS, the City of Fairbanks affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people of Fairbanks, the United States and the World; and

WHEREAS, the provisions of the USA Patriot Act expands the authority of the federal government to detain and investigate citizens and non-citizens and engage in the electronic surveillance of citizens and non-citizens may threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the City of Fairbanks recognizes that an infringement of the constitutionally guaranteed rights of any person, under the color of law, is an abuse of power, and a breach of the public trust, a misappropriation of public resources, a violation of civil rights and is beyond the scope of governmental authority.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS remains firmly committed to the protection of civil rights and civil liberties for all people. The City of Fairbanks will completely avoid discrimination in every function of city government, and vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without any form of governmental interference.

IT IS HEREBY FURTHER RESOLVED that the City of Fairbanks joins communities across the nation in expressing concern that the USA Patriot Act threatens civil rights and liberties guaranteed under the United States Constitution.

IT IS HEREBY FURTHER RESOLVED, and is the policy of the City of Fairbanks, to forbid in the absence of probable cause of criminal activity:

- any initiation of, participation in, assistance or cooperation with any inquiry, investigation, surveillance or detention; and
- the recording, filing and sharing of any intelligence information concerning any person or organization, even if authorized by federal law enforcement, acting under new powers granted by the USA Patriot Act or Executive Orders. This includes collection and review of library lending and research records, as well as book and video store sales and/or rental records; and
- the retention of intelligence information. Information that is currently held shall be thoroughly and carefully reviewed by the City Attorney or other appropriate City Official to be designated by the Mayor, for its legality and appropriateness, using the United States and Alaska Constitutions. Any information that was collected is permanently disposed of if there is no probable cause of criminal activity; and
- enforcement of immigration matters, which are entirely the responsibility of the Immigration and Naturalization Service. No city service will be denied on the basis of citizenship; and
- profiling based on race, ethnicity, citizenship, religion, or political values.

**Fairbanks North Star Borough, AK****Passed on March 25, 2004****A Resolution to Reaffirm the Principle of Our Civil Liberties**

WHEREAS, the Fairbanks North Star Borough (FNSB) believes there is no inherent conflict between national security and the preservation of liberty and affirms its strong support of the right of Americans to be both safe and free; and

WHEREAS, the FNSB recognizes the Constitution of the United States as our nation's charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including the freedoms of speech, religion, assembly and privacy; and

WHEREAS, the act entitled "Uniting and Strengthening America by Providing Appropriate Tools Required To Intercept and Obstruct Terrorism" (called "USA PATRIOT Act") contains several provisions that reduce freedoms guaranteed in the U.S. Constitution and the Bill of Rights, and adds to Executive Branch powers at the expense of the Legislative and Judicial Branches; and

WHEREAS, Congress has passed additional legislation, beyond the Patriot Act and the Homeland Security Act, to curb our civil rights. HR 2417 Intelligence Authorization Act for Fiscal Year 2004, passed the Senate and House and allows: the FBI to demand records from a number of businesses, without the approval of a judge or grand jury; enhances the use of "national security letters" by expanding the definition of "financial institution" to include the US Post Office, travel agencies, car dealers, and other businesses whose "cash transactions have a high degree of usefulness in criminal, tax, or regulatory matters"; and

WHEREAS, our citizens' rights are violated because there is a "gag order" provision on "national security letters" which prevents reporting by the FBI, Justice Department or the businesses that are required to turn over their records, to the individual or group being investigated or to attorneys or anyone else; and

WHEREAS, the FNSB supports the National League of Cities Resolution #2004.37, a Resolution Affirming the Principles of Federalism and Civil Liberties, passed in December 2003.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough supports the U.S. Campaign against terrorism but affirms its commitment to the U.S. Constitution and the Alaska Constitution.

BE IT FURTHER RESOLVE that the Assembly of the Fairbanks North Star Borough strongly urges the U.S. Congress to amend and remove those parts of the Patriot Act, the Homeland Security Act and the Intelligence Authorization Act of 2004 which abridge our nations fundamental rights and liberties.

BE IT FURTHER RESOLVED that the Assembly of the Fairbanks North Star Borough supports the original sunset provision in the Patriot Act and increased Congressional oversight over the role of the agencies responsible for enforcing the law.

BE IT FURTHER RESOLVED that the Assembly of the Fairbanks North Star Borough calls on Congress, the Department of Homeland Security, and other related agencies to collaborate with cities to protect our homeland while simultaneously preserving the liberties of Americans.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President of the United States, the U.S. Attorney General, and to each member of Congress.

**Gustavus, AK****Passed on February 13, 2004****A Resolution to Defend the Bill of Rights and Civil Liberties**

WHEREAS, the Gustavus Community Association (GCA) recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold; and

WHEREAS, GCA has a long and proud tradition of upholding the free exercise and enjoyment of the inalienable rights granted to all persons by the Constitution of the United States of America; and

WHEREAS, GCA greatly benefits from the many contributions of its diverse population, which includes citizens from around the world, and is vital to our community's unique character; and

WHEREAS, GCA affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people of Gustavus, the United States, and the World; and

WHEREAS, the provisions of the USA PATRIOT Act expands the authority of the federal government to detain and investigate citizens and non-citizens may threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, GCA recognizes that an infringement of the constitutionally guaranteed rights of any person, under color of law, is an abuse of power, a breach of the public trust, a misappropriation of public resources, a violation of civil rights and is beyond the scope of governmental authority.

NOW, THEREFORE, BE IT RESOLVED THAT THE GUSTAVUS COMMUNITY ASSOCIATION remains firmly committed to the protection of civil rights and civil liberties for all people. GCA will completely avoid discrimination in every function of community government, and vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without any form of governmental interference.

IT IS HEREBY FURTHER RESOLVED THAT Gustavus Community Associations joins communities across the nation in expressing concern that the USA PATRIOT Act threatens civil rights and liberties guaranteed under the United States Constitution.

IT IS FURTHER RESOLVED THAT GCA supports individuals who, in their performance of GCA sponsored functions, refuse to comply with requests for information made under provisions of the USA PATRIOT Act including:

1. any initiation of participation in, assistance or cooperation with any inquiry, investigation, surveillance or detention; and
2. the recording, filing and sharing of any intelligence information concerning any person or organization, even if authorized by federal law enforcement, acting under new powers granted by the USA PATRIOT Act or Executive Orders. That includes collection and review of library lending or research records, as well as book and video store sales and/or rental records.

PASSED AND APPROVED: February 13, 2003

## **Haines Borough, AK**

### **Passed on December 13, 2005**

**A resolution of the Haines Borough Assembly reaffirming the Borough's commitment to civil liberties, opposing portions of the "USA Patriot Act" and related Executive Orders, and re-affirming the Borough's commitment to the protection of Constitutional rights.**

WHEREAS, the Haines Borough recognizes that the Constitution of the United States as the charter of our liberty, guaranteeing our fundamental American rights, including the freedoms of religion, speech and assembly, and recognizes that the Alaska Constitution specifically protects the right of privacy; and,

WHEREAS, each of the Borough's duly-elected public servants has sworn to support the United States Constitution, the Constitution of the State of Alaska, and the Haines Borough Charter; and,

WHEREAS, the Haines Borough denounces and condemns all acts of terrorism, wherever occurring, and supports the need to craft effective laws to protect the public from terrorism; and,

WHEREAS, provisions of the "USA Patriot Act," allow the federal government to detain citizens without due process and engage in surveillance activities that are believed to violate the rights guaranteed by the United States and Alaska Constitutions;

NOW, THEREFORE BE IT RESOLVED that the Haines Borough Assembly supports the government of the United States in the campaign against terrorism, and affirms the Borough's commitment that the campaign to ensure public safety be waged in a manner that protects the essential civil rights guaranteed by the United States and Alaska Constitutions; and,

BE IT FURTHER RESOLVED that the Haines Borough joins Juneau, Fairbanks, Sitka and other communities across the state and nation, in stating concern that the "USA Patriot Act" threatens civil rights guaranteed under the United States Constitution; and opposing any portion of the "USA Patriot Act" that would violate State or federal Constitutional rights; and

BE IT FURTHER RESOLVED that the Haines Borough adopts the following policy. Unless there is reasonable suspicion of criminal activity as defined by Alaska Statutes, the Borough, its officers, employees and agents shall not, even where permitted by the "USA Patriot Act" or related Executive Orders:

1. Initiate, participate in or assist in any investigation of, surveillance of or detention of an individual or group;
2. Collect, retain or share any private information concerning any person or group. This includes collection and review of library records, book or video sales or rental records, medical records, financial records, student records and other personal data;
3. Retain intelligence information. Any information now held shall be carefully reviewed by the Borough Attorney for legality and appropriateness under the United States and Alaska State Constitutions. Any information previously collected shall be permanently destroyed unless essential to a police investigation based upon a reasonable suspicion of criminal activity;
4. Enforce immigration matters, these being the jurisdiction of the U.S. Immigration and Naturalization Service;
5. Collect or maintain information about the political, religious or social views, affiliations, associations or activities of any individual, group, organization, corporation or business;

BE IT FURTHER RESOLVED that any State or federal law enforcement agency working within the Haines Borough is expected to comply with the policies and procedures of the Haines Borough Police Department, and will regularly report to the mayor the extent and manner of any investigation conducted under the "USA Patriot Act" or related Executive Orders. This includes providing the names of any detainees held in or taken from the Haines Borough, and of any Haines Borough resident detained elsewhere. The mayor will then publicly report to the Assembly; and

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to all Borough departments, the Governor and Attorney General of the State of Alaska, the President and Attorney General of the United States of America, and to the Alaska delegation in Congress to support our congressional representatives working to repeal the USA Patriot Act.

ADOPTED by a duly constituted quorum of the Haines Borough Assembly this 13th day of December, 2005.

**Homer, AK**  
**Passed on May 12, 2003**

**A Resolution of the City Council of Homer, Alaska, to Defend the Civil Rights and Liberties of the People of Homer**

WHEREAS, the City of Homer is home to a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function, and

WHEREAS, the City of Homer has a long and distinguished history of protecting and expanding civil rights and civil liberties, and has often been a haven for citizens of the United States and other nations when rights and liberties are threatened, and

WHEREAS, the City Council of the City of Homer is opposed to terrorism, but also believes that efforts to end terrorism should not disproportionately infringe on the essential civil rights and liberties of the people of Homer, and

WHEREAS, the City of Homer and its citizens are governed by the United States Constitution, including the Bill of Rights, and the Alaska State Constitution, and

WHEREAS, the Bill of Rights of the United States Constitution guarantees those living in the United States the following rights:

- freedom of speech, assembly and privacy;
- protection from unreasonable searches and seizures;
- due process in judicial proceedings and access to counsel;
- protection from cruel and unusual punishment; and
- equality before the law and the presumption of innocence; and

WHEREAS, in response to the tragic events of September 11, 2001, the United States Congress passed the USA PATRIOT Act, which was signed into law by President George W. Bush on October 26, 2001, and

WHEREAS, many residents of Homer, surrounding communities, and other communities across the nation are concerned that the USA PATRIOT Act threatens the civil rights and liberties of citizens of the United States and other nations by:

- greatly expanding the government's ability to secretly enter homes and offices to conduct searches without warrants;
- significantly reducing judicial supervision of telephone, e-mail and Internet surveillance;
- granting law enforcement officials broad access to sensitive medical, mental health, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime;
- expanding the authority of law enforcement officials to obtain from libraries and bookstores any records of books that a person has borrowed or purchased, and prohibiting librarians and employees from disclosing that they have been ordered to produce such records;
- granting unchecked power to the U.S. Secretary of State to designate domestic groups, including religious and political organizations, as "terrorist organizations";
- creating a crime of "domestic terrorism" that is so vaguely defined it could be applied to political activism and lead to the criminalization of legitimate political dissent;
- granting power to the U.S. Attorney General to subject immigrants to indefinite detention or deportation, even if they have not committed a crime; and
- allowing the CIA to have access to sensitive information gathered during criminal investigations; and

WHEREAS, the civil rights and liberties of all Americans are further threatened by orders and rules of the executive branch that:

- establish secret military tribunals for terrorism suspects;
- authorize eavesdropping on confidential communications between lawyers and their clients in federal custody;
- allow the government to designate citizens as "enemy combatants" and place them in military custody indefinitely without access to counsel or judicial review;

- remove Justice Department regulations against covert, counter-intelligence operations by the FBI that in the past targeted domestic groups and individuals;
- limit the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, the City Council of the City of Homer recognizes that excessive infringement on the constitutionally guaranteed rights of any person is an abuse of power, a breach of the public trust, and beyond the scope of governmental authority, and

WHEREAS, a growing number of communities around the country have resolved to support and defend the civil rights of their residents,

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Homer affirms its strong opposition to terrorism, and also affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties, and be it further

BE IT FURTHER RESOLVED, That the City of Homer calls upon the employees of all City departments and agencies to continue to actively uphold and defend citizens' civil rights and civil liberties as specified in the Bill of Rights and the Fourteenth Amendment of the United States Constitution, and be it further

BE IT FURTHER RESOLVED, That the City Clerk communicate this resolution to the Alaska State's Congressional Delegation, the Governor and Attorney General of the State of Alaska, the local U.S. Attorney's office, the local office of the Federal Bureau of Investigation, the Alaska State Troopers, the United States Attorney General, and the President of the United States, to be sure that the Patriot Act is consistent with the Bill of Rights and the Constitution of the United States.

## **Juneau, AK**

**Passed on April 28, 2003**

### **A Resolution Establishing Assembly Policy With Respect to Federal Antiterrorism Legislation**

WHEREAS, CBJ denounces terrorism and appreciates and supports those who defend us from terrorism and terrorist attacks: the men and women serving in our armed forces, federal, state, and local law enforcement officers, firefighters, and health service professionals, and

WHEREAS, CBJ is committed to the protection of civil rights and liberties for all people as expressed in the United States and the Alaska Constitutions, and

WHEREAS, the First Amendment to the United States Constitution states "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances," and

WHEREAS, the Fourth Amendment states "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," and

WHEREAS, the Fifth Amendment states that "no person . . . shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law," and

WHEREAS, the Sixth Amendment guarantees defendants "the right to a speedy and public trial, by an impartial jury," the right "to be informed of the nature and cause of the accusation," the right "to be confronted with the witnesses against him," and the right "to have the assistance of counsel for his defense."

WHEREAS, the Eighth Amendment states "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted," and

WHEREAS, The Fourteenth Amendment states ". . . nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws," and

WHEREAS, the Assembly recognizes Juneau's diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function, and

WHEREAS, in response to the terrorist attacks of September 11, 2001, the U.S. Congress passed the USA PATRIOT Act of 2001 and the Homeland Security Act of 2002, and the executive branch has issued various Executive Orders, and

WHEREAS, due to the press of time, the USA PATRIOT Act and the Homeland Security Act did not receive the level of scrutiny that most Acts of Congress receive, and

WHEREAS, the USA PATRIOT Act at Section 412 authorizes the indefinite incarceration or deportation of non-citizens even if they have not committed a crime, and

WHEREAS, the USA PATRIOT Act at Section 216 reduces judicial supervision and civil liberties protections related to the use of devices which identify the caller, routing, and recipient of telephone and internet communications, and

WHEREAS, the USA PATRIOT Act at Section 214 expands the authority of federal courts to issue delayed-notice warrants authorizing secret searches so that the subject of a search warrant is unaware that the property has been searched,.

WHEREAS, the USA PATRIOT Act at Sections 215, 218, 219, 358, 507, and 508 grant law enforcement and intelligence agencies broader access to medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime, and in some cases prohibits a person from disclosing to the individuals that such records have been searched, and.

WHEREAS, the USA PATRIOT Act at Sections 411 redefines “terrorist activity” and “terrorist organization” so broadly that it could have a chilling effect on free speech, and

WHEREAS, The Code of Federal Regulations has been amended at 28 CFR 501.3 to allow eavesdropping on conversations between terrorist suspects and their lawyers, and

WHEREAS, the President’s Military Order of November 13, 2001 provides for trial of alien terrorist suspects by military commission, and pending such trial allows the Secretary of Defense to indefinitely detain the suspect within the United States or elsewhere without express limitation or condition except with regard to food, water, shelter, clothing, medical treatment and religious exercise.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

#### Section 1. Affirmations.

CBJ affirms its strong opposition to terrorism, but also affirms that efforts to end terrorism should not be waged at the expense of the fundamental civil rights and liberties of the people of CBJ, the United States, and the world.

CBJ affirms the rights of all people living within CBJ to be treated in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution.

#### Section 2. Action Items.

CBJ respectfully requests that the U.S. Congress formally review, and if necessary amend, the USA PATRIOT Act and the Homeland Security Act to ensure that they are consistent with the civil liberties which so many Americans have fought to preserve; Congress is also requested to review the executive orders adopted in response to the events of September 11, 2001 to insure they also are consistent with those fundamental civil liberties.

CBJ recognizes that its police officers, librarians, school officials, health workers, and other employees may receive requests for information under provisions of the USA PATRIOT Act or the Homeland Security Act and encourages CBJ employees to consult with the City Attorney’s office if they have any doubts about the propriety of divulging information. The City Attorney is directed to train CBJ employees so that they are aware of their rights and responsibilities under the U.S. Constitution, the USA PATRIOT Act, and the Homeland Security Act.

CBJ Human Rights Commission is requested to report to the Assembly, insofar as its duty of confidentiality permits, whenever it receives a complaint that a citizen’s civil rights or liberties have allegedly been infringed due to action authorized by the USA PATRIOT Act or the Homeland Security Act.

The United States Attorney for the District of Alaska is requested to provide the City Manager with an annual summary of limited to the number of investigations, warrants, orders, subpoenas, and arrests carried out within the City and Borough under the authority of the USA PATRIOT Act, the Homeland Security Act, and related executive orders. The City Manager shall make such information available to the public.

The Clerk is directed to distribute copies of this resolution to the federal and state legislative delegations and to the United States Attorney for the District of Alaska.

#### Section 3. Effective Date.

This resolution shall be effective immediately upon adoption.

Adopted this 28th day of April 2003.

### **Kenai, AK**

**Passed on May 21, 2003**

#### **A Resolution to Establish Kenai Peninsula Borough Policy in Defense of the Bill of Rights with Respect to Federal Anti-Terrorism Acts, Legislation, and Orders, Resolution 2003-043**

WHEREAS, the Kenai Peninsula Borough denounces terrorism, and appreciates and supports those who defend us from terrorism and terrorist attacks, the men and women serving in our armed forces, federal, state and local law enforcement officers, firefighters, and health services professionals; and

WHEREAS, the Kenai Peninsula Borough recognizes its diverse population, including citizens of other nations, whose many and valued contributions to the community are vital to its character and function; and

WHEREAS, the Kenai Peninsula Borough avows and is sworn to the full protection of the civil rights and civil liberties for all people as expressed in both the Alaska State Constitution and the United States Constitution, which so many have made grave sacrifices to initiate and protect; and

WHEREAS, the First Amendment to the United States Constitution states Congress shall make no law, respecting an establishment of religion or prohibiting the free exercise thereof, or to abridge the freedom of speech or the press, or the right of the people to peaceably assemble and to petition the Government for a redress of grievances; and

WHEREAS, the Fourth Amendment states the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, and shall not be violated; that no warrants shall be issued, 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, and

WHEREAS, the Fifth, Sixth, and Eight Amendments prohibits compelling a person in any criminal case to be a witness against himself depriving a person of life, liberty, or property without due process of the law, or requiring excessive bail or fines, or the infliction of cruel and unusual punishments, and guarantee defendants the right to a speedy and public trial by jury, to be informed of the accusation and to be confronted with the witnesses against him, and the right to have the assistance of counsel for his defense; and

WHEREAS, the Fourteenth Amendment prohibits any State from depriving any person of life, liberty, or property without due process of law, or denying to any person within its jurisdiction, the equal protection of the law; and

WHEREAS, in response to the terrorist attacks of September 11, 2001, the United States Congress passed the ‘Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001’ the ‘Homeland Security Act of 2002’, and may soon rule on the United States Justice Department’s Draft ‘Domestic Security Enhancement Act of 2003’; and

WHEREAS, due to the extraordinary events of September 11, 2001 and the press of time, various Presidential Executive Orders, the USA PATRIOT Act, and the Homeland Security Act have not received the level of scrutiny that Presidential Orders and Acts of Congress deserve; and

WHEREAS, the USA PATRIOT Act at Section 412 authorizes the indefinite incarceration or deportation of non-citizens, even if they have not committed a crime; and

WHEREAS, the USA PATRIOT Act at Section 216 reduces judicial supervision and civil liberties protections related to the use of devices which identify the caller, routing, and recipient of telephone and internet communications; and

WHEREAS, the USA PATRIOT Act at Section 214 expands the authority of federal courts to issue delayed-notice warrants authorizing secret searches so that the subject of a search warrant is unaware that the property has been searched; and

WHEREAS, the USA PATRIOT Act at Section 215, 218, 219, 358, 507, and 508 grant law enforcement and intelligence agencies broader access to medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime; and

WHEREAS, the USA PATRIOT Act at Section 411 redefines terrorist activities and terrorist organizations so broadly that it could have a repressive effect on free speech; and

WHEREAS, the Code of Federal Regulations has been amended at 28 CFR 501.3 to allow eavesdropping on conversations between lawyers; and

WHEREAS, the President’s Military Order of November 13, 2001, provides for the trial of alien terrorist suspects by military commission, and pending such trial, allows the Secretary of Defense to indefinitely detain the suspect within the United States, or elsewhere, without express limitation, or condition, except with regard to food, water, shelter, clothing, medical treatment and religious exercise; and

WHEREAS, the United States Justice Department proposes to enact the Draft Domestic Security Enhancement Act of 2003, which together with the aforementioned Acts and Presidential Orders, could further suspend or repress freedoms granted in the United States Constitution and the Bill of Rights; and

WHEREAS, many other communities’ governing bodies throughout our nation have enacted resolutions reaffirming protection of civil liberties and civil rights for all people as granted in the United States Constitution and the Bill of Rights;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH**

#### Section 1. Affirmations

- A. The Kenai Peninsula Borough affirms its strong opposition to terrorism, and also strongly affirms that efforts to end terrorism should not be waged at the expense of the inalienable rights, fundamental civil rights and civil liberties of the people of the Kenai Peninsula Borough.

- B. The Kenai Peninsula Borough affirms the rights of all people to be treated in accordance with the full protections granted in the United States Constitution and the Alaska State Constitution.
- C. The Kenai Peninsula Borough strongly affirms that the rights of all people shall not be abridged due to race, ethnicity, county origin, or association without due process of law as granted in the United States Constitution and the Bill of Rights.

#### Section 2. Action Items.

- A. The Kenai Peninsula Borough respectfully requests that President of the United States, the United States Attorney General, the Director of Homeland Security, and the United States Congress formally review, and as necessary amend various Presidential Executive Orders adopted in response to the events of September 11, 2001, the USA PATRIOT Act, the Homeland Security Act, and the Draft Domestic Security Enhancement Act of 2003 to ensure that they are consistent with constitutionally protected civil rights and fundamental civil liberties.
- B. The Kenai Peninsula Borough recognizes that its administrative officers, school librarians, school officials, health workers, and other employees may receive requests for information under provisions of the USA PATRIOT Act, the Homeland Security Act, various related Executive Orders, and the proposed Domestic Security Enhancement Act. Kenai Peninsula Borough employees shall consult with the borough attorney's office if they have any doubts about the propriety of divulging requested information.
- C. The Borough Attorney's office is requested to instruct Kenai Peninsula Borough employees about their rights and responsibilities in their jobs under the United States and Alaska Constitutions in regards to the USA PATRIOT Act, the Homeland Security Act, various related Presidential Executive Orders, and the proposed Domestic Security Enhancement Act if enacted.
- D. The United States Attorney for the District of Alaska is requested to provide the Kenai Peninsula Borough Assembly with an annual summary of the number of investigations, warrants, orders, subpoenas, and arrests carried out within the Kenai Peninsula Borough under the authority of the USA PATRIOT Act, the Homeland Security Act, various related Executive Orders, and the Domestic Security Enhancement Act if enacted. The Kenai Peninsula Borough shall make such information available to the public.
- E. Copies of this resolution of the Kenai Peninsula Borough shall be distributed to the President of the United States, the United States Attorney General, the Director of Homeland Security, the United States Congress, the Alaska State Legislature, the Alaska State Troopers, the United States Attorney for the District of Alaska, and to the various local law enforcement agencies located in the Kenai Peninsula Borough.

Section 3. This resolution shall be effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF MAY 2003.

### **North Pole, AK** **Passed on April 21, 2003,**

#### **A Resolution of the City Council of The City of North Pole Affirming Civil Rights and Liberties; Requesting Immediate Review of Federal Measures that Infringe on Civil Rights**

WHEREAS, the preservation of civil rights and liberties as guarded by the U.S. Constitution and the Bill of Rights is essential to the well-being of our democratic society; and

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001 and should do so in a deliberate fashion to ensure that any new securities measures will enhance public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, in light of the horrific act of terrorism against the U.S. citizens and numerous other nationalities on September 11, 2001, it was a natural response on the part of the government to take actions to prevent such acts of terrorism in the future; and

WHEREAS, there is growing concern across the nation that language in the U.S. Patriot Act has expanded the government's power to use eavesdropping, surveillance, access to financial and computer records and other tools to track terrorist suspects in ways that were not fully understood by the public or elected officials at the time of its enactment; and

WHEREAS, the intent of this resolution is not to undermine the efforts of our elected officials to protect its citizens, nor to criticize the valiant men and women in law enforcement or military service.

NOW, THEREFORE, BE IT RESOLVED that the North Pole City Council requests members of the U.S. Congress to immediately re-examine the U.S. Patriot Act that it passed in October 2001, amending any portion of it that infringes upon the civil rights of U.S. citizens. This sweeping legislation required intense public review and comment before it was passed and enacted.

BE IT FURTHER RESOLVED, that the North Pole City Council urges Congress not to re-authorize any provision in the U.S. Patriot Act or enact the proposed U.S. Patriot Act 2 without thorough public review of these Acts.



**Sitka, AK****Passed on September 23, 2003****A Resolution of the City and Borough of Sitka, Alaska Relating to the Proposed “Protecting the Rights of Individuals Act” and Urging Defense of Individual Rights**

WHEREAS, the City and Borough of Sitka recognizes that the United States Constitution is a beacon of liberty throughout the world and sees the liberties protected by the Constitution as some of the best things about the United States;

WHEREAS, each of Alaska's elected officials has sworn to defend and uphold the United States Constitution and the Constitution of the State of Alaska;

WHEREAS, the City and Borough of Sitka denounces and condemns terrorism; and

WHEREAS, the City and Borough of Sitka expresses its appreciation and support for those men and women serving in the armed forces and in law enforcement agencies who protect and defend Americans from terrorist attacks; and

WHEREAS, attacks against Americans such as those that occurred on September 11, 2001 have necessitated the adoption of effective laws to protect the public from terrorist attacks; and

WHEREAS, Congress enacted and the President signed in October of 2001 the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001,” also known as “the USA Patriot Act”; and

WHEREAS, there is growing concern across the nation that certain provisions of “the USA Patriot Act” expand the federal government's powers to use telephonic eavesdropping; surveillance of Internet communications; detention of individuals; searches of private property; and access to private financial, library, travel, medical, and religious records in ways not fully understood by the public or elected officials at the time of its enactment; and

WHEREAS, the growing concern over the USA Patriot Act includes fears that the expanded powers granted to the federal government may lead to infringement of civil liberties and abuse of that power, particularly given that the USA Patriot Act has reduced judicial oversight over the federal government's use of the powers; and

WHEREAS, this growing concern included the passage by the U.S. House of Representatives in July of 2003 by a 309-118 vote a measure aimed at blocking the use of federal funds for sneak and peek searches authorized by the USA Patriot Act, in which the federal government secretly searches people's homes and then advises them later; and

WHEREAS, U.S. Representative Don Young of Alaska said on February 3, 2003 that the USA Patriot Act was the worst piece of legislation we have ever passed ; and

WHEREAS, U.S. Senator Lisa Murkowski of Alaska introduced in August of 2003 S. 1552, a bill called the Protecting the Rights of Individuals Act, which is legislation that would give courts more power to regulate federal investigative efforts authorized under the USA Patriot Act; and

WHEREAS, more than 150 local and state governments including the State of Alaska, the Municipality of Anchorage, the Kenai Peninsula Borough, the City and Borough of Juneau, the City of Fairbanks, the City of Homer, the City of Skagway, the City of Soldotna, and the City of North Pole have adopted resolutions speaking out against terrorism while simultaneously raising concerns about the possible negative effects of the USA Patriot Act on the civil rights and liberties of Americans;

NOW, THEREFORE BE IT RESOLVED by the Assembly of the City and Borough of Sitka, Alaska that the Assembly of the City and Borough of Sitka supports the government of the United States of America in its campaign against terrorism, and also affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the United States Constitution;

BE IT FURTHER RESOLVED that it is the policy of the City and Borough of Sitka to oppose any provision of law that would violate the rights and liberties guaranteed under the federal and state constitutions;

BE IT FURTHER RESOLVED that it is the policy of the City and Borough of Sitka that in the absence of a warrant supported by probable cause of criminal activity or in the absence of some other long-standing exception to the warrant requirement an agency or instrumentality of the City and Borough of Sitka shall not initiate, participate in, assist, or cooperate with any physical search of a home or business, electronic surveillance, or detention;

BE IT FURTHER RESOLVED that it is the policy of the City and Borough of Sitka that the Sitka Police Department shall provide advance or simultaneous notice of the execution of a search warrant to any resident of the City and Borough of Sitka whose property is the subject of such a warrant and shall also refrain from participating in a joint search with any law enforcement agency absent assurances that such notice will be provided to such individuals during the search;

BE IT FURTHER RESOLVED that it is the policy of the City and Borough of Sitka that the City and Borough of Sitka shall not use its resources or institutions for the enforcement of federal immigration matters pursuant to the USA Patriot Act which are the responsibility of the federal government;

BE IT FURTHER RESOLVED that it is the policy of the City and Borough of Sitka that the City and Borough of Sitka may not in the absence of reasonable suspicion of criminal activity under Alaska state law:

- A. initiate, participate in, or assist or cooperate with an inquiry or investigation made under the provisions of the USA Patriot Act if such inquiry or investigation infringes upon the due process of law;
- B. record, file, or share data or intelligence information collected or sought under the provisions of the USA Patriot Act concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data; or
- C. retain any data or information described in b) above;

BE IT FURTHER RESOLVED that the Assembly of the City and Borough of Sitka strongly requests the Attorney General for the State of Alaska to review any data or intelligence information currently held that has been recorded, filed, or gathered pursuant to the provisions of the USA Patriot Act for its legality and appropriateness under the United States and Alaska Constitutions and permanently dispose of it if there is no reasonable suspicion of criminal activity;

BE IT FURTHER RESOLVED that it is the policy of the City and Borough of Sitka that the City and Borough of Sitka shall not collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, corporation, business, or partnership, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;

BE IT FURTHER RESOLVED that it is the policy of the City and Borough of Sitka that the City and Borough of Sitka shall not engage in racial profiling or use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect;

BE IT FURTHER RESOLVED that the Assembly of the City and Borough of Sitka implores the United States Congress to correct provisions in the USA Patriot Act and other measures that infringe on civil liberties and to oppose any pending and future federal legislation to the extent that it infringes on Americans civil rights and liberties;

BE IT FURTHER RESOLVED that the Assembly of the City and Borough of Sitka supports S. 1552, the Protecting the Rights of Individuals Act, as introduced by U.S. Senators Lisa Murkowski of Alaska and Ron Wyden of Oregon, and urges U.S. Senator Ted Stevens of Alaska to co-sponsor this legislation; and

BE IT FURTHER RESOLVED that the Assembly of the City and Borough of Sitka directs the Administrator of the City and Borough of Sitka to send copies of this resolution to the President of the United States, the United States Attorney General, the Alaska Congressional delegation; the Governor and Attorney General of the State of Alaska; and the United States Attorney for the District of Alaska.

## **Skagway, AK**

**Passed on June 5, 2003**

### **A Resolution of the City of Skagway Relating to the USA PATRIOT Act and Civil Liberties, Bill of Rights and the U.S. Constitution**

WHEREAS, the City of Skagway recognizes the Constitution of the United States as our charter liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, all of the City of Skagway's duly elected public servants have sworn to defend and uphold the Constitution of the United States; and

WHEREAS, attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of laws to protect the public from terrorist attacks; and

WHEREAS, the City of Skagway affirms its strong opposition to all acts of terrorism but also affirms that any efforts to end terrorism must not be waged at the expense of essential civil rights and liberties of the people of Skagway; and

WHEREAS, the USA PATRIOT Act passed by the United States Congress in October 2001, expands the federal government's ability to conduct searches, conduct surveillance of telephone and internet activity, and gain access to medical, financial, education, and other records about certain individuals suspected of terrorist activities without first showing probable cause or evidence of a crime; and

WHEREAS, the USA PATRIOT Act increases the federal government's ability to monitor and detain individuals and impose requirements on local governments to assist the efforts of the federal government; and

WHEREAS, if the provisions of this Act are improperly applied, fundamental individual rights, which are protected by the Constitution of the United States, could be violated;

BE IT RESOLVED that it is the policy of the City of Skagway to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed equally under the state and federal constitutions; and be it

FURTHER RESOLVED that the City of Skagway joins communities across the country in expressing concern that the USA PATRIOT Act threatens civil rights and liberties; and be it

FURTHER RESOLVED that it is the policy of the City of Skagway, to forbid in the absence of probable cause of criminal activity:

- Any initiation, participation in, assistance or cooperation with any inquiry, investigation, surveillance or detention; and
- The recording, filing or sharing of intelligence information concerning any person or organization, including library lending, book and video store sales and/or rental records, medical, financial, and student records, and other personal data, even if authorized under the USA Patriot Act; and
- The retention of intelligence information. Information that is currently held shall be thoroughly and carefully reviewed by the City Attorney for its legality and appropriateness under the United States and Alaska Constitutions, and permanently disposed of if there is no reasonable suspicion of criminal activity; and be it

FURTHER RESOLVED that the City of Skagway implores the United States Congress to correct provisions in the USA PATRIOT Act and other measures that infringe on the civil liberties, and opposes any pending and future federal legislation to the extent that it infringes on Americans' civil rights and liberties.

COPIES of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney general of the United States; the Honorable Frank Murkowski, Governor of Alaska; and to the Honorable Ted Stevens and the Honorable Lisa Murkowski, US Senators, and the Honorable Don Young, US Representative, members of the Alaska delegation in Congress.

## **Soldotna, AK**

**Passed on June 25, 2003**

### **A Resolution Supporting the Revision of the “Patriot Act” to Ensure Civil Liberties and Supporting the Protection of the U.S. Bill of Rights**

WHEREAS, Kenai Peninsula Resolution 2003-043 Substitute, “A Resolution to Establish Kenai Peninsula Borough Policy in Defense of the Bill of Rights with Respect to Federal Anti-Terrorism Acts, Legislation, and Orders” passed the Assembly and was signed by the Assembly President on May 20th, 2003; and

WHEREAS, City of Homer Resolution 03-69(S)(A), “A Resolution of the City Council of Homer, Alaska, to Defend the Civil Rights and Liberties of the People of Homer” passed the Homer Council and was signed by the Mayor on May 12, 2003; and

WHEREAS, U.S. Congressman Don Young of Alaska has stated his intent to amend the federal “Patriot Act” to ensure the protection of civil liberties and has asked for resolutions of support from local municipalities,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. The Soldotna City Council states its desire to support the protection of the civil liberties as guaranteed in the U. S. Bill of Rights and supports a revision of the “Patriot Act” to ensure civil liberties and protect the rights of all citizens including residents of Soldotna.

Section 2. Copies of this resolution shall be sent to the President of the United States, the United States Attorney General, the Director of Homeland Security, the Alaska State Congressional Delegation, the Governor and Attorney General of the State of Alaska, the Alaska State Legislature, the Alaska State Troopers, the United States Attorney for the District of Alaska and to the various law enforcement agencies located in the Kenai Peninsula Borough.

Section 3. This resolution takes effect immediately upon adoption.

## **Valdez, AK**

**Passed on March 1, 2004**

### **A Resolution of the City Council of the City of Valdez, Alaska, Supporting the Revision of the “Patriot Act” to Insure Civil Liberties and Supporting the Protection of the U.S. Bill of Rights**

WHEREAS, attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks: and

WHEREAS, the City of Valdez denounces and condemns all acts of terrorism, wherever occurring: and

WHEREAS, any new security measures of Federal, State, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the State of Alaska and the Nation; and

WHEREAS, U.S. Congressman Don Young of Alaska has stated his intent to amend the federal “Patriot Act” to ensure the protection of civil liberties and has asked for a resolution of support from local municipalities.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA that:

Section 1. The City of Valdez Council states its desire to support the protection of the civil liberties as guaranteed in the U.S. Bill of Rights and supports a revision of the “Patriot Act” to ensure civil liberties and protect the rights of all citizens including residents of Valdez.

Section 2. Copies of this resolution shall be sent to the Alaska State Congressional Delegation.

# ARIZONA

## Bisbee, AZ

Passed on October 21, 2003

### **A Resolution of the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, Affirming Its Commitment to the Protection of Civil Rights and Liberties and Expressing Its Concerns Regarding the USA Patriot Act**

WHEREAS, the City of Bisbee (the “City”) recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold; and

WHEREAS, the City is committed to upholding the free exercise and enjoyment of the inalienable rights granted to all persons by the Bill of Rights of the United States Constitution; and

WHEREAS, the City greatly benefits from the many contributions of its highly diverse population, which includes citizens from around the world and is vital to our City’s unique character; and

WHEREAS, provisions of the USA PATRIOT Act expand the authority of the Federal government to detain and investigate citizens and non-citizens, and engage in electronic surveillance of citizens and non-citizens, and may threaten civil rights and civil liberties guaranteed under the United States Constitution; and

WHEREAS, the City recognizes that an infringement of constitutionally guaranteed rights under color of law is an abuse of power, a breach of public trust, a misappropriation of public resources, a violations of civil rights and civil liberties, and is beyond the scope of governmental authority.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AS FOLLOWS:

1. The City remains committed to the protection of civil rights and civil liberties for all people, will avoid discrimination in every function of city government, and will vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without any form of governmental interference.
2. The City joins communities across the nation in expressing concern that the USA PATRIOT Act may threaten civil rights and civil liberties guaranteed under the United States Constitution.
3. All City employees shall be committed to preserving City residents’ freedom of speech, assembly, religion and privacy, as well as the right to counsel and due process in judicial proceedings, plus the protection against unreasonable searches and seizures.
4. All Federal, state or county law enforcement officials acting within the City should respect the spirit of this Resolution.
5. The City urges our Congressional delegation to monitor the implementation of the USA PATRIOT Act and advocate for the protection of our constitutional rights.

## Flagstaff, AZ

Passed on December 17, 2002

### **A Resolution Reaffirming the City of Flagstaff’s Commitment to Civil Liberties**

Whereas, the City of Flagstaff has a long and distinguished history of protecting the civil rights and civil liberties of its residents; and

Whereas, the City of Flagstaff houses a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and

Whereas, the City Council of Flagstaff is committed to upholding the human rights of all persons in Flagstaff and their free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of Arizona and the City of Flagstaff; and

Whereas, effective means of ensuring the security of our people must be balanced against the reductions in basic civil liberties; and

Whereas, several actions recently taken by the federal government, including the adoption of the USA Patriot Act, several Executive Orders, and the Homeland Security Act may allow the federal government, when pursuing matters of security, to sacrifice fundamental liberties protected by due process and “probable” cause including freedom of speech, assembly, and privacy; the right to legal counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the constitutions of Arizona and the United States; and

Whereas, national responses to extremist threats can be both effective in reducing such threats and still respect our Constitution’s most basic and treasured freedoms;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLAGSTAFF:

Section 1. That the City of Flagstaff, acting in the spirit and history of our community, hereby requests that:

All City Departments continue their strong commitment to preserve residents' freedom of speech, religion, assembly and privacy; the right to counsel and due process in judicial proceedings and the protection from unreasonable searches and seizures.

Any federal or state law enforcement officials acting within the City of Flagstaff work in accordance with the policies and procedures of the City of Flagstaff and when cooperating with City Departments, continue to guarantee the fundamental constitutional rights of all Flagstaff residents.

Our Congressional delegation monitor the implementation of the Acts and Orders cited herein and advocate for the protection of fundamental rights and liberties guaranteed by the United States and Arizona Constitutions.

Section 2. This resolution shall become effective upon adoption.

## **Jerome, AZ**

**Passed on August 12, 2003**

### **A Resolution of the Town of Jerome, Yavapai County, Arizona Expressing the Commitment of the Town of Jerome to Civil Rights and Liberties and Establishing a Civil Liberties Safe Zone, Resolution No. 406, Year 2003**

WHEREAS, following the attacks on the United States of September 11, 2001, the Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act (PL 107-56) on October 26, 2001; and

WHEREAS, the provisions of the USA PATRIOT Act expand on the authority of the federal government to detain and investigate citizens and non-citizens, engage in electronic surveillance of citizens and non-citizens, perform searches and seizures without demonstrating evidence of probable cause and without timely showing a relevant warrant; and

WHEREAS, many people throughout communities across the nation, including Jerome, are concerned that certain provisions in the USA PATRIOT Act, Executive Orders and other post 9-11 legislation threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the Town of Jerome has been, and remains committed to the protection of civil rights and liberties for all people as expressed in the United States and Arizona Constitutions; and

WHEREAS, the policy of the Jerome Police's Department is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of person and/or property by officers in Jerome must be conducted in compliance with the Fourth Amendment of the United States Constitution; and the Mayor, and Chief of Police have confirmed to the Council that this policy is and will remain in full force and effect; and

WHEREAS, the policy of the Jerome Police Department is, further, that officers shall not consider ancestry, race, ethnicity, national origin, color, age, sex sexual orientation, gender variance, marital status, physical or mental disability or religion as a sole basis for establishing reasonable suspicion, probable cause, or basis for requesting consent to search, and the Mayor, and Chief of Police have confirmed to the Council that this policy is and will remain in force.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA:

Section 1. That the Town of Jerome has been and remains, firmly committed to the protection of civil rights and civil liberties for all people.

Section 2. That the Town of Jerome affirms the following principles: (1) every person has the right to be free from unreasonable search and seizure, (2) neither stops nor arrests may be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed, (3) every person has a right to equal protection under the law and the right not to be deprived of life, liberty or property without due process of law, and (4) every person has the right to free speech and freedom of association as provided for under the First Amendment of the United States Constitution and court opinions thereon.

Section 3. That when the Town of Jerome engages in public safety intelligence gathering as part of law enforcement and of national security, the Town of Jerome intends that such intelligence gathering comply with the following policy: No information about political, religious or social views, associations or activities may be collected.

Section 4. That the Town of Jerome reaffirms Jerome's commitment to human and civil rights as outlined in the Town of Jerome Ordinance Prohibiting Discriminatory Practices and its commitment to unbiased policing as expressed in the policies of the Jerome Police Department. The Town of Jerome firmly adheres to the principle that no law enforcement agency, or other town agency, may provide or discriminate against any person solely on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance marital status, physical or mental disability or religion, nor shall the Town of Jerome agencies assist other agencies in practice or religion, nor shall Town of Jerome agencies assist other agencies in practices that violate these policies.

Section 5. That the Town of Jerome affirms its strong opposition to terrorism, but also affirms that any effort to end terrorism not be waged at the expense of essential civil rights and liberties of the people of Jerome, the United States and the World.

Section 6. That Staff is directed to send copies of the resolution to President George W. Bush, Attorney General Ashcroft, U.S. Senator Wayne Allard, U.S. Senator Ben Nighthorse Campbell, U.S. Representative Scott McGinnis, Governor Janet Napolitano, U.S. Senator John Kyl and U.S. Senator John McCain, State Representative Tom O'Halleran, Yavapai County Board of Supervisors, and the Yavapai Sheriff's Office.

## **Pima County, AZ**

**Passed on October 7, 2003**

### **Relating to the PATRIOT Act; Affirming Pima County's Commitment to Preserving the Rights Guaranteed by the Federal Constitution; Expressing Concern that the PATRIOT Act Infringes on Constitutionally Protected Rights; and Calling Upon Arizona's Congressional Delegation to Monitor the Implementation of the PATRIOT Act and Advocate the Rights Guaranteed by the Constitution; and Declaring an Emergency**

WHEREAS, Pima County recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants have sworn to uphold; and

WHEREAS, Pima County has a long and proud tradition of upholding the free exercise and enjoyment of the inalienable rights guaranteed to all persons by the Bill of Rights of the Constitution of the United States of America and by the Universal Declaration of Human Rights; and

WHEREAS, Pima County greatly benefits from the many contributions of its highly diverse population, which includes citizens from around the world and is vital to our City's unique character; and

WHEREAS, Pima County affirms its strong opposition to terrorism, but also affirms that any efforts to oppose terrorism not be waged at the expense of civil rights and liberties of people of Tucson and the United States; and

WHEREAS, provisions of the USA PATRIOT Act expand the authority of the Federal Government to detain and investigate, and engage in the electronic surveillance of, United States citizens and non-citizens and threatens our civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, Pima County recognizes that an infringement of the constitutionally guaranteed rights of any person under the color of law is an abuse of power, a breach of public trust, a misappropriation of public resources, and a violation of civil rights and must be beyond the scope or governmental authority; and

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, AS FOLLOWS:**

SECTION 1. The Board of Supervisors of Pima County remains firmly committed to the protection of civil rights and civil liberties for all people. Pima County will completely avoid unlawful discrimination in every function of County government and vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views.

SECTION 2. All Pima County government departments shall affirm strong commitments to preserving residents' freedom of speech, assembly, religion, and privacy, the right to counsel and due process in judicial proceedings, and the protection against unreasonable searches and seizures.

SECTION 3. Any Federal, State, or County law enforcement officials acting within the Pima county are requested to work in accordance with the City policies and procedures, and, when cooperating with County Departments, to honor and guarantee the constitutional rights of all Pima County residents.

SECTION 4. Our Congressional delegation is called upon to monitor the implementation of the USA PATRIOT Act herein and to act as advocates for the protection of constitutional rights.

## **Tucson, AZ**

**Passed May 5, 2003**

### **Relating to the PATRIOT Act; Affirming the City of Tucson's Commitment to Preserving the Rights Guaranteed by the Federal Constitution; Expressing Concern that the PATRIOT Act Infringes on Constitutionally Protected Rights; and Calling Upon Arizona's Congressional Delegation To Monitor The Implementation of the PATRIOT Act and Advocate the Rights Guaranteed by the Constitution; and Declaring an Emergency**

WHEREAS, the City of Tucson recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants have sworn to uphold; and

WHEREAS, the City of Tucson has a long and proud tradition of upholding the free exercise and enjoyment of the inalienable rights guaranteed to all persons by the Bill of Rights of the Constitution of the United States of America and by the Universal Declaration of Human Rights; and

WHEREAS, the City of Tucson greatly benefits from the many contributions of its highly diverse population, which includes citizens from around the world and is vital to our City's unique character; and

WHEREAS, the City of Tucson affirms its strong opposition to terrorism, but also affirms that any efforts to oppose terrorism not be waged at the expense of civil rights and liberties of people of Tucson and the United States; and

WHEREAS, provisions of the USA PATRIOT Act expand the authority of the Federal Government to detain and investigate, and engage in the electronic surveillance of, United States citizens and non-citizens and threatens our civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the City of Tucson recognizes that an infringement of the constitutionally guaranteed rights of any person under the color of law is an abuse of power, a breach of public trust, a misappropriation of public resources, and a violation of civil rights and must be beyond the scope or governmental authority; and

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council of the City of Tucson remains firmly committed to the protection of civil rights and civil liberties for all people. The City of Tucson will completely avoid unlawful discrimination in every function of City government and vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views.

SECTION 2. The City of Tucson joins communities across the nation in expressing concern that the USA PATRIOT Act threatens civil rights and liberties guaranteed under the United States Constitution.

SECTION 3. All of the City of Tucson government Departments shall affirm strong commitments to preserving residents' freedom of speech, assembly, religion, and privacy, the right to counsel and due process in judicial proceedings, and the protection against unreasonable searches and seizures.

SECTION 4. Any Federal, State, or County law enforcement officials acting within the City of Tucson are requested to work in accordance with the City policies and procedures, and, when cooperating with City Departments, to honor and guarantee the constitutional rights of all Tucson residents.

SECTION 5. Our Congressional delegation is called upon to monitor the implementation of the USA PATRIOT Act herein and to act as advocates for the protection of constitutional rights.

SECTION 6. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist and this resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED BY THE MAYOR AND THE COUNCIL OF THE CITY OF TUCSON, ARIZONA MAY 5, 2003.



# CALIFORNIA

## State of California

Passed on February 16, 2006

### Senate Joint Resolution 10 relative to the USA PATRIOT Act

WHEREAS, The State of California recognizes the Constitution of the United States of America as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, The State of California has a distinguished history of safeguarding the freedoms of its residents; and

WHEREAS, Each of California's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of California; and

WHEREAS, The State of California denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, Any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent persons in the State of California and the nation; and

WHEREAS, Certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, also known as the U.S.A. PATRIOT Act, allow the government greater authority to detain and investigate persons and to engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our federal and state constitutions, including rights of due process, the right to privacy, the right to counsel, protection against unreasonable searches and seizures, and basic First Amendment freedoms; and

WHEREAS, The people of California are concerned that many provisions of the U.S.A. PATRIOT Act, pose significant threats to constitutional protections; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, that the State of California supports appropriate and effective measures by the government of the United States of America and the State of California to combat terrorism and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the United States Constitution and the Bill of Rights; and be it further

Resolved, That the State of California also urges its Congressional delegation to work to repeal any provisions of the U.S.A. PATRIOT Act that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution and to oppose any pending and future federal legislation to the extent that it would infringe on Americans' civil rights and liberties; and be it further

Resolved, That the State of California will ensure that no state resources be provided for any action that would violate the United States Constitution, or the Constitution of the State of California, including but not limited to, all of the following:

- (1) Collecting or maintaining information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.
- (2) Recording, filing or sharing intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the U.S.A. PATRIOT Act.
- (3) Demanding nonconsensual releases of student and faculty records from public schools and institutions of higher learning.
- (4) Eavesdropping on confidential communications between lawyers and their clients.
- (5) Engaging in racial profiling that enables law enforcement agencies to use race, religion, ethnicity, or national origin as factors in selecting individuals to be subject to investigational activities, except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress, the Attorney General of the United States, and to all federal and state law enforcement agencies.

**Alameda County, CA**  
**Passed on March 16, 2004**

**Resolution Calling for Amendments to the USA PATRIOT act and for the Protection of Civil Rights and Liberties**

WHEREAS, the Alameda County board of Supervisors is unwavering in its opposition to terrorism; and

WHEREAS, each member of the Alameda County Board of Supervisors has sworn to uphold and defend the Constitution of the United States and its guarantee of the fundamental civil rights and liberties of the people of Alameda County, and further affirms its absolute opposition to any weakening of those rights and liberties, whether by terrorism or by unconstitutional laws and policies; and

WHEREAS, certain provisions of the USA PATRIOT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act appear to violate the Amendments to the Constitution which form the Bill of Rights, and these provisions and other legislation and executive actions degrade civil rights by permitting, among other injustices, secret searches and electronic eaves dropping without showing probable cause, seizures of business, library, and educational institution records without notifying the subject of the search indefinite secret detentions and persecution of entire communities based on racial profiling of Muslim, Arabs and South Asians.

THEREFORE BE IT RESOLVED that the Alameda County Board of Supervisors calls upon the Congress of the United States to:

REPEAL all section of the USA PATRIOT Act and related legislation that violate civil rights and liberties enumerated in the Constitution of the United States, including those sections that authorize search and seizure without show of probable cause and without notification of the subject of those searches that permit indefinite and secret detention of suspects; that permit use of secret (undisclosed) evidence in “removals” (deportations); and

REQUIRE the President and Attorney General to promptly identify every detainee in the U.S. and abroad, to afford each detainee access to counsel, and follow due process by speedily charging or releasing every detainee; and

STRONGLY OPPOSE any legislation, present or future that could further diminish civil rights and liberties and authorize injustices unbecoming of the United States of America

BE IT FURTHER RESOLVED that the Alameda County Board of Supervisors calls upon all private citizens and organizations, residents, employers, educators, and business owners to demonstrate full respect for civil rights and liberties; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the President of the United States, to the California Congressional Delegation, and to the Governor of California.

**Albany, CA**  
**Passed on April 21, 2003**

**A Resolution of the City Council of the City of Albany to Preserve Civil Liberties Endangered by the USA Patriot Act**

WHEREAS, a crime against humanity occurred on September 11, 2001, when terrorist attacks against the United States resulted in the passage of the USA PATRIOT Act; and

WHEREAS, the City of Albany is concerned with the security of our nation and the protection of the civil rights and liberties enshrined in the Constitution that are the foundation of our democracy; and

WHEREAS, in this time of crisis, it is within the purview of the local governments to take a stand in support of our Bill of Rights because any weakening of those rights threaten the broad range of political expression on the local, state, and federal level vital to the functioning of our democracy; and

WHEREAS, we believe the civil rights and liberties of our constituents and the foundations of our democracy are now threatened by the USA PATRIOT Act; and

WHEREAS, the Albany Library Board has expressed concern with the sections of the USA PATRIOT Act that pertains to libraries, and has requested that the City Council review those sections of the Act, and take a position in opposition to the USA PATRIOT Act; and

WHEREAS, the Albany Library Board has requested that the City Council take a position in support of the “Freedom to Read Protection Act” that was recently introduced in the U.S. House of Representatives and which limits the threat to privacy of bookstore and library records created by the USA PATRIOT Act,

NOW, THEREFORE, BE IT RESOLVED THAT: The Albany City Council hereby affirms its strong support for our constitutionally guaranteed rights and liberties, and supports repeal of those sections of the USA PATRIOT Act that pertain to libraries;

The Albany City Council hereby affirms its opposition to any and all federal measures that infringe on the rights and liberties of members of our community, and supports repeal of the USA PATRIOT Act.

The Albany City Council hereby supports proposed federal legislation known as the “Freedom to Read Protection Act of 2003”, which has been introduced in the U.S. House of Representatives, that would limit the threat to privacy of bookstore and library records created by the USA PATRIOT Act.

## **Alhambra, CA**

**Passed on October 11, 2004**

Resolution text is not available

## **Arcata, CA**

**Passed on January 15, 2003**

### **Resolution of the City Council of the City of Arcata to Defend the Bill of Rights and Civil Liberties**

WHEREAS, the City of Arcata and its citizens are governed by the United States Constitution, including the Bill of Rights, and the California State Constitution; and

WHEREAS, the City of Arcata houses a diverse population, including non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, fundamental rights granted by the United States Constitution are threatened by actions taken at the federal level, notably by passage of sections of the USA PATRIOT ACT, the Homeland Security Act and several Executive Orders which, among other things:

- Violate the First and Fourth Amendments to the Constitution through the expansion of the government’s ability to wiretap telephones, monitor e-mail communications, survey medical, financial and student records, and secretly enter homes and offices without customary administrative oversight or without showing of probable cause;
- Give law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests;
- Grant potential unchecked powers to the Attorney General and the U.S. Secretary of State to designate legal domestic groups as “terrorist organizations”, while lifting administrative regulations against covert, surveillance counter-intelligence operations by the F.B.I. that in the past targeted domestic groups and individuals;
- Violate the Fifth, Sixth and Fourteenth Amendments to the Constitution in establishing secret military tribunals, and in subjecting citizens and non-citizens to indefinite detention even when they have not been allowed an attorney, brought to trial, or even charged with a crime;
- Authorize eavesdropping on confidential communications between lawyers and their clients in federal custody;

WHEREAS, the City of Arcata adheres to the principle that no law enforcement agency, or any other city agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnic or national origin, color, age, sexual orientation, gender, religion, physical or mental disability; or apparent socio-economic status;

WHEREAS, the City of Arcata recognizes the commitment it has to uphold the legal and human rights of its residents;

WHEREAS, other communities from around the country have passed similar resolutions reinforcing local efforts to support and defend legal and human rights of their residents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCATA that it has been, and remains, firmly committed to the protection of civil rights and civil liberties for all and affirms its commitment to embody democracy and to embrace, defend and uphold the inalienable rights and fundamental liberties granted under the United States and the California State Constitution;

BE IT FURTHER RESOLVED that local law enforcement continue to preserve and uphold residents’ freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, even if requested to do otherwise and infringe upon such rights by federal or state law enforcement agencies acting under new powers created by the USA PATRIOT ACT or by Executive Order;

BE IT FURTHER RESOLVED that law enforcement officials, public officials, and Arcatans engage in and participate in community dialogue on civil liberties issues, in order to promote the safety and well-being of Arcata;

BE IT FURTHER RESOLVED that our Federal legislative delegation is petitioned to actively monitor the implementation of the USA PATRIOT ACT, any new Executive Orders, or COINTELPRO-type regulations and actively work for the repeal of those portions that violate the guaranteed civil liberties enumerated in the Bill of Rights.

BE IT FURTHER RESOLVED that upon passage, the City Clerk shall deliver this Resolution to all federal and state law enforcement agencies, the Governor’s office, and to the California federal legislative delegation.

**Passed on April 2, 2003**

**Ordinance No. 1339, An Ordinance of the City Council of the City of Arcata Amending the Arcata Municipal Code To Defend the Bill of Rights and Civil Liberties**

The City Council of the City of Arcata does ordain as follows:

Section 1: Title II: Administration, Chapter 2: Officers and Employees, Article 5: Defending Civil rights and liberties, Sections 2190 - 2194 are hereby added to the Municipal Code as follows:

SEC. 2190: Purposes.

The purposes of this ordinance are as follows:

- A. To protect the civil rights and civil liberties for all and to affirm the City's commitment to embody democracy, and to embrace, defend and uphold the inalienable rights and fundamental liberties granted under the United States and the California Constitutions, as set forth in Resolution 023-32, A Resolution of the City Council of the City of Arcata to Defend the Bill of Rights and Civil Liberties, adopted by the Council on January 15, 2003; and
- B. To ensure that local law enforcement continues to preserve and uphold residents' freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, even if requested or authorized to infringe upon such rights by federal or state law enforcement agencies acting under new powers created by the USA PATRIOT Act (Public Law 107-56), Homeland Security Act (Public Law 107-296), or related Executive Orders, or by future enacted laws, executive orders or regulations.

SEC. 2191: No Unconstitutional Detentions or Profiling.

No management employee of the City shall officially engage in or permit unlawful detentions or profiling based on race, ethnicity, national origin, gender, sexual orientation, or political or religious association that are in violation of individuals' civil rights or civil liberties as specified in the Bill of Rights and Fourteenth Amendment of the United States Constitution.

SEC. 2192: No Unconstitutional Voluntary Cooperation.

No management employee of the City shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil liberties as specified in the Bill of Rights and Fourteenth Amendment of the United States Constitution. SEC. 2193: Notification.

Management employees of the City shall promptly notify the City Manager when, in the course of City employment, the following occurs:

A management employee of the City is contacted by another law enforcement agency and asked to cooperate or assist with an investigation, interrogation, or arrest procedure under provisions of the USA PATRIOT Act (Public Law 107-56), Homeland Security Act (Public Law 107-296), or related Executive Orders, or future enacted law, executive order or regulation, where such procedure is in violation of an individual's civil rights or civil liberties as specified in the Bill of Rights and Fourteenth Amendment of the United States Constitution.

Upon such notification from a management employee, the City Manager shall promptly report to the City Council, specifying the law enforcement agency seeking cooperation or assistance and the actions requested of the management employee.

SEC. 2194: Defense.

The City shall provide legal defense to any management employee who is criminally charged by another entity for his or her actions in compliance with this Ordinance.

SEC. 2195: Severability.

If any section or sections of the ordinance is or are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and remain in effect.

Section 2: This ordinance will take effect thirty (30) days after the date of its adoption.

**Berkeley, CA**

**Passed on October 22, 2002**

**Resolution to Oppose the PATRIOT Act, Justice Department Directives, and Executive Orders that Prevent the Protection of Civil Rights and Liberties**

WHEREAS, following the horrific attacks on the United States of America on September 11, 2001 the Congress passed the USA PATRIOT Act (PL107-56) on October 26, 2001; and

WHEREAS, the citizens of Berkeley are concerned that some executive orders and the resulting actions of the Attorney General of the United States and the U.S. Justice Department since the September 11, 2001 attacks pose significant threats to Constitutional

protections in the name of fighting terrorism, and that such undermining of basic civil rights and liberties run the serious risk of destroying freedom in order to save it'; and

WHEREAS, the Attorney General asserted before the Senate Judiciary Committee that civil libertarians who criticized the Department's policies "aid terrorists...erode our national unity and diminish our resolve"; and

WHEREAS, we as a city believe that respect for an individual's constitutional rights is essential for the preservation of a democratic society; and

WHEREAS, in a time of concern over foreign or domestic terrorism, our country must find a balance between the needs of national security and the needs for the protection of our basic civil rights and liberties, including: freedom of speech, religion, assembly and privacy; the rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the Constitution of California, the United States Constitution and its Bill of Rights, and by United Nations Charter Article 55, which require the United States to promote human rights for all without distinction; and

WHEREAS, many people throughout communities across the nation are concerned that certain provisions in the PATRIOT Act threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the PATRIOT Act includes "domestic terrorism," so broadly defines as to apply to certain acts of civil disobedience that may include lawful advocacy groups such as Operation Rescue or Greenpeace as terrorists organizations and may inject them to invasive surveillance, wire tapping, harassment, and may criminally penalize them for protected political advocacy; also the PATRIOT Act grants unchecked power to the Secretary of State to designate domestic groups as "terrorist organizations"; and

WHEREAS, the PATRIOT Act gives the FBI and the CIA greater rights to wiretap phones, monitor e-mail, survey sensitive medical, mental health, financial and educational records without having to show evidence of a crime and without meaningful judicial review, and break into homes and offices without prior notification; and

WHEREAS, the PATRIOT Act greatly expands the government's ability to conduct secret searches without warrants; and

WHEREAS, the PATRIOT Act grants power to the Attorney General to subject non-citizens to indefinite detention without meaningful judicial review even if they have not committed a crime; and

WHEREAS, more than 1,000 people were detained in the weeks following the September 11 attacks, most without being charged, some denied the right to contact lawyers or their families; and

WHEREAS, the Justice Department, under Attorney General John Ashcroft, has issued a directive limiting Freedom of Information Act (FOIA) compliance and cites the threat of terrorism as justification; this directive of limiting disclosure of public documents and records covers all government information, much of which has no national security or law enforcement connection; and

WHEREAS, the Justice Department has announced a nationwide effort to locate and interview as many as 8,000 recent immigrants—all men ages 18 to 33, primarily from Middle Eastern nations; guidelines for these interviews include inquiries into individual's political beliefs and the beliefs of families and friends, and whether or not an individual "supports" any cause that terrorists espouse; and

WHEREAS, on May 30, Attorney General John Ashcroft unilaterally and without consultation with Congress eased long standing intelligence guidelines which were put in place in 1976 as a result of gross intelligence abuses by the FBI; and

WHEREAS, the new guidelines allow FBI agents to spy on religious groups, political rallies, and organized meetings without any suspicion that the organization is involved in terrorism or any other criminal activity; and

WHEREAS, this type of unchecked intelligence gathering leads to the gross intelligence abuses of the 1960's including the attempted disruption of the civil rights movement and, as recently reported, the firing of former UC Chancellor Clark Kerr; and

WHEREAS, thirty years ago this November, California voters overwhelmingly amended the Constitution of California to provide a right to privacy, specifically to prevent "the proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms"; and

WHEREAS, an executive order has established secret military tribunals for terrorism suspects, which undermines the U.S. government's ability to denounce atrocities carried out in secret by military tribunals elsewhere in the world; and

WHEREAS, several law enforcement officials, including previous heads of the FBI, have decried the PATRIOT Act, directives from Attorney General Ashcroft, and particular executive orders as unnecessary to the prosecution of, and protection from, terrorism; and

WHEREAS, the PATRIOT Act, directives from Attorney General Ashcroft, and particular executive orders seem to target foreign nationals and people of Middle Eastern and South Asian descent, and anyone who may legally speak or act to oppose government policy; and

WHEREAS, we believe that the PATRIOT Act, Justice Department directives and executive orders threaten the framework of the Nation's Constitution and Bill of Rights; and

WHEREAS the Declaration of Independence of the United States holds as self-evident that all people are created equal and are endowed with the unalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS the First Amendment of the United States Constitution specifies that no law be made “respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”; and

WHEREAS the Fourth Amendment declares that “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 being seized”; and

WHEREAS the Fifth Amendment states that no person “shall be compelled in any criminal case to be a witness against himself”; and

WHEREAS the Sixth Amendment guarantees defendants “the right to a speedy and public trial, by an impartial jury..., and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have Assistance of Counsel for his defense”; and

WHEREAS the Eighth Amendment states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”; and

WHEREAS, The due process and equal protection clauses of the Fifth and Fourteenth Amendments to the United States Constitution guarantee certain due process and equal protection rights to all residents of the United States regardless of citizenship or immigration status; and

WHEREAS the Fourteenth Amendment prohibits the government from denying any person equal protection by stating “no state shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of its laws,” and pursuant to that clause, human rights and due process must be afforded to all people in the United States regardless of citizenship or immigration status; and

WHEREAS, the policy of the Berkeley Police Department is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of person and/or property by officers in Berkeley must be based on a showing of probable cause, as required by the fourth amendment of the U.S. Constitution and the California Constitution; and

WHEREAS, the city of Berkeley has a long and distinguished history of promoting and enforcing civil rights and civil liberties, especially during times of domestic and international conflicts; and

WHEREAS, City of Berkeley includes a diverse community of students and working families, including non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the City Council of Berkeley, motivated by the commitment to “create a world community in which the relations between people are based on equality, respect for human rights, and the abhorrence of exploitation and all forms of oppression,” passed an ordinance in 1998 which established the Peace and Justice Commission of the City of Berkeley; and

WHEREAS, the City Council of Berkeley adopted the Human Rights Ordinance (Ordinance no. 5985) in 1990, specifically committing the city to carry out the United Nation Charter Human Rights Provisions; and

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley acting in the spirit and history of our community, does hereby:

- Affirms its strong opposition to any parts of the PATRIOT Act and implementation of the PATRIOT Act, Justice Department directives, and any executive order that weakens or destroys our civil rights and liberties.
- Has been, and remains, firmly committed to the protection of civil rights and civil liberties for all people including those who are citizens of other nations. We affirm this commitment to embody the spirit of democracy, to embracing and defending the human rights and civil liberties now under siege, to make those liberties viable for all, regardless of citizenship status, gender, racial identification, religious affiliation, age, or country of origin
- Calls upon all private citizens-including residents, employers, educators, and business owners-to demonstrate similar respect for civil rights and civil liberties.
- Affirms for all our departments and employees the following principles: Every person has the right to freedom of speech and association. Every person has the right to freedom of religion. Every person has the right to assembly and privacy. Every person has the right to due process in judicial proceedings. Every person has the right to counsel and attorney-client privilege. Every person has the right to be free from unreasonable search and seizure. Stops or arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed. Every person has a right to equal protection under the law and the right not to be deprived of life, liberty, or property without the due process of the law.
- Reaffirms its commitment to unbiased policing as expressed in the policies of the Berkeley Police Department and endorses the principle that no law enforcement or other city agency may profile or discriminate against any person on the basis of

ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, marital status, physical or mental disability or religion.

- Requests Federal and State law enforcement officials acting within the City work in accordance with the policies of the Berkeley Police Department, and in cooperation with the Department, that they not engage in racial profiling, or permit detentions without charges.
- Uses all possible leverage to ensure that Federal and State law enforcement officials acting within the City work in accordance with the policies of the Berkeley Police Department, and in cooperation with the Department, and request that they do not engage, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties of the people of Berkeley, such as surveillance, wiretaps, and securing of private information, which the Patriot Act and Executive Orders authorize. Organizations should not be monitored based on their religious or political views. Also, request that no information about political, religious or social views, associations, or activities should be collected unless the information relates to criminal activity or the potential for criminal activity.
- Requests our United States Congress representatives monitor the implementation of the PATRIOT Act, directives from Attorney General Ashcroft, and executive orders cited herein and actively work for the repeal of the parts of that Act and withdrawal of those Justice Department directives and executive orders that violate fundamental rights and liberties as stated in the Constitution of the State of California and the United States and in the UN Charter and the ratified International Covenant on Civil and Political Rights, the Convention Against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on Elimination of Racial Discrimination.
- The City of Berkeley sends copies of this resolution to the President of the United States and the United Nations High commissioner for Human Rights in Geneva, Switzerland.

## **Calistoga, CA**

**Passed on April 6, 2004**

### **Resolution of the City Council of the Calistoga, County of Napa, State of California in Defense of the Constitutional Rights of the Citizens of Calistoga**

Whereas, the City of Calistoga and its citizens are governed by the United States Constitution, and the California State Constitution; and

Whereas, the City affirms the United States Constitution and its Bill of Rights are the foundation of our democracy; and

Whereas, every member of the Calistoga City Council took an oath to defend the Constitution of the United States and the Constitution of the State of California against all enemies foreign and domestic; and

Whereas, the fundamental rights and liberties guaranteed therein are essential to the well being of the citizens and community of Calistoga; and

Whereas, the City of Calistoga houses a diverse population, including non-citizens, whose contributions to the community are vital to its character and function, therefore local law enforcement personnel who may be involved in the enforcement of federal immigration law should continue to pursue actions which are fair and will foster positive relations between immigrant communities and the police; and

Whereas, the City of Calistoga strongly affirms its opposition to terrorism and supports the need to defend our freedoms; it also affirms that efforts to oppose terrorism must be weighed against their affect upon the liberties guaranteed by the United States Constitution and the Bill of Rights; and

Whereas, the City of Calistoga recognizes that some aspects of rights granted by the United States Constitution and Bill of Rights are effected by sections of the USA PATRIOT ACT, the Homeland Security Act, and by recent presidential executive orders which, among other things:

Enhances the government's ability to wiretap telephones, monitor e-mail communications, and survey personal records;

- Gives law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests;
- Authorizes the Attorney General and the U.S. Secretary of State to designate local domestic groups as "terrorist organizations", modifies regulations regarding FBI sponsored covert surveillance counter-intelligence operations against targeted domestic groups and individuals;
- Establishes military tribunals, and authorizes detention of individuals without trial or charge and without legal representation;
- Authorizes monitoring of certain communications between lawyers and their clients in federal custody;

- Allows the government to seize the assets of individuals or organizations engaging in or accused of planning an act of domestic terrorism without prior notice or hearing; and

Whereas, City policy allows the Calistoga City Council to take a position on issues which are state or national in scope if the particular issue directly relates to the City's ability to govern and/or provide services to its residents; and

Whereas, the City of Calistoga adheres to the principle that no law enforcement agency, or any other City agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnic or national origin, color, age, sexual orientation, gender, physical or mental disability, religion or apparent socio-economic status; and

Whereas, many communities around the Country have passed resolutions reinforcing local efforts to support and defend legal and human rights of their residents.

Now therefore, be it resolved, by the City Council of the City of Calistoga that it has been, and remains firmly committed to the protection of civil rights and civil liberties for all and affirms its commitment to embody democracy and to embrace, defend, and uphold the inalienable rights and fundamental liberties granted under the United States and the California State Constitution; and

Be it further resolved that the City Council of the City of Calistoga wishes for the local law enforcement to continue to preserve and uphold resident's freedom of speech, assembly, association, and privacy rights, as well as the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, even if requested to do otherwise by federal or state law enforcement agencies acting under powers created by the USA PATRIOT ACT or by Executive Orders; and

Be it further resolved that the City Council of the City of Calistoga urges law enforcement officials, public officials, and Calistogans engage in and participate in community dialogue on civil liberties issues, in order to promote the safety and well-being of Calistoga; and

Be it further resolved that our Federal legislative delegation is petitioned to actively monitor the implementation of the USA PATRIOT ACT and associated executive orders and actively work to revisit and revise or repeal any of those provisions which violate the guaranteed civil liberties enumerated in the Bill of Rights; and

Be it further resolved that upon passage, the City Clerk shall deliver this Resolution to the Governor's office, and the California federal legislative delegation.

## **Claremont, CA**

### **Passed on February 11, 2003**

#### **A Resolution of the City Council of the City of Claremont, California, to Uphold the Human Rights and Civil Liberties of the People of Claremont**

WHEREAS, the City of Claremont fully supports the Constitution of the United States and its amendments, particularly the Bill of Rights and the Fourteenth Amendment, and;

WHEREAS, the fundamental human rights and civil liberties guaranteed in the Constitution of the United States and the Constitution of the State of California are essential to the well-being of the citizens and community of Claremont, and;

WHEREAS, several laws and orders, including several provisions of the USA PATRIOT ACT, enacted at the state and Federal level threaten these fundamental rights and liberties.

NOW THEREFORE, THE CLAREMONT CITY COUNCIL DOES HEREBY RESOLVE:

Section 1. The City of Claremont is committed to upholding the human rights of all persons in Claremont, including United States citizens and citizens of other nations, and the free exercise and enjoyment of any and all rights and privileges secured by the constitutions of the United States of America and the State of California.

Section 2. The City Council of the City of Claremont calls upon all City officials and employees to respect the human rights and civil liberties of all members of this community, including those who are citizens of other nations.

Section 3. The City Council of the City of Claremont calls upon all private citizens, including residents, employers, educators and business owners, to demonstrate similar respect for human rights and civil liberties.

Section 4- The City Council of the City of Claremont urges the State Legislature, the Governor of the State of California, and the United States Congress, particularly the delegation representing Claremont, to actively work for the revocation of any law or executive order that limits or violates fundamental rights and liberties embodied in the constitutions of the United States of America and the State of California.

Section 5. The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.



**Contra Costa County, CA****Passed on June 3, 2003****In the Matter of Preserving Civil Liberties Threatened by the USA Patriot Act, Resolution No. 2003/275**

WHEREAS, the County of Contra Costa recognizes the Constitution of the United States of America to be the supreme law of the land and all elected officials of Contra Costa County are sworn to uphold the Constitution of the United States of America in discharging their duties; and

WHEREAS, it is in the purview of local government to take a stand in support of our Bill of Rights because any weakening of those rights threaten the broad range of political expression that is vital to our democracy at the local, state, and federal levels; and

WHEREAS, the County of Contra Costa affirms its strong opposition to any form of terrorism against humanity, and also affirms that any efforts to end terrorism must not be waged at the expense of civil rights and liberties; and

WHEREAS, we believe the civil rights and liberties of our residents and the foundations of our democracy are now threatened by the USA Patriot Act; and

WHEREAS, the County of Contra Costa proudly houses a diverse population, including citizens from other nations, whose contributions to the community are significant and important to all; and

WHEREAS, the First Amendment of the United States Constitution states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances; and

WHEREAS, the Fourth Amendment states that 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; and the Fifth Amendment states, in part, that no person “shall be compelled in any criminal case to be a witness against himself”; and

WHEREAS, the Eighth Amendment states that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; and the Fourteenth Amendment states that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

NOW, THEREFORE BE IT RESOLVED, that the Contra Costa County Board of Supervisors affirms its strong support for our constitutionally guaranteed rights and liberties and supports the repeal of those sections of the USA Patriot that infringe upon civil liberties; and

BE IT FURTHER RESOLVED, that the Contra Costa County Board of Supervisors will continue in its outreach and shall educate its citizens on its policies of tolerance and respect for the diversity of its residents; and

BE IT FINALLY RESOLVED, that the Contra Costa County Board of Supervisors directs the Clerk of the Board to transmit this resolution to all county departments, the courts, the Governor and the Attorney General of the State of California, to all members of the California Congressional delegation, the United States Attorney General, and the President of the United States of America.

**Cotati, CA****Passed on February 26, 2003****A Resolution of the City Council of the City of Cotati Upholding the Bill of Rights and All Civil Liberties and Supporting the Repeal of the “USA Patriot Act,” Resolution No. 03-08****AND RELATED EXECUTIVE ORDERS**

WHEREAS, the City of Cotati houses a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function; and

WHEREAS, the Bill of Rights of the United States Constitution and the Constitution of the State of California guarantee all persons living in the United States certain fundamental rights, including: freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; access to counsel and due process in judicial proceedings; equality before the law and the presumption of innocence; and a fair, speedy and public trial; and

WHEREAS, the Members of the City Council of the City of Cotati are sworn to uphold the Constitution of the United States and the Constitution of the State of California; and

WHEREAS, the City of Cotati affirms the responsibility of the leaders of the United States to protect and preserve the precious and unique freedoms that are the foundation of our democracy; and

WHEREAS, the “USA PATRIOT Act” (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act) signed by President George W. Bush on October 26, 2001 has a number of provisions that fundamentally contradict the above-mentioned rights and alter the nature of our civil liberties without being proven to increase public safety; and

WHEREAS, examples of the provisions in the “USA PATRIOT Act” and Executive Orders that may violate the Constitution and the rights and civil liberties of the City of Cotati residents are as follows:

- Significantly expands the government’s ability to access sensitive medical, mental health, financial and educational records about individuals; and lowers the burden of proof required to conduct secret searches and telephone and Internet surveillance
- Expands law enforcement authority to obtain library records and prohibits librarians from informing patrons of monitoring or information requests
- Gives the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as “terrorist organizations”
- Grants power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime
- Authorizes eavesdropping on confidential communications between lawyers and their clients in federal custody
- Limits disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, Department of Justice interpretations of this Act and these Executive Orders may have the effect of encouraging racial profiling by law enforcement and hate crimes against individuals in our community; and

WHEREAS, many other cities throughout California as well as throughout the rest of the United States have already passed resolutions upholding basic civil rights and opposing the “USA PATRIOT Act”.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Cotati affirms its strong opposition to terrorism, but considers sections of the “USA PATRIOT Act” to be a present danger to fundamental constitutional and civil rights and affirms that any efforts to end terrorism must not be waged at the expense of the rights and liberties of the people of Cotati, California and the United States; and

BE IT FURTHER RESOLVED that the City Council of the City of Cotati affirms the rights of all people, including United States citizens and citizens of other nations living within the City of Cotati, in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and

BE IT FURTHER RESOLVED that the City Council of the City of Cotati urges all private citizens and organizations to demonstrate respect for civil rights and civil liberties in every respect; and

BE IT FURTHER RESOLVED that the City Council of the City of Cotati calls on the United States Congress to: provide active oversight of the implementation of the “USA PATRIOT Act” and orders cited herein and actively work to repeal or amend those sections of these laws that violate fundamental Constitutional rights and liberties; and

BE IT FURTHER RESOLVED that this Resolution be forwarded to the President of the United States, to the Attorney General of the United States, to our elected Members of both Houses of Congress and to others as appropriate.

## **Davis, CA**

**Passed on February 12, 2003**

### **Resolution to Oppose the USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001), Justice Department Directives, and Executive Orders that Violate Constitutionally Guaranteed Civil Rights and Liberties**

WHEREAS, following the horrific attacks on the United States of America on September 11, 2001 the Congress passed the USA PATRIOT Act (PL107-56) on October 26, 2001; and

WHEREAS, it is appropriate for our government to heighten security to protect the U.S. public from terrorism. However, heightened security measures should not infringe on the rights of individuals guaranteed by the Constitutions of the United States of America and the State of California; and

WHEREAS, the City of Davis includes a diverse community of students and working families, including non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the citizens of Davis are concerned that some executive orders and the resulting actions of the Attorney General of the United States and the U.S. Justice Department since the September 11, 2001 attacks pose significant threats to Constitutional protections in the name of fighting terrorism, and that such undermining of basic civil rights and liberties run the serious risk of destroying freedom in order to save it; and

WHEREAS, we as a city believe that respect for an individual's constitutional rights is essential for the preservation of a democratic society; and

WHEREAS, several actions recently taken by the federal government, including the adoption of sections of the USA PATRIOT Act and several Executive Orders now threaten these fundamental rights and liberties, including: freedom of speech, religion, assembly and privacy; the rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the Constitution of California, the United States Constitution and its Bill of Rights, and by United Nations Charter Articles 55, which require the United States to promote human rights for all without distinction; and

WHEREAS, the First Amendment to the United States Constitution specifies that no law be made "respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances"; and

WHEREAS, the Fourth Amendment declares that "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"; and

WHEREAS, the USA PATRIOT Act allows the FBI and other domestic security groups to secretly search an individual's home, computer, or business, listen to phone conversations, as well as obtain Internet communications, medical records, financial records, records of books bought or checked out of libraries, and student records for "intelligence" purposes under the USA PATRIOT Act's definition of domestic terrorism; and

WHEREAS, the USA PATRIOT Act allows the government to search for evidence in a criminal investigation without first issuing a search warrant when it contends that issuing a warrant would impede the investigation. In common language, it allows the government to "fish" for information that may be relevant to a criminal investigation without having to show reasonable cause that the information it seeks may reveal evidence relevant to a crime. The USA PATRIOT Act undercuts the Fourth Amendment which protects citizens from unwarranted search and surveillance; and

WHEREAS, the Fifth Amendment states that no person "shall be compelled in any criminal case to be a witness against himself"; and

WHEREAS, the Sixth Amendment guarantees defendants "the right to a speedy and public trial, by an impartial jury..., and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense"; and

WHEREAS, new regulations were issued that allow the government to listen in on conversations between an attorney and an inmate when the Attorney General "suspects" such a conversation may have a connection to terrorist activity. This regulation clearly undercuts the Sixth Amendment to the Constitution which guarantees the right to competent legal defense; and

WHEREAS, the Administration announced its intention to create secret military tribunals to try immigrants and other foreigners for terrorism. The usual rules of evidence and right to defense counsel would not necessarily apply. There would be no right of appeal. Such tribunals would clearly undo the right to a public trial guaranteed by the Sixth Amendment of the Constitution of the United States; and

WHEREAS, the Eighth Amendment states that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted"; and

WHEREAS, the Administration has considered allowing the use of torture to obtain information from suspects under investigation for terrorism. The use of torture undercuts the Eighth Amendment which protects people from cruel and unusual punishment; and

WHEREAS, the due process and equal protection clauses of the Fifth and Fourteenth Amendments to the United States Constitution guarantee certain due process and equal protection rights to all residents of the United States regardless of citizenship or immigration status; and

WHEREAS, the Fourteenth Amendment prohibits the government from denying any person equal protection by stating "no state shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of its laws," and pursuant to that clause, human rights and due process must be afforded to all people in the United States regardless of citizenship or immigration status; and

WHEREAS, the USA PATRIOT Act defines "domestic terrorism," so broadly as to apply to certain acts of civil disobedience by lawful advocacy groups such as Operation Rescue or Greenpeace which may be labeled as terrorist organizations and subjected to invasive surveillance, wire tapping, harassment, and criminal penalties for protected political advocacy; also the USA PATRIOT Act grants unchecked power to the Secretary of State to designate domestic groups as "terrorist organizations"; and

WHEREAS, the USA PATRIOT Act gives the FBI and the CIA greater powers to wiretap phones, monitor e-mail, survey sensitive medical, mental health, financial and educational records, and records of books purchased or checked out of libraries without having to show evidence of a crime and without meaningful judicial review, and break into homes and offices without prior notification; and

WHEREAS, the USA PATRIOT Act greatly expands the government's ability to conduct secret searches without warrants; and

WHEREAS, the USA PATRIOT Act grants power to the Attorney General to subject non-citizens to indefinite detention without meaningful judicial review even if they have not committed a crime; and

WHEREAS, more than 1,000 people were detained in the weeks following the September 11 attacks, most without being charged, some denied the right to contact lawyers or their families; and

WHEREAS, the Justice Department, under Attorney General, has issued a directive limiting Freedom of Information Act (FOIA) compliance and cites the threat of terrorism as justification; this directive of limiting disclosure of public documents and records covers all government information, much of which has no national security or law enforcement connection; and

WHEREAS, the Justice Department has announced a nationwide effort to locate and interview as many as 8,000 recent immigrants - all men ages 18 to 33, primarily from Middle Eastern nations; guidelines for these interviews include inquiries into an individual's political beliefs and the beliefs of families and friends, and whether or not the individual "supports" any cause that terrorists espouse; and

WHEREAS, on May 30, the U.S. Attorney General unilaterally and without consultation with Congress eased long-standing intelligence guidelines which were put in place in 1976 as a result of gross intelligence abuses by the FBI and issues surrounding the Watergate Hotel break-in by operatives linked to the Nixon White House; and

WHEREAS, the new guidelines allow FBI agents to spy on religious groups, political rallies, and organized meetings without any suspicion that the organization is involved in terrorism or any other criminal activity; and

WHEREAS, this type of unchecked intelligence gathering led to the gross intelligence abuses of the 1960's including the attempted disruption of the civil rights movement and, as recently reported, the firing of former UC Chancellor Clark Kerr; and

WHEREAS, thirty years ago, California voters overwhelmingly amended the Constitution of California to provide a right to privacy, specifically to prevent "the proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms"; and

WHEREAS, several law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act, directives from the Attorney General, and particular Executive Orders as unnecessary to the prosecution of, and protection from, terrorism; and

WHEREAS, the USA PATRIOT Act, directives from the Attorney General, and particular Executive Orders seem to target foreign nationals and people of Middle Eastern and South Asian descent, and anyone who may legally speak or act to oppose government policy; and

WHEREAS, the policy of the Davis Police Department is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of person and/or property by officers in Davis must be based on a showing of probable cause, as required by the Fourth Amendment of the U.S. Constitution and the California Constitution; and

WHEREAS, the City of Davis has a long and distinguished history of promoting and enforcing civil rights and civil liberties, especially during times of domestic and international conflicts; and

NOW THEREFORE, in keeping with the spirit and history of our community, BE IT RESOLVED THAT:

1. The City of Davis has been, and remains, firmly committed to the protection of civil rights and civil liberties for all people including those who are citizens of other nations. We affirm this commitment to embody the spirit of democracy, to embrace and defend the human rights and civil liberties now under siege, to make those liberties viable for all, regardless of citizenship status, gender, sexual orientation, racial identification, religious affiliation, age, or country of origin.
2. The City of Davis calls upon all private citizens, including residents, employers, educators, and business owners, to demonstrate similar respect for civil rights and civil liberties.
3. The City of Davis calls upon local law enforcement to join the city in affirming the following principles: Every person has the right to freedom of speech and association. Every person has the right to freedom of religion. Every person has the right to assembly and privacy. Every person has the right to due process in judicial proceedings. Every person has the right to counsel and attorney-client privilege. Every person has the right to be free from unreasonable search and seizure. Stops or arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed. Every person has a right to equal protection under the law and the right not to be deprived of life, liberty or property without due process of law.
4. No City of Davis employee or department shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that violate the civil rights or civil liberties of people as specified in the above Amendments of the United States Constitution. No Davis Police officer shall spy on or gather information on religious or political meetings or rallies in the absence of some evidence that the organization is involved in terrorism or some other illegal activity.

5. The City of Davis and Davis Police Department reaffirms its commitment to unbiased policing and endorses the principle that no law enforcement or other city agency may profile or discriminate against any person on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, marital status, physical or mental disability or religion.

The City of Davis requests that Federal and State law enforcement officials who work within the city, do so in accordance with the policies of the Davis Police Department, and in cooperation with the Department, that they not engage in racial profiling or permit detentions without charges.

The City of Davis affirms its strong opposition to the USA PATRIOT Act, Justice Department directives, and Executive Orders that weaken or destroy our civil rights and liberties.

The City of Davis requests that the U.S. Attorney's Office, the Office of the Federal Bureau of Investigation and California Highway Patrol, and local law enforcement authorities and city departments regularly and publicly report to the City Council, the extent and manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including the disclosure of the names of any detainees held in Northern California or any Davis residents detained elsewhere as an "enemy combatant."

The City of Davis shall use all possible leverage to ensure that Federal and State law enforcement officials acting within the city work in accordance with the policies of the Davis Police Department, and in cooperation with the Department, and request that they not engage in law enforcement activities that threaten the civil rights and civil liberties of the people of Davis, such as surveillance, wiretaps, and securing of private information, which the USA PATRIOT Act and Executive Orders authorize. Organizations should not be monitored based on their religious or political views. No information about political, religious or social views, associations, or activities should be collected unless the information relates to public safety concerns or establishes suspicion of criminal activity or the potential for criminal activity.

The City of Davis requests that our United States Congress representatives monitor the implementation of the USA PATRIOT Act, directives from the U.S. Attorney General, and Executive Orders cited herein and actively work for the repeal of the parts of that Act and withdrawal of those Justice Department directives and Executive Orders that violate fundamental rights and liberties as stated in the Constitutions of the State of California and the United States and in the UN Charter and the ratified International Covenant on Civil and Political Rights, the Convention Against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on Elimination of Racial Discrimination.

The City of Davis shall send copies of this resolution to the President of the United States, the U.S. Attorney General, U.S. Congressional and Senate representatives, the Governor and Attorney General of the State of California, the Board of Supervisors of Yolo County, Sheriff of Yolo County, the Yolo County Librarian, the Chancellor of the University of California at Davis, and the President of the UC Board of Regents.

## **Dorris, CA**

**Passed on July 2, 2007**

### **A Resolution of the City Council of the City of Dorris, California Encouraging Citizens to Observe Independence Day**

A Resolution Encouraging Citizens of Dorris, California to Read from, and Familiarize themselves with, the U.S. Constitution/American Bill of Rights and the Declaration of Independence on July 4, 2007, the 231st Anniversary of Independence Day, and Urging Respect for Our Constitutional Rights and Individual Liberties Every Day of the Year

Whereas, we, people of the United States of America, have entered the early years of a new century, which separates us by more than 200 years from America's Founders, whose exertions and sacrifices brought us recognition of our present Constitutional rights and individual liberties, including personal freedoms;

Whereas, it is important for the schoolchildren of Dorris, California to understand that knowledge of the roots of America's traditions of Constitutional rights and individual liberties begins with readings, led by their parents and teachers, from the work of America's Founders, the Declaration of Independence, the U.S. Constitution and the American Bill of Rights;

Whereas, consciousness of the words contained in their historic craftsmanship, the U.S. Constitution, the American Bill of Rights and the Declaration of Independence, resulting from reading those historic documents on Independence Day, 2007, enables present-day Americans to bridge the centuries separating us from the Founders and contributes to the preservation of our Constitutional rights and individual liberties;

Whereas, any tendency of American public officials, at all levels of government, to consider the impact on our personal freedoms and individual liberties of every piece of legislation, with a commitment to favor those freedoms and liberties, also contributes to the preservation of our Constitutional rights and individual liberties;

Whereas, the preservation of these Constitutional rights and individual liberties is essential to the well-being of a democratic society and to maintenance of our distinctive American way of life;

Whereas, July 4, 2007 marks the 231st anniversary of establishment of American political independence and individual liberty;

Now, Therefore, Be It Resolved, that the City Council of Dorris, California encourages the citizens of the City of Dorris to read the U.S. Constitution/Bill of Rights and the Declaration of Independence on July 4, 2007 and to otherwise observe the spirit of Independence Day, 2007;

Be It Resolved, further, that the City Council of Dorris, California encourages the public officials who represent the citizens of the City of Dorris at other levels of government to examine, or as appropriate, re-examine every piece of legislation brought before them for its impact on our political independence, Constitutional rights and individual liberties and to otherwise show preference for preservation, rather than restriction, of those rights and liberties in every official decision, in order to honor those American Constitutional rights and individual liberties defended so vigorously in the Declaration of Independence, the U.S. Constitution and the American Bill of Rights.

I HEREBY CERTIFY the foregoing Resolution No. 07-07 was introduced, passed and adopted at a regular meeting of the City Council of Dorris, County of Siskiyou, State of California, held on the 2nd of July, 2007, by the following vote:

Ed Traverso, Mayor

Attest: Shelly L. Ferr, City Clerk

## **Duarte, CA**

**Passed on January 27, 2004**

### **Resolution Affirming the Principles of Federalism and Civil Liberties**

WHEREAS, the National League of Cities believes there is no inherent conflict between national security and the preservation of liberty, and affirms its strong support of the rights of Americans to be both safe and free;

WHEREAS, the National League of Cities recognizes the Constitution of the United States as our nation's charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including the freedoms of speech, religion, assembly, privacy;

WHEREAS, the National League of Cities has a distinguished record of upholding the Constitution, and the Bill of Rights, and safeguarding the freedoms and rights of American residents;

WHEREAS, on September 11, 2001, terrorists from abroad attacked the United States by commandeering four commercial airliners, and destroyed the World Trade Center in New York, significantly damaged the Pentagon, and caused a jetliner crash resulting in significant civilian casualties;

WHEREAS, the terrorist attack was an attack on a nation that is home to a diverse population and plunged the nation into deep concern regarding its national security and vulnerability to future attacks;

WHEREAS, the National League of Cities condemns all terrorist acts wherever occurring;

WHEREAS, the National League of Cities believes that efforts to prevent and respond to acts of terrorism require extensive coordination, cooperation, and accountability among the federal, state, and local level;

WHEREAS, the National League of Cities recognizes that protecting our citizens against future terrorist attacks requires the federal government to aggressively pursue potential terrorists but these efforts to combat terrorism should not disproportionately infringe on the essential civil rights and liberties of the people of the United States;

WHEREAS, the prevention of future terrorists attacks is a critical national priority, but it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles;

WHEREAS, in response to the terrorist attacks, on October 26, 2001, the United States Congress passed, and President Bush signed into law, the USA PATRIOT Act, an acronym for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism," by a Senate vote of 98-1 and House of Representative vote of 357-66;

WHEREAS, the National League of Cities believes that a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home;

Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;

Section 218 which amends the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime;

Sections 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;

Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as “terrorist organizations” and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed; and

Sections 507 and 508 which impose an unfunded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

WHEREAS, municipal governments budgets across the nation are strained and these added duties constitute unfunded mandates on cities police Departments, libraries, universities, etc. that cities cannot financially absorb;

WHEREAS, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, and which would severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, in response to the threats against civil liberties embodied in certain provisions of the PATRIOT ACT, legislation has been introduced in the House and Senate that would roll back certain provisions of the PATRIOT ACT.

THEREFORE BE IT RESOLVED, that the National League of Cities supports the United States’ campaign against terrorism, but the National League of Cities affirms its commitment to the United States Constitution and respective state constitutions;

BE IT FURTHER RESOLVED, that the National League of Cities urges the President, and executive branch members to review, revise and rescind executive orders and policies adopted since the terrorist attacks, that limit or compromise the liberties guaranteed by the Constitution and the Bill of Rights;

BE IT FURTHER RESOLVED, that the National League of Cities strongly urges the United States Congress to amend the PATRIOT ACT in order to restore and protect our nation’s fundamental and inalienable rights and liberties;

BE IT FURTHER RESOLVED, that the National League of Cities supports the “Freedom to Read Protection Act of 2003” that would reinstate legal standards for libraries and bookstores and the Protecting the Rights of Individuals Act which would require a court order before conducting electronic surveillance;

BE IT FURTHER RESOLVED, the National League of Cities supports the sunset of key provisions of the PATRIOT Act and increased Congressional oversight over the role of the agencies responsible for enforcing the law;

BE IT FURTHER RESOLVED, the National League of Cities calls on Congress, the Department of Homeland Security, and other related agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of Americans; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the President of the United States, the Attorney General of the United States, and to each member of Congress.

## **Dublin, CA**

**Passed on April 16, 2003**

Resolved:

That the city of Dublin affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism should be not be waged at the expense of the fundamental civil rights and liberties of the people of Dublin and of the United States;

That the Dublin City Council calls on all private citizens and organizations, including residents, employers, educators and business owners to demonstrate similar respect for civil rights and liberties;

That the city of Dublin calls on our United States Senators and Representatives to monitor the implementation of the USA Patriot Act and Executive Orders and to actively work for the repeal of those Acts and Orders that violate the fundamental rights and liberties enumerated in the U.S. Constitution;

That the City of Dublin calls on our United States Senators and Representatives to discourage introduction of legislation further diminishing civil rights and liberties;

That copies of this resolution be sent to the President of the United States, to our elected Federal representatives and to the Governor of California.

**El Cerrito, CA****Passed on March 17, 2003****A Resolution of the El Cerrito City Council in Support of the United States Constitution and the Bill of Rights in Response to the USA Patriot Act, Resolution 2003-25**

WHEREAS, the City of El Cerrito houses a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Constitution and the Bill of Rights guarantee to all persons living in the United States these fundamental rights: freedom of religion, speech, and assembly; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy, and public trial; and

WHEREAS, a great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement powers, including the USA PATRIOT Act signed by George W. Bush on October 26, 2001; and

WHEREAS, the USA PATRIOT Act has a number of provisions that undermine the above mentioned Constitutional rights and fundamentally alter the nature of our civil liberties; and

WHEREAS, examples of the provisions in the USA PATRIOT Act and related Executive Orders that may violate our constitution and the rights and civil liberties of El Cerrito residents include:

- Significant expansion of the government's ability to access sensitive medical, mental health, financial and educational records about individuals;
- Lowering the burden of proof required to conduct secret searches and telephone and Internet surveillance;
- Expanding law enforcement's authority to obtain library records and prohibits librarians from informing patrons of monitoring or information requests;
- Limiting disclosure of public documents and records under the Freedom of Information Act and;
- Granting the U.S. Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as "terrorist organizations";
- Granting the U.S. Attorney General the power to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime;

Authorizing the eavesdropping of communication between lawyers and their clients in federal custody; and

WHEREAS, Department of Justice interpretations of the USA PATRIOT Act and these Executive Orders particularly target Muslims, people of Middle Eastern and South Asian descent and citizens of other nations, thereby encouraging racial profiling by law enforcement agencies and hate crimes by individuals in our community, and

WHEREAS, Oakland, Berkeley, Richmond, and over 50 other cities across the country have already passed resolutions opposing the USA PATRIOT

NOW THEREFORE BE IT RESOLVED that the City Council of the City of El Cerrito hereby affirms its strong opposition to terrorism but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people El Cerrito and the United States.

BE IT FURTHER RESOLVED that, to the extent legally possible, no City employee or department shall officially assist or voluntarily cooperate with investigations, interrogations or arrest procedures, public or clandestine, that are in violation of individuals civil rights or civil liberties as specified by the US Constitution and the Bill of Rights

BE IT FURTHER RESOLVED that the El Cerrito City Council calls upon all private citizens and organizations, including residents, employers, educators and business owners to demonstrate similar respect for civil rights and civil liberties, especially but not limited to cooperation with investigations and conditions of employment.

BE IT FURTHER RESOLVED that the City of El Cerrito calls on our United States Senators and Representative to monitor the implementation of the PATRIOT Act and Orders and actively work for the repeal of the provisions of the Act and those Orders that violate fundamental rights and liberties as stated in the U.S. Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of the United States, elected Federal representatives, the Governor of California, and the United Nations High Commissioner for Human Rights in Geneva, Switzerland.



**Emeryville, CA**  
**Passed on May 6, 2003**

**Resolution of the City Council of the City of Emeryville Supporting the United States Constitution and the Bill of Rights**

WHEREAS, the City of Emeryville has an ethnically diverse population, including citizens of other nations, whose contributions to the community are vital to its character and functions; and

WHEREAS, the United States Constitution and the Bill of Rights guarantee to all persons living in the United States these fundamental rights: freedom of religion, speech, assembly; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and

WHEREAS, the USA PATRIOT Act signed by George W. Bush on October 26, 2001, has a number of provisions that undermine these rights and fundamentally alter the nature of our civil liberties; and

WHEREAS, examples of the provisions in the USA PATRIOT Act and related Executive Orders that may violate our constitution and the rights and civil liberties of Emeryville residents are as follows:

- Significantly expands the government's ability to access sensitive medical, mental health, financial and educational records about individuals;
- Lowers the burden of proof required to conduct secret searches and telephone and Internet surveillance;
- Gives law enforcement expanded authority to obtain library records and prohibits librarians from informing patrons of monitoring or information requests;
- Limits disclosure of public documents and records under the Freedom of Information Act and;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations as "terrorist organizations";
- Grants power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime;
- Authorizes eavesdropping communications between lawyers and their clients in federal custody and;

WHEREAS, Department of Justice interpretations of the USA PATRIOT Act and these Executive Orders particularly target Muslims, people of Middle Eastern and South Asian descent and citizens of other nations and thereby encourages racial profiling by law enforcement agencies and hate crimes by individuals in our community; and

WHEREAS, the USA PATRIOT Act has the potential to threaten the rights of all Americans as provided within the Constitution and the Bill of Rights, now, be it

RESOLVED that the City Council of the City of Emeryville affirms its strong opposition to terrorism but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Emeryville and the United States, and be it, further

RESOLVED that the City Council of the City of Emeryville call on our United States Senators and Representatives to monitor the implementation of the Act and Orders and actively work for the repeal of the provisions of the Act and those Orders that violate fundamental rights and liberties as stated in the U.S. Constitution and the Bill of Rights, and be it, further

RESOLVED that the City Council of the City of Emeryville directs the City Manager to send copies of this resolution to the President of the United States, elected federal representatives, the Governor of California and the United Nations High Commissioner for Human Rights in Geneva, Switzerland.

**Fairfax, CA**  
**Passed on January 7, 2003**

**Fairfax, CA Resolution Number 2270 in Support of Our Constitutional Rights**

WHEREAS, the Town of Fairfax is concerned with the security of the nation and protection of our civil and political rights and liberties.

WHEREAS, the Town of Fairfax is governed by the Constitution of the State of California and the Constitution of the United States and affirms the U.S. Constitution and its Bill of Rights as the foundation of our democracy.

WHEREAS, every member of the Fairfax Town Council took an oath to defend the Constitution of the United States against all enemies foreign and domestic.

WHEREAS, there is a growing movement across the country to oppose the USA Patriot Act and any federal legislation and executive orders which violate the rights and liberties enumerated in the Constitution of the United States; and 19 cities, including Berkeley, Oakland, Santa Cruz, and Sebastopol in the San Francisco Bay Area, have already passed resolutions instructing local officials and law enforcement agencies not to comply with any federal measures which violate our constitutionally protected rights and liberties.

WHEREAS, the Declaration of Independence of the United States holds as self-evident that all people are created equal and endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness.

WHEREAS, the residents of the Town of Fairfax recognize that the diversity of our population adds to the vitality, strength and character of our community

WHEREAS, the First Amendment of the United States Constitution states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or the abridging the freedom of speech, or of the press,; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

WHEREAS, the Fourth Amendment of the United States Constitution states; “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.”

WHEREAS, the Fifth Amendment of the United States Constitution states that “no person...shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.”

WHEREAS, the Sixth Amendment of the United States Constitution guarantees defendants “the right to a speedy and public trial by an impartial jury,” the right “to be informed of the nature and cause of the accusation,” the right “to be confronted with the witnesses against him” and the right “to have the assistance of counsel for his defense.”

WHEREAS, the Eighth Amendment of the United States Constitution states: “excessive bail shall no be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

WHEREAS, the Fourteenth Amendment of the United states Constitution states: “...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

WHEREAS, the Declaration of rights in the California Constitution guarantees the same fundamental rights enumerated in the United States Constitution.

WHEREAS, according to Article VI of the United States Constitution, all treaties entered into by the United States are the “supreme law of the land.”

WHEREAS, Article 9 of the International Covenant on Civil and Political Rights, ratified by the United States Senate in 1992, states:

- “No one shall be subjected to arbitrary arrest or detention.”
- “Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.”
- “Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release.”
- “Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.”

WHEREAS, Article 9 of the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in 1948, states “No one shall be subjected to arbitrary arrest, detention, or exile.”

WHEREAS, Article 10 of the Universal Declaration of Human Rights states: “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”

WHEREAS, Article 11.1 of the Universal Declaration of Human Rights states: “Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.”

WHEREAS, we believe that all the rights and liberties cited above, which are the foundation of our democracy, are directly threatened by the USA Patriot Act, which:

- Chills our First Amendment rights of freedom of speech, political association and political protest by overly broad definitions of terrorism contained in Section 802 of the Act.
- Greatly expands the ability of federal agents to conduct secret searches (“sneak and peak searches”) of our homes and places of employment as authorized in Section 213.

- Grants the executive branch unprecedented and largely unchecked surveillance powers: including enhanced ability to track Email and Internet usage; obtain sensitive medical, mental health, financial and educational records; and monitor telephone calls, library usage and books purchased--all without evidence of a crime and without a court order. (Sections 215, 216, 507).
- Strips immigrants of Constitutional protections which has led to the mass roundups of thousands of Arabs, Muslims and South Asians, many of whom have been detained without charges for lengthy periods of time without legal representation.
- Confers vast and unchecked powers to the executive branch which threatens the balance of powers enshrined in the United States Constitution among the executive, judicial and legislative branches.

WHEREAS, we further believe that all the rights and liberties cited above are endangered by Federal Executive Orders, which:

- Establish secret military tribunals for suspects.
- Permit wiretapping of conversations between federal prisoners and their lawyers.
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities which in the past targeted domestic groups and individuals engaged in lawful political activities).
- Limit the disclosure of public documents and records under the Freedom of Information Act.

WHEREAS, we believe all the rights and liberties cited above are also endangered by the Homeland Security Act which violates fundamental principles of open and accountable governance by:

- Exemption from the disclosure requirements of the Freedom of Information Act, thereby drastically limiting the agency's responsibility to answer public questions and concerns.
- Empowering the Secretary of the new agency to waive the safeguards contained in the Federal Whistleblower Protection Act.

THEREFORE BE IT RESOLVED THAT:

- a. The Town Council of Fairfax shall communicate in writing to President George Walker Bush, Senators Diane Feinstein and Barbara Boxer, and Representative Lynn Woolsey its desire that they work to repeal the USA Patriot Act and any and all provisions of federal legislation and executive orders that violate the fundamental rights and liberties embodied in the United States Constitution, the California Constitution, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights.
- b. All Fairfax officials and the Fairfax police, to the extent legally possible, shall refrain from enforcement of the provisions of the acts and executive orders cited above which are in violation of our constitutional rights or international law.
- c. The Fairfax police, to the extent legally possible, shall preserve Fairfax residents' rights of freedom of speech, religion, assembly, privacy and lawful political protest; shall preserve their rights to counsel and due process in judicial proceedings and their right to protection from unreasonable searches and seizures; and shall refrain from racial profiling and detentions without charges in the fulfillment of their law enforcement responsibilities.
- d. The Fairfax town clerk shall send copies of this resolution to the President of the United States, our two senators and our representative in the United States Congress, the Attorney General of the United States, the local U.S. Attorney's office and the Attorney General of California.

## **Glendale, CA**

**Passed on August 31, 2004**

### **A Resolution of the City Council of the City of Glendale, California, Affirming the Principles of Federalism and Civil Liberties**

WHEREAS, the Council believes there is no inherent conflict between national security and the preservation of liberty, and affirms its strong support of the rights of Americans to be both safe and free; and

WHEREAS, on September 11, 2001, terrorists attacked the United States by commandeering four commercial airliners, and destroyed the World Trade Center in New York, damaged the Pentagon and caused significant civilian casualties; and

WHEREAS, the Council condemns all terrorist acts wherever occurring; and

WHEREAS, efforts to prevent and respond to acts of terrorism require coordination, cooperation and accountability among federal, state and local officials; and

WHEREAS, the Council recognizes the Constitution of the United States as our nation's charter of liberty and appreciates the Bill of Rights which enshrines the fundamental and inalienable rights of Americans, including meaningful recourse to the courts, access to counsel, and the freedoms of speech, religion, assembly and privacy; and

WHEREAS, the City of Glendale has, with gratitude for their supreme sacrifice, memorialized those in the Armed Forces who have died in battle protecting these cherished liberties; and

WHEREAS, the prevention of future terrorist attacks is a critical priority, but it is equally important to preserve the fundamental American freedoms which have endured due to constant vigilance against periodic threats; and

WHEREAS, in response to the September 11, 2001 terrorist attacks, on October 26, 2001, the U. S. Congress passed, and the President signed into law, the USA PATRIOT Act, an acronym for “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism”; and

WHEREAS, municipal government budgets across the nation are strained and these added duties constitute unfunded mandates for city police departments, libraries and other city departments; and

WHEREAS, the diverse population of the City of Glendale includes people who have lived in countries in which the rights of individuals are not protected by the rule of law; and

WHEREAS, in response to the concerns raised about portions of the USA PATRIOT Act on civil liberties, legislation has been introduced in the House and Senate that would roll back certain provisions of this Act; and

WHEREAS, this Resolution is not intended to inhibit or prevent apprehension, trial or conviction of people who have carried out or planned attacks against the United States or any other country, but is to state the belief that the United States is a nation based on laws and that a threat to any one person’s Constitutional rights is a threat to the rights of all.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, THAT the Council affirms the rights of all people, as established by the Constitutions of the United States and the State of California, and that the Council calls upon all federal, state and city officials and employees to protect these rights.

BE IT FURTHER RESOLVED, the Council urges the U.S. Congress, the President and executive branch members to review, revise and rescind the executive orders, policies and legislation that limit or compromise the liberties guaranteed by the U.S. Constitution and the Bill of Rights.

The City Clerk shall certify to the Adoption of this Resolution.

Adopted by the Council of the City of Glendale on this 31st day of August, 2004.

## **Hayward, CA**

### **Passed on June 29, 2003**

#### **Resolution in Support of Patron Privacy and Freedom of Information in Libraries Authorizing the Mayor to Submit a Letter in Support of the Freedom to Read Information Act of 2003 (HR 1157), Resolution No. 03-123**

WHEREAS, the City Council of the City of Hayward is concerned about the consequence of the USA PATRIOT Act as it affects the privacy of library patrons; and

WHEREAS, federal, state, and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, the City Council proudly values the diverse population of Hayward, including citizens of other nations whose contributions to the community are vital and is concerned about the profiling of any particular racial, ethnic, cultural, political, or religious group in investigations; and

WHEREAS, libraries, and specifically the Hayward Public Library, are a critical force for promoting the free flow of information, facilitating its distribution and protecting the privacy of those who seek information; and

WHEREAS, the Library Commission of the City of Hayward encourages library staff to educate our community, stakeholders, staff and patrons with balanced information about the USA PATRIOT Act and other recently enacted laws, regulations, and guidelines; and

WHEREAS, the City Council supports HR 1157, the Freedom to Read Protection Act, because it would protect the privacy and confidentiality of library records, while still providing law enforcement agencies access to these records.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward supports the right of the public to access information and the freedom to read and reaffirms the City support for user privacy and freedom of information at the Hayward Public Library.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward takes an official position in support of the Freedom to Read Protection Act (HR 1157) and authorized the Mayor to submit a letter in support of this bill.

## **Humboldt County, CA**

### **Passed on August 17, 2004**

#### **Resolution Limiting Support for the USA PATRIOT Act**

Whereas, the Humboldt County Board of Supervisors are mindful of and fully support the need to protect the security and safety of our nation: and

Whereas, the County of Humboldt has a long and distinguished tradition of protection the civil right and civil liberties of its residents; and

Whereas, the County of Humboldt has a diverse population including immigrants, students, and working people, whose contribution to the community are vital to its character and function; and

Whereas, fundamental constitutional rights are essential to the preservation of a just and Democratic society; and

Whereas, Humboldt County Board of Supervisors has received concerns from the public regarding the USA Patriot Act's potential threats to constitutional rights and liberties; and

Whereas, the Humboldt County Board of Supervisors directed the Humboldt County Human Rights Commission to review the USA Patriot Act in light of the above noted expressed concerns form the general public; and

Whereas, the Humboldt County Human Rights Commission has determined the new powers, granted under the Patriot Act, appears to have weakened or eliminated the traditional checks and balances available to protect the civil liberties of Humboldt County residents, and appear to foster racial and religious profiling particularly against the of Arab-American, Muslim and south Asian backgrounds; and

Whereas, on September 17, 2002, the Humboldt County Board of Supervisors, in recognition of the weakening of privacy protections acted to protect the privacy of library patrons by adopting the "Confidentiality of Library Records Policy."

## **Lake County, CA**

### **Passed on July 8, 2003**

#### **Resolution Protecting and Defending the Bill of Rights and Constitution of the United States of America**

WHEREAS, the County of Lake recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold and which supercedes all administrative rules, local ordinances, state statutes, Federal laws, Treaties and Executive Orders

WHEREAS, the County of Lake has a long and proud tradition of upholding the free exercise and enjoyment of the inalienable rights guaranteed to all natural persons by the Declaration of Independence, the Constitution of the United States of America, and the Bill of Rights; and

WHEREAS, in November 1974, California voters overwhelmingly amended the State Constitution to guarantee a right to privacy; and

WHEREAS, the County of Lake affirms its strong opposition to terrorism and affirms that any efforts to end terrorism must not be waged at the expense of our constitutionally guaranteed civil and human rights; and

WHEREAS, any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the County of Lake and the nation; and

WHEREAS, with gratitude for the supreme sacrifices of those who have fought and died in the armed forces of the United States in order to protect our cherished rights and liberties, we, the people of Lake County, likewise stand firm in honoring and preserving those rights and liberties; and

WHEREAS, provisions of the USA PATRIOT ACT, the Homeland Security Act, and certain Federal Executive Orders and Edicts of the Attorney General threaten constitutional rights of the residents of the United States and of Lake County in that they may infringe upon the right of the people:

- not to be detained or investigated without probable cause,
- not to be deprived of liberty without due process, to be secure in their homes, papers and effects from unreasonable searches and seizures,
- to seek redress of grievances,
- to free speech,
- to a speedy and public trial,
- to confidential assistance of counsel for defense,

- to free association and assembly,
- to privacy,
- to other civil liberties guaranteed under the Constitutions of the United States and California; and

WHEREAS, the County of Lake recognizes that such infringements on the constitutionally guaranteed rights of any natural person under color of law are a breach of the public trust, an abuse of power, and a misappropriation of public funds.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of the County of Lake affirms its commitment to defend and uphold the rights and liberties guaranteed by the Constitutions of the United States and California; and

BE IT FURTHER RESOLVED that it is the policy of the County of Lake to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed equally under the state and federal constitutions; and

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Lake supports the repeal of those portions of the USA PATRIOT ACT and the Homeland Security Act which violate the U.S. Constitution or the Bill of Rights, and supports the countermand and revocation of those Federal Executive Orders and Edicts of the Attorney General which violate the U.S. Constitution and the Bill of Rights, and affirm the spirit and letter of the Freedom of Information Act as passed by Congress.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Lake implores the United States congress to correct provisions in the USA PATRIOT Act and other measures that infringe on civil liberties, and opposes any pending and future federal legislation to the extent that it infringes on Americans' civil rights and liberties.

COPIES of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable Grey Davis, Governor of California and to the Honorable Barbara Boxer and the Honorable Diane Feinstein, U. S. Senators, and the Honorable Mike Thompson, Representative, members of the California delegation in Congress.

## **Livermore, CA**

**Passed on July 28, 2003**

### **A Resolution in Support of the Resolutions of the American Library Association and the California Library Association Concerning the USA PATRIOT Act and in Support of the Freedom to Read Protection Act**

The Livermore Public Library is operated by the City of Livermore under the auspices of the Livermore City Council, and

The Livermore Public Library Board of Trustees is concerned about potential infringement on the constitutional rights of Livermore library users caused by the USA Patriot Act, and

The USA Patriot Act expands the authority of the federal government to investigate citizens and non-citizens in a manner which will increase the likelihood that the activities of library users, including the borrowing of library materials and their use of computers to browse the Internet, may be under government surveillance without their knowledge, and

The American Library Association and the California Library Association have passed resolutions expressing concerns regarding the effect of provisions of the USA Patriot Act on library patron privacy, and

The American Library Association and the California Library Association resolutions urge changes to sections of the USA Patriot Act which threaten or abridge the rights of inquiry and free expression, and

The Freedom to Read Protection Act, (H.R. 1157) would rescind the portions of the USA Patriot Act that allow government to secretly view library records without obtaining a probable cause search warrant,

NOW, THEREFORE, BE IT RESOLVED THAT the City of Livermore supports the USA Patriot Act resolutions of the American Library Association and the California Library Association and urges passage of the Freedom to Read Protection Act, (H.R. 1157), and

BE IT FURTHER RESOLVED THAT copies of this resolution be sent to the President of the United States, to our elected Federal representatives and to the Governor of California.

## **Los Angeles, CA**

**Passed on January 21, 2004**

### **USA PATRIOT Act Repeal**

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City of Los Angeles houses a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Constitution guarantees all persons living in the United States the fundamental rights including - freedom of religion, speech, assembly and privacy, protection from unreasonable searches and seizures, due process and equal protection to any person; equality before the law and the presumption of innocence, access to counsel in judicial proceedings, and a fair speedy and public trial; and

WHEREAS, a great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement powers, including the USA PATRIOT ACT and related Executive Orders signed by President George W. Bush on October 26, 2002; and

WHEREAS, the USA PATRIOT ACT and related Executive Orders appear to weaken or contradict the above mentioned Constitutional rights; and

WHEREAS, examples of the provisions in the USA PATRIOT Act and related Executive Orders that may violate the Constitution and the civil rights and civil liberties of Los Angeles residents are as follows: Significantly expands the government's ability to access sensitive medical, mental health, financial and educational records about individuals, and lowers the burden of proof required to conduct secret searches and telephone and Internet surveillance; gives law enforcement expanded authority to obtain library records and prohibits librarians from informing patrons of monitoring or information requests; gives the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations "terrorist organizations", grants power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime, authorizes eavesdropping on confidential communications between lawyers and their clients in federal custody, and limits disclosure on public documents and records under the Freedom of Information Act; and

WHEREAS, the Department of Justice interpretations of this Act and the related Executive Orders particularly target Muslims, people of Middle Eastern and South Asian descent and citizens of other nations, and thereby encourage racial profiling by law enforcement and hate crimes by individuals in our community; and

WHEREAS, the City of Los Angeles has a well documented strong opposition to terrorism, but should affirm that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Los Angeles, the United States and the World, and

WHEREAS, the City of Los Angeles should affirm the rights of all people, including United States citizens and citizens of other nations, living within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution, and

WHEREAS, all private citizens and organizations, including residents, employers, educators, and business owners should demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions or employment and cooperation with investigations; and

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2003 - 2004 Federal Legislation Program SUPPORT of any legislation which would REPEAL provisions in the USA PATRIOT ACT and related Executive Orders that may violate the Constitution and the civil rights and civil liberties of individuals, as further detailed in the text of this Resolution; OPPOSITION to any legislative or administrative action which would strengthen government's ability to engage in the above-referenced activities to violate individual privacy and civil rights; and OPPOSITION to any legislation or administrative action which would require libraries to monitor, provide information and report on the borrowing practices of library patrons.

## **Los Gatos, CA**

**Passed on March 17, 2003**

### **Resolution Relating to the USA PATRIOT Act and the Protection of Civil Rights and Liberties of Los Gatos**

WHEREAS, the Town of Los Gatos is a diverse community composed of persons of different ancestries, races, ethnic or national origins, colors, ages, genders, sexual orientations, religions, physical and mental capabilities, economic circumstances and political backgrounds and views;

WHEREAS, all members of this community are governed by and enjoy certain fundamental rights granted under the United States Constitution, including the Bill of Rights, and the California State Constitution;

WHEREAS, these fundamental rights are threatened whenever law enforcement actions are based on extreme interpretations of laws that were ultimately intended for the limited purpose of protecting these fundamental rights;

WHEREAS, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA Patriot Act) was signed into law on October 26, 2001 with the stated purpose to enable law enforcement officials to track down and punish those responsible for the September 11, 2001 attacks on the World Trade Center in New York City and to protect against any similar attacks;

WHEREAS, given the length and breadth of such acts, concerns have been raised that their language and that of Executive Orders interpreting such acts, might result in overzealous enforcement of its provisions in derogation of the fundamental rights of all Americans, including the members of this community;

WHEREAS, the Town of Los Gatos adheres to the principle that no law enforcement agency, or any other city agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnic or national origin, color, age, sexual orientation, gender, physical or mental disability, or religion, political views, economic circumstances;

WHEREAS, the Town of Los Gatos wants to recognize the commitment it has to uphold the legal and human rights of its residents;

WHEREAS, other communities around the country have passed similar resolutions reinforcing local efforts to support and defend the legal and human rights of their residents;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Town of Los Gatos that it has been, and remains, firmly committed to the protection of civil rights and civil liberties for all of its residents, to the equal treatment of all its residents, regardless of their ancestry, race, ethnic or national origin, color, age, gender, sexual orientation, religion, physical and mental capability, economic circumstance, political background or views, and affirms its commitment to embody democracy and to embrace, defend and uphold the inalienable rights and fundamental liberties granted under the United States and the California State Constitution;

BE IT FURTHER RESOLVED that local law enforcement continue to preserve and uphold residents' freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, even if requested to do otherwise and infringe upon such rights by federal or state law enforcement agencies acting under new powers created by the USA Patriot Act or by Executive Order;

BE IT FURTHER RESOLVED that our Federal legislative delegation is petitioned to actively monitor the implementation of the USA Patriot Act, any new legislation, or related Executive Orders, and actively work for the repeal of those portions that violate the guaranteed civil liberties enumerated in the Bill of Rights.

BE IT FURTHER RESOLVED that upon passage, the Town Clerk shall deliver this Resolution to all federal and state law enforcement agencies, the Governor's office, and to the California federal legislative delegation.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California held on the 17 day of March, 2003, by the following vote:

AYES: 5; NAYS: 0; ABSENT: 0; ABSTAIN: 0

SIGNED: Sandy Decker

MAYOR OF THE TOWN OF LOS GATOS

## **Marin County, CA**

**Passed On May 6, 2003**

### **Resolution No. 2003-44: Resolution of the Marin County Board of Supervisors Affirming Support for Constitutionally Guaranteed Rights and Liberties Threatened by the USA Patriot Act, the Homeland Security Act, and Specific Executive Orders and Rulings**

WHEREAS, the County of Marin recognizes the increased security risks faced by our nation as a result of terrorist acts; and

WHEREAS, the County of Marin supports increased Federal government attention to limit and prevent the impacts of terrorism on this nation and the world; and

WHEREAS, the County of Marin is governed by the Constitution of the United States and affirms the United States Constitution as the foundation of our Democracy; and

WHEREAS, the first ten amendments to the Constitution were jointly ratified in what is known as the Bill of Rights in order to protect citizens from the potential of government to abuse the rights and liberties of our citizens; and

WHEREAS, the County of Marin understands that the security of our nation must be achieved in ways that also insure the protection of civil rights and liberties enshrined within the Constitution of the United States; and

WHEREAS, when the Marin County Board of Supervisors perceives threats against the protection of those rights for its residents and its workforce, it is the Board's Constitutional duty to actively work against that result; and

WHEREAS, the County of Marin is proud to be the home of a diverse racial and ethnic population, including citizens of other nations, whose contributions to our community are vital to its character and functioning; and

WHEREAS, information provided to the Marin County Board of Supervisors by members of the informed citizenry of this County, along with the work of prominent legal organizations, has caused the Board to believe that portions of the USA PATRIOT Act, as well as portions of the Homeland Security Act, along with certain Presidential executive orders and rulings of the United States Attorney General comprise an assault upon the Constitutional rights of the residents of the residents of Marin County and its workforce; and



WHEREAS, Constitutional guarantees believed to have been weakened by the legislative and executive actions of the federal government cited above include:

- Freedom of speech, assembly, association, and privacy;
- Protection from unreasonable searches and seizures;
- Equality before the law with the presumption of innocence until proven guilty;
- Access to legal counsel and due process in judicial proceedings;
- Protection from discrimination based on race, religion, gender, national origin; and

WHEREAS, the cited legislative and executive actions of the federal government directly impact the work of County employees who may be put into positions of constitutional jeopardy without adequate understanding of their rights.

NOW THEREFORE BE IT RESOLVED THAT the Marin County Board of Supervisors affirms its strong support for constitutionally guaranteed rights and liberties and affirms its opposition to any and all federal measures which would weaken or violate those rights and liberties; and

BE IT FURTHER RESOLVED THAT the Marin County Board of Supervisors directs its Administrator and County Counsel to work collaboratively with others within County Government and with those other local jurisdictions that wish to participate in specific review of the cited legislative and executive actions so as to be able to provide to the Board no later than August 19, 2003, a report regarding the rights and obligations of County employees and residents in relation to federal requirements which may violate their constitutionally guaranteed rights; and

BE IT FURTHER RESOLVED THAT the Marin County Board of Supervisors shall communicate in writing to President Bush, Senators Feinstein and Boxer, and Representative Woolsey its desire that they work to repeal those portions of the cited legislation that violate the fundamental rights and liberties embodied in the United States Constitution and the Bill of Rights' and

BE IT FURTHER RESOLVED THAT the Marin County Board of Supervisors shall communicate in writing to Senators Feinstein and Boxer, and Representative Woolsey its desire that they notify the County of pending or future legislation which may also infringe upon those same rights and liberties; and

BE IT FURTHER RESOLVED THAT the Marin County Board of Supervisors directs its County Counsel to monitor legal challenges which may be undertaken to ascertain the constitutionality of the cited legislation and to provide the Board with a recommendation as to whether to participate in amicus briefs or other acts of support should such challenges take place.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 6th day of May, 2003

## **Mendocino County, CA**

**Passed on April 22, 2003**

### **Mendocino County, California, Civil Liberties Resolution**

Approved by the Board of Supervisors on April 22, 2003, by a vote of 4 to 1

WHEREAS, the Bill of Rights of the United States Constitution and the Constitution of California guarantee those living in the United States the following rights:

- Freedom of speech, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

WHEREAS, we believe these civil liberties are precious and are now threatened by

#### **A. The USA PATRIOT Act, which**

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"; and
- Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and

#### **B. Federal Executive Orders, which**

- Establish secret military tribunals for terrorism suspects;

- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, this law and these Executive Orders particularly target foreign nationals and people of Middle Eastern and South Asian descent, but could affect any one of us in the U.S.A. acting and speaking legally in opposing government policy; and

WHEREAS, the Executive Order on secret military tribunals also undermines the U.S. government's ability to denounce atrocities carried out in secret by military tribunals elsewhere in the world; and

WHEREAS, several law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and these Executive Orders as unnecessary to the prosecution of, and protection from, terrorism;

THEREFORE, we the people of Mendocino County call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office, and the FBI to:

1. Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees;
2. End racial profiling in law enforcement and detentions without charges;
3. Not participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties of the people of Mendocino County, such as surveillance, wiretaps, and securing of private information, which the Act and Orders authorize; and
4. Openly work for the repeal of the parts of the Act and Orders that violate civil rights and civil liberties guaranteed by the constitution.

## **Mill Valley, CA**

**Passed on April 7, 2003**

### **RESOLUTION NO. 03-14: Resolution of the City Council of the City of Mill Valley to Preserve Civil Liberties Endangered by the USA Patriot Act, Homeland Security Act and Presidential and Attorney General Executive Orders and Rulings**

WHEREAS, a crime against humanity occurred on September 11, 2001 when terrorist acts against the United States resulted in the passage of new federal laws and executive orders; and

WHEREAS, the City of Mill Valley is concerned with the security of our nation and the protection of the civil rights and liberties enshrined in the Constitution which are the foundation of our democracy; and

WHEREAS, in this unprecedented time of crisis it is within the purview of local governments to take a stand in support of our Bill of Rights because any weakening of those rights threatens the broad range of political expression on the local, state and federal level vital to the functioning of our democracy; and

WHEREAS, official City policy allows the Mill Valley City Council to take a position on issues which are state or national in scope if the particular issue "directly relates to the City's ability to govern and/or to provide services to its residents;" and

WHEREAS, the Bill of Rights of the United States Constitution guarantees those living in the United States the following rights and liberties:

- Freedom of speech, assembly, religion, press, dissent and privacy
- Equality before the law and the presumption of innocence
- Access to counsel and due process in judicial proceedings
- Protection from unreasonable searches and seizures
- Protection against cruel and unusual punishments
- Equality and the protection from profiling based on race, religion, gender, national origin, political beliefs or actions; and

WHEREAS, we believe these civil rights and liberties are now threatened by the USA Patriot Act, the Homeland Security Act, presidential executive orders and attorney general rulings;

WHEREAS, the USA Patriot Act, the Homeland Security Act and related executive orders and rulings impact the City of Mill Valley's ability to provide services to its residents and to manage its employees by endangering and chilling their civil rights and liberties;

WHEREAS, the City of Mill Valley is governed by the Constitution of the United States and affirms the United States Constitution and its Bill of Rights as the foundation of our democracy;

WHEREAS, every member of the Mill Valley City Council took an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic;

NOW, THEREFORE, BE IT RESOLVED THAT:

The Mill Valley City Council affirms its strong support for our constitutionally guaranteed rights and liberties and affirms its opposition to any and all federal measures that infringe on those rights and liberties.

The Mill Valley City Council shall communicate in writing to President George Walker Bush, Senators Dianne Feinstein and Barbara Boxer, and Representative Lynn Woolsey its desire that they work to repeal the USA Patriot Act and any and all provisions of federal legislation and executive orders, including the proposed Domestic Security Enhancement Act of 2003, that violate the fundamental rights and liberties embodied in the United States Constitution and the California Constitution.

The Mill Valley City Clerk shall send copies of this Resolution to the President of the United States, our two senators and our representative in the United States Congress, the Attorney General of the United States, the local U.S. Attorney's office, and the Attorney General of California.

Policies and procedures shall be developed to support and protect City employees and citizens.

PASSED AND ADOPTED at a meeting of the City Council of the City of Mill Valley on the 7th day of April, 2003, by the following vote:

**Monte Sereno, CA**  
**Passed on June 17, 2003**

**RESOLUTION NO. 3063: A Resolution Relating to the Protection of Civil Rights and Liberties of Monte Sereno Residents**

WHEREAS, the City of Monte Serrano is a diverse community composed of persons of different ancestries, races, ethnic or national origins, colors, ages, genders, sexual orientations, religions, physical and mental capabilities, economic circumstances and political backgrounds and views;

WHEREAS, all members of this community are governed by and enjoy certain fundamental rights granted under the United States Constitution, including the Bill of Rights, and the California State Constitution;

WHEREAS, these fundamental rights are threatened whenever law enforcement actions are based on extreme interpretations of laws that were ultimately intended for the limited purpose of protecting these fundamental rights;

WHEREAS, the City of Monte Sereno adheres to the principle that no law enforcement agency, or any other agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnic or national origin, color, age, sexual orientation, gender, physical or mental disability, or religion, political views, economic circumstances;

WHEREAS, the City of Monte Sereno wants to recognize the commitment it has to uphold the legal and human rights of its residents;

WHEREAS, other communities around the country have passed similar resolutions reinforcing local efforts to support and defend the legal and human rights of their residents;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Monte Sereno that it has been, and remains, firmly committed to the protection of civil rights and civil liberties for all of its residents, to the equal treatment of all its residents regardless of their ancestry, race, ethnic or national origin, color, age, gender, sexual orientation, religion, physical and mental capability, economic circumstance, political background or views, and affirms its commitment to embody democracy and to embrace, defend and uphold the inalienable rights and fundamental liberties granted under the United States and the California State Constitution;

BE IT FURTHER RESOLVED that local law enforcement continue to preserve and uphold residents' freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures;

BE IT FURTHER RESOLVED that upon passage, the City Clerk shall deliver this the Governor's office, and to the California federal legislative delegation.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Monte Sereno, California held on the 17th day of June, 2003

**Mountain View, CA****Passed on September 16, 2003****Consider Adopting a Position Related to the USA PATRIOT Act and Determine Subsequent Actions to be Taken to Articulate the City of Mountain View's Position as it Relates to the USA PATRIOT Act**

ACTION: RS/GP Approved. 6-0; MN absent. Send the letter, to the U.S. Attorney general and the members of the California Congressional delegation indicating opposition to the sections of the Patriot Act that are of particular concern to the City of Mountain View and request a response.

ACTION: RS/NG Approved. 6-0; MN absent. Direct Library personnel, City contractors and other City staff, as appropriate, not to voluntarily provide City records to Federal officials and to contact the City Attorney if asked to participate in such activities; and direct the City Attorney to challenge any request for City staff or contractors to comply with certain provisions of the Act that appear to be in violation of Constitutional provisions regarding unreasonable searches and seizures.

ACTION: MP/MK Approved. 6-0; MN absent. Direct the Mountain View Police Department to provide regular updates regarding the Department's participation in searches on foreign counterintelligence initiated by Federal law enforcement agencies.

**Nevada City, CA****Passed on August 9, 2004****Resolution to Oppose the USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001), Justice Department Directives, and Executive Orders that Violate Constitutionally Guaranteed Civil Rights and Liberties**

WHEREAS, following the terrorist attacks on the United States of America on September 11, 2001, the Congress passed the USA-PATRIOT Act (PL 107-56) on October 26, 2001; and

WHEREAS the citizens of Nevada City, California are concerned that some executive orders and the resulting actions of the Attorney General of the United States and the U.S. Justice Department since the September 11th attacks pose significant threats to Constitutional protections, and

WHEREAS we as a city believe that respect for constitutional rights is essential for the preservation of a democratic society, and

WHEREAS, in a time of concern over terrorism, our country must provide security for its people without compromising their constitutional rights and civil liberties, and

WHEREAS several actions recently taken by the federal government, including the adoption of sections of the USA-PATRIOT Act and several executive orders which threaten these fundamental rights and liberties, including freedom of speech, religion, assembly and privacy; the rights to due counsel and process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the United States Constitution and its Bill of Rights and the California Constitution; and

WHEREAS the USA-PATRIOT Act defines "domestic terrorism" so broadly as to apply to certain acts of civil disobedience that may include lawful advocacy groups such as Operation Rescue or Green peace as terrorist organizations and may subject them to invasive surveillance, wire tapping, harassment, and may criminally penalize them for protected political advocacy; also the USA-PATRIOT Act grants unchecked power to the Secretary of State to designate domestic groups as "terrorist organizations"; and

WHEREAS the USA-PATRIOT Act gives the FBI and CIA greater rights to wiretap phones, monitor e-mail, survey sensitive medical, mental health, financial and educational records without having to show evidence of a crime and without meaningful judicial review, and break into homes and offices without prior notification; and

WHEREAS the USA-PATRIOT Act expands the government's ability to conduct secret searches without warrants, and

WHEREAS the USA-PATRIOT Act grants power to the Attorney General to subject non-citizens to indefinite detention without meaningful judicial review even if they have not committed a crime; and

WHEREAS immediately after September 11th, hundreds of people were detained without being charged and some were denied the right to contact lawyers or even their families; and

WHEREAS the Justice Department, under attorney General John Ashcroft, has issued an order authorizing federal prison officials to eavesdrop on the confidential attorney-client communications of persons in federal custody without judicial review; and

WHEREAS the Justice Department, under Attorney General John Ashcroft, has issued a directive limiting Freedom of Information Act compliance and cites the threat of terrorism as justification, even though said directive covers all government information, much of which has no national security or law enforcement connection, and

WHEREAS on May 30, 2002, Attorney General John Ashcroft unilaterally and without consultation with Congress eased long-standing intelligence guidelines which were put in place in 1976 as a result of gross intelligence abuses by the FBI; and

WHEREAS the new guidelines allow FBI agents to spy on religious groups, political rallies, and organized meetings without any suspicion that the organizations are involved in terrorism or any other criminal activity; and

WHEREAS over thirty years ago, Californians voted overwhelmingly to amend the Constitution of California to provide a right to privacy, specifically to prevent “the proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms”; and

WHEREAS an executive order has established a secret military tribunal for terrorism suspects, while the United States Government has long denounced secret tribunals in other countries, such as Iraq, China, and the former Soviet Union; and

WHEREAS several law enforcement officials, including previous heads of the FBI, have deemed the USA-PATRIOT Act, certain directives from Attorney General Ashcroft, and particular executive orders as unnecessary to the prosecution of, and protection from, terrorism; and

WHEREAS the USA-PATRIOT Act, certain directives from Attorney General Ashcroft and particular executive orders seem to target foreign nationals and people of Middle Eastern and South Asian descent and seem directed at persons who may legally speak or act to oppose government policy; and

WHEREAS the Declaration of Independence of the United States holds as self-evident that all people are created equal and are endowed with unalienable rights of life, liberty and the pursuit of happiness; and

WHEREAS the First Amendment of the United States Constitution specifies that no law be made “respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances”; and

WHEREAS the Fourth Amendment declares that “the right of 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”; and

WHEREAS the Fifth Amendment states that no person “shall be compelled in any criminal case to be a witness against himself” and

WHEREAS the Sixth Amendment guarantees a defendant “the right to a speedy and public trial, by an impartial jury... and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense”; and

WHEREAS the Eighth Amendment states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”; and

WHEREAS the due process and equal protection clauses of the Fifth and Fourteenth Amendments (Section I) to the United States Constitution guarantee certain due process and equal protection rights to all people in the United States regardless of citizenship or immigration status; and

WHEREAS the Fourteenth Amendment prohibits the government from denying any person equal protection by stating that “no state shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of its laws”; and pursuant to that clause, human rights and due process must be afforded to all people in the United States regardless of citizenship or immigration status; and

WHEREAS city law enforcement policies require that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of persons and/or property must be based on a showing of probable cause, as required by the Fourth Amendment of the U.S. Constitution and the California Constitution; and

WHEREAS Nevada City is home to a diverse community of elders, working families, and students, including resident non-citizens, whose contributions to the community are vital to its character and function;

NOW THEREFORE, in keeping with the spirit and history of our community, BE IT RESOLVED THAT:

1. Nevada City affirms its strong opposition to those parts of the USA-PATRIOT Act, Justice Department directives, and Executive Orders, current and future, that weaken or destroy our constitutional rights and civil liberties.
2. Nevada City has been and remains firmly committed to the protection of constitutional rights and civil liberties for all people including those who are citizens of other nations. We affirm this commitment to the ideals upon which this country was founded, to embracing and defending the human rights and civil liberties now under siege, to making those liberties viable for all, regardless of age, ethnicity, gender, sexual orientation, racial identification, color, religion, citizenship status, or country of origin.
3. Nevada City calls upon its private citizens, including residents, employers, educators, business owners and peace officers, to join the City in affirming the following principles: Every person has the right to freedom of speech and association. Every person has the right to freedom of religion. Every person has the right to assembly and privacy. Every person has the right to due process in judicial proceedings. Every person has the right to counsel and attorney-client privilege. Every person has the right to be free

from unreasonable search and seizure. Every person has a right to equal protection under the law and the right not to be deprived of life, liberty or property without due process of law.

4. Stops or arrests may be made only after establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed.
5. Nevada City and the Nevada City Police Department reaffirm their commitment to unbiased policing and endorse the principle that no law enforcement or other county agency may profile or discriminate against any person on the basis of age, ethnicity, gender, sexual orientation, racial identification, color, religion, citizenship status, or country of origin. To the extent legally possible, no Nevada City employee or department shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that violate the constitutional rights or civil liberties of people as specified in the above Amendments of the United States Constitution. Organizations should not be monitored based on their religious or political views. No information about political, religious or social views, associations, or activities should be collected unless the information relates to public safety concerns or establishes suspicion of criminal activity or the potential for criminal activity.
6. Nevada City requests that the U.S. Attorney's Office, the Office of the Federal Bureau of Investigation, the California Highway Patrol, and local law enforcement authorities and county departments regularly and publicly report to the Nevada City Council, the extent and manner in which they have acted under the USA-PATRIOT Act, Executive Orders and Directives cited above, including the names of any detainees held in Northern California or any Nevada City resident detained elsewhere as an "enemy combatant."
7. Nevada City shall use all possible leverage to ensure that local, State and Federal law enforcement officials acting within the city work in accordance with the policies of the Nevada City Police Department and in cooperation with the Department, and request that they not engage in law enforcement activities that threaten the constitutional rights and civil liberties of the people of Nevada City, including surveillance, wiretaps, and securing of private information, authorized by the USA-PATRIOT Act, Executive Orders and Directives cited above.
8. Nevada City requests that our United States Congressional representatives monitor the implementation of the USA-PATRIOT Act, Executive Orders and Directives cited above and actively work toward the reversal of those items that violate fundamental rights and liberties as stated in the Constitutions of the State of California and the United States.
9. Nevada City shall send copies of this resolution to the following: the Nevada County Board of Supervisors, and all county and state elected representatives; the Chief of Police of Nevada City, the Sheriff of Nevada County, and the City Councils and Chiefs of Police of Grass Valley and Truckee; the Nevada County Librarian; the President of Sierra College; the Governor and Attorney General of the State of California; California's Congressional and Senate representatives; the U.S. Attorney General; and the President of the United States.

## **Oakland, CA**

**Passed on December 17, 2002**

### **Resolution to Oppose the USA PATRIOT Act and Related Executive Orders**

WHEREAS, the City of Oakland houses a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Constitution guarantees all persons living in the United States the fundamental rights including - freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and

WHEREAS, The USA PATRIOT Act signed by George W. Bush on October 26 2001, has a number of provisions that contradict the above mentioned rights and, in the words of Oakland's representative in Congress Barbara Lee, "fundamentally alters the nature of our civil liberties" and "...does little to increase public safety"; and

WHEREAS, examples of the provisions in the USA PATRIOT Act and Executive Orders that may violate the constitution and the rights and civil liberties of Oakland residents are as follows:

- Significantly expands the government's ability to access sensitive medical, mental health, financial and educational records about individuals; and lowers the burden of proof required to conduct secret searches and telephone and Internet surveillance
- Gives law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests
- Gives the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as "terrorist organizations"

- Grants power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime · Authorizes eavesdropping on confidential communications between lawyers and their clients in federal custody
- Limits disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, Department of Justice interpretations of this Act and these Executive Orders particularly targets Muslims, people of Middle Eastern and South Asian descent and citizens of other nations, and thereby encouraging racial profiling by law enforcement and hate crimes by individuals in our community; and

WHEREAS, the Oakland Public Library Advisory Commission has already passed a resolution protecting patrons rights to privacy and confidentiality and opposing the US Patriot Act; now therefore be it

RESOLVED that the City of Oakland affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Oakland, the United States and the World; and be it

FURTHER RESOLVED that the City of Oakland affirms the rights of all people, including United States citizens and citizens of other nations, living within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and be it

FURTHER RESOLVED that, to the extent legally possible, no City employee or department shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil liberties as specified in the above Amendments of the United States Constitution; and be it

FURTHER RESOLVED that the Oakland City Council calls upon all private citizens and organizations, including residents, employers, educators, and business owners, to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations; and be it

FURTHER RESOLVED that the City of Oakland call on our United States Representative and Senators to monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the Act and those Orders that violate fundamental rights and liberties as stated in the US Constitution and its Amendments.

## **Pacific Grove, CA**

### **Passed on August 20, 2003**

#### **Resolution of the City Council of the City of Pacific Grove to Protect Civil Liberties**

WHEREAS, the City of Pacific Grove is committed to protecting the civil rights and liberties of its residents; and

WHEREAS, the City of Pacific Grove has a unique population, including immigrants, students and working people, whose contributions to the community are vital to its character and function; and

WHEREAS, fundamental constitutional rights are essential to the preservation of a just and democratic society; and

WHEREAS, several new laws, regulations, and executive orders issued during the past year including the adoption of certain provisions of the USA Patriot Act may threaten these constitutional rights and liberties, including: Freedom of speech and religion; Right to privacy; Right to counsel and due process in judicial proceedings; Right to equal protection before the law; and Protection from unreasonable searches and seizures; and

WHEREAS, thirty years ago this November, California voters overwhelmingly adopted a Constitutional right to privacy to protect against a "proliferation of government snooping and data collection [that] is threatening to destroy our traditional freedoms";

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

1. Affirms its strong support for the fundamental constitutional rights and its opposition to the provisions of the USA Patriot Act that infringe on important civil liberties.
2. Affirm its strong support for the constitutional rights for immigrant communities in Pacific Grove and oppose racial profiling and scapegoating of immigrants.
3. Calls upon our United States Representatives and Senators to monitor the implementation of the Patriot Act and Orders cited herein and actively work for the repeal of the Act and those orders that violate fundamental rights and liberties as stated in the United States Constitution and its amendments.

**Palo Alto, CA**  
**Passed on June 2, 2003**

**Resolution of the Council of the City of Palo Alto Directing Enhanced Efforts to Assure the Protection of Civil Liberties that are Threatened by the USA Patriot Act**

WHEREAS, the City of Palo Alto is proud of its long and distinguished law enforcement tradition of protecting the civil rights and liberties of all persons; and

WHEREAS, the City of Palo Alto has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civil character; and

WHEREAS, the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS, federal, state and local governments should protect the public from terrorist attacks, and should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of the City of Palo Alto expect the City to uphold and protect; and

WHEREAS, federal actions since September 11, 2001, including provisions in the USA PATRIOT ACT (Public Law 107-56) and related executive orders, regulations and actions, threaten fundamental rights and liberties of all those who reside in, do business with, or visit the City of Palo Alto, by:

- a. Authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as “enemy combatants” without access to counsel or meaningful resource to the federal court;
- b. Limiting the authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;
- c. Expanding the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched;
- d. Granting federal law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little if any judicial oversight;
- e. Chilling constitutionally protected speech through expansive definitions of “terrorism”;
- f. Threatening the relationship between immigrant communities and local law enforcement by encouraging involvement of state and local police in the selective enforcement of federal immigration law; and
- g. Permitting the FBI to conduct surveillance of religious services, internet chatrooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed.

WHEREAS, thirty years ago California voters overwhelmingly adopted a Constitutional right to privacy to protect against a “proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms”.

NOW, THEREFORE, the Council of the City of Palo Alto does RESOLVE as follows:

SECTION 1. The Council affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties based upon unsubstantiated fear, or racial or ethnic stereotyping.

SECTION 2. The Council affirms its strong support for the rights of immigrants and opposes measure that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin.

SECTION 3. The Council affirms its policy that organizations and individuals should not be monitored based solely on their religious or political views and on information about political, religious or social views, associations, or activities should be collected unless the information related to an imminent threat to public safety or reasonable suspicion of criminal activity.

SECTION 4. The Council acknowledges the tremendous work the Palo Alto Police Department has done to assure the protection of civil liberties, and based upon that proud tradition directs the City Manager to take reasonable steps to prevent the Police Department of the City of Palo Alto from being pressured by any person or agency to:

- a. Engage in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without particularized suspicion of criminal activity unrelated to the activity protected by the First Amendment;
- b. Collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an



investigation of criminal activities, and there are reasonable grounds to suspect the subject to the information is or may be involved in criminal conduct;

- c. Use images from a video surveillance network except insofar as it is done in clear compliance with civil rights existing under the federal and state constitutions;
- d. Use video surveillance as a form of intimidation, and only when the police have a reasonable suspicion that the subjects of the video surveillance have or are about to commit a crime;
- e. Deploy any form of biotechnology, such as facial recognition technology, prior to it being accepted as admissible evidence in the State of California;
- f. Conduct searches, pursuant to warrants, without leaving a copy of the warrant for the individual whose premises have been the subject of search;
- g. Use race, religion, ethnicity or national origin as a factor in selecting which individuals are subject to investigatory activities, except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect;
- h. Stop drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity; and
- i. Rely solely on information provided by Federal authorities, such as the Terrorism Information and Prevention System, that encourages members of the general public to illegally gather information about their neighbors, colleagues or customers.

SECTION 6. The Council directs the City Manager to seek periodically from federal authorities the following information in a form that facilitates an assessment of the effect of federal anti-terrorism efforts on the residents of the City of Palo Alto:

- a. The number of search warrants that have been executed in the City of Palo Alto without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;
- b. The number of times education records have been obtained from public schools and institutions of higher learning in the City of Palo Alto under section 507 of the USA PATRIOT Act;
- c. The number of times library records have been obtained from libraries in the City of Palo Alto under section 215 of the USA PATRIOT Act;
- d. The number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Palo Alto under section 215 of the USA PATRIOT Act;
- e. The extent of electronic surveillance carried out in the City of Palo Alto under powers granted in the USA PATRIOT Act;
- f. The names of all residents of the City of Palo Alto who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001; the location of each detained; the circumstances that led to each detention; the charges, if any, lodged against each detainee; the name of counsel, if any, representing each detainee; and
- g. The extent to which federal authorities are monitoring political meetings, religious gathering or other activities protected by the First Amendment within the City of Palo Alto.

SECTION 7. The Council directs the City Manager to transmit to the City Council no less than once every six months a summary of the information obtained pursuant to the preceding paragraph and based on such information and any other relevant information, and assessment of the effect of federal anti-terrorism efforts on the residents of the City of Palo Alto.

SECTION 8. A copy of this resolution shall be sent to Senator Barbara Boxer, Senator Dianne Feinstein and Congresswoman Anna Eshoo, accompanied by a letter urging them to monitor federal anti-terrorism tactics and work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties;

SECTION 9. A copy of this resolution shall be sent to Governor Gray Davis, and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on civil liberties as described in this resolution.

SECTION 10. A copy of this resolution shall be sent to President Bush and Attorney General Ashcroft.

SECTION 11. It is not the intent of the Council and this resolution shall not be construed to establish local policy that creates any right of action under any state or federal law.

**Pasadena, CA**  
**Passed on July 19, 2004**

**A Resolution of the City Council of the City of Pasadena, California Supporting the Protection of Civil Liberties and Opposing Certain Provisions of the USA PATRIOT Act (Public Law 107-56)**

WHEREAS, the City of Pasadena denounces terrorism, and expresses its gratitude to and support for those who defend us from terrorism and terrorist attacks - the men and women serving in our armed forces, federal, state and local law enforcement officers, firefighters, and health services professionals; and

WHEREAS the City of Pasadena is proud of its commitment to protecting civil rights and liberties as expressed in both the Constitution of the United States, and the Constitution of the State of California which so many have made grave sacrifices to protect, and which have been preserved only through constant vigilance and by public outcry when threats have arisen, and

WHEREAS the preservation of those civil rights and liberties is not only essential to the well-being of a democratic society, but is an intrinsic defining characteristic of our free and democratic nation; and

WHEREAS, it is the responsibility of the City of Pasadena to protect the rights and liberties of our citizens; and

WHEREAS, the City of Pasadena recognizes that an infringement of the constitutionally guaranteed rights of any person is a breach of the public trust, and a violation of civil rights; and

WHEREAS, the USA Patriot Act (acronym for “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism”) passed quickly in the wake of the horrific September 11th terrorist attacks against our country and was signed into law by President George W. Bush on October 26, 2001; and

WHEREAS, the enactment of the Patriot Act has since given new, far-reaching powers to both domestic law enforcement and international intelligence agencies while simultaneously hampering the oversight ability of the courts to ensure that these powers will not be abused; and

WHEREAS certain provisions of the USA Patriot Act and related executive orders, regulations and actions adopted since September 11, 2001 threaten fundamental rights and liberties by:

1. Authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as enemy combatants without access to counsel or meaningful recourse to the federal courts;
2. Limiting the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;
3. Expanding the authority of federal agents to conduct so-called sneak and peek searches, in which the subject of the search warrant is unaware that his property has been searched;
4. Granting law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little, if any, judicial oversight;
5. Potentially chilling constitutionally protected speech through possibly overbroad definitions of terrorism;
6. Permitting federal agents to conduct broad surveillance of religious services, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed; and

WHEREAS new legislation drafted by the Administration contains provisions related to law enforcement and intelligence gathering powers that could further dilute, suspend, or repress many of our basic constitutional rights, and further disturb our unique system of checks and balances.

NOW THEREFORE, BE IT RESOLVED that the City of Pasadena opposes certain provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations, and actions which threaten fundamental rights and liberties guaranteed under the United States Constitution.

IT IS FURTHER RESOLVED that the City of Pasadena:

1. Supports legislation to repeal provisions in the USA Patriot Act and related Executive Orders that violate the Constitution of the United States and the civil rights and civil liberties of individuals;
2. Opposes any legislative or administrative action that would strengthen government’s ability to violate individual privacy and civil rights;
3. Specifically opposes Section 215 and Section 216 of the USA Patriot Act and any other legislation or administrative action which unduly requires libraries to violate the privacy rights of patrons by monitoring, reporting, and /or disclosing their borrowing practices or library use history beyond what is required by California Law.
4. Opposes military detention, secret detention, secret immigration proceedings, or detention without access to counsel, of individuals within the City of Pasadena;

5. Opposes the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without reasonable suspicion of potential criminal activity; and

IT IS FURTHER RESOLVED that the Pasadena City Council directs the Mayor to:

1. Transmit a copy of this Resolution to Senators Diane Feinstein and Barbara Boxer and to Representative Adam Schiff accompanied by a letter urging them to:
2. Monitor federal anti-terrorism tactics and work to repeal provisions of the USA Patriot Act and other laws, regulations, and executive actions that infringe on civil rights and liberties as described in this Resolution;
3. Take all possible actions to lead Congressional action to prohibit passage of further laws abridging civil liberties;
4. Ensure that the sunset date of Title III of the Act remains in force and is honored;
5. Support the proposed Freedom to Read Protection Act, the Patriot Act Oversight Restoration Act, and other current and future legislation consistent with this Resolution; and
6. Transmit a copy of this Resolution to Governor Arnold Schwarzenegger, and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on civil liberties as described in this Resolution; and
7. Transmit a copy of this Resolution to President George W. Bush and United States Attorney General John Ashcroft.

## **Pinole, CA**

**Passed on April 1, 2003**

### **A Resolution Supporting the United States Constitution and the Bill of Rights**

WHEREAS, the City of Pinole has an ethnically diverse population in Contra Costa County, including citizens of other nations, whose contributions to the community are vital to its character and functions; and

WHEREAS, the United States Constitution and the Bill of Rights guarantee to all persons living in the United states these fundamental rights: freedom of religion, speech, assembly; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption in innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and

WHEREAS, the USA PATRIOT Act signed by George W. Bush on October 26, 2001, has a number of provisions that undermine these rights and fundamentally alter the nature of our civil liberties; and

WHEREAS, examples of the provisions in the USA Patriot Act and related Executive Orders that may violate our constitution and the rights and civil liberties of Pinole residents are as follows:

- Significantly expands the government's ability to access sensitive medical, mental health, financial and educational records about individuals;
- Lowers the burden of proof required to conduct secret searches and telephone and Internet surveillance.
- Gives law enforcement expanded authority to obtain library records and prohibits librarians from informing patrons of monitoring or information requests;
- Limits disclosure of public documents and records under the Freedom of Information Act and;
- Gives the US Attorney General the Secretary of State the power to designate domestic groups, including religious and political organizations as "terrorist organizations";
- Grants power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime;
- Authorizes eavesdropping communications between lawyers and their clients in federal custody and;

WHEREAS, Department of Justice interpretations of the USA Patriot Act and these Executive Orders particularly target Muslims, people of Middle Eastern and South Asian descent and citizens of other nations and thereby encourages racial profiling by law enforcement agencies and hate crimes by individuals in our community; and

WHEREAS, the USA Patriot Act has the potential to threaten the rights of all Americans as provided within the Constitution and the Bill of Rights; and

WHEREAS, Oakland, Berkeley, El Cerrito, Richmond and other cities and counties across the country have already passed resolutions opposing the USA PATRIOT Act; and

NOW, THEREFORE BE IT RESOLVED that the City of Pinole affirms its strong opposition to terrorism but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Pinole and the United States.

BE IT FURTHER RESOLVED that, to the extent legally possible, no City employee or department shall officially assist or voluntarily cooperate with investigations, interrogations or arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil liberties as specified by the U. S. Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED that the Pinole City Council calls upon all private citizens and organizations, including residents, employers, educators and business owners to demonstrate similar respect for civil rights and civil liberties, especially but not limited to cooperation with investigations and conditions of employment.

BE IT FURTHER RESOLVED that the City of Pinole call on our United States Senators and Representatives to monitor the implementation of the Act and Orders and actively work for the repeal of the provisions of the Act and those Orders that violate fundamental rights and liberties as stated in the U.S. Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of the United States, elected federal representatives, the Governor of California and the United Nations High Commissioner for Human Rights in Geneva, Switzerland.

## **Placer County, CA** **Passed on July 13, 2004**

WHEREAS, Placer County affirms its strong opposition to terrorism and supports the belief that increased security measures are needed to fight it. Placer County also recognizes that individuals are often ready to give up some liberties when security is threatened. However, any requirement that citizens of this great country give up any liberty should come from a rational and deliberative consensus.

WHEREAS, Mindful that the PATRIOT Act was written after 9/11/01 and approved by both parties under great pressure to ensure the immediate security of our country, Placer County asserts that it is essential that in providing increased security we do not undermine rights and liberties that are fundamental and which make this nation unique and great, such as freedom of speech, press, assembly, the right to privacy, due process, and the right to be free of unreasonable searches and seizures.

WHEREAS, It is with this in mind, that the Board of Supervisors of Placer County urges our United States Senators and Representatives to reconsider the USA PATRIOT Act in order to ensure that these Constitutional liberties are not jeopardized. Furthermore, we call on these Representatives and Senators to revisit any provisions that may infringe on civil liberties and rights.

NOW, THEREFORE, BE IT RESOLVED, Copies of this Resolution shall be sent to United States Senators Dianne Feinstein and Barbara Boxer and Congressman John Doolittle along with a letter urging them to reconsider those provisions of the USA Patriot Act and other laws and policies that may infringe on the rights and liberties of the citizens of Placer County.

## **Pleasanton, CA** **Passed on August 5, 2003**

### **Resolution Regarding the USA Patriot Act**

WHEREAS, the City of Pleasanton affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism should not be waged at the expense of the fundamental civil rights and liberties of the people of Pleasanton and of the United States; and

WHEREAS, the Pleasanton City Council calls on all private citizens and organizations, including residents, employers, educators, and business owners, to demonstrate similar respect for civil rights and liberties;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON RESOLVES AS FOLLOWS:

Section 1: The City of Pleasanton calls on its United States Senators and House Representatives to monitor the implementation of the USA Patriot Act and Executive Orders and to actively work for the repeal of those Acts and Orders that violate fundamental rights and liberties enumerated in the United States Constitution.

Section 2: The City of Pleasanton calls on its United States Senators and House Representatives to discourage introduction of legislation further diminishing civil rights and liberties.

Section 3: The City Council directs staff to send copies of this resolution to the President of the United States, to its elected Federal representatives and to the Governor of California

**Point Arena, CA**  
**Passed on January 28, 2003**

**A Resolution of the City Council of the City of Point Arena Protecting the Civil Liberties of Local Residents**

WHEREAS; the City of Point Arena respects and strives to protect the civil rights and civil liberties of all its residents; and

WHEREAS; the City of Point Arena has a diverse population, including immigrants, people of various ethnicities, Native Americans, people with diverse religious affiliations, students and people of all ages, incomes and employment status, all of whose contributions to the community are vital to its character and function; and

WHEREAS; fundamental constitutional rights are essential to the preservation of a just and democratic society; and

WHEREAS; several new federal laws, regulations and executive orders issued during the past year including the adoption of certain provisions of the USA Patriot Act and related Federal Executive Orders now threaten these constitutional rights and liberties, including:

- Freedom of speech and religion;
- Right to privacy;
- Right to counsel and due process in judicial proceedings;
- Right to equal protection before the law; and
- Protection from unreasonable searches and seizures; and

WHEREAS; these powers threaten the civil rights and civil liberties of residents of Point Arena, particularly affecting those of Arab, Muslim, Hispanic and South Asian backgrounds; and those with histories of public service, activism or dissent; and

WHEREAS; thirty years ago, California voters overwhelmingly adopted a Constitutional right to privacy to protect against a “proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms”;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Point Arena affirms its strong opposition to terrorism, but also affirms that any efforts to combat terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Point Arena, the United States and other countries; and

BE IT FURTHER RESOLVED that the City of Point Arena:

Affirms its strong support for and adherence to the fundamental rights set forth in the United States Constitution and the Bill of Rights; and

Asserts its opposition to the provisions of the USA Patriot Act and certain recent Federal Executive Orders that infringe on important civil liberties. These provisions and sections, as we understand them, include, but are not limited to the following:

- USAPA §802, which creates a new federal crime, “domestic terrorism”, the definition of which is so broad that it may be interpreted to include activists exercising their rights to assemble and to dissent and persons engaging in civil disobedience;
- USAPA §215, which permits the FBI Director to seek records from bookstores and libraries, of books that a person suspected of terrorism has purchased or read and places a gag order to prevent anyone from disclosing that they have been ordered to produce such records;
- The Attorney General’s Edict for Increased Surveillance of Religious and Political Organizations, which rescinds protective regulations and authorizes the FBI to monitor and survey religious groups and political groups without evidence of wrongdoing;
- The Attorney General’s approval of a Bureau of Prisons emergency surveillance order, which removes the requirement to obtain judicial permission before listening in on conversations between prisoners (both prior to trial and convicted) and their attorneys;
- USAPA §218, which amends the Foreign Intelligence Surveillance Act (FISA) by eliminating the need for the FBI to show “probable cause” before conducting secret searches or surveillance;
- USAPA §213, AKA “sneak and peak”, which permits the government to search a person’s home with no one present and delay notification that they have done so indefinitely;

In general, the USA Patriot Act and recent related Federal Executive Orders significantly expand the government’s ability to access sensitive medical, mental health, financial and educational records about individuals, and lower the burden of proof required to conduct secret searches and telephone and internet surveillance; and also grants power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime; and

BE IT FURTHER RESOLVED that the City of Point Arena calls upon private citizens and organizations, including residents, employers, educators, and business owners, to inform the City Clerk of Point Arena to the extent legally possible of any instance occurring in the City of Point Arena of information gathering or requested records under the provisions of the USA Patriot Act; and

BE IT FURTHER RESOLVED that the City of Point Arena supports local law enforcement agencies in their oath to uphold the United States Constitution and in protecting the freedoms of Point Arena residents; and

BE LASTLY RESOLVED that the City of Point Arena calls on our United States Representatives and Senators to monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the Act and those Orders that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments. A copy of this resolution shall be sent to Senators Dianne Feinstein, Barbara Boxer, and Congressperson Thompson along with a letter urging them to work to repeal all provisions of the USA Patriot Act that infringe on civil liberties. A copy of the letter and resolution shall also be sent to President Bush and Attorney General Ashcroft.

## **Porterville, CA**

**Passed on September 2, 2003**

### **RESOLUTION No. 112-2003: Resolution of the City Council of the City of Porterville, California to Uphold the Human Rights and Civil Liberties of the People of Porterville.**

WHEREAS, the City of Porterville fully supports the Constitution of the United States and its amendments, particularly the Bill of Rights and the 14th Amendment and the Constitution of the State of California; and

WHEREAS, the fundamental human rights and civil liberties guaranteed in the Constitution of the United States of America and the Constitution of the State of California are essential to the well-being of the citizens and community of Porterville; and

WHEREAS, several provisions of the USA PATRIOT ACT enacted at the State and Federal level may threaten the fundamental rights and liberties set forth in the Constitution of the United States and the Constitution of the State of California

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the City

("the City Council") as follows:

Section 1. We, the City Council of the City of Porterville have sworn to uphold and support the Constitution of the United States as well as the Constitution of the State of California. We know that the United States of America as well as the State of California is governed by the "rule of law." The City of Porterville is committed to upholding the law of the land as well as the human rights of all persons in Porterville, including, but not limited to, United States citizens and citizens of other nations who have entered into the United States in accordance with state and federal laws and regulations, and the free exercise and enjoyment of any and all rights and privileges secured by the constitutions of the United States of America and the State of California.

Section 2. The City Council of the City of Porterville calls upon all City officials and employees to continue to respect the human rights and civil liberties of all members of this community, including, but not limited to, those who are citizens of other nations who have entered into the United States in accordance with State and Federal laws and regulations. Such respect shall not be construed to encourage or condone violation of any State or Federal law.

Section 3. The City Council of the City of Porterville also calls upon all private citizens, including residents, employers, educators and business owners, to demonstrate similar respect for human rights and civil liberties. Such respect shall not be construed to encourage or condone violation of any State or Federal law.

Section 4. The City Council of the City of Porterville urges the State Legislature, the Governor of the State of California, and the United States Congress, particularly the delegation representing Porterville to actively work for the revocation of any law or executive order that limits or violates fundamental rights and liberties embodied in the constitutions of the United States of America and the State of California.

Section 5. The mayor and Council shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

## **Richmond, CA**

**Passed on February 25, 2004**

### **Resolution to Support the U.S. Constitution and the Bill of Rights**

WHEREAS the City of Richmond has the most ethnically diverse population in Contra Costa County, including citizens of other nations, whose contributions to the community are vital to its character and functions, and

WHEREAS, the United States Constitution and the Bill of Rights guarantee to all persons living in the United States these fundamental rights: freedom of religion, speech, assembly; protection from unreasonable searches and seizures; due process and equal

protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial and

WHEREAS, the USA PATRIOT Act signed by George W. Bush on October 26, 2001, has a number of provisions that undermine these rights and fundamentally alter the nature of our civil liberties and

WHEREAS examples of the provisions in the USA Patriot Act and related Executive Orders that may violate our constitution and the rights and civil liberties of Richmond residents are as follows:

- Lowers the burden of proof required to conduct secret searches and telephone and Internet surveillance;
- Significantly expands the government's ability to access sensitive medical, mental health, financial and educational records about individuals;
- Gives law enforcement agencies expanded authority to obtain library records and prohibits librarians from informing patrons of monitoring or information requests;
- Limits disclosure of public documents and records under the Freedom of Information Act and;
- Gives the U.S. Attorney General and the U.S. Secretary of State the power to designate domestic groups, including religious and political organizations as "terrorist organizations";
- Grants power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime;
- Authorizes eavesdropping on confidential communications between lawyers and their clients in federal custody;

WHEREAS Department of Justice interpretations of the USA PATRIOT Act and these Executive Orders particularly target Muslims, people of Middle Eastern and South Asian descent and citizens of other nations and thereby encourages racial profiling by law enforcement agencies and hate crimes by individuals in our community and

WHEREAS Oakland, Berkeley and other cities across the country have already passed resolutions opposing the USA PATRIOT Act;

NOW THEREFORE BE IT RESOLVED that the City of Richmond affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged as the expense of the fundamental civil rights and liberties of the people of Richmond and the United States.

BE IT FURTHER RESOLVED that, to the extent possible, no City employee or department shall officially assist in or voluntarily cooperate with investigations, interrogations or arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil liberties as specified by the U.S. Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED that the Richmond City Council calls upon all private citizens and organizations, including residents, employers, educators and business owners to demonstrate similar respect for civil rights and civil liberties, especially but not limited to cooperation with investigations and conditions of employment.

BE IT FURTHER RESOLVED that the City of Richmond call on our United States Senators and Representative to monitor the implementation of the USA PATRIOT Act and Executive Orders and actively work for the repeal of the Act and those Orders that violate fundamental rights and liberties as stated in the U.S. Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of the United States, elected federal representatives, the Governor of California and the United Nations High Commissioner for Human Rights in Geneva, Switzerland.

## **Sacramento, CA**

**Passed on September 13, 2003**

### **Resolution by the Sacramento City Council Affirming Civil Liberties and Opposing the Infringement of Such Liberties by the Federal Government**

WHEREAS, the City of Sacramento is the capitol of California, the most diverse state in the United States; and

WHEREAS, the City of Sacramento is proud of its national reputation as the most integrated city in the United States and as a model of tolerance for the state and for the nation; and

WHEREAS, the diverse population of the City of Sacramento includes immigrants, students, farm workers, union members and other men and women of various ancestry, color, ethnicity, national origin, ages, sex, sexual orientation, marital status, physical and mental disability, and religion whose contributions to the community are vital to its economy, culture, and civic character; and

WHEREAS, on previous occasions the people of Sacramento, including its elected officials, law enforcement, and community leaders have gathered together in unity to affirm solidarity with victims of hate crimes and to denounce hate violence; and

WHEREAS, the preservation of civil liberties is crucial to the political and social health of the community, the state, and the nation; and

WHEREAS federal laws and policies were hastily adopted in the aftermath of the September 11, 2001 terrorist attacks which threaten fundamental rights and cherished liberties; and

WHEREAS, that federal legislation known as the USA PATRIOT ACT was passed by Congress without sufficient study or debate and gives the federal government unprecedented powers that threaten the civil rights of all Sacramento residents and especially those community members of Arab descent or Muslim faith as well as immigrants and those who question government policies; and

WHEREAS, the Sacramento City Council believes that there is no inherent conflict between national security and the preservation of liberty; and

WHEREAS, notwithstanding the Sacramento city Council's concerns about the USA PATRIOT Act as expressed in this Resolution, the Sacramento City Council acknowledges and commends the Office of the US AG for the Eastern District of California for its diligent and sincere efforts to uphold the US Constitution and the laws of this nation in a respectful, lawful and nondiscriminatory manner.

WHEREAS, more than 200 other patriotic communities throughout California and the United States have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these core American values;

BE IT THEREFORE RESOLVED BY THE SACRAMENTO CITY COUNCIL that

THE CITY OF SACRAMENTO REAFFIRMS its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on these rights; and

THE CITY OF SACRAMENTO REAFFIRMS its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny based on their country of origin, religion, or immigration status; and

THE CITY OF SACRAMENTO calls on agencies and employees of the city not to engage in any activities that would violate any city ordinance or the laws and constitution of the State of California or of the United States; and

THE CITY OF SACRAMENTO calls upon the Sacramento public schools to provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT ACT; and

THE CITY OF SACRAMENTO calls upon public libraries to post in a prominent place within the library a notice warning patrons that under section 215 of the USA PATRIOT ACT records or books and other materials borrowed from the library secretly may be obtained by federal agents; and

THE CITY OF SACRAMENTO reaffirms its commitment to unbiased policing and endorses the principle that no law enforcement or other city agency may profile or discriminate against any person on the basis of ancestry, color, ethnicity, national origin, ages, sex, sexual orientation, marital status, physical or mental disability, or religion.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to United States Senators Diane Feinstein and Barbara Boxer and Congressman Robert Matsui along with a letter urging them to monitor federal anti-terrorism tactics and work to repeal those provisions of the USA PATRIOT ACT and other laws and policies that infringe on the rights and liberties of the residents of the City of Sacramento.

## **Salinas, CA**

**Passed on May 13, 2003**

### **Resolution of the Council of the City of Salinas to Protect Civil Liberties**

WHEREAS, the City of Salinas is committed to protecting the civil rights and liberties of its residents; and

WHEREAS, the City of Salinas has a diverse population, including immigrants, students and working people, whose contributions to the community are vital to its character and function; and

WHEREAS, fundamental constitutional rights are essential to the preservation of a just and democratic society; and

WHEREAS, several new laws, regulations, and executive orders issued during the past year including the adoption of certain provisions of the USA PATRIOT Act now threaten these constitutional rights and liberties, including: Freedom of speech and religion; Right to privacy; Right to counsel and due process in judicial proceedings; Right to equal protection before the law; and Protection from unreasonable searches and seizures; and

WHEREAS, these new powers threaten civil rights and civil liberties of Salinas residents, particularly affect those of Latino, Arab-American, Muslim and South Asian backgrounds; and

WHEREAS, thirty years ago this November, California voters overwhelmingly adopted a Constitutional right to privacy to protect against a "proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms";



## THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF SALINAS:

1. Affirms its strong support for the fundamental constitutional rights and its opposition to the provisions of the USA Patriot Act that infringe on important civil liberties.
2. Affirm its strong support for the constitutional rights for immigrants communities in Salinas and oppose racial profiling and scapegoating of immigrants.
3. Calls upon our United States Representatives and Senators to monitor the implementation of the Patriot Act and Orders cited herein and actively work for the repeal of the Act and those orders that violate fundamental rights and liberties as stated in the United States Constitution and its amendments. That the legislative delegation will request that the U.S. Attorney for the Northern District of California and the Special Agent in charge for the Salinas area to monitor and collect the following information.
  - a. The following information regarding all detainees that have been held in the City of Salinas as a result of terrorism investigations: name of detainee, where detainee is being held, circumstances of detention, any charges brought against the detainee, whether the detainee has been transferred, whether the detainee has been deported, if the detainee has legal representation, and the name of the attorney.
  - b. The number of times library records have been requested from libraries in Salinas under powers granted in the USA Patriot Act.
  - c. The number of times records have been requested from bookstores in Salinas under powers granted in the USA Patriot Act.
  - d. The number of “sneak and peak” searches executed in Salinas under the powers granted in the USA PATRIOT Act.
  - e. The number of individuals living in Salinas who have been questioned in connection with terrorism investigations, and the race, ethnicity, and immigration status of those individuals.
  - f. The number of wiretaps utilized in Salinas under the powers granted in the USA PATRIOT Act.
  - g. The number of religious institutions, political rallies and political meetings monitored in Salinas.
  - h. The number of terrorism related tips received from Salinas residents.
  - i. The number of Salinas residents being held in connection with civil immigration violations and the nationality of those being held.
  - j. The number of requests made to the Salinas Police Department for assistance with the execution of any of the above powers including the number of times local police have detained individuals on civil immigration violations based on information obtained from the National Crime Information Center database.
4. Instructs the Salinas Police Chief to notify the City Council if the department is requested by the United States Attorney Office or the FBI to exercise powers or cooperate in the exercise of powers that violate either state or federal constitution.

**San Anselmo, CA****Passed on February 11, 2003****A Resolution of the Town of San Anselmo Reaffirming the Importance of Constitutional Rights and Civil Liberties in Response to the USA PATRIOT Act**

WHEREAS, a great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement powers; and

WHEREAS, on October 26, 2001, President Bush signed the Patriot Act into law, giving new powers to both domestic law enforcement and international intelligence agencies; and

WHEREAS, the United States Constitution is the basis for our civil rights and civil liberties, and a cornerstone of American liberty is defending and protecting our freedoms and Constitutional rights; and

WHEREAS, there is concern by some that the Patriot Act was rushed through Congress without adequate debate and public input; and

WHEREAS, it is within the purview of local governments to take a stand in support of our Bill of Rights because weakening of those rights threatens the broad range of political expression on the local, state and national level vital to our democracy; and

WHEREAS, at the request of members of its citizenry concerned about the suppression of civil rights by the Patriot Act, the San Anselmo Town Council makes this statement in support of the United States Constitution and Bill of Rights.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of San Anselmo reaffirms the importance of Constitutional rights and civil liberties and believes that all levels of government should ensure that all enforcement and administrative proceedings are conducted consistent with due process of law and Constitutional principles.

BE IT FURTHER RESOLVED, that the Town Council of the Town of San Anselmo acting in the spirit and history of our community, does hereby:

1. Affirm its opposition to any portion of the Patriot Act that weakens or destroys our civil rights and liberties.
2. Remain firmly committed to the protection of civil rights and civil liberties for all people including those who are citizens of other nations. We affirm this commitment to embody the spirit of democracy, to embrace and defend human rights and civil liberties, to make those liberties viable for all, regardless of citizenship status, gender, racial identification, religious affiliation, age, or country of origin.
3. Call upon all private citizens – including residents, employers, educators, and business owners – to demonstrate similar respect for civil rights and civil liberties.
4. Affirm for all Town departments and employees the following principles: Every person has the right to freedom of speech and association. Every person has the right to freedom of religion. Every person has the right to assembly and right to privacy. Every person has the right to due process in judicial proceedings. Every person has the right to counsel and attorney-client privilege. Every person has the right to be free from unreasonable search and seizure. Detentions or arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed. Every person has a right to equal protection under the law and the right not to be deprived of life, liberty or property without due process of law.
5. Reaffirm its commitment to unbiased policing as expressed in the policies of the San Anselmo Police Department and endorse the principle that no law enforcement or other Town employee will discriminate against any person; and Town employees may not profile any person solely on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, marital status, physical or mental disability or religious preference.
6. Request that federal officials acting within the Town work in accordance with policies of the San Anselmo Police Department, and in cooperation with the Department, that these officials neither engage in racial profiling nor permit arrests without charges.
7. Request that federal officials not engage, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties of the people of San Anselmo. Organizations should not be monitored based on their religious or political views. Information about political, religious or social views, associations, or activities should not be collected unless the information relates to public safety concerns or establishes suspicion of criminal activity or the potential for criminal activity.
8. Request that the Town Clerk send copies of this resolution to the President of the United States and to local Congressional representatives.

## **San Francisco, CA**

### **Passed on January 21, 2003**

#### **San Francisco Resolution opposing the USA PATRIOT Act and related Executive Orders**

WHEREAS, the City of San Francisco houses a diverse population, including citizens of other nations whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Constitution guarantees all persons living in the United States fundamental rights including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and,

WHEREAS, the USA PATRIOT Act signed by President George W. Bush on October 26, 2001 has a number of provisions that contradict the above mentioned inalienable rights and fundamentally alters the nature of our civil liberties while doing little to increase public safety; and,

WHEREAS, examples of the provisions of the USA PATRIOT Act and Executive Orders that may violate the Constitution and the rights and civil liberties of San Francisco residents are as follows:

- Significantly expands the government's ability to access sensitive medical, mental health, financial and educational records about individuals, and lowers the burden of proof required to conduct secret searches and telephone and internet surveillance
- Gives law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests
- Gives the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations as "terrorist organizations"
- Grants power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime

- Authorizes eavesdropping of confidential communications between attorneys and their clients in federal custody
- Limits disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, Department of Justice interpretations of this Act and these Executive Orders particularly target Muslims, persons of Middle Eastern and South Asian descent and citizens of other nations, and thereby encouraging racial profiling by law enforcement and hate crimes by individuals in our community; now, therefore, be it

RESOLVED, that the City of San Francisco affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of San Francisco, the United States and other countries; and, be it

FURTHER RESOLVED, that the City of San Francisco affirms the rights of all people, including United States citizens and citizens of other nations, living within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and, be it

FURTHER RESOLVED, that, to the extent legally possible, no City employee or department shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil liberties as specified in the above Amendments of the United States Constitution; and be it

FURTHER RESOLVED that the San Francisco Board of Supervisors calls upon all private citizens and organizations, including residents, employers, educators, and business owners, to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations; and be it

FURTHER RESOLVED that the City and County of San Francisco call on our United States Representatives and Senators to monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the Act and those Orders that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments.

## **San Jose, CA**

**Passed on September 22, 2003**

### **A Resolution of the Council of the City of San Jose to Defend the Bill of Rights and Civil Liberties**

WHEREAS, the City of San Jose ("City") has a long and distinguished tradition of protecting the civil rights and civil liberties of its residents; and

WHEREAS, the City has a diverse population, including immigrants, students, and working people, whose contributions to the community are vital to its character and function; and

WHEREAS, fundamental constitutional rights and liberties are essential to the preservation of a just and democratic society; and

WHEREAS, several new federal laws, regulations, and executive orders issued since the terrorist attacks of September 11, 2001, including the adoption of certain provisions of the USA PATRIOT Act (collectively, the "Act"), now threaten these fundamental constitutional rights and liberties, including:

- Freedom of speech and religion;
- Right to privacy;
- Right to counsel and due process in judicial proceedings;
- Right to equal protection before the law; and
- Protection from unreasonable searches and seizures; and

WHEREAS, the powers granted under the Act threaten the civil rights and civil liberties of San Jose residents, and particularly affect those of Arab-American, Muslim, and South Asian backgrounds; and

WHEREAS, thirty years ago California voters overwhelmingly adopted a Constitutional right to privacy to protection against a "proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms;" and

WHEREAS, the failure to defend civil liberties during World War II led to the incarceration of 120,000 Americans of Japanese descent in California and other western states as well as the incarceration of German and Italian Americans, and Hungarian, Romanian and Bulgarian Americans; and

WHEREAS, during the 1930s and the 1950s, the U.S. government systematically rounded up and deported thousands of Mexican immigrants and Americans of Mexican descent;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT THE CITY COUNCIL HEREBY:

Affirms its strong support for fundamental constitutional rights and its opposition to (1) the provisions of the Act that infringe on important civil liberties and (2) any future legislation, rules, regulations or executive orders that strengthen, reinforce, broaden, or otherwise expand the provisions of the Act that infringe on civil liberties.

Affirms its strong opposition to terrorism but also affirm that any efforts to fight terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of the City of San Jose, and the United States.

Affirms its strong support for the constitutional rights of immigrant communities in San Jose and oppose racial profiling and the scapegoating of immigrants.

Directs the City Manager to send a letter and a copy of this Resolution to the City of San Jose's U.S. Senate and Congressional Delegation urging them to

1. work to repeal all provisions of the Act that infringe on civil liberties and
2. to oppose any future legislation, rules, regulations or executive orders that strengthen, reinforce, broaden, or otherwise expand the provisions of the Act that infringe on civil liberties.

A copy of the letter and the resolution shall also be sent to President Bush and Attorney General John Ashcroft.

Encourages City departments to

1. determine how the new federal powers under the Act are affecting residents of the City of San Jose;
2. monitor requests for cooperation in investigations utilizing those new powers on an ongoing basis; and
3. regularly report their findings to the City Manager for submission to the City Council

Directs the City Manager to ensure that the San Jose Police Department and other departments, to the extent legally possible, not officially assist or voluntarily cooperate with investigations, interrogations or arrest procedures, public or clandestine that are in violation of individuals' constitutionally protected civil rights or civil liberties.

Urges Congress to identify decisions and policy directives from the Justice Department and the immigration authorities that are discriminatory and require them to be changed.

Urges Congress to exercise more oversight to ensure that powers granted under the Patriot Act and other federal laws are not abused.

Urges Congress to require the Department of Justice (DOJ) and Department of Homeland Security (DHS) to document and report to Congress their uses of power under the Patriot Act in a way that the American people can be assured that abuses are not occurring.

Urges Congress to require the Inspector General for the DHS to investigate civil rights violations and report to the Congress like the Office of the Inspector General for the DOJ.

Urges Congress to increase the funding of the Office of the Inspector General in both the DOJ and DHS so that they can fully investigate complaints in both the DOJ and the DHS.

Urges Congress to make sure that the DOJ and DHS promptly and fully respond to and implement the recommendations from their Inspector Generals.

## **San Mateo County, CA**

**Passed on May 6, 2003**

### **Resolution in Support of H.R. 1157: The "Freedom to Read Protection Act of 2003" and the Sunset Provision in H.R. 3162, USA PATRIOT Act**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, immediately following the 9-11 terrorist attack Congress acted to implement the "Uniting and Strengthening America by Providing Adequate Tools," generally referred to as the USA Patriot Act with overwhelming support by the Congress including members of the San Mateo County delegation voted for the measure;

WHEREAS, the USA Patriot Act, H.R. 3162, a 342-page law that makes sweeping changes to more than 15 different statutes including the Foreign Intelligence Surveillance Act of 1978 (FISA) was enacted in just 45-days after the tragic events of September 11 and the complex provisions were enacted without interagency review and suspending the normal thorough public hearing process;

WHEREAS, The "Patriot Act" expands federal powers to search and conduct surveillance. Ostensibly, the measure was enacted to enhance domestic security against terrorism. The Patriot Act expands surveillance procedures, monitoring of international money exchanges, removes obstacles to investigating terrorism, provides for increased information sharing capabilities among law enforcement and created a counter terrorism fund;

WHEREAS, the USA Patriot Act increases the authority of the Attorney General to detain and deport non-citizens with little or no judicial review; and the Attorney General and Secretary of State are also given the authority to designate domestic groups as terrorist

organizations and deport any non-citizen who belongs to them. Increases the penalties of the Computer Fraud and Abuse Act; and defines computer crimes as “cyber-terrorist” terrorist attack and offense and increases surveillance capabilities and expands the federal government’s powers to eavesdrop and have access to financial and computer records as “tools to track terrorists;”

The measure expands the federal government’s power to eavesdrop and have access to financial and computer records as “tools to track terrorists.”

WHEREAS, several of the surveillance provisions of USAPA expire on December 31, 2005.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the San Mateo County Board of Supervisors support the enactment of H.R.1157, “Freedom to Read Protection Act of 2003,” to amend the Foreign Intelligence Surveillance Act to exempt bookstores and libraries from the Patriot Act and requires the Attorney General to regularly provide information to the appropriate congressional oversight committee on the numbers of letter of request for information that have been made; and support the 2005 sunset date contained in H.R. 3162.

## **San Rafael, CA** **Passed on September 15, 2003**

### **Resolution of the City of San Rafael in Response to USA PATRIOT Act**

WHEREAS, since the September 11, 2001 attacks on our nation, the USA Patriot Act has been enacted to expand federal powers to combat terrorism; and

WHEREAS, the USA Patriot Act was passed by Congress in great haste and without the normal deliberative and open process followed in federal legislation; and

WHEREAS, the City of San Rafael is governed by the Constitution of the United States and understands that the security of our nation must be achieved in ways that ensure the protection of civil rights and liberties enshrined in the Constitution; and

WHEREAS, a number of San Rafael and Marin County residents, as well as prestigious legal organizations, have concluded that certain provisions of the USA Patriot Act subvert the U.S. Constitution; and

WHEREAS, the City Council has directed staff to undertake a review of the USA Patriot Act to determine how it affects the delivery of municipal services to residents and businesses of San Rafael; and

WHEREAS, it has been determined that Section 215 of the USA Patriot Act affects the manner in which the employees of the City of San Rafael conduct their business; and

WHEREAS, it has been the City of San Rafael’s long-held policy and practice not to make arrests for immigration violations because of the lack of authority, and to do so would threaten the Police Department’s ability to interact constructively with residents in our community; and

WHEREAS, without guidance and oversight, the Constitutional rights of City employees may be infringed, and these same employees put at risk of violating fundamental Constitutional rights of the residents of San Rafael.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Rafael does hereby adopt the protocols, attached hereto as Exhibit “A”, for City employee responses to subpoenas, search warrants, court orders, and other requests for information by law enforcement officials; and further directs that the City Manager work with all City of San Rafael departments, in concert with the City Attorney, to implement these protocols.

BE IT FURTHER RESOLVED, given the City’s commitment to the privacy of its Library patrons and the confidentiality of Library records, the City Council also adopts the San Rafael Library Privacy Statement, attached hereto as Exhibit “B”, setting forth what Library patrons can expect as regards the collection of personal information and the confidentiality of such records.

BE IT FURTHER RESOLVED, that the City of San Rafael opposes any amendments to the USA Patriot Act or other federal regulations that would compel local law enforcement to undertake the enforcement of federal immigration law.

## **San Ramon, CA** **Passed on October 14, 2003**

### **A Resolution of the City Council of the City of San Ramon Affirming Our Constitutional Liberties and Opposing Those Provisions of the Patriot Act Which Abridge Our Constitutional Liberties**

WHEREAS, the City of San Ramon (“City”) recognizes the Constitution of the United States of America to be the supreme law of the land and all elected officials of the City are sworn to uphold the Constitution of the United States of America in discharging their duties; and

WHEREAS, it is in the purview of local government to take a stand in support of our Constitution and Bill of Rights because any weakening of those rights threaten the broad range of political expression that is vital to our democracy at the local, state, and federal levels; and

WHEREAS, the City affirms its strong opposition to any form of terrorism against humanity, and also affirms that any efforts to end terrorism must not be waged at the expense of civil rights and liberties; and

WHEREAS, a great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement powers, including the USA Patriot Act, signed into law on October 26, 2001; and

WHEREAS, the City believes that the civil rights and liberties of our residents and the foundations of our democracy could be threatened by some provisions of the USA Patriot Act; and

WHEREAS, the City proudly houses a diverse population, including citizens from other nations, whose contributions to the community are significant and important to all; and

WHEREAS, the First Amendment of the United States Constitution states that Congress shall make no law respecting an establishment or religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances; and

WHEREAS, the Fourth Amendment states that 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 person or things to be seized; and the Fifth Amendment states, in part, that no person “shall be compelled in any criminal case to be a witness against himself”; and

WHEREAS, the Eighth Amendment states that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; and the Fourteenth Amendment states that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

NOW, THEREFORE BE IT RESOLVED, the City of San Ramon affirms its strong support for our constitutionally guaranteed rights and liberties and opposes implementation of the USA Patriot Act in a manner which would infringe on those rights and liberties and supports the repeal of those sections of the USA Patriot Act that infringe upon civil liberties; and

BE IT FURTHER RESOLVED, that the City will continue in its outreach and shall educate its citizens on its policies of tolerance and respect for the diversity of its residents; and

BE IT FINALLY RESOLVED, that the City directs the City Clerk to transmit this resolution to all City departments, the courts, the Governor and the Attorney General of the State of California, to all members of the California Congressional delegation, the United States Attorney General, and the President of the United States of America.

## **Santa Barbara, CA**

### **Passed on August 26, 2003**

#### **A Resolution of the City Council of the City of Santa Barbara Regarding the Protection of Civil Rights and Liberties and Expressing Concerns Regarding the USA PATRIOT Act (Public Law 107-56)**

WHEREAS, the City Council of the City of Santa Barbara (Council) recognizes the potential dangers inherent in our country’s current vulnerability to terrorist activities and the need for a safe and secure City environment; and

WHEREAS, the Council understands its responsibility to assure the residents of Santa Barbara that the City will do all in its power to create and enforce a safe and secure environment; and

WHEREAS, the City of Santa Barbara has a long and distinguished history of protecting civil rights and liberties as expressed in the US Constitution and the California State Constitution and the Council believes that these rights and liberties are the foundation of our democracy; and

WHEREAS, many residents of Santa Barbara, and in other communities across the nation, are concerned that the USA PATRIOT ACT directly threatens our civil rights and liberties by:

1. Greatly expanding the ability of federal agents to conduct secret searches of our homes and places of employment;
2. Granting the executive branch unprecedented and extensive surveillance powers including enhanced ability to track email and internet usage, obtain sensitive medical, mental health, business, financial, educational, and other records; and monitor telephone calls, library usage and books purchase - all without evidence of a crime and without a court order;
3. Allowing the Attorney General to subject non-citizens to detention or deportation even if they have not committed a crime; and
4. Conferring powers to the executive branch, which may impact the balance of powers among the executive, judicial, and legislative branches as enshrined in the U.S. Constitution; and

WHEREAS, many Santa Barbara residents and others in communities across the nation are concerned that the Homeland Security Act violates fundamental principles of open governance by exempting the new Homeland Security Department from the disclosure requirements of the Freedom of Information Act and the Sunshine Act, thereby drastically limiting the agency's responsibility to answer public questions and concerns; and

WHEREAS, many Santa Barbara residents and others in communities across the nation believe that our civil rights and liberties are further threatened by orders and rules of the executive branch that:

1. Permit wiretapping of conversations between federal prisoners and their lawyers;
2. Allow FBI operations to target domestic groups and individuals engaged in lawful political activities; and
3. Limit the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, the City of Santa Barbara houses a diverse population, including non-citizens, whose contributions to the community are vital to its character and function; and

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SANTA BARBARA RESOLVES AS FOLLOWS:

1. Affirms the City's strong support for fundamental rights guaranteed by the U.S. Constitution and the California State Constitution.
2. Affirms the policies and practices of the City's Police Department, and all City departments, of respecting and protecting freedoms of speech, religion, assembly, and privacy; upholding and advancing the presumption of innocence; acting at all times with due respect for the equality of all people, irrespective of race, religion, ethnic identity, or national origin; protecting residents from unreasonable searches and seizures; and guaranteeing the right to counsel and due process in judicial proceedings.
3. Has directed the Santa Barbara City Administrator to strongly encourage any federal, state, or county agency acting within the City, to work in accordance with the policies and procedures of the City and when cooperating with City departments, to continue to guarantee the fundamental constitutional rights of all Santa Barbara residents.
4. Has directed the Santa Barbara City Administrator to post notices in public libraries informing library patrons that federal agents may obtain records of books and materials borrowed and websites accessed on library computers.
5. Authorizes the Mayor to send letters, and copies of this resolution, to members of our Congressional delegation to strongly encourage them and other members of Congress to monitor the implementation of the USA PATRIOT Act, the Homeland Security Act, and the associated orders and rules of the executive branch and to actively work for the repeal of any and all portions of the existing Acts and Orders, and against enactment of any new federal and state legislation, that threatens fundamental rights and liberties as stated in the U.S. Constitution and its Amendments, and to pursue legislation to restore civil rights and liberties that have been eroded under the recent federal Acts and Orders.

## **Santa Clara, CA**

**Passed on March 23, 2004**

### **A Resolution of the City Council of the City of Santa Clara, California, to Uphold the Constitution and Civil Liberties**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

WHEREAS, the City of Santa Clara has a long-standing tradition of protecting the civil liberties of its residents; and,

WHEREAS, the City of Santa Clara has a diverse population whose contributions to the community are vital to its character and function; and,

WHEREAS, the adoption of the USA Patriot Act ("Patriot Act") following the terrorist attacks of September 11, 2001, affects constitutional rights and liberties, including, but not limited to the following: Freedom of speech; right to privacy; protection from unreasonable searches and seizures; right to legal counsel and due process in judicial proceedings; right to equal protection; and,

WHEREAS, the powers granted under the Patriot Act potentially impact the civil liberties of the residents of the City of Santa Clara; and,

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

1. That the City of Santa Clara affirms its strong support of the constitutional rights for all persons.
2. That the City of Santa Clara opposes any legislation that unlawfully interferes with the civil liberties of any persons.
3. That the City of Santa Clara supports legislation to modify any provisions of the Patriot Act that may interfere with civil liberties.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Santa Clara hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

## **Santa Clara County, CA**

**Passed on August 19, 2003**

### **Resolution of The Board of Supervisors of The County of Santa Clara to Defend The Bill of Rights and Civil Liberties**

WHEREAS, the County of Santa Clara has a long and distinguished tradition of protecting the civil rights and civil liberties of its residents; and

WHEREAS, the County of Santa Clara has a diverse population, including immigrants, students, and working people, whose contributions to the community are vital to its character and function; and

WHEREAS, fundamental constitutional rights and liberties are essential to the preservation of a just and democratic society; and

WHEREAS, several new federal laws, regulations, and executive orders issued since the terrorist attacks of September 11, 2001, including the adoption of certain provisions of constitutional rights and liberties, including:

- Freedom of speech and religion;
- Right to privacy;
- Right to counsel and due process in judicial proceedings;
- Right to equal protection before the law; and
- Protection from unreasonable searches and seizures; and

WHEREAS, the powers granted under the Act threaten the civil rights and civil liberties of Santa Clara County residents, and particularly affect those of Arab-American, Muslim, and South Asian backgrounds; and

WHEREAS, thirty years ago California voters overwhelmingly adopted a Constitutional right to privacy against a “proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms;” and

WHEREAS, the failures to defend civil liberties during World War II led to the incarceration of 120,000 Americans of Japanese descent in California and other western states; and

WHEREAS, during the 1930s and 1950s, the U.S. government systematically rounded up and deported thousands of Mexican immigrants and Americans of Mexican descent;

THEREFORE BE IT NOW RESOLVED, that the Board of Supervisors of the county of Santa Clara County:

Affirm its strong support for fundamental constitutional rights and its opposition to (1) the provisions of the Act that infringe on important civil liberties and (2) any future legislation, rules, regulations or executive orders that strengthen, reinforce, broaden, or otherwise expand the provisions of the Act that infringe on civil liberties.

Affirm its strong support for the constitutional rights of immigrant communities in Santa Clara County and oppose racial profiling and the scapegoating of immigrants.

Direct the County Executive to send a letter and a copy of this Resolution to Senators Dianne Feinstein and Barbara Boxer and Congresspersons Anna Eshoo, Mike Honda, Richard Pombo, and Zoe Lofgren, urging them to (1) work to repeal all provisions of the Act that infringe on civil liberties and (2) to oppose any future legislation, rules, regulations, executive orders that strengthen, reinforce, broaden, or otherwise expand the provisions of the Act that infringe on civil liberties. A copy of the letter and resolution shall also be sent President Bush and Attorney General John Ashcroft.

## **Santa Cruz, CA**

**Passed on November 12, 2002**

### **Opposing the USA PATRIOT Act and Certain Justice Department Directives and Executive Orders that Prevent the Protection of Civil Rights and Liberties**

WHEREAS, following the horrific attacks on the United States of America on September 11, 2001, the Congress passed the USA Patriot Act (PL 107-56) on October 26, 2001; and



WHEREAS, many citizens of the City of Santa Cruz, California, are concerned that some executive orders and the resulting actions of the Attorney General of the United States and the United States Justice Department since the September 11 attacks pose significant threats to Constitutional protections; and

WHEREAS, we as a City believe that respect for constitutional rights is essential for the preservation of a democratic society; and

WHEREAS, in a time of concern over terrorism, our Country must find a balance between the need for national security and the need for protection of our basic civil rights and liberties; and

WHEREAS, several actions recently taken by the Federal government, including the adoption of sections of the USA Patriot Act and several executive orders, now threaten these fundamental rights and liberties, including freedom of speech, religion, assembly, and privacy; the rights to due counsel and process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the United States Constitution and its Bill of Rights, the California Constitution, and by United Nations Charter Articles 55, which require the United States to promote human rights for all persons without distinction; and

WHEREAS, the USA Patriot Act defines “domestic terrorism” so broadly as to apply to certain acts of civil disobedience that may include lawful advocacy groups such as Operation Rescue or Greenpeace as terrorist organizations and may subject them to invasive surveillance, wiretapping, harassment, and may criminally penalize them for protected political advocacy; also the USA Patriot Act grants unchecked power to the Secretary of State to designate domestic groups as “terrorist organizations”; and

WHEREAS, the USA Patriot Act gives the FBI and CIA greater rights to wiretap phones; monitor e-mail; survey sensitive medical, mental health, financial, and educational records without having to show evidence of a crime and without meaningful judicial review; and break into homes and offices without prior notification; and

WHEREAS, the USA Patriot Act expands the government’s ability to conduct secret searches without warrants; and

WHEREAS, the USA Patriot Act grants power to the Attorney General to subject non-citizens to indefinite detention without meaningful judicial review even if they have not committed a crime; and

WHEREAS, immediately after September 11, hundreds of people were detained without being charged and some denied the right to contact lawyers or even their families; and

WHEREAS, the Federal Court of Appeals for the Sixth Circuit has unanimously found that the Bush Administration acted illegally in holding secret deportation hearings for people detained in connection with September 11 investigations (cf. The New York Times, August 27, 2002), declaring that “Democracies die behind closed doors”; and

WHEREAS, the Justice Department, under Attorney General John Ashcroft, has issued an order authorizing Federal prison officials to eavesdrop on the confidential attorney-client communications of persons in Federal custody without judicial review; and

WHEREAS, the Justice Department, under Attorney General John Ashcroft, has issued a directive limiting Freedom of Information Act compliance and cites the threat of terrorism as justification, even though said directive covers all government information, much of which has no national security or law enforcement connection; and

WHEREAS, on May 30, 2002, Attorney General John Ashcroft unilaterally and without consultation with Congress eased longstanding intelligence guidelines which were put in place in 1976 as a result of gross intelligence abuses by the FBI; and

WHEREAS, the new guidelines allow FBI agents to spy on religious groups, political rallies, and organized meetings without any suspicion that the organizations are involved in terrorism or any other criminal activity; and

WHEREAS, this type of unchecked intelligence can easily lead to the gross intelligence abuses of the 1960s, which included the attempted disruption of the Civil Rights Movement and, as recently reported, the firing of former University of California Chancellor Clark Kerr; and

WHEREAS, thirty years ago this November, California voters overwhelmingly amended the Constitution of California to provide a right to privacy, specifically to prevent “the proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms”; and

WHEREAS, an executive order has established a secret military tribunal for terrorism suspects, the fact of which undermines the United States government’s ability to denounce atrocities carried out in secret by military tribunals elsewhere in the world; and

WHEREAS, several law enforcement officials, including previous heads of the FBI, have deemed the USA Patriot Act, certain directives from Attorney General Ashcroft, and particular executive orders as unnecessary to the prosecution of, and protection from, terrorism; and

WHEREAS, the USA Patriot Act, certain directives from Attorney General Ashcroft, and particular executive orders seem to target foreign nationals and people of Middle Eastern and South Asian descent and seem directed at persons who may legally speak or act to oppose government policy; and

WHEREAS, the Declaration of Independence of the United States holds as self-evident that all people are created equal and are endowed with unalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS, the First Amendment of the United States Constitution specifies that no law be made “respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances”; and

WHEREAS, the Fourth Amendment declares that “the right of 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”; and

WHEREAS, the Fifth Amendment states that no person “shall be compelled in any criminal case to be a witness against himself”; and

WHEREAS, the Sixth Amendment guarantees a defendant “the right to a speedy and public trial, by an impartial jury..., and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense”; and

WHEREAS, the Eighth Amendment states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”; and

WHEREAS, the due process and equal protection clauses of the Fifth and Fourteenth Amendments (Section I) to the United States Constitution guarantee certain due process and equal protection rights to all residents of the United States regardless of citizenship or immigration status; and

WHEREAS, the Fourteenth Amendment prohibits the government from denying any person equal protection by stating that “no state shall deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of its laws,” and pursuant to that clause, human rights and due process must be afforded to all people in the United States regardless of citizenship or immigration status; and

WHEREAS, the policy of our local police department is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of persons and/or property must be based on a showing of probable cause, as required by the Fourth Amendment of the United States Constitution and the California Constitution; and

WHEREAS, the City of Santa Cruz includes a diverse community of students and working families, including resident non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, U.S. Representatives Sam Farr and Mike Honda voted against the Patriot Act in Congress.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz, acting in the spirit and history of our community, does hereby resolve:

1. The City of Santa Cruz affirms its strong opposition to those parts of the USA Patriot Act and to certain Justice Department directives and executive orders that weaken or destroy our civil rights and liberties.
2. The City of Santa Cruz has been and remains firmly committed to the protection of civil rights and civil liberties for all people, including those who are citizens of other nations. We affirm this commitment to embody the spirit of democracy, to embracing and defending the human rights and civil liberties now under siege, to make those liberties viable for all, regardless of citizenship status, gender, racial identification, religious affiliation, age, or country of origin.
3. The City of Santa Cruz calls upon its citizens, residents, and local peace officers to join in affirming the following principles: Every person has the right to freedom of speech and association. Every person has the right to freedom of religion. Every person has the right to assembly and privacy. Every person has the right to due process in judicial proceedings. Every person has the right to be free from unreasonable search and seizure. Stops or arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed. Every person has the right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law.
4. The City of Santa Cruz urges federal law enforcement officials working within the City to engage only in legally permissible law enforcement activities which do not violate the civil rights and civil liberties of the people of Santa Cruz. To this end, organizations should not be monitored based solely on their religious or political views and no information about political, religious or social views, associations, or activities should be collected unless the information relates to public safety concerns or reasonable suspicion of criminal activity.
5. The City Council requests that the Mayor send copies of this resolution to the President of the United States, to local Congressional representatives, and to the United Nations High Commissioner for Human Rights in Geneva, Switzerland.

**Santa Cruz County, CA****Passed on April 30, 2003****Resolution of the County of Santa Cruz to Defend Civil Liberties and the Bill of Rights through Opposition to the USA Patriot Act**

WHEREAS, the County of Santa Cruz and its citizens are governed by the United States Constitution, including the Bill of Rights, and the California State Constitution, and depend on the leaders of the United States to protect and preserve the freedoms which are the foundation of our democracy; and

WHEREAS, the County of Santa Cruz consists of a diverse population, including non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, fundamental rights granted by the United States Constitution are threatened by actions taken at the federal level, notably by passage of sections of the USA Patriot Act and several Executive Orders which, among other things:

- Violate the First and Fourth Amendments to the Constitution through the expansion of the government's ability to wiretap telephones, monitor e-mail communications, and all other uses of the internet, survey medical, banking, credit, and student records, and secretly enter homes and offices without customary administrative oversight or without showing of probable cause
- Give law enforcement expanded authority to obtain library records, and prohibit librarians from informing patrons of monitoring or information requests, and otherwise gain access to other forms in which information is communicated;
- Grant potential unchecked powers to the Attorney General and the U.S. Secretary of State to designate legal domestic groups as "terrorist organizations" while lifting administrative regulations against covert, surveillance counter-intelligence operations by the FBI that in the past have targeted domestic groups and individuals;
- Violate the Fifth, Sixth and Fourteenth Amendments to the Constitution in establishing secret military tribunals, and in subjecting citizens and non-citizens to indefinite detention even when they have not been allowed an attorney, brought to trial, or even charged with a crime; and
- Authorize eavesdropping on confidential communications between lawyers and their clients in federal custody; and

WHEREAS, the County of Santa Cruz adheres to the principle that no County agency may profile or discriminate against any person solely on the basis of ancestry, race, ethnic or national origin, color, age, sexual orientation, gender, religion, physical or mental disability, or apparent socio-economic status; and

WHEREAS, the County of Santa Cruz and its officers recognize their constitutional commitment to uphold the legal and human rights of county residents; and

WHEREAS, the County of Santa Cruz opposes any use of governmental power to suppress the free and open exchange of knowledge and information or to intimidate individuals exercising free inquiry; and

WHEREAS, other public jurisdictions around the country have passed similar resolutions reinforcing local efforts to support and defend legal and human rights of their residents, reflecting a common belief that sections of the USA Patriot Act and related regulations, guidelines, and Executive Orders are a present danger to our Constitutional rights and privacy rights.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors remains firmly committed to the protection of civil rights and civil liberties for all and affirms its commitment to embody democracy and to embrace, defend and uphold the inalienable rights and fundamental liberties granted under the United States and the California State Constitutions;

BE IT FURTHER RESOLVED that the Board of Supervisors requests local law enforcement to continue to preserve and uphold residents' freedom of speech, assembly, association, privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures.

BE IT FURTHER RESOLVED that our federal legislative delegation be petitioned to actively monitor the implementation of the USA Patriot Act, and any existing and new Executive Orders dealing with related subjects, including the proposal, currently in draft, known as Patriot 11, and to actively work for the repeal of those provisions that violate the guaranteed civil liberties enumerated in the Bill of Rights.

BE IT FURTHER RESOLVED that the Clerk of the Board deliver this Resolution to all local law enforcement agencies, the Governor's office and to all members of the California federal legislative delegation.

**Santa Monica, CA**  
**Passed on February 12, 2003**

**A Resolution of the city of Santa Monica Affirming the City's Strong Commitment to Civil Liberties, Opposing the USA PATRIOT Act and Related Orders and Directives, and Supporting an Abrogated City Protection for Constitutional Rights**

WHEREAS, the United States Constitution guarantees all persons living in the United States fundamental rights including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection; and access to counsel, presumption of innocence and a fair, speedy public trial; and

WHEREAS, a great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement powers, including the USA PATRIOT ACT signed by President George W. Bush on October 26, 2001; and

WHEREAS, the USA PATRIOT ACT appears to weaken or contradict the above-mentioned Constitutional rights; and

WHEREAS, Department of Justice interpretations of this Act and Executive Orders under the Act appear to particularly target Muslims, people of Middle Eastern and South Asian descent and citizens of other nations, thereby encouraging racial and ethnic profiling; and

WHEREAS, the City of Santa Monica proudly houses a diverse population, including many citizens of other nations, whose contributions to our community are vital to its character and function; and

WHEREAS, the PATRIOT Act significantly expands the government's ability to access sensitive medical, mental health, financial and educational records about individuals, lowers the burden of proof required to conduct secret searches and telephone or internet surveillances, increases federal law enforcement authority to obtain library records and prohibits librarians from informing patrons of monitoring or information requests; and

WHEREAS, our own Santa Monica Public Library Board has discussed concerns regarding how our community might protect patrons' rights to privacy and confidentiality while using City of Santa Monica public facilities; and

WHEREAS, the City of Santa Monica has a history of providing leadership in upholding Constitutional rights and preventing the abuse of the civil rights of its residents;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES RESOLVE AS FOLLOWS:

SECTION 1. The City of Santa Monica affirms its abhorrence for and opposition to terrorism, but also insists that efforts to end terrorism not be waged at the expense of fundamental civil rights.

SECTION 2. The City of Santa Monica affirms its commitment to the rights of all people, including those of various ethnicities and citizenships, and to reasonable and proper expectations of individual privacy when using community facilities such as our Public Library.

SECTION 3. The City of Santa Monica opposes any part of or implementation of the USA PATRIOT Act, Justice Department directives and Executive Orders which contravene the civil rights guaranteed by the United States Constitution.

SECTION 4. The City Council affirms the existing legal responsibility and policy of the City of Santa Monica to uphold the United States Constitution and to scrupulously observe the civil rights and civil liberties of individuals in the delivery of City services and the execution of municipal obligations. Nothing in the USA PATRIOT Act shall be interpreted as abrogating that responsibility or altering that policy.

SECTION 5. The City Council calls upon all private citizens and organizations, including residents, employers, educators and business owners, to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with PATRIOT Act investigations.

SECTION 6. The City of Santa Monica calls upon United State Representative Henry Waxman and United States Senators Barbara Boxer and Dianne Feinstein to vigilantly monitor the implementation of the USA PATRIOT Act and associated Orders, and to actively work for the repeal of those sections of the Act and those Orders that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments.

**Saratoga, CA**  
**Passed On September 3, 2003**

**A Resolution of the City Council of the City of Saratoga Relating to the USA Patriot Act and the Protection of Civil Rights and Liberties of Saratogans**

WHEREAS, the City of Saratoga is a diverse community composed of persons of different ancestries, races, ethnic or national origins, colors, ages, genders, sexual orientations, religions, physical and mental capabilities, economic circumstances and political backgrounds and views; and

WHEREAS, all members of this community are governed by and enjoy certain fundamental rights granted under the United States Constitution including the Bill of Rights and the California State Constitution; and

WHEREAS, these fundamental rights are threatened whenever law enforcement actions are based on extreme interpretations of laws that were ultimately intended for the limited purpose of protecting these fundamental rights; and

WHEREAS, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism of 2001 (“USA PATRIOT Act”) was signed into law on October 26, 2001 with the stated purpose to enable law enforcement officials to track down and punish those responsible for the September 11, 2001 attacks on the World Trade Center in New York City and to protect against any similar attacks; and

WHEREAS, given the length and breadth of such acts, concerns have been raised that their language and that of Executive Orders interpreting such acts, might result in overzealous enforcement of its provisions in derogation of fundamental rights of all Americans, including the members of this community; and

WHEREAS, the City of Saratoga adheres to the principle that no law enforcement agency, or any other City agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnic or national origin, color, age, sexual orientation, gender, physical or mental disability, religion, political views, or economic circumstances; and

WHEREAS, the City of Saratoga wants to recognize the commitment it has to uphold the legal and human rights of its residents; and

WHEREAS, other communities around the County have passed similar resolutions reinforcing local efforts to support and defend the legal and human rights of their residents; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Saratoga that it has been, and remains firmly committed to the protection of civil rights and civil liberties for all of its residents, to the equal treatment of all its residents, regardless of their ancestry, race, ethnic or national origin, color, age, sexual orientation, religion, physical or mental disability, economic circumstances, political background or views, and affirms its commitment to embody democracy and to embrace, defend and uphold the inalienable rights and fundamental liberties granted under the United States Constitution and California State Constitution; and

BE IT FURTHER RESOLVED that local law enforcement continue to preserve and uphold residents’ freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, even if requested to do otherwise and infringe upon rights by Federal or State law enforcement agencies acting under new powers created by the USA PATRIOT Act or by Executive Order; and

BE IT FURTHER RESOLVED that our Federal legislative delegation is petitioned to actively monitor the implementation of the USA PATRIOT Act and any new legislation or related Executive Order, and actively work for the repeal of those portions that violate the guaranteed civil liberties enumerated in the Bill of Rights; and

BE IT FURTHER RESOLVED that upon passage, the City Clerk shall deliver this Resolution to all Federal and State law enforcement agencies, the Governor’s office and to the California Federal legislative delegation.

## **Sausalito, CA**

**Passed on May 6, 2003**

### **A Resolution of the City of Sausalito Reaffirming the Importance of Constitutional Rights and Civil Liberties in Response to the USA Patriot Act**

Whereas, a great crime against humanity occurred on our U.S. shores on September 11, 2001, resulting in new federal laws and enforcement powers; and

Whereas, on October 26, 2001, President Bush signed the Patriot Act into law, giving new powers to both domestic law enforcement and international intelligence agencies; and

Whereas, the United States Constitution is the basis for our civil rights and civil liberties, and a cornerstone of American liberty is defending and protecting our freedoms and Constitutional rights; and

Whereas, in this time of unrest it is within the purview and indeed incumbent upon local government to reaffirm support of the Bill of Rights because any weakening of those rights threatens the broad range of political expression on the local, state and federal level vital to the functioning of our democracy; and

Whereas, City policy clearly allows the Sausalito City Council to take a position on issues which are state or national in scope when the particular issues directly relate to the City’s ability to govern and/or to provide services to its residents; and

Whereas, every member of the Sausalito City Council took an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic;

Now, Therefore, Be It Resolved that, at the request of members of its citizenry, the Sausalito City Council makes this statement in support of the United States Constitution; and

Be It Further Resolved that the Sausalito City Council reaffirms the importance of Constitutional rights and civil liberties and will work to ensure that all enforcement and administrative proceedings are conducted consistent with due process of law and Constitutional principles; and,

Be It Further Resolved that the City of Sausalito, acting in the spirit and history of our community, does hereby:

1. Affirm its opposition to any portion of the Patriot Act that weakens or destroys our civil rights and liberties and, where there is discretion, the City of Sausalito will err on the side of civil rights; and
2. Remain firmly committed to the protection of civil rights and civil liberties for all people including those who are citizens of other nations. We affirm this commitment to embody the spirit of democracy, to embrace and defend human rights and civil liberties, to make those liberties viable for all, regardless of citizenship status, gender, racial identification, religious affiliation, age or country of origin.
3. Call upon all private citizens - including residents, employers, educators, and business owners - to demonstrate similar respect for civil rights and civil liberties.
4. Affirm for all Sausalito residents, City departments and employees, and elected officials the following principles:

Every person has:

- The right to freedom of speech and association
  - The right to freedom of religion
  - The right to assembly and right to privacy
  - The right to due process in judicial proceedings
  - The right to counsel and attorney-client privilege
  - The right to be free from unreasonable searches, seizures, detentions or arrests without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed
  - The right to equal protection under the law, and
  - The right not to be deprived of life, liberty or property without due process of law
5. Reaffirm its commitment to unbiased policing as expressed in the policies of the Sausalito Police Department and endorse the principle that no law enforcement officer or other City employee will discriminate against any person; and City employees may not profile any person solely on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, marital status, physical or mental disability or religious preference.
  6. Request that federal officials acting within the City work in accordance with policies of the Sausalito Police Department, and in cooperation with the Department, that these officials neither engage in racial profiling nor permit arrests without charges.
  7. Request that federal officials not engage, to the extent legally permissible, in law enforcement activities that:
    - a. threaten civil rights and civil liberties of the people of Sausalito;
    - b. monitor Sausalito citizens based on their religious or political views; and,
    - c. collect information about political, religious or social views, associations, or activities of Sausalitans, unless the information relates to public safety concerns or establishes suspicion of criminal activity or the potential for criminal activity.
  8. Endorse HR 1157, a bill that would prevent the FBI from seeking personally identifiable information about a library patron without sufficient legal showing such as a subpoena.
  9. Request that the City Clerk send copies of this resolution to the President of the United States and to local Congressional representatives.

## **Sebastopol, CA**

**Passed on December 3, 2002.**

### **Resolution Declaring December 15, 2002, to be Bill of Rights Day in the City of Sebastopol**

Whereas, the City of Sebastopol fully supports the United States Constitution and its first ten amendments, the Bill of Rights, as being essential to the health of democracy, and

Whereas, the fundamental rights and liberties guaranteed therein are essential to the well-being of the citizens and community of Sebastopol, and

Whereas, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties:

- Freedom of speech, religion, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures;
- All guaranteed by the Constitution of the State of California, and the United States Constitution and its Bill of Rights;

Therefore, City Council of Sebastopol, California, acting in the spirit of our community, does hereby declare December 15, 2002 to be Bill of Rights Day in the City of Sebastopol and requests that:

1. Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;
2. Federal and state law enforcement officials acting within the City work in accordance with the policies of the Sebastopol Police Department, and in cooperation with the Department, by not engaging in or permitting detentions without charges or racial profiling in law enforcement;
3. The U.S. Attorney's Office and the Office of the Federal Bureau of Investigation regularly and publicly disclose the extent to and manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees held in Northern California or any Sebastopol residents detained elsewhere;
4. Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the State of California and the United States.

## **Siskiyou, CA**

**Passed on November 7, 2006**

### **A Resolution Encouraging Citizens of Siskiyou County, California to Read the U.S. Constitution/American Bill of Rights on December 15, 2006--the 215TH Anniversary of Bill of Rights Day--and Urging Respect for Our Constitutional Rights and Individual Liberties Every Day of the Year**

Whereas, we, people of the United States of America, have entered the early years of a new century, which separates us by more than 200 years from America's Founders, whose exertions and sacrifices brought us recognition of our present Constitutional rights and individual liberties, including personal freedoms;

Whereas, it is important for the schoolchildren of Siskiyou County, California to understand that knowledge of the roots of America's traditions of Constitutional rights and individual liberties begins with readings, led by their parents and teachers, from the work of America's Founders, the U.S. Constitution and the American Bill of Rights;

Whereas, consciousness of the words contained in their historic craftsmanship, the U.S. Constitution and the American Bill of Rights, resulting from reading those historic documents on Bill of Rights Day, 2006, enables present-day Americans to bridge the centuries separating us from the Founders and contributes to the preservation of our Constitutional rights and individual liberties;

Whereas, any tendency of American public officials, at all levels of government, to consider the impact on our personal freedoms and individual liberties of every piece of legislation, with a commitment to favor those freedoms and liberties, also contributes to the preservation of our Constitutional rights and individual liberties;

Whereas, the preservation of these Constitutional rights and individual liberties is essential to the well-being of a democratic society and to maintenance of our distinctive American way of life;

Whereas, December 15, 2006 marks the 215TH anniversary of establishment of the American Bill of Rights;

Now, Therefore, Be It Resolved, that the County of Siskiyou Board of Supervisors encourages the citizens of Siskiyou County, California to read the U.S. Constitution/Bill of Rights on December 15, 2006 and to otherwise observe the spirit of Bill of Rights Day, 2006;

Be It Resolved, further, that the County of Siskiyou Board of Supervisors encourages the public officials who represent the citizens of Siskiyou County at other levels of government to examine or, as appropriate, re-examine every piece of legislation brought before them for its impact on our Constitutional rights and individual liberties and to otherwise show preference for preservation, rather than restriction, of those rights and liberties in every official decision, in order to honor the U.S. Bill of Rights daily and to model respect for Americans' Constitutional rights and individual liberties.

**Soledad, CA****Passed on October 15, 2003****A Resolution of the City Council of the City of Soledad Expressing Opposition to Provisions of the U.S. Patriot Act**

WHEREAS, the City of Soledad is committed to protecting the civil rights and civil liberties of its residents; and

WHEREAS, the City of Soledad has a diverse population, including immigrants, students, and working people, whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Constitution and the Bill of Rights guarantee to all persons living in the United States these fundamental rights: freedom of religion, speech, assembly; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and

WHEREAS, several new federal laws, regulations, and executive orders issued during the past year including the adoption of certain provisions of the USA Patriot Act now threaten these constitutional rights and liberties; and

WHEREAS, these new powers threaten the civil rights and civil liberties of Soledad residents, and particularly affect those of Latino, Arab-American, Muslim, and South Asian backgrounds and thereby encourages racial profiling by law enforcement agencies and hate crimes by individuals in the community; and

WHEREAS, thirty years ago this November, California voters overwhelmingly adopted a Constitutional right to privacy to protect against a “proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms”. NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad as follows:

1. The Council affirms its strong opposition to terrorism but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Soledad and the United States.
2. The Council affirms its strong support for fundamental constitutional rights and its opposition to the provisions of the USA Patriot Act that infringe on important civil liberties.
3. The Council affirms its strong support for the constitutional rights for immigrants and immigrant communities in Soledad and opposes racial profiling of such citizens.
4. The Council directs the City Manager to determine how the new federal powers are being used in Soledad and how they are affecting Soledad residents. The City Manager may do this by requesting the following information from the U.S. Attorney for the Northern District of California and the Special Agent in Charge for the Soledad area. The City Manager may also determine if any information listed below is held by City agencies. The City Manager shall report the results to the City Council on a periodic basis.
  - a. The following information regarding all detainees that have been held in the City of Soledad as a result of terrorism investigations: name of detainee, where detainee is being held, circumstances of detention, any charges brought against the detainee, whether the detainee has been transferred, whether the detainee has been deported, if the detainee has legal representation, and the name of the attorney.
  - b. The number of times library records have been requested from Soledad libraries under powers granted in the USA Patriot Act.
  - c. The number of times records have been requested from bookstores in Soledad under powers granted in the USA Patriot Act.
  - d. The number of “sneak and peak” searches executed in Soledad under the powers granted in the USA Patriot Act.
  - e. The number of individuals living in Soledad who have been questioned in connection with terrorism investigations, and the race, ethnicity, and immigration status of those individuals.
  - f. The number of wiretaps utilized in Soledad under the powers granted in the USA Patriot Act.
  - g. The number of religious institutions, political rallies, and political meetings monitored in Soledad.
  - h. The number of terrorism related tips received from Soledad residents.
  - i. The number of residents of Soledad being held in connection with civil immigration violations and the nationality of those being held.
  - j. The number of requests made to the Soledad Police Department for assistance with the execution of any of the above powers, including the number of times local police have detained individuals on civil immigration violations based on information obtained from the National Crime Center database.



5. The Council directs that to the extent legally possible, no City employee or department shall officially assist or voluntarily cooperate with investigations, interrogations or arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil liberties as specified by the U.S. Constitution, the Bill of Rights and California Constitution.
6. The Council strongly urges public libraries, other institutions, organizations and businesses within the City of Soledad to post in a prominent place within the building a notice to the public that under provisions of the U.S. Patriot Act, records of borrowed books and other materials, private financial records, medical and educational and other personal records, as applicable, may be obtained by federal agents.
7. The Council directs the City Manager to send a letter and a copy of this resolution to Senators Dianne Feinstein, Barbara Boxer, and Congressperson Sam Farr urging them to work to repeal all provisions of the U.S. Patriot Act that infringe on civil liberties. A copy of the letter and resolution shall also be sent to President Bush and Attorney General Ashcroft.

## **Sonoma, CA**

**Passed on March 5, 2003**

### **Resolution regarding the Patriot Act and the Protection of Sonoma Residents' Civil Rights**

WHEREAS, in response to the tragic events of September 11, 2001, The United States Congress passed the USA Patriot Act (Public Law 107-56) which was signed into law by President George Bush on October 26, 2001; and

WHEREAS, many residents of Sonoma and other communities across the nation, while committed to homeland security, are deeply concerned that certain provisions of the USA Patriot Act expand government powers of secret surveillance, search and seizure and detention without due process in a manner which threatens fundamental civil rights, including:

- Freedom of speech, religion, assembly and privacy;
- The rights to counsel and due process in judicial proceedings;
- Protection from unreasonable searches and seizures; and
- Equal protection under the law;

All guaranteed by the Constitution of the State of California and the United States Constitution; and

WHEREAS, there has been no substantive showing by USA Patriot Act sponsors that these fundamental alterations of our civil liberties increase public safety, and subsequent investigation has shown that government powers of access to personal information prior to the events of September 11, 2001 were adequate to prevent the attacks if properly employed, with the resulting information communicated to the appropriate authorities; and

WHEREAS, the expanded powers of secret surveillance, search and seizure and detention conferred upon the federal government by the provisions of the USA Patriot Act herein opposed are far more likely to have a chilling effect on the free exchange of ideas and expression of disagreement with government policy, than to increase public safety; and

WHEREAS, examples of provisions in the USA Patriot Act which threaten the constitutional rights of Sonoma residents are as follows:

1. Section 216- providing for courts to issue orders authorizing wiretapping and internet surveillance if "the court finds that the attorney for the government has certified to the court that the information likely to be obtained is relevant to an ongoing criminal investigation," eliminating the requirement, well established by legal precedent, to show probable cause that the subject of the surveillance is involved in criminal activity. Furthermore, section 216 requires wire and electronic service providers to make any information available to government investigators which "may facilitate in the execution of the order." Such an overly broad and vaguely defined standard virtually eliminates judicial supervision of telephone and internet surveillance.
2. Section 411- granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups as "terrorist organizations" if they qualify as "a political or social group whose endorsements of acts of terrorist activity the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorism," which could include a Palestinian support group or a group opposing economic globalization.
3. Section 412- allowing the Attorney General to subject non-citizens to indefinite detention, even though they have committed no crime, if the Attorney General "has reasonable grounds to believe that the alien is engaged in any activity that endangers the national security of the United States."
4. Sections 215, 218, 358 and 508 giving law enforcement broad access to sensitive medical, mental health, library, business, financial and other records about individuals without showing probable cause or evidence of a crime, where suspicion that the person is the agent of a foreign government is a "significant purpose" of the surveillance; and

WHEREAS, our civil rights and liberties are further threatened by orders and rules of the executive branch that:

1. establish secret military tribunals for terrorism suspects (Military Order, Nov. 13, 2001)

2. permit wiretapping of conversations between federal prisoners and their lawyers (28 Code of Federal Regulations 501.3)
3. limit the disclosure of public documents and records under the Freedom of Information Act (Memorandum of Attorney general to Heads of all Federal Departments and Agencies, October 12, 2001; and

WHEREAS, communities across the country—including San Francisco, California; Berkeley, California; Santa Cruz, California; Boulder Colorado; Denver Colorado, Detroit Michigan, Flagstaff, Arizona; Madison, Wisconsin; Fairbanks, Alaska; Eugene, Oregon; Takoma Park, Maryland, Alachua County, Florida; Ann Arbor, Michigan; Santa Fe, New Mexico; Carrboro, North Carolina—have passed resolutions opposing those sections of the USA Patriot Act and associated executive orders that threaten our civil liberties; and

WHEREAS, the City of Sonoma affirms its strong opposition to terrorism, but also affirms its commitment to upholding the civil rights and liberties of all persons residing in Sonoma, as expressed in the Constitution of the United States and State of California.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SONOMA that the City of Sonoma affirms the civil rights granted to all of its residents-U.S. citizens and citizens of other nations alike-in accordance with the Bill of Rights and the Fourteenth Amendment of the United States Constitution; and

BE IT FURTHER RESOLVED that the Sonoma City Council encourages the Sonoma Police Department to continue its policy of:

- Respecting and protecting freedom of speech;
- Guaranteeing the right to counsel and due process in judicial proceedings;
- Prohibiting unreasonable searches and seizures; and

BE IT FURTHER RESOLVED that the City of Sonoma requests that federal and state law enforcement officials working within the City work cooperatively with the Sonoma Police Department, and abide by the Department's policies prohibiting racial profiling and detentions without charges, and regularly and publicly report to the City the extent and manner in which they have acted under the USA Patriot Act or the associated orders and rules of the executive branch, including the names of detainees held in the region or any Sonoma residents detained elsewhere; and

BE IT FURTHER RESOLVED that the City of Sonoma supports the efforts of individuals and organizations who have challenged various provisions of the USA Patriot Act in Federal and State courts; and

BE IT FURTHER RESOLVED that City of Sonoma employees and department heads are urged to follow their consciences as to whether or not they wish to assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals' civil liberties as specified in the above Amendments to the United States Constitution e.g. City of Sonoma police officer conducting surveillance on or gathering information on religious or political meetings or rallies in the absence of evidence that the organization is involved in terrorism or some other illegal activity; and

BE IT FURTHER RESOLVED that law enforcement officials, public officials, and residents of Sonoma engage in and participate in community dialogue on civil liberties issues, in order to promote the safety and well being of the community of Sonoma; and

BE IT FURTHER RESOLVED that our Federal legislative delegation is petitioned to actively monitor the implementation of the USA Patriot Act and associated executive orders and actively work for repeal of those provisions which violate the guaranteed civil liberties enumerated in the Bill of Rights; and

BE IT FURTHER RESOLVED that upon passage, the City Clerk shall deliver this Resolution to all federal and state law enforcement agencies, the Governor's office, and to the California federal legislative delegation.

## **South Pasadena, CA**

**Passed on July 16, 2003**

### **Resolution NO. 6753, A Resolution of the City Council of the City of South Pasadena, California, Stating its Support for Civil Rights and Liberties as Established by Various Amendments to the United States Constitution**

WHEREAS, the City of South Pasadena has been and remains committed to the protection of civil rights and liberties for all people as expressed in the Constitutions of the United States of America and the State of California

WHEREAS, the Bill of Rights of the Constitution of the United States of America and the Constitution of the State of California guarantee certain rights concerning:

- Freedom of speech and peaceful assembly
- The assistance of counsel in criminal prosecutions and due process concerning deprivations of life liberty or property; and
- Protection from unreasonable searches and seizures

WHEREAS, the USA PATRIOT Act, Federal legislation also known as HR 3162 or Public Law 107-56, and associated orders and rules of the executive branch, now threaten these fundamental rights and liberties by:

- Authorizing the indefinite incarceration of citizens designated as “enemy combatants,” without access to counsel or meaningful recourse to the courts;
- Authorizing indefinite incarceration of non-citizens based upon mere suspicion, without access to counsel or meaningful recourse to the courts;
- Substantially reducing judicial supervision of telephone and Internet surveillance;
- Substantially expanding the government’s ability to conduct secret searches;
- Granting the U.S. Attorney General and Secretary of State the power to designate domestic groups conducting legitimate activity as “terrorist organizations,”
- Granting the Federal Bureau of Investigation broad access to sensitive medical, mental health, financial, library, bookstore purchase and educational records about individuals without having to show evidence of a crime and without presenting or even obtaining a court order;
- Imposing prosecution on any keeper of records who divulges the search; and
- Allowing secret searches of homes and offices, thus undermining an individual’s right to be secure in one’s home without facing unreasonable searches and seizures;

WHEREAS, over 100 communities in the U.S. have enacted similar resolutions in order to make a statement, affect government policy and demand accountability from law enforcement regarding the implementation of these new powers

WHEREAS, this Resolution is not intended to inhibit or prevent apprehension, trial, or conviction of people who have carried out or planned attacks against the United States or any other country, but to state the belief that the United States is a nation based on laws and that a threat to any one person’s Constitutional rights is a threat to the rights of all;

WHEREAS, the First Amendment of the United States Constitution specifies that no law be made “respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of people peaceably to assemble, and to petition the Government for a redress of grievances;”

WHEREAS, the Fourth Amendment declares that “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;”

WHEREAS, the Fifth Amendment states that no person “shall be compelled in any criminal case to be a witness against himself;”

WHEREAS, the Sixth Amendment guarantees defendants “the right to a speedy and public trial, by an impartial jury..., and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense;”

WHEREAS, the Eight Amendment states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted;” and

WHEREAS, the Fourteenth Amendment prohibits the government from denying “to any person within its jurisdiction the equal protection of the laws.”

NOW, THEREFORE, the City Council of the City of South Pasadena DOES HEREBY RESOLVE, as follows:

Section 1. The City Council affirms the rights of all people, as established by the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the U.S. Constitution.

Section 2. The City Council calls upon all City officials and employees to protect the civil rights and liberties of any person, as established by the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the U.S. Constitution and not participate in any actions which violate those rights and liberties.

Section 3. The City Council calls upon all private persons also to protect the civil rights and liberties of any person, as established by the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the U.S. Constitution and not participate in any actions which violate those rights and liberties.

Section 4. The City Manager submit a copy of this Resolution to all City Departments, the Governor and Attorney General of the State of California, the California Congressional Delegation, the United States Attorney General, and the President of the United States.

## **Tehama County, CA**

### **Passed on June 17, 2003**

#### **A Resolution of the Board of Supervisors of the County of Tehama Supporting the Bill of Rights**

WHEREAS, the county of Tehama fully supports the Constitution of the United States and its amendments, particularly the Bill of Rights and the Fourteenth Amendment; and,

WHEREAS, the preservation and protection of the fundamental and precious human rights and civil liberties are essential to the institution of a democratic republic; and,

WHEREAS, the preservation and protection of freedom of speech, religion, assembly and privacy; the rights to legal counsel and due process in judicial proceedings; and protection from unreasonable search and seizure are essential to the enjoyment of justice and freedom by all citizens and residents of Tehama County; and

WHEREAS, the County of Tehama is committed to the protection of human and civil rights of all persons within the county, to include citizens of the United States and citizens of other nations, and to the exercise and enjoyment of any and all rights and privileges secured by the constitutions of the United States and the State of California;

NOW, THEREFORE, BE IT RESOLVED that the Tehama County Board of Supervisors calls on all citizens, public officials, public employees, state legislative representatives and Members of Congress to be vigilant in efforts to protect all guaranteed human and civil rights of all persons; and,

The Tehama County Board of Supervisors calls on all local, state, and federal representatives and officials to oppose and revoke any law or executive order that violates or limits precious and fundamental rights and liberties that are secured by the Bill of Rights and the Fourteenth Amendment to the United States Constitution; and,

The Tehama County Board of Supervisors invites all citizens and residents to participate in the Tehama County Courthouse Reading of the Bill of Rights to be assembled on July 3, 2003 on the steps of the county courthouse, which is respected as a free speech venue.

## **Ukiah, CA**

### **Passed on April 1, 2003**

#### **Resolution of the City Council of the City of Ukiah-Bill of Rights**

WHEREAS, the City of Ukiah fully supports the United States Constitution, its first ten amendments, the Bill of Rights, and the Constitution of the State of California; and

WHEREAS, the fundamental rights and liberties guaranteed therein are essential to the health of democracy and to the well being of the citizens and the community of Ukiah, including: Freedom of Speech, religion, assembly and privacy The rights to counsel and due process in judicial proceedings; and Protection from unreasonable searches and seizures All guaranteed by the Constitution of the State of California and the United States Constitution, and

WHEREAS, we believe these civil liberties are precious and are now threatened by:

1. The USA PATRIOT Act which All but eliminates judicial supervision of telephone and Internet surveillance Greatly expands the government's ability to conduct secret searches; Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"; and Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and
2. Federal Executive Orders which Establish secret military tribunals for terrorism suspects Permit wiretapping of conversations between federal prisoners and their lawyers; Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and Limits the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, this law and these executive orders particularly target foreign nationals and people of Middle Eastern and South Asian descent, but could affect any one of us in the U.S.A. acting and speaking legally in opposing government policy; and

WHEREAS, the Executive Order on secret military tribunals also undermines the U.S. government's ability to denounce atrocities carried out in secret by military tribunals elsewhere around the world; and

WHEREAS, several law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and these Executive Orders as unnecessary to the prosecution of, and protection from, terrorism; NOW, THEREFORE, IT IS HEREBY RESOLVED, that the City Council of the City of Ukiah, California, acting in the spirit of our State and Federal Constitutions request that:

1. Local Law enforcement continue to preserve residents' freedom of speech, religion, assembly and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to

infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;

2. Federal and state law enforcement officials acting within the City, work in accordance with the policies of the Ukiah Police Department, by not engaging in or permitting detentions without charges or racial profiling in law enforcement.
3. The U.S. Attorney's Office and the Office of the Federal Bureau of Investigation regularly and publicly disclose the extent to and the manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees held in Northern California and/or any Ukiah residents detained elsewhere
4. Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts that violate fundamental rights and liberties as stated in the State and United States Constitution.

## **Union City, CA**

**Passed on March 11, 2003**

### **Resolution of the City Council of the City of Union City Regarding the USA PATRIOT Act**

Whereas, the City Council of Union City supports the Constitution of the United States, opposes terrorism, and supports our troops wherever they are stationed in the world; and

Whereas, the American people suffered a great tragedy on September 11, 2001, and in connection with the tragedy, Arab-Americans, Muslims, and South Asian people residing in the United States have experienced discrimination in various forms including unlawful detention at airports and on the public streets, and harassment on the playground and in the work place including discharge from employment; and

Whereas, in response to the September 11 tragedy and the public outcry for action, the U.S. Congress hastily adopted the USA PATRIOT Act without committee hearings or otherwise normal deliberation, and which degrades American freedoms in many ways by invading the privacy of United States residence, including electronic eavesdropping, and by search of homes, records of educational institutions, libraries, and businesses without knowledge or the presence of the property owners and without probable cause; (so called "sneak and peak" or "black bag" searches"); and

Whereas, under 1996 amendments to the Immigration and Nationality Act, immigrants may be tried based on secret evidence that they are not permitted to see or know of; and

Whereas, racial profiling is a pernicious form of discrimination and yet the Federal Bureau of Investigation, the United States Attorney General and local law enforcement have used the national origin of Arab, Muslim, and South Asians as the sole marker for investigation and interrogations of thousands of individuals by law enforcement officials; and

Whereas, many law enforcement agencies have courageously declined to assist the Federal Bureau of Investigation and the U.S. Attorney General in the unlawful questioning of Arab, Muslim and South Asian appearing residents; and

Whereas, two American citizens are being held incommunicado in violation of due process in the U.S., and the U.S. is indefinitely incarcerating many persons on Guantanamo Naval Base in violation of the Geneva Conventions as declared by the Red Cross, Amnesty International and other human rights organizations; and

Whereas, federal law enforcement agencies arrested 1500 unidentified American residents following September 11, 2001 and held them incommunicado in secret jails, denied them legal counsel and access to their families and have not charged most of them with any crime; and

Whereas, a seminal principle of American liberty is citizen action in defense of the United States Constitution and recognition that failure to protect our freedoms will result in erosion of our civil rights; and

Whereas, the USA PATRIOT Act has increased the powers and intelligence gathering capabilities of law enforcement agencies far beyond the previous federal laws attacking Constitutional rights such as the Anti-terrorism Act of 1996 and the Alien and Sedition Acts of 1798, which targeted aliens and First Amendment rights, to the extent that the PATRIOT Act infringes on First, Fourth, and Sixth Amendment constitutional rights and the civil rights of citizens and non-citizens of Union City, and particularly affects resident of Arab, Muslim, and South Asian backgrounds; and

Whereas, thirty years ago, California voters overwhelmingly adopted a Constitutional right to privacy to protect against a "proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms"; and

Whereas, the City of Union City has long supported equal opportunity policies and protection of the civil rights of all persons;

THEREFORE BE IT RESOLVED that the City Council of the City of Union City:

- Declares its support for the Arab, Muslim, and South Asian Community and all Americans who have declared their opposition to the USA PATRIOT Act.

- Requests President Bush and Congress to take all necessary action to repeal the USA PATRIOT Act and the secret evidence provision of the Immigration and Nationality Act
- Requests President Bush and the United States Attorney General Ashcroft to promptly identify every detainee in the United States and abroad and allow all detainees access to legal counsel, and either charge each detainee with a crime or release them from custody and return them to their families.
- Directs each Department of the City of Union City to review its policies in answering requests for assistance by any federal agency investigating or enforcing under provisions of the USA PATRIOT Act (Public Law 107-56), records of borrowed books and other materials, private financial records, medical, and, educational, other personal records, as applicable, may be obtained by federal agents.

BE IT FURTHER RESOLVED that a letter and copy of this resolution be sent to President Bush, U.S. Attorney General Ashcroft, Senators Dianne Feinstein and Barbara Boxer and Congressional Representative Pete Stark and request them to take all necessary action to repeal the USA PATRIOT Act and Secret Evidence.

## **Watsonville, CA**

**Passed on March 25, 2004**

### **A Resolution of the City Council of the City of Watsonville Opposing Parts of the “United and Strengthening American by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act” (“USA PATRIOT Act”) and Related Executive Orders**

WHEREAS, the City of Watsonville houses a diverse population, including citizens of other nations, whose contribution to the community are vital to its character and function; and

WHEREAS, the United States Constitution guarantees all persons living in the United States the fundamental rights including—freedom of religion, speech, assembly, and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and

WHEREAS, the USA PATRIOT Act signed by George W. Bush on October 26, 2001, has a number of provisions that contradict the above mentioned rights; and

WHEREAS, Watsonville’s representative in Congress Sam Farr voted against the USA PATRIOT Act because it puts civil liberties and human rights at risk; and

WHEREAS, examples of the provisions of the USA PATRIOT Act and the Executive Orders that may violate the Constitution and the rights and civil liberties of Watsonville residents are as follows:

- Significantly expands the government’s ability to access sensitive medical, mental health, financial and education records about individuals; and lowers the burden of proof required to conduct secret searches and telephone and Internet surveillance
- Gives law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests
- Gives the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as “terrorist organizations.”
- Grants power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime.
- Authorizes eavesdropping on confidential communications between lawyers and their clients in federal custody.
- Limits disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, Department of Justice interpretation of this Act and these Executive Orders particularly target Muslims, people of Middle Eastern and South Asian descent and citizens of other nations, thereby encouraging racial profiling by law enforcement and hate crimes by individuals in our community; and

WHEREAS, thirty (30) years ago, California voters overwhelmingly amended the Constitution of California to provide a right to privacy, specifically to prevent government snooping and data collection that is threatening to destroy our traditional freedoms.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

That the Council of the City of Watsonville hereby affirms its strong opposition to terrorism, but also hereby reaffirms that any efforts to end terrorism not to be waged at the expense of the fundamental civil rights and liberties of the people of Watsonville, the United States and the World.

BE IT FURTHER RESOLVED that the Council hereby affirms the rights of all people, including United States citizens and citizens of other nations, living within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution.

BE IT FURTHER RESOLVED that the City of Watsonville calls upon its citizens, residents, and local peace officers to join in affirming the following principles: Every person has the right to freedom of speech and association. Every person has the right to freedom of religion. Every person has the right to assembly and privacy. Every person has the right to due process in judicial proceedings. Every person has the right to be free from unreasonable searches and seizure. Stops or arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed. Every person has the right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law.

BE IT FURTHER RESOLVED that the City of Watsonville urges federal law enforcement officials working within the City to engage only in legally permissible law enforcement activities which do not violate the civil rights and civil liberties of the people of Watsonville. To this end, organizations should not be monitored based solely on their religious or political views and no information about political, religious or social views, associations, or activities should be collected unless the information relates to public safety concerns or reasonable suspicion of criminal activity.

BE IT FURTHER RESOLVED that the Council hereby calls on our United States Representative and Senators to monitor the implementation of the Act and Orders cited herein and actively work for the repeal of parts of the Act and those Orders that violate fundamental rights and liberties as stated in the U.S. Constitution and its Amendments.

BE IT FURTHER RESOLVED that the Council hereby requests that the Mayor send copies of this resolution to the President of the United States, House Representative Sam Farr, and U.S. Senators Boxer and Feinstein.

## **West Hollywood, CA**

### **Passed on January 21, 2003**

#### **A Resolution of the City Council of the City of West Hollywood Recognizing Provisions of the USA PATRIOT Act and Reassuring West Hollywood Residents Their Constitutional Rights of Individual Civil Liberties**

Passed unanimously on January 21, 2003, by the West Hollywood City Council

WHEREAS, the City of West Hollywood is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents including immigrants and students, whose contributions are vital to the community; and

WHEREAS, the City of West Hollywood feels the public should be protected from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a manner that does not violate the democratic values of liberty; and

WHEREAS, federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act and related executive orders, regulations, and actions pose a threat to the civil rights and liberties of individuals that are thought to be precarious merely for their race, origin, or religion; and

WHEREAS, the USA PATRIOT Act includes provisions such as incarceration of non-citizens based on suspicion and the indefinite incarceration of citizens designated by President Bush as “enemy combatants” without proper access to counsel or meaningful recourse to the federal courts; and

WHEREAS, the USA PATRIOT Act limits authority of federal courts and grants law enforcement and intelligence agencies broad access to personal medical, financial, library, and education records, electronic surveillance, and “black bag” searches in which the subject of the searches is unaware that his property is being searched; and

WHEREAS, the USA PATRIOT Act permits the FBI to conduct surveillance of religious services, internet chat rooms, political demonstrations, and other public meetings without having any evidence that a crime has been or may be committed; and

WHEREAS, the USA PATRIOT Act drives a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of West Hollywood affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties and single out individuals for legal scrutiny based on their country of origin or religious beliefs.

## **Yolo County, CA**

### **Passed on January 28, 2003**

#### **Resolution to Defend the Civil Rights and Liberties of the People of Yolo County**

WHEREAS, the County of Yolo recognizes the Constitution of the United States of America to be the supreme law of the land, superseding all administrative rules, local ordinances, state statutes and federal laws; and

WHEREAS, the County of Yolo affirms its strong opposition to any form of terrorism against humanity, but also affirms that any efforts to end terrorism must not be waged at the expense of the civil rights and liberties of the people of Yolo County, the United States, or the people of the world; and

WHEREAS, certain provisions of the USA Patriot Act expand authority and might infringe on the rights of individual citizens of Yolo County, by detaining citizens and non-citizens and engaging in surveillance which could threaten the civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the County of Yolo and its departments are firmly committed to ensuring and upholding the values of creating and nurturing diversity for all the citizens of Yolo County, and preventing any type of unlawful discrimination upon its inhabitants; and

WHEREAS, the County of Yolo proudly houses a diverse population, including citizens from other nations, whose contributions to the community are significant and important to all; and

WHEREAS, all elected officials of Yolo County are sworn to uphold the Constitution of the United States of America in discharging their duties; and

WHEREAS, the First Amendment of the United States Constitution states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances; and

WHEREAS, the Fourth Amendment states that 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; and the Fifth Amendment states, in part, that no person “shall be compelled in any criminal case to be a witness against himself”; and

WHEREAS, the Sixth Amendment states that in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; and

WHEREAS, the Eighth Amendment states that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; and the Fourteenth Amendment states that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

NOW, THEREFORE BE IT RESOLVED, that the Yolo County Board of Supervisors affirms the rights of all its people and that no county employee shall be a part of unlawful profiling based on race, ethnicity, citizenship, religion, or political values; and

BE IT FURTHER RESOLVED, that the Yolo County Board of Supervisors will continue in its outreach and shall educate its citizens on its policies of tolerance and respect for the diversity of its residents; and

BE IT FINALLY RESOLVED, that the Yolo County Board of Supervisors does direct the Clerk of the Board to transmit this resolution to all county departments, the courts, the Governor and the Attorney General of the State of California, to all members of the California Congressional delegation, the United States Attorney General, and the President of the United States of America.



# COLORADO

## State of Colorado

Passed on May 9, 2005

### Senate Joint Resolution 05-044 Concerning the State's Commitment to Uphold Constitutional Rights in the Fight Against Terrorism

WHEREAS, The state of Colorado is committed to upholding the fundamental and inalienable rights, including the freedoms of religion, speech, assembly, and privacy, that are enshrined in the constitutions of the United States and the state of Colorado; and

WHEREAS, Colorado's elected public servants have sworn to defend and uphold the state and federal constitutions; and

WHEREAS, The state of Colorado denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, The attacks that occurred on September 11, 2001, and the continuing threat of terrorism underscore the need for strong and effective laws and policies to protect the American public; and

WHEREAS, The security measures taken by federal, state, and local governments should be carefully designed and applied to enhance public safety without infringing on the civil liberties and rights of innocent people in the state of Colorado and throughout the nation; and

WHEREAS, Certain provisions of the federal "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act", also known as the "USA PATRIOT Act", expand the power of the federal government to detain and investigate people in the United States and to engage in surveillance activities that may be inconsistent with the rights and liberties guaranteed by the state and federal constitutions; now, therefore,

Be It Resolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That the General Assembly supports the government of the United States in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of the essential civil rights and liberties enshrined in the constitutions of the United States and the state of Colorado;

(2) That it is the policy of the state of Colorado to oppose any provision or application of the "USA PATRIOT Act" that would violate the rights and liberties guaranteed by the state and federal constitutions;

(3) That, in accordance with the policy of this state, no agency or instrumentality of the state should, without reasonable suspicion of criminal activity under Colorado law:

(a) Initiate, participate in, assist, or cooperate with any inquiry, investigation, surveillance, or detention;

(b) Record, file, or share intelligence information concerning any person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, internet mail and usage records, and other personal data, even if authorized under the "USA PATRIOT Act"; or

(c) Retain such intelligence information.

(4) That no agency or instrumentality of the state should:

(a) Collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, organization, or business entity, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect that the subject of the information is involved in criminal conduct; or

(b) Use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities, except with respect to a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect.

(5) That the General Assembly urges the United States Congress to amend provisions of the "USA PATRIOT Act" and other measures that infringe on civil rights and liberties and opposes the enactment of future federal legislation that infringes on civil rights and liberties.

Be It Further Resolved, That copies of this Joint Resolution be sent to the Honorable George W. Bush, President of the United States; the Honorable Alberto Gonzales, Attorney General of the United States; the Honorable Bill Owens, Governor of Colorado; and the members of Colorado's congressional delegation.

**Aspen, CO****Passed on June 16, 2004****A Resolution of the City Council of the City of Aspen, Colorado, Relating to the USA PATRIOT Act, the Bill of Rights, and the Constitution of the United States**

WHEREAS, the City Council recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including, but not limited to, the freedoms of religion, speech, assembly and privacy; and

WHEREAS, each of Colorado's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Colorado; and

WHEREAS, the City Council denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, attacks against the United States such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS, any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without unnecessarily infringing on the civil liberties and rights of innocent citizens; and

WHEREAS, the City Council recognizes that the City of Aspen has a diverse population, whose different backgrounds and experiences allow them to contribute a variety of ideas, expressions and perspectives that enrich our community; and

WHEREAS, the City of Aspen hosts international guests who expect a welcoming experience upon arrival to the United States; and

WHEREAS, the City of Aspen has an international presence through its participation in World Cup skiing events and functions sponsored by its non-profit community including, but not limited to, the Aspen Institute, the International Design Conference, the Aspen Music festival, the Rocky Mountain Institute, and the Aspen Center of Physics; and

WHEREAS, certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, commonly known as the USA PATRIOT Act (Public Law 107-56), allow the federal government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, THAT:

**Section One**

The City Council of the City of Aspen supports the government of the United States of America in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of inalienable civil rights and liberties of citizens of this country.

**Section Two**

The City Council of the city of Aspen opposes any portion of the USA PATRIOT Act that could be used to justify the violation of the rights and liberties of citizens guaranteed equally under the state and federal constitutions.

**Section Three**

The City Council of the City of Aspen implores its federal congressional representatives to correct provisions in the USA PATRIOT Act and other measures that infringe on civil liberties, and opposes any pending and future federal legislation to the extent that it infringes on the rights and liberties of citizens of the United States.

**Boulder, CO****Passed on July 23, 2002****Resolution Expressing the Commitment of the City of Boulder to Civil Rights and Liberties and Acknowledging that the Boulder Police Department Already Incorporates Most of the Following in their Current Policies and Procedures.**

WHEREAS, following the attacks on the United States of September 11, 2001, the Congress passed the USA Patriot Act (PL107-56) on October 26, 2001; and

WHEREAS, the provisions of the USA Patriot Act expand the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non-citizens; and

WHEREAS, many people throughout communities across the nation, including Boulder, are concerned that certain provisions in the USA Patriot Act threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the City of Boulder has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and the Colorado Constitutions; and

WHEREAS, the policy of the Boulder Police Department is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of person and/or property by officers in Boulder must be conducted in compliance with the Fourth Amendment of the U.S. Constitution and Article II, Section 7 of the Colorado Constitution; and the Mayor, and Chief of Police have confirmed to the Council that this policy is and will remain in full force and effect; and

WHEREAS, the policy of the Boulder Police Department is, further, that officers shall not consider ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion as a sole basis for establishing reasonable suspicion, probable cause, or a basis for requesting consent to search, and the Mayor, and Chief of Police have confirmed to the Council that this policy is and will remain in full force.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOULDER:

Section 1. That the City of Boulder has been, and remains, firmly committed to the protection of civil rights and civil liberties for all people.

Section 2. That the City of Boulder affirms the following principles: (1) every person has the right to be free from unreasonable search and seizure, (2) neither stops nor arrests may be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed, (3) every person has a right to equal protection under the law and the right not to be deprived of life, liberty or property without due process of law, and (4) every person has the right to free speech and freedom of association as provided for under the First Amendment of the United States Constitution and court opinions thereon.

Section 3. That when the City of Boulder engages in public safety intelligence gathering as a part of law enforcement and of national security, the City of Boulder intends that such intelligence gathering comply with the following policy: No information about political, religious or social views, associations, or activities should be collected unless the information relates to public safety concerns or suspicion of criminal activity or the potential for criminal activity. Currently held information shall be thoroughly and carefully reviewed by the City Attorney or other appropriate City official to be designated by the Mayor, for its legality and appropriateness, using the United States and Colorado Constitutions and the established Boulder Police Department policy as guides.

Section 4: That the City of Boulder reaffirms Boulder's commitment to human and civil rights as outlined in the City of Boulder Human Rights Ordinance and its commitment to unbiased policing as expressed in the policies of the Boulder Police Department. The City of Boulder firmly adheres to the principle that no law enforcement agency, or other city agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion, nor shall City of Boulder agencies assist other agencies in practices that violate these policies.

Section 5: That the City of Boulder affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people of Boulder, the United States and the World.

Section 6. That the Clerk of the City of Boulder attest and affix the seal of the City of Boulder to this resolution.

## **Carbondale, CO**

**Passed on May 11, 2004**

### **A Resolution of the Board of Trustee of the Town of Carbondale, Colorado, in Defense of Citizens' Constitutional Rights and Civil Liberties**

WHEREAS, the Town of Carbondale recognizes the Constitution of the United States of America and the constitution of the State of Colorado to be the supreme laws of the land which our town elected officials and police officers by their oaths of office have sworn to uphold; and

WHEREAS, the preservation of civil rights and civil liberties stated in these constitutions is essential to the well-being and integrity of our republic, and if these fundamental rights are undermined it does irreparable damage to American institutions and to the values of equal justice and freedom that the residents of Carbondale hold in highest respect and reverence; and

WHEREAS, following the attacks on America of September 11, 2001 the United States Congress passed the USA Patriot Act (PL 107-56), signed by President George W. Bush on October 26, 2001; and

WHEREAS, the Town of Carbondale affirms its strong opposition to terrorism, but believes that government can and must protect public and personal safety without impairing constitutional rights and civil liberties; and that any federal anti-terrorism policies must not pose a threat to those rights and liberties; and

WHEREAS, people in communities across the nation, including Carbondale, believe that many provisions of the USA Patriot Act do threaten America's rights and liberties by expanding the authority of the federal government to investigate and detain citizens and non-citizens secretly and without showing cause, engaging in electronic surveillance of citizens and non-citizens, carrying out

searches and seizures without showing evidence of probable cause nor timely relevant warrants, and punishment without due process of the law.

NOW, THEREFORE, THE BOARD OF TRUSTEE OF THE TOWN OF CARBONDALE, COLORADO, RESOLVES:

Section 1. That the Town of Carbondale has been, and remains, firmly committed to the protection of civil rights and civil liberties for all people.

Section 2. That the Town of Carbondale affirms the following principles: Every person has the right to be free from unreasonable search and seizure; Neither stops nor arrests may be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed; Every person has a right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law; Every person has the right to free speech and freedom of association provided under the First Amendment of the Constitution of the United States and court opinions thereon.

Section 3. That the Town of Carbondale reaffirms its support of the government of the United States of America in its campaign against terrorism, but also reaffirms its commitment that such a campaign not be waged at the expense of constitutionally guaranteed rights and civil liberties of the people of Carbondale.

Section 4. That the Town of Carbondale recognizes that infringement of these constitutionally-guaranteed rights and civil liberties under cover of law is an abuse of power, a breach of public trust, a misappropriation of public resources, a violation of civil rights, and a misuse of the government's authority.

Section 5. That the Carbondale Town Council supports the immediate repeal of unconstitutional provisions of the USA Patriot Act and strongly urges the State of Colorado's Congressional delegation to vigorously resist and oppose any and all attempts to extend or make permanent the powers and authorities contained in the USA Patriot Act now scheduled to cease to have effect on December 31, 2005

Section 6. That the Carbondale Town Council shall send copies of this signed resolution to President George W. Bush, Attorney General John Ashcroft, Governor Bill Owens, Senator Wayne Allard, Senator Ben Nighthorse Campbell, and Congressman Scott McInnis with notification of its desire that they work to repeal those provisions of the USA Patriot Act and any and all provisions of any other relevant federal legislation that may violate fundamental rights and liberties guaranteed by the Constitution of the United States.

## **Crestone, CO**

**Passed on February 24, 2003**

### **Resolution No. 001-2003, A Resolution of the Board of Trustees of the Town of Crestone Expressing the Commitment to Civil Rights, Human Rights, and Liberties According to the Constitutions of the United States and of the State of Colorado.**

WHEREAS, following the attacks on the United States of September 11, 2001, the Congress passed the USA PATRIOT Act (PL107-56) on October 26, 2001; and

WHEREAS, the provisions of the USA PATRIOT Act subsequently issued Executive orders expand the authority of the federal government to detain and investigate citizens and non-citizens, engage in electronic surveillance of citizens and non-citizens, and perform searches and seizures without demonstrating evidence of probable cause and without timely showing of relevant warrants; and

WHEREAS, many people throughout communities across the nation, including Crestone, are concerned that certain provisions in the USA PATRIOT Act, Executive Orders and other post 9/11 legislation threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the Town of Crestone, has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and the Colorado Constitutions; and

WHEREAS, the Town of Crestone board members have taken an Oath of Office to support the United States Constitution, as well as the Colorado State Constitution with reference to CRS 21-4-401; and

NOW THEREFORE, be it hereby resolved by the board of trustees of the town of Crestone that the following issued be resolved, to wit:

1. The town of Crestone has been , and remains firmly committed to the protection of civil rights, human rights, and civil liberties for ALL people.
2. That the Town of Crestone, affirms the following principles: (1) every person has the right to be free from unreasonable search and seizure, (2) neither stops nor arrests may be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed, (3) every person has a right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law, and (4) every person has the right to free speech and freedom of association as provided for under the First Amendment of the United States Constitution and no court opinions thereon.

3. That the Town of Crestone reaffirms its commitment to human and civil rights, and its commitment to unbiased policing. The Town of Crestone firmly adheres to the principle that no law enforcement agency, or other county agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, marital status, physical or mental disability, or religion, nor shall any Town of Crestone agencies assist other agencies in the practices that violate these policies.
4. That the Town of Crestone affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people Crestone and the United States.

## **Dacono, CO**

**Passed on August 11, 2003**

### **Resolution Opposing the USA PATRIOT Act, PATRIOT Act II (a.k.a. Domestic Security Enhancement Act of 2003) and Other Executive Orders for the City of Dacono, Colorado**

WHEREAS, the City of Dacono recognizes that a threat to any one person's Constitutional rights is a threat to the rights of all; and

WHEREAS, the City of Dacono has been and remains committed to the protection of civil rights and liberties for all residents; and

WHEREAS, the United States Constitution guarantees all persons living in the United States certain fundamental rights including freedom of religion, speech, assembly, and privacy; protection from unreasonable searches and seizures; due process and equal protection; and access to counsel, presumption of innocence, and a fair, speedy public trial; and

WHEREAS, a great crime against humanity occurred on September 11<sup>th</sup>, 2001, resulting in new federal laws and powers including the USA PATRIOT Act, signed by President George W. Bush on October 26<sup>th</sup>, 2001; and

WHEREAS, while the USA PATRIOT Act was written to respond to an attack on our nation, it weakens, contradicts, and undermines the basic constitutional rights outlined above. The Act, a 342 page document, was hastily enacted in six weeks without public hearings or a Congressional "mark-up"; and,

WHEREAS, legislation to be proposed by the Administration, known as the Domestic Security Enhancement Act of 2003 or "Patriot Act II", goes further than the USA PATRIOT Act in eroding checks and balances on Presidential power and will give the government broad, sweeping new powers to increase domestic intelligence-gathering, surveillance, and law enforcement prerogatives, and simultaneously decrease judicial review and public access to information; and

WHEREAS, examples of the PATRIOT Act's threat to fundamental rights includes the Government's expanded power to: engage in limited judicial supervision of telephone and Internet surveillance, grant law enforcement and intelligence agencies broad access to sensitive medical, mental health, financial and educational records with little, if any, judicial oversight; expand the government's ability to conduct secret searches of individual's homes and businesses, including monitoring what books are bought from bookstores or borrowed from libraries; and limits the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, Department of Justice interpretations of the PATRIOT Act and Executive Orders appear to impact on selective racial and religious groups including residents of other nations. This has caused alarm among many citizens and non-citizens who fear an emergent climate for racial and ethnic profiling; and

WHEREAS, many other communities and over fifty cities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these new powers; therefore

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1: The City of Dacono affirms its support for the United States government in its campaign against global terrorism, but also reaffirms that any efforts to end terrorism not be waged at the expense of the fundamental civil liberties of the people of Dacono, and all citizens of the United States.

Section 2: The Council calls on our United States Representatives and Senators to monitor the implementation of the USA PATRIOT Act, proposed PATRIOT II and Executive Orders cited herein and actively work for the repeal of the Act or those sections of the Act including Executive Orders that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments

## **Denver, CO**

**Passed on March 18, 2002**

### **Commitment of the City and County of Denver to Civil Rights and Liberties**

WHEREAS, following the attacks on America of September 11, 2001 the Congress passed the USA Patriot Act (PL107-56) on October 26, 2001; and

WHEREAS, the provisions of the USA Patriot Act expand the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non-citizens; and

WHEREAS, many people throughout communities across the nation, including Denver, are concerned that certain provisions in the USA Patriot Act threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the City and County of Denver has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and the Colorado Constitutions; and

WHEREAS, the policy of the Denver Police Department is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of person and/or property by officers in Denver must be based on a showing of probable cause, as required by the Fourth Amendment of the U.S. Constitution and Article II, Section 7 of the Colorado Constitution, and the Mayor, Manager of Safety, and Chief of Police have confirmed to the Council that this policy is and will remain in full force and effect; and

WHEREAS, the policy of the Denver Police Department is, further, that officers shall not consider race, ethnicity, national origin, age, sex, sexual orientation, or religion as a sole basis for establishing reasonable suspicion, probable cause, or a basis for requesting consent to search, and the Mayor, Manager of Safety, and Chief of Police have confirmed to the Council that this policy is and will remain in full force.

NOW THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the City and County of Denver has been, and remains, firmly committed to the protection of civil rights and civil liberties for all people.

Section 2. That the City and County of Denver affirms the following principles: every person has the right to be free from unreasonable search and seizure, arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed, every person has a right to equal protection under the law and the right not to be deprived of life, liberty or property without due process of law, and every person has the right to free speech and freedom of association under the First Amendment of the United States Constitution.

Section 3. That the City and County of Denver respects and values public safety intelligence gathering as an indispensable part of law enforcement and of national security. The City and County of Denver intends that such information be regularly and rigorously examined for compliance with the following policy. Currently held information shall be thoroughly and carefully reviewed for its appropriateness, using the United States and Colorado Constitutions and the established Denver Police Department policy: “No information about political, religious or social views, associations, or activities should be collected unless the information relates to criminal activity and the subject is suspected of criminal activity,” as our guides.

Section 4. That the City and County of Denver reaffirms Denver’s commitment to unbiased policing as expressed in the policies of the Denver Police Department and endorses the principle that no law enforcement or other city agency may profile or discriminate against any person on the basis of race, ethnicity, national origin, age, sex, sexual orientation, or religion.

Section 5. That the City and County of Denver reaffirms its support of the government of the United States of America in its campaign against global terrorism, but also reaffirms its commitment that such campaign not be waged at the expense of essential civil rights and liberties of the people of Denver and the United States.

Section 6. That the Clerk of the City and County of Denver attest and affix the seal of the City and County of Denver to this resolution and that a copy be transmitted to President George W. Bush, Attorney General John Ashcroft, Governor Bill Owens, Mayor Wellington E. Webb, Manager Aristedes Zavaras, and Chief Gerald Whitman.

## **Durango, CO**

**Passed on July 1, 2003**

### **A Resolution In Defense of Citizens’ Constitutional Rights and Civil Liberties**

WHEREAS, the City of Durango recognizes the Constitution of the United States of America and the Constitution of the State of Colorado to be the supreme laws of the land, which our city elected officials and police officers by their oath of office have sworn to uphold; and

WHEREAS, the Durango City Council members, as representatives of the people, shall be accountable and effective guardians of the public trust; and

WHEREAS, the City of Durango has a long tradition of upholding the people’s constitutional rights and greatly benefits from the many contributions of all of its citizens and visitors, past and present, who are vital to our city’s unique character; and

WHEREAS, the City of Durango affirms its strong opposition to terrorism, but believes that government can protect public safety without impairing constitutional rights and civil liberties; and

WHEREAS, the City of Durango believes that any federal anti-terrorism policies should not pose a threat to the constitutional rights and civil liberties of all people within the City of Durango; and

WHEREAS, the City of Durango is bound by law, honor and duty to uphold the State and Federal Constitutions, the Bill of Rights, and specifically the following:

- The First Amendment of the United States Constitution specifies that no law be made “respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances;” and
- The Fourth Amendment declares that “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;” and
- The Fifth Amendment states that no person “shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law;” and
- The Sixth Amendment guarantees defendants “the right to a speedy and public trial, by an impartial jury... and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense;” and
- The Eighth Amendment states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;” and
- The Fourteenth Amendment prohibits the government from denying “to any person within its jurisdiction the equal protection of the laws;” and

WHEREAS, Federal policies adopted since September 11, 2001, including provisions in the U.S.A. PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions may be contrary to the City of Durango’s constitutional obligations and threaten the fundamental civil rights and liberties of the citizens and visitors of Durango by being interpreted and implemented as:

- Authorizing the indefinite incarceration or deportation of non-citizens even if they have not committed a crime.
- Limiting judicial supervision and constitutional rights and civil liberties protections in the application of telephone and Internet surveillance.
- Expanding the authority of federal agents to conduct secret searches so that the subject of a search warrant is unaware that the property has been searched.
- Granting law enforcement and intelligence agencies broad access to sensitive medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime.
- Limiting constitutionally protected speech through unchecked authority of the Attorney General and the Secretary of State to designate domestic groups as “terrorist organizations” using overbroad definitions of “terrorism.”
- Authorizing the indefinite incarceration of citizens designated by the President as “enemy combatants” without access to counsel or meaningful recourse to the federal courts.
- Authorizing the FBI to conduct surveillance of religious services, Internet chatrooms, political demonstrations, and other public meetings without evidence that a crime has been or may be committed.
- Limiting the disclosure of public documents and records under the Freedom of Information Act.
- Permitting wiretapping of conversations between federal prisoners and their lawyers.
- Establishing secret military tribunals for terrorism suspects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Durango, Colorado that:

Section 1. The City of Durango affirms its commitment to preserve the constitutional rights and civil liberties of its citizens and visitors alike within the City of Durango, including equal protection of the laws, freedom of speech, religion, association and assembly, freedom from unreasonable search and seizure, and privacy, for all the people without regard to race, ethnicity, gender, economic status, national origin, religion, political affiliation, age, sexual orientation, marital status, citizenship status or disability. The City of Durango recognizes that infringement of the constitutionally guaranteed rights and civil liberties of the people, under color of law, is an abuse of power, a breach of the public trust, a misappropriation of public resources, a violation of civil rights and is beyond the scope of government authority.

Section 2. The City Council of the City of Durango hereby reaffirms established policy by directing its City Manager and all other officers and employees of the City, including those of the Police Department to take no action that would conflict with or impair the

constitutional rights and civil liberties of our citizens as enumerated in the U. S. Constitution, the Constitution of the State of Colorado and, as may be set forth in other applicable Federal, State or local laws.

Section 3. The Council further directs the City Manager to immediately report to the Council, in writing, any request by Federal authorities to the City and/or its various departments that, if granted, would cause the City of Durango to exercise powers or cooperate in the exercise of powers in apparent violation of any City ordinance or the laws or Constitution of the State of Colorado or the United States.

Section 4. The Council urges all citizens and residents of the City to make themselves aware of the provisions of the U.S.A. PATRIOT Act and to contact and communicate with the Colorado Congressional delegation with respect to its contents.

Section 5. The Durango City Council directs the City Manager to transmit a copy of this resolution to Colorado's elected officials in Congress, to the Governor and to the members of the Legislature representing Durango, to President George W. Bush, to Attorney General John Ashcroft, to La Plata County, the Durango City Library, School District 9R and Fort Lewis College.

Section 6. The Durango City Council supports the immediate repeal of the unconstitutional provisions of the U.S.A. PATRIOT Act and opposes the proposed enhancement of the U.S.A. PATRIOT Act contained within the Justice Department draft "Domestic Security Enhancement Act of 2003."

Section 7. The Durango City Council strongly urges the State of Colorado's Congressional delegation to vigorously resist and oppose any and all attempts to extend or make permanent the powers and authorities contained in the U.S.A. PATRIOT Act now scheduled to cease to have effect or "sunset" on December 31, 2005.

## **Fort Collins, CO**

### **Passed on March 26, 2003**

#### **Resolution 2003-039 of the Council of the City of Fort Collins Affirming the City's Opposition to Terrorism and Commitment to Civil Rights**

Passed on March 26, 2003, by a vote of 4 to 3

Whereas, the United States Congress passed the USA PATRIOT Act (PL 107-56) on October 26, 2001, following the horrific attacks on America of September 11, 2001; and

Whereas, the City of Fort Collins (the "City") denounces terrorism, and acknowledges that federal, state, and local governments have a responsibility to protect the public from terrorist attacks; and

Whereas, it is imperative that a legislative response to the terrorist attacks be rational, deliberative, and lawful, so as to ensure that any new security measures established by such legislation enhance public safety without impairing constitutional rights or infringing upon civil liberties; and

Whereas, the provisions of the USA PATRIOT Act expand the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non-citizens, and

Whereas, the Bill of Rights of the United States Constitution guarantees all people living in the City of Fort Collins freedom of speech, assembly, and privacy, equality before the law and the presumption of innocence, access to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, and

Whereas, the preservation of civil rights and civil liberties is essential to the well-being of any democracy, and

Whereas, this is particularly true during times of conflict when such rights and liberties, especially those of immigrants and ethnic minorities, may be threatened, intentionally or unintentionally, in the interest of national security or patriotic zeal, and

Whereas, law enforcement and security measures that undermine fundamental rights do irreparable damage to the American institutions and the values of equal justice and freedom that the residents of the City hold dear.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City supports the right of the government of the United States of America to take rational, deliberative, and lawful actions against global terrorism, and also reaffirms its commitment that such campaign not be waged at the expense of essential civil rights and liberties of the people of the United States.

Section 2. That the City reaffirms its unwavering support for the fundamental, constitutionally protected civil rights and liberties of all its residents and is firmly committed to the protection of civil rights and civil liberties for all people.

Section 3. That the City opposes any legislative measures, whether local, state, or federal, which infringe upon such civil rights and liberties, or single out individuals for legal scrutiny or enforcement activity based solely on their country of origin, religion, ethnicity, or immigration status.

Section 4. The Fort Collins City Council shall communicate in writing to President George Bush, Senators Ben Nighthorse Campbell and Wayne Allard, and Representative Marilyn Musgrave its desire that they work to repeal those provisions of the USA PATRIOT



Act and any and all provisions of other federal legislation and executive orders that may be found to violate the fundamental rights and liberties embodied in the United States Constitution;

## **Oak Creek, CO**

**Passed on January 27, 2005**

### **Resolution Expressing Commitment to Civil Rights and Liberties and Establishing a Civil Liberties Safe Zone**

Whereas, many people throughout communities across the nation including the Town of Oak Creek are concerned that provisions of the USA Patriot Act threaten our Constitutional rights; and

Whereas, the United States Constitution guarantees all persons living in the United States fundamental rights; and

Whereas, The USA Patriot Act signed by President Bush on October 26, 2001, has a number of provisions that contradict the above mentioned rights. Examples of the provisions that violate the constitutional rights of the citizens of Oak Creek are as follows:

- Significantly expands the government's ability to access sensitive medical, mental health, financial and educational records.
- Lowers the burden of proof required to conduct secret searches and telephone and internet surveillance.
- Gives law enforcement expanded authority to obtain library records and prohibits librarians from informing patrons of monitoring or information requests.
- Gives the Attorney general and the Secretary of State the power to designate domestic groups, including religious and political organizations, as "terrorist organizations".
- Authorizes eavesdropping on confidential communications between lawyers and their clients in federal custody.
- Limits disclosure of public documents and records under the Freedom of Information Act.

Now, therefore Be It Resolved that:

The Town of Oak Creek affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the citizens of the United States;

And Be It Further Resolved that:

The Town of Oak Creek affirms the rights of all citizens in accordance with the United States Constitution;

And Be It Further Resolved that:

- A. The Town of Oak Creek affirms that following principles: (1) every person has the right to be free from unreasonable search and seizure, (2) neither stops nor arrests may be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed, (3) every person has a right to equal protection under the law and the right to not be deprived of life, liberty or property without due process of law, and (4) every person has the right to free speech and freedom of association as provided for under the First Amendment of the United States Constitution and court opinions thereon.
  - B. No employee or representative of the Town of Oak Creek may provide or discriminate against any person solely on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability or religion.
  - C. The staff is directed to send copies of this Resolution to President George W. Bush, Attorney General Ashcroft, U.S. Senator Wayne Allard, U.S. Senator Ken Salazar, U.S. Representative John Salazar, Governor Bill Owens, State Senator Jack Taylor, State Representative Al White and the Routt County Commissioners.
- A. Let It Be Further Resolved that:
- B. The Town of Oak Creek calls upon all citizens to demonstrate similar respect for our constitution.

## **Paonia, CO**

**Passed on February 22, 2005**

### **A Resolution Expressing the Commitment of the Town of Paonia, Colorado, to Civil Rights and Liberties: RESOLUTION 2005-01**

WHEREAS, following the attacks on America of September 11, 2001 the Congress passed the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act" (USA Patriot Act) (PL 107-56) on October 26, 2001; and

WHEREAS, the provision of the USA Patriot Act expand the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non-citizens; and

WHEREAS, many people throughout communities across the nation are concerned that certain provision in the USA Patriot Act threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the Town of Paonia has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and the State of Colorado Constitutions; the first oath a council member has to swear is to the Constitution, and

WHEREAS, the policy of the Paonia Police Department is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of person and/or property by officers in the Town of Paonia, Colorado must be conducted in compliance with the Fourth Amendment of the United States Constitution and Article II, Section 7 of the Colorado Constitution; and

WHEREAS, the policy of the Paonia Police Department is, further, that officers shall not consider ancestry, race, ethnicity, national origin, color, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion as a sole basis for requesting consent to search;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO:

1. The Town of Paonia has been, and remains, firmly committed to the protection of civil rights and liberties for all people.
2. The Town of Paonia affirms the following principles:
  - a. Every person has the right to be free from unreasonable search and seizure, as clearly stated in the Fourth Amendment to the Constitution.
  - b. Neither stops, nor arrests may be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed.
  - c. Every person has a right to equal protection under the law and the right not to be deprived of life, liberty or property without due process of law, and
  - d. Every person has the right to free speech and freedom of association as provided under the First Amendment of the United States Constitution and court opinions thereon.
3. That when the Paonia Police Department engage in public safety intelligence gathering as part of law enforcement and of national security, it intends such intelligence gathering comply with the following policy: no information about political, religious or social views, associations, or activities shall be collected unless the information relates to public safety concerns or suspicion of criminal activity or the potential for criminal activity.
4. That the Town of Paonia affirms its commitment to human and civil rights and to unbiased policing as expressed in the policies of the Paonia Police Department, which firmly adheres to the principle that no law enforcement agency, or other Town agency may profile or discriminate against any person solely on the basis of ancestry, race, ethnicity, national origin, color, age sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion, nor shall Town agencies assist other agencies in practices that violate these policies.
5. That the Town of Paonia affirms its strong opposition to terrorism, yet also affirms that any efforts to end terrorism should not be waged at the expense of essential civil rights and liberties of the people of the Town of Paonia, the United States of America and the World.
6. That the Paonia Town Clerk attest and affix the seal of the Town of Paonia to this Resolution and that a copy be transmitted to President George W. Bush, Attorney General Alfredo Gonzales, and Governor Bill Owens.

## **Pitkin County, CO**

**Passed on August 2, 2006**

### **A Resolution Concerning the USA PATRIOT Act, the Bill of Rights and the Constitutions of the United States of America and the State of Colorado**

1. The Board of County Commissioners of Pitkin County, Colorado recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including, but not limited to, the freedoms of religion, speech, assembly and privacy.
2. Each of Colorado's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Colorado.
3. The Board of County Commissioners denounces and condemns all acts of terrorism, wherever occurring.
4. Attacks against the United States such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks.

5. Any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without unnecessarily infringing on the civil liberties and rights of innocent people.
6. The Board of County Commissioners recognizes that Pitkin County has a diverse population, whose different backgrounds and experiences allow them to contribute a variety of ideas, expressions and perspectives that enrich our community.
7. Pitkin County hosts international guests who expect a welcoming experience upon arrival to the United States.
8. Aspen, the Pitkin County government seat, has an international presence through its participation in World Cup skiing events and functions sponsored by its non-profit community including, but not limited to, the Aspen Institute, the International Design Conference, the Aspen Music Festival, the Rocky Mountain Institute, and the Aspen Center for Physics.
9. Certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, commonly known as the USA PATRIOT Act (Public Law 107-56), allow the federal government more liberally to detain and investigate people and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO THAT:

1. The Board of County Commissioners of Pitkin County, Colorado supports the government of the United States of America in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of inalienable civil rights and liberties of people of this country.
2. The Board of County Commissioners of Pitkin County, Colorado opposes any portion of the USA PATRIOT Act that could be used to justify the violation of the rights and liberties of people guaranteed equally under the state and federal constitutions.
3. No agency or instrumentality of Pitkin County should, without reasonable suspicion of criminal activity under Colorado or federal law:
  - a. Initiate, participate in, assist, or cooperate with any inquiry, investigation, surveillance, or detention;
  - b. Record, file, or share intelligence information concerning any person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, internet mail and usage records, and other personal data, even if authorized under the “USA PATRIOT Act”; or
  - c. Retain such intelligence information.
4. No agency or instrumentality of Pitkin County should:
  - a. Collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, organization, or business entity, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect that the subject of the information is involved in criminal conduct; or
  - b. Use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities, except with respect to a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect.
5. The Board of County Commissioners implores its federal congressional representatives to correct provisions in the USA PATRIOT Act and other measures that infringe on civil liberties, and opposes any pending and future federal legislation to the extent that it infringes on the rights and liberties of people of the United States.

Be It Further resolved, that copies of this Resolution be sent to the Honorable George W. Bush, President of the United States; the Honorable Alberto Gonzales, Attorney General of the United States; the Honorable Bill Owens, Governor of Colorado; and the members of Colorado’s congressional delegation.

INTRODUCED, READ, AND ADOPTED ON THE 2nd DAY OF AUGUST, 2006.

ATTEST:

By: Jeanette Jones, Deputy Clerk

Manager’s Approval:

Hilary Fletcher Smith, Manager

Patti Kay-Clapper, Commissioner

John Ely, County Attorney

Michael Owsley, Commissioner

Jack Hatfield, Commissioner

Dorothea Farris, Commissioner

BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO

By: Michael C. Ireland, Chair

August 2, 2006

It is the policy of the Pitkin County Sheriff's Office—whether acting independently under its statutory law enforcement powers, or in collaboration with state and federal law enforcement agencies—to protect the constitutional rights of persons under its jurisdictions in accordance with the following policies of the state of Colorado and the Sheriff's Office of Pitkin County Colorado.:

1. Compliance with Senate Joint Resolution SJR 05-044 adopted May 5, 2005. This joint resolution reflects clear state policy that is applicable to all instrumentalities of state government including the sheriff's office. SJR 05-044 stated as follows:
  - “(1) That the General Assembly supports the government of the United States in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of the essential civil rights and liberties enshrined in the constitutions of the United States and the state of Colorado;
  - “(2) That it is the policy of the state of Colorado to oppose any provision or application of the “USA PATRIOT Act” that would violate the rights and liberties guaranteed by the state and federal constitutions;
  - “(3) That, in accordance with the policy of this state, no agency or instrumentality of the state should, without reasonable suspicion of criminal activity under Colorado law:
    - a. Initiate, participate in, assist, or cooperate with any inquiry, investigation, surveillance, or detention;
    - b. Record, file, or share intelligence information concerning any person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, internet mail and usage records, and other personal data, even if authorized under the “USA PATRIOT Act”; or
    - c. Retain such intelligence information.
  - “(4) That no agency or instrumentality of the state should . . . Collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, organization, or business entity, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect that the subject of the information is involved in criminal conduct; “
2. Additional Sheriff Office Policies to Protect Local Residents' Bill of Rights Guarantees: In addition to complying with the foregoing legislative guidance, the Pitkin County Sheriff's office, will provide its citizens and others under its jurisdiction with additional assurances --whenever asked to collaborate with federal or state police or investigative activities:
  - a. Will seek adequate written assurances from federal authorities that residents of Pitkin County and other individuals in its custody of the City who are placed in federal custody will not be subjected to military detention; secret detention; secret immigration proceedings; or detention without access to counsel, and refrain from assisting federal authorities obtain custody of such individuals absent such assurances;
  - b. Will refrain from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without particularized suspicion of criminal activity unrelated to the activity protected by the First Amendment;
  - c. Will refrain from racial profiling. The Sheriff's office does not utilize race, religion, ethnicity, or national origin as a factor in selecting which individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect;
  - d. Will refrain, whether acting alone or with federal or state law enforcement officers, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;
  - e. Will refrain from: engaging in video surveillance unless the police have reasonable suspicion that the subjects of the video surveillance have or are about to commit a crime, establishing a general surveillance network of video cameras, deploying facial recognition technology or other unreliable biometric identification technology within Pitkin county;
  - f. Will provide advance or simultaneous notice of the execution of a search warrant to any resident of Pitkin county whose property is the subject of such a warrant, and refrain from participating in a joint search with any law enforcement agency absent assurances that such notice will be provided to such individuals during the search;
  - g. Will refrain from undertaking or participating in any initiative, such as the Terrorism Information and Prevention System (TIPS), that encourages members of the general public to spy on their neighbors, colleagues or customers;
  - h. Will refrain from the practice of stopping drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity;

- i. Will report to the Board of County Commissioners of Pitkin County any request by federal authorities that, if granted, would cause agencies of the City or County to exercise powers or cooperate in the exercise of powers in apparent violation of the laws or Constitution of this State or the United States.

Signed August 2, 2006  
 Bob Braudis  
 Sheriff of Pitkin County Colorado

## **Ridgway, CO**

### **Passed on February 12, 2004**

#### **A Resolution of the Town of Ridgway, State of Colorado, Expressing the Commitment of the Town of Ridgway to Civil Rights and Liberties**

WHEREAS, following the attacks on America of September 11, 2001 the Congress passed the USA Patriot Act (PL 107-56) on October 26, 2001; and

WHEREAS, the provisions of the USA Patriot Act expand the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non-citizens; and

WHEREAS, many people throughout communities across the nation, including Ridgway, are concerned that certain provisions in the USA Patriot Act threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the Town of Ridgway has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and State of Colorado Constitutions; and

WHEREAS, the policy of the Ridgway Police Department is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of person and/or property by officers in Ridgway must be conducted in compliance with the Fourth Amendment of the US Constitution and Article II, Section 7 of the Colorado Constitution; and

WHEREAS, the policy of the Ridgway Police Department is, further, that officers shall not consider ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion as a sole basis for establishing reasonable suspicion, probable cause, or a basis for requesting consent to search; and

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF RIDGWAY , COLORADO:

Section 1. That the Town of Ridgway has been, and remains, firmly committed to the protection of civil rights and civil liberties for all people.

Section 2. That the Town of Ridgway affirms the following principles: (1) every person has the right to be free from unreasonable search and seizure, (2) neither stops nor arrests may be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed, (3) every person has a right to equal protection under the law and the right not to be deprived of life, liberty or property without due process of law, and (4) every person has the right to free speech and freedom of association as provided under the First Amendment of the United States Constitution and court opinions thereon.

Section 3. That when the Town of Ridgway engages in public safety intelligence gathering as part of law enforcement and of national security, the Town of Ridgway intends that such intelligence gathering comply with the following policy: “No information about political, religious or social views, associations, or activities shall be collected unless the information relates to public safety concerns or suspicion of criminal activity or the potential for criminal activity”.

Section 4. That the Town of Ridgway affirms Ridgway’s commitment to human and civil rights and to unbiased policing as expressed in the policies of the Ridgway Police Department. The Town of Ridgway firmly adheres to the principle that no law enforcement agency, or other town agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion, nor shall the Town of Ridgway agencies assist other agencies in practices that violate these policies.

Section 5. That the Town of Ridgway affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism should not be waged at the expense of essential civil rights and liberties of the people of Ridgway, the United States and the World.

Section 6. That the Town Clerk of Ridgway attest and affix the seal of the Town of Ridgway to this resolution and that a copy be transmitted to President George Bush, Attorney General John Ashcroft and Governor Bill Owens.

**San Miguel County, CO****Passed on May 20, 2002****Resolution of the Board of Commissioners of San Miguel County, Colorado Expressing the Commitment of San Miguel County to Civil Rights and Liberties**

WHEREAS, following the attacks on America of September 11, 2001 the Congress passed the USA Patriot Act (PL107-56) on October 26, 2001; and

WHEREAS, the provisions of the USA PATRIOT Act expand the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non-citizens; and

WHEREAS, many people throughout communities across the nation, including San Miguel County, are concerned that certain provisions in the USA PATRIOT Act threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, San Miguel County has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and the Colorado Constitutions; and

WHEREAS, the policy of the San Miguel County Sheriff's Office is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of person and/or property by officers in San Miguel County must be based on a showing of probable cause, as required by the Fourth Amendment of the U.S. Constitution and Article II, Section 7 of the Colorado Constitution; and

WHEREAS, the policy of San Miguel County Sheriff's Office is, further, that officers shall not consider race, ethnicity, national origin, age, sex, sexual orientation, or religion as a sole basis for establishing reasonable suspicion, probable cause, or a basis for requesting consent to search, and the Sheriff has confirmed to the Board of Commissioners that this policy is and will remain in full force.

WHEREAS, a public meeting was held on May 20, 2002 before the Board of County Commissioners, San Miguel County, Colorado on this matter.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of San Miguel County as follows:

1. That San Miguel County has been, and remains, firmly committed to the protection of civil rights and civil liberties for all people
2. That San Miguel County affirms the following principles: every person has the right to be free from unreasonable search and seizure, arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed, every person has the right to equal protection under the law and the right not to be deprived of life, liberty or property without due process of law, and every person has the right to free speech and freedom of association under the First Amendment of the United States Constitution.
3. That San Miguel County respects and values public safety intelligence gathering as an indispensable part of law enforcement and of national security. San Miguel County intends that such information be regularly and rigorously examined for compliance with the following policy. Currently held information shall be thoroughly and carefully reviewed for its appropriateness, using the United States and Colorado Constitutions and the established San Miguel County Sheriff's Office policy: "No information about political, religious, or social views, associations, or activities should be collected unless the information relates to criminal activity and the subject is suspected of criminal activity," as our guides
4. That San Miguel County reaffirms the County's commitment to unbiased policing as expressed in the policies of San Miguel County Sheriff's Office and endorses the principle that no law enforcement or other county agency may profile or discriminate against any person on the basis of race, ethnicity, national origin, age, sex, sexual orientation, or religion.
5. That San Miguel County reaffirms its support of the government of the United States of America in its campaign against global terrorism, but also reaffirms its commitment that such campaign not be waged at the expense of essential civil rights and liberties of the people of San Miguel County and the United States.

**Telluride, CO****Passed on March 4, 2003****A Resolution of the Town Council of the Town of Telluride, Colorado Expressing the Commitment of the Town of Telluride to Civil Rights and Liberties and Establishing a Civil Liberties Safe Zone.**

WHEREAS, following the attacks on the United States of September 11, 2001, the Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) ACT (PL107-56) on October 26, 2001; and

WHEREAS, the provisions of the USA PATRIOT Act expand the authority of the federal government to detain and investigate citizens and non-citizens, engage in electronic surveillance of citizens and non-citizens, perform searches and seizures without demonstrating evidence of probable cause and without timely showing a relevant warrant; and

WHEREAS, many people throughout communities across the nation, including Telluride, are concerned that certain provisions in the USA PATRIOT Act, Executive Orders and other post 9-11 legislation threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the Town of Telluride has been, and remains committed to the protection of civil rights and liberties for all people as expressed in the United States and the Colorado Constitutions; and

WHEREAS, the policy of the Telluride Marshal's Department is that all detentions or stops must be supported by reasonable suspicion that a crime has been committed or is about to be committed, and that all arrests and searches of person and/or property by officers in Telluride must be conducted in compliance with the Fourth Amendment of the U.S. Constitution and Article II, Section 7 of the Colorado Constitution; and the Mayor, and Chief Marshal have confirmed to the Council that this policy is and will remain in full force and effect; and

WHEREAS, the policy of the Telluride Marshal's Department is, further, that officers shall not consider ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion as a sole basis for establishing reasonable suspicion, probable cause, or a basis for requesting consent to search, and the Mayor, and Chief Marshal have confirmed to the Council that this policy is and will remain in force.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO:

Section 1. That the Town of Telluride has been, and remains, firmly committed to the protection of civil rights and civil liberties for all people.

Section 2. That the Town of Telluride affirms the following principles: (1) every person has the right to be free from unreasonable search and seizure, (2) neither stops nor arrests may be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed, (3) every person has a right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law, and (4) every person has the right to free speech and freedom of association as provided for under the First Amendment of the United States Constitution and court opinions thereon.

Section 3. That when the Town of Telluride engages in public safety intelligence gathering as a part of law enforcement and of national security, the Town of Telluride intends that such intelligence gathering comply with the following policy: No information about political, religious or social views, associations, or activities may be collected.

Section 4. That the Town of Telluride reaffirms Telluride's commitment to human and civil rights as outlined in the Town of Telluride Ordinance Prohibiting Discriminatory Practices and its commitment to unbiased policing as expressed in the policies of the Telluride Marshal's Department. The Town of Telluride firmly adheres to the principle that no law enforcement agency, or other town agency, may provide or discriminate against any person solely on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability or religion, nor shall Town of Telluride agencies assist other agencies in practices that violate these policies.

Section 5. That the Town of Telluride affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people of Telluride, the United States and the World.

Section 6. That Staff is directed to send copies of the resolution to President George W. Bush, Attorney General John Ashcroft, U.S. Senator Wayne Allard, U.S. Senator Ben Nighthorse Campbell, U.S. Representative Scott McGinnis, Governor Bill Owens, State Senator Jim Isgar, State Representative Ray Rose, San Miguel County Board of County Commissioners, and the San Miguel County Sheriff's Department.

## **Ward, CO**

**Passed on January 5, 2003**

### **A Resolution of the General Assembly of the Town of Ward Expressing the Commitment of the Town of Ward to Civil Rights**

WHEREAS, following the attacks on America of September 11, 2001 the Congress passed the USA Patriot Act (PL107-57) on October 26, 2001; and

WHEREAS, the provisions of the USA PATRIOT ACT expand the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non-citizens; and

WHEREAS, many people throughout communities across the nation, including Ward, are concerned that certain provisions in the USA Patriot Act threaten civil rights and liberties guaranteed under the United States Constitution; and

WHEREAS, the Town of Ward is committed to the protection of civil rights and liberties for all people as expressed in the United States and the Colorado Constitutions;

Section 1. The Town of Ward has been, and remains, firmly committed to the protection of civil rights and civil liberties for all people.

Section 2. The Town of Ward affirms the following principles:

1. Every person has the right to be free from unreasonable search and seizure,
2. Neither stops nor arrests may be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed,
3. Every person has the right to free speech and freedom of association as provided for under the First Amendment of United States Constitution and court opinions thereon.
4. Every person has the right to free speech and freedom of association as provided for under the First Amendment of the United States Constitution and court opinions thereon.

Section 3. The Town of Ward Affirms its commitment to humans and civil rights, and to unbiased policing. The Town of Ward firmly adheres to the principle that no law enforcement agency, or other Town agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender variance, marital status, physical or mental disability, or religion, nor shall Town of Ward agencies assist other agencies in practices that violate these policies.

Section 4. The Town of Ward affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people of Ward, the United States and the World.

Section 5. Upon passages by the General Assembly of the Town Clerk shall send copies of this Resolution to President George W. Bush, Attorney General John Ashcroft, Senator Wayne Allard, Senator Ben Nighthorse Campbell, Representative Mark Udall and Governor Bill Owens.

## **Woody Creek, CO**

### **Passed on March 30, 2006**

#### **Woody Creek Caucus: U.S. and Colorado “Bill of Rights Defense” Resolution**

The Bill of Rights Defense Resolution was adopted on March 30, 2006, by the Woody Creek Caucus, a neighborhood caucus organized under the Pitkin County Home Rule Charter.

1. Constitutional oaths of the public officials. This resolution expresses our deep concerns to all who hold constitutional offices—judicial, legislative and executive—in our local, state and federal governments. We especially direct these concerns and comments to our representatives in Congress, and the President and Attorney General of the United States of America, in addition to other local, state and federal officials.

Each of you—as a condition to exercising your official powers—swore an oath to “protect and defend” the US Constitution, which is the sole source of your offices and your official powers of federal officials.

All state and local officials in Colorado take the same oath, and also swear to “protect and defend” the Constitution of the State of Colorado, which is the source of their offices and official powers.

Both the US and Colorado Constitutions contain the same fundamental Bill of Rights provisions—guaranteeing freedom speech, religion, press, assembly, to petition for grievances and the guarantee that persons or property may not be unreasonably searched (including official tax funded surveillance of their private activities) or seized without a warrant issued by a court based upon probable cause that a crime has been committed.

We call upon each of you to refuse to cooperate or condone, and to insist on thorough disclosures and investigations of, actions of any federal officials who assert the right to overtly or secretly fail or refuse to “protect and defend” those fundamental constitutional rights.

2. Oath reaffirmation, signing statements; office policy clarifications. On or before July 4, 2006 and after concluding such joint public hearings, we asked each of our participating local officials to
  - a. Reaffirm your official oaths, which may be accompanied by
  - b. Your personal “signing statements” and
  - c. Announcements of your policy clarifications to protect and defend the Bill of Rights.
3. Local officials’ joint public hearings on Bill of Rights Defense concerns. We call upon our local elected officials to meet with our representatives to develop processes to convene joint public hearings—by the Sheriff, the Board of County Commissioners, and heads of hospital and library boards—to take evidence and to adopt policy to address the Bill of Rights Defense concerns which we share with many citizens and communities across our state and our Nation.
4. Scope of hearings. Joint public hearings should provide a basis for your citizens to urge your oath re-affirmation and signing statements, and to announce your new official policy clarifications concerning the following Bill of Rights Defense concerns:



- a. Claims of authority to use secret, warrantless searches, seizures and surveillance of the persons, homes, private records of American citizens without required “probable cause” required by the Bill of Rights;
  - b. Claims of authority to hold jail US citizens by secret Presidential designations that they are “enemy combatants” without full access to federal courts;
  - c. Claims that executive department officials may conduct surveillance and investigative practices that chill, or cause US citizens to be apprehensive about their exercise of their Bill of Rights freedoms—such as freedom of speech, association, peaceful assembly, privacy and religion;
  - d. Claims that the US government can impose and enforce secrecy, and other practical obstacles, to prevent US citizens, their families and lawyers, from discovering or objecting to these excesses, and to exercise their rights to have violations of the constitutional rights promptly reviews by Federal court proceedings and the Congressional investigative oversight.
5. Hearing topics at the joint public hearing processes should permit participants to show, by local and outside experts, that our Bill of Rights Defense concerns are widespread, for example
- a. Other US community Bill of Rights Defense resolutions. Other local Bill of Rights Defense actions in Colorado and elsewhere, by more than 400 city governments, communities and by several state governments, reaffirming the obligation of these local and state governments to protect the rights of their citizens, and often directing local governments employees to publicly report, and to refuse to participate in any such Federal agency excesses.
  - b. ABA warning to federal executives and Congress. Cautionary warnings, to the President and Attorney General, by the American Bar Association (America’s most prestigious association of attorneys) in the form of a February 2006 report of the ABA’s Task Force on Domestic Surveillance—composed of eminent federal and state lawyers—as well as the ABA’s resolution and letter to the President and Attorney General of the United States. These ABA documents reminded the Bush administration and Congress that:

The Constitution imposes on the President checks and balances and assigns essential roles to Congress and Judicial Branch to assure our national security in a manner consistent with Constitutional guarantees;

Urged Congress to conduct thorough, comprehensive investigations of the nature and extent of electronic surveillance of US persons conducted by any US government agency that may not comply with federal statutes of the Constitution;

Recommended that Congressional investigations be conducted in an open and public manner, to the maximum extent possible, to provide a clear and credible account to the American people of these activities and any deficiencies in current law.

- c. President’s disclaimers in March 15, 2006 Patriot Act signing statement. The President’s March 15, 2006 “signing statement” (accompanying the reauthorization of the USA Patriot Act) claimed the ability to pick and choose when the executive branch would provide information required by Congress’s weak oversight amendments.
- d. Colorado Legislature’s BORD direction to state entities. Local government’s obligation to follow the Bill of Rights Defense directions of Colorado Senate Joint Resolution 05-033, adopted by both houses of the State of Colorado’s General Assembly on May 9, 2005, which directed state government employees, and other “instrumentalities” of the state government, such as local governments and special districts, as follows:

That certain provisions of the USA Patriot Act “expand the power of the Federal Government to detain and investigation people in the United States and to engage in surveillance activities that may be inconsistent with rights and liberties guaranteed by the State and Federal Constitutions,”

Resolved that the “campaign against terrorism” should not be waged at the expense of the essential civil rights enshrined in the Constitutions of the United States and the State of Colorado.

Resolved that the policy of the State of Colorado is “to oppose any provision in the USA Patriot Act that would violate the rights and liberties guaranteed” by the State of Colorado and US Constitutions and

Instructed state agencies, “that in accordance with the policy of the State of Colorado, no agency or instrumentality of the State should, without reasonable suspicion of criminal activity under Colorado law, initiate, participate in, assist, or cooperate in any inquiry, investigation, surveillance or detention, or record, file, or share intelligence information concerning any person or organization including library lending and research records, books and video stores and rental accounts, medical records, financial records, student records, internet mail or usage records or other personal data even if authorized under the USA Patriot Act,”

Required all State agencies or instrumentalities (which term would include municipalities and special districts) to avoid participation in any such activities unless “there are reasonable grounds to suspect that that subject of the information is involved in criminal conduct,

Officially requested the United States Congress to amend the provisions of the USA Patriot Act and other related legislations that “infringe on civil rights and liberties and opposes enactment of future federal legislation that infringes on civil rights and liberties.”

6. Bill of Rights Defense Zone declaration. The Woody Creek Caucus declares its caucus area to be the first “Bill of Rights Defense Zone” in Pitkin County and urges other caucus areas and civic organizations to enter into similar resolutions and engage with local officials in developing Bill of Rights Defense policies and public hearings.
7. Woody Creek Caucus assistance to local officials. The Woody Creek Caucus directs its representatives to offer assistance to local government officials in developing local procedures, schedules, and presentations for the joint public hearing, as well as recommendations as to dignified and appropriate oath re-affirmations, “signing statements” and Bill of Rights Defense policy clarifications by individual officials.

## CONNECTICUT

### Bethany, CT

Passed on September 18, 2003

WHEREAS, many people throughout communities across the nation including the Town of Bethany are concerned that certain provisions of the USA PATRIOT Act threaten civil rights and liberties guaranteed under the United States Constitution, whereas the Town of Bethany has been and remains committed to the protection of civil rights and liberties for all people as expressed in the United States and the Connecticut Constitution; and

WHEREAS the Declaration of Independence of the United States holds as self-evident that all people are created equal and are endowed with the inalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS the First Amendment of the United States Constitution specifies that no law be made “respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peacefully assemble, and to petition the Government for redress of grievances”; and

WHEREAS the Fourth Amendment declares that “the right of the people to be secure in their persons, houses, and 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 person’s things to be seized”; and

WHEREAS the Fifth Amendment states that no person “shall be compelled in any criminal case to be a witness against himself”; and

WHEREAS the Sixth Amendment guarantees defendants “the right to a speedy and public trial, by an impartial jury, and to be informed of nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have Assistance of Counsel for his defense”; and

WHEREAS the Eight Amendment states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted”; and

WHEREAS the Fourteenth Amendment prohibits the government from denying “to any person within its jurisdiction the equal protection laws”; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Bethany affirms the rights of all people—including United States citizens and citizens of other nations—within the Town in accordance with the Bill of Rights and the Fourteenth Amendment of the United States Constitution.

BE IT FURTHER RESOLVED that the Board of Selectmen calls upon all Town officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations.

BE IT FURTHER RESOLVED that the Board of Selectmen calls upon all private citizens including residents, employees, educators, and business owners to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations.

BE IT FURTHER RESOLVED that, to the extent legally possible, no Town employee or department shall officially assist or voluntarily cooperate with the investigations, interrogations, or arrest procedures, public or clandestine, that are judged to be in violation of individual’s civil rights and civil liberties as specified in the above Amendments to the United States Constitution.

BE IT FURTHER RESOLVED that the Town Clerk communicate this resolution via certified mail, return receipt requested to all Town Departments, the Courts, the Governor and the Attorney-General of the State of Connecticut, the Connecticut Congressional delegation, the United States Attorney-General and the President of the United States.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Connecticut or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remained in this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

BE IT FURTHER RESOLVED that this resolutions be made available to the residents of Bethany upon request.

### Coventry, CT

Passed on November 1, 2004

#### Resolution Regarding the USA Patriot Act

WHEREAS the Town of Coventry is committed to protect its residents’ and visitors’ constitutionally guaranteed civil rights and liberties, which are essential to the well-being of our democratic society; and

Recognizing that Federal, state and Local Government have a responsibility to protect the public from attacks such as those that occurred on September 11, 2001, accompanied by a responsibility to ensure that any new security measures enhance public safety without impairing constitutional rights or infringing on civil liberties; and

Emphasizing that the Town Council supports the premise that there is no inherent conflict between national security and the preservation of liberty;

Concerned that various provisions of the USA Patriot Act, the Homeland Security Act, and recent draft legislation entitled Domestic Security Enhancement Act (also known as Patriot II) provide sweeping intelligence-gathering and administrative powers, many of which are not related to terrorism, that could undermine the basic constitutional rights of Coventry's people; and

Noting especially provisions that permit detention of persons without the bringing of legal charges, denial of detained persons' right to counsel; expansion of authority to conduct unregulated surveillance of lawful activities; expanded video, electronic and other information gathering about persons without any demonstrated evidence of criminal behavior and without court order; secret military tribunals and immigration hearings; unregulated ethnic profiling of individuals; circumvention of the Freedom of Information Act by limiting access to public documents; and measures that deliberately conceal such actions from public knowledge;

Now therefore, the Town Council of Coventry

- Affirms the fundamental constitutional rights of all residents and visitors to the town;
- Strongly supports the right of all individuals not to be singled out for scrutiny based upon their ethnicity, language, religion, country of origin or other group or personal attributes;
- Calls upon all employees of Town-supported services to continue to preserve every person's constitutional rights including freedom of speech, assembly, and religion; counsel and due process in all legal and judicial proceedings; protection from unreasonable search and seizures; protection from racial profiling and from detentions without charge;
- Reiterates the privacy rights intrinsic to intellectual freedom, and encourages librarians, booksellers and other communications dealers to take measures to protect those rights;
- Urges our state and federal representatives to refuse support for new legislation that violates American rights and liberties, and to work toward repeal of the constitutional provisions of the Patriot Act and the Homeland Security Act; and
- Directs the Town Clerk to transmit a copy of this resolution to all town employees and agencies, to our representatives in the state Legislature and the Congress, to the Governor of Connecticut and to the President and Attorney General of the United States.

## **Hampton, CT**

**Passed on May 18, 2004**

WHEREAS there is growing concern over the erosion and violation of America's civil liberties under the USA Patriot Act and the Homeland Security act; and

WHEREAS American citizens are being detained and refused counsel by secret military tribunals; and

WHEREAS information about citizens has been gathered without court order; while access to public documents has been unlawfully limited; and

WHEREAS New England Town Meeting, since colonial days, has been the forum for expressing grievances:

NOW, THEREFORE BE IT RESOLVED that the Hampton Town meeting affirms its strong opposition to terrorism but believes that efforts to end terrorism not be waged at the expense of the fundamental civil liberties, rights and freedoms of the people of the United States; and

BE IT FURTHER RESOLVED that the Town of Hampton not initiate nor participate in any inquiry, investigation, surveillance or detention without probable cause; nor share intelligence information including library lending, book sales, medical records and financial records; and

BE IT FURTHER RESOLVED the Hampton Town Meeting urges its representatives to repeal the unconstitutional provisions of the Patriot Act and the Homeland Security Act.

## **Hartford, CT**

**Passed on May 12, 2003**

This is to certify that at a meeting of the Court of Common Council, May 12, 2003, the following RESOLUTION was passed, as amended.

WHEREAS, The City of Hartford is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS, The preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS, The City of Hartford has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS, Federal, State and local Governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, The Hartford Court of Common Council supports the premise that there is no inherent conflict between National security and the preservation of liberty; and

WHEREAS, Some Federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions that raise concerns over the loss of fundamental rights and liberties; and

WHEREAS, New Legislation has been drafted by the Bush Administration entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute, and could undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances; now, therefore, be it

RESOLVED, That the Mayor and Hartford Court of Common Council:

1. Affirms their strong support for the fundamental constitutional rights and its opposition to Federal measures that infringe on civil liberties; and
2. Strongly supports the rights of immigrants and opposes measures that singles out individuals for legal scrutiny or enforcement activity based on their Country of origin; and
3. Calls upon the law enforcement officials working within City and outside boundaries to continue to preserve residents' freedom of speech, religion, assembly; privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and to not engage in nor permit detentions without charges or racial profiling in law enforcement; and
4. Affirms the privacy rights and intellectual freedoms of it's residents and supports librarians, booksellers and other communications dealers in protecting those rights; and
5. Directs the Town Clerk to transmit a copy of this resolution to our United States Senate and Congressional representatives, Governor John G. Rowland, President George W. Bush and Attorney General John Ashcroft.

## **Lyme, CT**

### **Passed on May 27, 2005**

The Town of Lyme affirms its commitment to the Bill of Rights and other amendments to the Constitution of the United States of America and to the Declaration Rights of the Constitution of the State of Connecticut. The Town of Lyme deplores any erosion and violation of the rights and liberties of residents of the Town.

The Town of Lyme notes with growing concern that such erosion and violation is taking place under certain provisions of the U.S.A. Patriot Act, the Homeland Security Act and other actions of the Federal Government in recent years and through certain administrative actions of the U. S. Department of Justice. In particular, the detention of persons without the bringing of legal charges; denial of detained persons' right to counsel; expansion of authority to conduct unregulated electronic surveillance of lawful activities; limiting access to public documents; expanded information gathering about persons without any demonstrated evidence of criminal behavior and without court order; the threat of secret military tribunals; and the unregulated ethnic profiling of individuals.

The Town of Lyme in town meeting convened, now therefore resolves that:

1. The Town of Lyme affirms its strong support for fundamental constitutional rights and opposition to measures that infringe on civil liberties.
2. Officials of the Town of Lyme are hereby urged not to cooperate or participate in actions which violate constitutionally guaranteed civil liberties.
3. The privacy rights and intellectual freedoms of its residents are affirmed and librarians, booksellers and other communications dealers are supported in protecting those rights.
4. The Town's concerns shall be communicated to state and federal representatives who shall be urged to work toward repeal of the unconstitutional provisions of the U.S.A. Patriot Act and the Homeland Security Act.

**Mansfield, CT****Passed on January 13, 2003****Resolution Concerning Civil Liberties in Mansfield**

The Mansfield Town Council is concerned by the erosion and violation of the rights and liberties of citizens and legal non-citizen residents of the Town of Mansfield, rights guaranteed by the Bill of Rights and other amendments to the Constitution of the United States of America, and by the Declaration Rights of the constitution of the State of Connecticut.

The Mansfield Town Council notes with growing concern that such erosion and violation is taking place under certain provisions of the U.S.A. Patriot Act, the Homeland Security Act and other actions of the Federal Government of recent years and through certain administrative actions of the U.S. Department of Justice. In particular, the detention of persons without the bringing of legal charges; denial of detained persons' right to counsel; expansion of authority to conduct unregulated electronic surveillance of lawful activities; limiting access to public documents; expanded information gathering about persons without any demonstrated evidence of criminal behavior and without court order; the threat of secret military tribunals; the unregulated ethnic profiling of individuals; and the threatening public statements by the U.S. Attorney General regarding legal public opposition to these policies.

The Mansfield Town Council now therefore resolves that:

1. Officials of the Town of Mansfield are hereby urged, to the extent legally permissible, not to cooperate or participate in actions which appear to violate constitutionally-guaranteed civil liberties.
2. The Council shall urge other municipalities and the State of Connecticut similarly to prohibit government actions within their control from violating such civil liberties.
3. The Council's concerns shall be communicated to state and federal representatives who shall be urged to work toward repeal of the unconstitutional provisions of the U.S.A. Patriot Act and the Homeland Security Act.

**New Haven, CT****Passed on December 2, 2002****A Resolution to Defend the Civil Rights and Liberties of the People of New Haven**

WHEREAS the Declaration of Independence of the United States holds as self-evident that all people are created equal and are endowed with the inalienable rights of life, liberty and the pursuit of happiness;

WHEREAS the First Amendment of the United States Constitution specifies that no law be made "respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances";

WHEREAS the Fourth Amendment declares that "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";

WHEREAS the Fifth Amendment states that no person "shall be compelled in any criminal case to be a witness against himself";

WHEREAS the Sixth Amendment guarantees defendants "the right to a speedy and public trial, by an impartial jury, and to be informed of nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense";

WHEREAS the Eighth Amendment states that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted";

WHEREAS the Fourteenth Amendment prohibits the government from denying "to any person within its jurisdiction the equal protection of the laws";

THEREFORE BE IT RESOLVED that the City of New Haven affirms the rights of all people- including United States citizens and citizens of other nations-within the city- in accordance with the Bill of Rights and the Fourteenth Amendment of the U. S. Constitution; and

BE IT FURTHER RESOLVED that the Board of Aldermen calls upon all City officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and

BE IT FURTHER RESOLVED that the Board of Aldermen calls upon all private citizens-including residents, employers, educators, and business owners-to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations; and

BE IT FURTHER RESOLVED that, to the extent legally possible, no City employee or department shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are judged to be in violation of individual's civil rights or civil liberties as specified in the above Amendments of the United States Constitution;

BE IT FURTHER RESOLVED that the City Clerk communicate this resolution to all City Departments, the Courts, the Governor and Attorney-General of the State of Connecticut, the Connecticut Congressional delegations, the United States Attorney-General and the President of the United States; and

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Connecticut or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remained of this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

Submitted by: City of New Haven Peace Commission

## **Norwalk, CT**

**Passed on June 14, 2005**

### **Resolution of the Common Council of the City of Norwalk**

Whereas we deem certain sections of the USA Patriot Act to be a threat to the legal rights of Norwalk residents and all Americans in that they allow authorities to:

1. Search A Private Home And Not Notify The Owner,
2. Collect Information About What Books We Read, What We Study, What We Purchase, Our Medical History, And Our Personal Finances,
3. Label One A “Terrorist” For Belonging To An Activist Group,
4. Monitor Our E-Mails And Watch What Internet Sites We Visit,
5. Take Away Our Property Without A Hearing,
6. Spy On Innocent Americans,
7. Put Targeted Immigrants In Jail Indefinitely, and
8. Wiretap Citizens Under A Warrant That Does Not Even Contain Their Name,

Now Therefore Be It Resolved By The Common Council Of The City Of Norwalk, That:

The Common Council President transmit as soon as possible a copy of this resolution to Senators Christopher Dodd and Joseph Lieberman, and Representative Christopher Shays, accompanied by a letter urging them to support Congressional efforts to assess the impact of the PATRIOT Act, monitor federal anti-terrorism tactics, repeal provisions of the USA PATRIOT ACT and other laws and regulations that infringe on civil rights and liberties, and ensure that provisions of the USA PATRIOT Act “sunset” in accordance with the provisions of the Act.

## **Windham, CT**

**Passed on September 7, 2004**

### **Community Resolution**

WHEREAS, The Town of Windham is committed to protect the civil rights and liberties of its residents; and

WHEREAS, The preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS, The Town of Windham has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS, Federal, State and local Governments should protect the public from attacks such as those that occurred on September 11, 2001, but should do so ensuring that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, The Board of Selectmen supports the premise that there is no inherent conflict between National security and the preservation of liberty; and

WHEREAS, Some policies adopted under the USA Patriot Act (Public Law 107-56) and related executive orders, regulations and actions that raise concerns over loss of fundamental rights and liberties; and

WHEREAS, New legislation has been drafted by the Bush Administration entitled Domestic Security Enhancement Act (DSEA) (also known as Patriot II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute, and could undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances; now, therefore,

BE IT RESOLVED, That the First Selectman and the Windham Board of Selectmen:

1. Affirms their strong support for the fundamental constitutional rights and its opposition to Federal measures that infringe on civil liberties; and
2. Strongly supports the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their Country of origin; and
3. Calls upon the law enforcement officials working within the Town of Windham to continue to preserve resident's freedom of speech, assembly, religion; privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and to not engage in nor permit detentions without charges or racial profiling in law enforcement; and
4. Affirms the privacy rights of intellectual freedom of it's residents and supports librarians, booksellers and other communications dealers in protecting those rights; and
5. Directs the Town Clerk to transmit a copy of this resolution to our United States Senate and Congressional representatives, Governor Jody Rell, President George W. Bush and Attorney General John Ashcroft.



# DELAWARE

**Arden, DE**

**Passed on January 26, 2004**

## **Resolution by the Town Assembly of the Village of Arden**

WHEREAS, the prevention of terrorist attacks is a critical national priority, it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles; and

WHEREAS, a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

1. Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home;
2. Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;
3. Section 218 which amends the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime;
4. Sections 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;
5. Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as "terrorist organizations" and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed; and
6. Sections 507 and 508 which impose an unfunded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

WHEREAS, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new law enforcement and intelligence-gathering powers, many of which are not related to terrorism, and which would severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, in response to the threats against civil liberties embodied in certain provisions of the PATRIOT ACT, legislation has been introduced in the House and Senate that would roll back certain provisions of the PATRIOT Act; therefore by the Town Assembly of the Village of Arden be it

RESOLVED that we, the Village of Arden in Delaware, join approximately 235 other U.S. communities in affirming its strong opposition to terrorism, and also affirm that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Arden, the United States, and the world; and be it

FURTHER RESOLVED that we affirm the rights of all people, including United States citizens and citizens of other nations, living within the Village of Arden in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and be it

FURTHER RESOLVED that we reaffirm the concepts and doctrines promulgated in the Bill of Rights and the U.S. Constitution by lawfully resisting every effort to erode those rights and protections including: freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and be it

FURTHER RESOLVED that we call on our United States Representative and Senators to monitor the implementation of the USA PATRIOT Act and the Orders in furtherance thereof and actively work for the repeal or amendment of those sections in the Act and those Orders that violate fundamental rights and liberties as stated in the Bill of Rights and the U.S. Constitution, by sending a copy of this resolution to Senators Biden and Carper and Representative Castle; and be it

FURTHER RESOLVED that by sending a copy of this resolution to the Governor and Attorney General of Delaware, to the Chairpersons of both Houses of the Delaware General Assembly for public reading and inclusion in the record, to the United States Attorney General and the President, we encourage our elected and appointed officials to work for repeal or amendment of the USA PATRIOT Act and those Orders in furtherance thereof which undermine basic civil rights and liberties provided in the Bill of Rights and Constitution of both the state of Delaware and the United States of America.

**Newark, DE****Passed on January 2, 2004****United States Patriot Act**

WHEREAS, the Constitution and Bill of Rights state that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances; and

WHEREAS, in response to the events of September 11, 2001; the U.S. Patriot Act (HR 3162) was passed by Congress on October 26, 2001 with out Committee hearings and with limited debate; and

WHEREAS, many in Congress and in the Judiciary now express reservations about certain provisions of the Act that reduce freedoms delegated to the people; and

WHEREAS, the Act expands terrorism laws to include “domestic terrorism” which could subject political organizations to surveillance, wiretapping, harassment, and criminal action for protected political advocacy; and

WHEREAS, the Act expands the ability of law enforcement to conduct secret searches, gives them wide powers of phone and internet surveillance, and access to highly personal medical, financial, mental health, and student records with minimal judicial oversight; and

WHEREAS, the Act allows FBI agents to investigate American citizens for criminal matter without probable cause to believe a crime has been committed if they say it is for “intelligence matter”; and

WHEREAS, the Act permits non-citizens to be jailed based on mere suspicion and to be denied re-admission to the US for engaging in free speech and students suspected of no crime may be detained indefinitely in six month increments arguably without meaningful judicial review; and

WHEREAS, the City of Newark is a diverse community whose citizens may be unjustly abused as a consequence of the actions taken against them pursuant to certain provisions of the Patriot Act.

NOW THEREFORE BE IT RESOLVED, that the City of Newark, while supporting the United State in its campaign to fight global terrorism, insists that this fight not be waged at the expense of the fundamental civil liberties and Constitutionally protected rights of the people of the United States of America; and

BE IT FURTHER RESOLVED, that the Newark City Council transmits this resolution to the Governor and Attorney General, members of both Houses of the General Assembly as well as to Delaware’s United States Senators and Representative as a statement of the will of the people of Newark in questioning certain provisions of the Patriot Act that abrogate the fundamental civil liberties and Constitutionally protected rights of the people of the United States and, encourage our congressional delegation to clarify and amend those provisions.

**Odessa, DE****Passed on September 1, 2004**

WHEREAS, the prevention of terrorist attacks is a critical national priority, it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles; and

WHEREAS, a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

1. Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen’s home;
2. Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;
3. Section 218 which amends the “probable cause” requirement before conducting secret searches or surveillance to obtain evidence of a crime;
4. Sections 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;
5. Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as “terrorist organizations” and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed; and
6. Sections 507 and 508 which impose an unfunded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

WHEREAS, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new law enforcement and intelligence-gathering powers, many of which are not related to terrorism, and which would severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, in response to the threats against civil liberties embodied in certain provisions of the PATRIOT ACT, legislation has been introduced in the House and Senate that would roll back certain provisions of the PATRIOT Act; therefore by the Town Council of the Town of Odessa be it

RESOLVED that we, the Town of Odessa in Delaware, join approximately 311 other U.S. communities (approximately 52 million citizens) in affirming its strong opposition to terrorism, and also affirm that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Odessa, the United States, and the world; and be it

FURTHER RESOLVED that we affirm the rights of all people, including United States citizens and citizens of other nations, living within the Town of Odessa, in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and be it

FURTHER RESOLVED that we reaffirm the concepts and doctrines promulgated in the Bill of Rights and the U.S. Constitution by lawfully resisting every effort to erode those rights and protections including: freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and be it

FURTHER RESOLVED that we call on our United States Representative and Senators to monitor the implementation of the USA PATRIOT Act and the Orders in furtherance thereof and actively work for the repeal or amendment of those sections in the Act and those Orders that violate fundamental rights and liberties as stated in the Bill of Rights and the U.S. Constitution, by sending a copy of this resolution to Senators Biden and Carper and Representative Castle; and be it

FURTHER RESOLVED that by sending a copy of this resolution to the Governor and Attorney General of Delaware, to the Chairpersons of both Houses of the Delaware General Assembly for public reading and inclusion in the record, to the United States Attorney General and the President, we encourage our elected and appointed officials to work for repeal or amendment of the USA PATRIOT Act and those Orders in furtherance thereof which undermine basic civil rights and liberties provided in the Bill of Rights and Constitution of both the state of Delaware and the United States of America.

## **Wilmington, DE**

### **Passed on September 18, 2003**

WHEREAS, Delaware patriot Caesar Rodney cast the swing vote in the Delaware Delegation to the Continental Congress, making Delaware the First State to ratify the U.S. Constitution, the supreme law of the land, which all public servants are sworn to uphold; and

WHEREAS, the United States Constitution guarantees all persons living in the United States certain fundamental rights including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection; and access to counsel, presumption of innocence and a fair, speedy public trial; and

WHEREAS, the City of Wilmington with the headquarters for many international financial institutions and Corporations has a responsibility to maintain prosperous relationships with people of all nations and races; and

WHEREAS, a great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement powers, including the USA Patriot Act signed by President George W. Bush on October 26, 2001; and

WHEREAS, the USA Patriot Act, which was written to respond to the attack on our nation, was hastily enacted in six weeks without public hearings or a Congressional “mark-up”, weakens, contradicts and undermines the basic constitutional rights outlined above; and

WHEREAS, Examples of fundamental rights threatened by the Patriot Act include the Government’s extended power to: participate in telephone and internet surveillance with limited judicial supervision; dilute judicial oversight in law enforcement and intelligence agencies access to personal medical, mental health, financial, and educational records; expand the government’s ability to conduct warrant less searches of individual’s homes and businesses, including monitoring what books are bought from the bookstore or borrowed from libraries; and limit access to public documents and records under the Freedom of Information Act; and

WHEREAS, per the Justice Department’s interpretation of the Patriot Act it appears that the impact of the law will be on selective racial and religious groups. This is a cause for alarm for those who fear an emergence of racial and ethnic profiling; and

WHEREAS, the City of Wilmington recognizes and supports the courage and sacrifice of Military men and women; and

WHEREAS, the City of Wilmington recognizes patriotic citizens working to protect our basic freedoms that are threatened; and

WHEREAS, over fifty cities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these new powers; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council supports the United States Government in its campaign against global terrorism, but also reaffirms that any efforts to end terrorism not be waged at the expenses of the fundamental civil liberties of the people of Wilmington, and all citizens of the United States; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council affirms the rights of all people, including United States citizens and citizens of other nations living within the City, in accordance with the Bill of Rights and the Fourteenth amendment of the U.S. Constitution; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the City Council urges the city administration and its citizens to be guided by the collective responsibility and obligation of the safeguards the constitutional protections afforded all people of our City. The City Council recognizes that is a paramount responsibility of local law enforcement personnel, appointed and elected government offices that are ultimately responsible for upholding the solemn oath they have taken to preserve, protect and defend the Constitution of the United States and the State of Delaware; and

NOW, THEREFORE, BE IT FINALLY RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that our United States Senators and Representatives monitor the implementation of the Act and actively work for the repeal of those sections of the Act containing Executive Orders that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments.

# DISTRICT OF COLUMBIA

## Washington, DC

Passed on March 2, 2003

### **To Declare the Sense of the Council Regarding Certain Provisions of the USA PATRIOT Act of 2001 and to Urge Congress to Enact Legislation to Modify this Act and Certain Other Enactments that May Undermine Fundamental Civil Rights Guaranteed by the Constitution of the United States.**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council in Support of Protection of Civil Liberties Resolution of 2004.”

#### Sec. 2. The Council finds that:

1. The diversity of the population of the District of Columbia is vital to our community’s character.
2. The District of Columbia has a tradition of protecting and expanding human rights and civil liberty protections for all of its residents, including non-citizens and immigrants, and it takes pride in being among the first jurisdictions to provide broad anti-discrimination protection through its enactment of the District of Columbia Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code sections 2-1401.01 *et seq.*)
3. The United States Constitution guarantees certain fundamental rights, including freedom of religion, speech, assembly and privacy, protection from unreasonable search and seizure, due process and equal protection, equality before the law, the presumption of innocence, access the counsel, and the right to a fair, speedy, and public trial. All levels of government have a responsibility to protect these constitutional rights as well as to protect the public from terrorism.
4. There is no inherent conflict between the preservation of liberty and the need to protect the public. All measures taken to enhance public safety can, and must, do so without impairing constitutional rights or infringing upon civil liberties.

#### Sec. 3. It is the sense of the Council that:

1. The USA PATRIOT Act, approved October 26, 2001 (Pub. Law No. 107-56, 115 Stat. 272.) (“USA PATRIOT Act”), along with certain other measures implemented by the executive branch of the federal government after September 11<sup>th</sup>, 2001, was enacted in reaction to the tragedy of September 11<sup>th</sup> without adequate consideration of provisions that undermine civil liberties.
2. It is necessary that the District express its strong support for fundamental constitutional rights and its opposition to federal measures that unnecessarily infringe upon liberties, its support for immigrants and its opposition to measures that single out individuals for scrutiny or enforcement activity based on their country of origin or religion.
3. Members of Congress should support and enact legislation to modify the provisions of the USA PATRIOT Act and other enactments, such as executive orders and federal regulations, that threaten to undermine the fundamental rights guaranteed by the United States Constitution.
4. The White House should establish a bipartisan panel to review how constitutional guarantees would be affected by all new laws and regulations aimed at enhancing national security as recommended by the Gilmore Commission.
5. Except as required by Section 215 of the USA PATRIOT Act, by a lawful directive of the federal government, by order of a court, or by the laws or regulations of the District of Columbia, no agency or employee of the government of the District of Columbia shall divulge information or records, including educational, medical, financial, or library records, pertaining to an individual.
6. Public libraries shall post in a prominent place within the library a notice that reads as follows: WARNING: Under Section 215 of the USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. The Patriot Act prohibits librarians from informing you if federal agents have obtained records about you; and
7. Public schools and public institutions of higher learning shall provide notice to individuals whose education records have been obtained by law enforcement officers pursuant to Section 507 of the USA PATRIOT Act.
8. The Metropolitan Police Department shall refrain from:
  - a. Utilizing racial, religious, ethnic, or national profiling as a factor in selecting which individuals to subject to investigatory activities, except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect;
  - b. Engaging in the surveillance of individuals or groups based on participation in activities protected by the first amendment of the Constitution of the United States, such as political advocacy or the practice of religion, without particularized suspicion of criminal activity;

- c. Collecting or maintaining information about the religious, political, or social views, associations, or activities of any individual, group, organization, corporation, business, or partnership, that could not be reasonably connected to a security threat.

Sec. 4. The Secretary of the Council shall transmit a copy of this Resolution to the President of the United States, the President Pro-Tempore of the United States Senate, the Speaker of the United States House of Representatives, the United States Attorney General, and the Congresswoman for the District of Columbia.

Sec. 5. This Resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

# FLORIDA

## Alachua County, FL Passed on October 22, 2002

### Resolution 02-131, A Resolution of the Board of County Commissioners of Alachua County, Florida, Affirming the Civil Rights of All Residents of Alachua County

WHEREAS, Alachua County, Florida has a long and distinguished history of protecting and expanding the civil rights and civil liberties of its residents; and,

WHEREAS, the residents of Alachua County wish to honor the memory of all those who died as a result of the September 11, 2001, attacks; and,

WHEREAS, Alachua County has a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and,

WHEREAS, the United States Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) on October 26, 2001; and,

WHEREAS, the Bill of Rights of the United States Constitution and the Constitution of Florida guarantee those living in the United States the following rights: freedom of speech, assembly and privacy; equality before the law and the presumption of innocence; access to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and,

WHEREAS, we believe these civil liberties are precious and may be threatened by the USA PATRIOT Act, which:

- Reduces judicial supervision of telephone and Internet surveillance;
- Expands the government's ability to conduct secret searches without warrants;
- Grants power to the Secretary of State to designate domestic groups as "terrorist organizations";
- Grants power to the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime;
- Grants the Federal Bureau of Investigations (FBI) access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime; and
- Grants the FBI the power to compel libraries and bookstores to produce circulation or purchase records of their patrons and forbids disclosure that such records have been requested and produced; and,

WHEREAS, Alachua County has been and remains, committed to the protection of civil rights and liberties for all citizens of Alachua County; and,

WHEREAS, the Board of County Commissioners believes that a threat to any one person's Constitutional rights is a threat to the rights of all.

NOW THEREFORE, BE IT RESOLVED:

- That the Alachua County Commission affirms the rights of all people, including United States citizens and citizens of other nations, within the County in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and,
- That the Alachua County Commission calls upon all County officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and,
- That the Alachua County Commission calls upon all private citizens-including residents, employers, educators, and business owners-to demonstrate similar respect for civil rights and civil liberties; and,
- That the Alachua County Commission calls upon the United States Attorney's Office, the Office of the Federal Bureau of Investigation, Florida Department of Law Enforcement, and local law enforcement authorities to publicly disclose the names of any federal detainees suspected of terrorism held in Alachua County; and,
- That the Alachua County Commission affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism should not be waged at the expense of essential civil rights and liberties of the people of Alachua County and the United States; and,
- That the County Manager is directed to provide copies of this resolution to the County's U.S. Congressional Representatives, the United States Attorney General, and the President of the United States; and,

- The Alachua County Commission calls upon our United States Congressional Representatives and Senators to monitor the implementation of the USA PATRIOT Act and Executive Orders issued pursuant to the Act.

## **Broward County, FL**

### **Passed on May 6, 2003**

#### **A Resolution of the Board of County Commissioners of Broward County, Florida, Affirming the Civil Rights of All Residents of Broward County, Florida.**

WHEREAS, Broward County, Florida has a long and distinguished history of protecting and expanding the civil rights and civil liberties of its residents; and

WHEREAS, the residents of Broward County wish to honor the memory of all those who died as a result of the September 11, 2001, attacks; and

WHEREAS, Broward County has a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act); and

WHEREAS, the Federal Administration is moving to pass a Second USA PATRIOT ACT also known as the Domestic Security Enhancement Act of 2003 that usurps more rights than the original USA PATRIOT ACT which would provide for the presumptive denationalization of American citizens who support the activities of any organization that the executive branch has deemed “terrorist.”; and

WHEREAS, the State of Florida has enacted the Emergency Health Powers Act in May of 2002 which allows for appointed Health Officials to declare a health emergency or potential health emergency and force people to be vaccinated against their will, quarantined and the State can confiscate anyone’s personal property without due process of law; and

WHEREAS, the Bill of Rights of the United States Constitution and the Constitution of Florida guarantee those living in the United States the following rights: freedom of speech, assembly and privacy; equality before the law and the presumption of innocence; access to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and

WHEREAS, we believe these civil liberties are precious and may be threatened by the USA PATRIOT Act, the Domestic Security Enhancement Act of 2003 and Florida’s Emergency Health Powers Act which:

- Reduces judicial supervision of telephone and Internet surveillance;
- Expands the government’s ability to conduct secret searches without warrants;
- Grants power to the Secretary of State to designate domestic groups as “terrorist organizations”;
- Grants power to the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime;
- Grants the Federal Bureau of Investigations (FBI) access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime; and
- Grants the FBI the power to compel libraries and bookstores to produce circulation or purchase records of their patrons and forbids disclosure that such records have been requested and produced; and,
- Grants the Federal Government the ability to determine persons are terrorists or provide material support to a terrorist group could be expatriated from the United States and subjected to indefinite detention without access to legal process; and,
- Grants appointed state health inspectors the power to force people to be vaccinated against their will, quarantine people based on a potential health emergency, and the Unconstitutional ability to confiscate people’s property without due process of law; and

WHEREAS, Broward County has been and remains, committed to the protection of civil rights and liberties for all citizens of Broward County; and

WHEREAS, the Board of County Commissioners believes that a threat to any one person’s Constitutional rights is a threat to the rights of all.

NOW THEREFORE, BE IT RESOLVED: That the Broward County Commission affirms the rights of all people, including United States citizens and citizens of other nations, within the County in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and



That the Broward County Commission calls upon all County officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and

That the Broward County Commission calls upon all private citizens, including residents, employers, educators, and business owners, to demonstrate similar respect for civil rights and civil liberties; and

That the Broward County Commission calls upon the United States Attorney's Office, the Office of the Federal Bureau of Investigation, Florida Department of Law Enforcement, and local law enforcement authorities to publicly disclose the names of any federal detainees suspected of terrorism held in Broward County; and

That the Broward County Commission supports the rights of County officials and employees to conduct their duties pursuant to Constitutions of the United States and the State of Florida and further supports actions taken in opposition to unconstitutional directives and orders that violate the rights of people in Broward County; and

That the Broward County Commission affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism should not be waged at the expense of essential civil rights and liberties of the people of Broward County and the United States; and

That the County Administrator is directed to provide copies of this resolution to the County's U.S. Congressional Representatives, the United States Attorney General, and the President of the United States; and

The Broward County Commission calls upon our United States Congressional Representatives and Senators to monitor the implementation of the USA PATRIOT Act the Domestic Security Enhancement Act of 2003 and Florida's Emergency Health Powers Act and Executive Orders issued pursuant to the Act.

## **St. Petersburg, FL** **Passed on May 20, 2004**

### **Proposed Resolution of the City of St. Petersburg, Florida**

WHEREAS the City of St. Petersburg and its citizens are governed by the United States Constitution, including the Bill of Rights, and the Florida Constitution and Declaration of Rights which guarantee certain fundamental civil rights including: freedom of religion, speech, assembly and privacy; protection from unreasonable search and seizures; due process of law and equal protection under law to any person; equality before the law and the presumption of innocence; access to counsel and the courts in judicial proceedings; and a fair, speedy and public trial; and

WHEREAS the City of St. Petersburg is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS the City of St. Petersburg has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS the City of St. Petersburg recognizes that the preservation of civil rights and liberties in our entire community is essential to the well-being of a democratic society; and

WHEREAS the City of St. Petersburg denounces terrorism, and reiterates its respect and support for the individuals and military and law enforcement institutions which secure our liberty and protect us from terrorism and violence in our communities; and

WHEREAS the City Council of the City of St. Petersburg believes that there is no inherent conflict between national security interests and the preservation of liberty at home, and holds that individuals in St. Petersburg can be both safe AND free; and

WHEREAS the City of St. Petersburg recognizes that overzealous government security measures which undermine fundamental civil liberty interests do damage to the American democratic institutions and values that the residents of the City of St. Petersburg hold dear; and

WHEREAS, in the opinion of many Americans, new Executive Branch regulations and policies and the USA PATRIOT ACT, passed by Congress at the federal government level in great haste after Sept. 11, 2001, have been adopted without adequate deliberation or consideration for the liberty interests protected by the Constitution, undermine the constitutional rights and liberties set forth above without increasing our security by, among other things:

- Significantly expanding the government's ability to access and monitor sensitive private medical, mental health, financial and educational records about individuals; and lowering the burden of proof required to conduct secret searches and electronic and Internet surveillance;
- Giving law enforcement expanded authority to obtain library records and prohibiting librarians from informing patrons of monitoring or information requests from the government;
- Reducing the ability of the judiciary to oversee and prevent abuse of these extraordinary new authorities;
- Granting the U.S. Attorney General the power to designate domestic groups, including religious and political organizations, as "terrorist organizations;"

- Creating new crimes of “aiding terrorism” and “domestic terrorism” so vague and broadly defined they are likely to chill legitimate First Amendment activity;
- Giving the U.S. Attorney General the power to subject non-citizens to indefinite detention or deportation, even if they have NOT committed a crime;
- Authorizing eavesdropping on confidential communications between lawyers and their clients in federal custody;
- Limiting disclosure of public documents and records under the Freedom of Information Act;

WHEREAS, these measures threaten the civil rights of all people and the Department of Justice interpretations of this Act and these Executive Orders particularly target immigrants, including Hispanics, people of Middle Eastern and South Asian descent and citizens of other nations, thereby potentially encouraging racial profiling by law enforcement and the unintended consequences of increases in hate crimes; and

WHEREAS, over 200 other communities throughout America representing over 25 million people have already enacted civic resolutions reaffirming their support for civil rights and civil liberties in the face of federal government policies that threaten these fundamental values, and are demanding accountability from federal agencies regarding the use of these new powers; now therefore be it

RESOLVED that the City of St. Petersburg now joins these communities and affirms both its strong opposition to terrorism and its steadfast support for the civil rights of all people living within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution and the Florida Constitution and Declaration of Rights; and be it

FURTHER RESOLVED that the members of the City Council of the City of St. Petersburg call on our United States Representatives and Senators to review the implementation of the USA PATRIOT ACT and new Executive Branch regulations and policies, and to actively work for the repeal of those sections of the Act, policies, and regulations that violate fundamental rights and protections including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel and the courts in judicial proceedings; and a fair, speedy and public trial by sending a copy of this resolution to the Florida delegation to Congress.

## **Sarasota, FL**

**Passed on October 20, 2003**

### **RESOLUTION NO. 04R-1667**

A resolution of the City Commission of the City of Sarasota, Florida, pertaining to the USA Patriot Act, related legislation, executive orders, regulations, and actions associated therewith; making findings; requesting the Florida legislative and congressional delegations to work to repeal certain provisions of the USA Patriot Act and to oppose the adoption of any new laws which may limit or violate fundamental rights and liberties; providing for the reading of this resolution by title only; and providing for an effective date.

WHEREAS, the City of Sarasota is committed to the protection of civil rights and civil liberties that are the birthright of all Americans; and,

WHEREAS, the City of Sarasota honors the sacrifice and commitment made by our veterans and active duty personnel who have fought and died to preserve liberties of all individuals; and,

WHEREAS, on September 11, 2001, the United States of America was subjected to an unprecedented terrorist attack, and faced a serious and ongoing threat of further terrorist activity; and,

WHEREAS, since September 11, 2001, in an attempt to respond to that terrorist threat, a wide range of legislative and executive measures, including the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act” (USA PATRIOT ACT), have been enacted by the Congress of the United States and the Executive branch of the United States Government and thereafter implemented; and,

WHEREAS, the Bill of Rights of the United States Constitution and the Constitution of the State of Florida guarantee, to those living in the United States, certain fundamental rights, including freedom of speech, assembly and privacy; equality before the law and the presumption of innocence; due process, access to counsel in judicial proceedings and protection from unreasonable searches and seizures; and,

WHEREAS, the City Commission recognizes that all citizens of the United States have the right, the responsibility and the obligation to defend, secure and retain the rights of all persons, as guaranteed by the Constitutions of the United States of America and the State of Florida; and,

WHEREAS, the City Commission believes that action to protect the public from terrorist attack is vital, but that such action should only be taken when it will effectively serve to protect the public and be consistent with the preservation of those constitutionally guaranteed fundamental rights; and,

WHEREAS, the City Commission believes those constitutionally guaranteed fundamental rights may be threatened by the USA PATRIOT ACT and related legislation, executive orders, regulations, and actions, as more particularly set forth in Attachment “A”, which is incorporated herein by reference; and,

WHEREAS, over 182 communities throughout the country, as more particularly set forth in Attachment “B”, which is incorporated herein by reference, have enacted Resolutions reaffirming support for the constitutionally guaranteed civil rights and liberties of all persons which may be threatened by the USA PATRIOT ACT and related legislation, executive orders, regulations, and actions; and,

WHEREAS, while various provisions of the USA PATRIOT ACT were recognized as extraordinary responses to the crisis of September, 2001, and are subject to sunset, or to expire, after five years, various proposals have been made, which, if enacted, would render all of the ACT’s provisions permanent; and,

WHEREAS, the City Commission believes that legislation drafted by the Executive branch of the government and submitted to the Congressional leadership, entitled the Domestic Security Enhancement Act (DSEA), also referred to as PATRIOT II, may also threaten constitutionally guaranteed fundamental rights, as more particularly set forth in Attachment “C”, which is incorporated herein by reference .

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA:

1. The City Commission of the City of Sarasota affirms the rights of all people, including United States citizens and citizens of other nations, within the City, in accordance with the Bill of Rights and the Fourteenth Amendment of the United States Constitution and calls upon all persons to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations.
2. The City Commission of the City of Sarasota affirms its strong opposition to terrorism, and affirms that any efforts to end terrorism need not and must not result in the loss of fundamental rights and liberties of the people of Sarasota, Florida and the United States.
3. The City Commission of the City of Sarasota affirms that the five-year sunset provisions of the USA PATRIOT Act should be allowed to expire, if not previously repealed by an act of Congress.
4. The City Commission of the City of Sarasota joins other communities across the nation, who have questioned the constitutionality of the USA PATRIOT ACT and related legislation, executive orders, regulations, and actions, and hereby calls upon our Florida legislative and United States Congressional delegations to actively and diligently work to repeal those provisions of the USA PATRIOT ACT and any executive orders or federal regulations, as well as any related State legislation which may limit or violate fundamental rights and liberties embodied in the constitutions of the United States and the State of Florida, and to actively oppose the adoption of any new laws or regulations, such as the PATRIOT II, which may limit or violate fundamental rights and liberties.
5. The City Auditor and Clerk is hereby directed to provide copies of this Resolution to the United States Congressional and the State of Florida legislative delegations, whose jurisdictions include the City of Sarasota, the Sheriff of Sarasota County, the Chairperson of the Sarasota County Commission, the Sarasota County Administrator, the United States Attorney for the Middle District of Florida, the Attorney General of the United States and the President of the United States.
6. This Resolution shall take effect immediately upon adoption.

## **Tampa, FL**

### **Passed on April 15, 2003**

WHEREAS the City of Tampa and its citizens are governed by the United States Constitution, including the Bill of Rights, and the Florida Constitution and Declaration of Rights which guarantee certain fundamental civil rights including: freedom of religion, speech, assembly and privacy; protection from unreasonable search and seizures; due process of law and equal protection under law to any person; equality before the law and the presumption of innocence; access to counsel and the courts in judicial proceedings; and a fair, speedy and public trial; and

WHEREAS the City of Tampa is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS the City of Tampa has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS the City of Tampa recognizes that the preservation of civil rights and liberties in our entire community is essential to the well-being of a democratic society; and

WHEREAS the City of Tampa denounces terrorism, and reiterates its respect and support for the individuals and military and law enforcement institutions which secure our liberty and protect us from terrorism and violence in our communities; and

WHEREAS the City Council of the City of Tampa believes that there is no inherent conflict between national security interests and the preservation of liberty at home, and holds that individuals in Tampa can be both safe AND free; and

WHEREAS the City of Tampa recognizes that overzealous government security measures which undermine fundamental civil liberty interests do damage to the American democratic institutions and values that the residents of the City of Tampa hold dear; and

WHEREAS, in the opinion of many Americans, new Executive Branch regulations and policies and the USA PATRIOT ACT, passed by Congress at the federal government level in great haste after Sept. 11, 2001, have been adopted without adequate deliberation or consideration for the liberty interests protected by the Constitution, undermine the constitutional rights and liberties set forth above without increasing our security by, among other things:

- Significantly expanding the government's ability to access and monitor sensitive private medical, mental health, financial and educational records about individuals; and lowering the burden of proof required to conduct secret searches and electronic and Internet surveillance;
- Giving law enforcement expanded authority to obtain library records and prohibiting librarians from informing patrons of monitoring or information requests from the government;
- Reducing the ability of the judiciary to oversee and prevent abuse of these extraordinary new authorities;
- Granting the U.S. Attorney General the power to designate domestic groups, including religious and political organizations, as "terrorist organizations;"
- Creating new crimes of "aiding terrorism" and "domestic terrorism" so vague and broadly defined they are likely to chill legitimate First Amendment activity;
- Giving the U.S. Attorney General the power to subject non-citizens to indefinite detention or deportation, even if they have NOT committed a crime;
- Authorizing eavesdropping on confidential communications between lawyers and their clients in federal custody;
- Limiting disclosure of public documents and records under the Freedom of Information Act;

WHEREAS, these measures threaten the civil rights of all people and the Department of Justice interpretations of this Act and these Executive Orders particularly target immigrants, including Hispanics, people of Middle Eastern and South Asian descent and citizens of other nations, thereby potentially encouraging racial profiling by law enforcement and the unintended consequences of increases in hate crimes; and

WHEREAS, over 200 other communities throughout America representing over 25 million people have already enacted civic resolutions reaffirming their support for civil rights and civil liberties in the face of federal government policies that threaten these fundamental values, and are demanding accountability from federal agencies regarding the use of these new powers; now therefore be it

RESOLVED that the City of Tampa now joins these communities and affirms both its strong opposition to terrorism and its steadfast support for the civil rights of all people living within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution and the Florida Constitution and Declaration of Rights; and be it

FURTHER RESOLVED that the members of the City Council of the City of Tampa call on our United States Representatives and Senators to review the implementation of the USA PATRIOT ACT and new Executive Branch regulations and policies, and to actively work for the repeal of those sections of the Act, policies, and regulations that violate fundamental rights and protections including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel and the courts in judicial proceedings; and a fair, speedy and public trial by sending a copy of this resolution to the Florida delegation to Congress.

# GEORGIA

## Atlanta, GA

Passed on January 5, 2004

### **A Resolution for the Protection of Citizens' Liberties and Civil Liberties; Instructing the Atlanta/Fulton County Library Board and the City Attorney to Submit Certain Information to the City Bi-Annually; and for Other Purposes.**

WHEREAS, the City of Atlanta is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, the City Council of Atlanta believes that there is no inherent conflict between national security and the preservation of liberty --Americans can be both safe and free; and

WHEREAS, certain federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions present a threat to fundamental rights and civil liberties; and

WHEREAS, these new powers pose a particular threat to the civil rights and liberties of the residents of our city who are Arab, Muslim or of South Asian descent; and

WHEREAS, many other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers; and

NOW BE IT THEREFORE RESOLVED that the Atlanta City Council affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties; and

BE IT FURTHER RESOLVED that the Atlanta City Council affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin.

BE IT FURTHER RESOLVED that the Atlanta City Council urges and requests that the Mayor direct the City of Atlanta Police Department to:

- Refrain from enforcement of federal immigration laws, unless such enforcement directly relates to a criminal act.
- Refrain from engaging in the surveillance of individuals or groups of individuals based solely on their participation in First Amendment protected activities.
- Refrain, whether acting alone or with federal or state law enforcement officers, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual or group unless such information directly relates to a criminal investigation, or such individual or group has a documented criminal record.
- Refrain from undertaking or participating in any initiative, such as the Terrorism Information and Prevention System (TIPS), that encourages members of the general public to spy on their neighbors, colleagues or customers.
- Refrain from the practice of stopping drivers or pedestrians for the sole purpose of scrutinizing their identification documents without particularized suspicion of criminal activity.

BE IT FURTHER RESOLVED that the Atlanta City Council requests the Director of the Atlanta-Fulton County Library Commission notify and warn all library users that their personal library records may be obtained by the federal government under the USA PATRIOT Act.

BE IT FURTHER RESOLVED that the Atlanta City council directs the City Attorney to transmit it the Atlanta City Council no less than once every six (6) months a summary of information obtained by the Atlanta Police Department pursuant to the USA PATRIOT ACT (Public Law 107-56), and based on such information and any other relevant information, an assessment of the effect of federal anti-terrorism efforts on Atlanta residents.

BE IT FURTHER RESOLVED that the Atlanta City Council directs the Municipal Clerk transmit a copy of this resolution to all members of Georgia's Congressional delegation.

BE IT FURTHER RESOLVED that the Municipal Clerk transmit a copy of this resolution to Governor Sonny Perdue and Attorney General Thurbert Baker, and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on citizens' civil rights and liberties.

**Savannah, GA**  
**Passed on June 24, 2004**

**Resolution to Express Concern About Potential Infringement on Civil Liberties and Possible Intrusion of Federal Authority into Local Affairs Under the USA PATRIOT Act**

WHEREAS, the City of Savannah has historically been home to diverse population, including students, working people and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the City of Savannah is committed to upholding the civil rights and civil liberties of its diverse population under the Constitutions and the laws of Georgia and the United States; and

WHEREAS, the City of Savannah believes there is no inherent conflict between national security and the preservation of liberty, and affirms its strong support of the rights of Americans to be both safe and free; and

WHEREAS, On October 26, 2001, the U. S. Congress passed and President Bush signed into law, the “Uniting and Strengthening American by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” (USA PATRIOT) Act in response to the terrorist attacks of September 11, 2001; an

WHEREAS, some provisions of the USA PATRIOTS Act impose unfounded mandates on local government budgets; and

WHEREAS, four states, 329 cities, towns, and counties, and the National League of Cities have passed resolutions, ordinances or ballot initiatives expressing concern about or opposition to the USA PATRIOT Act,

WHEREAS, the City of Savannah hosted G-8 Summit 2004 activities and it gratefully received significant, cooperative Federal and State assistance in the secure staging of the event; and

WHEREAS, the City of Savannah fully supports the actions of the U.S. Military, and especially supports the troops from Hunter Army Airfield and Fort Stewart, and other Federal agencies in combating terrorism and bringing peace both at home and abroad, and specifically does not intend this resolution to, in any way, distract from our support in combating domestic and international terrorism; and

WHEREAS, the USA PATRIOT Act has a “sunset” provision which terminates the Act at the conclusion of 2004, requiring the next U.S. Congress to debate any re-enacting legislation, therefore the intent of this resolution is to provide input for any subsequent Congressional debate to readopt the USA PATRIOT Act.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Aldermen of the City of Savannah urge the Georgia Congressional Delegation to monitor the implementation of the USA Patriot Act to prevent violations of the rights and liberties guaranteed by the Constitutions of Georgia and the United States; and

BE IT FURTHER RESOLVED that the Mayor and Aldermen urge the members of the Georgia Congressional delegation to support amending the PATRIOT ACT as necessary in order to protect our nation’s fundamental and inalienable rights and liberties; and

BE IT FURTHER RESOLVED that the Mayor and Aldermen call on Congress, the Department of Homeland Security, and other related agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of Americans.

# HAWAII

## State of Hawaii Passed on April 25, 2003

### Reaffirming the State of Hawaii's Commitment to Civil Liberties and the Bill of Rights

WHEREAS, the Hawaii State Legislature is committed to upholding the United States Constitution and its Bill of Rights, and the Hawaii State Constitution and its Bill of Rights (Article I, Sections 1-22); and

WHEREAS, the State of Hawaii has a distinguished history of safeguarding the freedoms of its residents; and

WHEREAS, the State of Hawaii is comprised of a diverse and multi-ethnic population, and has experienced first hand the value of immigration to the American way of life; and

WHEREAS, the residents of Hawaii during World War II experienced first hand the dangers of unbalanced pursuit of security without appropriate checks and balances for the protection of basic liberties; and

WHEREAS, the recent adoption of the USA Patriot Act and several executive orders may unconstitutionally authorize the federal government to infringe upon fundamental liberties in violation of due process, the right to privacy, the right to counsel, protection against unreasonable searches and seizures, and basic First Amendment freedoms, all of which are guaranteed by the Constitutions of Hawaii and the United States; and

WHEREAS, the citizens of Hawaii are concerned that the actions of the Attorney General of the United States and the United States Justice Department pose significant threats to Constitutional protections; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, the House of Representatives concurring, that the State of Hawaii urges its Congressional delegation to work to repeal any sections of the USA Patriot Act or recent executive orders that limit or violate fundamental rights and liberties protected by the Constitutions of Hawaii and the United States; and

BE IT FURTHER RESOLVED that to the extent legally possible, no state resources – including law enforcement funds and educational administrative resources – may be used for unconstitutional activities, including but not limited to the following under the USA Patriot Act:

1. Monitoring political and religious gatherings exercising their First Amendment Rights;
2. Obtaining library records, bookstore records, and website activities without proper authorization and without notification;
3. Issuing subpoenas through the United States Attorney's Office without a court's approval or knowledge;
4. Requesting nonconsensual releases of student and faculty records from public schools and institutions of higher learning; and
5. Eavesdropping on confidential communications between lawyers and their clients.

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to Hawaii's delegation in the United States Congress.

## Honolulu, HI Passed on July 2, 2003

### Resolution Affirming the Commitment of the City and County of Honolulu to the Civil Liberties and Protections Guaranteed by the Constitutions of the United States and the State of Hawaii

WHEREAS, the terrorist attacks on the United States that occurred on September 11, 2001 were an atrocity that resulted in the deaths of several thousand innocent people; and

WHEREAS, although the federal government understandably and laudably reacted to the events of September 11th by taking numerous steps to increase security in America, the Council believes that some of the federal government's actions in this regard have gone so far as to contravene the civil liberties and protections of the Constitutions of the United States and of the State of Hawaii; and

WHEREAS, the Council is particularly sensitive to the dangers of the unbalanced pursuit of security without appropriate checks and balances due to our experience during World War II, when the federal government placed the Hawaiian Islands under martial law and suspended basic local governmental democratic processes; and

WHEREAS, an example of the federal government's overreach in the justifiable pursuit of security is the "Uniting and Strengthening America Act by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001," commonly referred to as the "USA Patriot Act," which the President signed into law on October 26, 2001; and

WHEREAS, the Council is concerned that the USA Patriot Act, as well as several federal executive orders, may unconstitutionally authorize the federal government to infringe upon fundamental liberties in violation of due process, the right to privacy, the right to counsel, protection against unreasonable searches and seizures (including but not limited to protection against government surveillance, investigation, detention and deportation undertaken without probable cause), as well as the basic First Amendment freedoms of speech and to peaceably assemble to petition the government for a redress of grievances; and

WHEREAS, the Council is further concerned that the USA Patriot Act and other actions taken by the federal government pose a threat to the civil liberties of the residents of the City, and may have a chilling effect on the exercise of free speech and democracy in Honolulu; and

WHEREAS, the Council finds that in 2003 the Twenty-Second Session of the Hawaii State Legislature adopted Senate Concurrent Resolution 18, which also expressed concerns with the Constitutional implications of the USA Patriot Act, and which resolution the Council wishes to endorse; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it urges the Hawaii Congressional Delegation to work to repeal any and all provisions of the USA Patriot Act and to work toward the supersession of recent executive orders that unduly limit or violate fundamental rights and liberties protected by the Constitutions of the United States and Hawaii; and

BE IT FURTHER RESOLVED that the Council declares that no City resources, including law enforcement funds, may be used for activities deemed unconstitutional by the State Attorney General or the City Corporation Counsel, including but not limited to the following:

- The labeling and treatment of individuals or groups engaged in lawful civil disobedience and in petitioning the government for a redress of grievances as terrorists or as terrorist organizations solely on the basis of such activities;
- The monitoring of political and religious gatherings and of individuals exercising their First Amendment rights;
- The obtaining of records from libraries, bookstores, telephone companies, internet service providers, financial institutions, and medical providers and records of website visits without proper authorization and any necessary notification;
- The requesting of nonconsensual releases of student and faculty records;
- The eavesdropping on confidential communications between lawyers and their clients; and
- The conducting of telephone taps, wiretaps or internet traces without probable cause, judicial approval and any necessary prior notice to the subject individual.

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Hawaii's Congressional Delegation, the Governor of the State of Hawaii, the Attorney General of the State of Hawaii, the Mayor of the City and County of Honolulu, the Corporation Counsel of the City and County of Honolulu, the Prosecuting Attorney and the Chief of Police.



# IDAHO

## State of Idaho

Passed on March 30, 2005

### **Stating findings of the Legislature concerning adoption of the SAFE Act to limit certain provisions of the Patriot Act in order to protect liberties of citizens of the United States and urging the congressional delegation representing the State of Idaho in the Congress of the United States to support the SAFE Act: HOUSE JOINT MEMORIAL NO. 7**

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, citizens of the state of Idaho strongly believe that basic civil liberties must be preserved and protected, even as we seek to guard against terrorist and other threats to the national security; and

WHEREAS, there are some principles of our democracy which are so fundamental to the rights of citizenship that they must be preserved to guard the very liberties we seek to protect; and

WHEREAS, legislation known as the SAFE Act has been introduced in the Congress of the United States to adopt amendments to the Patriot Act which would address some of the most problematic provisions of that Act; and

WHEREAS, the SAFE Act amends the Patriot Act to modify the provisions regarding the roving wiretaps to require that the identity of the target be given and that the suspect be present during the time when surveillance is conducted; and

WHEREAS, the SAFE Act revises provisions governing search warrants to limit the circumstances when the delay of notice may be exercised and to require reports to the Congress when delays of notice are used; and

WHEREAS, the SAFE Act requires specific and articulable facts be given before business records are subject to investigation by the Federal Bureau of Investigation; and

WHEREAS, the SAFE Act provides that libraries shall not be treated as communication providers subject to providing information and transaction records of the library patrons; and

WHEREAS, it is appropriate that the Legislature of the State of Idaho, on behalf of the citizens of Idaho, express support of the efforts of Senator Larry Craig to adopt the SAFE Act, and encourage the full support of the Idaho congressional delegation.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature endorses the efforts to amend the Patriot Act to assure that it works well to protect our security, but that it does not unnecessarily compromise essential liberties of the citizens of the United States. We urge the congressional delegation representing the State of Idaho in the Congress of the United States to support legislation introduced by Senator Larry Craig, known as the SAFE Act.

## Boise, ID

Passed on September 30, 2003

### **A Resolution of the Boise City Council Concerning the Patriot Act; and Providing an Effective Date.**

Whereas, the City of Boise has a diverse population that is vital to our community's character, and that we have a long tradition of protecting human rights and civil liberties that protect all of our residents, including non-citizens and the recently-immigrated; and

Whereas, as a City, we are concerned that provisions of the USA Patriot Act and several Executive Orders could possibly lead to abuse in enforcement; and

Whereas, in a time of concern over terrorism, our country must find a balance between the need for national security and the need to protect of our basic civil rights and liberties;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the City of Boise affirms its opposition to terrorism, and also affirms its strong belief that there not be sacrifices of civil rights and liberties in the fight against terrorism; and

Section 2. That the City of Boise requests the United States Congress to further study the USA Patriot Act to determine if civil liberties have been safeguarded while combating terrorism.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

**Idaho County, ID****Passed on September 22, 2003**

**An Ordinance for the County of Idaho, State of Idaho, Providing for the Continued Adherence to the Bill of Rights and to the Constitution for these United States of America, which is the Supreme Law of the land, providing that this Ordinance Shall be in Full Force and Effect from and after its Passage, Approval and Publication, According to Law; and Declaring an Emergency**

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF IDAHO COUNTY COMMISSIONERS OF IDAHO COUNTY, IDAHO.

The Bill of Rights and the Constitution for these United States of America, which is the supreme law of the land, shall be upheld and enforced within the boundaries of Idaho County; repugnant acts, ordinances, or regulations of government in clear contravention notwithstanding.

**ENACTMENT AND EFFECTIVE DATE:**

This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Passed and Approved this 23rd day of September, 2003. County of Idaho, State of Idaho

**Moscow, ID****Passed on June 7, 2004****Moscow, Idaho Resolution**

WHEREAS, the City of Moscow denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, the City of Moscow supports a diverse population, including non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the City of Moscow has a long tradition of championing and protecting the human rights and civil liberties of all our residents; and

WHEREAS, the City of Moscow and its residents are governed by the United States Constitution, including the Bill of Rights, and by the Idaho State Constitution; and

WHEREAS, certain provisions of the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001”, also known as the USA PATRIOT Act, allow the federal government to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our State and Federal Constitutions; and

WHEREAS, the City of Moscow adheres to the principle that no law enforcement agency, or any other city agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnic or national origin, color, age, sexual orientation, gender, religion, physical or mental disability, or apparent socio-economic status; and

WHEREAS, the City of Moscow recognizes its commitment to uphold the legal and human rights of its residents; and

WHEREAS, other communities from around the country have passed similar resolutions reinforcing local efforts to support and defend legal and human rights of their residents;

**THEREFORE BE IT RESOLVED AS FOLLOWS:**

THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MOSCOW have been, and remain, firmly committed to the protection of civil rights and civil liberties and affirm their commitment to democracy and to embrace, defend and uphold the inalienable rights and fundamental liberties granted under the United States Constitution, including the Bill of Rights, and the Idaho State Constitution; and

LOCAL LAW ENFORCEMENT AGENCIES are encouraged to preserve and uphold freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures; and

LAW ENFORCEMENT OFFICIALS, PUBLIC OFFICIALS, AND RESIDENTS OF MOSCOW are encouraged to continue to engage in and participate in community dialogue on civil liberties issues, in order to promote the safety and well-being of Moscow and

THE CITY OF MOSCOW HEREBY PETITIONS OUR FEDERAL AND STATE LEGISLATIVE DELEGATION to actively monitor the implementation of the USA PATRIOT Act and to continue to actively work for the repeal of any portions that violate the guaranteed civil liberties enumerated in the Bill of Rights.

UPON PASSAGE, THE CITY CLERK shall deliver this Resolution to the President of the United States, George W. Bush, the U.S. Attorney General, John D. Ashcroft, Senator Larry Craig, Senator Mike Crapo, Representative C.L. “Butch” Otter, Representative Mike Simpson and the Governor of the State of Idaho, Dirk Kempthorne.

# ILLINOIS

**Carbondale, IL**  
**Passed on February 3, 2004**

## **Resolution of the City Council of Carbondale, Illinois, to Defend the Bill of Rights and Civil Liberties Against Abuses by the USA PATRIOT Act and Related Federal Legislation and Executive Orders**

WHEREAS the City of Carbondale recognizes the Constitution of the United State of America to be the supreme law of the land; and

WHEREAS the United States Constitution generally guarantees to all persons living in the United States— regardless of citizenship— fundamental rights including freedom of religion, speech, and assembly; protection from unreasonable searches and seizures; due process and equal protection of the law; right to counsel; and a fair and speedy trial; and

WHEREAS our long-held standards of personal liberty and limited government require that these rights be strictly observed by all government officials and bodies; and

WHEREAS the City of Carbondale is home to a diverse population, including non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS fundamental rights guaranteed by the United States Constitution are threatened by actions taken recently at the federal level, notably by passage of sections of the U.S.A. Patriot Act, the Homeland Security Act, and several Executive Orders which, among other things:

- violate the First and Fourth Amendments to the Constitution through the expansion of the government’s ability to wiretap telephones, monitor e-mail communications, survey medical, financial, and student records, and secretly enter homes and offices without customary administrative oversight and without showing of probable cause;
- give law enforcement expanded authority to obtain library records, and prohibit librarians from informing patrons of monitoring or information requests;
- grant potential unchecked powers to the Attorney General and the U.S. Secretary of State to designate legal domestic groups as “terrorist organizations”, while lifting administrative regulations against covert-surveillance counter-intelligence operations by the F.B.I. that in the past targeted domestic groups and individuals;
- violate the Fifth, Sixth, and Fourteenth Amendments to the Constitution in establishing secret military tribunals, and in subjecting citizens and non-citizens to indefinite detention even when they have not been allowed an attorney, brought to trial, or even charged with a crime; and
- authorize eavesdropping on confidential communications between lawyers and their clients in federal custody; and

WHEREAS the President of the United States has claimed an unlimited authority to declare anyone in the world, including any U.S. citizen, an “enemy combatant,” thereby depriving that person of all procedural rights without possibility of challenge and for the indeterminate duration of the “war on terrorism;” and

WHEREAS privacy is essential to the exercise of free speech, free thought, and free association, and, in a library, the subject of users interests should not be examined or scrutinized by others; and

WHEREAS the preservation of fundamental rights and civil liberties is a pillar of American society and is essential to the well-being of our democracy, particularly during times of conflict, when such rights—especially those of immigrants and ethnic minorities—may be threatened, intentionally or unintentionally, under false pretenses of national security or patriotic zeal; and

WHEREAS law enforcement and security measures that undermine fundamental rights do irreparable damage to American institutions and values of equal justice and freedom that the residents of the City of Carbondale hold dear;

NOW, THEREFORE, BE IT RESOLVED that the City of Carbondale reasserts its commitment to the conscientious protection of First Amendment and due-process rights of all persons in the city, whether United States citizens or not; and

BE IT FURTHER RESOLVED that local law enforcement preserve and uphold residents’ freedom of speech, assembly, association, and privacy, and protection from unreasonable searches and seizures, even if requested to do otherwise and infringe upon such rights by federal or state law enforcement agencies acting under new powers created by the U.S.A. Patriot Act or by Executive Order; and

BE IT FURTHER RESOLVED that the City of Carbondale urges Congress to repeal the U.S.A. Patriot Act and to refrain from passing any further legislation that violates or unduly limits the civil rights and liberties guaranteed by the United States Constitution; and

BE IT FURTHER RESOLVED that upon passage, the City Clerk shall communicate this Resolution to all City Departments and employees, to the Illinois Congressional Delegation, to the Governor and the Attorney General of Illinois, to the Illinois State Police, to the United States Attorney General, and to the President of the United States.

## Chicago, IL

### Passed on Oct. 1, 2003

WHEREAS, the City of Chicago houses a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Constitution guarantees certain fundamental rights including: freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and

WHEREAS, the USA PATRIOT Act signed by George W. Bush on October 26, 2001, in the opinion of many Americans, contains a number of provisions that undermine the above mentioned rights and which fundamentally alter our civil liberties without increasing our security; and

WHEREAS, examples of the provisions in the USA PATRIOT Act and Executive Orders that may undermine the constitution and the rights and civil liberties of Chicago residents include:

- A significant expansion of the government's ability to access sensitive medical, mental health, financial and educational records about individuals; and lowers the burden of proof required to conduct secret searches and telephone and Internet surveillance
- Giving law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests
- Giving the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as "terrorist organizations"
- Granting the Attorney General the power to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime
- Authorizing eavesdropping on confidential communications between lawyers and their clients in federal custody
- Limiting disclosure of public documents and records under the Freedom of Information Act

WHEREAS, the Department of Justice interpretations of this Act and these Executive Orders particularly target immigrants, including Hispanics, people of Middle Eastern and South Asian descent and citizens of other nations, thereby potentially encouraging racial profiling by law enforcement and the unintended consequences of increase in hate crimes by individuals in our community; and

WHEREAS, almost 200 other cities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these new powers; now therefore be it

RESOLVED that the City of Chicago joins the almost 200 other U.S. cities and affirms its strong opposition to terrorism, and also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Chicago, the United States and the world; and be it

FURTHER RESOLVED that the City of Chicago affirms the rights of all people, including United States citizens and citizens of other nations, living within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and be it

FURTHER RESOLVED that the City of Chicago reaffirms the concepts and doctrines promulgated in the Bill of Rights and the U.S. Constitution by lawfully resisting every effort to erode those rights and protections including: freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and be it

FURTHER RESOLVED that the members of the City Council of the City of Chicago call on our United States Representative and Senators to monitor the implementation of the USA PATRIOT Act and the Orders in furtherance thereof and actively work for the repeal of only those sections in the Act and those Orders that violate fundamental rights and liberties as stated in the US Constitution and its Amendments by sending a copy of this resolution to the Illinois delegation to Congress.

## Evanston, IL

### Passed on May 19, 2003

#### Evanston (IL) Resolution 27-R-03 Opposing Sections of the USA Patriot Act

WHEREAS, the purpose of the Human Relations Commission (hereinafter known as The Commission) shall be to foster, encourage and stimulate the improvement of human relations among and between citizens of all races, colors, creeds, national origins and economic education levels so as to provide all individuals with an equal opportunity to grow, participate and share to the best of their ability in our economic, educational, political, social and judicial systems; and

WHEREAS, the City of Evanston proudly houses a diverse population, including many residents from other nations, whose contributions to our community are vital to its character and function; and

WHEREAS, the City of Evanston shall attempt to uphold fundamental rights and prevent the abuse of civil rights afforded to its residents; and

WHEREAS, the United States Constitution generally guarantees all persons living in the United States fundamental rights including freedom of religion, speech and assembly; protection from unreasonable searches and seizures; due process and equal protection; right to counsel; and a fair and speedy trial; and

WHEREAS, a great crime against humanity on September 11, 2001 resulted in new federal laws and enforcement powers, including the USA Patriot Act (hereinafter known as the Act), signed by President George W. Bush on October 26, 2001; and

WHEREAS, the Act appears to weaken or contradict the above mentioned fundamental rights; and

WHEREAS, the Act significantly expands the government's ability to access sensitive medical, mental health, financial and educational records about individuals, lowers the burden of proof required to conduct secret searches and telephone or internet surveillance, increases federal law enforcement authority to obtain library records and prohibits librarians from informing patrons about monitoring or information requests; and

WHEREAS, privacy is essential to the exercise of free speech, free thought and free association; in a library, the subject of users interests should not be examined or scrutinized by others; and

WHEREAS, the interpretations and applications of the Act and Executive Orders under this Act may encourage racial and ethnic profiling of both citizens and non-citizens; and

WHEREAS, the preservation of fundamental rights and civil liberties is a pillar of American society and is essential to the well-being of our democracy, particularly during times of conflict when such rights, especially those of immigrants and ethnic minorities, may be threatened, intentionally or unintentionally, under false pretense of national security or patriotic zeal; and

WHEREAS, law enforcement and security measures that undermine fundamental rights do irreparable damage to American institutions and values of equal justice and freedom that the residents of the City of Evanston hold dear; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1. That the City of Evanston, while opposing terrorism, insists that efforts to end terrorism not be waged at the expense of fundamental rights and civil liberties.

SECTION 2. That the City of Evanston opposes those measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin, religion, ethnicity or immigration status.

SECTION 3. That the City Clerk is hereby directed to communicate this Resolution to all City Departments and employees, Illinois Congressional Delegation, to all Human/Community Relations Commissions in the State of Illinois, the Governor and Attorney General of Illinois, the Illinois State Police, the United States Attorney General, and the President of the United States.

SECTION 4. That the City of Evanston urges Congress to repeal the U.S.A. Patriot Act and to refrain from passing any further legislation that violates or unduly limits the civil rights and liberties guaranteed by the United States Constitution.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

## **Glencoe, IL** **Passed on January 15, 2004**

### **Resolution NO. R-01-2004**

WHEREAS, the Village of Glencoe, a diverse community, has a long and distinguished history of upholding and protecting the fundamental rights and preventing the abuse of civil rights afforded to its residents; and

WHEREAS, the purpose of the Glencoe Human Relations Forum (hereinafter known as The Forum) shall be to promote and encourage mutual respect, cooperation and understanding between all people who live or desire to live, work, visit, or do business in the Village; and

WHEREAS, the United States Bill of Rights and Constitution guarantee all persons living in the United States these fundamental rights: freedoms of religion, speech and assembly; protection from unreasonable searches and seizures; due process and equal protection; access and right to counsel; and a fair and speedy trial; and

WHEREAS, a great crime against humanity on September 11, 2001 resulted in new federal laws and enforcement powers, including the USA PATRIOT Act (hereinafter known as the Act), signed by President George W. Bush on October 26, 2001; and

WHEREAS, we believe the Act weakens and contradicts the above mentioned precious civil liberties and fundamental rights; and

WHEREAS, the Act significantly expands the federal government's ability to increase federal law enforcement authority to obtain a vast number of hereto for private documents including, (Section 215) "any tangible things" about "any person" from "any business", merely by asserting items are "sought for" an ongoing investigation. This applies to:

- ATM's, credit reports and other financial records
- Internet and telephone services
- Library records
- Sensitive medical, mental health, and educational records about individuals

Moreover, a permanent gag order prohibits the businesses, libraries, etc. from telling individuals that information on them has been provided to the government; and

WHEREAS, the Act lowers the burden of proof required to warrantless searches and telephone or Internet surveillance; and

WHEREAS, the Act prohibits librarians from informing patrons about monitoring or information requests and would require local bookstores and libraries such as the Glencoe Public Library, which has never collected such information to begin to do so; and

WHEREAS, privacy is essential to the exercise of free speech, free thought and free association; personal and private information should not be examined or scrutinized by others; and

WHEREAS, the interpretations and applications of the Act (such as Section 802) and related Executive Orders encourage racial and ethnic profiling and the broad and vague definition of domestic terrorism may be used against activists exercising constitutional rights to assemble and dissent; and

WHEREAS, the preservation of fundamental rights and civil liberties is a pillar of American, as well as Glencoe society and is essential to the well-being of our democracy, particularly during times of conflict when such rights, especially those of immigrants and ethnic minorities, may be threatened, intentionally or unintentionally, under false pretense of national security or patriotic zeal; and

WHEREAS, law enforcement and security measures that undermine fundamental rights do irreparable damage to American institutions and values of equal justice and freedom that the residents of the Village of Glencoe wish to preserve.

NOW, THEREFORE BE IT RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF GLENCOE, COOK COUNTY, ILLINOIS:

SECTION 1. That the Village of Glencoe, which affirms the rights of all peoples, in accordance with the Bill of Rights and the 14th Amendment of the United States Constitution, opposes terrorism and demands that the efforts to end terrorism not be waged at the expense of these fundamental rights and civil liberties.

SECTION 2. That the Village of Glencoe opposes unwarranted invasion of personal privacy and those measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin, religion, ethnicity or immigration status.

SECTION 3. That the Village of Glencoe urges Congress to amend the USA PATRIOT Act and to refrain from passing any further legislation that violates or unduly limits the civil rights and liberties guaranteed by the United States Constitution.

Moreover, the Village of Glencoe urges the Illinois Congressional Delegation to be vigilant in monitoring the implementation of the Act and any future egregious legislation.

SECTION 4. That the Village Clerk is hereby directed to communicate this Resolution to all Village Departments and employees, Illinois Congressional Delegation, all Human/Community Relations Commissions in the State of Illinois, the Governor and Attorney General of Illinois, the Illinois State Police, the United States Attorney General, and the President of the United States.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

## **Oak Park, IL**

**Passed on January 5, 2004**

### **Resolution Urging the Repeal or Revision of Certain Sections of the USA PATRIOT Act and Similar Legislation**

WHEREAS, the Village of Oak Park is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents;

WHEREAS, the Village of Oak Park has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character;

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties;

WHEREAS, government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of the Village of Oak Park hold dear;

WHEREAS, the Board of the Village of Oak Park believes that there is no inherent conflict between national security and the preservation of liberty. Americans can be both safe and free;

WHEREAS, the preservation of fundamental rights and civil liberties is a pillar of American society and is essential to the well-being of our democracy, particularly during times of conflict when such rights, especially those of immigrants and ethnic minorities, may be threatened, intentionally or unintentionally, through false assertions of necessity in the name of national security or patriotic zeal;

WHEREAS, law enforcement and security measures that undermine fundamental rights do irreparable damage to American institutions and values of equal justice and freedom that the residents of the Village of Oak Park hold dear;

WHEREAS, federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT ACT (Public Law 107-56) and related executive orders, regulations and actions, threaten fundamental rights;

WHEREAS, these new powers pose a threat to all citizens and pose a particular threat to the civil rights and liberties of those who are Arab, Muslim or of South Asian descent; and

WHEREAS, many other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers.

NOW THEREFORE, be it resolved that the President and Board of Trustees of the Village of Oak Park, County of Cook, State of Illinois, as follows:

SECTION 1: The Village of Oak Park affirms its strong support for fundamental constitutional rights and civil liberties and its opposition to federal measures that infringe upon them.

SECTION 2: That the Village of Oak Park, while opposing terrorism, insists that efforts to end terrorism not be waged at the expense of fundamental rights and civil liberties.

SECTION 3: The Village of Oak Park affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin, religion, ethnicity or political beliefs.

SECTION 4: That the Village Clerk is hereby directed to communicate this Resolution to all Village Departments and employees, the Illinois Congressional Delegation, to all Human/Community Relations Commissions in the State of Illinois, the Governor and Attorney General of Illinois, the United States Attorney General, and the President of the United States.

SECTION 5: That the Village of Oak Park urges Congress to repeal or revise those sections of the U.S.A. Patriot Act that violate the constitution by allowing the federal government to engage in religious and racial profiling, the unencumbered invasion of privacy and the punishment of dissenters and to refrain from passing any further legislation that violates or unduly limits the civil rights and liberties guaranteed by the United States Constitution.

SECTION 6: That this Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

# INDIANA

**Bloomington, IN**  
**Passed on June 26, 2003**

**Resolution Regarding Threats to Fundamental Rights and Liberties Emanating from the USA Patriot Act, Proposals to Extend Portions of the Act and Adopt the Domestic Security Enhancement Act (Patriot II), and Certain Executive Orders and Other Federal Actions, RESOLUTION 03-10**

WHEREAS, the City of Bloomington is home to a diverse population, including both citizens and non-citizens;

WHEREAS, the U.S. Constitution and the Bill of Rights guarantee to all persons living in the United States fundamental rights, including freedom of religion, expression, and assembly; protection from unreasonable searches and seizures; due process and equal protection under the law; the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy, and public trial;

WHEREAS, these precious rights are threatened by the USA PATRIOT Act, the proposed Domestic Security Enhancement Act (PATRIOT II), and Executive Orders other actions affecting civil liberties;

WHEREAS, those threats to constitutionally protected rights by the USA Patriot Act include:

- allowing federal investigators more readily to obtain court orders for .roving wiretaps. that allow the federal government to tap any phone a suspected terrorist might use;
- permitting federal intelligence officers to share with criminal investigators grand jury, wiretap, and other information without judicial oversight;
- broadening the scope of the government's ability to search for and seize stored communications, such as voice mail and e-mail messages, under an ordinary warrant rather than a wiretap order;
- enlarging the authority of law enforcement to install pen register and trap and trace devices without a warrant, and specifying that those devices can be used with Internet communications, all with limited judicial oversight;
- expanding the list of crimes that may be used as predicates for wiretaps;
- granting the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without a court order (probable cause);
- expanding the government's ability to conduct secret searches;
- permitting the U.S. Attorney General to indefinitely detain or deport non-citizens even if they have not committed a crime; and
- giving the U.S. Attorney General and the Secretary of State the authority to designate domestic groups as terrorist organizations without the opportunity for judicial review;

WHEREAS, examples of infringements by federal Executive Orders and other actions on these

and other rights guaranteed by the Constitution are numerous and include:

- establishing secret military tribunals for terrorism suspects;
- holding prisoners from the war in Afghanistan more than a year after the end of that military action without charging them or permitting them to consult counsel or diplomatic officials;
- detaining non-citizens legally present in the United States in secret, without charging them or permitting them to consult counsel or diplomatic officials;
- deporting legally resident non-citizens or denying them re-entry with no legal grounds or for trivial violations;
- permitting wiretapping of conversations between federal prisoners and their lawyers;
- weakening Justice Department regulations against covert, illegal counter-intelligence operations by the FBI that in the past targeted domestic groups and individuals;
- limiting the disclosure of public documents under the Freedom of Information Act;
- closing immigration proceedings to public scrutiny; and
- refusing to report to Congress as required by law;

WHEREAS, constitutionally protected rights are further threatened by proposals to eliminate the sunset provisions included in the USA PATRIOT ACT and to adopt the draft Domestic Security Enhancement Act (PATRIOT II);



WHEREAS, the City of Bloomington believes that protecting liberty is essential to maintaining national security and that these infringements are not necessary to ensure the public's safety and weaken, rather than strengthen, this nation;

WHEREAS, the City of Bloomington has a tradition of inclusion and extending protections to all residents as embodied in its Human Rights Ordinance; and

WHEREAS, the City of Bloomington believes that it is fitting to honor the memory of all those who died or were injured as a result of the September 11, 2001 terrorist attacks, not only by protecting national security and defending against terrorist attacks, but also by defending the fundamental constitutional freedoms and protections guaranteed to all persons living in the United States;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA,

RESOLVES that we affirm the rights of all people within the City of Bloomington . including United States citizens and citizens of other nations . in accordance with the U.S. Constitution;

FURTHER RESOLVES that we call upon all city officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations;

FURTHER RESOLVES that we call upon all private citizens . including residents, employers, educators, and business owners . to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations;

FURTHER RESOLVES that we call upon the President and the Attorney General to report to Congress and, whenever appropriate, to citizens the extent and manner in which they have acted under the USA PATRIOT ACT and counter-terrorism Executive Orders and disclose the names of all detainees, and expeditiously to release them, repatriate them, or bring them to trial before a court constituted under Article III of the U.S. Constitution;

FURTHER RESOLVES that we urge our congressional delegation to work to repeal those sections of the USA PATRIOT Act and to enact legislation overriding recent Executive Orders, that limit or violate fundamental rights and liberties protected by the Indiana and U.S. Constitutions; and

FURTHER RESOLVES that we urge our congressional delegation to oppose legislation such as the Domestic Enhancement Security Act (PATRIOT II) that would further erode fundamental constitutional rights and liberties; and

FURTHER RESOLVES that we direct the City Clerk to send a copy of this resolution, duly adopted, to all City departments, the Monroe County Commissioners, the Monroe County Sheriff's Department, the Monroe County Courts, the Monroe County Prosecutor, the Monroe County Public Library, the Governor of the State of Indiana, the Indiana Congressional delegation, the U.S. Attorney General, and the President of the United States.

# IOWA

## Ames, IA

Passed on March 23, 2004

### Resolution Regarding the U.S.A. PATRIOT Act for the City of Ames: RESOLUTION NO. 04-118

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ames, Iowa, that it:

1. AFFIRMS its strong support for all constitutional rights and its dedication to defending civil liberties; and,
2. AFFIRMS its strong support for the rights of immigrants and resident foreign nationals and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their appearance, religious beliefs, or country of origin; and,
3. AFFIRMS its belief that America can be safeguarded from any threats without sacrifice of constitutional rights and liberties; and,
4. OPPOSES that portion of the U.S.A. PATRIOT Act that infringes on civil liberties as articulated in the Bill of Rights of the U. S. Constitution; and,
5. ENCOURAGES the Ames Public Library to post in a prominent place within the Library a notice to library patrons worded as follows: “WARNING! Under Section 215 of the U.S.A. PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from the Library may be obtained by federal agents. That federal law prohibits librarians from informing you if records about your borrowing activity have been obtained by federal agents;” and,
6. DIRECTS the City Manager to transmit a copy of this Resolution, via fax, to the Iowa Congressional Delegation, the President of the United States, and the United States Attorney General.

## Des Moines, IA

Passed on July 26, 2004

### Resolution Affirming and Protecting Civil Liberties in the City of Des Moines

WHEREAS, the citizens of Des Moines have a long and distinguished history of protecting their civil rights and civil liberties; and

WHEREAS, the City of Des Moines houses a diverse population of many nationalities, including students, working people, and immigrants, whose contributions to the community are vital to its character and function; and

WHEREAS, the City of Des Moines is called to uphold the human rights and civil liberties granted by the United States constitution; and

WHEREAS, many people throughout communities across the nation, including Des Moines, are concerned that provisions in the USA Patriot Act (Public Law 107-56) threatens civil rights and liberties guaranteed under the United States Constitution.

THEREFORE, BE IT RESOLVED:

1. That the City Council of Des Moines, acting in the spirit and history of our community, affirms its strong support for fundamental constitutional rights, as expressed in the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments, and its opposition to federal measures that could infringe on civil liberties, and therefore expresses its opposition to:
  - a. investigation of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without reasonable suspicion of criminal activity unrelated to the activity protected by the First Amendment;
  - b. racial, religious, ethnic profiling and any measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin;
  - c. accessing personal records through a third party without proper personal notification or judicial oversight;
  - d. “sneak and peek” searches, pursuant to Section 213 of the Patriot Act, unless the search is authorized and conducted in accordance with Iowa State Law;
  - e. the power to authorize the indefinite incarceration of non-citizens based on mere suspicion of terrorist activity, and the indefinite incarceration of citizens designated “enemy combatants” without access to counsel or given the right to due process of the law.
2. That the Council of the City of Des Moines requests each of the City’s public libraries to post in a prominent place within the Library a notice to library patrons worded as follows: “WARNING! Under Section 215 of the U.S.A. PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from the Library may be obtained by federal agents. That federal law prohibits librarians from informing you if records about your borrowing activity have been obtained by federal agents.”

3. In order to assess the effect of antiterrorism initiatives on the people of the City of Des Moines, the City Council calls upon federal officials to make annual reports, consistent with the Freedom of Information Act, that include:
  - a. the number of people living in Des Moines who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11<sup>th</sup>, 2001;
  - b. the number of search warrants that have been executed in the City of Des Moines without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;
  - c. the number of electronic surveillance actions carried out in the City of Des Moines under powers granted by the USA PATRIOT Act;
  - d. the number of investigations undertaken by local and federal authorities to monitor political meetings, religious gatherings or other activities protected by the First Amendment within the City of Des Moines;
  - e. the number of times education records have been obtained from public schools and institutions of higher learning in the City of Des Moines under section 507 of the USA PATRIOT Act;
  - f. the number of times library records have been obtained from libraries in the City of Des Moines under section 215 of the USA PATRIOT Act.
4. That the City Council direct all city departments and employees to continue their strong commitment to preserve the people's of Des Moines freedom of speech, religion, assembly and privacy; the right to counsel and due process in judicial proceedings; and the protection from unreasonable searches and seizures.
5. The City Council advise any federal or state law enforcement officials, acting within the City of Des Moines, to work in accordance with the policies and procedures of the City when cooperating with city departments, continue to guarantee the fundamental constitutional rights of all persons living in Des Moines.
6. That the City Council of Des Moines orders the City Clerk transmits a copy of this resolution to President Bush, Attorney General Ashcroft and the Iowa national Congressional delegation.

# KANSAS

## Kansas City, KS

Passed on November 4, 2004

### Resolution No R-111-04

WHEREAS, the protection of civil rights and civil liberties is essential to the well-being of a free and democratic society; and

WHEREAS, the men and women in the United States Armed Forces are bravely serving around the world defending freedoms; and

WHEREAS, law enforcement officials at every level of government work hard to defend us at home; and

WHEREAS, the members of the United Government Board of Commissioners believe there is no inherent conflict between national security and the preservation of liberty Americans can be both safe and free; and

WHEREAS, federal, state, and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion in order to ensure that security measures enhance public safety without impairing constitutional rights of infringing on civil liberties; and

WHEREAS, these new policies include granting law enforcement and intelligence agencies broad access to personal, medical, business, library, and education records with little if any judicial oversight; limitations on the traditional authority of federal courts to curb law enforcement abuses of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations; the power to authorize the indefinite incarceration of non-citizens based on mere suspicion of terrorist activity without access to counsel or meaningful recourse to the federal courts; the expansion of the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches in which the subject of the search warrant is unaware that his property has been searched; and

WHEREAS the City of Kansas City, Kansas, and Wyandotte County have a diverse population, including immigrants and students, representing many cultures and nationalities, including non-citizens, whose contributions to the County are vital to its economy, culture and civic character; and

WHEREAS, the Unified Government Board of Commissioners wishes to proclaim its commitment to the guarantees of the United States Constitution and the Constitution of the State of Kansas and to state its opposition to anything which undermines those guarantees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

1. That the Unified Government has been and remains firmly committed to the protection of civil rights and liberties for all people including citizens and non-citizens alike.
2. That the Unified Government respects and values public safety intelligence gathering as an indispensable part of law enforcement and of national security, but intends that the methods of gathering information be in strict compliance with the protections for individual liberty provided for in the United States Constitution and the Kansas Constitution.
3. That the Unified Government Commission commends the Kansas City, Kansas Police Department and the Wyandotte County Sheriff's Department for continuing the tradition of respecting citizens' rights to due process and upholding the standards of probable cause.
4. That the Unified Government affirms its commitment to unbiased policing and endorses the principle that no law enforcement official or agency may profile or discriminate against, apprehend, question, or detain any person on the basis of race, color, gender, religion, ethnicity, national origin, age, ancestry, sexual orientation, or disability.

## Lawrence, KS

Passed on April 20, 2004

### A Resolution Affirming Support for the Bill of Rights and Calling for Repeal of the USA PATRIOT ACT

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAWRENCE, KANSAS:

Whereas, the city of Lawrence has a long and distinguished history of protecting and expanding civil rights and civil liberties, have been founded by proponents of the abolition of human slavery as a beacon for our country's citizens when essential liberties are threatened; and

Whereas, the city of Lawrence houses a diverse student and working population, representing many cultures and nationalities including noncitizens, whose contributions to the community and the University of Kansas are vital to its character and functions; and

Whereas, government security measures that undermine fundamental rights do damage to American institutions and values that all Americans, especially the residents of Lawrence, hold dear; and

Whereas, the Lawrence City Commission believes that there should be no inherent conflict between national security and the preservation of liberty and Americans can be both safe and free; and

Whereas, several recently enacted Federal laws, including the USA PATRIOT Act (Public Law 107-56), the Homeland Security Act (Public Law 107-296), numerous Executive Orders, Legislative Provisos, Homeland Security Presidential Directives, National Security Presidential Directives, and Presidential Decision Directives, and various regulations, policies, and programs which implement these actions of the Legislative and Executive Branches (hereinafter referred to as Orders, now infringe upon our fundamental Constitutional rights and liberties;

Whereas, several recently enacted Federal law and orders, including the Domestic Security Enhancement Act of 2003 (commonly known as Patriot Act II), the Vital Interdiction of Criminal Terrorist Organizations (VICTORY) of 2003, and the Terrorism Information Awareness (TIA) program, would infringe upon our fundamental Constitutional rights and liberties;

Whereas the USA PATRIOT Act:

- A. Minimizes judicial supervision of federal telephone and Internet surveillance by law enforcement agencies;
- B. Expands the ability of government agencies to conduct secret searches including sneak-and-peek and black bag searches;
- C. Grants intelligence agencies broach access to sensitive business records including credit reports, and medical, mental health, library, and financial records without having to prove evidence of crime or show probable cause- once again removing the check and balance of judicial oversight;
- D. Defines “domestic terrorism” to include acts that “appear to be intended” to “influence the policy of government by intimidation or coercion” and grants the U.S. Attorney General the unbounded discretionary power to designate political, religious, or social groups as terrorist organizations;
- E. Encourages large-scale investigations of citizens for intelligence purposes, without search warrants or showing of probable cause to believe crimes have been committed;
- F. Eliminates due process for U.S. legal residents and citizens board abroad, and
- G. Authorizes the government to monitor communications between federal detainees and their lawyers, in gross violation of the canons of legal ethics and rights to privacy and trial counsel; and

Whereas, over 240 other communities and three states- Alaska, Hawaii, and Vermont- have enacted resolutions reaffirming support for these essential Constitutional rights in the face of these and other Federal Laws and Orders that infringe upon these essential liberties demanding that law enforcement officers abide by their sworn oath to uphold the Constitution, and that local and state law enforcement agencies are held accountable to the citizens which they serve and to those citizens alone.

Whereas, the U.S. Supreme Court re-affirmed as recently as 1997 (in *Printz v. United States*) that local law enforcement officers cannot be compelled to enforce Federal laws nor do they have the authority to enforce Federal laws.

NOW, THEREFORE, BE IT RESOLVED THAT LAWRENCE CITY COMMISSION:

SECTION 1. AFFIRMS its strong support for fundamental constitutional rights and its opposition to government measures that infringe on civil liberties; and

SECTION 2. AFFIRMS its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin; and

SECTION 3. COMMENDS the Lawrence Police Department for continuing the tradition of respecting citizens’ rights to due process and upholding the standards of probable cause and directions the Lawrence Police Department to:

- Refrain from assisting federal authorities in taking residents of the city of Lawrence or individuals in the custody of the City of Lawrence into custody if said residents or individuals will be subjected to detention without access to counsel, or any other infringements of the constitutional rights; including the right to habeas corpus; military detention, secret federal detention, detention as a material witness for an indefinite length of time, or secret immigration proceedings.
- Refrain from engaging in the surveillance of individuals or groups based on their participating in activities protected by the First Amendment, such as political advocacy, public or private assembly or association, or the practice of a religion at the direction or order of a court, such as, but not limited to, the Foreign Intelligence Surveillance Act (FISA) Court, whose proceedings are held in secret;
- Provide advance or simultaneous notice of execution of a search warrant to any resident of the city of Lawrence whose property is the subject of such a warrant, and refrain from participating in a joint search with any law enforcement agency absent assurances that such notice will be provided to such individuals during the search;
- Refrain from undertaking or participating in any initiative, such as Community Anti-Terrorism Training (CAT Eyes) or Terrorism Information and Prevention Services (TIPS), that encourages members of the general public to spy on their neighbors, colleagues, or customers;

- Refrain from engaging in the surveillance of individuals or groups based on their participation in activities protected by the First Amendment, such as political advocacy, public or private assembly or association, or the practice of a religion, without probable cause to believe that criminal activity, unrelated to the aforementioned activity protected by the First Amendment, has occurred and a warrant or court order having been issued;
- Refrain from utilizing race, religion, ethnicity or national origin as a factor in selecting which individuals to subject to investigatory activities;
- Refrain from collecting or maintaining information about the political or religious views, associations or activities of any person, group, association, or organize, or any membership lists or databases thereof;
- Refrain from engaging in video surveillance unless the police have probable cause to believe that the subjects of the surveillance have committed a crime; establishing a general surveillance network of video cameras; deploying facial recognition technology or other biometric identification technology within the city of Lawrence;
- Refrain from the practice of stopping drivers or pedestrians with the purpose of scrutinizing their identification documents; and
- Report to the City Commission and to the public by publication in the newspaper of record any request or order from any Federal agency or from any Federal court, that, if granted or complied with, could enable or require officers or agencies of the City of Lawrence to exercise powers to cooperate in the exercise of powers in actual or apparent violation of any City ordinance, resolution or policy or the laws or Constitutions of this State or the United States unless disclosure of such information shall be prohibited by law. This report will be made within a period of three calendar days of the receipt of said request or order by and officer or agency of the City of Lawrence;

SECTION 5. REQUESTS the governing bodies of public libraries within the city of Lawrence to post in prominent places a notice to library patrons as follows: “NOTICE, Under Section 215 of the USA PATRIOT Act (Public Law 107-56), records of books and other materials you borrow from this library may be inspected and retained by Federal agents. Librarians are prohibited from informing you if you records about you have been obtained by federal agents.” This notice shall also be provided in the Spanish language. Handouts printed with the above statement may be distributed in lieu of posting notices;

SECTION 6. COMMENDS the governing body of the Lawrence Public Library for protecting the privacy of patrons by maintaining circulation records only as long as necessary to secure the return of materials and payment of fines and fees and requests the governing body of the Lawrence Public Library to continue this policy;

SECTION 7. DIRECTS the City Manager, with assistance from the Chief of Police, to seek periodically, as least every six (6) months, from federal authorities the following information in a form that facilitates an assessment of the effect of federal anti-terrorism efforts on the residents of the city of Lawrence:

The names of all residents in the city of Lawrence who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001; the location of each detainee, the circumstances that led to each detention; the charges, if any, lodged against each detainee; and the name of counsel, if any, representing each detainee;

- The number of search warrants that have been executed in the city of Lawrence without notice to the subject of the warrant pursuant to Section 21 of the USA PATRIOT Act;
- The extent of electronic surveillance carried out in the city of Lawrence under powers granted in the Acts and Orders;
- The extent to which federal authorities are monitoring political meetings, religious gathering or other activities protected by the First Amendment within the city of Lawrence;
- The number and types of education records that have been obtained from public schools and institutions of higher learning in the city of Lawrence under Section 205 of the USA PATRIOT Act; and,
- The number of times library records have been obtained from libraries and records of books purchased by store patrons have been obtained from bookstores in the city of Lawrence under Section 215 of the USA PATRIOT Act.

Section 8. DIRECTS the City Manager to transmit to the City Commission and to the public by publication in the newspaper of record no less than once every six months a summary of the information obtained pursuant to the preceding paragraph, and based on such information and any other relevant information, an assessment of the effect of federal anti-terrorism efforts on the residents of the city of Lawrence.

SECTION 9. AFFIRMS that the City of Lawrence pledges its full support, both legal and political, for any city employee who complies in good faith with the provisions of this resolution and no City employees shall be subject to disciplinary action for complying with this resolution and nothing in this resolution shall be construed as to require an City employee to violate any Federal law;

BE IT FURTHER RESOLVED BY THE LAWRENCE CITY COMMISSION:

SECTION 1. That the Governing Body of the City of Lawrence, Kansas, acting in the spirit and heritage of our community, hereby requests the U.S. Congress specifically repeal the USA PATRIOT Act and the U.S. Congress and President of the United States to monitor the implementation of these Acts and Orders cited herein and repeal these Acts and those Orders that have been found to violate fundamental human rights and liberties as stated in the Constitution of the United States and oppose adoption of similar Acts, Orders, and Provisions that violate fundamental rights and liberties of the Constitution of the United States; and,

SECTION 2. That when the City of Lawrence engages in public safety intelligence gatherings as part of law enforcement and of national security, the City of Lawrence directs that such intelligence gathering comply with the following policy: No information about political, religious or social views, associations, or activities shall be collected; and,

BE IT FURTHER RESOLVED that engrossed copies of this resolution shall be forwarded to President George W. Bush and the Kansas congressional delegation.

ADOPTED by the Governing Body of the City of Lawrence, Kansas

# KENTUCKY

## Lexington-Fayette County, KY

Passed on July 1, 2004

### Resolution

WHEREAS, the Lexington-Fayette Urban-County Government (LFUCG), an urban county government in the Commonwealth of Kentucky, affirms its concern for the welfare of its citizens in this age of terrorism and also affirms that any efforts to end terrorism need not be waged at the expense of the fundamental civil rights and liberties of the people of Fayette County, Commonwealth of Kentucky; and

WHEREAS, the Lexington-Fayette Urban-County Government believes that there is no inherent conflict between national security and the preservation of liberty, and submits that Americans can be both safe and free; and

WHEREAS, the LFUCG is committed to upholding the human rights of all people in Fayette County and the free exercise and enjoyment of any and all rights and privileges secured to them by our Constitution and the laws of the United States, the Commonwealth of Kentucky and the LFUCG; and

WHEREAS, the Council of the LFUCG recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold; and

WHEREAS, the Council of the LFUCG is concerned that provisions of the USA PATRIOT Act, similar laws and several Executive Orders have compromised the protections guaranteed by our Bill of Rights,

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the LFUCG affirms the rights of all people in the United States in accordance with our Bill of Rights and the Fourteenth Amendment of the U.S. Constitution.

Section 2 - That we call upon Congress to review the USA PATRIOT Act and any other laws or Presidential orders enacted since September 11, 2001 related to the war on terror for compliance with the Constitution and its Bill of Rights.

Section 3 - That we further call upon Congress to repeal any provisions of the USA PATRIOT Act and similar laws and Presidential orders enacted since September 11, 2001 that violate the U.S. Constitution and its Bill of Rights.

Section 4 - That the clerk of the Urban County Council is directed to provide copies of this resolution to the Kentucky Congressional delegation, the United States Attorney General and the President of the United States.

Section 5 - That this Resolution shall become effective on the date of its passage.



# MAINE

## State of Maine

Passed on March 23, 2004

### **Joint Resolution Memorializing the President of the United States and the Congress of the United States to Ensure the Protection of Civil Liberties and the Security of the United States**

WE, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the Second Special Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

WHEREAS, the State of Maine recognizes that the Constitution of the United States is our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly and privacy; and

WHEREAS, each of Maine's duly elected public servants has sworn to defend and uphold the Constitution of the United States and the Constitution of Maine; and

WHEREAS, the State of Maine denounces and condemns all acts of terrorism, wherever occurring; and WHEREAS, attacks against Americans such as those that occurred on September 11, 2001 have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS, any new security measures of federal, state and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of any citizen of the State of Maine and the nation; and

WHEREAS, matters relating to immigration are primarily federal in nature; and

WHEREAS, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001," commonly referred to as the USA PATRIOT Act, allow the Federal Government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to inform the President of the United States and the United States Congress that the Maine State Legislature supports the government of the United States of America in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the Constitution of United States and the Bill of Rights; and be it further

RESOLVED: That We, the Members of the Maine State Legislature reaffirm our sworn oaths to defend the Constitution of the United States and the Constitution of Maine and our solemn commitment to continue to protect and champion the rights and liberties of Maine citizens that are guaranteed under the state and federal constitutions, including freedom of expression; the right to free access to public information; freedom of association, including the ability to attend meetings without being monitored or belong to an organization without fear of reprisal; freedom from unreasonable searches and seizures, including wiretapping and monitoring of medical records and library records; due process protections, including protection against detention without charges or targeting based on race, religion, ethnicity or national origin; and the right to property, including protection against seizure or freezing of assets; and be it further

RESOLVED: That the Maine State Legislature urges the Federal Government to continue to exercise its jurisdiction over immigration matters and encourages the Federal Government to work cooperatively with the states to provide assistance and training necessary to protect our country; and be it further

RESOLVED: That laws passed by the United States Congress to specifically combat the threat of international terrorism should not be used in conducting domestic law enforcement; and be it further

RESOLVED: That the Maine State Legislature implores the United States Congress to review provisions in the USA PATRIOT Act and other measures that may infringe on civil liberties and ensure any pending and future federal measures do not infringe on Americans' civil rights and liberties; and be it further

RESOLVED: That the Legislature calls upon our United States Representatives and Senators to monitor the implementation of the USA PATRIOT Act and related federal actions and, if necessary, repeal those sections of the USA PATRIOT Act and related federal measures that may infringe upon fundamental rights and liberties as recognized in the United States Constitution and its amendments; and be it further

RESOLVED: That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable John E. Baldacci, Governor of the State of Maine; Richard Cheney, President of the United States Senate; Dennis Hastert, Speaker of the United States House of Representatives; and each member of the Maine Congressional Delegation.

**Bangor, ME****Passed on May 10, 2004****Resolve, Outlining Concerns Regarding the USA Patriot Act**

WHEREAS, the City of Bangor believes that there is a tension between national security and the preservation of liberty and affirms its strong support of the rights of Americans to be both safe and free; and

WHEREAS, we recognize the Constitution of the United States as our nation's charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including the freedoms of speech, religion, assembly and privacy, and

WHEREAS, on September 11, 2001, terrorists from abroad attacked the U.S. by commandeering four commercial airlines, destroying the World Trade Center in New York, significantly damaging the Pentagon, and causing a jetliner crash, all of which resulted in significant casualties; and

WHEREAS, the terrorist attack was an attack on a nation that is home to a diverse population and plunged the nation into deep concern regarding its security and vulnerability to future attacks; and

WHEREAS, the City of Bangor, in concert with all free peoples everywhere, condemns all terrorist acts wherever they occur; and

WHEREAS, efforts to prevent and respond to acts of terrorism require extensive coordination, cooperation, and accountability among federal, state, and local governments; and

WHEREAS, we recognize that protecting our citizens against future terrorist attacks requires the federal government to aggressively pursue potential terrorists; however, the effort to combat terrorist must not disproportionately infringe on the essential civil rights and liberties of the people of the United States; and

WHEREAS, in response to the terrorist attacks, on October 26, 2001, the United States Congress passed and President Bush signed into law the USA PATRIOT Act by a Senate vote of 98-1 and House of Representatives vote of 357-66; and

WHEREAS, we applaud those sections of this Act that eliminate unnecessary barriers to the sharing of intelligence information and that modernize elements of the law to take into account the technical revolution in telecommunications; and

WHEREAS, we recognize that legislation adopted in the heat of crisis may not have received the level of scrutiny, public input, and thoughtful consideration necessary when balancing security and civil liberties; and

WHEREAS, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA, also known as PATRIOT Act II) that contains numerous new law enforcement and intelligence gathering powers, and Congress must closely review these proposals to insure that a careful balance is struck between protection of the public, and civil liberties; and

WHEREAS, in response to the civil liberties issues raised by certain provisions of the PATRIOT Act legislation has been introduced in the House and Senate that would roll back certain provisions of the act; and

WHEREAS, our national government is built upon the fundamental principles of separation of powers, checks and balances, and federalism, and these principles must be honored as the PATRIOT Act and the DSEA Act is reviewed by Congress in light of the need to protect the common good and safety; and

WHEREAS, the strongest protection of our civil liberties is present when the Presidency, the Congress and the Courts are Accorded their historic roles in counterbalancing powers and assuring that the powers of each branch of government are not abused.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BANGOR that we hereby support the support the U.S. campaign against terrorism while affirming our commitment to the Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED that we strongly urge the U.S. Congress to amend the PATRIOT Act in order to restore and protect our nation's fundamental and inalienable rights and liberties and to insure that the appropriate checks and balances are in place while maintaining the essential role of the Congress and Courts and insuring the defense of our country and the protection of our people.

BE IT FURTHER RESOLVED that we support increased and diligent Congressional, Judicial, and Executive oversight over the roles and actions of the agencies and individuals responsible for enforcing and using this law.

BE IT FURTHER RESOLVED that we call on Congress, the Department of Homeland Security, and other related agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of Americans.

BE IT FURTHER RESOLVED that a copy of his resolution be forwarded to the members of the Maine Congressional Delegation, the President of the United States, the Attorney General, and the Governor of the State of Maine.

## **Mount Vernon, ME**

### **Passed on June 12, 2004**

#### **Calling for the Revision of the USA PATRIOT Act and Re-Affirmation of our Civil Liberties**

WE, the citizens of Mount Vernon, Maine, wish to make it known that,

WHEREAS, in response to the tragic events of September 11, 2001, the United States Congress passed the USA PATRIOT Act (Public Law 107-56: the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act”) which was signed into law by President George W. Bush on October 26, 2001 and passed un-debated and largely unread by Congress; and

WHEREAS many Residents of Mount Vernon and other communities across the nation are concerned that the USA PATRIOT Act threatens our Civil Liberties as guaranteed in both the USA and Maine State Constitutions by

- Significantly expanding the Definition of “Terrorism” to include ordinary Citizens Exercising their First Amendment Rights in Dissent
- Greatly expanding the Government’s ability to conduct secret searches (Section 213)
- Giving law enforcement officials broad access to sensitive medical, mental health, library, business, financial, educational, and other records about individuals, without having to first show probable cause or evidence of a crime, and prohibiting the disclosure to the subject of this investigation
- All but eliminating judicial supervision of telephone and internet surveillance (Sec.216)
- Authorizing the OLA to spy on U.S. Citizens (Sections 203 and 901)
- Granting broad power to the Attorney General and the Secretary of State to designate domestic groups as “terrorist organizations” (Section 411)
- Allowing the attorney General to subject non-citizens to indefinite detention or deportation without due process of the Law AND

WHEREAS the Town of Mount Vernon is committed to Protecting and Upholding the Civil rights of all persons in Mount Vernon as expressed in the U.S. and Maine Constitutions,

NOW THEREFORE BE IT RESOLVED that the town of Mount Vernon affirms the Civil Rights granted to all its residents, U.S. citizens and citizens of other nations alike, in accordance with the Bill of Rights and Fourteenth Amendment of the U.S. Constitution, and

BE IT FURTHER RESOLVED that the Citizens of Mount Vernon urge the Selectmen and all Town Officials and Agents to continue to uphold the Constitutional guarantees of

- Respecting and protecting our Freedom of Speech, Religion, Assembly, and Privacy
- Recognizing the Right to Counsel and Due Process in judicial proceedings
- Protecting against unreasonable search and seizure, whether physical or digital

BE IT FURTHER RESOLVED that the Town of Mount Vernon urges Maine’s Congressional Delegation to monitor the implementation of the USA PATRIOT Act and associated orders and rules that violate the rights guaranteed by the USA and Maine’s own Constitution, and

BE IT FURTHER RESOLVED that the Town Clerk communicate this Resolution to Maine’s Congressional Delegation, the Governor and Attorney General of Maine, the local US Attorney’s Office of the Federal Bureau of Investigation, and the Chief of the Maine State Police, with copies sent to our Congressional Representatives, Attorney General Ashcroft, and President George W. Bush

## **Orono, ME**

### **Passed on June 14, 2004**

#### **A Resolution of the Town Council of the Town of Orono to Defend the Bill of Rights and Civil Liberties**

We, the members of the Town Council of Orono, Maine, wish to make it known that

WHEREAS, in response to the tragic events of September 11, 2001, the United States Congress passed the USA PATRIOT Act (Public Law 107-56: the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act”) which was signed into law by President George W. Bush on October 26, 2001; and

WHEREAS, many residents of Orono and other communities across the nation are concerned that the USA PATRIOT Act threatens our civil liberties;

NOW THEREFORE, BE IT RESOLVED: That We, the Members of the Orono Town Council reaffirm our sworn oaths to defend the Constitution of the United States and the Constitution of Maine and our solemn commitment to continue to protect and uphold the civil rights and liberties of Orono citizens that are guaranteed under the state and federal constitutions, including freedom of expression; the right to free access to public information; freedom of association, including the ability to attend meetings without being monitored or belong to an organization without fear of reprisal; freedom from unreasonable searches and seizures, including wiretapping and monitoring of medical records and library records; due process protections, including protection against detention without charges or targeting based on race, religion, ethnicity or national origin; and the right to property, including protection against seizure or freezing of assets; and

BE IT FURTHER RESOLVED that the Town of Orono affirms the civil rights granted to all its residents-US citizens and citizens of other nations alike in accordance with the Bill of Rights and Fourteenth Amendment of the United States Constitution; and

BE IT FURTHER RESOLVED that the Town Council of Orono encourages the Orono Police Department to continue its policy of:

- Respecting and protecting freedom of speech, religion, assembly, and privacy;
- Guaranteeing the right to counsel and due process in judicial proceedings;
- Prohibiting unreasonable searches and seizures; and

BE IT FURTHER RESOLVED that the Town Council of Orono requests that Maine's Congressional Delegation monitor the implementation of the USA PATRIOT Act and the associated orders and rules of the Executive Branch and actively work for the repeal of those portions of the Act and those orders and rules that violate the rights guaranteed by the United States Constitution; and

BE IT FURTHER RESOLVED that the Town Clerk communicate this resolution to Maine's Congressional Delegation, the Governor and Attorney General of Maine, Orono's Police Chief, the local US Attorney's Office, the local office of the Federal Bureau of Investigation, and the Chief of the Maine State Police.

## **Portland, ME**

**Passed on March 15, 2004**

### **Resolution Supporting the Protection of the Civil Liberties, Peace and Security of City Residents under the USA PATRIOT Act and the U.S. and Maine Constitutions and Opposing Acts of Racial and Ethnic Profiling in the City of Portland**

WHEREAS, the City of Portland recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, each of Portland's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Maine; and

WHEREAS, the City of Portland denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS, any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the State of MAINE and the nation; and

WHEREAS, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001", also known as the USA PATRIOT Act, allow the federal government more liberally to detain and investigate citizens, engage in certain acts of racial or ethnic profiling as part of its efforts to enforce immigration laws; and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our State and Federal Constitution; and

WHEREAS, such activities based upon racial and ethnic profiling by federal officials, or the threat of such actions, create fear and suspicion of all law enforcement officials, deter the willingness of innocent residents to report crimes or other illegal actions for fear of unwarranted reprisal, and have a negative effect upon the ability of the Portland Police Department to protect the public safety and the residents of Portland; and

NOW THEREFORE, BE IT RESOLVED, that the City of Portland supports the government of the United States of America in its campaign against terrorism, while affirming its commitment that the campaign not be waged at the expense of essential civil rights and liberties of its individuals, as expressed in the United States Constitution and the Bill of Rights and the Maine Constitution

BE IT FURTHER RESOLVED, that the City of Portland denounces the actions of federal immigration officials, which occurred in Portland in February, 2004, and urges the federal government to modify its immigration enforcement activities so as to avoid similar actions of racial or ethnic profiling in the future; and

BE IT FURTHER RESOLVED, that it is the policy of the City of Portland to oppose any portion of the USA PATRIOT Act or any proposed amendments thereto that have been found by a competent court to be in violation of the rights and liberties guaranteed under the state and federal constitutions; and

BE IT FURTHER RESOLVED, that the City of Portland affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based primarily upon their race or county of origin; and

BE IT FURTHER RESOLVED, that the City of Portland, in the absence of reasonable suspicion of criminal activity, opposes:

1. initiation or participation in a criminal inquiry, investigation, surveillance, or detention;
2. recording, filing, or sharing intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the USA PATRIOT Act;
3. retention of such intelligence information; or
4. collecting or maintaining information about the political or religious associations or activities of any individual, group, association, organization, corporation, business, or partnership, unless the information relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct; provided, however, that nothing in Subsections (1)-(4) is intended to prohibit the collection and retention of information necessary for participation in City programs and benefits; and

BE IT FURTHER RESOLVED, that the Portland City Council urges the United States Congress, and Maine's U.S. Congressional Delegation in particular, to correct provisions in the USA PATRIOT Act and future federal legislation that unduly infringe upon fundamental rights and liberties as recognized in the U.S. Constitution and its Amendments, and which in any way permit or encourage the use of racial or ethnic profiling as a means to enforce immigration laws; and

BE IT FURTHER RESOLVED, that copies of this Resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable John E. Baldacci, Governor of Maine; to The Honorable Olympia Snowe and the Honorable Susan Collins, U.S. Senators, and the Honorable Tom Allen and the Honorable Michael Michaud, U.S. Representatives, members of the Maine Delegation in Congress; the Attorney General of Maine, the local U.S. Attorney's Office, the local office of the Federal Bureau of Investigation, and the Chief of the Maine State Police.

## **Waterville, ME**

**Passed on November 5, 2003**

### **Resolution Calling for the Revision of the USA Patriot Act**

We, the members of the City Council of Waterville, Maine, wish to make it known that

WHEREAS, in response to the tragic events of September 11, 2001, the United States Congress passed the USA PATRIOT Act (Public Law 107-56: the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act") which was signed into law by President George W. Bush on October 26, 2001; and

WHEREAS, many residents of Waterville and other communities across the nation are concerned that the USA PATRIOT Act threatens our civil liberties by:

- greatly expanding the Government's ability to conduct secret searches (Section 213);
- giving law enforcement officials broad access to sensitive medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime (Section 215);
- all but eliminating judicial supervision of telephone and Internet surveillance (Section 216);
- placing the CIA back in the business of spying on Americans (Sections 203 and 901);
- granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups as "terrorist organizations" (Section 411);
- allowing the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime (Sections 411 and 412); and

WHEREAS, the City of Waterville is committed to protecting and upholding the civil rights of all persons in Waterville as expressed in the United States and Maine State Constitutions,

NOW THEREFORE BE IT RESOLVED that the City of Waterville affirms the civil rights granted to all its residents—U.S. citizens and citizens of other nations alike—in accordance with the Bill of Rights and Fourteenth Amendment of the United States Constitution; and

BE IT FURTHER RESOLVED that the City Council of Waterville encourages the Waterville Police Department to continue its policy of:

- respecting and protecting freedom of speech, religion, assembly, and privacy;
- guaranteeing the right to counsel and due process in judicial proceedings;
- prohibiting unreasonable searches and seizures; and

BE IT FURTHER RESOLVED that the City Council of Waterville requests that Maine's Congressional Delegation monitor the implementation of the USA PATRIOT Act and the associated orders and rules of the Executive Branch and actively work for the repeal of those portions of the Act and those orders and rules that violate the rights guaranteed by the United States Constitution; and

BE IT FURTHER RESOLVED that the City Clerk communicate this resolution to Maine's Congressional Delegation, the Governor and Attorney General of Maine, Waterville's Police Chief, the local U.S. Attorney's Office, the local office of the Federal Bureau of Investigation, and the Chief of the Maine State Police.

# MARYLAND

## Baltimore, MD

Passed on May 19, 2003

### City of Baltimore Council Resolution: Preservation of Civil Liberties Resolution-USA Patriot Act

For the purpose of defending the civil liberties and civil rights of all individuals living in Baltimore City.

WHEREAS, the City of Baltimore recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold; and

WHEREAS, the City of Baltimore greatly benefits from the many contributions of its highly diverse population, which includes people from around the world, and is vital to our city's unique character; and

WHEREAS, the City of Baltimore is a major international port and recognizes its unique position to maintain prosperous relationships with all nations; and

WHEREAS, government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of the City of Baltimore hold dear;

WHEREAS the Council of the City of Baltimore believes that there is no inherent conflict between national security and the preservation of liberty-Americans can be both safe and free;

WHEREAS federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions threaten fundamental rights and liberties by;

- a. Authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as "enemy combatants" without access to counsel or meaningful recourse to the federal courts;
- b. Limiting the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;
- c. Expanding the authority of federal agents to conduct so-called "sneak and peak" or "black bag" searches, in which the subject of the search warrant is unaware that his property has been searched;
- d. Granting law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little if any judicial oversight;
- e. Chilling constitutionally protected speech through overbroad definitions of "terrorism";
- f. Driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law;
- g. Permitting the FBI to conduct surveillance of religious services, internet chat rooms, political demonstrations, and other public meetings or any kind without having any evidence that a crime has been or may be committed;

WHEREAS these expanded powers have and will pose a particular threat to the civil rights and liberties of the residents of our city. Powers granted by Congress to government agencies are seldom retracted and government agencies including the Defense, State, and Justice Departments which have been granted greater surveillance and investigative powers under the USA PATRIOT Act in 2001 may not be willing to abandon those powers by 2005, and therefore these agencies along with the Administration may seek to amend, adjust, or repeal the sunset provisions of PATRIOT Act Title II. It is incumbent upon Congress to ensure that these powers granted by the USA PATRIOT Act are limited in scope and effect to whatever extent Congress has stated in the Act that such powers are to be so limited; and

WHEREAS new legislation has been drafted by the Administration entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute, if not undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances by:

- a. diminishing personal privacy by removing important checks on government surveillance authority,
- b. reduce the accountability of government to the public by increasing government secrecy,
- c. expanding the definition of "terrorism" in a manner that threatens the constitutionally protected rights of Americans, and
- d. seriously erode the right of all persons to due process of law.

WHEREAS, the City of Baltimore recognizes that an infringement of the constitutionally guaranteed rights of any person, under the color of law, is an abuse of power, and a breach of the public trust, a misappropriation of public resources, a violation of civil rights and is beyond the scope of governmental authority.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BALTIMORE remains firmly committed to the protection of civil rights and civil liberties for all people. The City of Baltimore will completely avoid discrimination in every function of city government, and vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without any form of governmental interference.

IT IS HEREBY FURTHER RESOLVED that the City of Baltimore joins communities across the nation in expressing concerns regarding provisions in the USA PATRIOT Act (Public Law 107-56), related executive orders, regulations and actions threaten fundamental rights and liberties guaranteed under the United States Constitution.

IT IS HEREBY FURTHER RESOLVED, and is the policy of the City of Baltimore, that the council of the city of Baltimore:

1. Directs the Police Department of the City of Baltimore to:
  - a. Refrain from enforcing immigration matters, which are entirely the responsibility of the Department of Homeland Security. No city service will be denied on the basis of citizenship; and
  - b. Refrain from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without particularized suspicion of criminal activity unrelated to the activity protected by the First Amendment; and
  - c. Refrain from utilizing racial profiling or religious profiling as factors in selecting which individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect; and
  - d. Refrain, whether acting alone or with federal or state law enforcement officers, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct; and
  - e. Refrain from undertaking or participating in any initiative, such as the Terrorism Information and Prevention System (TIPS), that encourages members of the general public to spy on their neighbors, colleagues or customers; and
  - f. Refrain from using racial profiling to stop drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity; and
  - g. Report to the city council any request by federal authorities that, if granted, would cause agencies of the City of Baltimore to exercise or cooperate in the exercise of powers in apparent violation of any city ordinance of the laws or Constitution of this State or the United States.
2. Directs public libraries within the City of Baltimore to post in a prominent place within the library a notice to library users as follows: “WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if federal agents have obtained records about you. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530”.
3. Directs the City Council Chief of Staff to:
  - a. Transmit a copy of this resolution to Senators Barbara Mikulski and Paul Sarbanes, and Representatives Elijah Cummings, Dutch Ruppersberger and Roscoe Bartlett accompanied by a letter urging them to monitor federal anti-terrorism tactics and work to repeal provisions of the USA PATRIOT ACT and other laws and regulations that infringe on civil rights and liberties. And to take all possible actions to lead Congressional action to prohibit passage of the DSEA. And to support our United States Congress in their efforts to oversee and assess the impacts of the PATRIOT Act and to ensure that the sunset date of Title III of the Act remains in force and is honored, thereby supporting all Congressional efforts to ensure that Congress enacts the required joint resolution on or before October 1, 2005 to inactivate Title. ; and
  - b. Transmit a copy of this resolution to Governor Robert Ehrlich, and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on civil liberties as described in this resolution; and
  - c. Transmit a copy of this resolution to President George W. Bush and Attorney General John Ashcroft.



**Greenbelt, MD****Passed on October 28, 2003****Policy for Responding to a Request for Assistance by Federal Authorities under the Patriot Act 10/27/2003**

In keeping with Greenbelts Community Pledge “to foster a community which is respectful, safe and fair for all people,” the City Council reaffirms the City’s commitment to human rights and civil liberties. The City recognizes and values the social, religious and ethnic diversity of our residents. Greenbelt does not engage in any discriminatory behavior, or racial/religious profiling in its practices or programs.

The City strongly supports and defends constitutionally protected rights including:

- freedom of religion, speech, assembly and privacy
- protection from unreasonable searches and seizures
- due process and equal protection to any person
- equality before the law and presumption of innocence
- access to counsel in proceedings
- the right to a speedy and public trial

City employees are reminded of these important principles and directed to practice them when carrying out their duties. The City is concerned that certain provisions of the Patriot Act (Public Law 107-56) may undermine these principles.

1. Below is a procedure for responding to any requests for City assistance under the Patriot Act.
2. If a Federal authority makes a request for City staff assistance under the Patriot Act (Public Law 107-56), the Employee should:
  - a. Ask for identification.
  - b. Ask for legal documentation (subpoena, search warrant, etc.) as appropriate.
  - c. Immediately alert and direct the individual to the Department Head.
  - d. If the employees Department Head is not available, the staff member should contact the City Manager.
  - e. Advise the Department Head/City Manager if the individual has presented identification and a search warrant or subpoena.
  - f. During evenings and weekends, the Department Head should be contacted at home or via mobile telephone.
3. The Employee should record the Federal authority’s name, agency and nature of the documentation (If possible, make photocopies.) If valid identification is not provided, the Employee should refuse to comply or cooperate further and so advise the Authority. The matter should be referred to the Department Head for further handling.
4. If the Employee is unable to contact the Department Head/City Manager, then the Employee should comply as outlined below:
  - a. If the request does not require immediate handling, then the Employee should inform the authority that he is referring the matter to his Department Head.
  - b. If the request requires immediate handling, then the Employee should respond, using their best judgment regarding the legality and reasonableness of the request, by either:
    - Complying and cooperating with the request; or
    - If the Employee believes the request to be illegal, then he/she should refuse to cooperate and provide the reason for the refusal.
  - c. Following either 4a or 4b, the Employee should contact the Department Head/City Manager as soon as possible to advise them of the situation.
5. A Department Head should contact the City Manager as soon as possible when he/she is notified of a request under the Patriot Act.
6. The City Manager will inform the City Council as soon as possible when he is notified of a request under the Patriot Act.

Letter To Congressional District

Dear:

The City of Greenbelt values diversity and believes it is a key component of a community's character. Our City has a long tradition of protecting and expanding human rights and civil liberties for all our residents, including non-citizens and immigrants. Our Community Pledge, adopted in September 2001, specifically pledges "to foster a community which is respectful, safe and fair for all".

The United States Constitution, through the Bill of Rights, guarantees certain rights we regard as fundamental. These include: freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection; equality before the law and presumption of innocence; access to counsel; and the right to a speedy, public trial. The Maryland Constitution states that these provisions apply both in times of peace and times of war. Anything that undermines these constitutional protections is unacceptable.

For these reasons, the City of Greenbelt has grave concerns about certain provisions of the Patriot Act (Public Law 107-56). These concerns include, but are not limited to:

- Expansion of the government's ability to access sensitive medical, mental health, financial, educational and library records without proper judicial oversight.
- Lowering the burden of proof required to conduct secret searches, and telephone and Internet surveillance.
- Subjecting citizens of other nations to indefinite detention or deportation, even if they have not committed a crime.
- Designating domestic groups including religious and political organizations, as terrorist organizations and permitting surveillance of these groups.
- Authorizing eavesdropping on confidential communications between lawyers and their clients in Federal custody.
- Limiting disclosure of public documents under the Freedom of Information Act.

Another serious concern is the speed at which this legislation was passed following the attacks of September 11, 2001. The Patriot Act is 131 pages long and, in many cases, references other Federal laws. While understanding the need to strengthen our anti-terrorism laws and respond to the tragic events of September 11, it is difficult to believe that this law was given adequate review and scrutiny.

The Patriot Act has placed us as Council Members, and particularly our law enforcement personnel, in a difficult position. We all have taken oaths to support the U.S. and State Constitutions. Provisions of the Patriot Act could force us to choose between enforcing a Federal law and defending constitutionally protected rights.

This is not the first time our City has been confronted with a situation where national security concerns seem to trump individual rights. In the 1950s during the McCarthy era, Greenbelt was unfairly labeled communistic and referred to as "Commiebelt". A prominent resident was fired from his Federal government job for being a "security risk" because of his community associations. Ultimately, the firing was reversed, thanks to legal challenges and action by our community.

We join almost 200 other U.S. cities in strongly expressing these concerns and in urging you to carefully monitor the Patriot Act and the Executive Orders which implement it. We understand that efforts are underway to amend the Patriot Act and ask that you aggressively work to repeal those sections of the Patriot Act which violate and threaten the fundamental rights and liberties which are guaranteed by the United States Constitution. We also ask that you not enact any similar legislation without careful and deliberate investigation and open discussion.

## **Montgomery County, MD**

**Passed on September 30, 2003**

### **Subject: Montgomery County Council Support for Protection of Civil Liberties**

#### **Background**

1. WHEREAS, we, the residents of Montgomery County, Maryland recognize that the diversity of our population is vital to our community's character, and that we have a tradition of protecting and expanding human rights and civil liberties protections for all of our residents; and
2. WHEREAS, the United States Constitution guarantees certain fundamental rights including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and the right to a fair, speedy and public trial; and
3. WHEREAS, human rights protections in Montgomery County have been strengthened and expanded by the passage in August 2001 of additions to the Montgomery County Code establishing the Commission on Human Rights and the Office of Human Rights; and
4. WHEREAS, Montgomery County affirms that efforts to end terrorism and ensure security can and should be undertaken while preserving the civil rights and liberties of the residents of Montgomery County; and
5. WHEREAS, the USA Patriot Act (Public Law 107-56) was enacted shortly after the tragedy of September 11, 2001; and

6. WHEREAS, during and subsequent to its enactment, many concerns have been raised regarding its effect upon civil rights and liberties; and
7. WHEREAS, among the provisions causing concern are

Section 213, which permits the searching of one's home without the traditional "knock and announce" requirement, allows notification of the search to be delayed indefinitely, and is not limited to crimes of terrorism; and

Section 215, which authorizes searches of all kinds of records such as library, business, bookstore, medical, university, and Internet Service Provider; and without a showing of probable cause that a crime has been committed. This Section also prohibits any person from disclosing the fact that they have been ordered to produce such records; and

Section 802, which creates a new crime of "domestic terrorism," defined so broadly that it could be applied to acts of civil disobedience wholly unrelated to terrorism such as could be committed by political, social, religious or other organizations; and

8. WHEREAS, Montgomery County has developed an outstanding, well-planned Community Policing program which is making great progress in engaging neighborhoods and new residents to trust and work with local police officers thereby creating relationships of growing mutual respect and confidence; and
9. WHEREAS, in addition to the passage of the Patriot Act, the federal government has taken a number of other steps in the aftermath of September 11 that threaten to undermine the fundamental rights and liberties guaranteed by the Constitutions of the State of Maryland and the United States, as well as Community Policing and other law enforcement strategies designed to build trust between the police and communities, such as encouraging local law enforcement to enforce provisions of federal immigration law that historically have been an exclusive province of the federal government, authorizing the FBI to conduct surveillance of religious services, Internet chatrooms, political demonstrations, and public meetings without evidence that a crime has been or may be committed, and providing for the indefinite incarceration of those designated as ~enemy combatants,~ without meaningful access to legal counsel and the federal courts; and
10. WHEREAS, these steps have raised particular anxiety in immigrant communities, especially among our neighbors of the Muslim faith;

Action:

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council confirms the need to provide homeland security and end terrorism in the United States and abroad.

The County Council urges our United States Senators and members of Congress to review the USA Patriot Act (Public Law 107-56) and support legislation to modify those provisions of the statute (such as those noted above) that undermine the fundamental rights and liberties guaranteed by the Constitutions of the State of Maryland and the United States, and to take similar action with respect to related executive orders, regulations and actions of the federal government. In particular, we urge that libraries and bookstores be exempted from the provisions of the Act and that the integrity of Community Policing programs be protected.

The County Council calls upon all County departments, agencies, officials and employees to continue to respect all residents' freedoms of speech, religion, and assembly, and right to privacy, in keeping with our County's distinguished practice of protecting human rights.

It is the policy of the County Council that, other than for employment purposes, County law enforcement officials will not, in the course of normal business operations, request the immigration status of any individual with whom they come into contact.

The Council will convey this resolution to all County departments and our Congressional and State delegations.

## **Prince George's County, MD**

### **Passed on November 25, 2003**

#### **A Resolution Concerning the USA PATRIOT Act**

For the purpose of expressing the policy of the County to preserve the Constitutional rights of residents and employees of the County whenever those rights may be in conflict with the USA PATRIOT Act.

WHEREAS, the County Council and the residents of Prince George's County wish to honor the memory of all those who have died as a result of the terrorist attacks of September 11, 2001, and the subsequent military actions to combat terrorism around the world; and

WHEREAS, the County Council affirms its strong opposition to any form of terrorism against humanity, recognizes the increased security risks faced by our nation as a result of terrorist acts, and supports increased Federal government attention to limit and prevent the impacts of terrorism on this nation and the world; and

WHEREAS, the County Council recognizes the Constitution of the United States of America to be the supreme law of the land and that all elected officials and public officers of the County are sworn to uphold the Constitution of the United States of America in discharging their duties; and

WHEREAS, the County Council understands that the security of our nation must be achieved in ways that also insure the protection of civil rights and liberties enshrined within the Constitution of the United States; and

WHEREAS, the Prince George's County proudly houses a diverse racial and ethnic population, including citizens from other nations, whose contributions to the community are vital to its economy, culture, and character; and

WHEREAS, the Prince George's County operates a Foreign Trade Zone, an international port entry, and recognizes its unique position to maintain prosperous relationships with all nations; and

WHEREAS, the first ten amendments to the Constitution were jointly ratified in what is known as the Bill of Rights in order to protect citizens from the potential of government to abuse the rights and liberties of our citizens; and

WHEREAS, the Bill of Rights of the United States Constitution and the Maryland Declaration of Rights guarantee those living in the County the following rights: Freedom of speech, assembly and privacy; Equality before the law and the presumption of innocence; Access to counsel and due process in judicial proceedings; and Protection from unreasonable searches and seizures; and

WHEREAS, the County Council believes that there is no inherent conflict between national security and the preservation of liberty; and

WHEREAS, it is in the purview of local government to take a stand in support of our Bill of Rights because any weakening of those rights threaten the broad range of political expression that is vital to our democracy at the local, state, and federal levels; and

WHEREAS, the County Council recognizes that government security measures that undermine fundamental rights do damage to the American institutions and values and that an infringement of the constitutionally guaranteed rights of any person, under the color of law, is an abuse of power, and a breach of the public trust, a misappropriation of public resources, a violation of civil rights and is beyond the scope of governmental authority; and

WHEREAS, federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions threaten fundamental rights and liberties by;

- a. Authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as "enemy combatants" without access to counsel or meaningful recourse to the federal courts;
- b. Limiting the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;
- c. Expanding the authority of federal agents to conduct so-called "sneak and peak" or "black bag" searches, in which the subject of the search warrant is unaware that his property has been searched;
- d. Granting law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little if any judicial oversight;
- e. Chilling constitutionally protected speech through overbroad definitions of "terrorism";
- f. Driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law;
- g. Permitting the FBI to conduct surveillance of religious services, internet chat rooms, political demonstrations, and other public meetings or any kind without having any evidence that a crime has been or may be committed; and

WHEREAS, Federal Executive Orders issued since passage of the USA PATRIOT Act may further endanger the rights and security of both citizens and non-citizens who speak and act legally in opposition to government policies through:

Establishing secret military tribunals for terrorism suspects; Authorizing eavesdropping on confidential communications between lawyers and their clients in federal custody; Lifting Justice Department regulations against covert, illegal counter-intelligence operations by the FBI that in the past targeted domestic groups and individuals; Limiting disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS new legislation has been drafted by the Administration entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute, if not undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances by

- a. diminishing personal privacy by removing important checks on government surveillance authority,
- b. reduce the accountability of government to the public by increasing government secrecy,
- c. expanding the definition of "terrorism" in a manner that threatens the constitutionally protected rights of Americans, and
- d. seriously erode the right of all persons to due process of law; and

WHEREAS, information provided to the Prince George's County Council by members of the informed citizenry of this County, along with the work of prominent legal organizations, has caused the Board to believe that portions of the USA PATRIOT Act, as well as portions of the Homeland Security Act, along with certain Presidential executive orders and rulings of the United States Attorney General comprise an assault upon the Constitutional rights of the residents Prince George's County and its workforce; and

WHEREAS, Constitutional guarantees believed to have been weakened by the legislative and executive actions of the federal government cited above include: Freedom of speech, assembly, association, and privacy; Protection from unreasonable searches and seizures; Equality before the law with the presumption of innocence until proven guilty; Access to legal counsel and due process in judicial proceedings; Protection from discrimination based on race, religion, gender, national origin; and

WHEREAS, the County Council believes these civil liberties are precious and are now threatened by the USA PATRIOT Act that: All but eliminates judicial supervision of telephone and Internet surveillance; Greatly expands the government's ability to conduct secret searches without warrants; Grants unchecked power to the Secretary of State to designate domestic groups as "terrorist organizations"; Grants power to the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime; Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and

WHEREAS, the cited legislative and executive actions of the federal government directly impact the work of County employees who may be put into positions of constitutional jeopardy without adequate understanding of their rights.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, that Prince George's County affirms its commitment to embodying democracy, to embracing and defending human rights and civil liberties, to avoid discrimination in every function of County government, to guaranteeing the economic security required to make those liberties viable for all, regardless of citizenship status, gender, racial identification, religious affiliation, age, or country of origin.

BE IT FURTHER RESOLVED that the Prince George's County Council will continue in its outreach and shall educate its citizens on its policies of tolerance and respect for the diversity of its residents.

BE IT FURTHER RESOLVED, that the Prince George's County Council joins communities across the nation in expressing concerns regarding provisions in the USA PATRIOT Act (Public Law 107-56), related executive orders, regulations and actions threaten fundamental rights and liberties guaranteed under the United States Constitution.

BE IT FURTHER RESOLVED that the Prince George's County Council affirms its strong support for our constitutionally guaranteed rights and liberties, affirms its opposition to any and all federal measures which would weaken or violate those rights and liberties, and supports the repeal of those sections of the USA Patriot that infringe upon civil liberties.

BE IT FURTHER RESOLVED that the prince George's County Council directs the County Attorney to monitor legal challenges which may be undertaken to ascertain the constitutionality of the cited legislation and to provide the Council with a recommendation as to whether to participate in amicus briefs or other acts of support should such challenges take place.

BE IT FURTHER RESOLVED that the Chief of Police and each member of the Prince George's County Police Department is directed to

- a. Refrain from enforcing immigration matters that are the responsibility of the Department of Homeland Security.
- b. Refrain from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without particularized suspicion of criminal activity unrelated to the activity protected by the First Amendment.
- c. Refrain from utilizing racial profiling or religious profiling as factors in selecting which individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect.
- d. Refrain, whether acting alone or with federal or state law enforcement officers, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.
- e. Refrain from undertaking or participating in any initiative, such as the Terrorism Information and Prevention System (TIPS) that encourages members of the general public to spy on their neighbors, colleagues or customers.
- f. Refrain from using racial profiling to stop drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity.
- g. Report to the County Council any request by federal authorities that, if granted, would cause agencies of the County to exercise or cooperate in the exercise of powers in apparent violation of any County law or ordinance or the laws or Constitution of Maryland or the United States.

BE IT FURTHER RESOLVED that the Board of Trustees of the Prince George's Memorial Library System is requested to post in a prominent place within each library a notice to library users as follows:

“WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107- 56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if federal agents have obtained records about you. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530”.

BE IT FURTHER RESOLVED, that the Clerk of the Council shall transmit this resolution to the County Executive, the Governor and the Attorney General of the State of Maryland, to all members of the Maryland Congressional delegation, the United States Attorney General, and the President of the United States of America

## **Takoma Park, MD**

### **Passed on October 28, 2002**

#### **Civil Liberties Resolution**

WHEREAS, we the residents of the City of Takoma Park recognize that the diversity of our population is vital to our community's character, and that we have a long tradition of protecting and expanding human rights and civil liberties protections for all of our residents, including non-citizens and the recently-immigrated; and

WHEREAS, the Declaration of Independence of the United States holds as self-evident that all people are created equal and are endowed with the unalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS, the First Amendment of the United States Constitution specifies that no law be made “respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances;” and

WHEREAS, the Fourth Amendment declares that “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;” and

WHEREAS, the Fifth Amendment states that no person “shall be compelled in any criminal case to be a witness against himself;” and

WHEREAS, the Sixth Amendment guarantees defendants “the right to a speedy and public trial, by an impartial jury, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense;” and

WHEREAS, the Eighth Amendment states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;” and

WHEREAS, the Fourteenth Amendment prohibits the government from denying “to any person within its jurisdiction the equal protection of the laws;” and

WHEREAS, Article 44 of the Maryland Constitution Declaration of Rights explicitly states “That the provisions of the Constitution of the United States, and of this State, apply, as well in time of war, as in time of peace; and any departure there from, or violation thereof, under the plea of necessity, or any other plea, is subversive of good Government and tends to anarchy and despotism;” and

WHEREAS, human rights protections in Montgomery County have been strengthened and expanded by the passage in August 2001 of additions to County Code establishing the Commission on Human Rights and the Office of Human Rights; and,

WHEREAS, many other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and demanding accountability from federal agencies regarding their use of these new powers; and,

WHEREAS, the City of Takoma Park has established that non-U.S. citizens have Sanctuary rights in our City (“Sanctuary: Rights of Non U.S. Citizens in Takoma Park” Chapter 10A); and,

WHEREAS, the City of Takoma Park further extends rights and welcomes the full community participation of our resident non-U.S. citizens through the provision of municipal voting rights and eligibility to serve on statutory committees to all residents without regard to citizenship status; and,

WHEREAS, we believe these liberties are precious and are now directly threatened by:

The USA PATRIOT ACT, which

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Chills constitutionally protected speech through overbroad definitions of “terrorism”; and

- Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and

FEDERAL EXECUTIVE ORDERS, which

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act; and

The Proposed DEPT. OF HOMELAND SECURITY, which as proposed by the President, violates fundamental principles of open governance by

- Being exempt from FOIA disclosure, thereby drastically limiting the agency's responsibility to answer public questions;
- Empowering the secretary of the new agency to waive the safeguards contained in the federal Whistleblower Protection Act.

Therefore be it resolved, that we the residents of the City of Takoma Park hereby urge that, to the extent legally permissible:

Our Municipal Government, State Representatives and Senators, United States Congresspersons and Senators monitor the continuing implementation of the Act and Orders cited herein and actively work for the repeal of all existing and against enactment of any new Federal and State legislation that violates those fundamental rights and liberties embodied in the Municipal Ordinances of the City of Takoma Park and in the Constitutions of the State of Maryland and the United States.

All City officials and employees continue--in keeping with our City's Sanctuary status, and with our long and distinguished history of protecting the human rights of our residents--to preserve all Takoma Park residents' freedoms of speech, religion, assembly, and privacy; and that all Local law enforcement personnel refrain from participating in the enforcement of federal immigration laws.

The U.S. Attorney's Office, the Office of the Federal Bureau of Investigation, the Maryland State Police, and any other Federal, State or local law enforcement officials with any such information report to the Takoma Park City Council regularly and publicly the extent and manner in which they have acted under the USA PATRIOT Act and new Executive Orders, including but not limited to disclosing;

- the names of any detainees held in the area or any Takoma Park residents detained here or elsewhere, the circumstances that led to each detention;
- the charges, if any, lodged against each detainee;
- the name of counsel, if any, representing each detainee;
- the number of search warrants that have been executed in the City of Takoma Park without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;
- the extent of electronic surveillance carried out in the City of Takoma Park under powers granted in the USA PATRIOT Act;
- the extent to which federal authorities are monitoring political meetings, religious gatherings or other activities protected by the First Amendment within the City of Takoma Park;
- the number of times education records have been obtained from public schools and institutions of higher learning in the City of Takoma Park under section 507 of the USA PATRIOT Act;
- the number of times library records have been obtained from libraries in the City of Takoma Park under section 215 of the USA PATRIOT Act;
- the number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Takoma Park under section 215 of the USA PATRIOT Act.

Our City Clerk communicate this resolution to all City departments, the State Police, Governor and Attorney General of the State of Maryland, the Maryland Congressional and Statehouse delegations, the local U.S. Attorney's office, the United States Attorney General, and the President of the United States.

# MASSACHUSETTS

## Acton, MA

Passed on April 12, 2004

### A Resolution of the Town of Acton Affirming Our Civil Liberties

Whereas the Town of Acton denounces terrorism and appreciates and supports those who defend us from terrorism and terrorist attacks: the men and women serving in our armed forces, federal, state and local law enforcement officers, firefighters, and health service professionals, and

Whereas, the Town of Acton values a diverse population whose contributions to the community are essential to its vitality and character, and

Whereas, the Town of Acton has an historic and distinguished tradition of fighting for the civil liberties for all people as expressed in the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts, and

Whereas, the First Amendment to the United States Constitution states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances,” and

Whereas, the Fourth Amendment states “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,” and

Whereas, the Sixth Amendment guarantees defendants the following rights: “the right to a speedy and public trial, by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have the assistance of counsel for his defense,” and

Whereas, the Eighth Amendment states “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted,” and

Whereas, the Fourteenth Amendment states “...nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of laws,” and

Whereas, we believe these liberties are precious and are now being threatened by the USA PATRIOT Act, which:

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government’s ability to conduct secret searches;
- Gives the U.S. Attorney General and the Secretary of State unchecked power to designate domestic groups as “terrorist organizations”, and
- Grants the FBI broad and unsupervised access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime and without a court order; and

Whereas, Federal Executive Orders · Establish secret military tribunals for terrorism suspects; · Permit wiretapping of conversations between federal prisoners and their lawyers; · Lift Department of Justice regulations against illegal COINTELPRO operations by the FBI (i.e., covert activities that in the past targeted domestic groups and individuals), and · Limit the disclosure of public documents and records under the Freedom of Information Act;

Whereas, Town employees are prevented from protecting the constitutional rights of citizens of Acton according to Section 215 of the USA PATRIOT Act and are at risk of prosecution due to the conflict between said Section and the Constitution of the United States;

NOW, THEREFORE, in keeping with the spirit and history of the Town of Acton, BE IT RESOLVED THAT:

The Town of Acton has been and remains firmly committed to the protection of civil liberties. We affirm our commitment to embody the spirit of democracy, to embrace and defend human rights and civil liberties for all regardless of citizenship, gender, sexual orientation, racial identification, religious affiliation, age, or country of origin.

The Town of Acton calls upon all private citizens, including residents, employers, and business owners, to demonstrate similar respect for each others’ civil rights & civil liberties.

The Town of Acton affirms its strong opposition to those parts of the USA PATRIOT Act, any Justice Department directives, or Executive Orders that weaken or destroy our civil liberties.

The Town Manager shall be directed to transmit a copy of this resolution to all members of the Massachusetts Congressional Delegation, the President of the United States, and the U.S. Attorney General accompanied by a letter urging them to:

- Thoroughly and immediately assess the impact of the USA PATRIOT Act on individual civil liberties;



- Work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties;
- Closely monitor federal anti-terrorism tactics;
- Oppose further legislation and Executive Branch Orders that violate our Bill of Rights.

The Town Manager shall be directed to transmit a copy of this resolution to the Governor, Attorney General of the Commonwealth of Massachusetts, and Acton's delegation to the General Court of Massachusetts.

## **Amherst, MA**

**Passed on April 24, 2002**

### **Town Meeting Warrant Article, Civil Rights and Civil Liberties**

#### **PREAMBLE**

The citizens of Amherst are concerned that actions of the Attorney General of the United States and the U.S. Justice Department since the September 11, 2001 attacks pose significant threats to Constitutional protections in the name of fighting terrorism. Such undermining of basic civil rights and liberties run the serious risk of destroying freedom in order to save it.

The Attorney General asserted before the Senate Judiciary Committee that civil libertarians who criticized the Department's policies "aid terrorists...erode our national unity and diminish our resolve." We disagree. We believe that respect for Constitutional rights is essential for the preservation of democratic society.

Among the actions to date that have raised our concern are the following:

- More than 1,000 people were detained in the weeks following the September 11 attacks, most without being charged, some impeded in their ability to contact lawyers or their families.
- The Department has issued an order authorizing federal prison officials to listen in on the confidential attorney-client communications of persons in federal custody, without court review.
- The Justice Department has announced a nationwide effort to locate and interview as many as 5,000 recent immigrants—all men ages 18 to 33, primarily from Middle Eastern nations. Guidelines for these interviews include inquiries into individual's political beliefs and the beliefs of families and friends, and whether or not an individual "supports" any cause that terrorists espouse.
- The USA PATRIOT Act, passed hurriedly in October 2001, creates a new crime, "domestic terrorism," so broadly defined that it could conceivably apply to acts of civil disobedience. Persons associated-through membership dues or legal activity-with organizations defined as terrorist are subject to surveillance and may themselves face prosecution.
- The Act gives the FBI and the CIA greater rights to wiretap phones, monitor e-mail, survey medical, financial and student records, and break into homes and offices without prior notification.
- The proposed Warrant Article places the Town of Amherst on record in support of Constitutional rights for all its residents, regardless of their citizenship, religion, ethnicity, or place of national origin. It calls upon all of its citizens to respect those rights. It also asks Town employees not to cooperate with federal investigators seeking to interrogate people on the basis of their ethnicity, their religious beliefs, or the beliefs of their families and friends -following the example of police departments in Oregon, California, and Texas, among others, that have refused to carry out such interviews.
- This Article is not intended to inhibit or prevent the apprehension, trial, or conviction of people who have carried out or planned attacks against the United States or any other country. We believe, however, that we are still a nation based on laws and that a threat to any one person's Constitutional rights is a threat to the rights of us all.

WHEREAS the Declaration of Independence of the United States holds as self-evident that all people are created equal and are endowed with the unalienable rights of life, liberty, and the pursuit of happiness;

WHEREAS the First Amendment of the United States Constitution specifies that no law be made "respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances";

WHEREAS the Fourth Amendment declares that "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";

WHEREAS the Fifth Amendment states that no person "shall be compelled in any criminal case to be a witness against himself";

WHEREAS the Sixth Amendment guarantees defendants "the right to a speedy and public trial, by an impartial jury..., and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense";

WHEREAS the Eighth Amendment states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”;

WHEREAS the Fourteenth Amendment prohibits the government from denying “to any person within its jurisdiction the equal protection of the laws”;

THEREFORE, BE IT RESOLVED that the Town of Amherst affirms the rights of all people-including United States citizens and citizens of other nations-within the Town in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and

BE IT FURTHER RESOLVED that Amherst Town Meeting calls upon all Town officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and

BE IT FURTHER RESOLVED that Amherst Town Meeting calls upon all private citizens-including residents, employers, educators, and business owners-to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations; and

BE IT FURTHER RESOLVED that, to the extent legally possible, no Town employee or department shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are judged to be in violation of individuals’ civil rights or civil liberties as specified in the above Amendments of the United States Constitution;

BE IT FURTHER RESOLVED that the Town Clerk communicate this resolution to all Town departments, the General Court, the Governor and Attorney General of the Commonwealth of Massachusetts, the Massachusetts Congressional delegation, the United States Attorney General, and the President of the United States; and

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the Commonwealth of Massachusetts or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

## **Aquinnah, MA**

**Passed on March 10, 2004**

### **Resolution for Aquinnah on the Patriot Act**

WHEREAS the Bill of Rights of the United States Constitution and the Constitution of the State of Massachusetts ensure that every person has the right to freedom of speech and association. Every person has the right to freedom of religion. Every person has the right to assembly and privacy. Every person has the right to due process in judicial proceedings. Every person has the right to be free from unreasonable search and seizure. Stops or arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed. Every person has the right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law.

WHEREAS there is strong evidence that these guarantees are threatened by parts of the USA PATRIOT Act, related legislation, and Federal Executive orders which allow:

- a. detaining citizens and residents of Aquinnah without bringing legal charges and denying their right to counsel;
- b. monitoring their telephone, internet and library use, video rentals, book and grocery purchases, financial transactions, medical records and other activities without evidence of criminal behavior and without a court order;
- c. spying on domestic organizations without evidence of wrongdoing, designating organizations as “terrorist” without evidence of intent to act against the US and deporting citizens and residents who contribute to these organizations even if they are unaware of the “terrorist” designation;
- d. conducting secret military tribunals without fundamental legal protections;
- e. secretly searching the homes of residents and citizens of Aquinnah when they are absent; and
- f. profiling individuals according to their ethnicity

WHEREAS the people of Aquinnah are joining over 250 cities and towns in the US in affirming strong opposition to those parts of the USA PATRIOT Act, related legislation and acts, and to certain Justice Department directives and executive orders that weaken or destroy our constitutional civil rights and liberties.

BE IT RESOLVED that the Town of Aquinnah should employ all possible leverage to ensure that Federal and State law enforcement officials working on the Island not engage, to the extent legally permissible, in law enforcement activities that threaten our civil rights and civil liberties, such as surveillance, wiretaps, and securing private information, which the USA PATRIOT Act and related legislation and acts authorize.

BE IT FURTHER RESOLVED that the people of Aquinnah request that our United States Congressional representatives monitor the implementation of the USA PATRIOT ACT and related legislation, acts, and executive orders, and actively work for the repeal of the parts of those documents that violate fundamental rights and liberties as stated in the Constitution of the United States and the Constitution of Massachusetts, in the United Nations Charter, and the ratified International Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on Elimination of Racial Discrimination.

BE IT FURTHER RESOLVED THAT the Town Clerk communicate this resolution to all Town departments, the General Court, the Governor and Attorney General of the Commonwealth of Massachusetts, the Massachusetts Congressional delegation, the US Attorney General, the President of the United States and the United Nations High Commissioner for Human Rights in Geneva, Switzerland.

**Passed on September 28, 2004**

### **Aquinnah Bylaw**

In order to develop a systematic process for town response to requests for information or assistance under provisions of the USA Patriot Act (Public Law (107-56) or related orders of the executive branch, where such procedure may be in violation of an individual's civil rights or civil liberties, and

In order to protect the civil rights and civil liberties of all town residents, citizens and visitors and to affirm the Town's commitment to embody democracy, and to embrace, defend and uphold the inalienable rights and fundamental liberties granted under the United States and the Massachusetts Constitutions:

Any employee who receives a request, subpoena or other order under a law referred to in this by-law shall immediately contact the office of the Town Counsel for advice on how to proceed or respond. If there is a request made to town law enforcement and the urgency of the matter precludes referral to Town Counsel, law enforcement shall notify Town Counsel at the earliest possible time.

### **Arlington, MA**

**Passed on June 11, 2003**

#### **A Resolution for the Town of Arlington (MA) Regarding the USA PATRIOT Act and the Protection of Civil Rights and Civil Liberties**

Whereas, the Town of Arlington has a long and distinguished history of fighting for the civil liberties of its residents; and

Whereas, the Town of Arlington comprises a diverse population, including working people, people of color, students, and non-citizens, whose contributions to the community are greatly valued and provide vitality and character to the Town; and

Whereas, the Town of Arlington is committed to upholding the human rights of all persons in Arlington and all the rights and privileges secured by our Constitution and the laws of the United States, the Commonwealth of Massachusetts, and the Town of Arlington, which guarantees all citizens the following rights:

- Freedom of speech, assembly, and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

Whereas, we believe these civil liberties are precious and are now threatened by:

The USA PATRIOT Act, which

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"; and
- Grants the FBI broad access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime and without a court order; and

Federal Executive Orders, which

- Establishes secret military tribunals for terrorism suspects;
- Permits wiretapping of conversations between federal prisoners and their lawyers;
- Lifts Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and Limits the disclosure of public documents and records under the Freedom of Information Act;

Therefore be it resolved that:

1. The Town of Arlington and its elected and appointed officials and employees will continue to preserve residents' freedom of speech, religion, assembly, and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and
2. The Town of Arlington will reject racial profiling of any group within our community; and
3. The Town of Arlington will urge the United States Federal Government and its various branches, representatives, and employees to act in a fair, open, and consistent manner by ensuring that all individuals are afforded their appropriate rights to due process; and
4. The Town of Arlington will urge US Congressional representatives and Senators to monitor the implementation of the USA PATRIOT Act and actively work for repeal of the parts of that Act and those Executive Orders that violate fundamental rights and liberties; and
5. The Town of Arlington will send copies of this resolution to our U.S. Congressional and Senate representatives, the U.S. Attorney General, and the President of the United States.

## **Ashfield, MA**

**Passed on June 21, 2003**

### **ARTICLE 12. To see if the town will support the following resolution**

Whereas Several Acts and Orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten many of our fundamental rights and liberties guaranteed by the Constitution of the Commonwealth of Massachusetts and by the United States Constitution Bill of Rights, including:

- Freedom of speech, religion, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures;

Therefore, We the People of Ashfield, Massachusetts, honoring those who have scarified their lives to protect these rights and liberties, do hereby request:

That local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;

That the U.S. Attorney's Office, the Office of the Federal Bureau of Investigations and Massachusetts State Police report regularly and publicly to the Town of Ashfield the extent to and manner in which they have acted in Western Massachusetts under the USA PATRIOT Act, new Executive Orders, or COINTELPRO type regulations, including disclosing the names of any Ashfield area residents detained in Western Massachusetts or elsewhere;

That our United States Congressman and Senators monitor the implementation of the Acts and Orders cited herein and actively work for the repeal of the parts of those Acts and orders that violate our fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States.

## **Brewster, MA**

**Passed on November 17, 2003**

### **Petition to the Town of Brewster**

To see if the Town will vote to adopt the following resolution to protect civil liberties of Brewster residents

Whereas Patriots of the town of Brewster, then the North Parish of the town of Harwich, in 1774 joined with other Cape Townsmen to block the opening of the September session of the King's Courts, Common Pleas and General Sessions, in Barnstable in the first overt resistance on Cape Cod to the Tyranny of King George III, and

Whereas once again Cape towns are joining in resistance to Acts that can lead to Tyranny, we join here with the towns of Orleans, Eastham, Wellfleet and Provincetown to adopt a resolution to protect the civil liberties of our residents, and

Whereas the rights and liberties of the citizens and non-citizen residents of Brewster protected by the Constitutions of the Commonwealth of Massachusetts and the United States of America include:

- Freedom of speech and assembly;

- The right to privacy;
- The rights to counsel and due process in judicial proceedings;
- Protection from unreasonable searches and seizures;
- The right to be notified of charges against them, and

Whereas the Constitutional protections of Brewster residents are threatened under provisions of existing and proposed federal laws and regulations, which include the U.S.A. Patriot Act, The Homeland Security Act, the Patriot Act II, the Terrorist Information Awareness and T.I.P.S programs and executive orders, which authorize or would authorize:

- detaining Brewster citizens and residents without bringing legal charges, and denying their right to counsel;
- monitoring residents' telephone, internet and library use, video rentals, book and grocery purchases, banking and medical records and other activities without evidence of criminal behavior and without court order;
- spying on domestic organizations without evidence of wrongdoing, designating organizations as "terrorist" without evidence of intent to act against the United States of America, and deporting Brewster citizens and residents who contribute to these organizations, even if unaware of the "terrorist" designation;
- conducting secret military tribunals without fundamental legal protections for the accused;
- secretly searching the homes of Brewster residents when they are absent;
- blocking public access to meetings of government advisory committees and some public records;
- unregulated ethnic profiling of individuals; and

Whereas the United States Attorney General has made threatening statements regarding legal opposition to these policies, and

Whereas these aforementioned laws, regulations and executive orders have current and potential impact on residents and citizens alike, including those exercising their Constitutional rights to speak out against local, state or national policy,

It Is Therefore Resolved and the Town Meeting is petitioned to forbid all local and non-local officials in Brewster, in the absence of probable cause of criminal activity, to the extent legally permissible, from:

1. Participating in or cooperating with any inquiry, investigation, surveillance or detention.
2. Recording, using and keeping any intelligence information about persons and organizations in Brewster, including political views and media use, even if authorized by federal law enforcement officials acting under the cited or allied laws or executive orders. Intelligence information currently held shall be identified and disposed of at the direction of the Selectmen.
3. Enforcing immigration matters.
4. Profiling based on race, ethnicity, citizenship, religion, or political values.

It Is Further Resolved that all Federal, State and County law enforcement officials are requested, and local law enforcement officials directed, to the extent legally permissible, to report to the Brewster Board of Selectmen publicly in writing monthly the extent and manner in which they have acted under the cited and allied laws and executive orders, including but not limited to:

- the names of any Brewster residents detained here or elsewhere and non-residents detained in the area for more than 48 hours as a result of terrorism investigations, and the circumstances, charges against, and names of counsel for each detainee;
- the number of search warrants that have been executed in Brewster without due notice to the subject, and the legal justification for each warrant; and
- the extent of governmental electronic surveillance, monitoring of political, religious and other activities, and obtaining of education, library, video and bookstore records in Brewster.

It Is Further Resolved that the Brewster Town Clerk shall communicate this resolution to all town departments, all Federal, State, and local law enforcement officials, the Governor of Massachusetts, the President and Attorney General of the United States, and the Massachusetts Congressional Delegation, and to ask that Delegation to act to repeal provisions of the cited and allied laws and executive orders that violate the protections of the Massachusetts and United States Constitutions.

It Is Finally Resolved that that if any part of these provisions or their applicability is declared invalid by a court of competent jurisdiction, that part shall be severable and the remainder shall remain in full force and effect.

**Bridgewater, MA**  
**Passed on November 8, 2004**

**A Resolution Affirming the Civil Rights and Liberties of the Citizens of the Town of Bridgewater, Massachusetts**

WHEREAS the Constitution of the United States is our charter of liberty and enshrines fundamental rights of Americans, including the freedoms of religion, speech, assembly, privacy and petitioning the government for a redress of grievances; AND

WHEREAS the preservation of these liberties is essential to the well-being of a democratic society; AND

WHEREAS federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should also do so in a rational and deliberative fashion to ensure that any new security measure enhances the public safety without impairing our Constitutional rights or infringing on civil liberties; AND

WHEREAS Federal counter-terrorism policies adopted since September 11, 2001, in particular the USA PATRIOT Act (Public Law 107-56), and related executive orders threaten our civil liberties by:

- a. a) limiting the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in criminal investigations;
- b. b) expanding the authority of federal agents to conduct so-called “sneak and peek” searches, in which the subject of the search warrant is unaware that his property has been searched;
- c. c) granting the law enforcement and intelligence agencies broad access to personal medical, financial, library, and education records with little if any judicial oversight;
- d. d) permitting the FBI to conduct surveillance of religious services, internet chatrooms, political demonstrations, and other public meetings of any kind without having evidence that a crime has been or may be committed;
- e. e) authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as “enemy combatants” without access to counsel or meaningful recourse to the federal courts; AND

WHEREAS 344 communities from across the country, including 45 from Massachusetts, have enacted resolutions, speaking out against these government actions, demanding accountability from local and federal government;

THEREFORE BE IT RESOLVED by the town of Bridgewater that:

1. The town of Bridgewater and its elected and appointed officials affirm their strong opposition to terrorism, but also affirm that any actions to end terrorism must not be waged at the expense of the fundamental civil liberties, rights, and freedoms of the people of Bridgewater, the United States, or the world;
2. Bridgewater and its employees and instrumentalities shall continue to preserve residents’ freedom of speech, religion, assembly, and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; without regard to race, ethnicity, national origin, religion, age, sexual orientation, gender, economic status, marital status, citizenship status, or disability and that law enforcement will not be used to gather information about residents engaged in lawful advocacy activities;
3. To the extent legally possible, no Bridgewater resources, including law enforcement funds and educational administrative resources, will be used for unconstitutional activities in whatever manner or under whatever circumstances they may be presented;
4. Bridgewater urges our State Representatives and Senators, and United States Representative and Senators to monitor the continuing implementation of the USA PATRIOT Act, and actively work for the repeal of those provisions that are found to unlawfully infringe on civil rights and liberties;
5. Bridgewater requests that the office of the Massachusetts Attorney General offer legal support to any public library, which is subject to a federal suit or administrative enforcement action for refusing to comply with the provisions of the USA PATRIOT Act related to library patrons’ records.
6. The Bridgewater Public Library should be instructed to post in a prominent place within the library a notice as follows:  
 “WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of books and other materials you borrow from this library may be obtained by federal agents. This law also prohibits librarians from informing you if federal agents have obtained records about you. Questions about this policy should be directed to Attorney General John Ashcroft, Department of Justice, Washington, DC 20530
7. Copies of this resolution shall be sent to the President of the United States; the Attorney General of the United States; the Secretary of the Department of Homeland Security; the Governor of Massachusetts; and to each member of the Massachusetts delegation in Congress.

## Brookline, MA

### Passed on May 29, 2003

#### Article 17. Brookline (MA) Resolution on Civil Liberties

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.

-Benjamin Franklin, Historical Review of Pennsylvania, 1759

You need only reflect that one of the best ways to get yourself a reputation as a dangerous citizen these days is to go about repeating the very phrases which our founding fathers used in the struggle for independence.

-Charles Austin Beard

WHEREAS: United States law is founded in the Declaration of Independence, the United States Constitution, and the Bill of Rights; and

WHEREAS: Brookline is a politically diverse and democratic community whose residents are committed to preserving the human rights and civil liberties enunciated in these founding documents; and

WHEREAS: Acts of terrorism against the United States on September 11, 2001, prompted President George W. Bush to declare a “war on terrorism,” many aspects of which, in its domestic implementation, constitute an assault with few precedents on the following constitutional amendments:

- The First Amendment, which provides that no law shall be made “abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”;
- The Fourth Amendment, which declares, “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”;
- The Fifth Amendment, which states that no person “shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law”;
- The Sixth Amendment, which guarantees defendants “the right to a speedy and public trial, by an impartial jury... and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense”;
- The Eighth Amendment, which states, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”;
- The Fourteenth Amendment, which prohibits the government from denying “to any person within its jurisdiction the equal protection of the laws”;

WHEREAS: We believe these inalienable rights are now directly threatened by:

- A. The USA PATRIOT Act, whose ambiguities and vast scope greatly strengthen the government’s power to invade and control the everyday lives of citizens and non-citizens alike. This Act:
  - Inhibits constitutionally protected speech through vague and overly broad definitions of “terrorism” and creation of the new crime of “domestic terrorism,” the interpretation of which resides exclusively in the hands of the Attorney General and the President (Sections 411, 412, 802, 808);
  - Virtually eliminates judicial supervision of telephone and Internet surveillance (Sec. 216);
  - Greatly expands the government’s authority to conduct secret searches (Sections 209, 213, 215, 218-220);
  - Grants the FBI broad access to individual medical, mental health, financial, employment, and educational records without having to show evidence of a crime and without a court order; and
  - Permits the FBI to track individual book borrowing in libraries and book purchases and video rentals in stores and makes it a crime for librarians and vendors to reveal their knowledge of such tracking (Sec. 215);
- B. Federal Executive Orders and governmental actions since September 11, 2001, which
  - Permit wiretapping of conversations between federal prisoners and their lawyers;
  - Eliminate Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals);
  - Establish secret military tribunals for terrorism suspects, including both citizens and non-citizens;

- Permit thousands of men, mostly of Arab and South Asian origin, to have been held for many months in secret custody, most without any charges filed against them, without publication of their identities and location in defiance of repeated congressional requests and court orders; and
- Limit the release of public documents and records in many subject areas under the Freedom of Information Act (FOIA); and

C. The Homeland Security Act, which violates fundamental principles of open governance by:

- Exempting the Department of Homeland Security from FOIA disclosure, thereby drastically restricting its responsibility to answer public questions;
- Empowering the Secretary of the Department to waive the safeguards contained in the federal Whistleblower Protection Act; and
- Empowering the Secretary of the Department to require vaccinations of the entire population with no exemptions (Sec 304c); and

WHEREAS: The provisions of the Constitution apply in wartime as in peace; and to violate or depart from them, under the plea of necessity or any other plea, is subversive of good government; and

WHEREAS: United States laws that pre-existed 9/11 would, if competently and effectively implemented, be sufficient to investigate terrorists and bring them to justice;

NOW, THEREFORE, BE IT RESOLVED: That the TOWN OF BROOKLINE, MASSACHUSETTS, in its 2003 Annual Town Meeting assembled:

1. declares and affirms that the USA PATRIOT ACT, the Homeland Security Act, and a number of recent federal Executive Orders contain provisions which, taken together, constitute an assault with few historic precedents upon the civil liberties and human rights established for the citizens of the United States of America;
2. maintains that its officials and employees must be permitted to hold the United States Constitution, including the Bill of Rights, as the ultimate legal authority whenever its provisions conflict with those of the USA PATRIOT Act, the Homeland Security Act, or federal Executive Orders, thereby upholding all constitutional rights, including due process, equal protection of the laws, and the freedoms of speech, religion, assembly, and privacy of all Brookline residents;
3. urges that the Governor of Massachusetts, all Massachusetts state and federal legislators, jurists, law enforcement officers, and officials, and the citizens of Massachusetts take all legally appropriate action to seek the revocation and elimination of those provisions of the USA PATRIOT Act, the Homeland Security Act, and recent federal Executive Orders that diminish the civil liberties and human rights of the residents of the Town of Brookline and the Commonwealth of Massachusetts in contradiction of the Constitution of the United States;
4. declares that the actions of the federal government under the USA PATRIOT Act, the Homeland Security Act, and recent Executive Orders in holding US citizens and residents secretly and without due process of law, in secretly investigating and compiling information on its own citizens without probable cause, and in impairing freedom of association are among the very abuses that led to the formation of our nation and adoption of the Constitution and Bill of Rights, and it therefore urges the federal, state, and local governments to regularly make public and available to the Board of Selectmen at least the following information relevant to the above-referenced Acts and Executive Orders:
  - the names of any detainees held within the Commonwealth of Massachusetts and of any Brookline residents detained within the Town or elsewhere; the circumstances that led to each detention; the charges, if any, lodged against each detainee; and the name of counsel, if any, representing each detainee;
  - the number of search warrants that have been executed in the Town of Brookline without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;
  - the extent of electronic surveillance carried out in the Town of Brookline under powers granted in the USA PATRIOT Act;
  - the extent to which federal authorities are monitoring political meetings, religious gatherings, or other activities within the Town of Brookline that are protected by the First Amendment;
  - the number of times education records have been obtained from public schools and institutions of higher learning in the Town of Brookline under section 507 of the USA PATRIOT Act; and
  - the number of times individual borrowing records have been obtained from libraries and purchasing records have been obtained from book and video stores in the Town of Brookline under section 215 of the USA PATRIOT Act; and
5. requests that the Town Clerk and the Board of Selectmen jointly endeavor to publish this resolution and post it in public places, e.g., kiosks, bulletin boards, and the lobbies of Town Hall, the libraries and the public schools; and that the Town Clerk send a copy of this resolution to the Norfolk County District Attorney, the Massachusetts State Police, the Massachusetts Congressional



and Statehouse delegations, the Attorney General and the Governor of the Commonwealth of Massachusetts, the local United States Attorney, the United States Attorney General and the President of the United States

## **Buckland, MA**

### **Passed on May 5, 2004**

#### **Resolution Defending the Bill of Rights and Civil Liberties**

The Town of Buckland has been and remains committed to the protection of civil rights and liberties that are written in the Bill of Rights of the United States Constitution and the Constitution of the Commonwealth of Massachusetts.

Whereas the rights and liberties of the residents, both citizens and non-citizens, of Buckland, protected by the Constitution of the Commonwealth of Massachusetts and the Constitution of the United States of America include:

- Freedom of speech and assembly
- The right to privacy
- The right to counsel and due process in judicial proceedings
- Protection from unreasonable searches and seizures
- The right to be notified of charges against them

Whereas the Constitution's protections of Buckland residents are threatened under certain provisions of the USA PATRIOT Act, and the Homeland Security Act, which authorize:

- Monitoring our telephone, internet and library use, video rentals, book purchases, banking and medical records and other activities without evidence of criminal behavior and without a court order
- Secretly detaining Buckland residents without bringing legal charges and denying their right to Counsel
- Spying on domestic organizations without evidence of wrongdoing, designating organizations as "terrorist" without evidence of intent to act against the United States of America, detaining and/or deporting Buckland residents who contribute to these organizations, even if they are unaware of the "terrorist" designation
- Conducting secret military tribunals without fundamental legal protections for the accused
- Secretly searching the homes of Buckland residents when they are absent

Therefore we the people of Buckland, Massachusetts, honoring those who have sacrificed their lives to protect these rights and liberties, do hereby request that local law enforcement continue to preserve and protect our freedom of speech, religion, assembly, privacy, right to Counsel, due process in judicial proceedings, and protection from unreasonable searches and seizures.

It is further resolved that all Buckland officials and employees are requested to provide the Buckland Board of Selectmen with:

- The names of any Buckland residents detained here or elsewhere for more than 48 hours as a result of terrorism investigations, the circumstances, the charges against them and the names of Counsel for each detainee
- The number of search warrants that have been executed in Buckland without due notice to the subject and without legal justification for each warrant
- The extent of government electronic surveillance, monitoring of political, religious and other activities including telephone, internet and library use, video rentals, book purchases banking and medical records and other activities without evidence of criminal behavior

It is further resolved that we, the people of Buckland, urge our elected officials to encourage our United States Senators and Representatives to:

1. Monitor the implementation of the Acts and Orders cited herein
2. Actively work for the repeal of the parts of those acts and orders that violate our fundamental rights and liberties as stated in the Bill of Rights of the United States Constitution and the Constitution of the Commonwealth of Massachusetts

## **Cambridge, MA**

### **Passed on June 17, 2002**

#### **Cambridge City Council Resolution**

Whereas, the residents of the City of Cambridge wish to honor the memory of all those who have died as a result of the September 11, 2001 crimes and their consequences; and

Whereas, the City of Cambridge has a tradition of inclusion and extending protections to all its residents as embodied in its Human Rights Ordinance; and

Whereas, the Bill of Rights of the United States Constitution and the Constitution of Massachusetts guarantee those living in the United States the following rights:

- Freedom of speech, assembly and privacy;
- Equality before the law and the presumption of innocence;
- Access to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and
- Whereas, we believe these civil liberties are precious and are now threatened by the USA PATRIOT Act, which:
- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches without warrants;
- Grants unchecked power to the Secretary of State to designate domestic groups as "terrorist organizations";
- Grants power to the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime;
- Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and

Whereas, Federal Executive Orders issued since passage of the USA PATRIOT Act may further endanger the rights and security of both citizens and non-citizens who speak and act legally in opposition to government policies through:

- Establishing secret military tribunals for terrorism suspects;
- Authorizing eavesdropping on confidential communications between lawyers and their clients in federal custody;
- Lifting Justice Department regulations against covert, illegal counter-intelligence operations by the FBI that in the past targeted domestic groups and individuals;
- Limiting disclosure of public documents and records under the Freedom of Information Act; and

Whereas, Cambridge's representative in Congress Michael Capuano, along with his Massachusetts colleagues, Representatives Frank, McGovern, Oliver, and Tierney, found the USA PATRIOT Act inappropriate and dangerous enough to join 66 other representatives in voting against it; and

Whereas, this law and these Executive Orders particularly target foreign nationals and people of Middle Eastern and South Asian descent but could affect any one of us in the USA acting legally and speaking against in opposing government policy and

Whereas, in *Zadvydas v. Davis* this past session the U.S. Supreme Court affirmed that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent"; and

Whereas, a 1985 City Council resolution declared the City of Cambridge "A Sanctuary City" in which city departments and employees are committed to protect refugees from:

- Requests for information about, or conditioning receipt of city services on, citizenship status;
- "Investigations or arrest procedures, public or clandestine, relating to alleged violations of immigration law..."; and
- Deportation and dangerous returns to their homelands; and

Whereas, through its diversity committee, its support for the Immigrant Voting Rights proposal, and its annual Holocaust commemoration resolution, the City of Cambridge has gone on record "affirming of our diversity" and the need to "be eternally vigilant against all forms of bigotry in our community and elsewhere"; Therefore, be it

Resolved that the City of Cambridge reaffirm its status as "A Sanctuary City," by protecting civil rights and civil liberties for all people consistent with the Bill of Rights and the Massachusetts constitution and be it further

Resolved that the City of Cambridge affirm its commitment to embodying democracy, to embracing and defending the human rights and civil liberties now under siege, to guaranteeing the economic security required to make those liberties viable for all, regardless of citizenship status, gender, racial identification, religious affiliation, age, or country of origin; and be it further

Resolved that the City Council, as directed by the city manager, declares that no City of Cambridge department or employee, to the extent legally possible, violate this city's existing and herewith reaffirmed policy to serve as a sanctuary for civil rights and civil liberties; and further

Resolved that it shall be the policy of the City of Cambridge, to the extent legally possible, and as directed by the city manager, to hereby request that:

- Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the federal Executive Branch
- The City Manager inform federal and state law enforcement officials acting within the city of our desire that they not engage in or permit detentions without charges or racial profiling in law enforcement; further that the Cambridge Police department not engage in racial profiling or detention without charges; and
- The local U.S. Attorney's office, the Office of the Federal Bureau of Investigation, Massachusetts State Police, and local law enforcement authorities and city departments report to the Cambridge Human Rights Commission regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act and new Executive orders, including disclosing the names of any detainees held in eastern Massachusetts or any Cambridge residents detained elsewhere; and be it further

Resolved that the city clerk communicate this resolution to all city departments, the General Court, the Governor and Attorney General of the Commonwealth of Massachusetts, the Massachusetts Congressional delegation, the United States Attorney General, and the President of the United States; and be it further

Resolved that the provisions of this resolution shall be severable, and if any phrase, clause, sentence, or provision of this resolution is declared by a court of competent jurisdiction to be contrary to the constitution of the united states or of the Commonwealth of Massachusetts or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

## **Carlisle, MA**

**May 3, 2004**

### **A Resolution to Protect the Civil Liberties of Carlisle Citizens**

To determine whether the Town of Carlisle wishes to take action to defend the civil liberties of its residents and all others within its boundaries by agreeing to the following resolution:

#### **WHEREAS:**

1. The Citizens of Carlisle, through its town meeting, hereby reaffirm the fundamental and unalienable civil liberties secured by the Constitution of the Commonwealth of Massachusetts and the U.S. Constitution for all people within the Town, including the rights to freedom of speech, freedom of assembly, freedom from unreasonable searches and seizures, and due process of law;
2. Provisions of the USA PATRIOT Act ("the Act") and associated federal executive orders are assaults on these long-cherished civil liberties; and
3. As a great Massachusetts-born patriot, Benjamin Franklin, so well stated, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

#### **THEREFORE, be it resolved that:**

1. The Town of Carlisle urges its elected representatives in the U.S. House and Senate to monitor the implementation of the Act and related executive orders, and to actively work for the repeal of those portions of the Act that violate civil liberties as guaranteed by the Bill of Rights of the U.S. Constitution, particularly the rights to freedom of speech and assembly, due process of law, freedom from unreasonable searches and seizures, whether such searches and seizures take place in homes, libraries, schools, or elsewhere, and the right to counsel and to confront accusers;
2. The Town Meeting requests the Board of Selectmen, acting through the Town Administrator, to instruct the employees of the Town of Carlisle and its schools to act in a manner scrupulously consistent with the civil liberties guaranteed by the Constitutions of the United States and the Commonwealth of Massachusetts, to the extent legally permissible.
3. The Town Administrator is requested, to the extent legally permissible, report annually to the Town Meeting any information in the Town's possession about the manner in which the PATRIOT Act is being implemented in the Town, such as by disclosing the names and whereabouts of any Town resident(s) detained pursuant to the Act;
4. The Town Clerk and Board of Selectmen is requested to arrange to post and publish this resolution prominently and to send a copy of it to all Town departments, the Middlesex County District Attorney, the Massachusetts State Police, the Massachusetts General Court, the Attorney General and Governor of the Commonwealth of Massachusetts, the United States Attorney for Massachusetts, the United States Attorney General, our elected representatives in Congress, and the President of the United States, for their action thereon.

## **Charlemont, MA**

### **Passed on May 3, 2004**

#### **An article asking the citizens of Charlemont to defend our state and federal constitutions which are threatened by provisions of the USA PATRIOT Act\* and other Executive Orders.**

Whereas the rights and liberties of the residents of Charlemont protected by the Constitutions of the Commonwealth of Massachusetts and the United States of America include:

1. Freedom of speech and assembly
2. The right to privacy
3. The right to counsel and due process in judicial proceedings
4. Protection from unreasonable searches and seizures
5. The right to be notified of charges against us, and

Whereas the Constitutions' protections of Charlemont residents are threatened under the provisions of the USA PATRIOT Act and certain Executive Orders which authorize:

1. Monitoring our telephone, internet, library use, video rentals, book and grocery purchases, banking and medical records and other activities, without notification or evidence of criminal behavior, with minimal judicial oversight; (Sections 215/505)
2. Detaining Charlemont residents without bringing legal charges and denying their right to counsel; (Sections 411/412)
3. Spying on domestic organizations without evidence of wrongdoing, designating organizations as "terrorists" without evidence of intent to act against the United States, and deporting non-citizen Charlemont residents who contribute to these organizations, even if they are unaware of the "terrorist" designation; (Sections 411, 412, 505, 802)
4. Conducting secret military tribunals without fundamental legal protections for the accused; (Executive Order of Nov. 13, 2001)
5. Secretly searching the homes of Charlemont residents in our absence; (Section 213)
6. Using unregulated ethnic profiling of individuals;

Therefore we the citizens of Charlemont, Massachusetts do hereby request:

1. That local law enforcement officials uphold the United States Constitution by continuing to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures-- even if requested or authorized to infringe upon these rights by anyone acting under the new powers granted by the USA PATRIOT Act or orders from the executive branch;
2. That our local officials, the U. S. Attorney General's Office, the Office of the Federal Bureau of Investigation and the Massachusetts State Police report publicly and in a timely fashion to the Select Board of the Town of Charlemont any ways in which they have acted in Charlemont under the USA PATRIOT Act or new executive orders, including disclosing the names of any Charlemont residents detained here or elsewhere;
3. That our Congressional Representatives and our Senators monitor the implementation of the Acts and Orders cited herein; that they vote against any attempt to make the USA PATRIOT Act permanent; and that they actively work for the repeal of those parts of the Acts and Orders that violate our fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States.

## **Chatham, MA**

### **Passed on May 11, 2004**

#### **Article 30 - Patriot Act**

To see if the Town will vote to adopt the following resolution to protect the civil liberties of Chatham residents.

Since our Town's founding, the men and women of Chatham have demonstrated a fervent sense of patriotism, whether in wartime military action or in defending their rights to utilize the natural resources surrounding our community. This community believes in its right to defend and protect what it sees as creator-given.

It is within this context that we protest acts which we see as jeopardizing rights guaranteed to us by the Bill of Rights of the Constitution of the United States. We view the action we recommend not only as a right granted under the Constitution but also as an obligation placed on us as citizens of a free state and a free nation who love our country and desire to protect those rights and liberties. In this we wish to join with our fellow citizens in the towns of Brewster, Orleans, Eastham, Wellfleet and Provincetown in adopting the following resolution to protect our civil rights.

Whereas the rights of Chatham residents are guaranteed by the Constitution of the United States of America and the Commonwealth of Massachusetts, specifically:

- Freedom of speech, assembly and religion
- Right to reasonable privacy
- Right to counsel and due process in judicial proceedings and
- Freedom from unreasonable search and seizure

And whereas the Constitutional protections of Chatham residents are threatened under provisions of existing and proposed federal laws and regulations, including the U.S.A. P.A.T.R.I.O.T Act, the Homeland Security Act, data-gathering and spy programs such as the Terrorist Information Awareness and Terrorist Information & Prevention System (TIPS) and Executive Orders which authorize or would authorize:

- detaining Chatham citizens and residents without bringing specific legal charges and denying their right to counsel:
- monitoring residents' telephone, internet and library use... banking and medical records.. book and grocery purchases... video rentals and other activities without evidence of criminal behavior and without a court order;
- spying on domestic organizations and religious groups without evidence of wrongdoing.. designating organizations as "terrorist" without evidence of intent to harm or terrorize any population or any government inside or outside the United States.. imprisoning Chatham citizens and deporting non-citizen residents who contribute to such organizations even if they are unaware of any "terrorist" designation'
- conducting secret military tribunals without fundamental legal protections for the accused'
- secretly searching the homes of Chatham residents'
- blocking public access to meetings of government advisory committees and to some public records and
- unregulated ethnic profiling of individuals...

And whereas the Attorney General of the United States has made threatening statements regarding legal activities opposing these policies, and

Whereas these aforementioned laws, regulations and executive orders impact American citizens and legal residents alike, including those exercising their Constitutional rights to speak out against local, state or national policy...

Be It Therefore Resolved that the Town directs all local officials, and requests all non-local officials in Chatham, in the absence of probable cause of criminal activity and to the extent legally permissible, to refrain from:

1. Participating in or cooperating with any inquiry, investigation, surveillance or detention which has not been judicially sanctioned'
2. Recording, using and keeping intelligence information about Chatham persons and organizations, including their political views and media use. Any such information currently held shall be identified and disposed of at the direction of the Selectmen'
3. Profiling based on race, ethnicity, citizenship, religion or political views, And'

Be It Further Resolved that local law enforcement officials are directed, and non-local officials requested, to the extent legally permissible, to report to the Board of Selectmen regularly and publicly all their actions under the cited and allied laws and executive orders, and

Be It Further Resolved that the Chatham Town Clerk shall communicate this Resolution to all town departments, all federal, state and local law-enforcement officials, the Governor of Massachusetts, the President and Attorney General of the United States and the Massachusetts Congressional delegation... and shall ask that delegation to act to repeal such provisions of the cited and allied laws and executive orders as violate the protections of the Massachusetts and U.S. Constitutions. And

Finally Be It Resolved that if any part of these provisions or their applicability is declared invalid by a court of competent jurisdiction, that part shall be severable and the remainder shall remain in full force and effect.

## **Chilmark, MA**

### **Passed on April 28, 2004**

Chilmark, Massachusetts, Ballot Question 8

WHEREAS, the BILL of RIGHTS of the United States Constitution and the Constitution of the State of Massachusetts ensure that every person has the right to freedom of speech and association. Every person has the right to freedom of religion. Every person has the right to assembly and privacy. Every person has the right to due process in judicial proceedings. Every person has the right to be

free from unreasonable search and seizure. Stops or arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed. Every person has the right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law; and

WHEREAS, there is strong evidence that these guarantees are threatened by parts of the USA PATRIOT Act, related legislation, and Federal Executive orders which allow:

- detaining citizens and residents without bringing legal charges and denying their right to counsel
- monitoring their telephone, internet and library use, video rentals, book and grocery purchases, financial transactions, medical records and other activities without evidence of criminal behavior and without a court order
- spying on domestic organizations without evidence of wrongdoing, designating organizations as “terrorist” without evidence of intent to act against the US and deporting citizens and residents who contribute to these organizations even if they are unaware of the “terrorist” designation
- conducting secret military tribunals without fundamental legal protections
- secretly searching the homes of residents and citizens when they are absent
- profiling individuals according to their ethnicity

BE IT RESOLVED THAT the people of Chilmark and other Towns on Martha’s Vineyard are joining over 233 cities and towns in the US in affirming strong opposition to those parts of the USA PATRIOT Act, related legislation and acts, and to certain Justice Department directives and executive orders that weaken or destroy our constitutional civil rights and liberties.

BE IT FURTHER RESOLVED THAT the people of Chilmark request that our United States Congressional representatives monitor the implementation of the USA PATRIOT Act and related legislation, acts, and executive orders, and actively work for the repeal of the parts of those documents that violate fundamental rights and liberties as stated in the Constitution of the United States and the Constitution of Massachusetts, in the United Nations Charter, and the ratified International Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on Elimination of Racial Discrimination.

BE IT FURTHER RESOLVED THAT the Town Clerk communicate this resolution to all Town departments, the General Court, the Governor and Attorney General of the Commonwealth of Massachusetts, the Massachusetts Congressional delegations, the US Attorney General, the President of the United States, and the United Nations High Commissioner for Human Rights in Geneva, Switzerland.

## **Colrain, MA**

### **Passed on May 4, 2004**

Whereas the threat to our communities’ security posed by acts of terror at home and abroad moves us to speak out against the need to sacrifice civil liberties in order to secure our lives, recognizing that such a sacrifice itself incites terror; and

Whereas the Bill of Rights of the United States Constitution guarantees those living in the United States the following rights:

- Freedom of speech, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures and subpoenas without a court order; and

Whereas we believe these civil liberties are inalienable, yet are now threatened by

A. The USA PATRIOT Act, which, among other provisions,

- Gives the Attorney General and the Secretary of State the power to designate domestic groups as “terrorist organizations” (Sections 411/802);
- Asserts that an unknowing association with terrorists is a deportable offense, and allows non-citizens to be jailed indefinitely without the government’s having to show they are terrorists (Sections 411/412);
- All but eliminates judicial supervision of telephone and Internet surveillance (Sections 214/216);
- Greatly expands the government’s ability to conduct secret searches and take away one’s property without a hearing (Sections 213/806);
- Grants the FBI broad access to medical, mental health, financial, educational, and library records about individuals without having to show evidence of a crime and without a court order (Sections 215/505); and

B. Federal Executive Orders, which, for example,

- Establish secret military tribunals for terrorism suspects (11113/01);

- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities such as wiretapping without a court order that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act (3/25103); and

Whereas the USA PATRIOT Act and these Executive Orders particularly target foreign nationals and people of Middle Eastern and South Asian descent, but could affect any one of us in the U.S.A. acting and speaking legally in opposing government policy; and

Whereas we, the Town officials of Colrain, Massachusetts, do fully support and seek to uphold and protect the United States Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts and its Declaration of Rights; and

Whereas sections of the USA PATRIOT Act and these several Executive Orders now threaten many of our fundamental rights guaranteed by the above-named documents:

Now, therefore, we, the Town officials of Colrain, Massachusetts, on behalf of the citizens of this town, do hereby call upon our Congressman and Senators to work actively for the repeal of all sections of the aforementioned Act and Orders that permit

the violation of our fundamental rights and liberties as set out in the state and federal constitutions, which form the bedrock of freedom in the United States of America.

## **Concord, MA**

**Passed on May 3, 2004**

### **Warrant Article 46: A Resolution to Protect the Civil Liberties of Concordians**

To determine whether the Town of Concord, the cradle of American freedom, wishes to take action to uphold its long and distinguished history of defending the civil liberties of its residents and all others within its boundaries by agreeing to the following resolution:

#### **WHEREAS:**

- The Citizens of Concord, through its town meeting, hereby reaffirm the fundamental and unalienable civil liberties secured by the Constitution of the Commonwealth of Massachusetts and the U.S. Constitution for all people within the Town, including the rights to freedom of speech, freedom of assembly, freedom from unreasonable searches and seizures, and due process of law;
- Provisions of the USA PATRIOT Act (“the Act”) and associated federal executive orders are assaults on these long-cherished civil liberties; and
- As a great Massachusetts-born patriot, Benjamin Franklin, so well stated, “They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.”

#### **THEREFORE, be it resolved that:**

1. The Town of Concord urge its elected representatives in the U.S. House and Senate to monitor the implementation of the Act and related executive orders, and to actively work for the repeal of those portions of the Act that violate civil liberties as guaranteed by the Bill of Rights of the U.S. Constitution, particularly the rights to freedom of speech and assembly, due process of law, freedom from unreasonable searches and seizures, whether such searches and seizures take place in homes, libraries, schools, or elsewhere, and the right to counsel and to confront accusers;
2. The Town Meeting direct the Board of Selectmen, acting through the Town Manager, to instruct the employees of the Town of Concord and its schools to act in a manner scrupulously consistent with the civil liberties guaranteed by the Constitutions of the United States and the Commonwealth of Massachusetts, to the extent legally permissible;
3. The Town Manager shall, to the extent legally permissible, report annually to the Town Meeting any information in the Town’s possession about the manner in which the PATRIOT Act is being implemented in the Town, such as by disclosing the names and whereabouts of any Town resident(s) detained pursuant to the Act;
4. The Town Clerk and Board of Selectmen shall arrange to post and publish this resolution prominently and to send a copy of it to all Town departments, the Middlesex County District Attorney, the Massachusetts State Police, the Massachusetts General Court, the Attorney General and Governor of the Commonwealth of Massachusetts, the United States Attorney for Massachusetts, the United States Attorney General, our elected representatives in Congress, and the President of the United States, for their action thereon.

Or take any other action relative thereto.

## **Conway, MA**

### **Passed on April 12, 2004**

#### **Petition to the Select Board of Conway, Massachusetts**

Whereas several Acts and Orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten many of our fundamental rights and liberties guaranteed by the Constitution of the Commonwealth of Massachusetts and by the United States Constitution Bill of Rights, including

- Freedom of speech, religion, assembly and privacy;
- The right to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and
- Whereas these civil liberties are now threatened by

#### **A. The USA PATRIOT Act, which**

- All but eliminates judicial supervision of telephone and internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"; and
- Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and

#### **B. Federal Executive Orders, which**

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act;

Therefore we place this article for the annual Town Meeting Warrant of April 12, 2004:

To see if the Town, honoring those who have sacrificed their lives to protect our liberties, will pass a resolution requesting:

1. That local law enforcement, to the extent legally permissible, continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, even if requested or authorized to infringe upon these rights by federal law enforcement, acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;
2. That our local, state and federal officials report regularly and publicly to the Town the ways in which they have acted in Western Massachusetts under the USA PATRIOT Act, new Executive Orders, or covert domestic intelligence regulations, including disclosing the names of any Conway area residents who have been detained;
3. That our Congressman and Senators monitor the implementation of the Acts and Orders cited herein, vote against any attempt to make the USA PATRIOT Act permanent, and actively work for the repeal of the parts of those Acts and Orders that violate our fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States; or take any action relative thereto.

## **Dennis, MA**

### **Passed on May 4, 2004**

#### **ARTICLE 24, To See if the Town Will Vote to Approve the Following Non-binding Resolution:**

WHEREAS, the Town of Dennis, motivated by the commitment to uphold the human rights of all persons in Dennis and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the Commonwealth of Massachusetts and the Town of Dennis, and

WHEREAS, several acts and orders recently enacted at the Federal Level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties: Freedom of speech, religion, assembly and privacy; The rights



to counsel and due process in judicial proceedings; and Protection from unreasonable searches and seizures; All guaranteed by the Constitution of the Commonwealth of Massachusetts, and the United States Constitution and its Bill of Rights;

THEREFORE, we the Citizens of the Town of Dennis, Massachusetts, acting in the spirit and history of our community, do hereby request that:

1. Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;
2. Federal and state law enforcement officials acting within the Town work in accordance with the policies of the Dennis Police Department, and in cooperation with the Department, by not engaging in or permitting detentions without charges or racial profiling in law enforcement;
3. The U.S. Attorney's Office of the Federal Bureau of Investigation and Massachusetts State Police report to the Town of Dennis regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees held in eastern Massachusetts or any Dennis residents detained elsewhere;
4. Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitution of the Commonwealth and the United States.

## **Duxbury, MA**

**Passed on March 16, 2004**

### **Resolution to Restore Key Civil Liberties and Rights**

Whereas, the Town of Duxbury recognizes and upholds all the rights and privileges secured by the U.S. Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts, which guarantee all citizens and non-citizens the following rights:

- Freedom of speech , assembly and privacy
- The rights to counsel and due process in judicial proceedings
- Protection from unreasonable searches and seizures

Whereas, we believe these civil liberties are precious and are now threatened by:

The USA PATRIOT ACT, which

- Greatly expands the government's ability to conduct secret searches
- Severely reduces judicial supervision of telephone and Internet surveillance
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"
- Grants FBI. broad access to sensitive medical, mental health, financial and educational records about individuals without a court order or evidence of a crime
- Allows the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime

The Homeland Security Act, which

- Increases secret surveillance and reduces privacy protections
- Potentially allows the federal government to maintain extensive files on all Americans without limitations
- Weakens safeguards on government access to e-mails and to information about an individual's Internet activity, allowing access without the need for a court order
- Gives the government the ability to secretly collect information without court orders or other checks

Federal Executive Orders , which

- Establish secret military tribunals for terrorism suspects
- Permit wiretapping of conversations between federal prisoners and their lawyers

- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals)
- Limit the disclosure of public documents and records under the Freedom of Information Act

Whereas, law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and the associated orders and rules of the executive branch as unnecessary to the prosecution of, and protection from terrorism,

Therefore, be it resolved that:

1. The Town of Duxbury affirm the civil rights granted to all of its residents U.S. citizens and citizens of other nations alike-in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution;
2. The Town of Duxbury urges the U.S. Congressional representatives and Senators to monitor the implementation of the above Acts and Orders, and actively work for repeal of those portions of the Acts and Orders that violate fundamental rights and liberties guaranteed by the United States Constitution;
3. The Selectmen of the Town of Duxbury shall send copies of this resolution to the President of the United States, the U.S. Attorney General, members of the Massachusetts Congressional delegation, our district representatives in the Massachusetts House and Senate, and to the Governor and the Attorney General of Massachusetts. Vote was Yes-59 and No-26 the motion carried.

## **Eastham, MA**

**Passed on May 5, 2003**

### **Eastham Resolution (Article 32): To see if the Town will vote to adopt the following resolution**

We, the undersigned registered voters of the Town of Eastham, do hereby petition the Board of Selectmen, requesting that they place the following Article on the warrant for the Annual Town Meeting:

Whereas, the Town of Eastham has a long and distinguished history of protecting and expanding civil rights and civil liberties, and

Whereas, the Town of Eastham houses a diverse population, both year round and summer, including non-citizens, whose contributions to the community are vital to its character and its function, and

Whereas, the Town of Eastham, committed to uphold the human rights of all persons in Eastham and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, and the Commonwealth of Massachusetts, and

Whereas, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties:

- Freedom of speech, religion, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures;
- All being rights guaranteed by the Constitution of the Commonwealth of Massachusetts, and the United States Constitution and its Bill of Rights;

Therefore, we concerned citizens of the Town of Eastham, acting in the spirit and history of our community, do hereby request that:

1. Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch; further, that the preservation of said rights shall equally be incumbent on Federal and State law officials acting within the Town of Eastham; and further that the names and whereabouts of any resident detained under any provisions of the PATRIOT ACT must be disclosed.
2. Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of the Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States.
3. The clerk of the Town of Eastham shall send copies of this resolution to the Massachusetts members of the United States House and Senate.

## **Edgartown, MA**

### **Passed on August 31, 2004**

WHEREAS the Bill of Rights of the United States Constitution and the Constitution of the State of Massachusetts ensure that every person has the right to freedom of speech and association. Every person has the right to the freedom of religion. Every person has the right to be free from unreasonable search and seizure. Stops or arrests may not be made without establishing reasonable suspicion or probably cause that a crime has been committed or is about to be committed. Every person has the right of equal protection under the law and the right not to be deprived of life, liberty, or property without due process.

WHEREAS there is strong evidence that these guarantees are threatened by parts of the USA PATRIOT Act, related legislation, and Federal Executive orders which allow: a) detaining citizens and residents of Edgartown without bringing legal charges and denying their right to counsel; b) monitoring their telephone, internet and library use, video rentals, book and grocery purchases, financial transactions, medical records and other activities without evidence of criminal behavior and without a court order; c) spying on domestic organizations without evidence of wrongdoing, designating organizations as “terrorist” without evidence of intent to act against the US and deporting citizens and residents who contribute to these organizations even if they are unaware of the “terrorist” designation; d) conducting secret military tribunals without fundamental legal protections; e) secretly searching the homes of residents and citizens of Edgartown when they are absent; and f) profiling individuals according to their ethnicity.

WHEREAS the people of Edgartown are joining over 233 cities and towns in the US in affirming strong opposition to those parts of the USA PATRIOT Act, related legislation and acts, and to certain Justice Department directives and executive orders that weaken or destroy our constitutional civil rights and liberties.

BE IT RESOLVED that the Town of Edgartown should employ all possible leverage to ensure that Federal and State law enforcement officials working on the Island not engage, to the extent legally permissible, in law enforcement activities that threaten our civil rights and civil liberties, such as surveillance, wiretaps, and securing private information, which the USA PATRIOT Act and related legislation and acts authorize.

BE IT FURTHER RESOLVED that the people of Edgartown request that our United States Congressional representatives monitor the implementation of the USA PATRIOT ACT and related legislation, acts, and executive orders, and actively work for the repeal of the parts of those documents that violate fundamental rights and liberties as stated in the Constitution of the United States and the Constitution of Massachusetts, in the United Nations Charter, and the ratified International Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on Elimination of Racial Discrimination.

BE IT FURTHER RESOLVED THAT the Town Clerk communicate this resolution to all Town departments, the General Court, the Governor and Attorney General of the Commonwealth of Massachusetts, the Massachusetts Congressional delegation, the US Attorney General, the President of the United States and the United Nations High Commissioner for Human Rights in Geneva, Switzerland.

## **Greenfield, MA**

### **Passed on February 15, 2006**

We call upon our elected Federal Representatives to repeal all those provisions of the PATRIOT Act which (present the appearance of) conflict with the US Constitution and the Bill of Rights.

## **Groton, MA**

### **Passed on May 10, 2004**

#### **A Resolution to Protect the Civil Liberties of Groton Inhabitants**

Article:

To see if the Town of Groton will urge its elected representatives in the U.S. House and Senate to monitor the implementation of the USA Patriot Act and related executive orders, and to actively work for the repeal of those portions of the Act that threaten civil liberties as guaranteed by the Bill of Rights of the United States Constitution, particularly the rights to freedom of speech and assembly (sections 215, 216, 802), due process of law (section 412), freedom from unreasonable searches and seizures whether such searches and seizures take place in homes libraries, schools, or elsewhere, (sections 203, 213, 215, 216, and 901) and the right to counsel and to confront accusers (section 412); and ask the Town Clerk and Board of Selectmen to post and publish this resolution prominently and to send a copy of it to all Town departments, all public and private institutions of learning located within the town, the Middlesex County District Attorney, the Massachusetts State Police, the Massachusetts General Court, the Attorney General and Governor of the Commonwealth of Massachusetts, the United States Attorney for Massachusetts, the United States Attorney General, our elected representatives in Congress, and the President of the United States, for their action thereon.

#### **Presented by: Citizens for Civil Liberties**

Summary:

Just 45 days after the September 11 attacks, with virtually no debate, Congress passed the USA Patriot Act. Many parts of this sweeping legislation take away checks on law enforcement and threaten the very rights and freedoms that we are struggling to protect. For example, without a warrant and without probable cause, the FBI now has the power to access your most private medical records, your library records, and your student records...and can prevent anyone from telling you it was done. Since its passage, millions of people in 250 cities and towns have passed resolutions affirming those constitutional rights threatened by articles of the Act. Most recently is New York City, the very site of the devastating 9/11 attacks, whose resolution seeks to “affirm and uphold civil rights and civil liberties.”

## Heath, MA

Passed on May 8, 2004

### **An Article Asking the Citizens of the Town of Heath to Defend our State and Federal Constitutions from Threats Imposed upon Them by the USA PATRIOT Act and Certain Executive Orders, by Calling upon our Elected Representatives to Work for their Repeal.**

Whereas the threat to our communities’ security posed by acts of terror at home and abroad moves us to speak out against the need to sacrifice civil liberties in order to secure our lives, recognizing that such a sacrifice itself incites terror; and

Whereas the Bill of Rights of the United States Constitution guarantees those living in the United States the following rights:

- Freedom of speech, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures and subpoenas without a court order; and

Whereas we believe these civil liberties are inalienable, yet are now threatened by

A. The USA PATRIOT Act, which, among other provisions,

- Gives the Attorney General and the Secretary of State the power to designate domestic groups as “terrorist organizations” (Sections 411/802);
- Asserts that an unknowing association with terrorists is a deportable offense, and allows non-citizens to be jailed indefinitely without the government’s having to show they are terrorists (Sections 411/412);
- All but eliminates judicial supervision of telephone and Internet surveillance (Sections 214/216);
- Greatly expands the government’s ability to conduct secret searches and take away one’s property without a hearing (Sections 213/806);
- Grants the FBI broad access to medical, mental health, financial, educational, and library records about individuals without having to show evidence of a crime and without a court order (Sections 215/505); and

B. Federal Executive Orders, which, for example,

- Establish secret military tribunals for terrorism suspects (11/13/01);
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities such as wiretapping without a court order that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act (3/25/03); and

Whereas the USA PATRIOT Act and these Executive Orders particularly target foreign nationals and people of Middle Eastern and South Asian descent, but could affect any one of us in the U.S.A. acting and speaking legally in opposing government policy; and

Whereas we, the citizens of Heath, Massachusetts, do fully support and seek to uphold and protect the United States Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts and its Declaration of Rights; and

Whereas sections of the USA PATRIOT Act and these several Executive Orders now threaten many of our fundamental rights guaranteed by the above-named documents;

Now, therefore, we, the citizens of Heath, Massachusetts, do hereby call upon our local officials to urge, on behalf of the citizens of this town, our Congressman and Senators to work actively for the repeal of all sections of the aforementioned Act and Orders that permit the violation our fundamental rights and liberties as set out in the state and federal constitutions, which form the bedrock of freedom in the United States of America.

**Lenox, MA****Passed on May 5, 2005**

Resolution text is not available.

**Leverett, MA****Passed on April 27, 2002****Calling on local government to defend state and federal Constitutions from threats imposed upon them by the USA PATRIOT Act**

Whereas, the Bill of Rights of the United States Constitution and the Constitution of Massachusetts guarantee those living in the United States the following rights:

- Freedom of speech, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

Whereas, we believe these civil liberties are precious and are now threatened by

The USA PATRIOT Act, which

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"; and
- Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and

Federal Executive Orders, which

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act; and

Whereas, this law and these Executive Orders particularly target foreign nationals and people of Middle Eastern and South Asian descent, but could affect any one of us in the U.S.A. acting and speaking legally in opposing government policy; and

Whereas, the Executive Order on secret military tribunals also undermines the U.S. government's ability to denounce atrocities carried out in secret by military tribunals elsewhere in the world; and

Whereas, several law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and these Executive Orders as unnecessary to the prosecution of, and protection from, terrorism;

Therefore, we the people of Leverett, Massachusetts, call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office, and the FBI to:

Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees;

End racial profiling in law enforcement and detentions without charges;

Not participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties of the people of Leverett, such as surveillance, wiretaps, and securing of private information, which the Act and Orders authorize; and

Therefore, we the people of Leverett, Massachusetts, call on our local government to:

Openly work for the repeal of the parts of the Act and Orders that violate civil rights and civil liberties.

Ask the Town Clerk to notify the above authorities of our action in this regard.

**Lexington, MA**  
**Passed on April 12, 2004**

**Civil Liberties Resolution**

**Warrant ARTICLE: A resolution to protect and affirm civil rights and constitutional protections guaranteed to all Lexington residents by the Constitution of the United States**

To see if the Town will vote to adopt a resolution to affirm its strong opposition to terrorism, and also to affirm its desire that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and constitutional protections guaranteed to all Americans by the Constitution of the United States, and to specifically call for the repeal of those portions of the U.S.A. Patriot Act, passed in 2001, that infringe on protected rights and liberties, specifically our constitutional rights to freedom of religion, speech, assembly and privacy, protection from unreasonable searches and seizures, our rights to due process and equal protection, access to counsel, presumption of innocence and a fair, speedy, and public trial, or act in any other manner in relation thereto.

WHEREAS the Town of Lexington, Birthplace of American Liberty, is proud of its historic role in the American war for independence, the founding of this great country, and the adoption of its Constitution, and is respectful of our forefathers' sacrifices to attain our country's civil rights and liberties;

WHEREAS the citizens of Lexington regard the liberties guaranteed in the Constitution and the Bill of Rights as their most precious bequest to Americans, and intend to preserve these freedoms as the rightful inheritance of their posterity;

WHEREAS the preservation of civil rights and liberties is essential to the well-being of a democratic society and of this Town;

WHEREAS the economy, culture and civic character of Town of Lexington greatly benefit from the many contributions of a diverse population, including immigrants and students, as well as esteemed visitors from outside the town drawn by its national historical sites, and the town has affirmed its respect for diversity, and is desirous of continuing its protection of the rights of all people;

WHEREAS the United States Constitution guarantees all persons living in the United States certain fundamental rights, including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures, due process and equal protection, and access to counsel, presumption of innocence and a fair, speedy, public trial;

WHEREAS federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions threaten fundamental rights and liberties by:

- a. authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as "enemy combatants" without access to counsel or meaningful recourse to the federal courts;
- b. limiting the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;
- c. expanding the authority of federal agents to conduct "sneak and peek" or "black bag" searches, in which the subject of the search warrant is unaware that his property has been searched;
- d. granting law enforcement and intelligence agencies broad access to personal medical, financial, library, bookstore, and education records with little if any judicial oversight;
- e. chilling constitutionally protected speech through overbroad definitions of "terrorism";
- f. driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law -which is not a state or local responsibility;
- g. permitting the FBI to conduct surveillance of religious services, internet chatrooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed;

WHEREAS several states and over 200 other cities and towns throughout the country and more than 25 cities and towns in Massachusetts have enacted resolutions reaffirming support for civil rights and civil liberties in the face of federal policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers;

THEREFORE, BE IT RESOLVED that the Town of Lexington affirms that the rights of all people—including United States citizens and citizens of other nations within the Town—be protected by the Bill of Rights and the Fourteenth Amendment of the U. S. Constitution; and

AFFIRMS its strong opposition to terrorism, and also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of the Town of Lexington, the United States and the world.

AFFIRMS its opposition to federal measures including those aspects of the USA PATRIOT Act that infringe on constitutionally guaranteed rights and civil liberties.

BE IT FURTHER RESOLVED that Lexington Town Meeting call upon all town officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and

BE IT FURTHER RESOLVED that Lexington Town Meeting call upon all private citizens—including residents, employers, educators, and business owners—to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations; and

IT IS HEREBY FURTHER RESOLVED that Lexington Town Meeting:

1. Request that the Board of Selectmen require the Town Manager to direct the Police Department to
  - A. Refrain from enforcing immigration matters, which are the responsibility of the Department of Homeland Security; and from denying any town service on the basis of citizenship; and
  - B. Refrain from engaging in the surveillance of individuals and groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of religion; and
  - C. Refrain from utilizing racial profiling or religious profiling as factors in selecting which individuals are subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect; and
  - D. Refrain, whether acting alone or with federal or state law enforcement officers, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect that the subject of the investigation is or may be involved in criminal conduct; and
  - E. Refrain from undertaking or participating in any initiative, such as the Terrorism Information and Prevention System (TIPS), that encourages members of the general public to spy on their neighbors, colleagues or customers; and
  - F. Report to the Board of Selectmen any request by federal authorities that, if granted, would cause agencies of the Town of Lexington to exercise or cooperate in the exercise of powers in apparent violation of any town ordinance or the laws or Constitution of this Commonwealth or of the United States;
2. Request that the Library Trustees direct the librarians within the Town of Lexington to:
  - Post in a prominent place within each library a notice to library users as follows: “WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530 “;
  - Have a policy that ensures the regular destruction of records that identify the name of the book borrower after the book is returned, or that identify the name of the Internet user after completion of Internet use;
3. Request the School Committee to direct the Superintendent of Schools to: provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT Act;
4. DIRECTS the Clerk of this Town Meeting to:
  - A. Transmit a copy of this resolution to Senators Edward Kennedy and John Kerry, and Representative Edward Markey accompanied by a letter urging them to:
    - monitor federal anti-terrorism tactics and work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties
    - ensure that provisions of the USA PATRIOT Act “sunset” in accordance with the provisions of the Act.
    - take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as “Patriot II”, or any other laws that weaken constitutional protections in the name of security.
  - B. transmit a copy of this resolution to Governor Mitt Romney, and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on civil liberties as described in this resolution and to take such further action as may be necessary to oppose the USA PATRIOT ACT;
  - C. transmit a copy of this resolution to President Bush and Attorney General Ashcroft;

AND BE IT FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the Commonwealth of Massachusetts or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

**Lincoln, MA****Passed on April 4, 2003****A Warrant Article for the Town of Lincoln to Restore Key Civil Liberties and Rights**

Whereas, the Town of Lincoln recognizes and upholds all the rights and privileges secured by the U.S. Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts, which guarantee all citizens and noncitizens the following rights:

- Freedom of speech, assembly, and privacy
- The rights to counsel and due process in judicial proceedings
- Protection from unreasonable searches and seizures

Whereas, we believe these civil liberties are precious and are now threatened by:

The USA PATRIOT Act, which

- Greatly expands the government's ability to conduct secret searches
- Severely reduces judicial supervision of telephone and Internet surveillance
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"
- Grants the FBI broad access to sensitive medical, mental health, financial, and educational records about individuals without a court order or evidence of a crime
- Allows the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime

The Homeland Security Act, which

- Increases secret surveillance and reduces privacy protections
- Potentially allows the federal government to maintain extensive files on all Americans without limitations
- Weakens safeguards on government access to emails and to information about an individual's Internet activity, allowing access without the need for a court order
- Gives the government the ability to secretly collect information without court orders or other checks

Federal Executive Orders, which

- Establish secret military tribunals for terrorism suspects · Permit wiretapping of conversations between federal prisoners and their lawyers
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals)
- Limit the disclosure of public documents and records under the Freedom of Information Act

Whereas, law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and the associated orders and rules of the executive branch as unnecessary to the prosecution of, and protection from, terrorism,

Therefore, be it resolved that:

The Town of Lincoln affirm the civil rights granted to all of its residents-U.S. citizens and citizens of other nations alike-in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution;

The Town of Lincoln urges U.S. Congressional Representatives and Senators to monitor the implementation of the above Acts and Orders, and actively work for the repeal of those portions of the Acts and Orders that violate fundamental rights and liberties guaranteed by the United States Constitution;

The Selectmen of the Town of Lincoln shall send copies of this resolution to the President of the United States, the U.S. Attorney General, members of the Massachusetts Congressional delegation, our district representatives in the Massachusetts House and Senate, and to the Governor and the Attorney General of Massachusetts.



**Littleton, MA****Passed on May 4, 2003****To See if the Town Will Vote to Take Action to Uphold its Long and Distinguished History of Defending the Civil Liberties of its Residents and All Others Within its Boundaries by Agreeing to the Following Resolution to Protect Civil Liberties:**

WHEREAS: The Citizens of Littleton, through its town meeting, hereby reaffirm the fundamental and unalienable civil liberties secured by the Constitution of the Commonwealth of Massachusetts and the U.S. Constitution for all people within the Town, including the rights to freedom of speech, freedom of assembly, freedom from unreasonable searches and seizures, and due process of law; and

WHEREAS: Provisions of the USA PATRIOT Act and associated federal executive orders are assaults on these long-cherished civil liberties in that they lessen citizens' privacy:

- a. including certain "sneak and peek" provisions which allow a citizen's home and possessions to be searched without his knowledge either before or after the search,
- b. allowing the collection of information concerning individual citizens from private business records (including financial, medical, library readings, purchases) under orders of a secret court,
- c. forbidding citizens who provide such information under such secret court order from speaking publicly about what they have been ordered to do,
- d. permitting surveillance of individual e-mail and internet communications,
- e. allowing the sharing of such personal, private individual information among any number of government agencies and even foreign governments;

THEREFORE, be it resolved that:

1. The Town of Littleton urge its elected representatives in the U.S. House and Senate to monitor the implementation of the Act and related executive orders, and to actively work for the repeal of those portions of the Act that violate civil liberties as guaranteed by the Bill of Rights of the U.S. Constitution, particularly the rights to freedom of speech and assembly, due process of law, freedom from unreasonable searches and seizures, and the right to counsel and to confront accusers;
2. The Town Meeting direct the Board of Selectmen, acting through the Town Administrator, to instruct the employees of the Town of Littleton and its schools to act in a manner scrupulously consistent with the civil liberties guaranteed by the Constitution of the United States and the Commonwealth of Massachusetts.

**Lowell, MA****Passed on November 16, 2004****A Resolution Regarding the Protection of Civil Rights and Civil Liberties****PURPOSE.**

Understanding that the City of Lowell believes that there is no inherent conflict between national security and the preservation of liberty and that government can protect public safety without impairing civil rights and liberties, the purposes of this resolution are as follows:

- A. To protect the civil rights and civil liberties for all and to affirm the City of Lowell's commitment to embody democracy, and to embrace, defend and uphold the inalienable rights and fundamental liberties granted under the United States and Massachusetts Constitutions;
- B. To ensure that local law enforcement continues to preserve and uphold residents' freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, even if requested or authorized to infringe upon such rights by federal or state law enforcement agencies acting under new powers created by the USA PATRIOT Act (Public Law 107-56), Homeland Security Act (Public Law 107-296), or related Executive Orders, or by future enacted laws, executive orders or regulations; and
- C. To avoid repeating mistakes made in the past during times of crisis such as the internment of Japanese Americans during World War Two and the suspension of the writ of habeas corpus during the Civil War.

Whereas, the City of Lowell has a long and distinguished history of fighting for the civil liberties of its residents; and

Whereas, the City of Lowell comprises a diverse population, including working people, people of color, students, and non-citizens, whose contributions to the community are greatly valued and provide vitality and character to the City of Lowell; and

Whereas, the City of Lowell is committed to upholding the human rights of all persons in the City of Lowell and all the rights and privileges secured by our Constitution and the laws of the United States, the Commonwealth of Massachusetts, and the City of Lowell, which guarantees all citizens the following rights:

- Freedom of speech, assembly, and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

Whereas, we believe these civil liberties are precious and are now threatened by:

Portions of the USA PATRIOT Act, which

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as terrorist organizations; and
- Grants the FBI broad access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime and without a court order; and

Federal Executive Orders, which

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act;

Therefore be it resolved that:

1. The City of Lowell and its elected and appointed officials and employees will continue to preserve residents' freedom of speech, religion, assembly, and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and
2. The City of Lowell will reject racial profiling of any group within our community; and
3. The City of Lowell will urge the United States Federal Government and its various branches, representatives, and employees to act in a fair, open, and consistent manner by ensuring that all individuals are afforded their appropriate rights to due process; and
4. The City of Lowell will urge the Massachusetts Congressional Delegation to monitor the implementation of, any amendments to, and the sunset provisions of the USA PATRIOT Act and of related Executive Orders which violate fundamental rights and liberties.

The City of Lowell will send copies of this resolution to our Congressional Delegation, the U.S. Attorney General, and the President of the United States.

## **Manchester-by-the-Sea, MA**

### **Passed on April 7, 2004**

We believe that the USA PATRIOT Act threatens our civil rights and liberties by:

1. Greatly expanding the government's ability to secretly enter homes and offices to conduct searches without warrants;
2. All by eliminating judicial supervision of telephone and Internet surveillance;
3. Granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups as "terrorist organizations";
4. Allowing the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime;
5. Giving law enforcement officials broad access to sensitive medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime;
6. Creating a crime of "domestic terrorism" that is so vaguely defined it could be applied to political activism and lead to the criminalization of legitimate political dissent.

Our civil rights and liberties are further threatened by orders and rules of the executive branch that:

1. Establish secret military tribunals for terrorism suspects;
2. Permit wiretapping of conversations between federal prisoners and their lawyers;
3. Allow the government to designate citizens as “enemy combatants” and place them in military custody indefinitely without access to counsel or judicial review
4. Limit the disclosure of public documents and records under the Freedom of Information Act

We call upon the citizens of the Town of Manchester-by-the-Sea to affirm the civil rights granted to all of its citizens and residents in accordance with the Bill of Rights and the Fourteenth Amendment of the United States Constitution and the Declaration of Rights of the Massachusetts Constitution;

AND finally we call upon the Town of Manchester-by-the-Sea to request that the Massachusetts Congressional Delegation monitor the implementation of the USA PATRIOT Act, and the above-mentioned executive branch orders and rules, and simultaneously, actively work for the repeal of the USA PATRIOT Act and those orders and rules that violate fundamental rights and liberties as stated in the Constitution of the Commonwealth and the United States

## **Marblehead, MA**

### **Passed on April 7, 2004**

#### **Marblehead Massachusetts Citizen’s Resolution**

WHEREAS the citizens of the Town of Marblehead have, from the earliest days of our nation, defended our nation and its Constitution with their lives and treasure; and

WHEREAS the Constitution of the United States of America is the supreme law of the land, superceding all state and federal laws, rules, and local ordinances; and

WHEREAS the rights and liberties of the citizens and non-citizens of Marblehead protected by the Constitution of the Commonwealth of Massachusetts and the United States Constitution and its Bill of rights are threatened by provisions of the USA Patriot Act, which authorize:

- Expansion of the government’s ability to secretly enter and to conduct searches of the homes and businesses of Marblehead residents when they are absent and without their knowledge;
- Law enforcement officials to monitor residents’ telephone and internet use and access medical, mental health, library, business, financial, educational, and other records about an individual without evidence of criminal behavior and without court order;
- Spying on domestic organizations without evidence of wrongdoing and designation by the Attorney General and the Secretary of State of domestic groups as “terrorist organizations” without evidence of intent to act against the United States of America;
- The Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime;

WHEREAS any infringement on the Constitutional rights of any person is an abuse of power, a breach of the public trust, and beyond the scope of governmental authority;

THEREFORE IT IS RESOLVED that the Town of Marblehead affirms the civil rights guaranteed to all of its citizens and residents by the Bill of Rights and the Fourteenth Amendment of the United States Constitution.

IT IS FURTHER RESOLVED that the Town of Marblehead requests that the Massachusetts Congressional delegation monitor the implementation of the USA PATRIOT Act and the associated orders and rules of the executive branch, and actively work for the repeal of those portions of the USA PATRIOT Act and other Acts, orders and rules that violate the rights guaranteed by the United States Constitution.

IT IS FINALLY RESOLVED that the Town Clerk communicate this resolution to the Massachusetts Congressional delegation, the Governor and Attorney General of the Commonwealth of Massachusetts, Marblehead’s Chief of Police, the local U.S. Attorney’s office, the local office of the Federal Bureau of Investigation, and the Massachusetts State

## **Milton, MA**

### **Passed on May 5, 2005**

#### **A Resolution Affirming Civil Rights and Liberties: Article 55**

WHEREAS the Town of Milton was the location in 1774 for the signing of the Suffolk Resolves, which denounced the “Intolerable Acts” of the British Parliament and which resolved to maintain, defend and preserve civil rights and liberties; and

WHEREAS the Town of Milton comprises a diverse population including the descendents of people from many nations, new immigrants and people of color, students and non-citizens whose contributions to the community provide value, vitality and character to the Town; and

WHEREAS the Constitution of the United States is our charter of liberty and guarantees certain rights to people living in the United States, including but not limited to:

- Freedom of speech, assembly and privacy;
- Equality before the law and the presumption of innocence;
- Access to counsel and due process in judicial proceedings;
- Protection from unreasonable searches and seizures; and

WHEREAS the Town of Milton understands that the preservation of these liberties is essential to the well-being of a democratic society, that there is no inherent conflict between national security and the preservation of liberty, and that government can protect public safety without impairing civil rights and liberties;

THEREFORE BE IT RESOLVED that:

1. The Town of Milton and its elected and appointed officials and employees will continue to protect and preserve all residents' freedom of speech, religion, assembly and privacy; the right to counsel and due process in judicial proceedings and protection from unreasonable searches and seizures, without regard to race, ethnicity or legal immigration status.
2. The Town of Milton urges our State Representatives and Senators and United States Representatives and Senators to monitor the continuing implementation of the USA PATRIOT Act, Homeland Security Act and related executive orders; to actively work for repeal of any parts of those Acts and executive orders that violate fundamental rights and liberties; and to actively oppose any future proposed legislation or executive orders that similarly threaten Constitutional rights and liberties;
3. Copies of this resolution shall be sent to the President of the United States, the Attorney General of the United States, the Secretary of the Department of Homeland Security, the Governor of Massachusetts, to each member of the Massachusetts delegation in Congress, and to each member of the Milton delegation in the Massachusetts General Court.

## **Newton, MA**

### **Passed on August 11, 2003**

WHEREAS the City of Newton recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly and privacy; and

WHEREAS each of the City of Newton's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the Commonwealth of Massachusetts; and

WHEREAS the City of Newton denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the City of Newton; and

WHEREAS certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, also known as the USA PATRIOT Act, allow the federal government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions;

NOW, THEREFORE, BE IT RESOLVED THAT:

The Newton Board of Aldermen supports the government of the United States of America in its campaign against terrorism, and affirms its commitment that the campaign NOT be waged at the expense of essential civil rights and liberties of citizens of this country contained in the United States Constitution and the Bill of Rights; and

The City of Newton requests and urges its delegation in Congress to monitor the implementation of the USA PATRIOT ACT and to seek the repeal (or sustain the sunset where applicable) of those provisions which violate the civil liberties of all, citizen and non-citizen alike, living and working within the City of Newton and elsewhere in the United States and its territorial possessions; and

The Board of Aldermen respectfully requests His Honor the Mayor to instruct city departments and officers to respect the constitutional rights of all people of the City of Newton, including the principles of equality, due process of law, freedom of religion, speech, and association, including privacy and open government; and

The Newton Board of Aldermen implores the United States Congress to correct provisions in the USA PATRIOT Act and other measures that infringe on civil liberties, and it opposes any pending and future federal legislation to the extent that it infringes on Americans' "civil rights and liberties" and

BE IT FURTHER RESOLVED THAT the Newton Board of Aldermen respectfully requests that the Board of Trustees of the Newton Free Library post public notices in the Library informing all persons –

1. that federal agents are empowered by the USA PATRIOT Act to inspect and copy, and sometimes take, library records which show what patrons have signed out, what web sites they have visited, and with what email addresses they have corresponded; and
2. This federal law prohibits those Library officials from revealing when this has occurred.

BE IT FURTHER RESOLVED THAT copies of this Resolution be delivered to the Mayor and posted in City buildings and sent to the President of the United States, the Massachusetts Congressional delegation and to the Governor, the Senate President and the Speaker of the House of the Great and General Court of Massachusetts and to the Senator and Representatives therein who represent the people of the City of Newton.

RESOLUTION ADOPTED UNANIMOUSLY August 11, 2003

## **North Adams, MA**

### **Passed on December 9, 2003**

Whereas: our most precious liberties are enshrined and, therefore, protected in the first ten amendments to the United States Constitution, known as the Bill of Rights,

And Whereas, those amendments were declared to have been ratified on December 15, 1791,

And Whereas, December 15 was proclaimed to be recognized as Bill of Rights Day by President Franklin Delano Roosevelt in 1941,

And Whereas, subsequent Presidents of the United States have also proclaimed December 15 to be recognized as Bill of Rights Day,

And Whereas, the Massachusetts State Senate resolved, on November 13, 2003, that December 15 be recognized as Bill of Rights Day,

And Whereas, the citizens of the United States, the Commonwealth of Massachusetts, and the City of North Adams are the beneficiaries of the rights and liberties articulated in the Bill of Rights,

And Whereas, Some citizens feel the Bill of Rights is being weakened by the new federal law commonly known as the Patriot Act,

And Whereas, Some citizens feel the Bill of Rights is being weakened by Speech Codes on college campuses and in the work place,

Now Therefore Let It Be Resolved that

The City Council of the City of North Adams, on this Ninth day of December, 2003, hereby encourages citizens of the City of North Adams to reflect on the values and liberties protected by the Bill of Rights on Bill of Rights Day, Monday, December 15, 2003

And let it also be resolved that the following officials will receive a copy of this resolution:

State Senator Nuciforo

State Representative Bosley

U.S. Congressman Olver

U.S. Senator Kennedy

U.S. Senator Kerry

## **Northampton, MA**

### **Passed on May 2, 2002**

#### **Upon the Recommendation of Council President Michael Bardsley**

WHEREAS, the City of Northampton has a long and distinguished history of protecting and expanding civil rights and civil liberties, often being a beacon for our country's citizens when liberties are threatened; and

WHEREAS, the City of Northampton houses a diverse student and working population, including non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the City of Northampton has with gratitude for their supreme sacrifice memorialized those in the Armed Forces who have died in battle protecting these same cherished rights and liberties; and

WHEREAS, the City Council of Northampton, motivated by the commitment to “uphold the human rights of all persons in Northampton and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the Commonwealth of Massachusetts and the City of Northampton,” passed an ordinance in 1998 which established the Human Rights Commission of the City of Northampton; and

WHEREAS, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties:

- Freedom of speech, religion, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures;

All guaranteed by the Constitution of the Commonwealth of Massachusetts, and the United States Constitution and its Bill of Rights;

THEREFORE, we the City Council of Northampton, Massachusetts, acting in the spirit and history of our community, do hereby request that:

1. Local law enforcement continue to preserve residents’ freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;
2. Federal and state law enforcement officials acting within the City work in accordance with the policies of the Northampton Police Department, and in cooperation with the Department, by not engaging in or permitting detentions without charges or racial profiling in law enforcement;
3. The U.S. Attorney’s Office, the Office of the Federal Bureau of Investigation and Massachusetts State Police report to the Northampton Human Rights Commission regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees held in western Massachusetts or any Northampton residents detained elsewhere;
4. Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States.

## **Oak Bluffs, MA**

### **Passed on April 13, 2003**

#### **Resolution for Oak Bluffs on the PATRIOT ACT**

WHEREAS the Bill of Rights of the United States Constitution and the Constitution of the State of Massachusetts ensure that every person has the right to freedom of speech and association. Every person has the right to freedom of religion. Every person has the right to assembly and privacy. Every person has the right to due process in judicial proceedings. Every person has the right to be free from unreasonable search and seizure. Stops or arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed. Every person has the right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law.

WHEREAS there is strong evidence that these guarantees are threatened by parts of the USA PATRIOT Act, related legislation, and Federal Executive orders which allow: a) detaining citizens and residents of Oak Bluffs without bringing legal charges and denying their right to counsel; b) monitoring their telephone, internet and library use, video rentals, book and grocery purchases, financial transactions, medical records and other activities without evidence of criminal behavior and without a court order; c) spying on domestic organizations without evidence of wrongdoing, designating organizations as “terrorist: without evidence of intent to act against the US and deporting citizens and residents who contribute to these organizations even if they are unaware of the “terrorist” designation d) conducting secret military tribunals without fundamental legal protections; e) secretly searching the homes of residents and citizens of Oak Bluffs when they are absent; and f) profiling individuals according to their ethnicity

WHEREAS the people of Oak Bluffs are joining over 233 cities and towns in the US in affirming strong opposition to those parts of the USA PATRIOT Act, related legislation and acts, and to certain Justice Department directives and executive orders that weaken or destroy our constitutional civil rights and liberties

BE IT RESOLVED that the Town of Oak Bluffs should employ all possible leverage to ensure that Federal and State law enforcement officials working on the Island not engage, to the extent legally permissible, in law enforcement activities that threaten our civil rights

and civil liberties, such as surveillance, wiretaps, and securing private information, which the USA PATRIOT Act and related legislation and acts authorize.

BE IT FURTHER RESOLVED that the people of Oak Bluffs request that our United States Congressional representatives monitor the implementation of the USA PATRIOT ACT and related legislation, acts, and executive orders, and actively work for the repeal of the parts of those documents that violate fundamental rights and liberties as stated in the Constitution of the United States and the Constitution of Massachusetts, in the United Nations Charter, and the ratified International Covenant on Civil and Political rights, the Convention Against Torture, and the Convention on Elimination of Racial Discrimination.

BE IT FURTHER RESOLVED THAT the town Clerk communicate this resolution to all Town departments, the General Court, the Governor and Attorney General of the Commonwealth of Massachusetts, the Massachusetts Congressional delegation, the US Attorney General, the President of the United States and the United Nations High Commissioner for Human Rights in Geneva, Switzerland. By Petition

## **Orleans, MA**

### **Passed on May 12, 2003**

WHEREAS the citizens of Orleans have a long and distinguished history of defending the liberties of the Colonies and the Constitution of the United States, in 1772 and 1773(as the South Precinct of Eastham) protesting British violations of their rights and liberties, in 1776 vowing to “defend [independence] with our lives,” later fighting in the Revolution, the War of 1812 including the Battle of Rock Harbor, the Civil War and Regional and World Wars and Conflicts, and

WHEREAS the rights and liberties of the citizens and non-citizen residents of Orleans protected by the Constitutions of the Commonwealth of Massachusetts and the United States of America include:

- Freedom of speech, assembly and aspects of privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

WHEREAS the Constitutional protections of Orleans residents are eroding under provisions of existing and proposed laws and regulations including the U.S.A. Patriot Act, The Homeland Security Act, the Patriot Act II, the Total Information Awareness and T.I.P.S programs and executive orders, which authorize or would authorize:

- detaining Orleans citizens and residents without bringing legal charges, and denying their right to counsel; and
- monitoring their telephone, internet and library use, video rentals, book and grocery purchases, banking and medical records and other activities without evidence of criminal behavior and without court order; and
- spying on domestic organizations without evidence of wrongdoing, designating organizations as “terrorist” without evidence of intent to act against the United States of America, and deporting Orleans citizens and residents who contribute to these organizations, even if unaware of the “terrorist” designation; and
- conducting secret military tribunals without fundamental legal protections for the accused; and
- secretly searching the homes of Orleans residents when they are absent; and
- blocking public access to meetings of government advisory committees and some public records, and
- unregulated ethnic profiling of individuals; and

WHEREAS the United States Attorney General has made threatening statements regarding legal opposition to these policies, and

WHEREAS these aforementioned laws, regulations and executive orders are currently impacting all residents and citizens alike, including those exercising their Constitutional rights to speak out against local, State or National policy,

IT IS THEREFORE RESOLVED and the Town Meeting is petitioned to forbid all local and non-local officials in Orleans, in the absence of probable cause of criminal activity, to the extent legally permissible:

- Participating in or cooperating with any inquiry, investigation, surveillance or detention; and
- Recording, using and keeping any intelligence information about persons and organizations in Orleans, including political views and media use, even if authorized by federal law enforcement officials acting under the cited or allied laws or executive orders. Intelligence information currently held shall be identified and disposed of at the direction of the Selectmen.
- Enforcing immigration matters, and
- Profiling based on race, ethnicity, citizenship, religion, or political values.

IT IS FURTHER RESOLVED that all Federal, State and County law enforcement officials are requested, and local law enforcement officials directed, to the extent legally permissible, to report to the Orleans Board of Selectmen publicly in writing monthly the extent and manner in which they have acted under the cited and allied laws and executive orders, including but not limited to:

- the names of any Orleans residents detained here or elsewhere and non-residents detained in the area for more than 48 hours as a result of terrorism investigations, and the circumstances, charges against, and names of counsel for each detainee;
- the number of search warrants that have been executed in Orleans without due notice to the subject, and the legal justification for each warrant; and
- the extent of governmental electronic surveillance, monitoring of political, religious and other activities, and obtaining of education, library, video and bookstore records in Orleans.

IT IS FURTHER RESOLVED that the Orleans Town Clerk shall communicate this resolution to all town departments, all Federal, State, and local law enforcement officials, the Governor of Massachusetts, the President and Attorney General of the United States, and the Massachusetts Congressional Delegation, and to ask that Delegation to act to repeal provisions of the cited and allied laws and executive orders that violate the protections of the Massachusetts and United States Constitutions.

IT IS FINALLY RESOLVED that that if any part of these provisions or their applicability is declared invalid by a court of competent jurisdiction, that part shall be severable and the remainder shall remain in full force and effect.

## **Peabody, MA**

**Passed on January 22, 2004**

Resolution text is not available.

## **Pittsfield, MA**

**Passed on October 28, 2003**

### **Resolution in Opposition of the USA Patriot Act**

WHEREAS, the City of Pittsfield has a long and distinguished history of protecting and expanding civil rights and liberties, often acting as a beacon for our country's citizens when rights were threatened; and

WHEREAS, the City of Pittsfield has a diverse population, including non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the City of Pittsfield has with gratitude for their supreme sacrifice memorialized those of our Armed Forces who died in battle establishing and protecting our cherished rights and liberties; and

WHEREAS, federal legislation called the USA PATRIOT Act (which was passed abruptly following the tragic and murderous events of September 11, 2001) seriously damages the constitutional protections which are enshrined in the Bill of Rights; and

WHEREAS, more recent investigations reveal that it was not lack of information, but rather ineffective use of information by our intelligence agencies which permitted the events of 9/11 to occur; and

WHEREAS, it is not unpatriotic but rather Un-American to destroy the very freedoms which cause Americans to love their country; and

WHEREAS, one effect of the Patriot Act is to lessen the strength of the Judicial and Legislative branches of our government while simultaneously giving nearly unlimited powers to the Executive branch, thereby damaging separation of powers provisions of the US Constitution meant to protect us from tyranny; and

WHEREAS, open government is critical to democracy because citizens need information to make political decisions, but the Patriot Act authorizes dangerous government secrecy in that it:

- a. allows secret military tribunals at which a person is afforded no independent defense counsel and could be sentenced to death without the knowledge or approval of the American people,
- b. allows indefinite imprisonment of foreign nationals even if no criminal charge has been placed against them; and

WHEREAS, the President has signed an Executive Order "locking down" presidential records, thus denying citizens an important tool for judging the actions of the Executive; and

WHEREAS, another effect of the Patriot Act is to lessen citizens' privacy in that it:

- a. includes certain "sneak and peek" provisions which allow a citizens' home and possessions to be searched without his knowledge either before or after the search



- b. allows the collection of information concerning individual citizens' from private business records (including financial, medical, library readings, purchases) under orders of a secret court
- c. forbids citizens who provide such information under such secret court order from speaking publicly about what they have been ordered to do
- d. permits surveillance of individual e-mail and internet communications,
- e. allows the sharing of such personal, private individual information among any number of government agencies and even foreign government;

THEREFORE, the City Council of Pittsfield MA resolves to oppose those provisions of the Patriot Act which are in conflict with the US Constitution and especially the Bill of Rights. Furthermore, we call upon our elected MA state representatives to introduce and support a State Resolution opposing the USA PATRIOT Act. Especially, we call upon our elected Federal representatives to repeal all of those provisions of the PATRIOT Act which present the appearance of conflict with the US Constitution and the Bill of Rights.

## **Provincetown, MA**

### **Passed on April 7, 2003**

#### **Article 27. Resolution to Defend the Bill of Rights.**

To see if the Town will vote to adopt a resolution to defend the Bill of Rights, as follows:

Whereas, the Town of Provincetown has a long and distinguished history of protecting and expanding civil rights and civil liberties, often being a beacon for our country's citizens when liberties are threatened; and

Whereas, the Town of Provincetown houses a diverse population, including non-citizens, whose contributions to the community are vital to its character and function; and

Whereas, the Town of Provincetown has with gratitude for their supreme sacrifice memorialized those in the Armed Forces who have died in battle protecting these same cherished rights and liberties; and

Whereas, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties: freedom of speech, religion, assembly and privacy; the rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; all guaranteed by the Constitution of the Commonwealth of Massachusetts, and the United States Constitution and its Bill of Rights;

Therefore, we the Town of Provincetown, Massachusetts, acting in the spirit and history of our community, do hereby request that:

1. Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;
2. Federal and state law enforcement officials acting within the Town work in accordance with the policies of the Provincetown Police Department, and in cooperation with the Department, by not engaging in or permitting detentions without charges or racial profiling in law enforcement;
3. The U.S. Attorney's Office, the Office of the Federal Bureau of Investigation and Massachusetts State Police report to the Provincetown Board of Selectmen regularly and publicly the extent to and manner in which they have acted new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees held in Massachusetts or any Provincetown residents detained elsewhere;
4. That the Town instruct the Library not to divulge information concerning books and magazines read by Library patrons to any authorized agency.
5. Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States.

or to take any other action relative thereto.

## **Rockport, MA**

### **Passed on April 2, 2005**

#### **Rockport, Massachusetts Resolution in Defense of the Bill of Rights**

WHEREAS, the Town of Rockport is proud of its long and distinguished tradition of protecting the civil rights and civil liberties of its residents; and

WHEREAS, the Town of Rockport recognizes the Constitution of the United States of America to be the supreme law of the land, which civil servants are sworn to uphold superseding all state and federal laws, administrative rules and ordinances; and

WHEREAS, the rights and liberties of the citizens and non-citizen residents of Rockport protected by the Constitution of the United States of America include freedom of speech, assembly, right to petition, the rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and

WHEREAS, Federal counter-terrorism policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56), The Homeland Security Act (Public Law 107-296), and related Executive Orders and Department of Justice regulations and actions, have authorized the federal government to infringe upon fundamental liberties guaranteed by the United States and Massachusetts Constitutions by:

- a. greatly expanding the government's ability to secretly conduct so-called "Sneak and Peek" searches in which the subject of the search is unaware that his/her property has been entered and/or searched (PA §213);
- b. giving law enforcement officials broad access to sensitive medical, mental health, business, financial, educational and other records about individuals without first showing probable cause of evidence of a crime (PA §215, HSA §201(d), 225(d));
- c. granting the FBI the power to compel libraries and bookstores to produce circulation or book purchase records of their patrons and forbidding disclosure that such records have been requested and produced (PA §215);
- d. all but eliminating judicial supervision of telephone and internet surveillance (PA §216);
- e. granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups, including political and religious groups, as "terrorist organizations" (PA §802);
- f. granting power to the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime (PA §411); and

WHEREAS, four states, including Vermont and Maine, and 368 communities nationwide, including New York City and Washington, DC, 49 Massachusetts cities and towns including Lexington, Concord and our good neighbor Manchester-By-The-Sea, have enacted resolutions speaking out against these government actions, demanding accountability from local and federal government;

THEREFORE BE IT RESOLVED BY THE TOWN MEETING OF ROCKPORT THAT WE:

1. AFFIRM the Town of Rockport's strong opposition to terrorism, but also affirm that any actions to end terrorism must not be waged at the expense of the fundamental civil liberties, rights, and freedoms of the people of Rockport, the United States, or the world;
2. RESOLVE that the Town of Rockport and its employees and instrumentalities shall continue to preserve residents' freedom of speech, religion, assembly, and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; without regard to race, ethnicity, national origin, religion, age, sexual orientation, gender, economic status, marital status, citizenship status, or disability;
3. RESOLVE that to the extent legally possible, no Town of Rockport resources, including law enforcement funds and educational administrative resources, will be used for unconstitutional activities.
4. URGE our State Representatives and Senators, and United States Representatives and Senators, to monitor the continuing implementation of the USA PATRIOT Act, the Homeland Security Act, and related subsequent legislation, executive orders, and Department of Justice regulations, and actively work for the repeal of those provisions that are found to infringe on civil rights and liberties;
5. URGE that any new security measures of the Town of Rockport should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of Rockport citizens;
6. REQUEST that Town Departments with jurisdiction over facilities frequented by the public post copies of the Bill of Rights in prominent locations within such buildings.

Copies of this resolution shall be sent to the President of the United States; the Attorney General of the United States; the Secretary of the Department of Homeland Security; the Governor of Massachusetts; and to each member of the Massachusetts delegation in Congress. This Resolution will take effect immediately upon passage. The provisions of this Resolution shall be severable, and if any portion is declared by a court of competent jurisdiction to be contrary to the Constitutions of the United States or Massachusetts, the validity of the remainder of this Resolution shall not be affected thereby.

## **Shutesbury, MA**

### **Passed on May 27, 2003**

#### **Calling on Local Government to Defend State and Federal Constitutions from Threats Imposed upon them by the USA PATRIOT Act**

Whereas, the Bill of Rights of the United States Constitution and the Constitution of Massachusetts guarantee those living in the United States the following rights:

- Freedom of speech, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

Whereas, we believe these civil liberties are precious and are now threatened by

#### **A. The USA PATRIOT Act, which**

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"; and
- Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and

#### **B. Federal Executive Orders, which**

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act; and

Whereas, this law and these Executive Orders particularly target foreign nationals and people of Middle Eastern and South Asian descent, but could affect any one of us in the U.S.A. acting and speaking legally in opposing government policy; and

Whereas, the Executive Order on secret military tribunals also undermines the U.S. government's ability to denounce atrocities carried out in secret by military tribunals elsewhere in the world; and

Whereas, several law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and these Executive Orders as unnecessary to the prosecution of, and protection from, terrorism;

Therefore, we the people of Shutesbury, Massachusetts, call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office, and the FBI to:

1. Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees;
2. End racial profiling in law enforcement and detentions without charges;
3. Not participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties of the people of Shutesbury, such as surveillance, wiretaps, and securing of private information, which the Act and Orders authorize; and

Therefore, we the people of Shutesbury, Massachusetts, call on our local government to:

1. Openly work for the repeal of the parts of the Act and Orders that violate civil rights and civil liberties.
2. Ask the Town Clerk to notify the above authorities of our action in this regard.

## **Somerville, MA**

### **Passed on March 11, 2004**

Whereas, acts and orders recently enacted by the Federal Government, including sections of the USA PATRIOT Act and several Executive Orders, threaten fundamental rights and liberties guaranteed in the Bill of Rights of the U.S. Constitution; and

Whereas, the City of Somerville has a history of defending the civil liberties of its residents; and

Whereas, the City of Somerville has, with gratitude for their supreme sacrifice, memorialized those in the Armed Forces who have died in battle protecting these same cherished rights and liberties; and

Whereas, the motto of the City of Somerville is Municipal Freedom Gives National Strength; and

Whereas, the City of Somerville comprises a diverse population, including working people, people of color, students, and non-citizens, whose contributions to the community are greatly valued and who provide vitality and character to the City; and

Whereas, the Board of Aldermen of the City of Somerville, motivated by a commitment to the free exercise and enjoyment of any and all rights and privileges secured by the laws of the United States, the Commonwealth of Massachusetts and the City of Somerville, passed an ordinance in 1993 that created the Somerville Human Rights Commission declaring the public policy of the city, its employees, agents and officials to be the protection and promotion of the constitutional, civil, and human rights of all people in Somerville; and

Whereas, we believe these civil liberties are precious and are now threatened by:

The USA PATRIOT ACT, which

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches without warrants;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"; and
- Grants the FBI broad access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime and without a court order;

Federal Executive Orders, which

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act;

THEREFORE BE IT RESOLVED THAT:

The City of Somerville and its elected and appointed officials, employees, and local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;

The City of Somerville will reject racial profiling of any group within our community; and

The City of Somerville will urge the United States Federal Government and its various branches, representatives, and employees to act in a fair, open, and consistent manner by ensuring that all individuals are afforded their appropriate rights to due process; and

The City of Somerville will urge US Congressional representatives and Senators to monitor the implementation of the USA PATRIOT Act and actively work for repeal of the parts of that Act and those Executive Orders that violate fundamental rights and liberties; and

The City of Somerville will send copies of this resolution to our U.S. Congressional and Senate Representatives, the U.S. Attorney General, and the President of the United States; and

The City of Somerville will post this resolution on the Somerville City website, and copies will be sent to municipal offices, library branches, police stations, public schools, and other public spaces or City organs where applicable and reasonable.

## **Sudbury, MA**

**Passed on April 14, 2004**

### **Sudbury Citizens' Resolution for the Protection of the Civil Liberties of its Citizens**

WHEREAS, the citizens of Sudbury have a long and distinguished history of fighting for and protecting American liberties;

WHEREAS, the citizens of Sudbury recognize the U.S. Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts to be the supreme laws of the Nation and of the Commonwealth;

WHEREAS, the citizens of Sudbury recognize that these documents guarantee all residents basic American rights and civil liberties, including:

- Freedom of speech, freedom of religion, and freedom of assembly;
- The freedom to petition the government for redress, and protection from governmental intrusions on privacy;
- Protection from unreasonable governmental searches and seizures;
- The right to counsel, due process, and speedy and public trials;

WHEREAS, the citizens of Sudbury believe these rights should not be infringed;

WHEREAS, we believe these civil rights and liberties are now threatened by provisions of the USA PATRIOT Act, provisions of the Homeland Security Act, and certain Federal Executive Orders;

WHEREAS, communities across the nation have adopted resolutions opposing those provisions of the USA PATRIOT Act, those provisions of the Homeland Security Act, and those Executive Orders that threaten our civil rights and civil liberties,

THEREFORE, BE IT RESOLVED THAT:

1. The Town of Sudbury affirms the civil rights and civil liberties guaranteed to its residents by the U.S. Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts, and believes that these basic American rights and liberties should not be infringed upon by any governmental agency, business, organization, or private person for any purpose; and
2. The Town of Sudbury affirms the efforts of its departments to protect Sudbury residents and directs that all town departments act to preserve and protect the civil rights and civil liberties of Sudbury residents as specified in the Bill of Rights, the U.S. Constitution, and the Constitution of the Commonwealth of Massachusetts; and
3. The Town of Sudbury directs its U.S. Congressional Representative and Senators (a) to monitor the implementation of the above Acts and Orders; (b) to actively work for the repeal of those provisions of the Acts and Orders that violate the fundamental American rights and liberties which are guaranteed by the United States Constitution and the Bill of Rights; and (c) to resist the passage of any additional Acts which may violate fundamental American rights and liberties;

and BE IT FURTHER RESOLVED THAT:

The Town of Sudbury directs the Town Counsel to transmit copies of this resolution to town Departments, to Sudbury's U.S. Congressional Representative and Senators, to the U.S. Attorney General and the U.S. Attorney's Office, to the Governor and the Attorney General of the Commonwealth, and to Sudbury's State Representative and Senators.

## **Swampscott, MA**

### **Passed on May 18, 2004**

#### **A Resolution for the Town of Swampscott, Massachusetts Regarding the USA PATRIOT Act and the Protection of Civil Rights and Civil Liberties**

WHEREAS United States law is founded in the Declaration of Independence, the United States Constitution, and the Bill of Rights; and that these historic documents enshrine the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly and privacy; and

WHEREAS: Swampscott is a politically diverse and democratic community whose residents are committed to preserving the human rights and civil liberties enunciated in these founding documents; and

WHEREAS the Town of Swampscott has with gratitude for their supreme sacrifice memorialized those in the Armed Forces who have died in battle protecting these same cherished rights and liberties; and

WHEREAS each of the Town of Swampscott's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the Commonwealth of Massachusetts; and

WHEREAS the Town of Swampscott denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of the citizens of the Town of Swampscott; and

WHEREAS certain provisions of the USA PATRIOT Act, also known as the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, allow the federal government more liberally to detain and investigate citizens and engage in surveillance activities that may violate the rights and liberties guaranteed by our state and federal constitutions;

We believe the USA PATRIOT Act:

- Replaced a system of checks and balances with executive branch decisions.
- Expands a Court (the FISA Court) outside the judicial branch of government;
- Limits judicial supervision of telephone and Internet surveillance;
- Expands the government's ability to conduct secret searches;
- Grants government broad access to personal medical, mental health, financial, and educational records without the traditional need to show probable cause;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations" and
- Creates the new crime of "domestic terrorism," whereby those exercising First amendment rights of freedom of speech can be considered terrorists if their goal is to "influence policy of government...by intimidation or coercion."

Whereas, we believe the rights and civil liberties guaranteed under the Constitution are precious and are now threatened.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Town of Swampscott, acting in the spirit and history of our community, do hereby declare that:

The Town of Swampscott supports the government of the United States of America in its campaign against terrorism, and affirms its commitment that the campaign be waged with all due regard for the constitutional civil rights and liberties of the people of this country; and

The Town of Swampscott requests and urges all Massachusetts state and federal legislators, especially our delegation in the U.S. Congress, to monitor the implementation of the USA PATRIOT ACT and to amend those provisions that violate the U.S. Constitution and the Bill of Rights, and that violate the civil liberties of all, citizen and non-citizen alike; and to oppose any pending and future federal legislation to the extent that it infringes on Americans' civil rights and liberties.

## **Tisbury, MA** **Passed on April 27, 2004**

Question #2:

This is a non-binding public opinion advisory ballot question:

Do you approve of the surveillance, search, seizure and detention provisions of the USA PATRIOT Act, enacted as Public Law 107-56?

Yes:	274	No:	613	Blanks:	77
964					

## **Truro, MA** **Passed on April 21, 2004**

Whereas, in Benjamin Franklin's words, "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty or Safety"; and

Whereas, in the pursuit of safety, the USA Patriot Act (H.R. 3162) was enacted by Congress on October 24, 2001, "To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes"; and

Whereas, this Act contains many Sections and Titles that describe and enact new and appropriate authorities, responsibilities, and procedures which deserve the support of all law-abiding citizens of the United States; and

Whereas, this Act nevertheless also contains Sections and Titles that significantly undermine and endanger the rights and liberties of U. S. citizens, as guaranteed in the Constitution and the Bill of Rights; and

Whereas, many of our countrymen, including citizens of the Town of Truro Massachusetts, have served, been wounded, or have died in several wars to protect these rights and liberties for Americans;

Therefore, the Truro Board of Selectmen hereby resolves to request that the President of the United States, the Attorney General of the United States, the US Senators from the Commonwealth of Massachusetts, and the US Representative for the 10th Congressional District modify the USA Patriot Act in a manner that will maintain those aspects necessary for its stated purpose while rescinding those aspects deemed to infringe upon the rights and liberties of United States citizens. Such modification of the Act may result from

the consideration of pending Bills before the Congress intended for the above stated purpose, e.g., H.R. 3171, or by drafting new Bills equally or better suited to this goal.

## **Wellsfleet, MA**

**Passed on April 29, 2003**

To see if the town will vote to reaffirm its commitment to protect and preserve Constitutional and civil rights—including those [relating to freedom of speech, religion, assembly and privacy; rights to counsel and due process in judicial proceedings and protection from unreasonable searches and seizures] which may be violated or threatened by various acts and orders enacted at the federal level, including Executive Orders and provisions of the USA PATRIOT Act. To that end we request that the town, while opposing terrorism on all levels, support a policy of unbiased policing and vigilant protection of civil and Constitutional rights. (by petition)

## **Wendell, MA**

**Passed on May 29, 2003**

**Article 32: Voted in the affirmative, unanimously, to adopt a resolution to preserve the integrity of the Bill of Rights, which is threatened as never before.**

Whereas, the Town of Wendell has a long history of cherishing civil rights and civil liberties;

Whereas, the Town of Wendell has with gratitude for their supreme sacrifice memorialized those in the Armed Forces who have died in battle protecting these same rights and liberties; and

Whereas, several acts and orders recently enacted at the Federal level, including sections of the USA Patriot Act and several Executive Orders, now threaten these fundamental rights and liberties:

- Freedom of speech, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures

All guaranteed by the Constitution of the Commonwealth of Massachusetts, and the United States Constitution and its Bill of Rights;

Therefore, we the people of Wendell, Massachusetts, do hereby request that:

Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States; and

Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch.

## **West Tisbury, MA**

**Passed on April 13, 2004**

### **Resolution for West Tisbury on the Patriot Act**

WHEREAS the Bill of Rights of the United States Constitution and the Constitution of the State of Massachusetts ensure that every person has the right to freedom of speech and association. Every person has the right to freedom of religion. Every person has the right to assembly and privacy. Every person has the right to due process in judicial proceedings. Every person has the right to be free from unreasonable search and seizure. Stops or arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed. Every person has the right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law.

WHEREAS there is strong evidence that these guarantees are threatened by parts of the USA PATRIOT Act, related legislation, and Federal Executive orders which allow:

- detaining citizens and residents of West Tisbury without bringing legal charges and denying their right to counsel;
- monitoring their telephone, internet and library use, video rentals, book and grocery purchases, financial transactions, medical records and other activities without evidence of criminal behavior and without a court order;
- spying on domestic organizations without evidence of wrongdoing, designating organizations as “terrorist” without evidence of intent to act against the US and deporting citizens and residents who contribute to these organizations even if they are unaware of the “terrorist” designation;

- conducting secret military tribunals without fundamental legal protections;
- secretly searching the homes of residents and citizens of West Tisbury when they are absent; and
- profiling individuals according to their ethnicity

WHEREAS the people of West Tisbury are joining over 233 cities and towns in the US in affirming strong opposition to those parts of the USA PATRIOT Act, related legislation and acts, and to certain Justice Department directives and executive orders that weaken or destroy our constitutional civil rights and liberties.

BE IT RESOLVED that the Town of West Tisbury should employ all possible leverage to ensure that Federal and State law enforcement officials working on the Island not engage, to the extent legally permissible, in law enforcement activities that threaten our civil rights and civil liberties, such as surveillance, wiretaps, and securing private information, which the USA PATRIOT Act and related legislation and acts authorize.

BE IT FURTHER RESOLVED that the people of West Tisbury request that our United States Congressional representatives monitor the implementation of the USA PATRIOT ACT and related legislation, acts, and executive orders, and actively work for the repeal of the parts of those documents that violate fundamental rights and liberties as stated in the Constitution of the United States and the Constitution of Massachusetts, in the United Nations Charter, and the ratified International Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on Elimination of Racial Discrimination.

BE IT FURTHER RESOLVED THAT the Town Clerk communicate this resolution to all Town departments, the General Court, the Governor and Attorney General of the Commonwealth of Massachusetts, the Massachusetts Congressional delegation, the US Attorney General, the President of the United States and the United Nations High Commissioner for Human Rights in Geneva, Switzerland.

## **Westford, MA**

**Passed on October 18, 2004**

### **Resolution on Patriot Act: Reaffirm Civil Liberties**

WHEREAS:

Being elected Trustees of the J. V. Fletcher Library, we are instructed by our By-Laws (1990) to establish and implement policy that requires us to protect “free expression and free access to ideas,” and proclaim that “the freedom to read is guaranteed by the Constitution;”

We hereby reaffirm the fundamental and unalienable civil liberties secured by the Constitution of Massachusetts and the U.S. Constitution for all people, including the rights to freedom of speech, freedom of assembly, freedom from unreasonable searches and seizures, and due process of law;

Provisions of the USA PATRIOT Act (the Act”) and associated federal executive orders are assaults on these long-cherished civil liberties; and

As a great Massachusetts-born patriot, Benjamin Franklin, so well stated, “They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.”

Accordingly:

We strongly protest those provisions (Sect. 215/218) in the Act of Congress called “The Patriot Act” (Oct. 25, 2001) which permit the Federal Government to seize and inspect the library’s records of books our patrons have borrowed and of internet websites they have consulted. Especially as no patron may be informed of an investigation of his/her borrowing or internet records, the chilling effect of this Act is all the more destructive of free access to our library’s resources.

The First Amendment to the U.S. Constitution states that “Congress shall make no law... abridging the freedom of speech, or of the press...” The Supreme Court has ruled (381 U.S. 301, 1965) that this precious Amendment protects the right of access to what the press publishes, no less than it protects the right to publish. In Justice Brennan’s words: “It would be a barren marketplace of ideas that had only sellers and no buyers.”

The climate of fear has no place in a public library.

## **Weston, MA**

**Passed on May 12, 2003**

### **Citizen’s Petition: Resolution Regarding the PATRIOT Act**

Whereas, the Town of Weston recognizes and upholds all the rights and privileges secured by the U.S. Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts, which guarantees all citizens and non-citizens the following rights:



- Freedom of speech, assembly and privacy;
- The rights to counsel and due process in judicial proceeding, and
- Protection from unreasonable searches and seizures.

Whereas, we believe these liberties are precious and are now threatened by the U.S.A. Patriot Act, which

- Greatly expands the government's ability to conduct secret searches;
- Severely reduces judicial supervision of telephone and internet surveillance;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist groups;"
- Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without a court order or evidence of a crime;
- Allows the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime.

Whereas, the citizens of Weston have decried the U.S.A. Patriot Act and the associated orders and rules of the executive branch of the U.S. government as unnecessary to the prosecution of, and protection from, terrorism.

Therefore be it resolved that:

The Town of Weston affirms the civil rights guaranteed to all of its residents, U.S. Citizens and citizens of other countries alike, in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution.

The Town of Weston urges U.S. Congressional Representatives and Senators to monitor the implementation of the U.S.A. Patriot Act and related acts and orders, and actively work for the repeal of those portions that violate fundamental rights and liberties guaranteed by the U.S. Constitution.

The Selectmen of the Town of Weston shall send copies of this resolution to the President of the United States, the U.S. Attorney General, the Secretary of State, members of the Massachusetts Congressional delegation, our representative in the Massachusetts House and Senate, and to the Governor and Attorney General of Massachusetts

## **Williamstown, MA**

**Passed on May 17, 2005**

### **Resolution of the U.S.A. PATRIOT Act Citizen's Petition: Article 28**

WHEREAS more than 350 communities in the United States, including more than 40 in Massachusetts, have enacted resolutions critical of the U.S.A. Patriot Act and reaffirming support for civil rights and civil liberties in the face of federal policies that threatened these values, and demanding accountability from law enforcement agencies regarding the use of these powers,

WHEREAS the U.S.A. Patriot Act, which was passed abruptly following the tragic and murderous events of September 11, 2001, seriously damages the constitutional protections that are enshrined in the Bill of Rights, and

WHEREAS the Patriot Act lessens the strength of the Judicial and Legislative branches of our government while simultaneously giving nearly unlimited powers to the Executive branch, thereby damaging the separation of powers provisions of the U.S. Constitution that were meant to protect us from tyranny, and

WHEREAS the Patriot Act lessens citizen's privacy in that it (a) includes "sneak and peek" provisions that allow a citizen's home and possessions to be searched without his or her knowledge either before or after the search, (b) allows the collection of information about individual citizens from private business records (including financial, medical, library readings and purchases) under order of a secret court, (c) forbids citizens who provide such information under secret court order from speaking publicly about what they have been ordered to do, (d) permits surveillance of individual e-mail and Internet communications, and (e) allows the sharing of such personal, private individual information among government agencies and even foreign governments,

THEREFORE, the Town of Williamstown Mass., resolves to oppose those provisions of the Patriot Act that are in conflict with the U.S. Constitution, and especially of the Bill of Rights. Furthermore, we call upon our elected State Representatives to support a State Resolution opposing the Patriot Act. Especially, we call upon our Federal Representatives and Senators to seek repeal of all of those provisions of the Patriot Act that present the appearance of a conflict with the U.S. Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED that the Williamstown Town Meeting

(1) REQUEST the Board of Selectmen to require the Town Manager to direct the Police Department to:

(a) Refrain from engaging in the surveillance of individuals and groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of religion.

(b) Refrain, whether acting alone or with federal or state law enforcement officers from collecting or maintaining information about the political, religious or social views, associations or activities of any individual, group, association, organizations, corporation, business or partnership unless such information directly related to an investigation of criminal activities and there are reasons to suspect that the subject of the investigation is or maybe involved in criminal conduct.

(c) Report to the Board of Selectmen any request by federal authorities that, if granted, would cause agencies of the Town of Williamstown to exercise or cooperate in the exercise of powers in the apparent violation of any town ordinance or the laws, or Constitution of this Commonwealth of the United States.

(2) REQUEST that the Library Trustees direct the librarians within the Town of Williamsburg to:

(a) Post in a prominent place within each library the following notice: “WARNING: Under Section 215 of the U.S.A. Patriot Act (Public Law 107-56) records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to Alberto Gonzales, Department of Justice, Washington, D.C. 20530.

(b) Have a policy that insures the regular destruction of records that identify the name of the book borrower after a book is returned or that identify the name of the Internet user after completion of Internet use.

(3) REQUEST the school committees to direct the Superintendents of Schools to provide notice, whenever possible, to individuals whose education records have been obtained by law enforcement agents pursuant of Section 507 of the Patriot Act.

(4) DIRECT the Town Clerk:

(a) Transmit a copy of this resolution to Senators Edward Kennedy and John Kerry and Representative John Olver accompanied by a letter urging them to monitor federal anti-terrorism tactics and work to repeal provisions of the Patriot Act and other laws and regulations that infringe on civil rights and liberties.

(b) Transmit a copy of this resolution to Governor Mitt Romney and State Representative Daniel Bosley accompanied by a letter urging them to monitor federal antiterrorism tactics and work to repeal provisions of the U.S.A. Patriot Act and other laws that infringe on civil rights and liberties.

(c) Transmit a copy of this resolution to President Bush and Attorney General Alberto Gonzalez.

# MICHIGAN

**Ann Arbor, MI**  
**Updated July 7, 2003**

## **Resolution to Protest the Eroding of Civil Liberties Under the USA PATRIOT Act (Public Law 107-56) and Related Federal Orders since 9/11/01**

WHEREAS, The City of Ann Arbor is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents and knows that these rights and liberties are essential to the well-being of a democratic society;

WHEREAS, The City of Ann Arbor has a diverse population, including recent immigrants and students from other nations, whose contributions to the community are vital to its economy, culture and civic character;

WHEREAS, The Ann Arbor City Council adopted Resolution R-18-1-02, publicly affirming Ann Arbor's support of the due process rights of all who reside in the City;

WHEREAS, The Board of Trustees of the Ann Arbor District Library unanimously adopted the American Library Association Resolution on the USA Patriot Act and Related Measures That Infringe on the Rights of Library Users on June 16, 2003 and stated that the situation created by the USA Patriot Act "presents a clear and present problem to the Library and the public";

WHEREAS, Federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberate fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties;

WHEREAS, The US Attorney General has stated that the federal government may ask local police departments to enforce federal immigration law;

WHEREAS, The City Council is concerned that the adoption of the USA PATRIOT Act (Public Law 107-56) and related executive orders, federal policies, regulations and actions adopted since September 11, 2001 threaten fundamental rights and liberties in the following ways:

- Under the provisions of Section 412 of the Act, non-citizens may be incarcerated for 7 days without charge and continue to be incarcerated for six month periods indefinitely, without access to counsel, under the order of the United States Attorney General if he determines release would endanger the security of the country or of a specific person, which decision is subject to limited judicial review.
- The provisions of Section 216 of the Act eliminate judicial latitude in issuance of electronic surveillance orders when the state has met its procedural burden.
- The provisions of Section 213 of the Act allow federal searches to be conducted and delayed notice to be given to the subject of the search when it has been judicially determined there would be an adverse effect if concurrent notice was given, involving searches for information not protected by the First Amendment. The subject of the search may never be given notice that a search was conducted if criminal proceedings are not initiated after the search.
- The provisions of Sections 203 and 215 of the Act, expand federal data collection procedures to now include personal medical, financial, library, and education records and to allow surveillance of religious services, political demonstrations and other public meetings. Also grants ability for federal law enforcement and intelligence agencies to share and maintain the data regardless of whether the individual has committed, is alleged to have committed or is suspected of possible future acts of terrorism.
- The provisions of Sections 411 and 802 broadly define acts of domestic or international terrorism, potentially chilling constitutionally protected speech.

WHEREAS, These new powers pose a threat to the civil rights and liberties of all who reside in our City but particularly those who are Muslim and/or those of Arab or South Asian descent and other immigrant populations;

WHEREAS, The Ann Arbor Police Department has undertaken numerous efforts to build police and community trust in its enforcement actions and the USA PATRIOT Act and its related executive orders and regulations as adopted and implemented have the potential to drive a wedge between immigrant communities and the police who protect them; and

WHEREAS, Further federal legislation may be proposed and the Ann Arbor City Council is concerned about any further undermining of civil liberties and freedoms across the United States;

RESOLVED, That the Ann Arbor City Council reaffirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties;

RESOLVED, That the Ann Arbor City Council affirms current Ann Arbor Police Department commitment to non-discriminatory policing in criminal investigation and supports the Ann Arbor Police Department in conducting its work so that race, religion,

ethnicity or national origin is used as a factor only when investigating or seeking to apprehend a specific suspect whose aforementioned characteristics(s) is part of the description of the suspect, but otherwise refrains from relying on such criteria in all policing functions.

RESOLVED, That the Ann Arbor City Council strongly supports the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin and/or religion.

RESOLVED, That the Ann Arbor City Council, as a matter of public policy, directs the Ann Arbor Chief of Police, to the extent permitted by law, to:

- Continue to limit local enforcement actions with respect to immigration matters to penal violations of federal immigration law (as opposed to administrative violations) except in cases where the Chief of Police determines there is a legitimate public safety concern and in such public safety instances, to report the situation to the City Council no later than 60 days after the incident.
- Continue to refrain from covert surveillance of and/or collection and maintenance of information on individuals or groups based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without a particularized suspicion of unlawful activity.
- Affirm the existing practice, as required by Michigan state law, of providing simultaneous notice of the execution of a state court search warrant to any resident of the City of Ann Arbor whose property is the subject of such a warrant, except in cases of anticipatory search warrants.
- Report to the City Council any request made by federal authorities for the Ann Arbor Police Department to participate in any activity under the USA Patriot Act, to the extent the Chief of Police has knowledge of such request.
- Refrain from participating in informational interviews conducted by federal authorities similar to those conducted by the Federal Bureau of Investigation (FBI) in early 2002 in Ann Arbor of individuals not suspected of criminal activity, unless the interviewee has specifically requested the presence of an AAPD official;

RESOLVED, That the City Administrator is directed to seek semi-annually, by form letter, from federal authorities the following information on behalf of the residents of the City of Ann Arbor:

- The names of all residents of the City of Ann Arbor who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001; the location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; the name of counsel, if any, representing each detainee;
- The number of search warrants that have been executed in the City of Ann Arbor without notice to the subject of the warrant pursuant to Section 213 of the USA PATRIOT Act;
- The extent of electronic surveillance carried out in the City of Ann Arbor under powers granted in the USA PATRIOT Act;
- The extent to which federal authorities are monitoring political meetings, religious gatherings or other activities protected by the First Amendment within the City of Ann Arbor;
- The number of times education records have been obtained from public schools and institutions of higher learning in the City of Ann Arbor under Section 507 of the USA PATRIOT Act;
- The number of times library records have been obtained from libraries in the City of Ann Arbor under Section 215 of the USA PATRIOT Act;
- The number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Ann Arbor under Section 215 of the USA PATRIOT Act;

RESOLVED, That the City Administrator transmit to the City Council as an information item at a City Council regular session no less than once every six months a summary of the information obtained pursuant to the preceding paragraph;

RESOLVED, That the City Clerk is directed to transmit a copy of this resolution to President Bush, U.S. Attorney General Ashcroft, U.S. Senator Levin, U.S. Senator Stabenow and U.S. Congressman Dingell, Governor Granholm and State Senator Brater and State Representative Kolb accompanied by a letter urging them to monitor federal anti-terrorism tactics and to work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties;

RESOLVED, That upon the passage of additional anti-terrorism legislation that the Ann Arbor City Council believes undermines civil liberties, this resolution may be amended; and

RESOLVED, That the provisions of this resolution shall be severable, and if any phrase, clause, sentence or provision of this resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Michigan or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

**Auburn Hills, MI**  
**Passed on February 2, 2004**

**Resolution Expressing Concern that Portions of the USA Patriot and Homeland Securities Acts Pose a Direct Threat to the Liberties and Civil Rights Protected by the United States Constitution**

WHEREAS, the City of Auburn Hills recognizes the Constitution of the United States of America to be the “Supreme Law of the Land”, superseding all commercial codes, laws of commerce, admiralty law, laws merchant, administrative rules, local codes and ordinances, state statutes, public and congressional acts, complied and federal laws; and

WHEREAS the City of Auburn Hills desires to maintain its dedication to the free exercise and enjoyment of the unalienable rights endowed to all mankind by their Creator, as so expressed in the Declaration of Independence, the Constitution and the Bill of Rights of the United States of America; and

WHEREAS the City of Auburn Hills recognizes the equality of all persons and embraces a population of unique Citizens and non-citizens having diverse ethnic and racial origin and religious beliefs; and

WHEREAS the City of Auburn Hills affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential liberties and civil rights of the people of Auburn Hills, the State of Michigan and the United States of America; and

WHEREAS certain provisions of the USA Patriot and the Homeland Security Acts, expand the power of the Federal Government to detain and investigate, engage in covert electronic surveillance and search and seize real and personal property, bank accounts, records and information, without establishing reasonable suspicion or probable cause and to further deny persons’ right to take legal action against the government or other parties for violations of rights, in such manner as to threaten the lives, liberties and civil rights of Citizens and non-citizens guaranteed under the United States Constitution; and

WHEREAS the City of Auburn Hills recognizes the importance of not infringing on the constitutionality guaranteed rights of any person; and

WHEREAS the City of Auburn Hills is firmly committed to the protection of the unalienable rights and civil liberties for all people, it is the policy of this City to completely avoid discrimination in every function of City government and to vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without government interference; and

WHEREAS it is the policy of the City of Auburn Hills Police Department and their law enforcement personnel (Police) to ensure the equal protection of the laws and to require that Police shall not act in such a manner as to deprive any citizen or non-citizen of their constitutional rights, and shall not evidence bias in the performance of their duties; and

WHEREAS the City of Auburn Hills Police Department policies recognize that a well informed public is essential to the existence of a Constitutional Republic, and that the Chief of Police, as custodian of the Police Department records has the duty to maintain and dispose of such records in accordance with the Freedom of Information Act, with due regard for the privacy and reputation of the subject of the record.

NOW THEREFORE BE IT RESOLVED THAT the City Council reaffirms that it is the policy of the City of Auburn Hills Police Department not to engage in random profiling based on race, ethnicity, citizenship, religion, or political values, and to that end, the Auburn Hills Police Department will not engage in random interviews of any person solely based on their country of origin, race, religion, sex or any other characteristics unless there is specific evidence linking that person to an illegal act; and

NOW THEREFORE BE IT RESOLVED THAT the City of Auburn Hills City Council directs the City Clerk transmit to the Auburn Hills City Council, no less than once every six months, a summary of information obtained to the USA Patriot and Homeland Securities Acts; and

BE IT FURTHER RESOLVED that the City of Auburn Hills joins communities across the nation in expressing concern that portions of the USA Patriot and Homeland Securities Acts pose a direct threat to the liberties and civil rights protected by the United States Constitution; and

BE IT FINALLY RESOLVED THAT a copy of this resolution be presented to the Governor and Attorney General of the State of Michigan, the President, Attorney General and Congress of the United States of America and that our congressional representatives be advised of their solemn commitment to abide by the Constitution and repeal those sections of the USA Patriot and Homeland Security Acts which violate the People’s liberties and civil rights and to the Auburn Hills Library Board for their information and possible action.

**Detroit, MI****Passed on December 6, 2002****Local Resolution to Protect Civil Liberties**

WHEREAS the City of Detroit is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents;

WHEREAS federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties;

WHEREAS the Council of the City of Detroit believes that there is no inherent conflict between national security and the preservation of liberty -- Americans can be both safe and free;

WHEREAS federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions threaten fundamental rights and civil liberties; and

WHEREAS these new powers pose a particular threat to the civil rights and liberties of the residents of our city who are Arab, Muslim or of South Asian descent; and

WHEREAS many other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers; and

NOW BE IT THEREFORE RESOLVED That the Detroit City Council affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties; AND

BE IT FURTHER RESOLVED that the Detroit City Council affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin.

Be IT RESOLVED That the City of Detroit directs the City of Detroit Police Department to:

Refrain from enforcement of federal immigration laws, refrain from engaging in the surveillance of individuals or groups of individuals based on their participation in First Amendment protected,

Refrain, whether acting alone or with federal or state law enforcement officers, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual or group UNLESS such information directly relates to a criminal investigation,

Refrain from undertaking or participating in any initiative, such as the Terrorism Information and Prevention System (TIPS), that encourages members of the general public to spy on their neighbors, colleagues or customers;

Refrain from the practice of stopping drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity; AND

BE IT FURTHER RESOLVED That the Detroit City Council requests the Director of the Library Commission notify and warn all library users that their personal library records may be obtained by the federal government under the USA PATRIOT Act (Public Law 107-56); AND

BE IT FURTHER RESOLVED That the Detroit City council directs the City Clerk transmit to the Detroit City Council no less than once every six months a summary of information obtained pursuant to the USA PATRIOT ACT (Public Law 107-56), and based on such information any other relevant information, and assessment of the effect of federal antiterrorism efforts on Detroit residents; AND

BE IT FURTHER RESOLVED That the Detroit City Council directs the City Clerk transmit a copy of this resolution to Michigan's U.S. Senators Carl Levin and Debbie Stabenow, Detroit Congressman John Conyers Jr., urging them to monitor federal anti-terrorism tactics and work to repeal the provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties; and

BE IT FINALLY RESOLVED That the City Clerk transmit a copy of this resolution to Governor John Engler and Attorney General Grandholm, and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on civil rights and liberties.

## East Lansing, MI

### Passed on May 4, 2004

#### A Resolution to Affirm the City of East Lansing's Commitment to Civil Liberties

WHEREAS, the City of East Lansing is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents and,

WHEREAS, the City of East Lansing has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character and,

WHEREAS, the preservation of civil rights and liberties is essential to the well-being of a democratic society and,

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties and,

WHEREAS, governmental actions that undermine fundamental civil liberties do damage to the American institutions and values that the residents of the City of East Lansing hold dear and,

WHEREAS, the City Council of the City of East Lansing believes that there is no inherent conflict between national security and the preservation of liberty Americans can be both safe and free and,

WHEREAS, federal policies adopted since September 11, 2001, including certain provisions in the USA PATRIOT ACT and related executive orders, regulations and actions are believed to impact fundamental rights and liberties.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Lansing affirms its strong support for fundamental constitutional rights and its opposition to governmental actions that infringe on civil liberties.

IT IS FURTHER RESOLVED that the City Council of East Lansing affirms its opposition to governmental actions that target individuals, groups or organizations for legal scrutiny or enforcement activity based solely on their religion, race, country of origin, or political viewpoint.

IT IS FURTHER RESOLVED that the City Council of East Lansing urges public schools and institutions of higher learning within the City of East Lansing to provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT ACT

IT IS FURTHER RESOLVED that the City Manager shall post at the East Lansing Public Library in a prominent place within the library, a notice to library users as follows: "WARNING: Under Section 215 of the federal USA PATRIOT ACT, records of the books and other materials you borrow from this library may be obtained by federal agents. Federal law prohibits librarians from informing you if records about you have been requested or obtained by federal agents. Questions about this policy should be directed to: Attorney General, Department of Justice, Washington, DC 20530"

IT IS FURTHER RESOLVED that the City Council of the City of East Lansing directs that a copy of this resolution be transmitted to all members of the federal congress President George Bush Governor Jennifer Granholm Michigan Attorney General Mike Cox State Senators Virgil Bernero and Valde Garcia and, State Representatives Gretchen Whitmer, Scott Hummell, and Larry Julian urging them to ensure that anti-terrorism laws and policies are implemented in a manner that does not infringe on civil liberties and to:

- support Congressional efforts to assess the impacts of the USA PATRIOT ACT.
- monitor federal anti-terrorism tactics and work to repeal provisions of the USA PATRIOT ACT and other laws and regulations if they infringe on civil rights and liberties.
- ensure that provisions of the USA PATRIOT ACT "sunset" in accordance with the provisions of the Act.
- take a lead in Congressional action to ensure that the Domestic Security Enhancement Act, known as "Patriot II," if passed, does not permit the infringement on civil liberties.

IT IS FURTHER RESOLVED that the City Council of East Lansing directs the City Manager to seek, on an annual basis from city staff and federal authorities, under the Freedom of Information Act, if necessary, the following information in a form that facilitates an assessment of the effects of federal anti-terrorism efforts on the residents of the City of East Lansing and to thereafter report the results of the inquiry to the City Council and the citizens of the City of East Lansing:

- The number of residents of the City of East Lansing who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001 the location of each detainee the circumstances that led to each detention the charges, if any, lodged against each detainee and whether the resident has been provided legal counsel.
- Warrant pursuant to section 213 of the USA PATRIOT ACT
- The incidences of electronic surveillance carried out in the City of East Lansing under powers granted in the USA PATRIOT ACT

- The incidences to which federal authorities are monitoring political meetings, religious gatherings, or other activities protected by the First Amendment within the City of East Lansing
- The number of times education records have been obtained from public schools and institutions of higher learning in the City of East Lansing under section 507 of the USA PATRIOT ACT
- The number of times library records have been obtained from libraries in the City of East Lansing under section 215 of the USA PATRIOT ACT
- The number of times records of the books purchased by store patrons have been obtained from booksellers in the City of East Lansing under section 215 of the USA PATRIOT ACT
- The number of times records of East Lansing businesses have been obtained under provisions of the USA PATRIOT ACT.

IT IS FURTHER RESOLVED that the City Manager shall make accessible to the public the city's policies and procedures of the police department which protect civil liberties and to inform the City Council of any significant changes in the policy.

## **Ferndale, MI**

**Passed on November 24, 2003**

Moved by Councilwoman Weber, supported unanimously, to adopt the following Resolution:

The City of Ferndale is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents—essential to the well being of a democratic society; and

In 1927, the Charter of the City of Ferndale was established “...to promote the peace, health, safety, contentment and general welfare of all its people...”; and

Federal, state and local governments should protect the public from terrorist attacks such as occurred on September 11, 2001, but should do so in a rational and deliberative fashion to insure that any new security measures enhance public safety without impairing constitutional rights or infringing on civil liberties; and

The Mayor and Council of the City of Ferndale believe that there is no inherent conflict between national security and the preservation of liberty – people in Ferndale can be both safe and free; and

The People of Ferndale have honored and memorialized our armed forces, citizens and non-citizens alike, who have fought and sometimes died in battle protecting cherished and inalienable rights and liberties; and

Federal policies adopted since September 11, 2001, including the USA PATRIOT Act signed into law on October 26, 2001, and related Executive Orders, Regulations and Actions, in the opinion of a growing number of citizens and citizen groups, contain a number of provisions that undermine our constitutional rights and fundamentally alter our civil liberties, without increasing our security – undermining the right to counsel, the right to a jury trial and the rights of immigrants.

THEREFORE, the City of Ferndale joins over 215 U.S. Cities and governmental units in opposing terrorism and affirming that any efforts to end terrorism should not be waged at the expense of the fundamental civil liberties of the people of Ferndale, the United States and the world.

FURTHER, that the City Clerk transmit a copy of this Resolution to Michigan's U.S. Senators Carl Levin and Debbie Stabenow, U.S. Representative Sander Levin, urging them to monitor anti-terrorism tactics, repeal the provisions of the USA PATRIOT Act and other laws and regulations that infringe upon fundamental rights and liberties.

FURTHER, that the City Clerk transmit a copy of this Resolution to Governor Granholm, Attorney General Cox and appropriate members of the State, accompanied by a letter urging them to ensure that State anti-terrorism laws and policies are implemented in a manner that does not infringe on civil rights and liberties.

## **Grand Rapids, MI**

**Passed on March 30, 2004**

WHEREAS, the Bill of Rights of the United States Constitution and the Declaration of Rights in the Michigan Constitution guarantee freedom of speech, religion, assembly and privacy, the right to counsel and due process in judicial proceedings, and the protection from unreasonable searches and seizures for all persons; and,

WHEREAS, concern has been raised that provisions of the USA PATRIOT ACT and regulations promulgated thereunder, threaten these rights as guarantees; and,

WHEREAS, the City of Grand Rapids has a proud tradition of protecting the civil rights and liberties of all of its persons; and,

WHEREAS, the City of Grand Rapids has a diverse population, including immigrants and students whose contributions to the community are vital to its economy, culture and civic character; and,



WHEREAS, in times of national emergency or war, it is most important that governments do not target persons of ethnic descent for discrimination or harassment because of their country of national origin; and,

WHEREAS, the City Commission condemns discrimination or harassment against persons who are Arab Americans, Muslim Americans and Americans from South Asia; and,

WHEREAS, the City of Grand Rapids has undertaken numerous efforts to build community trust in law enforcement and the City Commission desires to avoid the danger that laws of the United States, including the USA PATRIOT ACT, are being used to infringe upon the Constitutional liberties of any persons.

NOW, THEREFORE, BE IT RESOLVED:

The Grand Rapids City Commission reaffirms its commitment to the protection of the civil liberties of all of its persons.

The Grand Rapids City Commission opposes the use of any laws, including the US PATRIOT ACT, or the enforcement of those laws, that infringe upon the rights of any persons, including the right of peaceable assembly, freedom of speech, religion and political advocacy.

The Grand Rapids City Commission urges Congress not to re-authorize those sections of the USA PATRIOT ACT which expire in 2005.

The Grand Rapids City Commission authorizes and directs the City Clerk to do the following:

Transmit a copy of this Resolution to President George W. Bush and Attorney General John Ashcroft.

Transmit a copy of this Resolution to United States Senators Carl Levin and Debbie Stabenow and USA Representative Vern Ehlers.

## **Ingham County, MI**

### **Passed on November 12, 2003**

#### **Resolution #03 – Ingham County Board of Commissioners Resolution Expressing Concern About the USA Patriot Act**

WHEREAS, The County of Ingham supports all lawful and constitutional efforts to prevent and investigate terrorist or other criminal acts, and prosecute their perpetrators; and

WHEREAS, The County of Ingham is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents, a diverse group including immigrants from many nations, ethnic and religious groups, and students;

WHEREAS, Ingham County, whose boundaries include the State Capital and Michigan State University, is a center of free expression and public debate on government actions and policies, and is a symbol of the rights of free speech and assembly guaranteed by both the federal and state constitutions;

WHEREAS, the vital investigation of terrorist acts should be conducted in a rational and deliberative fashion to ensure that new security measures enhance public safety without impairing constitutional rights or infringing on civil liberties;

WHEREAS, the Ingham County Board of Commissioners believes that there is no inherent conflict between national security and the preservation of liberty; and

WHEREAS, a law enforcement agency's use of legislative powers or provisions such as the USA Patriot Act must be consistent with civil liberties guaranteed by the United States Constitution and should never deprive a person of, or otherwise abuse, an individual's civil rights;

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners affirms its strong support of fundamental constitutional rights and its opposition to measures that infringe on civil liberties;

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners encourages all citizens, organizations and governmental and legislative bodies to study, for understanding, the state and U.S. Constitutions and their history, and the Bill of Rights and its history, so that they can recognize and resist attempts to undermine our constitutional republic and our system of government;

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners encourages the Capitol Area district Library to notify patrons that records of the books and other materials borrowed from that library, and Internet usage there, may be obtained by federal agents without informing the patron;

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners encourages the Ingham County Sheriff's Office to continue to respect the rights of all people during the investigation of terrorist or other criminal acts and will continue to work closely with the Ingham County Prosecutor during prosecutions.

BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to send a copy of this resolution to our State and Federal Representatives and Senators and the Michigan Association of Counties.

Passed November 12, 2003 by unanimous vote (15-0)

## **Kalamazoo, MI**

### **Passed on October 6, 2003**

#### **A Community Resolution to Protect Civil Liberties**

Whereas, the City of Kalamazoo has a long and distinguished history of protecting and expanding the civil rights and civil liberties of all of its residents when their liberties are threatened; and

Whereas, the City of Kalamazoo has a diverse population, including immigrants and students some of whom are non-citizens, whose contributions to the community are vital to its character and function; and

Whereas, the City of Kalamazoo has an interest in protecting all people from unlawful racial and ethnic profiling; and

Whereas, the City of Kalamazoo has honored and memorialized all those of our Armed Forces, citizens and non-citizens alike, who have fought and sometimes died in battle protecting these cherished and inalienable rights and liberties;

Whereas, the Charter of the City of Kalamazoo is specific and requires that the City Manager shall, as the chief administrative officer of the city, uphold all laws and ordinances, and

Whereas, acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and Executive and Justice Department orders have been questioned as threatening the fundamental rights and civil liberties guaranteed under the Bill of Rights of the U.S. Constitution and Declaration of Rights of the Michigan State Constitution;

NOW, THEREFORE, Be it Resolved by the City Commission of the City of Kalamazoo:

That we affirm our strong support for the rights and liberties guaranteed by our Federal and State Constitutions, by international law and by City ordinances.

Be it further resolved that to the extent legally possible, in such a way that does not conflict with the Charter of the City of Kalamazoo, or the obligations of Kalamazoo public safety officers to uphold and enforce the law of the land, no City resources, including city personnel or funds, be used to advance federal activities in the City of Kalamazoo, where such activities, investigations or proceedings have been found by a court of competent jurisdiction to violate the fundamental rights and liberties guaranteed under the Bill of Rights of the U.S. Constitution and Declaration of Rights of the Michigan State Constitution.

Be it further resolved that the City of Kalamazoo urges members of the Michigan Congressional delegation to actively work to amend any sections of the USA PATRIOT and Homeland Security Acts and any federal legislation, including the proposed Domestic Security Enhancement Act of 2003 (PATRIOT II), which are found by a court of competent jurisdiction to violate the fundamental rights and liberties enumerated and contained in the Constitutions of the United States and State of Michigan and treaties of the United States, and to restore the checks and balances inherent in our constitutional tradition.

## **Lake County, MI**

### **Passed on October 8, 2003**

#### **The USA Patriot Act and the Preservation of Civil Liberties, 10/8/03**

Whereas, the Lake County Board of Commissioners recognize the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold; and

Whereas, the Lake County Board of Commissioners is committed to upholding the human rights of all persons in Lake County and all rights and privileges secured by our Constitution and the laws of the United States, which guarantee all citizens the following rights:

- Freedom of Speech, Assembly, and Privacy;
- The right to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

Whereas, Lake County Board of Commissioners believe these civil liberties are precious and are now threatened by:

The USA Patriot Act, which

- all but eliminates judicial supervision of telephone and internet surveillance;
- greatly expands the government's ability to conduct secret searches;
- gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations;" and

- grants the FBI broad access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime and without a court order; and

Federal Executive Orders, which

- establish secret military tribunals for terrorism suspects;
- permit wire tapping of conversations between federal prisoners and their lawyers;
- lifts Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and limits the disclosure of public documents and records under the Freedom of Information Act;

NOW THEREFORE BE IT RESOLVED THAT

Lake County Board of Commissioners will continue to preserve residents' freedom of speech, religion, assembly and privacy; right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and

Lake County Board of Commissioners will urge the United States federal government and its various branch's representatives and employees to act in a fair, open, and consistent manner by ensuring that all individuals are afforded their appropriate rights to due process; and

Lake County Board of Commissioners will urge the US Congressional Representation and Senators to monitor the implementation of the USA Patriot Act and actively work for repeal of the parts of the Act and those Executive Orders that violate fundamental rights and liberties.

## **Lansing, MI**

**Passed on February 2, 2004**

### **Resolved by the City Council of the City of Lansing**

WHEREAS, the Lansing City Council wishes to express its concerns regarding the USA Patriot Act; and

WHEREAS, the City of Lansing supports all lawful and constitutional efforts to prevent and investigate terrorist or other criminal acts, and prosecute their perpetrators; and

WHEREAS, the City of Lansing is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents, a diverse group including immigrants from many nations, ethnic and religious groups, and students;

WHEREAS, as the state capital of Michigan, the City of Lansing is both a center of free expression and public debate on government actions and policies, and a symbol of the rights of free speech and assembly guaranteed by both the federal and state constitutions;

WHEREAS the vital investigation of terrorist acts should be conducted in a rational and deliberative fashion to ensure that new security measures enhance public safety without impairing constitutional rights or infringing on civil liberties;

WHEREAS the Lansing City Council believes that there is no inherent conflict between national security and the preservation of liberty; and

WHEREAS a law enforcement agency's use of legislative powers or provisions such as the USA Patriot Act must be consistent with civil liberties guaranteed by the United States Constitution and should never deprive a person of, or otherwise abuse, an individual's civil rights;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council, hereby,

Affirms its strong support of fundamental constitutional rights and its opposition to measures that infringe on civil liberties;

Encourages all citizens, organizations and governmental and legislative bodies to study, for understanding, the state and U.S. Constitutions and their history, and the Bill of Rights and its history, so that they can recognize and lawfully resist attempts to undermine our constitutional republic and our system of government;

Encourages the Capitol Area district Library to notify patrons that records of the books and other materials borrowed from that library, and Internet usage there, may be obtained by federal agents without informing the patron;

Encourages the Police Department of the City of Lansing to:

Continue its use of search warrants consistent with policies and practices that existed prior to the passage of the USA Patriot Act;

Continues to refrain from stopping drivers or pedestrians to scrutinize identification documents or commence an investigation or surveillance without particularized suspicion of criminal activity or civil infractions, or as a necessary part of protecting public safety;

Continues to refrain from collecting or maintaining information about political, religious or social views of individuals and organizations; or activities of individuals and organizations; unless such information directly relates to an investigation of alleged or

suspected criminal activities; or there are reasonable grounds to suspect involvement in criminal conduct; or there is a need to protect public safety;

Continue to refrain from utilizing race, religion, ethnicity or national origin as a factor in selecting which individuals to subject to investigatory activities unless that person's race, religion, ethnicity or nationality is part of that suspect's description;

Use the City of Lansing resources or institutions for the enforcement of federal immigration matters only when such enforcement would further local law enforcement goals.

Approved for the Council Agenda

James D. Smiertka, City Attorney

#### Lansing City Council Resolution

A resolution by the Lansing, Michigan City Council expressing concerns about the USA Patriot Act

WHEREAS, The City of Lansing supports all lawful and constitutional efforts to prevent and investigate terrorist or other criminal acts, and prosecute their perpetrators; and

WHEREAS, The City of Lansing is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents, a diverse group including immigrants from many nations, ethnic and religious groups, and students;

WHEREAS, as the state capital of Michigan, The City of Lansing is both a center of free expression and public debate on government actions and policies, and a symbol of the rights of free speech and assembly guaranteed by both the federal and state constitutions;

WHEREAS the vital investigation of terrorist acts should be conducted in a rational and deliberative fashion to ensure that new security measures enhance public safety without impairing constitutional rights or infringing on civil liberties;

WHEREAS the Lansing City Council believes that there is no inherent conflict between national security and the preservation of liberty; and

WHEREAS a law enforcement agency's use of legislative powers or provisions such as the USA Patriot Act must be consistent with civil liberties guaranteed by the United States Constitution and should never deprive a person of, or otherwise abuse, an individual's civil rights;

Therefore be it Resolved that the Lansing City Council:

AFFIRMS its strong support of fundamental constitutional rights and its opposition to measures that infringe on civil liberties;

ENCOURAGES all citizens, organizations and governmental and legislative bodies to study, for understanding, the state and U.S. Constitutions and their history, and the Bill of Rights and its history, so that they can recognize and lawfully resist attempts to undermine our constitutional republic and our system of government;

ENCOURAGES the Capitol Area district Library to notify patrons that records of the books and other materials borrowed from that library, and Internet usage there, may be obtained by federal agents without informing the patron;

ENCOURAGES the Police Department of the City of Lansing to:

CONTINUE its use of search warrants consistent with policies and practices that existed prior to the passage of the USA Patriot Act;

REFRAIN from stopping drivers or pedestrians to scrutinize identification documents or commence an investigation or surveillance without particularized suspicion of criminal activity or civil infractions, or as a necessary part of protecting public safety;

REFRAIN from collecting or maintaining information about political, religious or social views of individuals and organizations; or activities of individuals and organizations; unless such information directly relates to an investigation of alleged or suspected criminal activities; or there are reasonable grounds to suspect involvement in criminal conduct; or there is a need to protect public safety;

REFRAIN from utilizing race, religion, ethnicity or national origin as a factor in selecting which individuals to subject to investigatory activities unless that person's race, religion, ethnicity or nationality is part of that suspect's description;

USE the City of Lansing resources or institutions for the enforcement of federal immigration matters only when such enforcement would further local law enforcement goals.

November, 2003

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing supports all lawful and constitutional efforts to prevent and investigate terrorist or other criminal acts, and prosecute their perpetrators; and

WHEREAS, the City of Lansing is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents, a diverse group including immigrants from many nations, ethnic and religious groups, and students; and

WHEREAS, as the state capital of Michigan, the City of Lansing is both a center of free expression and public debate on government actions and policies, and a symbol of the rights of free speech and assembly guaranteed by both the federal and state constitutions; and

WHEREAS the vital investigation of terrorist acts should be conducted in a rational and deliberative fashion to ensure that new security measures enhance public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS the Lansing City Council believes that there is no inherent conflict between national security and the preservation of liberty; and

WHEREAS a law enforcement agency's use of legislative powers or provisions such as the USA Patriot Act must be consistent with civil liberties guaranteed by the United States Constitution and should never deprive a person of, or otherwise abuse, an individual's civil rights;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, endorses the proposed revisions to the USA Patriot Act contained in S 1695 of the United States Senate.

BE IT FURTHER RESOLVED that the Lansing City Council urges the members of the Michigan Congressional Delegation to support the proposed revisions contained in S 1695.

## **Lathrup Village, MI**

### **Passed on April 5, 2004**

#### **Urging the Federal Government and its agencies and institutions to affirm and uphold civil rights and civil liberties under the U.S.A. Patriot Act (Public Law 107-56) and related Federal orders since 9/11/01**

WHEREAS, The City of Lathrup Village is proud of its tradition of protecting the civil rights and liberties of its residents and these rights and liberties are essential to maintain a democratic society.

WHEREAS, the City of Lathrup Village has a diverse population, including recent immigrants whose contributions to community are important to its economy, culture and civil character

WHEREAS, the members of the City Council of Lathrup Village believe that there is no inherent conflict between national security and maintain Liberty –Americans can be simultaneously safe and free: and

WHEREAS, The City of Lathrup Village has been supporting member of the National League of Cities; and

WHEREAS, on December 13, 2003, the National League of Cities, passes a resolution affirming the principles of federalism and civil liberties

WHEREAS, the US Attorney General has stated that the federal government may ask local police departments to enforce federal immigration law

WHEREAS, government security measures that undermine fundamental rights do destroy the American Institutions and values that the resident of the City of Lathrup Village hold dear; and

WHEREAS, Federal, State and Local government should protect the public from terrorist attacks, such as those occurred on September 11, 2001, but should do so in a rational and deliberative fashion in order to ensure the security measures enhance the public safety on civil liberties; and

WHEREAS, further federal legislation may be proposed and the Lathrup Village city council is concerned about any further undermining of civil liberties and freedom across the United States;

RESOLVED, the Lathrup Village City Council reaffirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties; and

RESOLVED, that the Lathrup Village City Council strongly supports the rights of immigrants and opposed measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin and or religion;

RESOLVED, that the City of Lathrup Village calls upon federal, state and local officials, upon Lathrup Village agencies, to affirm and protect civil rights and civil liberties and

RESOLVED, that the City of Lathrup Village transmit copies of this resolution to state and federal congressional members.

**Meridian Township, MI**  
**Passed on September 16, 2003**

**Resolution Re-affirming Police Policies and Procedures**

At a regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 16th day of September, 2003, at 6:00 p.m., local time.

The following Resolution was offered by Treasurer Hunting and supported by Trustee Brixie.

WHEREAS, it is, and has been, the policy of the Meridian Township Police Department to respect and protect the dignity and constitutional rights of all persons, and to perform its law enforcement functions in a manner that does not violate those rights, and;

WHEREAS, the Meridian Township Police Department recognizes that the trust of all segments of the community is essential to the proper fulfillment of the Department's responsibilities and that this trust must be earned and maintained by consistently exercising impartiality and fairness in all of its contacts with the public, and;

WHEREAS, recent national and international events have raised concerns that constitutionally protected individual rights and freedoms may be sacrificed, ignored or diminished in the interest of preserving public safety and security.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, that the Meridian Township Police Department shall remain vigilant in respecting and protecting the dignity and constitutional rights of all persons while fulfilling its law enforcement obligations to the citizenry of Meridian Township.

**Muskegon County, MI**  
**Passed on November 9, 2005**

**To Encourage Continuing Reinforcement of the Constitutional Protections of All People**

WHEREAS, the United States Bill of Rights and the Constitution of the State of Michigan protect freedom of speech, religion, assembly, privacy, the right to counsel and due process in judicial proceedings, and the protection from unreasonable searches and seizures for all persons; and

WHEREAS, concern has been raised that provisions of the U.S. Patriot Act and regulations promulgated there under threaten such protection and grant authorization for discriminatory treatment; and

WHEREAS, the Muskegon County Board of Commissioners has a proud tradition of supporting the protection of civil rights and liberties of all people; and

NOW, THEREFORE, BE IT RESOLVED, that the Muskegon County Board of Commissioners reaffirms its commitment to the protection of the civil rights and liberties for all people regardless of race, culture, ethnicity, etc.; and further

BE IT RESOLVED that the Muskegon County Board of Commissioners opposes the use of any laws, including the US Patriot Act, or the enforcement of those laws, that infringe upon the rights of any person, including the right of peaceable assembly, freedom of speech, religion and political activity; and

BE IT FURTHER RESOLVED, that the Muskegon County Board of Commissioners urges Congress to perform due diligence in upholding such protections as it deliberates re-authorization of sunset provisions in the United States Patriot Act; and

BE IT FURTHER RESOLVED, that a copy of this resolution be duly signed and transmitted to all locally elected Federal and State officers as evidence of this desire.

**Pontiac, MI**  
**Passed on December 16, 2004**

**Resolution of the Pontiac City Council**

WHEREAS, the City of Pontiac recognizes the Constitution of the United States of America to be the "Supreme Law of the Land," superceding all commercial codes, laws of commerce, admiralty law, laws merchant, administrative rules, local codes and ordinances, state statutes, public and congressional acts, complied and federal laws; and,

WHEREAS, the City of Pontiac desires to maintain its dedication to the free exercise and enjoyment of the unalienable rights endowed to all mankind by their Creator, as so expressed in the Declaration of Independence, the Constitution and the Bill of Rights of the United States of America; and,

WHEREAS, the City of Pontiac recognizes the equality of all persons and embraces a population of unique Citizens and non-citizens having diverse ethnic and racial origin and religious beliefs; and

WHEREAS, the City of Pontiac affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential liberties and civil rights of the people of Pontiac, the State of Michigan and the United States of America, and,

WHEREAS, certain provisions of the USA Patriot and the Homeland Security Acts, expand the power of the federal Government to detain and investigate, engage in covert electronic surveillance, search and seize real and personal property, bank accounts, records and information, and possibly even torture and kill without establishing reasonable suspicion or probable cause and to further deny persons' right to take legal action against the government or other parties for violations of rights, in such manner as to threaten the lives, liberties and civil rights of Citizens and non-citizens guaranteed under the United States Constitution, and,

WHEREAS, the city of Pontiac recognizes the importance of not infringing on the constitutionally guaranteed rights of any person; and

WHEREAS, the City of Pontiac is firmly committed to the protection of the unalienable rights and civil liberties for all people, it is the policy of this City to completely avoid discrimination in every function of City government and to vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without government interference; and,

WHEREAS, it is the policy of the City of Pontiac Police Department and their law enforcement personnel (Police) to ensure the equal protection of the laws and to require that Police shall not act in such a manner as to deprive any citizen or non-citizen of their constitutional rights, and shall not evidence bias in the performance of their duties; and,

WHEREAS, the City of Pontiac Police Department policies recognize that a well-informed public is essential to the existence of a Constitutional Republic, and that the Chief of Police, as custodian of the Police Department records has the duty to maintain and dispose of such records in accordance with the Freedom of Information Act, with due regard for the privacy and reputation of the subject of the record.

NOW THEREFORE, BE IT RESOLVED that the City Council reaffirms that it is the policy of the City of Pontiac Police Department not to engage in random profiling based on race, ethnicity, citizenship, religion, or political values, and to that end, the Pontiac Police Department will not engage in random interviews of any person solely based on their country of origin, race, religion, sex, or any other characteristics unless there is reasonable suspicion that a person is linked to an illegal act; and,

NOW, THEREFORE, BE IT RESOLVED that the Pontiac City Council directs the City Clerk transmit to the Pontiac City Council, no less than once every six months, a summary of information obtained to the USA Patriot and Homeland securities Acts; and,

BE IT FURTHER RESOLVED that the City of Pontiac joins communities across the nation in expressing concern that portions of the USA Patriot and Homeland Security Acts pose a direct threat to the liberties and civil rights protected by the United States Constitution; and,

BE IT FINALLY RESOLVED that a copy of this resolution be presented to the Governor and Attorney General of the State of Michigan, the President, Attorney General and Congress of the United States of America and that our congressional representatives be advised of their solemn commitment to abide by the Constitution and repeal those sections of the USA Patriot and Homeland Security Acts which violate the People's liberties and civil rights, and to the Pontiac Library Board for their information and possible action.

## **Southfield, MI**

**Passed on February 23, 2004**

### **Resolution Affirming Principles of Federalism and Civil Liberties**

WHEREAS, the City of Southfield, Michigan, is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents;

WHEREAS, the City of Southfield has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character;

WHEREAS, the City of Southfield is a strong supporting member of the National League of Cities;

WHEREAS, the National League of Cities, on December 13, 2003, passed a Resolution Affirming the Principles of Federalism and Civil Liberties;

WHEREAS, three states and more than two hundred fifty cities have enacted resolutions reaffirming civil rights and civil liberties;

WHEREAS, the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights and core civil liberties as expressed in the National League of Cities Resolution.

NOW THEREFORE BE IT RESOLVED, that the City of Southfield, Michigan, urges the United States Federal Government, its various branches, representatives and employees, to act in a manner that ensures that all individuals are afforded their appropriate rights to due process;

BE IT FURTHER RESOLVED, that the City of Southfield urges its Congressional delegation to review the USA PATRIOT Act for sections that may limit or violate fundamental rights and liberties protected by the Constitutions of the State of Michigan and the United States;

BE IT FURTHER RESOLVED, that the City of Southfield urges, to the extent legally possible, that no city resources may be used for unconstitutional activities; and

BE IT FURTHER RESOLVED, that the City of Southfield transmit copies of this adopted resolution to our United States Congressional members.

## **Troy, MI**

**Passed on November 29, 2004**

### **Resolution Affirming the Principles of Federalism and Civil Liberties**

WHEREAS, The City of Troy believes there is no inherent conflict between national security and the preservation of liberty, and affirms its strong support of the rights of Americans to be both safe and free; and

WHEREAS, The City of Troy recognizes the Constitution of the United States as our nation's charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including the freedoms of speech, religion, assembly, privacy; and

WHEREAS, The City of Troy has a distinguished record of upholding the Constitution, and the Bill of Rights, and safeguarding the freedoms and rights of American residents; and

WHEREAS, On September 11, 2001, terrorists from abroad attacked the U.S. by commandeering four commercial airliners, and destroyed the World Trade Center in New York, significantly damaged the Pentagon, and caused a jetliner crash resulting in significant civilian casualties; and

WHEREAS, The terrorist attack was an attack on a nation that is home to a diverse population and plunged the nation into deep concern regarding its national security and vulnerability to future attacks; and

WHEREAS, The City of Troy condemns all terrorist acts wherever occurring; and

WHEREAS, The City of Troy believes that efforts to prevent and respond to acts of terrorism require extensive coordination, cooperation, and accountability among the federal, state, and local level; and

WHEREAS, The City of Troy recognizes that protecting our citizens against future terrorist attacks requires the federal government to aggressively pursue potential terrorists but these efforts to combat terrorism should not disproportionately infringe on the civil rights and liberties of the people of the U.S.; and

WHEREAS, The prevention of future terrorists attacks is a critical national priority, but it is equally important to preserve the civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles; and

WHEREAS, In response to the terrorist attacks, on October 26, 2001, the U.S. Congress passed, and President Bush signed into law, the USA PATRIOT Act, an acronym for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism," by a Senate vote of 98-1 and a House of Representative vote of 357-66; and

WHEREAS, The City of Troy believes that a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

- Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizens home;
- Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;
- Section 218 which amends the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime;
- Sections 215, 218, 358 and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;



- Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as “terrorist organizations” and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed;
- Sections 507 and 508 which impose an unfunded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

WHEREAS, Municipal government budgets across the nation are strained and these added duties constitute unfunded mandates on cities police departments, libraries, universities, etc. that cities cannot financially absorb; and

WHEREAS, New legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, and which would severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, In response to the threats against civil liberties embodied in certain provisions of the PATRIOT Act, legislation has been introduced in the House and Senate that would roll back certain provisions of the Patriot Act.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy SUPPORTS the U.S. campaign against terrorism, but the City of Troy AFFIRMS its commitment to the U.S. Constitution and respective state constitutions; and

BE IT FURTHER RESOLVED, That the City of Troy URGES President George W. Bush, and executive branch members to review, revise and rescind executive orders and policies adopted since the terrorist attacks, that limit or compromise the liberties guaranteed by the Constitution and the Bill of Rights; and

BE IT FURTHER RESOLVED, That the City of Troy URGES the U.S. Congress to amend the PATRIOT Act in order to restore and protect our nation’s fundamental and inalienable rights and liberties; and

BE IT FURTHER RESOLVED, That the City of Troy SUPPORTS the “Freedom to Read Protection Act of 2003” that would reinstate legal standards for libraries and bookstores and the “Protecting the Rights of Individuals Act “ which would require a court order before conducting electronic surveillance; and

BE IT FURTHER RESOLVED, That the City of Troy SUPPORTS the sunset of key provisions of the PATRIOT Act and increased Congressional oversight over the role of the agencies responsible for enforcing the law; and

BE IT FURTHER RESOLVED, That the City of Troy CALLS on Congress, the Department of Homeland Security and other related agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of Americans; and

BE IT FINALLY RESOLVED, That a copy of this Resolution BE FORWARDED to the U.S. President George W. Bush, the Secretary of State nominee Dr. Condoleezza Rice, the U.S. Attorney General nominee Alberto Gonzalez, Senator Debbie Stabenow, Senator Carl Levin and State Representative Joseph Knollenberg.

# MINNESOTA

## Duluth, MN

Passed on July 14, 2003

### Resolution 03-0486

WHEREAS, the city of Duluth recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold, superceding all administrative rules, local ordinances, state statutes, and federal laws; and

WHEREAS, the Bill of Rights of the Constitution of the United States and the Constitution of the state of Minnesota guarantee those living in the United States the following rights: freedom of speech, assembly and privacy; equality before the law and the presumption of innocence; access to counsel and due process in judicial proceedings; protection from unreasonable searches and seizures; and protections of the Fourth Amendment to the United States Constitution; and

WHEREAS, the Fourth Amendment to the United States Constitution states “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;” and

WHEREAS, the United States Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) on October 26, 2001; and

WHEREAS, several acts and orders recently enacted at the federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties:

Freedom of speech, religion, assembly and privacy;

The rights to counsel and due process in judicial proceedings; and

Protection from unreasonable searches and seizures;

WHEREAS, we believe these civil liberties are precious, and may be threatened by these acts and orders, which:

- Reduce judicial supervision of telephone and Internet surveillance;
- Expand the government’s ability to conduct secret searches without warrants;
- Grant power to the Secretary of State to designate domestic groups as “terrorist organizations;”
- Grant power to the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime;
- Grant the Federal Bureau of Investigation (FBI) access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime; and
- Grant the FBI the power to compel libraries and bookstores to produce circulation or purchase records of their patrons and forbids disclosure that such records have been requested and produced; and

WHEREAS, the city of Duluth has been, and remains, committed to the protection of civil rights and liberties for all citizens of Duluth, and that the city council believes that a threat to any one person’s constitutional rights is a threat to the rights of all;

NOW, THEREFORE, BE IT RESOLVED we the city council of Duluth, Minnesota, acting in the spirit and history of our community, do hereby resolve:

- That the Duluth city council affirms the rights of all people, including United States citizens and citizens of other nations, within the city, in accordance with the Bill of Rights and the Fourteenth Amendment of the United States Constitution; and
- That the Duluth city council calls upon our United States congressional representatives and senators to monitor the implementation of the USA PATRIOT Act and Executive Orders issued pursuant to the Act and to call upon our congressional representatives to actively work to repeal the parts of that act and those orders that violate fundamental rights and liberties as stated in the Constitution of the United States; and
- That the Duluth city council opposes any attempt to eliminate the sunset provision of the USA PATRIOT Act which would provide a necessary congressional review of the law before making it permanent; and, that any enhancement to the USA PATRIOT Act, such as USA PATRIOT II (a/k/a Domestic Security Act of 2003) be forestalled until such time as enhancements or changes are done in full view of American citizens;
- That the city clerk is directed to provide copies of this resolution to the city’s United States congressional representatives, the United States Attorney General, and the President of the United States.

## **Minneapolis, MN**

### **Passed on April 4, 2003**

#### **Defending the Bill of Rights**

Whereas, the first ten amendments to the United States Constitution, known as the Bill of Rights, guarantee individual rights and liberties; and

Whereas, individual rights and liberties are protected by international law; and

Whereas, Article I, Section 1 of the Bill of Rights of the Minnesota Constitution declares that Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good; and

Whereas, the Bill of Rights of the Minnesota Constitution further protects and guarantees:

- Freedom of speech, association and the press; and
- Privacy against unreasonable searches and seizures; and
- Freedom of religion; and
- Due process and equal protection of law; and
- Rights of the accused in criminal prosecution including a public and speedy trial by jury; and

Whereas, we believe these constitutionally guaranteed rights and liberties that are treasured by us are now threatened by:

A. The USA PATRIOT Act (Pub. L. No. 107-56), which

- Effectively eliminates judicial supervision of telephone and Internet surveillance (Sections 206 and 218); and
- Gives the Attorney General and the Secretary of State the power to designate domestic groups conducting legitimate activity as “terrorist organizations” (Section 411); and
- Grants the FBI broad access to sensitive medical, mental health, financial, library and educational records about individuals without having to show evidence of a crime, and without a court order (Sections 215 and 507); and
- Demands the prosecution of the custodian of these records who reveals a knowledge of the search (Section 215); and
- Allows secret searches of homes and offices, undermining an individual’s right to be secure in one’s home against unreasonable searches and seizures (Sections 213 and 218).

**Passed on July 11, 2003**

#### **An Ordinance of the City of Minneapolis**

Amending Title 2 of the Minneapolis Code of Ordinances relating to Administration by adding a new Chapter 19 relating to Employee Authority in Immigration Matters.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 19 to read as follows:

Chapter 19. Employee Authority in Immigration Matters

Purpose and policy statement.

This ordinance clarifies the communication and enforcement relationship between the city and the United States Department of Homeland Security and other federal agencies with respect to the enforcement of civil immigration laws. The city works cooperatively with the Homeland Security, as it does with all state and federal agencies, but the city does not operate its programs for the purpose of enforcing federal immigration laws. The Homeland Security has the legal authority to enforce immigration laws in the United States, in Minnesota and in the city. This ordinance shall be the only regulation within the city on this subject matter, and it shall supercede all conflicting policies, ordinances, rules, procedures and practices.

General city services.

To the extent permitted by law, in determining eligibility for, and providing general city services, city employees shall be governed by the following requirements:

City employees are to carry out their regular duties for the purpose of administering general city services and programs. Employees may complete 1-9 forms, may question a person regarding the 1-9 form and documents supporting the 1-9 form, and may allow Homeland Security to audit the 1-9 forms as allowed by law. Employees shall comply with any properly issued subpoena for the production of documents or witnesses, even if related to immigration issues or issues of the Homeland Security

City employees shall follow general city, state and federal guidelines to assess eligibility for services. City employees shall only solicit immigration information or inquire about immigration status when specifically required to do so by law or program guidelines as a condition of eligibility for the service sought. City employees may require evidence of a person's identity and may ask to see a person's personal identifying documents only when specifically authorized and required to do so by the employee's work duties. City employees shall not discriminate against any current or potential service users on the basis of any of the protected categories listed in the city's civil rights ordinance (139.40), or on the basis of immigration status.

Other than complying with lawful subpoenas, city employees and representatives shall not use city resources or personnel solely for the purpose of detecting or apprehending persons whose only violation of law is or maybe be being undocumented, being out of status, or illegally residing in the United States (collectively "undocumented").

Where presentation of a Minnesota driver's license is customarily accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document) shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Minnesota driver's license. This paragraph does not apply to 1-9 forms.

General city services defined. General city services shall mean all city services excepting those services specifically listed as public safety services in section 10.30.

City attorney's office - civil division employees may investigate and inquire about immigration status when relevant to potential or actual litigation or an administrative proceeding.

#### 19.30. Public safety services.

To the extent permitted by law, in providing public safety services, employees of the police and fire departments, and the city attorney's office – criminal division, (collectively, public safety officials), shall be governed by the following requirements:

Public safety officials may not undertake any law enforcement action for the sole purpose of detecting The presence of undocumented persons, or to verify immigration status, including but not limited to questioning any person or persons about their immigration status.

City attorney's office - criminal division employees shall be permitted to:

- a. Inform persons of the possible immigration consequences of a guilty plea.
- b. Question and conduct cross-examination of a witness or defendant regarding immigration status.
- c. Inquire about immigration status for purposes of bail or conditional release.
- d. Investigate and inquire about immigration status when relevant to the potential or actual prosecution of the case or when immigration status is an element of the crime.
- e. Take immigration status and collateral effects of possible deportation into consideration during discussions held for the purpose of case resolution.

Public safety officials may not question, arrest or detain any person for violations of federal civil immigration laws except when immigration status is an element of the crime or when enforcing 8 U.S.C. 1324(c).

Nothing in this ordinance shall prohibit public safety personnel from assisting federal law enforcement officers in the investigation of criminal activity involving individuals present in the United States who may also be in violation of federal civil immigration laws.

All such documented use of city public safety personnel under 19.30(a)(3) and (a)(4) shall be documented, including any applicable Department of Homeland Security mission statement and operations guidelines, the reason for the dispatch of personnel, the name of the homeland security agent in charge, and the name of the officer authorizing the use of city personnel.

#### 19.40. Complaints and discipline.

Complaints of a violation of this ordinance shall be subject to disciplinary action under the appropriate union contract, civil service commission rules, or department work rules. It shall not be a violation of this ordinance to require the completion of 1-9 forms or to inquire into or disclose the immigration status of the complainant or witnesses if necessary as part of the investigation of a complaint of a violation of this ordinance, or if deemed necessary by the appointing authority in order to administer discipline for such violations.

#### Subpoena.

Nothing in this chapter prohibits city employees for responding to a properly issued subpoena.

**Robbinsdale, MN****Passed on October 21, 2003****Resolution to Defend the Bill of Rights**

WHEREAS, the City of Robbinsdale has a diverse population, including citizens of other nations whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Constitution guarantees all persons living in the United States fundamental rights including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to council in judicial proceedings; and a fair, speedy and public trial; and,

WHEREAS, THE USA PATRIOT Act signed by President George W. Bush on October 26, 2001 has a number of provisions that may contradict the above mentioned inalienable rights and may fundamentally alter the nature of our civil liberties while doing little to increase public safety; and

WHEREAS, examples of the provisions of the USA PATRIOT Act and Executive Orders that may violate the Constitution and the rights and civil liberties of Robbinsdale residents are as follows:

- May expand the government's ability to access sensitive medical, mental health, financial and educational records about individuals, and lower the burden of proof required to conduct secret searches and telephone and internet surveillance.
- May give the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations as terrorist organizations.
- May grant power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime.
- May authorize eavesdropping of confidential communications between attorneys and their clients in federal custody.
- May limit disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, Department of Justice interpretations of the Act and Executive Orders could particularly target Muslims, persons of Middle Eastern and South Asian descent and citizens of other nations, and thereby encourage racial profiling.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROBBINSDALE, MINNESOTA: that the City of Robbinsdale affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Robbinsdale, the United States and other countries; and that the City of Robbinsdale affirms the rights of all people, including United States citizens and citizens of other nations, living within the City in accordance with the Bill of Rights and the Fourteenth Amendment to the U.S. Constitution. To the extent legally possible,

no city employee or department shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil liberties as specified in the United States Constitution. The City of Robbinsdale calls upon all private citizens and organizations, including residents, employers, educators, and business owners, to demonstrate similar respect for civil liberties, especially but not limited to conditions of employment and cooperation with investigations.

BE IT FURTHER RESOLVED, that the City of Robbinsdale calls upon its United States Representative and Senators to monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the Act and those Orders that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments.

**St. Paul, MN****Passed on January 21, 2004****Saint Paul City Council Bill of Rights Defense Resolution Affirming the Principles of Federalism and Civil Liberties Adapted from the National League of Cities Bill of Rights Defense Resolution**

WHEREAS, the Council of the City of St. Paul believes there is no inherent conflict between national security and the preservation of liberty, and affirms its strong support of the rights of Americans to be both safe and free; and

WHEREAS, the Council of the City of St. Paul recognizes the Constitution of the United States as our nation's charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including the freedoms of speech, religion, assembly, privacy; and

WHEREAS, the Council of the City of St. Paul has a distinguished record of upholding the Constitution, and the Bill of Rights, and safeguarding the freedoms and rights of American residents; and

WHEREAS, on September 11, 2001 terrorists from abroad attacked the United States by commandeering four commercial airliners, and destroyed the World Trade Center in New York, significantly damaged the Pentagon, and caused a jetliner crash resulting in significant civilian casualties; and

WHEREAS, the terrorist attack was an attack on a nation that is home to a diverse population and plunged the nation into deep concern regarding its national security and vulnerability to future attacks; and

WHEREAS, the Council of the City of St. Paul condemns all terrorist acts wherever occurring; and

WHEREAS, the St. Paul City Charter believes that efforts to prevent and respond to acts of terrorism require extensive coordination, cooperation, and accountability among the federal, state, and local level;

and

WHEREAS, the St. Paul City Charter recognizes that protecting our citizens against future terrorist attacks requires the federal government to aggressively pursue potential terrorists but these efforts to combat terrorism should not disproportionately infringe on the essential civil rights and liberties of the people of the United States; and

WHEREAS, the prevention of future terrorists attacks is a critical national priority, but it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles; and

WHEREAS, in response to the terrorist attacks, on October 26, 2001, the United States Congress passed, and President Bush signed into law, the USA PATRIOT Act, an acronym for “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism,” by a Senate vote of 98-1 and House of Representative vote of 357-66; and

WHEREAS, the Council of the City of St. Paul believes that a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

Section 206 which effectively eliminates judicial supervision of telephone and internet surveillance; § Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen’s home; § Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents; § Section 218 which amends the “probable cause” requirement before conducting secret searches or surveillance to obtain evidence of a crime; § Sections 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records; § Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as “terrorist organizations” and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed and may encourage ethnic, religious and racial profiling; and § Sections 507 and 508 which impose an unfounded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General;

WHEREAS, municipal governments’ budgets across the nation are strained and these added duties constitute unfounded mandates on cities’ police Departments, libraries, universities, etc. that cities cannot financially absorb; and

WHEREAS, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, and which would severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, in response to the threats against civil liberties embodied in certain provisions of the PATRIOT ACT, legislation has been introduced in the House and Senate that would roll back certain provisions of the PATRIOT ACT.

THEREFORE BE IT RESOLVED, that the Council of the City of St. Paul supports the United States’ campaign against terrorism, but the St. Paul City Charter affirms its commitment to the United States Constitution and respective state constitutions;

BE IT FURTHER RESOLVED, that the Council of the City of St. Paul urges the President, and executive branch members to review, revise and rescind executive orders and policies adopted since the terrorist attacks, that limit or compromise the liberties guaranteed by the Constitution and the Bill of Rights, such as E.O. 13228; M.O. 11/13/01; 28 CFR 501.3; Attorney General’s Guidelines, May 30, 2002; and Attorney General’s Memorandum, Oct. 12, 2001;

BE IT FURTHER RESOLVED, that the Council of the City of St. Paul urges Congress to review and revise particular provisions of the Homeland Security Act that limit or compromise the liberties guaranteed by the Constitution and the Bill of Rights, such as Title II; Title VIII, Subtitle I; and Section 214.

BE IT FURTHER RESOLVED, that the Council of the City of St. Paul strongly urges the United States Congress to amend the PATRIOT ACT in order to restore and protect our nation’s fundamental and inalienable rights and liberties;

BE IT FURTHER RESOLVED, that the Council of the City of St. Paul supports the “Freedom to Read Protection Act of 2003” that would reinstate legal standards for libraries and bookstores and the Protecting the Rights of Individuals Act which would require a court order before conducting electronic surveillance;

BE IT FURTHER RESOLVED, the Council of the City of St. Paul supports the sunset of key provisions of the PATRIOT Act and increased Congressional oversight over the role of the agencies responsible for enforcing the law;

BE IT FURTHER RESOLVED, the Council of the City of St. Paul calls on Congress, the Department of Homeland Security, and other related agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of Americans;

BE IT FURTHER RESOLVED, the Council of the City of St. Paul reaffirms the efforts of the St. Paul Police Department to prevent racial profiling according to the policy adopted on July 11, 2001 and consistent with the mediated agreement executed on June 20, 2001 between the St. Paul Police Department and St. Paul Chapter of the NAACP.

BE IT FURTHER RESOLVED, that the City Clerk transmit a copy of this resolution to the  
 Secretary of the United States Senate,  
 Secretary of the United States House of Representative,  
 President of the United States,  
 Attorney General of the United States,  
 Secretary of the Homeland Security Department of the United States,  
 Presiding Officers of the Senate and House of Representatives of the Legislature of the State of Minnesota,  
 Attorney General of the State of Minnesota,  
 Governor of the State of Minnesota,  
 United States Senators representing the State of Minnesota,  
 United States Representatives representing the residents of St. Paul,  
 St. Paul Chief of Police,  
 Sheriff of Ramsey County,  
 Director of the St. Paul Library, and  
 Mayor of St. Paul.

**Passed on May 5, 2004**

**An Administrative Ordinance Establishing Procedures for City Employees Relative to the Immigration Status of Persons Seeking City Employment or Services.**

The Council of the City of Saint Paul does Ordain:

Section 1.

That the Saint Paul Administrative Code be amended by adding thereto a new Chapter 44 to read as follows:

**Chapter 44: Employee Authority in Immigration Matters**

44.01. Purpose and policy statement. This ordinance clarifies the communication and enforcement relationship between the city and the United States Department of Homeland Security (“Homeland Security”) and other federal agencies with respect to the enforcement of civil immigration laws. The city works cooperatively with Homeland Security, as it does with all state and federal agencies, but the city does not operate its programs for the purpose of enforcing federal immigration laws. Homeland Security has the legal authority to enforce immigration laws in the United States, in Minnesota and in the city. It is the policy of the city to respect the role of Homeland Security by avoiding pro-active enforcement of civil immigration laws. This ordinance is not intended to limit the proper enforcement of generally applicable laws. It is the policy of the City of St. Paul that all residents are equally entitled to protection and that all residents should be able to access city services to which they are entitled, without regard to their immigration status under federal law.

44.02. General city services.

To the extent permitted by law, in determining eligibility for, and providing general city services, city employees shall be governed by the following requirements:

City employees are to carry out their regular duties for the purpose of administering general city services and program. Employees may complete 1-9 forms, may question a person regarding the 1-9 form and documents supporting the 1-9 form, and may allow Homeland Security to audit the 1-9 forms as allowed by law. With the exception of inquiries allowed by law or as necessary for law enforcement purposes, no St. Paul city officer or employee should inquire into the immigration status of any person or request any documents or information verifying the immigration status of any individual. Employees shall comply with any properly issued subpoena for the production of documents or witnesses, even if related to immigration issues or issues of Homeland Security.

City employees shall follow general city, state and federal guidelines to assess eligibility for services. City employees shall only solicit immigration information or inquire about immigration status when specifically required to do so by law or program guidelines as a condition of eligibility for the service sought. City employees may require evidence of a person’s identity and may ask to see a person’s personal identifying documents only when specifically authorized and required to do so by the employee’s work duties. Information about immigration status in the possession of or known to City employees and representatives, however received, shall not be maintained or recorded except as otherwise specifically required by law. The confidentiality of such information shall be maintained to the fullest extent permitted by the laws of the United States and the State of Minnesota, including the obligation to

maintain the confidentiality of personal information under the Minnesota Government Data Practices Act. City employees shall not discriminate against any current or potential service users on the basis of any of the protected categories listed in the city's human rights ordinance, Legislative Code Chapter 183.02 (5), or on the basis of immigration status.

Other than complying with lawful subpoenas, city employees and representatives shall not use city resources or personnel solely for the purpose of detecting or apprehending persons whose only violation of law is or may be being undocumented, being out of status, or illegally residing in the United States (collectively "undocumented").

Where presentation of a Minnesota driver's license is customarily accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), or of a photo identity document issued by any Minnesota county, shall not subject the person to an inquiry into the person's immigration status. This paragraph does not apply to 1-9 forms.

General city services defined. General city services shall mean all city services excepting those services specifically listed as public safety services in section 44.03.

Supervisors of general city services employees shall include information regarding the City's policy and expectations as set forth in this ordinance in the orientation of new employees and as part of their employees' on-going in-service training.

City attorney's office - civil division employees may investigate and inquire about immigration status when relevant to potential or actual litigation or an administrative proceeding.

#### 44.03. Public safety services.

To the extent permitted by law, in providing public safety services, employees of the police and fire departments, and the city attorney's office – criminal division, (collectively, public safety officials), shall be governed by the following requirements:

Public safety officials may not undertake any law enforcement action for the sole purpose of detecting The presence of undocumented persons, or to verify immigration status, including but not limited to questioning any person or persons about their immigration status.

City attorney's office - criminal division employees shall be permitted to:

- a. Inform persons of the possible immigration consequences of a guilty plea.
- b. Question and conduct cross-examination of a witness or defendant regarding immigration status.
- c. Inquire about immigration status for purposes of bail or conditional release.
- d. Investigate and inquire about immigration status when relevant to the potential or actual prosecution of the case or when immigration status is an element of the crime.
- e. Take immigration status and collateral effects of possible deportation into consideration during discussions held for the purpose of case resolution.

Public safety officials may not question, arrest or detain any person for violations of federal civil immigration laws except when immigration status is an element of the crime or when enforcing 8 U.S.C. 1324(c).

Nothing in this ordinance shall prohibit public safety personnel from assisting federal law enforcement officers in the investigation of criminal activity involving individuals present in the United States who may also be in violation of federal civil immigration laws.

Nothing in this ordinance prohibits public safety personnel from adequately identifying criminal suspects or assessing the risk of flight of criminal suspects.

Where presentation of a Minnesota driver's license is customarily accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), or of a photo identity document issued by any Minnesota county, shall not subject the person to an inquiry into the person's immigration status.

All such use of city public safety personnel under 44.03(a)(3) and (a)(4) shall be documented, including any applicable Homeland Security mission statement and operational guidelines, the reason for the dispatch of personnel, the name of the Homeland Security agent in charge, and the name of the officer authorizing the use of city personnel.

Supervisors of public safety officials shall include information regarding the City's policy and expectations as set forth in this ordinance, in the orientation of new employees and as part of their employees' on-going in-service training.

#### 44.04. Complaints and discipline.

An employee of the city who violates this ordinance may be subject to disciplinary action, such as oral reprimands, written reprimands, suspension without pay, and discharge, under the appropriate union contract, civil service commission rules, or department work rules.



Complaints of a violation by an employee of the St. Paul Police Department shall be received and investigated by the Police Internal Integrity Assurance Unit and forwarded to the Police Civilian Review Commission. Complaints of a violation of this ordinance by an employee of any other city department shall be received and investigated by the Director of the Office of Human Resources. The results of any such investigation shall be provided to the complainant in writing within 90 days of receipt of the complaint. Complainants and witnesses shall not be asked to provide their immigration status at any point during the complaint process, and no investigation of the immigration status of the complainant and witnesses shall be made by any city personnel in the investigation of such a complaint or thereafter.

It shall not be a violation of this ordinance to require the completion of 1-9 forms.

The St. Paul Office of Human Resources, in consultation with the Police Civilian Internal Affairs Review Commission and affected communities, shall prepare and file in April of each year with the City Council and the Mayor an annual report and recommendations regarding the implementation of this ordinance.

44.05. Subpoena. Nothing in this ordinance prohibits city employees from responding to a properly issued subpoena.

44.06. No Intent to Create Private Cause of Action. Nothing in this ordinance is intended to create a private cause of action for violations of this ordinance.

44.07. Severability. If a section of this ordinance is found to be invalid for any reason, the remaining sections of the ordinance shall continue in full force and effect.

Section 2.

That this ordinance shall become effective thirty (30) days after passage, approval and publication.

# MISSISSIPPI

## Jackson, MS

Passed on May 25, 2004

### **A Resolution Supporting Amending or Eliminating Select Provisions of the PATRIOT Act to the Extent that those Sections Conflict with the Constitution of the United States, Principles of Federalism, and Civil Liberties**

WHEREAS, the CITY OF JACKSON, MISSISSIPPI believes there is no inherent conflict between national security and the preservation of liberty, and affirms its strong support of the rights of Americans to be both safe and free; and

WHEREAS, the CITY OF JACKSON, MISSISSIPPI recognizes the Constitution of the United States as our nation's charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including the freedoms of speech, religion, assembly, privacy; and

WHEREAS, the CITY OF JACKSON, MISSISSIPPI has a distinguished record of upholding the Constitution, and the Bill of Rights, and safeguarding the freedoms and rights of American residents; and

WHEREAS, on September 11, 2001, terrorists from abroad attacked the U.S. by commandeering four commercial airliners, destroyed the World Trade Center in New York, significantly damaged the Pentagon, and caused another jetliner crash resulting in significant civilian casualties; and

WHEREAS, the terrorist attack was an attack on a nation that is home to a diverse population and plunged the nation into deep concern regarding its national security and vulnerability to future attacks; and

WHEREAS, the CITY OF JACKSON, MISSISSIPPI condemns all terrorist acts wherever occurring; and

WHEREAS, the CITY OF JACKSON, MISSISSIPPI believes that efforts to prevent and respond to acts of terrorism require extensive coordination, cooperation, and accountability among governments at the federal, state, and local level; and

WHEREAS, the CITY OF JACKSON, MISSISSIPPI recognizes that protecting our citizens against future terrorist attacks requires the federal government to aggressively pursue potential terrorists but these efforts to combat terrorism should not disproportionately infringe on the essential civil rights and liberties of the people of the United States; and

WHEREAS, the prevention of future terrorists attacks is a critical national priority, but it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles; and

WHEREAS, in response to the terrorist attacks, on October 26, 2001, the U.S. Congress passed, and President Bush signed into law, the USA PATRIOT Act, an acronym for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism," by a Senate vote of 98-1 and House of Representative vote of 357-66; and

WHEREAS, the CITY OF JACKSON, MISSISSIPPI believes that a number of provisions of the USA PATRIOT Act has the potential to threaten fundamental rights and civil liberties, including:

- Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home;
- Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;
- Section 218 which amends the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime;
- Sections 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;
- Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as "terrorist organizations" and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed; and
- Sections 507 and 508 which impose an unfunded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

WHEREAS, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, and which would severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, the Council understands that in response to the threats against civil liberties embodied in certain provisions of the PATRIOT ACT, legislation has been introduced in the U. S. House and Senate that would roll back certain provisions of the PATRIOT ACT.

THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:

AFFIRMS its strong support for fundamental constitutional rights and its opposition to any federal measures that infringe on civil liberties.

AFFIRMS its strong support for all human rights and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin.

REQUEST public schools and institutions of higher learning within the City of Jackson to provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT Act;

REQUEST public libraries within the City of Jackson to post in a prominent place within the library a notice to library users as follows: “NOTICE: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if federal agents have obtained records about you. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530 “;

Directs the City Clerk to transmit a copy of this resolution to President George Bush, U. S. Attorney General John Ashcroft, U. S. Senators Lott and Cochran, and U. S. Representatives Taylor, Thompson, Pickering and Wicker, accompanied by a letter urging them to monitor the implementation of the Act and any Executive Orders designed to implement this Act and actively work for the repeal of the Act or those sections of the Act and any Executive Orders that violate, threaten, or infringe fundamental rights and liberties as stated in the United States Constitution and its Amendments.

REQUEST all public libraries to have a policy that ensures the regular destruction of records that identify the name of the book borrower after the book is returned, or that identify the name of the Internet user after completion of Internet use;

ADVISES all persons in local businesses and institutions, and particularly booksellers, to refrain when possible from keeping records that identify the name of the purchaser, and to regularly destroy such records that are maintained, in order to protect intellectual privacy rights; and

DIRECTS the City Clerk to transmit a copy of this resolution to the Mississippi Governor, and appropriate members of the Mississippi State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on civil liberties as described in this resolution.

NOW, THEREFORE, BE IT RESOLVED that the CITY OF JACKSON, MISSISSIPPI supports the U.S. campaign against terrorism, but the CITY OF JACKSON affirms its commitment to the U.S. Constitution and respective state constitutions; and

BE IT FURTHER RESOLVED that the CITY OF JACKSON, MISSISSIPPI urges the U.S. President, and federal executive branch members to review, revise and rescind executive orders and policies adopted since the terrorist attacks, that limit or compromise the liberties guaranteed by the Constitution and the Bill of Rights; and

BE IT FURTHER RESOLVED that the CITY OF JACKSON, MISSISSIPPI strongly urges the U.S. Congress to amend the PATRIOT ACT in order to restore, maintain, and protect our nation’s fundamental and inalienable rights and liberties; and

BE IT FURTHER RESOLVED that the CITY OF JACKSON, MISSISSIPPI supports the “Freedom to Read Protection Act of 2003” that seeks to reinstate legal standards for libraries and bookstores and the Protecting the Rights of Individuals Act which would require a court order before conducting electronic surveillance; and

BE IT FURTHER RESOLVED that the CITY OF JACKSON, MISSISSIPPI supports the sunset of key provisions of the PATRIOT Act and increased Congressional oversight over the role of the agencies responsible for enforcing the law; and

BE IT FURTHER RESOLVED that the CITY OF JACKSON, MISSISSIPPI calls on the U. S. Congress, the Department of Homeland Security, and other related federal agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of Americans; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the U.S. President, the U.S. Attorney General, and to each member of the U.S. Congress.

# MISSOURI

## Kansas City, MO

Passed on February 5, 2004

### Expressing the commitment of the City to the preservation of civil rights and liberties.

WHEREAS, following the attacks on America of September 11, 2001, Americans have witnessed considerable expansion of federal governmental authority in the areas of the detention without cause of non-citizens, electronic surveillance, racial or ethnic profiling, secret deportation hearings, deprivation of the right to counsel and to a speedy trial, among others; and

WHEREAS, the Congress of the United States passed PL 107-56, the USA Patriot Act, on October 26, 2001, expanding the authority of the federal government to detain and investigate citizens and non-citizens while decreasing the oversight authority of the federal courts in these matters and to engage in electronic surveillance of citizens and non-citizens; and

WHEREAS, the historical record of our nation has many examples of the federal government violating the rights of citizens in times of threats to national security including but not limited to the Palmer raids following WWI, the internment of 120,000 Japanese-Americans following the attack on Pearl Harbor, the McCarthyism period of the 1950's and FBI and CIA spying programs on citizens involved in the civil rights and anti-war movements of the 1960's and 70's; and

WHEREAS, the need for heightened awareness and security on a personal, local and national scale is obvious. Wisdom requires us to recognize the limits to what can be accomplished by expanding governmental authority and the certain costs to fundamental freedoms are too great; and

WHEREAS, consistent with Article I, Section 2 of the Missouri Constitution, all constitutional government is intended to promote the general welfare of the people; all persons have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains of their industry; all persons are created equal and are entitled to equal rights and opportunity under the law; to give security to these things is the principal office of government, and, when government fails to confer this security, it fails in its chief design; NOW, THEREFORE,

### BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City of Kansas City, Missouri, has been, and remains, firmly committed to the protection of civil rights and civil liberties for all people including citizens and non-citizens alike.

Section 2. That the City of Kansas City, Missouri, respects and values public safety intelligence gathering as an indispensable part of law enforcement and of national security. The City intends that the methods of gathering information be in strict compliance with the protections for individual liberty provided for in the United States Constitution and the Missouri Constitution.

Section 3. That the City of Kansas City, Missouri, affirms the City's commitment to unbiased policing and endorses the principle that no law enforcement official or agency or City official or agency may profile or discriminate against, apprehend, question or detain any person on the basis of race, color, gender, religion, ethnicity, national origin, age, ancestry, sexual orientation, disability, handicap, or health related condition, as required by the United States Constitution, the Missouri Constitution and Section 1-17, Code of Ordinances.

Section 4. That the Clerk of the City of Kansas City shall attest and affix the seal of the City of Kansas City, Missouri, to this resolution and a copy shall be transmitted to President George W. Bush, Attorney General John Ashcroft, Governor Bill Holden and Kansas City, Missouri Chief of Police Richard D. Easley.

## St. Louis, MO

Passed on March 12, 2004

### Resolution Number 273

WHEREAS, protection of the health and safety of residents, workers, business owners and visitors in the City of St. Louis, including protection from terrorist attack, is a paramount concern for the City of St. Louis;

WHEREAS, the protection and exercise of civil rights and civil liberties guaranteed by the U.S. Constitution, as amended, forms the basis of our free and democratic society; and

WHEREAS, the City of St. Louis greatly benefits from the many contributions of its diverse population, including working people, students, immigrants and refugees; and

WHEREAS, the Board of Aldermen of the City of St. Louis believes that there is no inherent conflict between national security and the preservation of liberty -- United States residents can be both safe and free; and

WHEREAS, the Board of Aldermen of the City of St. Louis reaffirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of the essential civil rights and liberties of the innocent people of the City of St. Louis, State of Missouri and United States; and

WHEREAS, Government security measures that undermine fundamental rights do damage to the institutions and values that the residents of the City of St. Louis hold dear and which form the fabric of the oldest and greatest continuous democracy in world history;

WHEREAS, it is imperative that federal, state and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, nevertheless, they should do so in a balanced, rational, and deliberative fashion in order to ensure that security measures enhance the public safety without severely impairing constitutional rights or infringing on civil liberties by suffocating what makes us a free democracy; and

WHEREAS, certain federal policies adopted since September 11, 2001, including the application of certain provisions of the U.S.A. Patriot Act (P.L. 107-56; H.R. 31620 and related federal actions, including Orders in furtherance thereof, may unduly infringe upon fundamental rights and liberties and may threaten civil rights and liberties guaranteed as inalienable rights under the U.S. Constitution, as amended; and

WHEREAS, these certain federal policies include the power to authorize the indefinite incarceration of non-citizens based on mere suspicion of terrorist activity, and the indefinite incarceration of citizens designated as “enemy combatants” without access to counsel or meaningful recourse to the federal courts; limitations on the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations; the expansion of the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched; grants to law enforcement and intelligence agencies of broad access to personal, medical, financial, library and education records with little, if any, judicial oversight; and

WHEREAS, these same federal policies may undermine trust between immigrant communities and the government and, in particular, pose a threat to the civil rights and liberties of the residents of our City who are, or who appear, to be of Arab, Muslim, or South Asian descent; and

WHEREAS, the federal government has drafted new legislation entitled the Domestic Security Enhancement Act (known as Patriot II), which may further compromise constitutional rights and our government’s unique system of checks and balances; and

WHEREAS, three states and more than 200 communities, including the City of New York, have enacted resolutions that reaffirm support for civil rights and civil liberties and that demand accountability from law enforcement agencies regarding the exercise of the extraordinary new powers conferred by the U.S.A. Patriot Act and related federal actions.

NOW THEREFORE BE IT RESOLVED, that it is the policy of the City of St. Louis that employees of the City of St. Louis and its departments shall refrain from:

- profiling based on race, ethnicity, citizenship, religion, national origin, or non-violent political values; and
- denying any city service on the basis of citizenship; and be it

FURTHER RESOLVED, that the City of St. Louis will avoid discrimination in every function of City government, and vigorously uphold the constitutionally protected rights of all persons; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis calls upon federal, state, county and local officials and upon City of St. Louis agencies and institutions to affirm and protect civil rights and civil liberties; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis affirms its strong support for the rights of immigrants and refugees and opposes measures that single out individuals for legal scrutiny or enforcement activity based primarily upon their country of origin; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis encourages the St. Louis Board of Police Commissioners and the St. Louis Metropolitan Police Department to adopt and to follow policies that prohibit its employees from:

investigating individuals or groups of individuals based on their participation in activities protected by the First Amendment to the U.S. Constitution, such as non-violent political advocacy or the practice of religion, without reasonable suspicion of criminal activity unrelated to the activity protected by the First Amendment;

- profiling based on race, religion, or ethnicity;
- participating in the enforcement of federal immigration laws, except to prevent persons from a continuing practice of transporting and harboring illegal aliens;
- “sneak and peak” searches, pursuant to Section 213 of the U.S.A. Patriot Act, unless the search is authorized in accordance with the laws of the State of Missouri and unless searches are executed upon any resident of the City of St. Louis by search warrant with advance or simultaneous notice, and refrain from participating in a joint search with any law enforcement agency absent assurances that such notice will be provided to such individuals during the search; and

- establishing or maintaining an anti-terrorism reporting system that creates an electronic record on an individual unless subject to regulations that provide for the protection of individuals who are the subject of unfounded reports; and
- without having, or being provided, evidence showing a reasonable suspicion of criminal activity;
- assisting with investigations, interrogations, or arrest procedures, whether they be public or clandestine; and
- recording, filing, collecting, maintaining or sharing information about the political, religious, or social views, associations or activities of any individual, group or business association, even if authorized by federal law enforcement. This includes but is not limited to library lending and research, book and video store sales and/or rentals, and educational records; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis opposes requests by federal authorities that, if granted, would cause agencies of the City of St. Louis or State of Missouri to exercise powers or cooperate in the exercise of powers in apparent violation of any city ordinance or the laws or Constitution of this State or of the United States; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis opposes the secret detention of persons and the detention of persons without charges or access to a lawyer; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis urges each of the City's public libraries to inform library patrons that Section 215 of the U.S. Patriot Act gives the government new authority to monitor book-borrowing and Internet activities without patrons' knowledge or consent and that this law prohibits library staff from informing patrons if federal agents have requested patrons' library records; and be it

FURTHER RESOLVED, that in order to assess the effect of anti-terrorism initiatives on the residents of the City of St. Louis, the Board of Aldermen calls upon federal officials to make periodic reports, consistent with the Freedom of Information Act, that include:

- the number of City of St. Louis residents who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001;
- the number of search warrants that have been executed in the City St. Louis without notice to the subject of the warrant pursuant to section 213 of the U.S.A. Patriot Act;
- the number of electronic surveillance actions carried out in the city of St. Louis under powers granted in the USA Patriot Act;
- the number of investigations undertaken by federal authorities to monitor political meetings, religious gatherings or other activities protected by the First Amendment to the U.S. Constitution within the City of St. Louis;
- the number of times education records have been obtained from schools and institutions of learning in the City of St. Louis under section 507 of the U.S.A. Patriot Act;
- the number of times library records have been obtained from libraries in the City of St. Louis under section 215 of the USA Patriot Act; and
- the number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of St. Louis under section 215 of the U.S.A. Patriot Act; and be it

FURTHER RESOLVED, that the members of the Board of Aldermen of the City of St. Louis call on our United States Representatives and Senators to monitor the implementation of the USA Patriot Act and the federal actions, including Orders in furtherance thereof, and actively work for the repeal or revision of only those sections in the USA Patriot Act and those Orders that violate fundamental rights and liberties as stated in the United States constitution and its Amendments by sending a copy of this resolution to the Missouri delegation to Congress; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis calls upon our United States Representatives and Senators to take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as "Patriot II"; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis calls upon Governor Bob Holden, Lieutenant Governor and Senate President Joe Maxwell, Senate President Pro Tem Peter Kinder, Senate Majority Leader Michael Gibbons, Senate Minority Leader Ken Jacob, Speaker of the House of Representatives Catherine Hanaway, Speaker Pro Tem of the House of Representatives Rod Jetton, Majority Floor Leader of the House of Representatives Jason Crowell, Minority Floor Leader of the House of Representatives Mark Abel, and the members of the State of Missouri Legislature to ensure that State anti-terrorism laws and policies are implemented in a manner that does not infringe upon fundamental rights and liberties as recognized in the U.S. Constitution and its Amendments and in the Constitution of the State of Missouri.

**University City, MO**  
**Passed on February 10, 2003**

**Resolution of the City Council of the City of Union City Regarding the USA PATRIOT ACT**

Whereas, the City Council of Union City supports the Constitution of the United States, opposes terrorism, and supports our troops wherever they are stationed in the world; and

Whereas, the American people suffered a great tragedy on September 11, 2001, and in connection with the tragedy, Arab-Americans, Muslims, and South Asian people residing in the United States have experienced discrimination in various forms including unlawful detention at airports and on the public streets, and harassment on the playground and in the work place including discharge from employment; and

Whereas, in response to the September 11 tragedy and the public outcry for action, the U.S. Congress hastily adopted the USA PATRIOT Act without committee hearings or otherwise normal deliberation, and which degrades American freedoms in many ways by invading the privacy of United States residence, including electronic eavesdropping, and by search of homes, records of educational institutions, libraries, and businesses without knowledge or the presence of the property owners and without probable cause; (so called “sneak and peak” or “black bag” searches”); and

Whereas, under 1996 amendments to the Immigration and Nationality Act, immigrants may be tried based on secret evidence that they are not permitted to see or know of; and

Whereas, racial profiling is a pernicious form of discrimination and yet the Federal Bureau of Investigation, the United States Attorney General and local law enforcement have used the national origin of Arab, Muslim, and South Asians as the sole marker for investigation and interrogations of thousands of individuals by law enforcement officials; and

Whereas, many law enforcement agencies have courageously declined to assist the Federal Bureau of Investigation and the U.S. Attorney General in the unlawful questioning of Arab, Muslim and South Asian appearing residents; and

Whereas, two American citizens are being held incommunicado in violation of due process in the U.S., and the U.S. is indefinitely incarcerating many persons on Guantanamo Naval Base in violation of the Geneva Conventions as declared by the Red Cross, Amnesty International and other human rights organizations; and

Whereas, federal law enforcement agencies arrested 1500 unidentified American residents following September 11, 2001 and held them incommunicado in secret jails, denied them legal counsel and access to their families and have not charged most of them with any crime; and

Whereas, a seminal principle of American liberty is citizen action in defense of the United States Constitution and recognition that failure to protect our freedoms will result in erosion of our civil rights; and

Whereas, the USA PATRIOT Act has increased the powers and intelligence gathering capabilities of law enforcement agencies far beyond the previous federal laws attacking Constitutional rights such as the Anti-terrorism Act of 1996 and the Alien and Sedition Acts of 1798, which targeted aliens and First Amendment rights, to the extent that the PATRIOT Act infringes on First, Fourth, and Sixth Amendment constitutional rights and the civil rights of citizens and non-citizens of Union City, and particularly affects resident of Arab, Muslim, and South Asian backgrounds; and

Whereas, thirty years ago, California voters overwhelmingly adopted a Constitutional right to privacy to protect against a “proliferation of government snooping and data collecting [that] is threatening to destroy our traditional freedoms”; and

Whereas, the City of Union City has long supported equal opportunity policies and protection of the civil rights of all persons;

**THEREFORE BE IT RESOLVED** that the City Council of the City of Union City:

- Declares its support for the Arab, Muslim, and South Asian Community and all Americans who have declared their opposition to the USA PATRIOT Act.
- Requests President Bush and Congress to take all necessary action to repeal the USA PATRIOT Act and the secret evidence provision of the Immigration and Nationality Act
- Requests President Bush and the United States Attorney General Ashcroft to promptly identify every detainee in the United States and abroad and allow all detainees access to legal counsel, and either charge each detainee with a crime or release them from custody and return them to their families.
- Directs each Department of the City of Union City to review its policies in answering requests for assistance by any federal agency investigating or enforcing under provisions of the USA PATRIOT Act (Public Law 107-56), records of borrowed books and other materials, private financial records, medical, and, educational, other personal records, as applicable, may be obtained by federal agents.

**BE IT FURTHER RESOLVED** that a letter and copy of this resolution be sent to President Bush, U.S. Attorney General Ashcroft, Senators Dianne Feinstein and Barbara Boxer and Congressional Representative Pete Stark and request them to take all necessary action to repeal the USA PATRIOT Act and Secret Evidence.

# MONTANA

## State of Montana

Passed on April 2, 2005

**A Joint Resolution of the Senate and the House of Representatives of the State of Montana Supporting the Montana Constitution, the United States Constitution, and the Bill of Rights; Encouraging Various Actions in Support of Fighting Terrorism and Protecting Civil Rights and Civil Liberties; Requesting the Attorney General of Montana to Compile and Disseminate Relevant Information Regarding Actions Taken by the Federal Government Under the USA PATRIOT Act; and Encouraging Montana's Congressional Delegation to Support and Ensure the Civil Rights of all Montanans and Citizens of the United States, Which Includes Allowing the USA PATRIOT Act to Expire: SJ 19**

WHEREAS, the citizens of Montana recognize the Constitution of the United States as our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, each of Montana's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Montana; and

WHEREAS, the citizens of Montana denounce and condemn all acts of terrorism by any entity, wherever the acts occur; and

WHEREAS, terrorist attacks against Americans, such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect citizens of the United States and others from terrorist attacks; and

WHEREAS, any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of Montana and the United States; and

WHEREAS, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001", also known as the USA PATRIOT Act, allow the federal government to more liberally detain and investigate citizens and to engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 59th Montana Legislature supports the government of the United States in its campaign against terrorism and affirms the commitment of the United States that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country that are protected in the United States Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED, that it is the policy of the citizens of Montana to oppose any portion of the USA PATRIOT Act that violates the rights and liberties guaranteed under the Montana Constitution or the United States Constitution, including the Bill of Rights.

BE IT FURTHER RESOLVED, that in accordance with Montana state policy, in the absence of reasonable suspicion of criminal activity under Montana law, the 59th Montana Legislature exhorts agents and instrumentalities of this state to not:

- (1) initiate or participate in or assist or cooperate with an inquiry, investigation, surveillance, or detention under the USA PATRIOT Act if the action violates constitutionally guaranteed civil rights or civil liberties;
- (2) record, file, or share intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the USA PATRIOT Act, if the action violates constitutionally guaranteed civil rights or civil liberties; or
- (3) retain any of the intelligence information described in subsections (1) and (2) of this clause if the information violates constitutionally guaranteed civil rights or civil liberties.

BE IT FURTHER RESOLVED, that the Attorney General of Montana is encouraged to review intelligence information currently held by the state, assess the legality and appropriateness of holding the information under the United States Constitution and Montana Constitution, and permanently dispose of all such information to which there is not attached a reasonable suspicion of criminal activity.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature admonishes every agency and instrumentality of the state to not:

- (1) use state resources or institutions for the enforcement of federal immigration matters that are the responsibility of the federal government;
- (2) collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership unless the information directly relates to an investigation of criminal



activities and there are reasonable grounds to suspect that the subject of the information was, is, or may be involved in criminal conduct; or

(3) engage in racial profiling.

BE IT FURTHER RESOLVED, that state and local law enforcement agencies should not use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities, except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature requests:

(1) public schools and institutions of higher learning within Montana to provide notice to each individual whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT Act; and

(2) each public library within Montana to post in a prominent place within the library a notice to library users as follows:

“WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other material you borrow from this library may be obtained by federal agents. Federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about the law and policy that allows federal agents to obtain and use information about your activities in this library should be directed to: U.S. Attorney General, Department of Justice, Washington, DC 20530”.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature encourages the Attorney General of Montana to periodically seek from federal authorities the following information in a form that facilitates an assessment of the effect of federal antiterrorism efforts on the residents of Montana:

(1) the name of each resident of Montana who has been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001, the location of each detainee, the circumstances that led to each detention, the charges, if any, lodged against each detainee, and the name of counsel, if any, representing each detainee;

(2) the number of search warrants that have been executed in Montana pursuant to section 213 of the USA PATRIOT Act and without notice to the subject of the warrant;

(3) the extent of electronic surveillance carried out in Montana under powers granted in the USA PATRIOT Act;

(4) the extent to which federal authorities monitor political meetings, religious gatherings, or other activities within Montana that are protected by the First Amendment;

(5) the number of times that education records have been obtained from public schools and institutions of higher learning in Montana under section 507 of the USA PATRIOT Act;

(6) the number of times that library records have been obtained from libraries in Montana under section 215 or section 505 of the USA PATRIOT Act; and

(7) the number of times that records of the books purchased by store patrons from bookstores in Montana have been obtained under section 215 of the USA PATRIOT Act.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature requests the Attorney General of Montana to compile and transmit to each member of the Legislature, at least once every 6 months, a summary of the information obtained pursuant to the legislative requests made in this resolution and, based on the information and any other relevant information, to include an assessment of the effect of federal antiterrorism efforts on the residents of Montana.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature desires that all public libraries adopt policies that ensure the regular destruction of records, when the records are no longer needed, that may be used to identify the name of a book borrower or the name of any Internet user.

BE IT FURTHER RESOLVED, that in order to protect intellectual privacy rights, the 59th Montana Legislature advises all persons in local businesses and institutions, particularly booksellers, to refrain whenever possible from keeping records that can be used to identify the name of any purchaser and to regularly destroy sales records maintained by the business or institution.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature urges the Montana delegation in the United States Congress to:

(1) correct provisions in the USA PATRIOT Act and other administrative measures that infringe on civil liberties by supporting the sunset provisions of the USA PATRIOT Act, slated to be reviewed by Congress in 2005, and ultimately allow the USA PATRIOT Act to expire; and

(2) support passage of the Security and Freedom Ensured Act of 2003 and the End Racial Profiling Act of 2004.

BE IT FURTHER RESOLVED, that the 59th Montana Legislature urges the Montana Congressional Delegation to vigorously oppose any pending and all future federal legislation if the legislation infringes on the civil rights and civil liberties of American citizens. Federal legislation that the Montana Congressional Delegation is encouraged to oppose includes but is not limited to the Domestic Security Enhancement Act of 2003, also known as Patriot Act II.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to President George W. Bush, the Attorney General of the United States, Governor Brian Schweitzer, Senator Max Baucus, Senator Conrad Burns, and Representative Dennis Rehberg.

**Beaverhead County, MT**  
**Passed on April 28, 2003**

**Resolution No. 2003-4, A Resolution of the Beaverhead County Board of Commissioners in Support of the United States Constitution and the Constitution of the State of Montana, and the Bill of Rights, and Petitioning Congress to Repeal Portions of the “PATRIOT Act” Affecting the Rights Enumerated Therein**

WHEREAS, the U.S. Constitution, the Constitution of the State of Montana, and the Bill of Rights are the law of the land; and

WHEREAS, the Patriot Act passed by the U.S. Congress in response to terrorism, may infringe upon or take away some of those liberties guaranteed by the Constitution and the Bill of Rights.

NOW, THEREFORE, the Beaverhead County Board of Commissioners do hereby resolve that Beaverhead County does fully support the Constitution of the United States, the Constitution of the State of Montana, and the Bill of Rights, and requests that the Congress of the United States repeal all sections of the Patriot Act, which may infringe upon or take away those rights guaranteed by the Bill of Rights.

This resolution will be incorporated in the minutes of the Beaverhead County Board of Commissioners and a copy thereof will be filed with the records of Beaverhead County.

**Bozeman, MT**  
**Passed on September 2, 2003**

**A Resolution of the City Commission of the City of Bozeman, Montana, Declaring its Allegiance to Civil Liberties as Guaranteed in the Bill of Rights, the United States Constitution, and the Montana Constitution and its Opposition to the PATRIOT Act**

WHEREAS, in response to the destruction of the World Trade Center towers (WTC) in New York City by a terrorist act on September 11, 2001, the U.S. Congress passed the USA Patriot Act and the Justice Department revised its internal orders restricting procedures for investigation and detention; and

WHEREAS, the Bozeman City Commission supports programs to prevent such terrorist violence in the future and to protect the people from the consequences of such future attacks; and

WHEREAS, the Bozeman City Commission does not think it necessary or desirable that such programs should diminish civil rights that were enjoyed in America prior to the destruction of the WTC; and

WHEREAS, the City of Bozeman houses a diverse population whose contributions to the community are vital to its character and function; and

WHEREAS, the City of Bozeman has gratitude for those in the armed forces who defend and protect these same cherished rights, including those who have made the supreme sacrifice doing so; and

WHEREAS, the members of the Bozeman City Commission have taken an oath of office which includes the protection and defense of these rights and liberties.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Bozeman, Montana:

That the Bozeman City Commission:

- reaffirms allegiance to civil liberties guaranteed in the Bill of Rights, the U.S. Constitution, and the Montana Constitution as core values of our society and nation, and allegiance to the procedures that protect them; and
- reaffirms that the Bozeman Police Department works to preserve the people’s freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and
- asserts that the Clerk of the Commission shall communicate this resolution to all City departments, the County Sheriff and the County Attorney, the Attorneys General of the State of Montana and the United States, and the Montana Congressional delegation.

**Butte-Silver Bow County, MT****Passed on February 16, 2005****A Resolution Protecting the Civil Liberties of the Citizens and Visitors of the City and County of Butte-Silver Bow, Montana by Calling Upon Federal, State and Local Officials, Agencies and Institutions to Affirm and Uphold Civil Rights and Civil Liberties and Providing For an Effective Date Herein: COUNCIL RESOLUTION NO. 05-8**

WHEREAS, in response to the destruction of the World Trade Center towers (WTC) in New York City and the Pentagon in Washington D.C. by a terrorist act on September 11, 2001, the U.S. Congress passed the USA Patriot Act and the U.S. Justice Department through the Attorney General revised its internal orders restricting procedures for investigation and detention; and

WHEREAS, the Council of Commissioners (Council) supports programs to prevent such terrorist violence in the future and to protect the people from the consequences of such future attacks; and

WHEREAS, the Council does not think it necessary or desirable that such programs should diminish civil rights that were enjoyed in America prior to the destruction of the WTC and the Pentagon; and

WHEREAS, the protection of civil rights and civil liberties is essential to the well being of a free and democratic society; and

WHEREAS, the City and County of Butte-Silver Bow, Montana (City-County) recognizes the Constitution of the United States of America, its Bill of Rights, and the Constitution of the State of Montana as the supreme laws of the land, which our elected City-County officials and the law enforcement officers by their oath of office have sworn to uphold; and

WHEREAS, the City-County fully supports the men and women in the armed forces who defend and protect these cherished rights, including those who have made the supreme sacrifice doing so; and

WHEREAS, the City-County affirms its strong opposition to terrorism, but believes that government can protect public safety without impairing constitutional rights and civil liberties; and

WHEREAS, certain federal policies adopted since September 11, 2001, including provisions of the U.S.A. Patriot Act (Public Law 107-56) and related federal actions duly infringe upon fundamental rights and liberties of the citizens and visitors of the City-County; and

WHEREAS, these new policies include the power to authorize the indefinite incarceration of non-citizens based on mere suspicion of terrorist activity, and the indefinite incarceration of citizens designated as “enemy combatants” without access to counsel or meaningful recourse to the federal courts; limitation on the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations; the expansion of the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched; grants to law enforcement and intelligence agencies broad access to personal medical, financial, library and educational records with little if any judicial oversight; and

WHEREAS, these policies may undermine trust between immigrant communities and the government, and in particular, pose a threat to the civil rights and liberties of the residents of our community who are or who appear to be Arab, Muslim or of South Asian descent; and

WHEREAS, the federal government has drafted new legislation entitled the Domestic Security Enhancement Act (DSEA) (also known as Patriot II), which may further compromise constitutional rights and our government’s unique system of checks and balances; and

WHEREAS, many states and communities throughout the country have enacted resolutions that reaffirm support for civil rights and civil liberties and that demand accountability from law enforcement agencies regarding the exercise of the extraordinary new powers referred to herein; and

WHEREAS, the members of the Council have taken an oath of office which includes the protection and defense of these rights and liberties of our citizens and visitors.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:**

**SECTION 1:** That the Council of Commissioners of the City and County of Butte-Silver Bow,

Montana (Council) does hereby resolve that the City and County of Butte-Silver Bow, Montana (City-County) supports fully the Constitution of the United States, its Bill of Rights, and the Constitution of the State of Montana, and requests that the Congress of the United States repeal all sections of the U.S.A. Patriot Act which diminish or take away those rights guaranteed in the Bill of Rights.

**SECTION 2:** That the City-County reaffirms its work to preserve the people’s freedom of speech, religion, assembly and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures..

**SECTION 3:** That the Council affirms its support of law enforcement practices currently followed by the City-County, including how the City-County:

- a. maintains public records on the names and initial charges of those detained and/or arrested by the City/County;
- b. refrains from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, except when there are reasonable grounds to suspect the subject of the surveillance is or may be involved in criminal activity unrelated to or beyond the activities protected by the First Amendment;
- c. avoids using race, religion, ethnicity or national origin as factors in selecting which individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect;
- d. refrains from using City-County resources to enforce federal immigration laws which are the responsibility of the federal government, except when an alien has been detained or arrested on suspicion of a criminal offense;
- e. refrains from collecting or maintaining information about the political, religious, or social views, associations, or activities of any individual, group, association organization, corporation, business, or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;
- f. has not established a general surveillance network of video cameras deploying facial recognition technology or other biometric identification technology;
- g. provides notice of the execution of a search warrant simultaneous with the search of the property subject to such a warrant;
- h. encourages citizens to report crime and observable results of crime, through organizations such as Crimestoppers, but does not recruit members of the general public to spy on their neighbors, colleagues, or customers, such as the proposed federal Operation TIPS; and
- i. refrains from stopping drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity, except under those limited circumstances specifically authorized under Montana law.

SECTION 4: That the Council requests the Sheriff to report to the Council at the next regular meeting subsequent to any change in the law enforcement practices listed in the previous section, as well as any requests by federal authorities that, if granted, would cause agencies of the City-County to exercise powers or cooperate in the exercise of powers in apparent violation of those law enforcement practices, of any City-County ordinance, or of the laws of Constitution of this state; and

SECTION 5: That the Council requests that public schools and institutions of higher learning within the City-County provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to Section 507 of the USA PATRIOT Act; and

SECTION 6: That the Council requests that any public library within the City-County post a notice to library users, in a prominent place within the library, as follows: “WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to the United States Attorney General, Department of Justice, Washington, D.C. 20530; and

SECTION 7: That the Council requests the chief executive to seek bi-annually from federal authorities the following information in a form that facilitates an assessment of the effect of federal anti-terrorism efforts on the residents of the City-County:

- a. the number of all persons who have been arrested or otherwise detained within the City-County by federal authorities as a result of terrorism investigations since September 11, 2001; the name of each detainee, the most recent location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; and the name of counsel, if any, representing each detainee;
- b. the number of search warrants that have been executed in the City-County without notice to the subject of each warrant pursuant to Section 213 of the USA PATRIOT Act;
- c. the extent of electronic surveillance carried out in the City-County under powers granted in the USA PATRIOT Act;
- d. the number of instances that federal authorities have monitored political meetings, religious gatherings, or other activities within the City-County that are protected by the First Amendment;
- e. the number of times education records have been obtained from public schools and institutions of higher learning in the City-County under Section 507 of the USA PATRIOT Act;
- f. the number of times library records have been obtained from libraries in the City-County under Section 215 of the USA PATRIOT Act; and

- g. the number of times that records of the books purchased by store patrons have been obtained from bookstores in the City-County under Section 215 of the USA Patriot Act.

SECTION 8: That the Council requests the chief executive to transmit to the Council a summary of the information obtained pursuant to the preceding section and, based on such information and any other relevant information, an assessment of the effect of federal antiterrorism efforts on the residents of the City-County, including, within three (3) years, a review of the need for requests made pursuant to the preceding section.

SECTION 9: That the Council directs the Clerk and Recorder to transmit a copy of this Resolution to Montana's elected officials in Congress, to the Governor and to members of the Montana Legislature representing the City-County, to President George W. Bush, and to Attorney General John Ashcroft.

SECTION 10: That the Council supports the immediate repeal of those provisions of the U.S.A. Patriot Act that are unconstitutional, and opposes any proposed enhancements of the U.S.A. Patriot Act, such as those contained within the U.S. Justice Department's draft "Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) that further diminish or take away rights guaranteed in the Bill of Rights.

SECTION 11: That this Resolution shall be in full force and effect from and after its passage and approval.

## **Dillon, MT**

**Passed on April 16, 2003**

### **RESOLUTION NO. 888, A Resolution of the City Council of the City of Dillon in support of the United States Constitution and the Constitution of the State of Montana, and the Bill of Rights, and petitioning Congress to repeal portions of the "Patriot Act" affecting the rights enumerated therein.**

WHEREAS, the U.S. Constitution, the Constitution of the State of Montana, and the Bill of Rights is the law of the land; and

WHEREAS, the Patriot Act passed the U.S. Congress in response to terrorism, takes away some of those liberties guaranteed by the Constitution and the Bill of Rights.

NOW, THEREFORE, we, the City Council of the City of Dillon, do hereby resolve that the City does support fully the Constitution of the United States, the Constitution of the State of Montana, and the Bill of Rights, and requests the Congress of the United States to repeal all sections of the Patriot Act, which take away those rights guaranteed by the Bill of Rights.

This resolution will be incorporated in the minutes of the city Council and a copy thereof will be filed with the records of the City of Dillon.

## **Eureka, MT**

**Passed on May 9, 2004**

### **A Resolution of the Town Council of the Town of Eureka, Montana, Petitioning Congress to Repeal Portions of the PATRIOT Act**

WHEREAS, the Town of Eureka recognizes the Constitution of the United States of America, its Bill of Rights, and the constitution of the State of Montana as the supreme laws of the land, which our elected Town officials and police officers by their oath of office have sworn to uphold; and

WHEREAS, the Eureka town Council members, as representatives of the people, are accountable to the people and effective guardians of the public trust;

WHEREAS, the Town of Eureka has a long tradition of upholding the people's constitutional rights and the Town of Eureka greatly benefits from the many contributions of all of its citizens and visitors, past and present, who are vital to our Town's unique character; and

WHEREAS, the Town of Eureka affirms its strong opposition to terrorism, but believes that government can protect public safety without impairing constitutional rights and civil liberties, and

WHEREAS, federal policies adopted since September 11, 2001, including provisions in the U.S.A. Patriot Act (Public Law 107-56) and related executive orders, regulations and actions may be contrary to the Town of Eureka's constitutional obligations and may threaten the fundamentals civil rights and liberties of the citizens and visitors of Eureka;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Eureka, Montana, as follows:

Section 1: That the Town Council of the Town of Eureka does hereby resolve that the Town of Eureka supports fully the Constitution of the United States, its bill of Rights, and the Constitution of the State of Montana, and requests that the Congress of the United States repeal all sections of the Patriot Act which diminish or take away those rights guaranteed in the Bill of Rights.

Section 2: That the Eureka town Council directs the Town Clerk to transmit a copy of this Resolution to Montana's elected officials in Congress, to the Governor and to the members of the Legislature representing Eureka, to President George W. Bush, and to Attorney General John Ashcroft.

Section 3: The Eureka Town Council supports the immediate repeal of those provisions of the U.S.A. Patriot Act that are unconstitutional, and opposes the proposed enhancement of the U.S.A. Patriot Act contained within the Justice Department's draft "Domestic Security Enhancement Act of 2003."

Section 4: This Resolution shall take effect immediately upon its adoption by the Town Council and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF EUREKA, MONTANA, ON THIS 9th DAY OF MAY, 2004.

## **Helena, MT**

**Passed on December 6, 2004**

### **A Resolution Protecting the Civil Liberties of the Citizens of the City of Helena, Montana**

WHEREAS, federal, state and local governments should take rational and deliberate steps to protect our society and our freedoms from terrorist attacks such as those that occurred on September 11, 2001; and

WHEREAS, the preservation of civil rights and liberties is essential to the well being of a democratic society; and

WHEREAS, various federal policies adopted since September 11, 2001, including certain provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations, and actions jeopardize fundamental rights and liberties, examples of which include:

1. chilling constitutionally protected speech through over-broad definitions of "domestic terrorism";
2. permitting the FBI to conduct surveillance of religious services, internet chat rooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed;
3. authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as "enemy combatants" without providing access to counsel or meaningful recourse to the federal courts;
4. limiting the traditional authority of federal courts to curb abuses by law enforcement of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;
5. expanding the authority of federal agents to conduct so-called "sneak and peek" or "black bag" searches in which the subject of the search is unaware that his property has been searched; and
6. granting law enforcement and intelligence agencies broad access to personal medical, financial, education, and library records with little, if any, judicial oversight.

WHEREAS, many other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of federal government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers; and

WHEREAS, Helena has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture, and civic character; and

WHEREAS, these new federal powers pose a particular threat to the civil rights and liberties of persons of particular religious, cultural, or ethnic origin; and

WHEREAS, Helena is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents, and of how the Helena Police Department respects the civil liberties of our population; and

WHEREAS, the Helena City Commission believes that there is no inherent conflict between national security and the preservation of liberty - Americans can be both safe and free; and

WHEREAS, the Helena City Commission does not wish to see the police department put in a position to lose the respect and trust of the citizens of Helena; and

WHEREAS, government security measures that undermine fundamental rights harm the ability of the residents of Helena to participate fully and freely in their community and in the governance of the City.

NOW, THEREFORE, BE IT RESOLVED THAT THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. AFFIRMS its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on human rights and civil liberties;

Section 2. AFFIRMS its opposition to secret detention, secret immigration proceedings, detention without access to counsel, and subjection of non-military personnel to military detention;

Section 3. AFFIRMS its opposition to measures that single out individuals for legal scrutiny or enforcement activity based solely on their particular religious, cultural or ethnic origins, and therefore affirms its strong support for the rights of immigrants;

Section 4. AFFIRMS its support of policing currently followed by the City of Helena, including how the City:

- a. maintains public records on the names and initial charges of those detained and/or arrested by the City of Helena;
- b. refrains from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, except when there are reasonable grounds to suspect the subject of the surveillance is or may be involved in criminal activity unrelated to or beyond the activities protected by the First Amendment;
- c. avoids using race, religion, ethnicity or national origin as factors in selecting which individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect;
- d. refrains from using city resources to enforce federal immigration laws which are the responsibility of the federal government, except when an alien has been detained or arrested on suspicion of a criminal offense;
- e. refrains from collecting or maintaining information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;
- f. has not established a general surveillance network of video cameras deploying facial recognition technology or other biometric identification technology;
- g. provides notice of the execution of a search warrant simultaneous with the search of the property subject to such a warrant;
- h. encourages citizens to report crime and the observable results of crime, through organizations such as Crimestoppers, but does not recruit members of the general public to spy on their neighbors, colleagues, or customers, such as the proposed federal Operation TIPS; and
- i. refrains from stopping drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity, except under those limited circumstances specifically authorized by Montana law.

Section 5. DIRECTS the City Manager to report to the City Commission at the next regular meeting subsequent to any change in the policing listed in the previous section, as well as any requests by federal authorities that, if granted, would cause agencies of the City of Helena to exercise powers or cooperate in the exercise of powers in apparent violation of those policing practices, of any city ordinance, or of the laws or Constitution of this state;

Section 6. REQUESTS that public schools and institutions of higher learning within the City of Helena provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to Section 507 of the USA PATRIOT Act;

Section 7. REQUESTS that any public library within the City of Helena post a notice to library uses, in a prominent place within the library, as follows: “WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to the United States Attorney General, Department of Justice, Washington, DC 20530”;

Section 8. DIRECTS the City Manager to seek bi-annually from federal authorities the following information in a form that facilitates an assessment of the effect of federal anti-terrorism efforts on the residents of the City of Helena:

- a. the number of all persons who have been arrested or otherwise detained within the City of Helena by federal authorities as a result of terrorism investigations since September 11, 2001; the name of each detainee; the most recent location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; and the name of counsel, if any, representing each detainee;
- b. the number of search warrants that have been executed in the City of Helena without notice to the subject of each warrant pursuant to Section 213 of the USA PATRIOT Act;
- c. the extent of electronic surveillance carried out in the City of Helena under powers granted in the USA PATRIOT Act;
- d. the number of instances that federal authorities have monitored political meetings, religious gatherings, or other activities within the City of Helena that are protected by the First Amendment;

- e. the number of times education records have been obtained from public schools and institutions of higher learning in the City of Helena under Section 507 of the USA PATRIOT Act;
- f. the number of times library records have been obtained from libraries in the City of Helena under Section 215 of the USA PATRIOT Act; and
- g. the number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Helena under Section 215 of the USA PATRIOT Act.

Section 9. DIRECTS the City Manager to transmit to the City Commission a summary of the information obtained pursuant to the preceding section and, based on such information and any other relevant information, an assessment of the effect of federal antiterrorism efforts on the residents of the City of Helena, including, within three (3) years, a review of the need for requests made pursuant to the preceding section;

Section 10. DIRECTS the City Manager to transmit a copy of this resolution to Senator Baucus, Senator Burns, and Representative Rehberg, accompanied by a letter from the Helena City Commission urging them to monitor federal anti-terrorism tactics and work to repeal or sunset provisions of the USA PATRIOT Act and other laws and regulations that

infringe on civil rights and liberties;

Section 11. DIRECTS the City Manager to transmit a copy of this resolution to the Governor of Montana, the Montana Attorney General, and all appropriate members of the State Legislature, accompanied by a letter from the Helena City Commission urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on civil liberties as described in this resolution;

Section 12. DIRECTS the City Manager to transmit a copy of this resolution to the President of the United States and the United States Attorney General.

## **Lewis and Clark County, MT**

### **Passed May 6, 2004**

#### **A Resolution on Civil Rights**

WHEREAS, in response to the destruction of the World Trade Center towers (WTC) in New York City and the Pentagon in Washington D.C. by a terrorist act on September 11, 2001, the U.S. Congress passed the USA Patriot Act and the Justice Department revised its internal orders restricting procedures for investigation and detention; and

WHEREAS, the Board of County Commissioners supports programs to prevent such terrorist violence in the future and to protect the people from the consequences of such future attacks; and

WHEREAS, the Board of County Commissioners does not think it necessary or desirable that such programs should diminish civil rights that were enjoyed in America prior to the destruction of the WTC and the Pentagon; and

WHEREAS, the County of Lewis and Clark fully supports the men and women in the armed forces who defend and protect these cherished rights, including those who have made the supreme sacrifice doing so; and

WHEREAS, the members of the Board of County Commissioners have taken an oath of office which includes the protection and defense of these rights and liberties.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners reaffirms allegiance to civil liberties guaranteed in the Bill of Rights, the U.S. Constitution, and the Montana Constitution as core values of our society and nation, and allegiance to the procedures that protect them; and

Reaffirms that Lewis and Clark County works to preserve the people's freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and

That the Clerk of the Board shall provide a copy of this resolution to the Lewis and Clark County Sheriff, the Lewis and Clark County Attorney, the Attorneys General of the State of Montana and the United States, the Montana Congressional delegation, and the President of the United States.

DATED this 6th day of May, 2004.

## **Missoula, MT**

### **Passed on February 24, 2003,**

#### **Missoula, Montana, Resolution on Civil Rights**

Introduced by City Councilor John Torma and passed unanimously by the Missoula City Council on February 24, 2003.



WHEREAS, in response to the destruction of the World Trade Center towers in New York City by a terrorist act on September 11, 2001, the U. S. Congress passed the USA Patriot Act and the Justice Department revised its internal orders restricting procedures for investigation and detention; and

WHEREAS, the Missoula City Council supports programs to prevent such terrorist violence in the future and to protect the people from the consequences of such future attacks; and

WHEREAS, we do not think it necessary or desirable that such programs should diminish civil rights that were enjoyed in America prior to the destruction of the WTC;

WHEREAS, the City of Missoula houses a diverse population whose contributions to the community are vital to its character and function; and

WHEREAS, the City of Missoula has gratitude for those in the armed forces who defend and protect these same cherished rights, including those who have made the supreme sacrifice doing so;

WHEREAS, the members of the Missoula City Council have taken an oath of office which includes the protection and defense of these rights and liberties;

NOW THEREFORE BE IT RESOLVED that the City Council of Missoula, Montana, reaffirms allegiance to civil liberties guaranteed in the Bill of Rights, the U.S. Constitution, and the Montana Constitution, as core values of our society and nation, and allegiance to the procedures that protect them; and opposes in Missoula the possible curtailments of people's civil liberties or any diminished accountability for law enforcement agencies, be they local, state or federal; and reaffirms that the Missoula Police Department works to preserve the people's freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, and

Directs that the City Clerk communicate this resolution to all City departments, the County Sheriff and the County Attorney, the Attorneys General of the State of Montana and the United States, and the Montana Congressional and Statehouse delegations.

## **Whitefish, MT**

### **Passed July 6, 2004**

#### **A Resolution of the City Council of the City of Whitefish, Montana, Petitioning the United States Congress to Repeal Portions of the PATRIOT Act**

WHEREAS, the City of Whitefish recognizes the Constitution of the United States of America, its Bill of Rights, and the Constitution of the State of Montana as the supreme laws of the land, which our elected City officials and police officers by their oath of office have sworn to uphold; and

WHEREAS, the Whitefish City Council members, as representatives of the people, are accountable to the people and effective guardians of the public trust; and

WHEREAS, the City of Whitefish has a long tradition of upholding the people's constitutional rights and the City of Whitefish greatly benefits from the many contributions of all of its citizens and visitors, past and present, who are vital to our City's unique character; and

WHEREAS, the City of Whitefish affirms its strong opposition to terrorism, but believes that government can protect public safety without impairing constitutional rights and civil liberties; and

WHEREAS, federal policies adopted since September 11, 2001, including provisions of the U.S.A. Patriot Act (Public Law 107-56) and related executive orders, regulations and actions that are contrary to the City of Whitefish's constitutional obligations and threaten the fundamental civil rights and liberties of the citizens and visitors of Whitefish;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: The City Council of the City of Whitefish does hereby resolve that the City of Whitefish supports fully the Constitution of the United States, its Bill of Rights, and the Constitution of the State of Montana, and requests that the Congress of the United States repeal all sections of the U.S.A. Patriot Act which diminish or take away those rights guaranteed in the Bill of Rights.

Section 2: That the Whitefish City Council directs the City Clerk to transmit a copy of this Resolution to Montana's elected officials in Congress, to the Governor and to members of the Montana Legislature representing Whitefish, to President George W. Bush, and to Attorney General John Ashcroft.

Section 3: The Whitefish City Council supports the immediate repeal of those provisions of the U.S.A. Patriot Act that are unconstitutional, and opposes any proposed enhancements of the U.S.A. Patriot Act, such as those contained within the Justice Department's draft "Domestic Security Enhancement Act of 2003" that further diminish or take away rights guaranteed in the Bill of Rights.

Section 4: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof; provided, however, that this Resolution was adopted over the objection of City Councilor and citizen Doug Adams.

# NEBRASKA

## Lincoln, NE

Passed on September 13, 2004

### Defense of Liberty Resolution

Whereas, the protection of civil rights and civil liberties is essential to the well-being of a free and democratic society; and

Whereas, the men and women in the United State Armed Forces are bravely serving around the world defending our freedoms; and

Whereas, the members of the Lincoln City Council believe that there is no inherent conflict between national security and the preservation of liberty -- Americans can be both safe and free; and

Whereas, government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of the City of Lincoln hold dear; and

Whereas, federal, state and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion in order to ensure that security measures is enhance public safety without impairing constitutional rights or infringing on civil liberties; and

Whereas, certain federal policies adopted since September 11,2001, including certain provisions in the USA PATRIOT Act (Public Law 107-56) and related federal actions unduly infringe upon fundamental rights and liberties; and

Whereas, these new policies include granting law enforcement and intelligence agencies broad access to personal medical, business, library and education records with little if any judicial oversight; limitations on the traditional authority of federal courts to curb law enforcement abuses of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations; the power to authorize the indefinite incarceration of non-citizens based on mere suspicion of terrorist activity without access to counsel or meaningful recourse to the federal courts; the expansion of the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched; and

Whereas, the City of Lincoln has a diverse population, including immigrants and students, whose contributions to the city are vital to its economy, culture and civic character; and

Whereas, these new policies may undermine trust between immigrant communities and the government, and in particular, pose a threat to the civil rights and liberties of the residents of our city who are or who appear to be Arab, Muslim or of South Asian descent; and

Whereas, the federal government has drafted new legislation entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II), which may further compromise constitutional rights and our government’s unique system of checks and balances; and

Whereas, four states, more than 340 communities throughout the country, and the Association of Students of the University of Nebraska have enacted resolutions that reaffirm support for civil rights and civil liberties and demand accountability from law enforcement agencies regarding the exercise of the extraordinary new powers referred to herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska That the Lincoln City Council affirms its commitment to uphold civil rights and civil liberties as recognized in the United States Constitution and its Amendments.

That the Lincoln City Council calls upon federal, state and local officials, and upon Lincoln agencies and institutions, to affirm and protect civil rights and civil liberties.

That the Lincoln City Council affirms its strong support for the rights of immigrants and opposes racial, religious or ethnic profiling, or any measures that single out individuals for legal scrutiny or enforcement activity based primarily upon their country of origin.

That the Lincoln City Council opposes requests by federal authorities that, if granted, would cause agencies of the City of Lincoln to exercise powers or cooperate in the exercise of powers in apparent violation of any city ordinance or the laws or Constitution of this State or the United States.

That the Lincoln City Council urges each of the City’s public libraries to inform library patrons that Sections 215 and 505 of the USA PATRIOT Act give the government expanded authority to monitor book-borrowing and Internet activities without patrons’ knowledge or consent and that this law prohibits library staff from informing patrons if federal agents have requested patrons’ library records.

That in order to assess the effect of antiterrorism initiatives on the residents of the City of Lincoln, the Lincoln City Council calls upon federal officials to make periodic reports, consistent with the Freedom of Information Act, that include:

- the number of Lincoln residents who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001;
- the number of search warrants that have been executed in the City of Lincoln without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;

- the number of electronic surveillance actions carried out in 2 the City of Lincoln under powers granted in the USA PATRIOT Act;
- the number of investigations undertaken by federal authorities to monitor political meetings, religious gatherings or other activities protected by the First Amendment within the City of Lincoln;
- the number of times education records have been obtained from public schools and institutions of higher learning in the City of Lincoln under section 507 of the USA PATRIOT Act;
- the number of times library records or records of books purchased by store patrons in bookstores have been obtained in the City of Lincoln under section 215 or 505 of the USA PATRIOT Act; and
- the number of times business or medical records have been obtained from businesses or health care providers within the City of Lincoln under section 215 or 505 of the USA PATRIOT Act.

That the Lincoln City Council gives voice to the concerns of Lincoln residents by supporting efforts consistent with this resolution to change those sections of the USA PATRIOT Act that unduly infringe upon fundamental rights and liberties as recognized in the United States Constitution and its Amendments.

# NEVADA

## Elko, NV

Passed on March 9, 2004

### Resolution No. 2-04

#### **A Resolution of the Elko City Council Relating to the USA Patriot Act (Public Law 107-56), the Bill of Rights, the Constitution of the State of Nevada and the Civil Liberties, Peace, and Security of the Citizens of Our Country**

Whereas, the City of Elko recognizes the Constitution of the United States as the governing law of the land and the Bill of Rights as guaranteeing inalienable rights of Americans, including the freedoms of religion, speech, the press, assembly, privacy, and petitioning the government for redress of grievances; and,

Whereas, each of the City's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Nevada; and,

Whereas, the City of Elko denounces and condemns all acts of terrorism, wherever occurring; and,

Whereas, any new security measures resulting from the attacks against the United States that occurred on September 11, 2001 should be carefully designed and employed by federal, state, and local governments to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the City of Elko or the nation; and,

Whereas, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism of 2001," also known as the USA Patriot Act, as well as several executive orders may allow the federal government to conduct surveillance on and detain citizens without adequate constitutional safeguards; and

Whereas, further provisions contained in the draft legislation entitled the "Domestic Security Enhancement Act of 2003," also known as Patriot Act II, and the draft legislation entitled the "Vital Interdiction of Criminal Terrorist Organizations Act of 2003," also known as the Victory Act appear to contain a multitude of new extra-constitutional law enforcement and intelligence-gathering powers

Now, Therefore, Be It Resolved that the City of Elko affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism must not be waged at the expense of the fundamental civil liberties, rights, and freedoms of the people of the City of Elko and the United States; and,

Be it further resolved, that it is the policy of the City of Elko to oppose any portion of the USA Patriot Act that would violate the rights and liberties guaranteed equally under the State and Federal Constitutions; and,

Be it further resolved, that, in accordance with Nevada State, County, or City policy, and agency or instrumentality of the City of Elko may not without reasonable suspicion of criminal activity, except as authorized by City charter, code, or ordinance

- initiate, participate in, assist, or cooperate with any inquiry, investigation, surveillance, or detention;
- record, file, or share intelligence information concerning a person or organization, including library lending or research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the USA Patriot Act;
- retain such intelligence information; and

Be it further resolved, that an agency or instrumentality of the City may not:

- which all but eliminates judicial supervision of telephone and Internet surveillance;
- use State, County, or City resources or institutions for the enforcement of federal immigration matters, which are the responsibility of the federal government;
- collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership, unless the information relates directly to an investigation of criminal activities based on reasonable suspicion of criminal contact;
- engage in racial, religious, or ethnic profiling nor use national origin or any other identifiable characteristic(s) as factors in selecting individuals or groups to target for investigation except when race, religion, ethnicity, or national origin is part of the description of a specific suspect and

Be it further resolved, that the City of Elko urges Congress to reconsider any portion of the USA Patriot Act that may violate the rights and liberties guaranteed equally under the State and Federal Constitutions; and,

It is further resolved, that this Resolution shall be effective and shall be enforced immediately upon its adoption, and that upon adoption of this Resolution by the Elko City Council it shall be signed by the Mayor and attested to by the City Clerk.

Passed and adopted this 9th day of March, 2004.

**Elko County, NV**  
**Passed on February 18, 2004**

**A Resolution Relating to the USA PATRIOT Act (Public Law 107-56), the Bill of Rights, the Constitution of the State of Nevada and the Civil Liberties, Peace and Security of the Citizens of our Country and the World**

Be it resolved in the County of Elko:

WHEREAS, the County of Elko recognizes the Constitution of the United States as the governing law of the land and the Bill of Rights as guaranteeing inalienable rights of Americans, including the freedoms of religion, speech, the press, assembly, privacy, and petitioning the Government for redress of grievances; and

WHEREAS, each of the County's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Nevada; and

WHEREAS, the County of Elko denounced and condemns all acts of terrorism, wherever occurring; and

WHEREAS, any new security measures resulting from the attacks against the United States that occurred on September 11, 2001 should be carefully designed and employed by federal, state, and local governments to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the County of Elko, the nation, or the world; and

WHEREAS, certain provisions of the "United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001", also known as the USA PATRIOT Act, as well as several executive orders, allow the federal government to conduct surveillance on and detain citizens of the County of Elko, the nation, the world; and

WHEREAS, further provisions contained in the draft legislation entitled the "Domestic Security Enhancement Act of 2003", also known as Patriot Act II, and the draft legislation entitled the "Vital Interdiction of Criminal Terrorist Organizations Act of 2003", also known as the VICTORY Act, contain a multitude of new and sweeping extra-Constitutional law enforcement and intelligence gathering powers.

NOW, THEREFORE, BE IT RESOLVED that the County of Elko affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil liberties, rights, and freedoms of the people of the County of Elko, the United States, or the world;

BE IT FURTHER RESOLVED that it is the policy of the County of Elko to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed equally under state and federal constitutions; and

BE IT FURTHER RESOLVED that, in accordance with the state and federal constitutions, the County of Elko is opposed to actions which violate due process [Fifth Article of Bill of Rights] and right to privacy [Fourth Article of Bill of Rights] without probable cause; and

BE IT FURTHER RESOLVED that the county of Elko is opposed to the collection or maintenance of information about the political, religious, or social views, association, or activities of any individual, unless the information directly relates to an investigation of criminal activities based on probable cause, not mere suspicion of criminal conduct; and

BE IT FURTHER RESOLVED that the County of Elko implores the United States Congress to repeal any provision of the USA PATRIOT Act or other measures that infringe on civil liberties, and opposes and pending and future legislation that similarly infringe on civil rights and liberties.

**Las Vegas, NV**  
**Passed on May 3, 2006**

WHEREAS, the City of Las Vegas recognizes the Constitution of the United States as the governing law of the land and the Bill of Rights as guaranteeing inalienable rights of Americans, including the freedoms of religion, speech, the press, assembly, privacy, and petitioning the Government for a redress of grievances; and

WHEREAS, each of the City's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Nevada; and

WHEREAS, the City of Las Vegas denounces and condemns all acts of terrorism, wherever domestic or foreign; and

WHEREAS, any new security measures resulting from the attacks against the United States that occurred on September 11, 2001, should be carefully designed and employed by federal, state, and local governments to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the City of Las Vegas, the nation, or the world; and

WHEREAS, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001," also known as the USA PATRIOT Act, as well as several executive orders; and

WHEREAS, further provisions contained in the legislation entitled the “Domestic Security Enhancement Act of 2003,” also known as Patriot Act I, and the legislation entitled the “Vital Interdiction of Criminal Terrorist Organizations Act of 2003,” also known as the Victory Act, sanction the Federal Government to act in potential contravention of the aforesaid rights and privileges afforded the citizens of the City of Las Vegas.

NOW, THEREFORE, BE IT RESOLVED that the City of Las Vegas affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil liberties, rights, and freedoms of the people of the City of Las Vegas, the United States, or the world;

BE IT FURTHER RESOLVED, that it is the policy of the City of Las Vegas to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed equally under state and federal constitutions; and

BE IT FURTHER RESOLVED, that in accordance with the state and federal constitutions, the City of Las Vegas is opposed to actions which violate due process [Fifth Article of Bill of Rights] and right to privacy [Fourth Article of Bill of Rights] without probable cause; and

BE IT FURTHER RESOLVED, that the City of Las Vegas is opposed to the collection or maintenance of information about the political, religious, or social view, association, or activities of any individual, unless the information directly relates to an investigation or criminal activities based on articulable suspicion; and

BE IT FURTHER RESOLVED, that the City of Las Vegas implores the United States Congress to repeal any provision of the USA PATRIOT Act or other measures that infringe on civil liberties, and oppose any pending and future legislation that similarly infringe on civil rights and liberties.

PASSED, ADOPTED, AND APPROVED this 3rd day of May, 2006.

City of Las Vegas

Oscar B. Goodman, Mayor

Barbara Jo Ronemus, City Clerk

## **Silver City, NV**

**Passed on November 1, 2005**

### **A Resolution to Protect the Civil Liberties of Silver City Inhabitants**

Relating to the USA PATRIOT Act (Public Law 107-56), the Bill of Rights, the Constitution of the State of Nevada and the civil liberties, peace, and security of the citizens of our country and the world.

BE IT RESOLVED BY SILVER CITY, NEVADA:

WHEREAS Silver City recognizes the Constitution of the United States as the governing law of the land and the Bill of Rights as guaranteeing inalienable rights of Americans, including the freedoms of religion, speech, the press, assembly, privacy, and petitioning the Government for redress of grievances; and

WHEREAS each of Silver City’s duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Nevada; and

WHEREAS Silver City denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS any new security measures resulting from the attacks against the United States that occurred on September 11, 2001 should be carefully designed and employed by federal, state, and local governments to enhance public safety without infringing on the civil liberties and rights of innocent citizens of Silver City, the nation, or the world; and

WHEREAS certain provisions of the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001”, also known as the USA PATRIOT Act, as well as several executive orders, allow the federal government to conduct surveillance on and detain citizens and foreign nationals without adequate constitutional safeguards; and

WHEREAS further provisions contained in the draft legislation entitled the “Domestic Security Enhancement Act of 2003”, also known as Patriot Act II, and the draft legislation entitled the “Vital Interdiction of Criminal Terrorist Organizations Act of 2003”, also known as the VICTORY Act, contain a multitude of new and sweeping extra-constitutional law enforcement and intelligence gathering powers.

NOW, THEREFORE, BE IT RESOLVED that Silver City affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil liberties, rights, and freedoms of the people of Silver City, the United States, or the world; and

BE IT FURTHER RESOLVED that it is the policy of Silver City to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed equally under the state and federal constitutions; and

BE IT FURTHER RESOLVED that, in accordance with Nevada state or Lyon county policy, Silver City calls upon the Lyon County Commission as well as the duly elected Sheriff to publicly clarify that an agency or instrumentality of Lyon County will not without probable cause:

- (1) initiate, participate in, assist or cooperate with any inquiry, investigation, surveillance, or detention;
- (2) record, file, or share intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the USA PATRIOT Act;
- (3) retain such intelligence information; and

BE IT FURTHER RESOLVED that Silver City calls upon the Lyon County Commission as well as the duly elected Sheriff to publicly clarify that it will not:

- (1) use state, county, or city resources or institutions for the enforcement of federal immigration matters, which are the responsibility of the federal government;
- (2) collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership, unless the information directly relates to an investigation of criminal activities based on probable cause, not mere suspicion of criminal conduct;
- (3) engage in racial, religious, or ethnic profiling nor use national origin or any other identifiable characteristic(s) as factors in selecting individuals or groups to target for investigation except when race, religion, ethnicity, or national origin is part of the description of a specific suspect; and

BE IT FURTHER RESOLVED that Silver City implores the United States Congress to repeal any provision of the USA PATRIOT Act or other measures that infringe on civil liberties, and opposes any pending and future legislation that similarly infringe on civil rights and liberties.

COPIES of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Alberto Gonzales, Attorney General of the United States; the Honorable Kenny Guinn, Governor of Nevada; Majority Floor Leader of the Nevada State Senate, William Raggio; Speaker of the Nevada State Assembly, Richard Perkins; Bob Milz, Chet Hillyard, Don H. Tibbals, Leroy Goodman, Phyllis Hunewill of the Lyon County Commissioners; and to the Honorable Harry Reid and the Honorable John Ensign, U.S. Senators, and the Honorable Jim Gibbons, Honorable Shelley Berkley, and the Honorable Jon Porter, U.S. Representatives, members of the Nevada delegation in Congress.

## **Sparks, NV**

### **Passed on August 22, 2005**

Resolution was passed by the Sparks City Council. The text is not available.

## NEW HAMPSHIRE

### Exeter, NH

Passed on March 8, 2005

#### Article 47

Resolution text is not available.

### Farmington, NH

Passed on March 9, 2005

#### Article 20

As a citizen of the United States of America, I support the U.S. Bill of Rights, including freedom of speech and assembly, the right to privacy, the right to counsel and due process of law and protection from unreasonable search and seizure.

### Marlborough, NH

Passed on March 1, 2003

#### Community Resolution

Whereas, the Bill of Rights of the United States Constitution and the Constitution of New Hampshire guarantee those living in the United States the following rights: Freedom of Speech, assembly, and privacy; the rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and

Whereas, we believe these civil liberties are precious and are now threatened by:

The USA PATRIOT Act,

- which all but eliminates judicial supervision of telephone and Internet surveillance;
- greatly expands the government's ability to conduct secret searches;
- gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations";
- and grants the FBI broad access to medical, mental health, financial, library, educational and other records of and about individuals without having to show evidence of a crime and without a court order; and

Federal Executive Orders,

- which establish secret military tribunals for terrorism suspects;
- permit wiretapping of conversations between federal prisoners and their lawyers;
- lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals);
- and limit the disclosure of public documents and records under the Freedom of Information Act;

And Whereas, this law and these Executive Orders particularly target foreign nationals and people of Middle Eastern and South Asian descent, but could effect any one of us in the U.S.A. acting and speaking legally in opposing government policy; and

Whereas, the Executive Order on secret military tribunals also undermines the U.S. government's ability to denounce atrocities carried out in secret military tribunals elsewhere in the world; and

Whereas, several law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and these Executive Orders as unnecessary to the prosecution of, and protection from, terrorism;

Now, Therefore be it resolved, that we the citizens of Marlborough, New Hampshire, acting in the spirit of the U.S. Constitution, the N.H. Constitution, and our community, do hereby call upon our State and Federal Officials:

To continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, and to participate, to the extent legally permissible, in law-enforcement activities that threaten civil rights and civil liberties of the people of Marlborough, such as surveillance, wiretaps, and securing of private information, which the Act and Orders authorize; even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;



When acting within the Town of Marlborough, to work in accordance with the U.S. and N.H. Constitution and the policies of the Marlborough Police Department, and in cooperation with the Department, not engage in or permit detentions without charges or racial profiling in law enforcement;

To report to the Marlborough Board of Selectmen regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees held in New Hampshire or any Marlborough residents detained elsewhere;

Including our United States Congressman and Senators, to monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the State of New Hampshire and the United States of America.

## **Peterborough, NH**

### **Passed on March 15, 2003**

#### **Article 10**

Whereas, the Town of Peterborough and the State of New Hampshire have a long distinguished history of protecting and expanding civil rights and civil liberties; and

Whereas, the Town of Peterborough has the gratitude for their supreme sacrifice memorialized those in the Armed Forces who have died in battle protecting these same cherished rights and liberties; and

WHEREAS, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties:

- Freedom of speech, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

All guaranteed by the Constitution of New Hampshire and the United States Constitution and its Bill of Rights;

THEREFORE, we the citizens of Peterborough, New Hampshire, acting in the spirit and history of our State and community, do hereby request that:

Local law enforcement continue to preserve resident's freedom of speech, religion, assembly and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch

Federal and state law enforcement acting within the Town work in accordance with the policies of the Peterborough Police Department, and in cooperation with the Department by not permitting detentions without charges or racial profiling in law enforcement;

Our United States Congressmen and Senators actively work for the repeal of the parts of the PATRIOT Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of New Hampshire and the United States. (By Petition)

## **Portsmouth, NH**

### **Passed on April 4, 2005**

We hereby reaffirm our commitment to the Bill of Rights as set forth in the United States Constitution and the constitution of the State of New Hampshire because the Bill of Rights guarantees the civil rights and civil liberties of our free society.

## NEW JERSEY

### Englewood, NJ

Passed on September 28, 2004

#### City of Englewood Resolution

WHEREAS, the City of Englewood has a diverse population whose contribution to the community are vital; and

WHEREAS, the preservation of all civil rights is essential to the well-being of all democracies; and

WHEREAS, the City Council of the City of Englewood affirms its strong opposition to terrorism of any kind and recognizes the necessity of the Federal Government to protect the liberty of our citizens from future terrorist; and

WHEREAS, under the provisions of the PATRIOT Act, adopted by the Congress of the United States, persons of foreign origins have been interrogated and placed in a position of possible deportation;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Englewood, Bergen County, New Jersey, reaffirms its strong support for the rights of all citizens and immigrants and opposes measures that discriminate against individuals for legal scrutiny based on their country of origin or ethnicity; reaffirms its strong support for racial equality and opposes measures that single out individuals based on race; reaffirms its strong support for freedom of religion and opposes measures that single out individuals based on religious beliefs; and

BE IT FURTHER RESOLVED that the city Council urges members of the United States Congress to work to amend provisions of the PATRIOT Act or other related regulations and actions that infringe on civil rights and liberties.

### Ewing, NJ

Passed on February 10, 2004

#### Ewing Township Resolution Regarding the USA PATRIOT Act

WHEREAS, in the aftermath of September 11, 2001, increased security is necessary to protect the American people, to attempt to thwart further terrorist attacks, and to effectively wage a campaign against terrorism; and

WHEREAS, it is essential that, in providing such increased security, governmental agencies undertake only such security measures as are reasonable and necessary and do not undermine the fundamental rights and liberties which make this nation unique and great, such as freedom of speech, religion and assembly, the right to privacy, due process and equal protection of law, and the right to be free of unreasonable searches and seizures; and

WHEREAS, the USA PATRIOT Act (P.L. 107-56), threatens such fundamental rights and liberties as are embodied in the Constitution of the United States and the amendments thereunto; and

WHEREAS, examples of the PATRIOT Act's threat to these fundamental rights include the Government's expanded power to: engage in telephone, Internet and other telecommunications surveillance with limited judicial supervision; grant law enforcement and intelligence agencies broad access to sensitive medical, mental health, financial and educational records with little, if any, judicial oversight; expand the government's ability to conduct secret searches of individuals' homes and businesses, including monitoring what books are bought from bookstores or borrowed from libraries; and limit the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, the PATRIOT Act was adopted in some haste following September 11, 2001, without public hearings, or a Congressional "mark-up"; and it would be appropriate and beneficial, in considering reauthorization, to scrutinize and evaluate the provisions of the Act closely in the context of its enforcement and implementation to date; and

WHEREAS, the Council of the Township of Ewing recognizes that a threat to any one person's Constitutional rights is a threat to the rights of all; and

WHEREAS, the PATRIOT Act is, or soon will be, reconsidered by Congress for possible reauthorization and to determine whether various sunset provisions contained therein should be eliminated or retained; and

WHEREAS, over 210 communities and three states throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values; and

WHEREAS, the United States House of Representatives voted 309-118 in July 2003 not to allocate funds in the Commerce, Justice, State and Judiciary appropriations bill to fund the so-called "sneak and peek" searches and seizures allowed by Section 213 of the PATRIOT Act;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Ewing as follows:

The Township Council reaffirms its support for increased security to be executed in a fashion that preserves and protects our citizenry but also reaffirms its conviction that such security must not be provided in a manner that would unduly and unnecessarily infringe upon the constitutional and other rights and liberties of the people of the United States, but must be executed in a fashion that preserves and reaffirms these rights and liberties as guaranteed by the United States Constitution.

The Township Council is concerned about the enforcement and implementation to date of the PATRIOT Act by United States Attorney General Ashcroft and other public officials insofar as the impact upon such rights and liberties are concerned.

The Township Council accordingly:

(a) calls upon the government of the United States, and the government of each and every State and the political subdivisions thereof, when enforcing or when called upon to enforce the PATRIOT Act and any other law or regulation dealing with security, to respect individual rights and not intrude upon the fundamental rights and liberties of the people of the United States;

(b) calls upon our Congressional Representatives and Senators to allow all provisions of the PATRIOT Act with a sunset date to expire on that sunset date, and to thoroughly scrutinize and evaluate all provisions of the Act, the record of enforcement and implementation of the Act to date and any such similar proposed legislation through the public hearing process;

(c) directs all Township agencies, and implores the Mercer County Board of Chosen Freeholders to direct the Ewing branch of the Mercer County Public Library System, to observe and affirm the Constitution of the United States of America and the Constitution of New Jersey and thereby to challenge through appropriate and lawful means any request made under the authority of the USA PATRIOT Act or otherwise, if the Township agency or library believes the request to be in violation of the Constitution of the United States of America or of New Jersey; and

(d) directs the Township Clerk to communicate this resolution to all the elected representatives of the Township of Ewing in the New Jersey Legislature, and the United States Congress, to the Governor and Attorney General of the State of New Jersey, the United States Attorney General and the President of the United States.

IT IS SO RESOLVED.

## **Franklin Township, NJ**

### **Passed on March 9, 2004**

#### **Resolution Affirming the Commitment of the Township of Franklin to the United States Constitution and the Civil Liberties Guaranteed by the Bill of Rights**

WHEREAS, the Township of Franklin has a diverse population whose contributions to the community are vital to its economy, culture, and civic character;

WHEREAS, sever acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT ACT and several Executive Orders, now infringe upon the following rights and liberties, all guaranteed by the United States Constitution and the Bill of Rights:

- Freedom of speech, religion, assembly and privacy
- The right to counsel and due process in judicial proceedings, and Protection from unreasonable searches and seizures;

WHEREAS, the council of the Township of Franklin affirms its strong opposition to terrorism of any kind;

WHEREAS, the Council of the Township of Franklin affirms the responsibility of the leaders of the United States to seek national security without sacrificing the basic civil rights upon which our nation is founded, which rights have been vigilantly protected for over 200 years;

WHEREAS, under the auspices of both the USA PATRIOT ACT and related executive orders, persons of Middle Eastern descent, South Asian descent and of the Muslim faith have been targeted for interrogation and possible deportation in violation of laws prohibiting governmental discrimination against ethnic and religious minorities;

WHEREAS, approximately 230 other communities in a majority of the United States, and at least 3 state legislatures have passed resolutions or ordinances protecting the civil liberties of their residents;

THEREFORE, BE IT RESOLVED that the Council of the Township of Franklin:

Reaffirms strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny based on their country of origin or ethnicity;

Reaffirms strong support for racial equality and opposes measures that single out individuals for legal scrutiny based on their race;

Reaffirms strong support for freedom of religion and opposes measures that single out individuals for legal scrutiny based on their religious beliefs;

Reaffirms strong support for freedom of speech and freedom of assembly and opposes measures that single out individuals for legal scrutiny based on their non-criminal speech and association

Reaffirms its direction to the Police Department and to all other township employees and municipal workers of the Township of Franklin to:

- Refrain from surveillance of individuals or groups and from collecting or maintaining information about the political, religious, or social views of any individual or group unless there is a reasonable ground to suspect that the subject of the surveillance or information collection is or may be involved in criminal activity;
- Refrain from using race, religion, ethnicity or national origin as a factor in selecting which individuals to subject to investigative activities unless there are reasonable grounds to suspect that the subject of the investigation is or may be involved in criminal activity;

In accordance with time tested legal procedures concerning search warrants, reaffirms its direction to the Police Department of the Township of Franklin to give advance or simultaneous notice of the execution of a search warrant to any resident of the Township of Franklin whose property is the subject of such a warrant to the extent permitted by the courts;

Requests federal and state law enforcement officials acting within the Township of Franklin to work in accordance with the policies of the Franklin Police Department and in cooperation with the Police Department by not engaging in or permitting detentions without charges of the residents of Franklin;

Directs the Clerk of the Township of Franklin to transmit a copy of this resolution to Senators Corzine and Lautenberg and Representatives Holt and Pallone accompanied by a letter urging them to:

- work to repeal or amend provisions of the USA PATRIOT Act or other related federal executive orders, regulations, and actions that infringe on civil rights and liberties;
- ensure that provisions of the USA PATRIOT Act that are scheduled to expire on December 31, 2005 do expire without extension;
- monitor the implementation of the Act and Orders cited above in order to protect the Constitution and the Bill of Rights;
- propose and support congressional action to prohibit passage of the act known as “Patriot II” or other acts or orders that violate the Constitution and the Bill of Rights;

Directs the Clerk of the Township of Franklin to transmit a copy of this resolution to Governor McGreevey and appropriate members of the State Legislature;

Directs the Clerk of the Township of Franklin to transmit a copy of this resolution to all Departments, Agencies and Agents of the Township of Franklin.

## **Highland Park, NJ**

### **Passed on February 3, 2004**

#### **Resolution Affirming the Commitment of the Borough of Highland Park to the United States Constitution and the Civil Liberties Guaranteed by the Bill of Rights.**

WHEREAS the Borough of Highland Park has a diverse population whose contributions to the community are vital to its economy, culture, and civic character;

WHEREAS the preservation of civil rights is essential to the well-being of any democratic community;

WHEREAS several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT ACT and several Executive Orders, now infringe upon the following rights and liberties, all guaranteed by the United States Constitution and the Bill of Rights:

- Freedom of speech, religion, assembly and privacy
- The right to counsel and due process in judicial proceedings, and
- Protection from unreasonable searches and seizures;

WHEREAS the Council of the Borough of Highland Park affirms its strong opposition to terrorism of any kind;

WHEREAS the Council of the Borough of Highland Park affirms the responsibility of the leaders of the United States to seek national security without sacrificing the basic civil rights upon which our nation is founded, which rights have been vigilantly protected for over 200 years;

WHEREAS, under the auspices of both the USA PATRIOT ACT and related executive orders, persons of Middle Eastern descent, South Asian descent and of the Muslim faith have been targeted for interrogation and possible deportation in violation of laws prohibiting governmental discrimination against ethnic and religious minorities;

WHEREAS approximately 230 other communities in a majority of the United States, and at least 3 state legislatures have passed resolutions or ordinances protecting the civil liberties of their residents;

WHEREAS the Board of Directors and the staff of the Highland Park Public Library have passed a resolution to educate library users and the community about the dangers to individual privacy resulting from the USA PATRIOT ACT and other related measures and about the process for compliance with those measures;

THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE BOROUGH OF HIGHLAND PARK:

Reaffirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny based on their country of origin or ethnicity;

Reaffirms its strong support for racial equality and opposes measures that single out individuals for legal scrutiny based on their race;

Reaffirms its strong support for freedom of religion and opposes measures that single out individuals for legal scrutiny based on their religious beliefs;

Reaffirms its strong support for freedom of speech and freedom of assembly and opposes measures that single out individuals for legal scrutiny based on their non-criminal speech and association;

Reaffirms its direction to the Police Department and to all other borough employees and municipal workers of the Borough of Highland Park to:

- Refrain from surveillance of individuals or groups and from collecting or maintaining information about the political, religious, or social views of any individual or group unless there are reasonable grounds to suspect that the subject of the surveillance or information collection is or may be involved in criminal activity;
- Refrain from using race, religion, ethnicity or national origin as a factor in selecting which individuals to subject to investigative activities unless there are reasonable grounds to suspect that the subject of the investigation is or may be involved in criminal activity;

In accordance with time tested legal procedures concerning search warrants, reaffirms its direction to the Police Department of the Borough of Highland Park to give advance or simultaneous notice of the execution of a search warrant to any resident of the Borough of Highland Park whose property is the subject of such a warrant, to the extent permitted by the courts;

Requests federal and state law enforcement officials acting within the Borough of Highland Park to work in accordance with the policies of the Highland Park Police Department and in cooperation with the Police Department by not engaging in or permitting detentions without charges of residents of Highland Park;

Directs the clerk of the Borough of Highland Park to transmit a copy of this resolution to Senators Corzine and Lautenberg and Representative Pallone, accompanied by a letter urging them to:

- work to repeal or amend provisions of the USA Patriot Act or other related federal executive orders, regulations, and actions that infringe on civil rights and liberties;
- ensure that provisions of the USA Patriot Act that are scheduled to expire on December 31, 2005 do expire without extension;
- monitor the implementation of the Act and Orders cited above in order to protect the Constitution and the Bill of Rights;
- propose and support Congressional action to prohibit passage of the act known as “Patriot II” or other acts or orders that violate the Constitution and the Bill of Rights;

Directs the clerk of the Borough of Highland Park to transmit a copy of this resolution to Governor McGreevey and appropriate members of the State Legislature;

Directs the clerk of the Borough of Highland Park to transmit a copy of this resolution to all departments, agencies and agents of the Borough of Highland Park.

## **Keansburg Borough, NJ**

### **Passed on June 24, 2004**

Resolution text is not available.

**Lawrence Township, NJ****Passed on July 6, 2004****Resolution Regarding the USA PATRIOT Act**

WHEREAS, in the aftermath of September 11, 2002, increased security is necessary to protect the American people, to attempt to thwart further terrorist attacks the to effectively wage a campaign on terrorism; and

WHEREAS, it is essential that, in providing such increased security, governmental agencies undertake only such security measures as are reasonable and necessary and do not undermine the fundamental rights and liberties which make this nation unique and great, such as freedom of speech, religion and assembly, the right to privacy, due process and equal protection of law, and the right to be free of unreasonable searches and seizures; and

WHEREAS, the USA PATRIOT Act (P.L. 107-56), threatens such fundamental rights and liberties as are embodied in the Constitution of the United States and the amendments thereunto; and

WHEREAS, examples of the PATRIOT Act's threat to these fundamental rights include the Government's expanded power to: engage in telephone, Internet and other telecommunications surveillance with limited judicial supervision; grant law enforcement and intelligence agencies broad access to sensitive medical, mental health, financial and educational records with little, if any, judicial oversight; expand the government's ability to conduct secret searches of individuals' homes and businesses, including monitoring what books are bought from bookstores or borrowed from libraries; and limit the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, the PATRIOT Act was adopted in some haste following September 11, 2001, without public hearings, or a Congressional 'mark-up'; and it would be appropriate and beneficial, in considering reauthorization, to scrutinize and evaluate the provisions of the Act closely in context of its enforcement and implementation to date; and

WHEREAS, the Lawrence Township Council recognizes that a threat to any one person's Constitutional rights is a threat to the rights of all and the Constitutional rights of Lawrence Township residents have been threatened; and

WHEREAS, the PATRIOT Act is, or soon will be, reconsidered by Congress for possible reauthorization and to determine whether various sunset provisions contained therein should be eliminated or retained; and

WHEREAS, over 315 communities and four states representing approximately 51.1 million people throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values; and

WHEREAS, the United States House of Representatives voted 309-118 in July 2003 not to allocate funds in the Commerce, Justice, State, and Judiciary appropriations bill to fund the so-called 'sneak and peek' searches and seizures allowed by Section 213 of the PATRIOT Act;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer in the State of New Jersey as follows:

The Township Council reaffirms its support for increased security of the public but also reaffirms its conviction that such security must not be provided in a manner that would unduly infringe upon the constitutional and other rights and liberties of the people of the United States. Security must be enacted in a fashion that preserves and reaffirms these rights and liberties as guaranteed by the United States Constitution.

The Township Council is concerned about the enforcement and implementation to date of the PATRIOT Act by United States Attorney General Ashcroft and other public officials insofar as the impact upon such rights and liberties are concerned.

The Township accordingly:

calls upon the government of the United States, and the government of each and every state and the political subdivisions thereof, when enforcing or when called upon to enforce the PATRIOT Act and any other law or regulation dealing with security, to respect individual rights and not intrude upon the fundamental rights and liberties of the people of the United States.

calls upon our Congressional Representatives and Senators to allow all provisions of the PATRIOT Act with a sunset date to expire on that sunset date and to thoroughly scrutinize and evaluate through the public hearing process: (1) all provisions of the Act; (2) the record of enforcement and implementation of the Act to date and (3) any such similar proposed legislation.

directs the Municipal Clerk to communicate this resolution to the Mercer County Executive and the Mercer County Board of Chosen Freeholders; to the elected representatives of Lawrence Township in the New Jersey Legislature and the United States Congress; to the Governor and Attorney General of the State of New Jersey; and to the United States Attorney General and the President of the United States.

**Mercer County, NJ**  
**Passed on September 9, 2004**

**Resolution Advocating the Respect of Individual Rights of the People of Mercer County with Regards to the USA PATRIOT Act and Requesting a Full Re-Examination of the USA PATRIOT Act's Constitutionality**

WHEREAS, in the aftermath of September 11, 2001, increased security is necessary to protect the American people, to attempt to thwart further terrorist attacks, the effectively wage a campaign against terrorism; and

WHEREAS, it is essential that, in providing such increased security, governmental agencies undertake only such security measures as are reasonable and necessary and do not undermine the fundamental rights and liberties which make this nation unique and great, such as freedom of speech, religion and assembly, the right to privacy, due process and equal protection of law, and the right to be free of unreasonable searches and seizures; and

WHEREAS, the Freeholder Board is concerned about the extent that the USA PATRIOT Act (P.L. 107-56) may threaten such fundamental rights and liberties as are embodied in the Constitution of the United States and the amendments thereunto; and

WHEREAS, examples of the PATRIOT Act's threat to these fundamental rights include the Government's expanded power to: engage in telephone, Internet and other telecommunications surveillance with limited judicial supervision; grant law enforcement and intelligence agencies broad access to sensitive medical, mental health, financial and educational records with little, if any, judicial oversight; expand the government's ability to conduct secret searches of individuals' homes and businesses, including monitoring what books are bought from bookstores or borrowed from libraries; and limit the disclosure of public documents and records under the Freedom of Information Act; and permit indefinite detention of immigrants and other non-citizens; and,

WHEREAS, the PATRIOT Act was adopted in some haste following September 11, 2001, without public hearings, or a Congressional "mark-up"; and it would be appropriate and beneficial, in considering reauthorization, to scrutinize and evaluate the provisions of the Act closely in context of its enforcement and implementation to date; and

WHEREAS, the Mercer County Board of Freeholders recognizes that a threat to any one person's Constitutional rights is a threat to the rights of all; and

WHEREAS, the PATRIOT Act is, or soon will be, reconsidered by Congress for possible reauthorization and to determine whether various sunset provisions contained therein should be eliminated or retained; and

WHEREAS, over 325 communities, including Princeton Borough, Ewing Township, and Lawrence Township in Mercer County, and four states representing nearly 52 million people throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values; now, therefore,

**BE IT RESOLVED** that:

The Board of Freeholders reaffirms its support for increased security to be executed in a fashion that preserves and protects our citizenry, but also reaffirms its conviction that such security must not be provided in a manner that would unduly and unnecessarily infringe upon the constitutional and other rights and liberties of the people who reside in the United States, including immigrants, but must be executed in a fashion that preserves and reaffirms these rights and liberties as guaranteed by the United States Constitution.

The Board of Freeholders is concerned about the enforcement and implementation to date of the PATRIOT Act and its impacts upon such rights and liberties are concerned

The Board of Freeholders accordingly:

Calls upon the government of the United States, and the government of each and every state and the political subdivisions thereof, when enforcing or when called upon to enforce the PATRIOT Act and any other law or regulation dealing with security, to respect individual rights and not intrude upon the fundamental rights and liberties of the people of the United States.

Calls upon our Congressional Representatives and Senators (i) to allow all provisions of the USA PATRIOT Act with a sunset date to expire on that sunset date; (ii) to thoroughly scrutinize and evaluate all provisions of the Act, the record of enforcement and implementation of the Act to date and any such similar proposed legislation through the public hearing process; and (iii) to support the revocation of any provision of the Act that violates the Constitution of the United States of America.

Requests all Mercer County agencies and the Mercer County Public Library System to observe and affirm the Constitution of the United States of America and the Constitution of New Jersey and thereby to challenge through appropriate and lawful means any request made under the authority of the USA PATRIOT Act or otherwise, if the County agency or library believes the request to be in violation of the Constitution of the United States of America or of New Jersey.

Directs the Clerk to the Freeholder Board to communicate this Resolution to all other County Boards of Freeholders, to all elected representatives of the County of Mercer in the New Jersey Legislature, in the United States Congress and in the United States Senate, to the Governor of the State of New Jersey and Attorney General of the State of New Jersey, to the United States Attorney General, to the Secretary of the United States Department of Homeland Security, and to the President of the United States.

**Montclair Township, NJ****Passed on April 20, 2004,****Resolution of the Montclair Township Council to Protest the Eroding of Civil Liberties Under and Petition the Federal Government to Repeal the USA PATRIOT Act (Public Law 107-56)**

WHEREAS, the Township of Montclair is proud of its tradition of protecting the civil liberties of its residents, including immigrants and students, whose contributions to the community are vital to its economy, culture, and civil character; and

WHEREAS, federal, state, and local governments should protect the public from terrorist attacks without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, even though the Patriot Act has in some cases made our country safer by breaking down the barriers between intelligence gathering and law enforcement, a position advocated by all members of the 9-11 Commission, the Town Council believes that many provisions adopted in the USA PATRIOT Act (Public Law 107-56) may threaten fundamental rights and liberties; and

WHEREAS, these new provisions pose, in particular, threats to the civil rights and liberties of the residents of Montclair who are Muslim, or who are of Arab or South Asian descent; now therefore

**BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF MONTCLAIR:**

**AFFIRMS** its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties;

**AFFIRMS** its strong support for the civil rights of immigrants and opposes measures that single out any individuals for legal scrutiny or enforcement activity based solely on their country of origin;

**URGES** the Police Department of the Township of Montclair, to the extent permitted by law, to consider refraining from participating in the enforcement of federal immigration and anti-terrorism laws and policies to the extent such laws or policies may violate the civil rights and liberties of individuals;

**URGES** public schools and institutions of higher learning located within the Township of Montclair to provide notice to individuals whose education records have been obtained by law enforcement pursuant to section 507 of the USA PATRIOT Act;

**URGES** public libraries located within the Township of Montclair to post the following notice in a prominent place: “WARNING: Under Section 215 of the USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents and federal law prohibits librarians from informing you if records about you have been obtained by federal agents;

**URGES** all public libraries located within the Township of Montclair to have a policy that ensures the regular destruction of records that identify the name of the book borrower after the book is returned, or that identify the name of the Internet user after completion of Internet use;

**DIRECTS** the Township Manager to assess of the effect of the Patriot Act on the residents of the Township of Montclair and to report to the Township Council and the public a summary of the information obtained.

**URGES** all members of New Jersey’s Congressional delegation to:

- work to repeal the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties
- take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as “Patriot II,” and any similar legislation
- monitor federal Antiterrorism tactics;

**URGES** Governor McGreevey and the members of the New Jersey Legislature to ensure that state Antiterrorism laws and policies be implemented in a manner that does not infringe on civil rights and liberties.

**Mullica, NJ****Passed on February 10, 2004****Township of Mullica Resolution #38-2004**

WHEREAS, the Nation League of Cities (NLC) believes there is no inherent conflict between national security and preservation of liberty, and affirms its strong support of the rights of Americans to be both safe and free; and

WHEREAS, Mullica Township recognizes the Constitution of the United States as our nation’s charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including the freedom of speech, religion, assembly, privacy; and

WHEREAS, Mullica Township has a distinguished record of upholding the Constitution, and the Bill of Rights, and safeguarding the freedoms and rights of American residents; and



WHEREAS, on September 11, 2001, terrorists from abroad attacked the U.S. by commandeering four commercial airliners, and destroyed the World Trade Center in New York, significantly damaged the Pentagon, and caused a jetliner crash resulting in significant civilian casualties; and

WHEREAS, the terrorist attack was an attack on a nation that is home to a diverse population and plunged the nation into deep concern regarding its national security and vulnerability to future attacks; and

WHEREAS, Mullica Township condemns all terrorist acts wherever occurring; and

WHEREAS, Mullica Township believes that efforts to prevent and respond to acts of terrorism require extensive coordination, cooperation, and accountability among the federal, state and local level; and

WHEREAS, Mullica Township recognizes that protecting our citizens against future terrorist attacks requires the federal government to aggressively pursue potential terrorist but these efforts to combat terrorism should not disproportionately infringe on the essential rights and liberties of the people of the U.S.; and

WHEREAS, the prevention of future terrorist attacks is a critical nation priority, but is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles; and

WHEREAS, in response to the terrorist attacks, on October 26, 2001, the U.S. Congress passed, and President Bush signed into law, the USA PATRIOT Act, an acronym for “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism,” by a Senate vote of 98-1 and House of Representatives vote of 357-66; and

WHEREAS, Mullica Township believes that a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including Section 213, which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen’s home;

- Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the facts that they have been ordered to produce such documents; Section 218 which amends the “probable cause” requirement before conducting secret searches or surveillance to obtain evidence of a crime;
- Section 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;
- Section 411 and 412 which give the Secretary of State broad powers to designate domestic groups as “terrorist organizations” and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed; and
- Sections 507 and 508 which impose an unfounded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

WHEREAS, municipal government budgets across the nation are strained and these added duties constitute unfounded mandates on cities, townships, police departments, libraries, universities, etc. that governmental agencies cannot financially absorb; and

WHEREAS, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, and which severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, in response to the threats against civil liberties embodied in certain provisions of the PATRIOT Act, legislation has been introduced in the House and Senate that would roll back certain provisions of the PATRIOT Act.

NOW, THEREFORE, BUT IT RESOLVED, that Mullica Township supports the U.S. campaign against terrorism, but Mullica Township affirms its commitment to the U.S. Constitution and respective state constitutions; and

BE IT FURTHER RESOLVED, that Mullica Township urges the President, and executive branch members to review, revise and rescind executive orders and policies adopted since the terrorist attacks, that limit or compromise that liberties guaranteed by the Constitution and the Bill of Rights; and

BE IT FURTHER RESOLVED, that Mullica Township strongly urges the U.S. Congress to amend the PATRIOT Act in order to restore and protect our nation’s fundamental and inalienable rights and liberties; and

BE IT FURTHER RESOLVED, that Mullica Township supports the “Freedom to Read Protection Act of 2003” that would reinstate legal standards for libraries and bookstores and the Protecting the Rights of Individuals Act which would require a court order before conducting electronic surveillance; and

BE IT FURTHER RESOLVED, that Mullica Township supports the sunset of key provisions of the PATRIOT Act and increased Congressional oversight over the role of the agencies responsible for enforcing the law; and

BE IT FURTHER RESOLVED, that Mullica Township calls on Congress, the Department of Homeland Security, and other related agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of America; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the U.S. President, the U.S. Attorney General, and Congressman LoBiondo.

## **New Brunswick, NJ**

### **Passed on May 18, 2005**

WHEREAS, the Constitution of the United States of America and its Bill of Rights, along with the Constitution of the State of New Jersey, guarantee certain liberties to all citizens, including: Freedom of speech and peaceful assembly; Established rights in judicial proceedings, including presumption of innocence, due process, legal counsel and probable cause; Protection from unreasonable searches and seizures; and

WHEREAS, the New Brunswick City Council is committed to upholding the United States Constitution and its Bill of Rights, and the New Jersey State Constitution; and

WHEREAS, the City of New Brunswick has a diverse population whose contributions to the community are vital; and

WHEREAS, the preservation of all civil rights to its citizens is essential to the well-being of all democracies; and

WHEREAS, the New Brunswick City Council affirms its strong opposition to terrorism of any kind and recognizes the necessity of the Federal Government to protect the liberty of our citizens from future terrorist acts; and

WHEREAS, in the aftermath of September 11, 2001, increased security is necessary to protect the American people, to attempt to thwart further terrorist attacks, and to effectively wage a campaign against terrorism; and

WHEREAS, it is essential that, in providing such increased security, governmental agencies undertake only such security measures are reasonable and necessary and do not undermine the fundamental rights and liberties that make this nation unique and great, such as freedom of speech, religion, and assembly, the right to privacy, due process and equal protection of law, and the right to be free of unreasonable searches and seizures; and

WHEREAS, the New Brunswick City Council is concerned about the extent to which the USA Patriot Act (P.L. 107-56) may threaten such fundamental rights and liberties as are embodied in the Constitution of the United States and the amendments thereunto; and

WHEREAS, the Patriot Act was adopted in haste following September 11, 2001, without public hearings, or a Congressional “mark-up”; and it would be appropriate and beneficial, in considering reauthorization, to scrutinize and evaluate the provisions of the Act closely in the context of its implementation to date; and

WHEREAS, the Patriot Act is, or soon will be, reconsidered by Congress for possible reauthorization and to determine whether various sunset provisions contained therein should be eliminated or retained,

NOW, THEREFORE, BE IT RESOLVED, that the New Brunswick City Council affirms strong support for fundamental Constitutional rights and opposes any provisions of the USA Patriot Act that may infringe on important civil liberties, including freedom of speech and peaceful assembly; established rights in judicial proceedings, including presumption of innocence, due process, legal counsel and probable cause; protection from unreasonable searches and seizures; and

BE IT FURTHER RESOLVED, that the New Brunswick City Council reaffirms its support for increased security of the public but also reaffirms its conviction that such security must not be provided in a manner that will unduly infringe upon the constitutional and other rights and liberties of the people of the United States. Security must be executed in a fashion that preserves and reaffirms these rights and liberties as guaranteed by the United States Constitution; and

BE IT FURTHER RESOLVED, the New Brunswick City Council is concerned about the enforcement and implementation to date of the PATRIOT Act by United States Attorney General Alberto R. Gonzales and other public officials insofar as the impact upon such rights and liberties are concerned; and

BE IT FURTHER RESOLVED, that the New Brunswick City Council accordingly:

- a. calls upon the government of the United States, and the government of each and every State and the political subdivisions thereof, when enforcing or when called upon to enforce the PATRIOT Act and any other law or regulation dealing with security, to respect individual rights and not intrude upon the fundamental rights and liberties of the people of the United States.
- b. calls upon our Congressional Representatives and Senators to allow all provisions of the PATRIOT Act with a sunset date to expire on that sunset date and to thoroughly scrutinize and evaluate through the public hearing process: (1) all provisions of the Act; (2) the record of enforcement and implementation of the Act to date and (3) any such similar proposed legislation; and

BE IT FURTHER RESOLVED, that copy of this resolution to Senators Jon Corzine and Frank Lautenberg, Congressman Frank Pallone, Jr. and President George W. Bush and Attorney General Alberto R. Gonzales.

**Passaic County, NJ**  
**Passed on November 23, 2004**

Resolution text is not available.

**Paterson, NJ**  
**Passed on June 9, 2004**

**Resolution Supporting Civil Rights**

WHEREAS, the protection of civil rights and civil liberties is essential to the well being of a free and democratic society; and

WHEREAS, the City of Paterson has a diverse population, including immigrants and students, whose contributions to the City are vital to its economy, culture, and civic character; and

WHEREAS, the members of the Municipal Council of the City of Paterson believe that there is no inherent conflict between nation security and the preservation of liberty and therefore that Americans are both safe and free; and

WHEREAS, government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of the City of Paterson hold dear; and

WHEREAS, federal, state, and local government should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, but should do so in a rational and deliberate fashion in order to ensure that security measures enhance the public safety without impairing Constitutional rights or infringing on civil liberties; and

WHEREAS, certain federal policies adopted since September 11, 2001, including certain provisions in the USA PATRIOT Act (Public Law 107-56) and related federal actions unduly infringe upon fundamental rights and liberties; and

WHEREAS, these new policies include the power to authorize the indefinite incarceration of non-citizens based on mere suspicion of terrorist activity, and the indefinite incarceration of citizens designated as “enemy combatants” without access to counsel or meaningful recourse to the federal courts; limitations on the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations; the expansion of the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched; grants to law enforcement and intelligence agencies for broad access to personal medical, financial, library, and education records with little if any judicial oversight; and

WHEREAS, these new policies may undermine trust between immigrant communities and the government, and in particular, pose a threat to the civil rights and liberties of the residents of our City who are or who appear to be Arab, Muslim, or South Asian descent; and

WHEREAS, the federal government has drafted new legislation entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II), which may further compromise constitutional rights and our government’s unique system of checks and balances; and

WHEREAS, three states and more than 250 communities throughout the country have enacted resolutions that reaffirm support for civil rights and civil liberties and that demand accountability from law enforcement agencies regarding the exercise of the extraordinary new powers referred to herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL, of the City of Paterson that the Municipal Council hereby calls upon federal, state, and local officials, and City agencies and institutions, to affirm and protect civil rights and civil liberties; and

BE IT FURTHER RESOLVED, that the Municipal Council of the City of Paterson affirms its strong support for rights of immigrants who have legally entered this country and opposes measures that single out individuals for legal scrutiny or enforcement activity based primarily upon their country of origin; and

BE IT FURTHER RESOLVED, that the Municipal Council of the City of Paterson affirms its commitment to uphold civil rights and civil liberties, and therefore expresses its opposition to:

- investigation of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without reasonable suspicion of criminal activity unrelated to the activity protected by the First Amendment; and
- racial, religious, or ethnic profiling; and
- deployment of biometric identification technology that is unreliable; and
- establishment of networks of general surveillance cameras unless such a network is subject to regulations that provide reasonable and effective protections of privacy and due process rights of individuals who appear in recorded material; and

- “sneak and peek” searches, pursuant to Section 214 of the PATRIOT Act, unless the search is authorized and conducted in accordance with applicable State law; and
- establishment or maintenance of anti-terrorism reporting system that creates an electronic record on an individual unless subject to regulations that provide for the protection of individuals subject to unfounded reports; and

BE IT FURTHER RESOLVED, that the Municipal Council of the City of Paterson opposes requests by federal authorities that, if granted, would cause agencies of the City of Paterson to exercise powers or cooperate in the exercise of powers in appearance violation of any City ordinance or the laws or Constitution of this State or the United States; and

BE IT FURTHER RESOLVED, that the Municipal County of the City of Paterson urges each of the City’s public libraries to inform library patrons that Section 215 of the USA PATRIOT Act gives the government new authority to monitor book-borrowing and Internet activities without the patron’s knowledge or consent and that this law prohibits library staff from informing patrons if federal agents have requested patrons’ library records; and

BE IT FURTHER RESOLVED, that in order to assess the effects of anti-terrorism initiatives on the residents of the City of Paterson, the City Council calls upon federal officials to make periodic reports, consistent with the Freedom of Information Act, that include:

- the number of City of Paterson residents who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001;
- the number of search warrants that have been executed in the City of Paterson without notice of the warrant pursuant to Section 213 of the USA PATRIOT Act;
- the number of electronic surveillance actions carried out in the City of Paterson under powers granted in the USA PATRIOT Act;
- the number of investigations undertake by federal authorities to monitor political meetings, religious gatherings or other activities protected by the First Amendment within the City of Paterson;
- the number of times academic records have been obtained from public schools and institutions of higher learning in the City of Paterson under Section 217 of the USA PATRIOT Act;
- the number of times library records have been obtained from libraries in the City of Paterson under Section 215 of the USA PATRIOT Act;

BE IT FURTHER RESOLVED, that the City of Paterson calls upon our United States Representatives and Senators to monitor the implementation of the USA PATRIOT Act and related federal actions and to actively work for the repeal of those sections of the USA PATRIOT Act and related federal actions that unduly infringe upon fundamental rights and liberties as recognized in the U.S. Constitution and its Amendments; and

BE IT FURTHER RESOLVED, that the Municipal Council of the City of Paterson calls upon our United States Representatives and Senators to take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as Patriot II; and

BE IT FURTHER RESOLVED, that the Municipal Council of the City of Paterson calls upon Governor James McGreevey, all state Senators and State Assemblymen to ensure that state anti-terrorism laws and policies are implemented in a manner that does not infringe upon fundamental rights and liberties as recognized in the U.S. Constitution and its Amendments and the New Jersey State Constitution.

## **Phillipsburg, NJ**

### **Passed on March 15, 2004**

#### **Resolution Urging Congress to Carefully Review the Provisions and Impact of the USA Patriot Act and Related Legislation to Insure that Basic Civil Rights and Civil Liberties Will Remain Protected**

Whereas, the Town of Phillipsburg firmly supports the long and distinguished American tradition of protecting the civil rights and civil liberties of all persons, and

Whereas, concerns have been raised that some provisions of the USA Patriot Act and related legislation may place our basic civil rights and civil liberties at risk,

Now, therefore, be it resolved that the Town Council of the Town of Phillipsburg hereby urges all members of the Congress of the United States to carefully review the provisions and impact of the USA Patriot Act and related legislation to insure that basic civil rights and civil liberties will remain protected.

Be it further resolved that the Municipal Clerk shall forward a copy of this resolution to U.S. Senator Jon Corzine, U.S. Senator Frank Lautenberg, and Congressman Scott Garrett

**Plainfield, NJ****Passed on June 21, 2004****Resolution Affirming the Commitment of the City of Plainfield to the United States Constitution and the Civil Liberties Guaranteed by the Bill of Rights**

WHEREAS, the City of Plainfield has a diverse population whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS, the preservation of civil rights is essential to the well-being of any democratic community; and

WHEREAS, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT ACT and several Executive Orders, now infringe upon the following rights and liberties, all guaranteed by the United States Constitution and the Bill of Rights:

- Freedom of speech, religion, and privacy;
- The right to counsel and due process in judicial proceedings; and
- Protection from unreasonable search and seizures; and

WHEREAS, the City of Plainfield affirms its strong opposition to terrorism of any kind; and

WHEREAS, the City of Plainfield affirms the responsibility of the leaders of the United States to seek national security without sacrificing the basic civil rights upon which our nation is founded, which rights have been vigilantly protected for over 200 years; and

WHEREAS, under the auspices of both the USA PATRIOT ACT and related executive orders, persons of Middle Eastern descent, South Asian descent and the Muslim faith have been targeted for interrogation and possible deportation in violation of laws prohibiting governmental discrimination against ethnic and religious minorities; and

WHEREAS, the American Library Association Council (“ALA”) adopted a resolution on January 29, 2003 entitled “Resolution on the USA Patriot Act and related measures that infringe on the rights of library users,” and the New Jersey Library Association has endorsed the ALA resolution; and

WHEREAS, approximately 250 other communities in a majority of the United States and at least 3 state legislatures have passed resolutions or ordinances protecting the civil liberties of their residents; now, therefore, be it

RESOLVED, that the Plainfield City Council:

- Reaffirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny based on their country of origin or ethnicity;
- Reaffirms its strong support for racial equality and opposes measures that single out individuals for legal scrutiny based on their race;
- Reaffirms its strong support for freedom of religion and opposes measures that single out individuals for legal scrutiny based on their religious beliefs;
- Reaffirms its strong support for freedom of speech and freedom of assembly and opposes measures that single out individuals for legal scrutiny based on their non-criminal speech and association;
- Reaffirms its direction to all City employees and municipal workers and to the Police Department of the City of Plainfield to:
- Refrain from surveillance of individuals or groups and from collecting or maintaining information about the political, religious or social views of any individual or group unless there are reasonable grounds to suspect that the subject of the surveillance or information collection is, or may be, involved in criminal activity;
- Refrain from using race, religion, ethnicity or national origin as a factor in selecting which individuals to subject to investigative activities unless there are reasonable grounds to suspect that the subject of the investigation is, or may be, involved in criminal activity;
- In accordance with time-tested legal procedures concerning search warrants, reaffirms its direction to the Police Department of the City of Plainfield to protect the constitutional rights of individuals in connection with the execution of a search warrant to any resident of the City of Plainfield whose property is the subject of such a warrant;
- Requests federal and state law enforcement officials acting within the City of Plainfield to work in accordance with the policies of the City of Plainfield Police Department and in cooperation with the Police Department by not engaging in or permitting detentions without charges of Plainfield residents;

- Urges the Plainfield Public Library to post in a prominent place within the library a notice to library users as follows: “The USA PATRIOT Act, contains certain provisions that permits the examination by federal agents of records of books and other materials borrowed from this Library and may affect the confidentiality of library records;
- Urges that the Plainfield Public Library adopt and implement patron privacy and record retention policies that affirm that “the collection of personally identifiable information should only be a matter of routine or policy when necessary for the fulfillment of the mission of the library;

Directs the Clerk of the City of Plainfield to transmit a copy of this resolution to Senators Corzine and Lautenberg and Representative Pallone, accompanied by a letter urging them to:

- Work to repeal or amend provisions of the USA PATRIOT ACT and other related federal Executive Orders, regulations and actions that infringe on civil rights and liberties;
- Ensure that provisions of the USA PATRIOT ACT that are scheduled to expire on December 31, 2005 do expire without extension;
- Monitor the implementation of the Act and Orders cited above in order to protect the Constitution and the Bill of Rights;
- Propose and support Congressional action to prohibit passage of the act known as “Patriot II” or other acts or orders that violate the Constitution and the Bill of Rights;

Directs the Clerk of the City of Plainfield to transmit a copy of this resolution to Governor McGreevey and appropriate members of the State Legislature;

Directs the Clerk of the City of Plainfield to transmit a copy of this resolution to all departments, agencies and agents of the City of Plainfield.

## **Princeton Borough, NJ**

### **Passed on October 7, 2003**

Whereas, in the aftermath of September 11, 2001, increased security is necessary to protect the American people from further terrorist attacks; and

Whereas, it is essential that Congress enact, and governmental agencies implement, security measures that are reasonable and necessary to providing such protection; and

Whereas, notwithstanding the terrorist threat, great care must be exercised to balance security needs with the imperative to protect the fundamental rights and liberties of the American people including freedom of speech, religion, and assembly, the right to privacy, due process, and equal protection of the law, and the right to be free of unreasonable searches and seizures; and

Whereas, the USA PATRIOT Act (P.L.107-56) could threaten such fundamental rights and liberties; and

Whereas, the PATRIOT Act may soon be reconsidered by Congress both substantively and to determine whether various sunset provisions contained therein should be eliminated or retained as well to consider the amendatory PATRIOT Act II currently being espoused by Attorney General Ashcroft and other Administration officials; and

Whereas, PATRIOT Act II contains certain more intrusive measures than those contained in the PATRIOT Act, including authorizing federal agents to issue subpoenas to compel testimony and the production of private records without the approval of a Judge or a federal prosecutor, expansion of the death penalty for offenses such as terrorist financing, and the detention by the government of individuals without bail; and

Whereas, it is imperative that Congress consider carefully the substance of PATRIOT Act II and the PATRIOT Act, as well as the record of implementation of the PATRIOT Act to date, in order to achieve a balance between security measures and the protection of individual rights;

Now, therefore, be it resolved by the Mayor and Borough Council of the Borough of Princeton as follows:

The Mayor and Council reaffirm their support for increased security measures to protect our citizenry from terrorist attacks but also believe that such security must be provided only in a manner which will not unduly and unnecessarily infringe upon the constitutional and other rights and liberties of the American people.

The Mayor and Council believe that the Congress should carefully assess the implementation to date of the PATRIOT Act by law enforcement officials and carefully consider the substantive provisions of both the PATRIOT Act and PATRIOT Act II;

The Mayor and Council accordingly:

call upon the Congress of the United States : to scrutinize the substantive provisions of both the PATRIOT Act and the proposed PATRIOT Act II with great care and sensitivity to insure that both are not overly and unnecessarily broad and intrusive and that the fundamental liberties of the American people are preserved;

call upon the Congress of the United States to maintain the sunset provisions of the PATRIOT Act in effect, thereby requiring reevaluation of the legislation from time to time as well as the record of enforcement and implementation of its terms;

call upon the government of the United States, and the government of each and every State and the political subdivisions thereof, when enforcing the PATRIOT Act and any other law or regulation dealing with security, to respect as much as possible individual rights and thus not unnecessarily intrude upon the fundamental rights and liberties of the people of the United States;

Directs the Borough Clerk to communicate this resolution to all the elected representatives of the Borough of Princeton in the New Jersey Legislature, and the United States Congress, to the Governor and Attorney General of the State of New Jersey, the United States Attorney General and the President of the United States.

### **South Brunswick, NJ** **Passed on October 11, 2005**

Resolution was passed by South Brunswick Township Council. The text is unavailable.

### **West Windsor, NJ** **Passed on December 6, 2004**

#### **Resolution 2004-R**

WHEREAS, on September 11, 2001, more than three thousand people were killed by hijacked aircraft, a circumstance made possible by lax security; and

WHEREAS, West Windsor Township was deeply affected by these events, losing seven residents and numerous friends and colleagues; and

WHEREAS, we in West Windsor Township are therefore particularly aware that increased security is necessary to protect the American people, to attempt to thwart further terrorist attacks, and wage an effective campaign against terrorism; and

WHEREAS, security concerns should not undermine the liberties that make America unique and great; and

WHEREAS, the language in the USA PATRIOT Act (P.L. 107-56) has raised concerns that it threatens fundamental rights and liberties embodied in the Constitution of the United States; and

WHEREAS, examples of the PATRIOT Act's potential for undermining these fundamental rights include the Government's expanded power to: engage in telecommunications surveillance with limited judicial supervision, view sensitive medical, mental health and financial information with little if any judicial oversight, limit the disclosure of public documents and records under the Freedom of Information Act, and permit indefinite detention of immigrants and other non-citizens; and

WHEREAS, we oppose any chilling effect on the free exercise of rights granted under the Constitution; and

WHEREAS, the PATRIOT Act was passed quickly and without public hearings or Congressional mark-up because of the security concerns raised by the events of September 11, 2001; and

WHEREAS, the PATRIOT Act does not represent the considered response to the terrorist threat that Americans expect from their elected officials; and

WHEREAS, West Windsor is proud to be a diverse community whose members are concerned about possible abridgement of rights based upon an individual's race, ethnicity, religion, gender or country of origin; and

WHEREAS, the PATRIOT Act will be reconsidered by Congress for possible reauthorization and extension of sunset provisions,

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that Congress ought to hold full and fair hearings regarding the PATRIOT Act, its provisions, and its enforcement and amend the act as necessary to eliminate any chilling effect on constitutional liberties and to implement effective programs targeted at actual threats without compromising the values that are fundamental to America; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to all elected representatives of West Windsor Township in the County of Mercer and the State of New Jersey, and the entire New Jersey Congressional delegation, Senators, and the President of the United States.

### **Willingboro, NJ** **Passed on September 9, 2003**

#### **A Resolution Concerning the Patriot Act**

Whereas, the Constitution of the United States of America and its Bill of Rights, along with the Constitution of the State of New Jersey, guarantee certain liberties to all citizens, including:

- Freedom of speech and peaceful assembly;
- Established rights in judicial proceedings, including presumption of innocence, due process, legal counsel and probable cause;
- Protection from unreasonable searches and seizures;

Whereas, the sanctity of these precious liberties may be threatened by new laws, including “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001” (also known as USA Patriot Act), several executive orders, the Homeland Security Act, and the proposed Domestic Security Enhancement Act (also known as Patriot II);

Whereas, residents of Willingboro have expressed alarm about the pursuit of security without appropriate protection of Constitutional rights;

Whereas, the Willingboro Township Council is committed to upholding the United States Constitution and its Bill of Rights, the New Jersey State Constitution; and

Whereas, it is generally accepted that unwarranted secrecy is antithetical to a true democracy, and that actions undertaken by secret indictment or process undermine established norms for civil discourse between government and those whom it would govern;

Now, therefore, be it resolved that the Township Council of the Township of Willingboro:

Section 1. Submits a letter to the New Jersey Congressional delegation conveying the concerns of Willingboro residents regarding the Patriot Act, including but not limited to the following:

- Monitoring political and religious gatherings;
- Obtaining library records, bookstore records, and internet records without proper authorization and without notification;
- Issuing subpoenas through the United States Attorney’s Office without a court’s approval or knowledge;
- Eavesdropping on confidential communications between lawyers and their clients;
- Entering private residences, businesses, and organizations without consent, before serving a search warrant;
- Engaging in racial profiling and detention without charges; and
- Withholding information from Congress and the public on actions taken under these laws.

Section 2. Urges members of the New Jersey Congressional delegation to actively work for the revocation of any sections of the USA Patriot Act, any proposed new federal legislation and Executive Orders which limit or violate the fundamental rights and liberties embodied in the Municipal Ordinances of the Township of Willingboro and in the Constitutions of the State of New Jersey and of the United States.

Section 3. Requests the Township Manager to instruct Township employees to continue practices and policies favoring and protecting Constitutional rights and liberties.

Section 4. Directs the Township Manager to transmit copies of this Resolution to the Governor of the State of New Jersey, Willingboro’s State legislative delegation, Willingboro’s delegation in the United States Congress, and the President of the United States.

Section 5. Effective Date. This resolution is effective on the date of its passage.



# NEW MEXICO

## Albuquerque, NM

Passed on September 15, 2003

### Resolution Reaffirming the Bill of Rights, Supporting Civil Rights and Denouncing Terrorism in the City of Albuquerque, New Mexico

WHEREAS, the City Council of Albuquerque strongly denounces terrorism and acknowledges that federal, state and local governments should protect the public from such terrorist attacks, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing upon civil liberties; and

WHEREAS, there is no inherent conflict between national security and the preservation of liberty, and that government security measures that undermine fundamental rights do damage to American institutions and values that the residents of Albuquerque hold dear; and

WHEREAS, the City Council honored the memory of victims of the tragic terrorist attacks of September 11, 2001, through City Council Memorial 01-27, by denouncing acts of violence and intolerance against all people and affirming the civil rights of people of all ethnic and ideological backgrounds; and

WHEREAS, the City Council has committed to upholding the human rights of all persons in Albuquerque and their free exercise and enjoyment of all civil rights and liberties, which are pillars of our democracy; and

WHEREAS, the City of Albuquerque has a long and distinguished tradition of celebrating the diversity of its population, including immigrants and students whose contributions to the community are vital to its culture and civic character; and

WHEREAS, the citizens of Albuquerque are governed by the Constitutions of the United States and the State of New Mexico; and

WHEREAS, many residents of Albuquerque and other communities across the nation are concerned that the USA PATRIOT Act (Public Law 107-56) may threaten our civil liberties by: a) greatly expanding the government's ability to conduct secret searches with no sunset provision or expiration date attached (section 213), b) compromising judicial supervision of telephone and internet surveillance (section 216), c) allowing the Attorney General to subject non-citizens to indefinite detention or deportation, even if they have not committed a crime (sections 411 and 412) and to single out civil rights advocates even if their dissenting activism is peaceful; d) giving law enforcement officials broad access to sensitive medical, library, business, financial, educational, and other records on individuals without first demonstrating probable cause or evidence of a crime (sections 215, 218, 358, and 508); and e) authorizing the CIA to resume spying on Americans (sections 203 and 901); and

WHEREAS, our civil rights and liberties may be threatened by orders and rules of the executive branch that: a) revise Justice Department guidelines against illegal covert domestic information gathering and counterintelligence activities which, in the past, had targeted domestic groups and individuals (Attorney General's guidelines and procedures relating to criminal investigations and national security, issued May 30, 2002); and b) limit the disclosure of public documents and records under the Freedom of Information Act ("Memorandum for Heads of All Federal Departments and Agencies," Attorney General John Ashcroft, Oct. 12, 2001); and

WHEREAS, more than 138 cities, towns and counties, and three states throughout the nation have passed resolutions opposing those parts of the USA PATRIOT Act (Public Law 107-56) and recent executive decisions and rules that threaten our civil liberties.

#### BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. That the City of Albuquerque affirms the civil rights granted to all persons in accordance with the Bill of Rights, the United States Constitution, and the New Mexico State Constitution.

Section 2. That, to the extent legally possible, no City employee or department shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil liberties as guaranteed by the Bill of Rights, the United States Constitution, and the Constitution of the State of New Mexico.

Section 3. That the Albuquerque City Council requests the Director of the Albuquerque/Bernalillo County Library System to notify all library users of the federally mandated change in library policy, permitting that their personal library records may be obtained by the federal government under the USA PATRIOT Act (Public Law 107-56). This notification will be in the form of signs posted at each library branch.

Section 4. That our federal congressional delegation is petitioned to actively monitor the implementation of the USA PATRIOT Act (Public Law 107-56), any new Executive Orders or new regulations related to covert domestic information gathering and/or counterintelligence activities, and actively work for the repeal of those provisions that violate the civil liberties guaranteed by the Bill of Rights.

Section 5. That the City Clerk provide this resolution to Albuquerque's Chief of Police, New Mexico's Congressional delegation, the Governor and Attorney General of the State of New Mexico, the New Mexico State Police, local U.S. Attorney's office, the regional office of the Federal Bureau of Investigation and any other federal intelligence-gathering or investigative agencies that are possibly

involved or could become involved in the U.S. PATRIOT Act (Public Law 107-56), any new Executive Orders or new regulations related to covert domestic information gathering and/or counter-intelligence activities

## **Aztec, NM**

**Passed on June 17, 2004**

### **Resolution 2003-585**

#### **City of Aztec Resolution to Protect Civil Liberties and the Bill of Rights**

WHEREAS the City of Aztec is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents;

WHEREAS the City of Aztec has a diverse population, including legal immigrants and students, whose contributions to the community are vital to its economy, culture and civic character;

WHEREAS the preservation of civil rights and liberties is essential to the well-being of a democratic society;

WHEREAS federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties;

WHEREAS the Commission of the City of Aztec believes that there is no inherent conflict between national security and the preservation of liberty - Americans can be both safe and free;

WHEREAS the Commission has concerns about some of the provisions of the federal USA PATRIOT ACT (Public Law 107-56);

WHEREAS many other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers;

THEREFORE BE IT RESOLVED THAT THE COMMISSION OF THE CITY OF AZTEC:

1. AFFIRMS its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties.
2. AFFIRMS its strong support for the rights of legal immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin.
3. DIRECTS public libraries within the City of Aztec to post in a prominent place within the library a notice to library users as follows: "WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if federal agents have obtained records about you. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530".

## **Bayard, NM**

**Passed on October 20, 2003**

### **A Resolution Supporting the Restoration of Our Inalienable Civil Rights Guaranteed by the U.S. and State of New Mexico Constitutions**

WHEREAS, the City of Bayard has legal existence under the laws of the State of New Mexico and recognition under the laws of the United States of America and the Constitutions of both entities, and

WHEREAS, the Bill of Rights of the United States Constitution and Article II of the Constitution of the State of New Mexico, guarantee the citizens of Bayard, New Mexico protection of their INALIENABLE civil rights, including but not limited to freedom of speech, religion, association, counsel in all legal matters, freedom from unreasonable searches and seizures, the right to own and keep firearms, the right to petition governments for redress of grievances, and other rights and freedoms not listed here, and

WHEREAS, the provisions of the USA PATRIOT Act and related EXECUTIVE ORDERS do violate, transgress upon, and deprive our citizens of rights granted to us by the wisdom of our forebears; to wit:

The USA PATRIOT Act allows the government to covertly access sensitive medical, mental health, financial, and educational records about our loyal and patriotic citizens in violation of the Fourth Amendment of the United States Constitution and Article II, section 10 of the Constitution of the State of New Mexico; and

The USA PATRIOT Act allows the government to engage in covert telephone and internet surveillance without any showing of probable cause or wrongdoing, without the sanction of any court of competent jurisdiction again violating the Fourth Amendment to the Constitution of the United States and Article II Section 10 of the State of New Mexico; and

Under the USA PATRIOT Act and RELATED EXECUTIVE ORDERS the government has executed secret arrests of persons for unspecified acts, held these prisoners in secrecy even from their own families without charges and without legal counsel at undisclosed locations under conditions of extreme discomfort and mental distress for indefinite periods of time. Freedom of Information requests for even the names of these prisoners have been denied. These activities constitute a violation and outrage of the INALIENABLE CIVIL RIGHTS AND LIBERTIES of every citizen.

WHEREAS, the imposition of the above cited infringements upon the INALIENABLE civil rights and liberties of all Bayard's and our country's citizens has emboldened the US Dept. of Justice to draft and propose even more dangerous and far-reaching legislation known as PATRIOT II which will, if enacted, allow the government to strip away American citizenship from innocent and loyal and patriot citizens who donate money to organizations that are dubiously and later declared to be "terrorist." These non-citizens would then be held in prison indefinitely or deported. These autocratic and illegal activities constitute an outrage and heinous violation of the INALIENABLE civil rights and liberties of all our citizens guaranteed by the Constitutions of our State and our Nation; therefore

BE IT RESOLVED, that the Bayard City Council affirms its collective Oath of Office with its commitment to uphold and defend the Constitutions of the State of New Mexico and the United States of America and its strong opposition to any criminal acts and terrorism, but also affirms that our national effort in common to defeat terrorism must not be used as a pretext to destroy and ruin the INALIENABLE civil rights and liberties of the citizens of Bayard, New Mexico as enumerated in, plainly stated, and guaranteed by the Constitutions of the State of New Mexico and the Constitution of the United States of America

BE IT FURTHER RESOLVED, that the City of Bayard and the loyal and patriotic Americans who live in our quiet and peaceful little City call upon all officeholders on every governmental level of whatever political party to restore our INALIENABLE civil rights and liberties without delay, to study the US Bill of Rights and respect the INALIENABLE civil rights and liberties we all enjoy that have been bought and paid for by so much blood shed from our loyal and patriotic soldiers, sailors, airmen, and marines both male and female of all colors and religious persuasions.

By this resolution the Bayard City Council directs our City Clerk and Treasurer to send copies of this resolution to Mr. Charles Kelly, Grant County Commissioner, Mr. Steven Pearce, US Congress, US Senator Jeff Bingaman, US Senator Pete Domenici, State Representative Manuel Herrera, State Senator Ben Altamirano and Governor Bill Richardson

## **Farmington, NM**

**Passed on August 9, 2003**

### **A Resolution Expressing Support of Efforts by the Federal Government to Gather Information That Will Help Prevent Acts of Terrorism; Reaffirming the City's Support of the Rights and Freedoms Guaranteed by the United States Constitution; and Urging Congress to Reexamine Provisions of the USA Patriot Act, Resolution No. 2003-1087**

WHEREAS, in response to the terrorist attacks on September 11, 2001, Congress enacted the USA PATRIOT Act (hereafter, the "Act"); and

WHEREAS, at the time of the passage of the Act, Congress felt that it was necessary to provide federal intelligence and law enforcement personnel with more and improved tools to gather information about persons suspected of engaging in terrorist acts against the United States; and

WHEREAS, since the passage of the Act, there have been a number of people who have concerns that the provisions of the Act may go too far and allow the gathering of such information at the expense of the rights guaranteed in the United States Constitution; and

WHEREAS, the City Council has been petitioned by many of its citizens to go on record as supporting these constitutional rights and to urge Congress to reexamine the Act to see if it should be amended in order to allow the gathering of information to occur within a framework of protections designed to preserve those fundamental rights.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City of Farmington, that:

- (1) The City of Farmington City Council and its citizens support efforts by the federal government to gather information that will help prevent acts of terrorism and that will aid in the arrest and prosecution of those involved in perpetrating such acts.
- (2) The City Council and its citizens also believe that such efforts must be conducted while observing the rights and freedoms guaranteed in the Bill of Rights and other provisions of the United States Constitution.
- (3) The City Council hereby urges Congress to conduct a reexamination of the Act to see if any of the provisions of the Act need to be repealed or revised in order to ensure that these fundamental rights are honored and preserved.

PASSED, APPROVED, SIGNED AND ADOPTED this 19th day of August, 2003.

**Grant County, NM**  
**Passed on October 9, 2003**

**A Resolution Supporting the Restoration of Our Inalienable Civil Rights Guaranteed by the US and State of New Mexico Constitutions**

WHEREAS: The County of Grant has legal existence under the laws of the State of New Mexico and recognition under the laws of the United States of America and the Constitutions of both entities,

And WHEREAS the Bill of Rights section of the United States Constitution and Article II of the Constitution of the State of New Mexico guarantee the citizens of Grant County, New Mexico protection of their INALIENABLE civil rights, including but not limited to freedom of speech, religion, association, counsel in all legal matters, freedom from unreasonable searches and seizures, the right to own and keep firearms, the right to petition government for redress of grievances, and other rights and freedoms not listed here,

And WHEREAS the provisions of the USA PATRIOT ACT and related EXECUTIVE ORDERS do violate, transgress upon, and deprive our citizens of rights granted to us by the wisdom on our forebears: to wit:

The USA PATRIOT ACT allows the government to covertly access sensitive medical, mental health, financial, and educational records about our loyal and patriotic citizens in violation of the Fourth Amendment of the United States Constitution and Article II, section 10 of the Constitution of the State of New Mexico, and;

The USA PATRIOT ACT allows the government to engage in covert telephone and internet surveillance without any showing of probable cause or wrongdoing, without the sanction of any court of competent jurisdiction again violating the Fourth Amendment to the Constitution of the United States and Article II, Section 10 of the State of New Mexico, and;

The USA PATRIOT ACT allows officers of some branches of the federal or state government to burglarize any home or business without a search warrant and remove, copy, exchange, or inset whatever they see fit without informing the person or business of the massive abrogation of their supposedly INALIENABLE civil rights; expands government authority to obtain library and bookstore records (violation the Fourth Amendment) while prohibiting librarians and bookstore employees from informing patron of covert monitoring (violating the First Amendment).

Under the USA PATRIOT ACT and RELATED EXECUTIVE ORDERS the government has executed secret arrests of persons for unspecified acts, held these prisoners in secrecy even from their own families without charges and without legal counsel at undisclosed locations under conditions of extreme discomfort and mental distress for indefinite periods of time. Freedom of Information requests for even the names of these prisoners have been denied. These activities constitute a violation and outrage of the INALIENABLE CIVIL RIGHTS AND LIBERTIES of every citizen.

And WHEREAS, the imposition of the above cited infringements upon the INALIENABLE civil rights and liberties of all of Grant County's and our country's citizens has emboldened the US Dept. of Justice to draft and propose even more dangerous and far-reaching legislation known as PATRIOT II which will, if enacted, allow the government to strip away American citizenship from innocent and loyal and patriotic citizens who donate money to organization that are dubiously an later declared to be "terrorist". These non-citizens would then be held in prison indefinitely and deported. These autocratic and illegal activities constitute an outrage and heinous violation of the INALIENABLE civil rights and liberties of all our citizens guaranteed by the Constitutions of our State an our Nation, wherefore:

BE IT RESOLVED that this Grant County Commission affirms its collective Oath of Office with its commitment to uphold and defend the Constitutions of the State of new Mexico and the United States of America and its strong opposition to any criminal acts and terrorism, but also affirms that our national effort in common to defeat terrorism must not be used as a pretext to destroy and ruin the INALIENABLE civil rights and liberties of the citizens of Grant County, New Mexico and the Constitution of the United States of America.

And be it further resolved, that the County of Grant and the loyal and patriotic Americans who live in out quiet and peaceful area call upon all officeholders on every governmental level of whatever political party to restore out INALIENABLE civil rights and liberties without delay, to study the US Bill of Rights and respect the INALIENABLE civil rights and liberties we all enjoy that have been bought and paid for by so much blood shed from our loyal patriotic soldiers, sailors, airmen, and Marines both male and females and of all colors and religious persuasions.

And by this resolution the Grant County Commission directs our County Clerk to send copies of this resolution to Mr. Stevan Pearce in the US Congress, US Senators Bingaman and Domemici, St. Rep. Manuel Herrera, St. Sen. Ben Altamirano, and Gov. Bill Richardson.

Enacted and signed this 9th day of October, 2003 AD.

**Las Vegas, NM****Passed on September 17, 2003****A Resolution for Las Vegas, New Mexico Reaffirming Support for the Rights and Freedoms Protected by the National Constitution, and Urging Congress to Reconsider the Effects of the USA PATRIOT Act on Those Rights**

WHEREAS, the primary responsibility of the federal government is to ensure the safety and security of residents of the United States and to protect our city and nation from acts of violence; and

WHEREAS, the City of Las Vegas and its residents are governed by the Constitution of our republic, including the Bill of Rights, and the New Mexico State Constitution, which both protect freedom of religion, speech, press and assembly, as well as the right to due process in all legal proceedings; and

WHEREAS, the governing body of the City of Las Vegas has been, and remains, firmly committed to the protection of civil rights and civil liberties for all of its residents, and

WHEREAS, we recognize the diversity in our community; and

WHEREAS the means used to prevent acts of terror, like those used to combat other crimes, must not be allowed to infringe on basic free expression and due process rights; and

WHEREAS, certain federal policies adopted since September 11, 2001, including provisions in Public Law 107-56, known as the USA PATRIOT Act, and related executive orders, regulations and actions, are contrary to the national Constitution and threaten fundamental rights and liberties by

- granting federal law enforcement and intelligence agencies broad access to personal, medical, credit and banking, library and educational records with little, if any, judicial oversight, including secret access to library records of books checked out by any individual and book store records of all books purchased by any individual; and,
- expanding the authority of federal agents to conduct searches, in which the subject of the search has not been notified that his or her property has been searched; and
- limiting the authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism and ordinary criminal investigations; and
- permitting the federal bureau of investigation to conduct surveillance of religious services, internet chat rooms, political demonstrations and public meetings of any kind without evidence that a crime has been or may be committed; and
- discouraging constitutionally protected speech through broad definitions of “terrorism”;
- driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in the enforcement of federal immigration law; and
- authorizing the indefinite incarceration of non-citizens based on mere suspicion and the indefinite incarceration of citizens designated by the president as “enemy combatants” without access to counsel or meaningful recourse to the federal courts; and

WHEREAS, these policies pose a particular threat to the civil rights and liberties of residents of Las Vegas who may question the conduct of war, relations with other countries, corporate practices, and other issues; and

WHEREAS, the City of Las Vegas wants to recognize the commitment it has to uphold the legal and human rights of its residents, and affirm its strong support for the rights of immigrants and oppose measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin or religion; and

WHEREAS, other communities from around the country have passed similar resolutions reinforcing local efforts to support and defend legal and human rights of their residents;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS that it reaffirms its commitment to embody democracy and to embrace, defend and uphold the inalienable rights and fundamental liberties protected under the National Constitution and the New Mexico State Constitution; and

BE IT FURTHER RESOLVED that the City of Las Vegas City Council and its citizens support efforts by the federal government to prevent acts of violence against the people of our country, so long as the conduct of such efforts scrupulously observe the inalienable rights and freedoms protected by the Constitution; and

BE IT FURTHER RESOLVED that our Federal legislative delegation be asked to actively monitor the implementation and possible expansion of the USA PATRIOT Act, any new Executive Orders, and actively work for the repeal of those portions that violate the guaranteed civil liberties enumerated in the Bill of Rights; and

BE IT FURTHER RESOLVED that upon passage of this Resolution, the City Council encourages efforts to make our community aware of the threats posed by current and proposed legislation and practices that would violate the rights and freedoms we hold sacred: and

BE IT FURTHER RESOLVED that upon passage, the City Council authorizes the transmission of this Resolution to all federal and New Mexico state law enforcement agencies, the Governor's office, the New Mexico federal legislative delegation, the President and the Attorney General of the United States of America and local newspapers and radio stations.

Passed unanimously by the Las Vegas, New Mexico City Council on 17 September 2003.

## **Los Alamos County, NM**

**Passed on October 14, 2003**

### **Resolution on the USA PATRIOT Act and Related Measures that Infringe on the Rights of Citizens and Library Users, Resolution No. 03-13**

WHEREAS, the Incorporated County of Los Alamos affirms the responsibility of the leaders of the United States to protect and preserve the freedoms that are the foundation of our democracy;

WHEREAS, the Incorporated County of Los Alamos is committed to uphold the human rights of all persons in Los Alamos County and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of New Mexico and the Incorporated County of Los Alamos;

WHEREAS, the Incorporated County of Los Alamos holds that suppression of ideas undermines a democratic society;

WHEREAS, libraries are a critical force for promoting the free flow and unimpeded distribution of knowledge and information for individuals, institutions, and communities;

WHEREAS, privacy is essential to the exercise of free speech, free thought, and free association; and in a library, the subject of users' interests should not be examined or scrutinized by others; and

WHEREAS, certain provisions of the USA PATRIOT Act, the revised Attorney General Guidelines to the Federal Bureau of Investigation, and other related measures expand the authority of the – federal government to investigate citizens and non-citizens, to engage in surveillance without demonstrating probable cause, threaten fundamental rights and liberties, including freedom of speech, religion, assembly, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Incorporated County of Los Alamos:

Section 1. That local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings' and protection from unreasonable searches and seizures.

Section 2. That federal and state law enforcement officials acting within the Incorporated County of Los Alamos work in accordance with the policies of the Los Alamos Police Department, and in cooperation with the Department, by not engaging in or permitting detentions without charges or racial profiling in law enforcement.

Section 3. That our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties of our citizens as stated in the Constitutions of the State of New Mexico and the United States.

Section 4. That the Incorporated of Los Alamos oppose any use of governmental power to suppress the free and open exchange of knowledge and information or to intimidate individuals within our country exercising free inquiry.

Section 5. That the Incorporated County of Los Alamos consider that sections of the USA PATRIOT Act are a present danger to the constitutional rights and privacy of library users and urge the United States Congress to:

- provide active oversight of the implementation of the USA PATRIOT Act, the revised Attorney General Guidelines to the Federal Bureau of investigation and other related measures
- hold hearings to determine the extent of the surveillance on library users and their communities; and
- amend or change the sections of these laws and the guidelines that threaten or abridge the rights of inquiry and free expression.

Section 6. That the Incorporated County of Los Alamos encourage County librarians to defend and support user privacy and free and open access to knowledge and information.

Section 7. That Mesa Public Library and White Rock Public Library post in a prominent place within the library a notice as follows: "LIBRARY USERS, PLEASE NOTE: In the past, your privacy and confidentiality in regard to use of library materials has been safeguarded by the New Mexico Library Privacy Act (18-9-1 to 18-9-6 NMSA 1987). However, under Section 215 of the federal USA

PATRIOT Act (public law 107-56), patron records, including those referencing books and other materials you borrow from this library, may be obtained by federal agents. This law also prohibits librarians from informing you if records about you have been obtained by federal agents. More information is available at the Service Desk.”

Section 8. The Library Manager, in consultation with the City Attorney, shall develop policies and procedures for responding to law enforcement requests for patron information that protect patron confidentiality and privacy to the maximum allowable under the law.

Section 9. That this resolution be forwarded to the President of the United States, to the Attorney General of the United States, to Members of both Houses of Congress, to the library community, and to others as appropriate.

## **Rio Arriba County, NM**

**Passed on April 10, 2003**

### **Rio Arriba County Resolution 2003-085 Affirming Civil Rights and Liberties; Declaring Opposition to Federal Measures**

WHEREAS, the people of Rio Arriba County are proud of their long and distinguished tradition of protecting the civil rights and liberties; and

WHEREAS, Rio Arriba has a diverse population, including Hispanics, Native Americans, Anglos, immigrants and students, whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS, the citizens of Rio Arriba have a long and distinguished history of civil activism around land and other issues; and

WHEREAS, the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001 and should do so in a rational and deliberative fashion to ensure that a new security measure will enhance public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, government security measures that undermine fundamental rights do damage to American institutions and values that the residents of Rio Arriba hold dear; and

WHEREAS, the people of Rio Arriba believe that there is no inherent conflict between national security and the preservation of liberty and that Americans can be both safe and free; and

WHEREAS, federal policies adopted since September 11, 2001, including provisions in Public Law 107-56, known as the USA Patriot Act, and related executive orders, regulations and actions threaten fundamental rights and liberties by:

- authorizing the indefinite incarceration of non-citizens based on mere suspicion and the indefinite incarceration of citizens designated by the president as “enemy combatants” without access to counsel or meaningful recourse to the federal courts;
- limiting the authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism and ordinary criminal investigations;
- expanding the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant has not been notified that his or her property has been searched;
- granting federal law enforcement and intelligence agencies broad access to personal, medical, financial, library and educational records with little, if any, judicial oversight;
- chilling constitutionally protected speech through overly broad definitions of “terrorism”;
- driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in the enforcement of federal immigration law; and
- permitting the federal bureau of investigation to conduct surveillance of religious services, internet chat rooms, political demonstrations and public meetings of any kind without evidence that a crime has been or may be committed; and

WHEREAS, Attorney General John Ashcroft has crafted a proposed bill entitled the Domestic Security Enhancement Act of 2003, which, if enacted, will threaten constitutional rights and liberties by:

- Expanding the authority of federal law enforcement to summarily revoke citizenship whether or not a US citizen has declared their clear intention to abandon citizenship; and,
- Expanding the authority of federal law enforcement to hold non-citizens (including those who have been stripped of their citizenship without due process) indefinitely without disclosure or initiation of charges; and,
- Expansion of the authority of the federal government to invoke Presidential Wartime Powers when the US is not at war; and,

- Expansion of the definition of “terrorist activities” to include non-criminal activity, “computer crimes,” and other vaguely defined activities; and,
- Revocations of sunset clauses in the initial Patriot Act; and,
- Establishment of a DNA database for those suspected of broadly defined terrorist activities; and,
- Further expansion of the authority of law enforcement to conduct surveillance on US citizens; and,
- Tax cuts for government officials with the approval of the Secretaries of Defense and Treasury and the Attorney General; and,
- Expansion of abilities of corporations using harmful and polluting chemicals to conceal information from the public; and,
- Expansion of the authority of federal law enforcement to conduct autopsies on any citizen it deems necessary without consent.

WHEREAS, these new powers pose a particular threat to the civil rights and liberties of the residents of Rio Arriba County who have questioned the unfair and unlawful seizure of commonly held lands; and

WHEREAS, these new powers pose a particular threat to the civil rights and liberties of the residents of Rio Arriba County who have questioned federal or state practices regarding water, health care, civic participation, the conduct of war, unfair treatment of immigrant and indigenous populations and other issues; and

WHEREAS, these new powers pose a particular threat to the civil rights and liberties of all immigrants residing in Rio Arriba County; and

WHEREAS, other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values and have demanded accountability from law enforcement agencies regarding their use of these new powers;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF RIO ARRIBA COUNTY COMMISSIONERS acting on behalf and at the request of the citizens of Rio Arriba, that it:

- affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on these rights and liberties;
- affirms its strong support for the rights of immigrants and oppose measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin;
- direct all state and local law enforcement agencies operating in Rio Arriba County to:
- refrain from participating in the enforcement of federal immigration laws;
- seek adequate written assurances from federal authorities that residents of Rio Arriba County and individuals in the custody of the state who are placed in federal custody will not be subjected to military or secret detention or secret immigration proceedings without access to counsel and, absent such written assurances, refrain from assisting federal authorities to obtain custody of these individuals;
- refrain from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment to the United States constitution, such as political advocacy or the practice of a religion, without reasonable and particularized suspicion of criminal conduct unrelated to the activity protected by the First Amendment to the United States constitution;
- refrain from using race, religion, ethnicity or national origin as a factor in selecting who is subject to investigatory activities unless race, religion, ethnicity or national origin is part of the description of a specific suspect to be apprehended;
- refrain, whether acting alone or with federal law enforcement officers, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activity and there are reasonable grounds to believe that the subject of the information is or may be involved in criminal conduct;
- provide advance or simultaneous notice of the execution of a search warrant to any resident of the state of Rio Arriba County whose property is the subject of the search and refrain from participating in a joint search with any law enforcement agency absent assurances that such a notice will be provided;
- refrain from undertaking or participating in any initiative, such as the terrorist information and prevention system, also known as TIPS, that encourages members of the general public to spy on their neighbors, colleagues or customers;
- refrain from the practice of stopping drivers or pedestrians for the purpose of scrutinizing their identification documents without reasonable and particularized suspicion of criminal activity; and



- report to the legislature and the interim corrections oversight and justice committee, any request by federal authorities that, if granted, would cause agencies of the state to exercise powers or cooperate in the exercise of powers in apparent violation of a city ordinance or the laws or constitution of this state or of the United States;
- direct public schools and institutions of higher education to provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to Section 507 of the USA Patriot Act;
- direct public libraries to post in a prominent place within the library a notice as follows: “WARNING: Under Section 215 of the federal USA Patriot Act (Public Law 107-56), records of books and other materials you borrow from this library may be obtained by federal agents. This law also prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to Attorney General John Ashcroft, Department of Justice, Washington, DC 20530.”; and
- direct the county official in charge of homeland security for Rio Arriba and the state official in charge of homeland security for New Mexico to seek periodically from federal authorities the following information in a form that facilitates an assessment of the effect of federal anti-terrorism efforts on the residents of the County of Rio Arriba and provide to the legislature and the interim corrections oversight and justice committee, no less than once every six months, a summary of the information obtained:
  - the names of all residents of Rio Arriba who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001, and;
  - the location of each detainee;
  - the circumstances that led to each detention;
  - the charges, if any, lodged against each detainee; and the name of counsel, if any, representing each detainee;
  - the number of search warrants that have been executed in Rio Arriba without notice to the subject of the warrant pursuant to Section 213 of the USA Patriot Act;
  - the extent of electronic surveillance carried out in the state pursuant to powers granted in the USA Patriot Act;
  - the extent to which federal authorities are monitoring political meetings, religious gatherings or other activities within Rio Arriba that are protected by the first Amendment of the United States constitution;
  - the number of times education records have been obtained from public schools and institutions of higher learning in Rio Arriba or involving Rio Arriba residents pursuant to Section 507 of the USA Patriot Act;
  - the number of times library records have been obtained from libraries in Rio Arriba or involving Rio Arriba residents pursuant to Section 215 of the USA Patriot Act; and
  - the number of times records of books purchased by store patrons have been obtained from bookstores in Rio Arriba or involving Rio Arriba residents pursuant to Section 215 of the USA Patriot Act; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to Senators Jeff Bingaman and Pete Domenici and Representatives Tom Udall, Heather Wilson and Steve Pearce, and to all New Mexico state legislators with a letter urging them to monitor federal anti-terrorism tactics and to work to repeal provisions of the USA Patriot Act and other laws and regulations that infringe on civil rights and liberties; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to President George W. Bush and Attorney General John Ashcroft; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the state official in charge of homeland security for New Mexico; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico state police and to all public schools, institutions of higher education and public libraries within Rio Arriba County.

## **Santa Fe, NM**

**Passed on October 30, 2002**

### **A Resolution Supporting the Bill of Rights and Civil Liberties for Santa Feans**

WHEREAS, the City of Santa Fe and its citizens are governed by the United States Constitution, including the Bill of Rights, and the New Mexico State Constitution;

WHEREAS, fundamental rights granted by the United States Constitution are threatened by actions taken at the federal level, notably by passage of sections of the USA PATRIOT ACT and several Executive Orders which, among other things:

- Violate the First and Fourth Amendments to the Constitution through the expansion of the government’s ability to wiretap telephones, monitor e-mail communications, survey medical, financial and student records, and secretly enter homes and offices without customary administrative oversight or without showing of probable cause;
- Grant potential unchecked powers to the U.S. Secretary of State to designate legal domestic groups as “terrorist organizations”, while lifting administrative regulations against covert, surveillance counter-intelligence operations by the F.B.I. that in the past targeted domestic groups and individuals;
- Violate the Fifth and Sixth Amendments to the Constitution in establishing secret military tribunals, and in subjecting citizens and non-citizens to indefinite detention even when they have not been allowed an attorney, brought to trial, or even charged with a crime;

WHEREAS, the City of Santa Fe adheres to the principle that no law enforcement agency, or any other city agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnic or national origin, color, age, sexual orientation, gender, religion, or physical or mental disability;

WHEREAS, the City of Santa Fe wants to recognize the commitment it has to uphold the legal and human rights of its residents;

WHEREAS, other communities from around the country have passed similar resolutions reinforcing local efforts to support and defend legal and human rights of their residents;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that it has been, and remains, firmly committed to the protection of civil rights and civil liberties for all of its residents and affirms its commitment to embody democracy and to embrace, defend and uphold the inalienable rights and fundamental liberties granted under the United States and the New Mexico State Constitution;

BE IT FURTHER RESOLVED that local law enforcement continue to preserve and uphold residents’ freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, even if requested to do otherwise and infringe upon such rights by federal or state law enforcement agencies acting under new powers created by the USA PATRIOT ACT or by Executive Order;

BE IT FURTHER RESOLVED that law enforcement officials, public officials, and Santa Feans engage in and participate in community dialogue on civil liberties issues, in order to promote the safety and well-being of Santa Fe;

BE IT FURTHER RESOLVED that our Federal legislative delegation is petitioned to actively monitor the implementation of the USA PATRIOT ACT, any new Executive Orders, or COUNTERINTELPRO-type regulations and actively work for the repeal of those portions that violate the guaranteed civil liberties enumerated in the Bill of Rights.

BE IT FURTHER RESOLVED that upon passage, the City Clerk shall deliver this Resolution to all federal and state law enforcement agencies, the Governor’s office, and to the New Mexico federal legislative delegation.

## **Silver City, NM**

**Passed on October 28, 2003:**

### **A Resolution for the Restoration and Defense of Constitutional Rights**

WHEREAS, the Town of Silver City, New Mexico, is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents, and recognizes that the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS, the Town of Silver City has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture, and civil character; and

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, the Town Council of Silver City believes that there is no inherent conflict between national security and the preservation of liberty—Americans can be both safe and free; and that the government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of Silver City rely upon and hold dear; and

WHEREAS, there is wide concern that the recent adoption of U.S. Public Law 107-56, also known as the USA PATRIOT Act, and several executive orders may infringe upon fundamental personal liberties, in violation of due process, the right to privacy, the right to counsel, protection against unreasonable searches and seizures, and basic First Amendment freedoms, all of which are guaranteed by the Constitutions of New Mexico and the United States; and

WHEREAS, nationwide grassroots opposition to infringements on our liberties has led states and local governments to pass resolutions declaring their commitment to freedom and opposition to unconstitutional limitations on our freedoms, sending a message to Congress that the people of this country are calling on our legislators to roll back unconstitutional limitations on our freedoms and refrain from further restrictions.

AFFIRMS its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on these rights;

AFFIRMS its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin;

DIRECTS that the extent legally possible, no town resources, including law enforcement funds and educational administrative resources, to be used for unconstitutional activities in whatever manner or under whatever circumstances they may be presented;

DIRECTS all agencies of the Town of Silver City to report to the Town Manager, Town Council and Town Attorney any request by federal authorities that, if granted would require such agencies to exercise powers or cooperate in the exercise of powers in apparent violation of any city ordinance or the laws of Constitution of this State or the United States;

DIRECTS the Silver City Public Library to post in a prominent place within the library a notice to library users as follows:

WARNING: Under Section 215 of the US Public Law 107-56 (the USA PATRIOT Act), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530;

DIRECTS the Mayor to transmit a copy of this resolution to Senator Domenici, Senator Bingaman, and Congressmen Pearce accompanied by a letter urging them to monitor federal anti-terrorism tactics and work to repeal provisions of U.S. Public Law 107-56 and other laws and regulations that infringe on civil rights and liberties;

DIRECTS the Mayor to transmit a copy of this resolution to Governor Richardson and appropriate members of the State Legislature accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on civil liberties as described in this resolution;

DIRECTS the Mayor to transmit a copy of this resolution to President Bush and Attorney General John Ashcroft; and

BE IT FURTHER RESOLVED that the provision of this resolutions hall be severable, and if any phrase, clause, sentence, or provision of this resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of New Mexico or if the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this resolution and the applicability thereof to any other agency, person, or circumstances shall not be affected thereby.

## **Socorro, NM**

**Passed on March 17, 2003**

### **A Resolution Reaffirming the Bill of Rights and Supporting Civil Rights in the City of Socorro, New Mexico**

WHEREAS, the City of Socorro and its citizens are governed by the United States Constitution, including the Bill of Rights, and the New Mexico State Constitution; and

WHEREAS the City of Socorro has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS the preservation of civil rights and liberties is essential to the well-being of a free society; and

WHEREAS the Council of the City of Socorro believes that there is no inherent conflict between national security and the preservation of liberty - We can be safe, secure, and free; and

WHEREAS, in response to the tragic events of September 11, 2001, the United States Congress passed the USA PATRIOT Act (Public Law 107-56) which was signed into law by the President on October 26, 2001; and

WHEREAS, many residents of Socorro and other communities across the nation are concerned that the USA PATRIOT Act threatens our civil rights and liberties by:

- greatly expanding the government's ability to conduct secret searches (section 213);
- all but eliminating judicial supervision of telephone and internet surveillance (section 216);
- granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups as "terrorist organizations" (section 802);
- allowing the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime (sections 411 and 412);
- giving law enforcement officials broad access to sensitive personal medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime and forbidding disclosure that such information has been demanded (sections 215, 218, 358, and 508);
- placing the CIA back in the business of spying on Americans (sections 203 and 901); and

WHEREAS, our civil rights and liberties are further threatened by orders and rules of the executive branch that:

- establish secret military tribunals for terrorism suspects (Military Order, Nov. 13, 2001);
- permit monitoring and recording of conversations between federal prisoners and their lawyers (28 CFR 501.3);
- revise Justice Department guidelines against illegal covert domestic information gathering and counterintelligence activities - activities that in the past targeted domestic groups and individuals (Attorney General's guidelines and procedures relating to criminal investigations and national security, issued May 30, 2002); and
- limit the disclosure of public documents and records under the Freedom of Information Act ("Memorandum for Heads of all Federal Departments and Agencies," Attorney General John Ashcroft, Oct. 12, 2001); and

WHEREAS communities and organizations across the country have passed resolutions opposing those parts of the USA PATRIOT Act and the associated orders and rules that threaten our civil liberties;

NOW THEREFORE BE IT RESOLVED that the City of Socorro affirms the civil rights granted to all of its residents - U.S. citizens and citizens of other nations alike - in accordance with the Bill of Rights, the Fourteenth Amendment of the United States Constitution, and the New Mexico State Constitution; and

BE IT FURTHER RESOLVED that local law enforcement shall continue to preserve and uphold residents' constitutionally guaranteed rights of freedom of speech, assembly, association, and privacy, the right to counsel and due process, and protection from unreasonable searches and seizures, despite powers authorized by the USA PATRIOT Act or by Executive Order;

BE IT FURTHER RESOLVED that the Socorro City Council directs the City Clerk to transmit to the Socorro City Council no less than once every six months a summary of information obtained pursuant to the USA Patriot Act (Public Law 107-56), and based on such information and any other relevant information, an assessment of the effect of federal antiterrorism efforts on Socorro residents;

BE IT FURTHER RESOLVED that our Federal legislative delegation is petitioned to actively monitor the implementation of the USA PATRIOT Act, any new Executive Orders, or new regulations related to covert domestic information gathering and/or counterintelligence activities, and actively work for the repeal of those portions that violate the guaranteed civil liberties enumerated in the Constitution of the United States including the Bill of Rights;

BE IT FURTHER RESOLVED that the city clerk communicate this resolution at the time of its passage to New Mexico's Congressional Delegation, the Governor and Attorney General of the State of New Mexico, Socorro's Chief of Police, the local U.S. Attorney's office, the regional office of the Federal Bureau of Investigation, and the New Mexico State Police;

BE IT FURTHER RESOLVED that this resolution shall be considered annually.

## **Taos, NM**

**Passed on October 21, 2003**

### **A Resolution of the Town of Taos New Mexico Reaffirming Support for the Rights and Freedoms Protected by the National Constitution, and Urging Congress to Reconsider the Effects of the USA PATRIOT Act on Those Rights**

WHEREAS, the primary responsibility of the federal government is to ensure the safety and security of residents of the United States and to protect our city and nation from acts of violence;

WHEREAS, the Town of Taos and its residents are governed by the Constitution of our republic, including the Bill of Rights, and the New Mexico State Constitution, which both protect freedom of religion, speech, press and assembly, as well as the right to due process in all legal proceedings;

WHEREAS, the governing body of the Town of Taos has been and remains, firmly committed to the protection of civil rights and civil liberties for all of its residents, and

WHEREAS, we recognize the diversity in our community;

WHEREAS, the means used to prevent acts of terror, like those used to combat other crimes, must not be allowed to infringe on basic free expression and due process rights;

WHEREAS, certain federal policies adopted since September 11, 2001, including provisions in Public Law 107-56, known as the USA PATRIOT Act, and related executive orders, regulations and actions, are contrary to the national Constitution and threaten fundamental rights and liberties by:

- granting federal law enforcement and intelligence agencies broad access to personal, medical, credit and banking, library and educational records with little, if any, judicial oversight, including secret access to library records of books checked out by any individual and book store records of all books purchased by any individual;
- expanding the authority of federal agents to conduct searches, in which the subject of the search has not been notified that his or her property has been searched;

- limiting the authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism and ordinary criminal investigations;
- permitting the federal bureau of investigation to conduct surveillance of religious services, internet chat rooms, political demonstrations and public meetings of any kind without evidence that a crime has been or may be committed;
- discouraging constitutionally protected speech through broad definitions of “terrorism;”
- driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in the enforcement of federal immigration law, and
- authorizing the indefinite incarceration of non-citizens based on mere suspicion and the indefinite incarceration of citizens designated by the president as “enemy combatants” without access to counsel or meaningful recourse to the federal courts; and

WHEREAS, the Town of Taos wants to recognize the commitment it has to uphold the legal and human rights of its residents, and affirm its strong support for the rights of immigrants and oppose measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin or religion; and

WHEREAS, other communities from around the country have passed similar resolutions reinforcing local efforts to support and defend legal and human rights of their residents.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF TAOS

that it reaffirms its commitment to embody democracy and to embrace, defend and uphold the inalienable rights and fundamental liberties protected under the National Constitution and the New Mexico State Constitution; and

BE IT FURTHER RESOLVED that the Town of Taos Town Council support efforts by the federal government to prevent acts of violence against the people of our country, so long as the conduct of such efforts scrupulously observe the inalienable rights and freedoms protected by the Constitution;

BE IT FURTHER RESOLVED that our Federal legislative delegation be asked to actively monitor the implementation and possible expansion of the USA PATRIOT Act, any new Executive Orders, and actively work for the repeal of those portions that violate the guaranteed civil liberties enumerated in the Bill of Rights; and

BE IT FURTHER RESOLVED that upon passage of this Resolution, the Town Council encourages efforts to make our community aware of the threats posed by current and proposed legislation and practices that would violate the rights and freedoms we hold sacred; and

BE IT FURTHER RESOLVED that upon passage, the Town Council authorizes the release of this Resolution to all federal and New Mexico state law enforcement agencies, the Governor’s office, the New Mexico federal legislative delegation, the President and the Attorney General of the United States of America and local newspapers and radio stations.

PASSED, RESOLVED AND APPROVED, this 21st day of October 2003 at the Regular Meeting of the Town of Taos

## **Valencia County, NM** **Passed on February 4, 2004**

### **A Resolution Reaffirming the Bill of Rights and Supporting Civil Rights in Valencia County, New Mexico: 2004-08**

WHEREAS, Valencia County and its citizens are governed by the United States Constitution, including the Bill of Rights, and the New Mexico State Constitution; and

WHEREAS, Valencia County has a diverse population whose contributions to the community are vital to its economy, culture and civic character, and

WHEREAS, the preservation of civil rights and liberties is essential to the well-being of a free society; and

WHEREAS, Valencia County Board of Commissioners believes that there is no inherent conflict between national security and the preservation of Liberty-We can be safe, secure, and free; and

WHEREAS, in response to the tragic events of September 11, 2001, the United States Congress passed the USA PATRIOT Act (Public Law 107-56) which was signed into law by the President on October 26, 2001; and

WHEREAS, many residents of Valencia County and many other communities across New Mexico and the nation are concerned that the USA Patriot Act threatens our civil rights and liberties by:

1. greatly expanding the government’s ability to conduct secret searches (section 213);
2. all but eliminating judicial supervision of telephone and internet surveillance (section 216); 3. granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups as “terrorist organizations” (section 802);

3. allowing the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime (sections 411 and 412);
4. giving law enforcement officials broad access to sensitive personal medical, mental health~, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime and forbidding disclosure that such information has been demanded (sections 215, 218, 358, and 508):
5. placing the CIA back in the business of spying on Americans (sections 203 and 901); and

WHEREAS, our civil rights and liberties are further threatened by orders and rules of the executive branch that:

1. establish secret military tribunals for terrorism suspects (Military Order, Nov. 13, 2001);
2. permit monitoring and recording of conversations between federal prisoners and their lawyers (28 CFR 501.3);
3. revise Justice Department guidelines against illegal covert domestic information gathering and counterintelligence activities-activities that in the past targeted domestic groups and individuals (Attorney General's guidelines and procedures relating to criminal investigations and national security, issued May 30, 2002; and
4. limit the disclosure of public documents and records under the Freedom of Information Act ("Memorandum for Heads of all Federal Departments and Agencies," Attorney General John Ashcroft, Oct. 23, 2001); and

WHEREAS, communities and organizations across the county have passed resolutions opposing those parts of the USA PATRIOT Act and the associated orders and rules that threaten our civil liberties;

NOW THEREFORE BE IT RESOLVED that Valencia County affirms the civil rights granted all of its residents-U.S. Citizens and citizens of other nations alike - in accordance with the Bill of Rights, the Fourteenth Amendment of the United States Constitution, and the New Mexico State Constitution; and

BE IT FURTHER RESOLVED that local law enforcement shall continue to preserve and uphold resident' constitutionally guaranteed rights of freedom of speech, assembly, association and privacy, the right to counsel and due process, and protection from unreasonable searches and seizures, despite powers authorized the USA PATRIOT Act or by Executive Order,

BE IT FURTHER RESOLVED that our Federal legislative delegation is petitioned to actively monitor the implementation of the USA PATRIOT Act, any new Executive Orders, or new regulations related to covert domestic information gathering and for counterintelligence activities, and actively work for the repeal of those portions that violate the guaranteed civil liberties enumerated in the Constitution of the United States including the Bill of Rights;

BE IT FURTHER RESOLVED that the County Clerk communicate this resolution at the time of its passage to New Mexico's Congressional Delegation, the Governor and Attorney General of the State of New Mexico, Sheriff of Valencia County, the local U.S. Attorney's office, the regional office of the Federal Bureau of Investigation, and the New Mexico State Police;

BE IT FURTHER RESOLVED the resolution shall be considered annually by the governing body of Valencia County.

## NEW YORK

### Albany, NY

Passed on May 20, 2003

#### **Resolution Calling Upon the United States Congress to Repeal the USA Patriot Act Because of Serious Concerns Regarding the Federal Government's Increased Powers of Surveillance Upon Its Citizens and the Effects of this Expanded Power Upon Fundamental Rights and Liberties.**

WHEREAS, on October 26, 2001, President Bush signed into law the USA Patriot Act (acronym for “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism”, hereinafter “Patriot Act”); passed quickly in the wake of the horrific September 11<sup>th</sup> terrorist attacks, the 342 page Patriot Act was conceived hastily in a climate of mourning, fear and resolve, allowing insufficient time for debate or deliberation regarding the significant changes the Act sought to achieve; and

WHEREAS, the enactment of the Patriot Act has since given new, far-reaching powers to both domestic law enforcement and international intelligence agencies while simultaneously hampering the oversight ability of the courts to ensure that these powers will not be abused; and

WHEREAS, the Patriot Act makes changes to over 15 different statutes, and a number of legal scholars and organizations, including the American Civil Liberties Union, agree that many of these statutory changes have the potential to compromise our civil liberties; voices in opposition to the Patriot Act include a number of municipalities nationwide have found the Patriot Act to be a potential threat to the civil rights of the residents of their communities; and

WHEREAS, among other things, the Act creates a new crime of “domestic terrorism,” which the Act defines so broadly that it could possibly be applied to a number of legitimate acts of civil disobedience; and

WHEREAS, by amending a number of laws which were designed to be protective of privacy, the Patriot Act has greatly expanded the government’s authority and ability to conduct surveillance to intrude into private lives and obtain personal information about individuals living in the United States, including United States citizens; and

WHEREAS, a prime example is the amendment of the Foreign Intelligence Surveillance Act (“FISA”); by amending FISA, the Patriot Act effectively increases the government’s access to an individual’s private information by enabling the FBI to acquire records from bookstores and libraries of materials that an individual suspected of terrorism has purchased or read, including records of one’s activities on a library computer; and

WHEREAS, further, the Patriot Act creates a gag order to prevent anyone from disclosing that they have been ordered to produce such documents, effectively denying booksellers and library personnel the free speech right to inform anyone, including an attorney, that the FBI has requested someone’s reading list; and

WHEREAS, the Act significantly changes how search warrants are executed and allows for surveillance of legal, religious, labor and political organizations, as well as surveillance of private citizens, private business records and other materials without any evidence of wrongdoing or proof of probable cause, in violation of the Fourth Amendment; and

WHEREAS, the Patriot Act gives the FBI and CIA greater rights to wiretap phones, monitor e-mail and internet use, survey medical, financial and student records, and break into homes and offices without prior notification; and

WHEREAS, it is clear that many sections of the Patriot Act have not been thoroughly and carefully examined by Congress; this concern is amplified by the fact that several key procedural processes applicable to other proposed laws, including the normal committee and hearing processes, were suspended for the Patriot Act; and

WHEREAS, the City of Albany demonstrates a continuous commitment to protecting the free exercise and enjoyment of the rights and privileges secured by the Constitution and the laws of the United States and the State and the City of Albany; now, as the Patriot Act threatens to abridge these rights and liberties, efforts should be undertaken to restore these rights by having the Patriot Act repealed; and

WHEREAS, law enforcement must be equipped with tools to locate terrorists and prevent future tragedies, however, we must ensure that our outrage is not used to justify legislation that trespasses on our rights under the Constitution;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Albany, New York calls upon the United States Congress to repeal the USA Patriot Act because of serious concerns regarding the federal government’s increased powers of surveillance upon its citizens and the effects of this expanded power upon fundamental rights and liberties.

**Albany County, NY**  
**Passed on June 14, 2004**

**Resolution No. 327, Urging the U.S. Congress to Review Provisions of the PATRIOT Act which Give Federal Agencies Increased Surveillance and Prosecutorial Powers at the Expense of Basic Constitutional Rights and Civil Liberties**

WHEREAS, The U.S. Patriot Act was conceived and approved hastily in a climate of national mourning and fear following the September 11, 2001 terrorist attacks, allowing insufficient time for debate or deliberation of the strengthened security measures the Act sought to achieve, and

WHEREAS, The Patriot Act altered more than 15 different statutes, and a number of legal scholars and organizations, including the American Civil Liberties Union, contend that many of the statutory changes and related Presidential executive orders, regulations and actions to identify and track potential terrorists have compromised the civil liberties and fundamental constitutional rights of Americans and non-citizen residents, and

WHEREAS, More than 300 local governments and three states have added their voices in opposition to provisions of the Patriot Act which are a potential threat to the civil rights of the residents of their communities, and

WHEREAS, Among the more troubling provisions are the indefinite incarceration of non-citizens based on mere suspicion and of citizens designated by the President as “enemy combatants” who are denied access to counsel or meaningful recourse to the federal courts; limits on the authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism and ordinary criminal investigations; broad access to personal medical, financial, library and education records with little if any judicial oversight, and expanded federal authority to conduct searches of property of unaware subjects, and

WHEREAS, The Act further creates a new crime of “domestic terrorism” defined so broadly that it could be applied to a number of legitimate acts of civil disobedience and constitutionally protected speech, and

WHEREAS, The President has asked Congress to extend provisions of the Patriot Act expiring at the end of 2005 and has drafted new legislation referred to as Patriot II which contains sweeping new law enforcement and intelligence gathering powers and reduces government accountability, now, therefore be it

RESOLVED, That the Albany County Legislature calls upon the United States Congress to review the U.S. Patriot Act and the proposed Patriot II to eliminate provisions that unduly infringe upon fundamental rights and liberties as recognized in the U.S. Constitution and its amendments, and, be it further

RESOLVED, That the Clerk of the Legislature is directed to forward certified copies of this resolution to United States Senators Charles E. Schumer and Hillary Rodham Clinton and to Congressman Michael McNulty and to the appropriate County Officials.

**Bethlehem Township, NY**  
**Passed on April 14, 2004**

WHEREAS, the Town of Bethlehem recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including freedom of religion, speech, press, assembly, and the right to be secure in our persons, effects and homes against unreasonable searches and seizures; and

WHEREAS, the Town of Bethlehem denounces and condemns all acts of terrorism and all those nations and people that support terrorism because acts of terrorism ultimately seek to destroy freedom; and

WHEREAS, terrorist attacks against the United States of America such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the people of this nation from terrorist attacks; and

WHEREAS, new security measures of the federal, state and local governments should be designed carefully and employed to enhance public safety without violating the civil rights of innocent citizens; and

WHEREAS, certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, also known as the USA PATRIOT Act, allows the federal government to engage in surveillance, investigations, searches and other law enforcement activities that are designed to prevent further attacks on the United States; and

WHEREAS, some concerns have been expressed that certain provisions of the USA PATRIOT Act may offend the established rights and liberties guaranteed by the United States Constitution; and

WHEREAS, the United States Congress, on a bipartisan basis, has started a review of the provisions of the USA PATRIOT Act; now, therefore, be it

RESOLVED, that the Town of Bethlehem supports the federal government in its campaign against terrorism, and affirms its commitment that the campaign respect the Constitutional liberties of the citizens of this country; and be it



FURTHER RESOLVED, that the Town of Bethlehem, while taking no position on the merits of the USA PATRIOT Act, encourages the United States Congress to continue its review of the effect of the USA PATRIOT Act and to introduce and pass such amendments to the USA PATRIOT Act as may be necessary to ensure public safety without infringing on the civil liberties of innocent citizens.

## **Canton, NY**

**Passed on August 18, 2003**

### **Resolution Requesting that the New York State Congressional Representatives in both the House of Representatives and the Senate Review and Amend Provisions of the USA PATRIOT Act of 2001 to Comport with the Constitution of the United States**

WHEREAS, the Village of Canton, New York is a municipal corporation, which supports the rule of law in the State of New York and the promotion of the ideals of Justice and Liberty within the framework established by the Constitution of the United States

WHEREAS, the Rule of Law and the Constitutional protection of individual persons from arbitrary acts of government, even when in the pursuit of worthy goals, distinguish the American form of government from the governments of other nations and fuel the beacon of hope that shines from America to the peoples of the world; and

WHEREAS, the Congress of the United States enacted and passed the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001”, (Public Law 107-56; 115 Stat. 280), on October 26, 2001, which was signed into law by the President of the United States on October 27, 2001; and

WHEREAS, the said Act is in excess of three-hundred pages in length and amends numerous federal statutes and regulations; and

WHEREAS, the said Act was passed with minimal opportunity for public comment or debate; and

WHEREAS, the Executive Branch of the United States has issued associational orders and rules for the implementation of provisions of the said Act;

WHEREAS, certain provisions of the Act and its associated executive orders and rules restrict and infringe upon many important civil rights and liberties recognized and guaranteed by the Constitution of the United States, and more particularly by the Bill of Rights, including those protected by the First, Fourth, Fifth, Sixth and Fourteenth Amendments;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Canton, New York affirms its belief in and support for the Constitution of the United States, and all of the rights, both personal and public protected thereunder; and

BE IT FURTHER RESOLVED, that the village of Canton, New York requests that United States Senator Charles Schumer, United States Senator Hillary Clinton, and United States Representative John McHugh, review, examine, and propose amendment or repeal of those portions of the USA PATRIOT Act of 2001 that restrict or infringe various civil rights and liberties recognized and guaranteed by the Constitution of the United States, and in particular those portions of the Act that:

- Disregard the historic Fourth Amendment constitutional protections of notice, probable cause, and proportionality as related to the searches and seizures, (see USA PATRIOT Act Section 201 et. seq.);
- Require the disclosure of educational records without probable cause or reasonable cause (see USA PATRIOT Act Section 507);
- Limit or restrict the right to counsel pursuant to the Sixth Amendment, by allowing monitoring of attorney-client conversations and denying certain suspects the right to counsel, (See 66 Fed. Reg. 55,061, 55,063 [October 31, 2001]);
- Eliminate rights guaranteed under the Sixth Amendment by suspending the rights of indictment, trial by jury, appellate relief, and habeas corpus for all non-citizens accused of aiding or abetting terrorists (see Military Order of November 11, 2001, Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terror, 66 Fed. Reg. 57,833 [November 13, 2001]);
- Disregard the Constitutional rights of resident non-citizens and limit judicial review and the application of Habeas Corpus (see USA PATRIOT Act Section 411 et. seq.);
- Permit the indefinite detention of non-citizens without due process (see USA PATRIOT Act Section 411);
- Permit the monitoring and reporting on citizen financial transactions, (see USA PATRIOT Act Sections 355, 356); and
- Grant the Central Intelligence Agency the authority to monitor U.S. citizens, religious group and charitable organizations in possible violation of the rights granted pursuant to the First Amendment and relating to the right to free association and worship (see USA PATRIOT Act Section 901 et. seq.);

The foregoing Resolution was voted upon and approved by the Board of Trustees of the Village of Canton, New York on the 15th day of September 2003.

**Danby, NY****Passed on October 13, 2003****Proposed Resolution No. 72 of 2003, Regarding the USA Patriot Act**

WHEREAS, the Town Board of the Town of Danby is motivated by its commitment to uphold the human rights of all persons in Danby, and to the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of New York, and the Town of Danby, and

WHEREAS, recognizing that federal, state and local governments need to protect the public from terrorist attacks such as those that occurred on September 11, 2001, governments have an obligation to do so in a rational and deliberative fashion to ensure that any new security measures enhance public safety without impairing constitutional guarantees or infringing on civil liberties; and

WHEREAS, the Bill of Rights of the United States Constitution and the Constitution of New York guarantee to those living in the United States the following rights:

- Freedom of speech, assembly and privacy;
- The Rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures and

WHEREAS, we believe these civil liberties are precious and are now threatened by:

A. The USA PATRIOT Act, which:

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations", and
- Grants the FBI broad access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime without a court order; and

B. Federal Executive Orders, which:

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records that should be made available to the public under the Freedom of Information Act, and

WHEREAS, this law and these Executive Orders particularly target foreign national and people of Middle Eastern and South Asian descent, in fact they can be and have been used to violate the civil rights of American citizens acting and speaking legally in opposing government policy; and

WHEREAS, the Executive Order on secret military tribunals also undermines the U.S. government's ability to denounce atrocities carried out in secret by military tribunals elsewhere in the world; Now be it

RESOLVED, that the Town Board of the Town of Danby urges Congress to repeal the USA PATRIOT Act and to refrain from passing any further legislation that violates or duly limits the civil rights and liberties guaranteed by the United States Constitution; and be it further

RESOLVED, that the Town Board of the Town of Danby affirms the rights of all people-including United States citizens and citizens of other nations residing within the Town in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and be it further

RESOLVED, that the Town Board of the Town of Danby calls upon all town officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and be it further

RESOLVED, that the Town Board of the Town of Danby asks that any town official or employee whose assistance is requested by any federal law enforcement agency report such request to the Town Supervisor who, in consultation with the Town Attorney, shall determine whether such request complies with the requirements of United States and New York State Law, and be it further

RESOLVED, that the Town Clerk shall mail copies of this resolution to those elected to represent the citizens of the Town of Danby in Congress; Representative Maurice Hinchey, Senator Hillary Clinton and Senator Charles Schumer.

**Elmira, NY****Passed on February 7, 2005****Resolution to Preserve Rights and Liberties in Elmira**

WHEREAS, the City of Elmira, New York affirms that the Constitution of the United States of America is the supreme law of the land, which all public servants are sworn to uphold; and

WHEREAS, in response to the tragedy of September 11th, 2001, the U.S. Congress passed into law the USA PATRIOT ACT under which the President has issued new executive orders, and the United States Attorney General has promulgated new federal regulations; and

WHEREAS, the City Council of the City of Elmira is deeply committed to the security of the United States and concerned about the impact of the USA PATRIOT ACT on the constitutional rights of U.S. citizens and residents; and

WHEREAS, the Bill of Rights of the U.S. Constitution guarantees that the U.S. Government may not deprive the people of freedom of speech, assembly and privacy; it provides for protection from unreasonable searches and seizures, due process in judicial proceedings, the right to counsel, protection from cruel and unusual punishment, and equality before the law; and

WHEREAS, provisions of the USA PATRIOT ACT and the executive orders and regulations issued there under have deprived citizens and people within the United States of the right to assemble freely, to worship as they believe and speak, to discuss and dissent in the public domain; to be free from intrusion into their “houses, persons, papers and effects” without probable cause; to speedy public trial, to access to legal counsel and respect for the attorney-client privilege; to be free from indefinite incarceration without meaningful access to counsel or the federal courts; and to equal treatment under the law without inequitable profiling and selective detention;

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Elmira calls upon its police and law departments, and all involved law enforcement agencies to continue to actively uphold and defend citizens’ civil rights and liberties as specified in the U.S. Constitution, the Bill of Rights, and the Fourteenth Amendment to the Constitution; and be it further

RESOLVED, that the City Council of the City of Elmira requests that Senators, Honorable Charles F. Schumer and Honorable Hilary R. Clinton, and Congressman, Honorable John R. Kuhl, Jr., monitor the implementation of the USA PATRIOT ACT and the associated rules and orders of the Executive Branch and actively work for the repeal of those portions of the Act, and those of the recently passed Intelligence Bill of 2004 that violate the rights and liberties guaranteed in the U.S. Constitution; and be it further

RESOLVED, that the City Council of the City of Elmira urges all elected officials of the County of Chemung and each municipality within the County to adopt a resolution of this type promoting the enforcement of the USA PATRIOT ACT in a manner recognizing and protecting individual constitutional rights.

**Greenburgh, NY****Passed on January 29, 2004**

Resolution text is not available.

**Huntington, NY****Passed on September 14, 2004****Resolution Calling Upon Federal Elected and Appointed Officials to Affirm and Uphold the Civil Rights and Civil Liberties Guaranteed Under the United States Constitution**

WHEREAS, the protection of civil rights and civil liberties is essential to the well being of a free and democratic society, and the members of the Town Board of Huntington believe that there is no inherent conflict between national security and the preservation of liberty, that Americans can be both safe and free; and

WHEREAS, federal, as well as state and local, government must protect the public from terrorist attack, but should do so in a manner that enhances public safety without impairing constitutional rights; and

WHEREAS, certain federal policies adopted since September 11, 2001, including certain provisions in the USA PATRIOT Act (Public Law 107-56), the Homeland Security Act of 2002, and related executive orders, regulations and actions, pose a threat to fundamental rights and liberties of the residents of our town by:

- authorizing the indefinite incarceration of individuals without access to meaningful federal judicial oversight;
- expanding the authority of federal agents to conduct so-called “sneak and peek” searches, in which the subject of the search warrant is unaware that his property has been searched;

- granting law enforcement and intelligence agencies broad access to personal medical, financial, library and education records, with little, if any judicial oversight;
- chilling constitutionally protected speech;

WHEREAS, along with prior law, the Intelligence Authorization Act for Fiscal Year 2004, has given FBI agents power to obtain any information upon request from any business without suspicion of criminal wrongdoing or terrorist activity, without judicial oversight or checks and balances, in potential violation of a person's constitutional rights; and

WHEREAS, Huntington would join four states and more than three hundred communities throughout the country have enacted resolutions that reaffirm support for civil rights and civil liberties; and

WHEREAS, this resolution is not an action pursuant to 6 NYCRR §617.2(b) and therefore no SEQRA review is required.

BE IT RESOLVED THAT THE TOWN BOARD affirms its commitment to uphold civil rights and civil liberties, and therefore expresses its opposition to:

- investigation and surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, without reasonable suspicion of criminal activity unrelated to the activity protected by the First Amendment;
- the collection or maintenance of information unless there are reasonable grounds to suspect the subject is or may be involved in criminal conduct;
- racial, religious or ethnic profiling;
- "sneak and peek" searches, pursuant to Section 213 of the Patriot Act; and
- the broadened use of National Security Letters, which deny judicial oversight, hinder our American system of checks and balances and provide an undue burden on businesses;
- the loose and broad definition provided in the Patriot Act, which could encompass acts by legitimate and lawful protest groups; and be it further

RESOLVED, that the Town Board opposes the unregulated system of Computer Identification Programs (CIPs) created by Section 326 of the PATRIOT Act which requires most business to install and utilize CIPs, without suspicion of terrorism or wrongdoing and without judicial review, hindering businesses and violating the constitutional rights of their employees and customers; and be it further

RESOLVED, that the Town Board calls upon United States Senator Charles E. Schumer and Senator Hillary Rodham Clinton and United States Congressman Steve Israel to monitor the implementation of the USA PATRIOT Act and related federal actions, to actively work for the repeal of those sections of the USA PATRIOT Act and related federal actions that unduly infringe upon the U.S. Constitution and to actively pursue the passage of legislation which aids in both the protection of civil liberties and rights and the prevention of terrorism such as the Security and Freedom Ensured Act of 2003 (SAFE) Act, and be it further;

RESOLVED, that the Town Clerk is hereby directed to forward certified copies of this resolution to each of Huntington's aforementioned federal representatives and to United States Attorney General John Ashcroft and President George W. Bush.

## **Ithaca, NY**

**Passed on February 5, 2003**

### **Resolution to Defend the Civil Rights and Liberties of the People of Ithaca**

**Sponsored by Alderperson Daniel Cogan; Seconded by Alderperson Susan Blumenthal; Passed unanimously February 5, 2003**

WHEREAS, the City of Ithaca is home to a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function, and

WHEREAS, the City of Ithaca has a long and distinguished history of protecting and expanding civil rights and civil liberties, and has often been a haven for citizens of the United States and other nations when rights and liberties are threatened, and

WHEREAS, the Common Council of the City of Ithaca is opposed to terrorism, but also believes that efforts to end terrorism should not disproportionately infringe on the essential civil rights and liberties of the people of Ithaca, and

WHEREAS, the City of Ithaca and its citizens are governed by the United States Constitution, including the Bill of Rights, and the New York State Constitution, and

WHEREAS, the Bill of Rights of the United States Constitution guarantees those living in the United States the following rights:

- freedom of speech, assembly and privacy;

- protection from unreasonable searches and seizures;
- due process in judicial proceedings and access to counsel;
- protection from cruel and unusual punishment; and
- equality before the law and the presumption of innocence; and

WHEREAS, in response to the tragic events of September 11, 2001, the United States Congress passed the USA PATRIOT Act, which was signed into law by President George W. Bush on October 26, 2001, and

WHEREAS, many residents of Ithaca, surrounding communities, and other communities across the nation are concerned that the USA PATRIOT Act threatens the civil rights and liberties of citizens of the United States and other nations by:

- greatly expanding the government's ability to secretly enter homes and offices to conduct searches without warrants;
- significantly reducing judicial supervision of telephone, e-mail and Internet surveillance;
- granting law enforcement officials broad access to sensitive medical, mental health, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime;
- expanding the authority of law enforcement officials to obtain from libraries and bookstores any records of books that a person has borrowed or purchased, and prohibiting librarians and employees from disclosing that they have been ordered to produce such records;
- granting unchecked power to the U.S. Secretary of State to designate domestic groups, including religious and political organizations, as "terrorist organizations";
- creating a crime of "domestic terrorism" that is so vaguely defined it could be applied to political activism and lead to the criminalization of legitimate political dissent;
- granting power to the U.S. Attorney General to subject immigrants to indefinite detention or deportation, even if they have not committed a crime; and
- allowing the CIA to have access to sensitive information gathered during criminal investigations; and

WHEREAS, the civil rights and liberties of all Americans are further threatened by orders and rules of the executive branch that:

- establish secret military tribunals for terrorism suspects;
- authorize eavesdropping on confidential communications between lawyers and their clients in federal custody;
- allow the government to designate citizens as "enemy combatants" and place them in military custody indefinitely without access to counsel or judicial review;
- remove Justice Department regulations against covert, illegal counter-intelligence operations by the FBI that in the past targeted domestic groups and individuals;
- limit the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, the Common Council of the City of Ithaca recognizes that excessive infringement on the constitutionally guaranteed rights of any person is an abuse of power, a breach of the public trust, and beyond the scope of governmental authority, and

WHEREAS, a growing number of communities around the country have resolved to support and defend the civil rights of their residents, now, therefore, be it

RESOLVED, That the Common Council of the City of Ithaca affirms its strong opposition to terrorism, and also affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties, and be it further

RESOLVED, That the City of Ithaca calls upon the employees of all City departments and agencies to continue to actively uphold and defend citizens' civil rights and civil liberties as specified in the Bill of Rights and the Fourteenth Amendment of the United States Constitution, and be it further

RESOLVED, That the City of Ithaca requests that the U.S. Attorney's Office, the Office of the Federal Bureau of Investigation, the New York State Police, and any other Federal, State and local law enforcement officers with any such information report publicly each month to the City of Ithaca Common Council and the Tompkins County Human Rights Commission the extent and manner in which they have acted under the USA PATRIOT Act and new Executive Orders, including but not limited to disclosing:

- the names of any detainees held in the area, or any City of Ithaca residents detained here or elsewhere, and the circumstances that led to the detention;
- the charges, if any, lodged against each detainee;

- the name of Counsel, if any, representing each detainee;
- the number of search warrants that have been executed in the City of Ithaca without notice to the subject of the warrant pursuant to §213 of the USA PATRIOT Act;
- the extent of electronic surveillance carried out in the City of Ithaca under powers granted in the USA PATRIOT Act;
- the extent to which federal authorities are monitoring political meetings, religious gatherings, or other such activities within the City of Ithaca;
- the number of times education records have been obtained from public schools and institutions of higher learning in the City of Ithaca under §507 of the USA PATRIOT Act;
- the number of times library records have been obtained from libraries in the City of Ithaca under §215 of the USA PATRIOT Act;
- the number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Ithaca under §215 of the USA PATRIOT Act; and
- subpoenas issued to Ithaca citizens through the United States Attorney's Office without a court's approval or knowledge; and be it further

RESOLVED, That the City of Ithaca requests that United States Senators Charles Schumer and Hillary Clinton and United States Representative Maurice Hinchey monitor the implementation of the USA PATRIOT Act and the associated orders and rules of the executive branch and actively work for the repeal of those portions of the Act and those orders and rules that violate the rights and liberties guaranteed by the United States Constitution, and be it further

RESOLVED, That the City Clerk communicate this resolution to all City departments and employees, New York State's Congressional Delegation, the Governor and Attorney General of the State of New York, the local U.S. Attorney's office, the local office of the Federal Bureau of Investigation, the New York State Police, the United States Attorney General, and the President of the United States.

## **Mamaroneck, NY**

**Passed on May 4, 2005**

### **Resolution: The Security and Freedom Ensured Act of 2003 (S 1709, the "SAFE" Act)**

WHEREAS, a bi-partisan group of senators from across the political spectrum, political philosophy and geographic areas of the nation have introduced the SAFE Act, revising four controversial provisions of the USA PATRIOT Act; and

WHEREAS, the SAFE Act would help restore protection of the U.S. civil liberties but would not interfere with the constitutionally permissible tools needed by law enforcement professionals, and

WHEREAS the SAFE Act revises four USA PATRIOT Act provisions: "sneak and peek" warrants, "John Doe" roving wiretaps, secret surveillance of business records including those of libraries and bookstores, and administrative subpoenas, and

WHEREAS, sneak and peek warrants under the USA PATRIOT Act allow law enforcement officers to obtain a warrant that will permit them to secretly enter one's home or business for search and seizure procedures and delay notification of the search for a "reasonable period" (with no definition of the term "reasonable"), the SAFE Act would limit the circumstances in which a search could be conducted with delayed notification to seven days with seven-day renewals of the delay available under court supervision, and would require the Department of Justice (DOJ) to report regularly to Congress and to the public summarizing the number of times the DOJ has used delayed notification warrants, and

WHEREAS "John Doe" roving wiretaps are those wiretaps that do not name a specific person or place which means under the USA PATRIOT Act, law enforcement officers can obtain wiretaps which do not specify either the name of the suspect or the location where the wiretap is to be placed. This authority constitutes a virtual blank check for wiretap surveillance permission. The SAFE Act states that the FBI must either identify the suspect or submit a description of the suspect together with the nature and location of the facility or place at which the surveillance will be directed, and also provides that the surveillance may be conducted only when the suspect is present at the place to be wiretapped, and

WHEREAS, under the USA PATRIOT Act the FBI does not have to show probable cause of criminal activity in order to get a secret Foreign Intelligence Surveillance Act (FISA) court warrant to obtain secret surveillance of business records, including those of libraries and bookstores, the FBI must merely certify that the information sought is related to an ongoing investigation. Under the SAFE Act, the FBI would have to be able to articulate specific facts giving reason to believe that the suspect is a foreign power or an agent of a foreign power to get a FISA court warrant for business record surveillance and the DOJ would have to report regularly to Congress on its use of this authority, and

WHEREAS, the "administrative subpoenas" or "National Security Letters" do not require judicial permission, but rather can be issued by an administrative agency with no court oversight under the USA PATRIOT Act, and law enforcement officials are permitted to

issue National Security Letters to “wire electronic communication service providers,” generally interpreted as telephone companies and the like. The DOJ interpretation includes libraries in this category, based only on the fact that libraries offer public internet terminals for patron use. The SAFE Act explicitly excludes libraries from the definition of wire and electronic communication service providers, and safeguards this protection by including a definition of the term “library,” and

WHEREAS, a sunset clause is a portion of a statute that provides that the law or part of a law described in the sunset clause will expire automatically and cease to have the force and effect of law on a certain date unless Congress specifically renews it, and having a sunset clause attached to a controversial provision ensures congressional examination about whether a provision is effective and about the expected or unexpected burdens that the provision has imposed. The USA PATRIOT Act includes a sunset clause for a number of its provisions, but does not include such sunsets for other controversial provisions.

THEREFORE, the Town of Mamaroneck supports the use of sunset clauses as proposed in the SAFE Act for the provisions authorizing “sneak and peek” warrants, “John Doe” roving wiretaps, secret surveillance of business records including those of libraries and bookstores, and administrative subpoenas.

## **Mount Vernon, NY**

### **Passed on April 14, 2004**

#### **Resolution Calling Upon Federal, State, and Local Officials, and Upon the City of Mount Vernon to Affirm, Preserve, and Uphold Civil Rights and Civil Liberties**

WHEREAS, the City of Mount Vernon recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold;

WHEREAS, the City of Mount Vernon greatly benefits from the many contributions of its highly diverse population, which includes people from around the world, and is vital to our unique character; and

WHEREAS, the protection of civil rights and liberties is essential to the well being of a free democratic society; and

WHEREAS, government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of Mount Vernon hold dear; and

WHEREAS, the members of the Council of the City of Mount Vernon believe that there is no inherent conflict between national security and the preservation of liberty—Americans cannot be both safe and free; and

WHEREAS, federal, state, and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, but should do so in a rational and deliberate fashion in order to ensure that security measures enhance the public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, federal policies adopted since September 11, 2002, including provisions like the USA PATRIOT Act (Public Law 107-56), the Homeland Security Act of 2002, and its related executive orders, regulations and actions threaten fundamental rights and liberties by:

- authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated as “enemy combatants” without access to counsel or meaningful recourse to the federal courts;
- limiting the traditional authority of federal courts to curb law enforcement abuse surveillance in anti-terrorism investigations and ordinary criminal investigations;
- expanding the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches in which the subject of the search warrant is unaware that his property has been searched;
- granting law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little if any judicial oversight;
- chilling constitutionally protected speech through overbroad definitions of “terrorism”;
- driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law; and
- permitting the FBI to conduct surveillance of religious service, internet chatrooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed; and

WHEREAS, these new powers pose a particular threat to the civil rights and liberties of the residents of our city; and

WHEREAS, the federal government has drafted new legislation entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II), which contains sweeping new law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would further compromise constitutional rights, and further undermine our government’s unique system of checks and balances, and;

Whereas more than 279 communities throughout the country have enacted resolutions that reaffirm support for civil rights and civil liberties and that demand accountability from law enforcement agencies account regarding the exercise of the extraordinary new powers referred here in;

WHEREAS, the City of Mount Vernon recognizes that an infringement of the constitutionally guaranteed rights of any person, under the color of law, is an abuse of power, and a breach of public trust, a misappropriation of public resources, a violation of civil rights and is beyond the scope of governmental authority.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, calls upon federal, state and local officials to affirm, preserve and uphold civil liberties; and

Affirms its strong commitment to support the rights and liberties promised in the Constitution and Bill of Rights, and to oppose measures that infringe upon those rights and liberties; and

Affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin; and

RESOLVED, That the Council of the City of Mount Vernon directs public libraries within the City of Mount Vernon to public post in a prominent place within the library a notice to library users that reads as follows: “WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-5), records of the books and other materials you borrow from this library and may be obtained by federal agents. This provision prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft Department of Justice Washington, DC 20530; and be it further

RESOLVED, that the Council of the City of Mount Vernon shall seek periodically from federal authorities that following information in a form that facilitates an assessment of the effect of federal anti-terrorism efforts on the City of Mount Vernon; the names of all residents of the City of Mount Vernon who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001; the location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; the name of counsel, if any, representing each detainee, the number of search warrants that have been executed in the City of Mount Vernon without notice to the subject of the warrant pursuant; to section 215 of the USA PATRIOT Act; the nature and scope of electronic surveillance carried out in the City of Mount Vernon under powers granted in the USA PATRIOT Act; the nature and scope of initiatives undertaken by authorities to monitor political meetings, religious gatherings or other activities protected by the First Amendment within the City of Vernon; the number of times education records have been obtained from public schools and institutions of higher learning in the City of Mount Vernon under section 507 of the USA PATRIOT Act.

the number of times library records have been obtained from libraries in the City of Mount Vernon under section 215 of the USA PATRIOT ACT; and the number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Mount Vernon under section 215 of the USA PATRIOT Act, and be it further

RESOLVED, the council of the City of Mount Vernon shall transmit a copy of this resolution to Hillary Rodham Clinton an Senator Chaudea Schmuter, and to the members of the New York delegation in the House of Representatives, accompanied by a letter urging them to:

- support Congressional efforts to assess the impact of the PATRIOT Act;
- monitor federal anti-terrorism tactics and seek repeal of those provisions in the USA PATRIOT Act and liberties and other laws and regulations that unduly infringe on civil rights and civil liberties;
- ensure that provisions of the USA PATRIOT Act “sunset” in accordance with the Provisions of the Act, and
- take a lead in Congressional action to public passage of the Domestic Security Enhancement Act

RESOLVED, That the Council of the City of Mount Vernon shall transmit a copy of this resolution to Governor George Pataski, Senate Majority leader Joseph Bruno, Assembly Speaker Sheldon Silver and Assembly members of the State legislature accompanied by a letter urging them to come to ensure that the state anti-terrorism laws and policies are implemented in a manner that does not infringe on civil rights and liberties; and be it further

RESOLVED, that the Council of the City of Mount Vernon shall transmit a copy of this resolution to President Bush and Attorney General Ashcroft.

## **Town of New Paltz, NY**

### **Passed on February 27, 2003**

#### **Resolution of the Town of New Paltz**

Unanimously approved on February 27, 2003, by the Town Board of New Paltz, 5-0, no abstentions.

WHEREAS the Town of New Paltz has demonstrated its commitment to protecting the rights of all our citizens; and



WHEREAS the Town of New Paltz houses a diverse student and working population, including non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS the Town of New Paltz, motivated by the commitment to uphold the human rights of all persons in New Paltz and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of New York, and the Town of New Paltz; and

WHEREAS several acts and orders recently enacted by the Federal Government, including sections of the USA PATRIOT Act and several executive orders, now threaten these fundamental rights and liberties:

- Freedom of speech, religion, assembly, and privacy
- The rights to counsel and due process in judicial proceedings, and
- Protection from unreasonable searches and seizures;

All guaranteed by the Constitution of the State of New York, the Constitution of the United States, and the Bill of Rights;

THEREFORE, we the Town Board of New Paltz, New York, acting in the spirit of and history of our community, do hereby request that:

Local law enforcement continue to preserve resident's freedom of speech, religion, assembly and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures.

Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of New York State and the United States.

## **Village of New Paltz, NY** **Passed on February 12, 2003**

### **Village of New Paltz Resolution**

Unanimously approved February 12, 2003, by the Trustees of the Village of New Paltz

Whereas New Paltz, and the surrounding communities have demonstrated their commitment to protecting the rights of all our citizens; and

Whereas New Paltz, and the surrounding communities house a diverse student and working population, including non-citizens, whose contributions to the community are vital to its character and function; and

Whereas New Paltz, and the surrounding communities are motivated by the commitment to uphold the human rights of all persons in our communities and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of New York, and the Village of New Paltz passed a resolution in 2001 supporting the rights and safety of Arabs, Muslims and People of Color; and the town of Gardiner passed a resolution in 2001 supporting the unprejudiced treatment of all peoples; and

Whereas, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several executive orders, now threaten these fundamental rights and liberties:

- Freedom of speech, religion, assembly and privacy
- The rights to counsel and due process in judicial proceedings, and
- Protection from unreasonable searches and seizures;

All guaranteed by the Constitution of the State of NY, the Constitution of the United States, and the Bill of Rights;

Therefore, we the people of Ulster County, Village of New Paltz acting in the spirit and history of our community, do hereby request that:

Local law enforcement continue to preserve freedoms of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested of authorized persons to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act, or orders of the Executive Branch;

Federal and State law enforcement officials acting within the Village of New Paltz not engage in, or permit racial profiling or detention without charges in law enforcement;

The U.S. Attorney's Office, the Office of the Federal Bureau of Investigation and the New York State Police report to the New Paltz Village Mayor and the Ulster County Human Rights Commission regularly and publicly the extent to and manner in which they have

acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees regardless of where that might be;

Our United States Congressmen and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of the Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the State and the United States.

## **New York, NY**

**Passed on February 4, 2004,**

### **Resolution calling upon federal, state and local officials, and upon New York City agencies and institutions, to affirm and uphold civil rights and civil liberties.**

Whereas, The protection of civil rights and civil liberties is essential to the well being of a free and democratic society; and

Whereas, The City of New York has a diverse population, including immigrants and students, whose contributions to the city are vital to its economy, culture and civic character; and

Whereas, The members of the Council of the City of New York believe that there is no inherent conflict between national security and the preservation of liberty -- Americans can be both safe and free; and

Whereas, Government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of the City of New York hold dear; and

Whereas, Federal, state and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion in order to ensure that security measures enhance the public safety without impairing constitutional rights or infringing on civil liberties; and

Whereas, Certain federal policies adopted since September 11, 2001, including certain provisions in the USA PATRIOT Act (Public Law 107-56) and related federal actions unduly infringe upon fundamental rights and liberties; and

Whereas, These new policies include the power to authorize the indefinite incarceration of non-citizens based on mere suspicion of terrorist activity, and the indefinite incarceration of citizens designated as “enemy combatants” without access to counsel or meaningful recourse to the federal courts; limitations on the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations; the expansion of the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched; grants to law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little if any judicial oversight; and

Whereas, These new policies may undermine trust between immigrant communities and the government, and in particular, pose a threat to the civil rights and liberties of the residents of our city who are or who appear to be Arab, Muslim or of South Asian descent; and

Whereas, The federal government has drafted new legislation entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II), which may further compromise constitutional rights and our government’s unique system of checks and balances; and

Whereas, Three states and more than 200 communities throughout the country have enacted resolutions that reaffirm support for civil rights and civil liberties and that demand accountability from law enforcement agencies regarding the exercise of the extraordinary new powers referred to herein; now, therefore, be it

Resolved, That the Council of the City of New York calls upon federal, state and local officials, and upon New York City agencies and institutions, to affirm and protect civil rights and civil liberties; and be it further

Resolved, That the Council of the City of New York affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based primarily upon their country of origin; and be it further

Resolved, That the Council of the City of New York affirms its commitment to uphold civil rights and civil liberties, and therefore expresses its opposition to:

- investigation of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without reasonable suspicion of criminal activity unrelated to the activity protected by the First Amendment;
- racial, religious or ethnic profiling;
- participation in the enforcement of federal immigration laws, except as directed by New York City Executive Order 41;
- deployment of biometric identification technology that is unreliable;

- establishment of a network of general surveillance cameras unless such a network is subject to regulations that provide reasonable and effective protections of privacy and due process rights of individuals who appear in recorded material; and
- “sneak and peek” searches, pursuant to Section 213 of the Patriot Act, unless the search is authorized and conducted in accordance with New York State law; and
- establishment or maintenance of an anti-terrorism reporting system that creates an electronic record on an individual unless subject to regulations that provide for the protection of individuals subject to unfounded reports; and be it further

Resolved, That the Council of the City of New York opposes requests by federal authorities that, if granted, would cause agencies of the City of New York to exercise powers or cooperate in the exercise of powers in apparent violation of any city ordinance or the laws or Constitution of this State or the United States; and be it further

Resolved, That the Council of the City of New York urges each of the City’s public libraries to inform library patrons that Section 215 of the USA PATRIOT Act gives the government new authority to monitor book-borrowing and Internet activities without patrons’ knowledge or consent and that this law prohibits library staff from informing patrons if federal agents have requested patrons’ library records; and be it further

Resolved, That in order to assess the effect of antiterrorism initiatives on the residents of the City of New York, the City Council calls upon federal officials to make periodic reports, consistent with the Freedom of Information Act, that include:

the number of New York City residents who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001;

- the number of search warrants that have been executed in the City of New York without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;
- the number of electronic surveillance actions carried out in the City of New York under powers granted in the USA PATRIOT Act;
- the number of investigations undertaken by federal authorities to monitor political meetings, religious gatherings or other activities protected by the First Amendment within the City of New York;
- the number of times education records have been obtained from public schools and institutions of higher learning in the City of New York under section 507 of the USA PATRIOT Act;
- the number of times library records have been obtained from libraries in the City of New York under section 215 of the USA PATRIOT Act; and
- the number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of New York under section 215 of the USA PATRIOT Act; and be it further

Resolved, That the Council of the City of New York calls upon our United States Representatives and Senators to monitor the implementation of the USA PATRIOT Act and related federal actions and to actively work for the repeal of those sections of the USA PATRIOT Act and related federal actions that unduly infringe upon fundamental rights and liberties as recognized in the U.S. Constitution and its Amendments; and be it further

Resolved, That the Council of the City of New York calls upon our United States Representatives and Senators to take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as “Patriot II”; and be it further

Resolved, That the Council of the City of New York calls upon Governor George Pataki, Senate Majority Leader Joseph Bruno, and the members of the State Legislature to ensure that state anti-terrorism laws and policies are implemented in a manner that does not infringe upon fundamental rights and liberties as recognized in the U.S. Constitution and its Amendments and in the New York State Constitution.

## **North Hempstead, NY**

**Passed on December 16, 2003**

### **RESOLUTION NO. 441-2003**

#### **A Resolution Urging Congress to Amend the Patriot Act and to Advocate Against Passage of Patriot II**

WHEREAS, the Town Board, wishes to continue its long tradition of supporting the civil rights and liberties of its residents, a diverse population, who can contribute to the economic, cultural and civil life of the community; and

WHEREAS, local, State and federal government measures to protect public safety from terrorism should be done without infringing on constitutional rights; and

WHEREAS, the Town Board believes that there is no inherent conflict between enhancing security and preserving liberty, that we can be both safe and free; and

WHEREAS, federal laws and executive orders adopted since September 11, 2001, such as the USA PATROIT Act (Public Law 107-56) do threaten our liberties by authorizing the incarceration of non-citizens based on mere suspicion and off citizens designated “enemy combatants” with no access to counsel or to the courts, by chilling speech by defining “terrorism” too broadly; and

WHEREAS, the Administration has drafted new legislation called the Domestic Security Enhancement Act (DSEA), also known as PATROIT II, which contains many new and sweeping law enforcement powers unrelated to terrorism that would further compromise our basic rights by barring judicial oversight and impairing our system of checks and balances by removing this judicial oversight; and

WHEREAS, over 100 other communities nationwide have adopted resolutions affirmatively defending civil liberties against federal intrusion

NOW, THEREFORE, BE IT RESOLVED, that the Town Board affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on those rights with no assurance as to how those limits will enhance our security; and be it further

RESOLVED, that the Town Board urges public libraries in the Town of North Hempstead to post in a prominent place a notice to library users as follows “WARNING: Under Sec. 215 of the USA PATRIOT Act (Public Law 107-56), federal agents may obtain records of books and other materials you borrow, and librarians are barred from informing you if this occurs. You may direct your questions to Attorney General John Ashcroft, Dept. of Justice, Washington, DC 20530.”; and be it further

RESOLVED, that the Supervisor is hereby authorized and directed to transmit a copy of this resolution to Senator Hillary Rodham Clinton and Senator Charles Schumer, and to the Nassau County delegates to the House of Representatives, with a cover letter urging them to support Congressional efforts to assess the impact of the PATRIOT Act; to ensure that the “sunset” provisions of the PATRIOT Act are enforced; and to advocate against the passage of DSEA, known as PATROIT II; and be it further

RESOLVED, that the Supervisor is hereby authorized and directed to transmit a copy of this resolution to Governor George Pataki, Senate Majority Leader Joseph Bruno and Assembly Speaker Sheldon Silver and appropriate members of the state legislature, with a cover letter urging them to ensure that state anti-terrorism law and policies avoid infringing on civil rights and civil liberties as described in this resolution; and be it further

RESOLVED, that the Supervisor hereby is authorized and directed to transmit a copy of this resolution to President Bush and Attorney General Ashcroft.

## **Nyack, NY**

### **Passed on December 11, 2003**

We the Undersigned Call Upon the Rockland County Board of Legislators to Defend the Bill of Rights.

Following the events of September 11, 2001, we acknowledge the need to take every precaution to ensure our safety and heighten our security against any terror attacks.

At the same time, we have grave concern that in the name of safety and security our government has taken very questionable actions, including:

- Ethnic profiling
- Detection without charges or probable cause
- Intrusive and unwarranted surveillance that imperil fundamental Constitutional rights, liberties and freedoms of all Americans

Therefore, we the undersigned petition the Rockland County Legislators to pass a resolution that calls upon federal, state and local governments to:

- Re-examine those policies, including certain provisions of the USA PATRIOT ACT that needlessly compromise our basic freedoms
- Ensure that any new security measures designed to enhance the public safety shall in no way impair constitutional rights or infringing on civil liberties
- Account to the people for actions taken pursuant to various anti-terrorism initiatives, and
- Hold public hearings on proposed legislations

**Plattsburgh, NY**  
**Passed on May 27, 2004**

**Resolution Affirming the Principles of Federalism and Civil Liberties**

WHEREAS, the National League of Cities believes there is no inherent conflict between national security and the preservation of liberty, and affirms its strong support of the rights of Americans to be both safe and free;

WHEREAS, the National League of Cities recognizes the Constitution of the United States as our nation's charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including the freedoms of speech, religion, assembly, privacy;

WHEREAS, the National League of Cities has a distinguished record of upholding the Constitution, and the Bill of Rights, and safeguarding the freedoms and rights of American residents;

WHEREAS, on September 11, 2001, terrorists from abroad attacked the United States by commandeering four commercial airliners, and destroyed the World Trade Center in New York, significantly damaged the Pentagon, and caused a jetliner crash resulting in significant civilian casualties;

WHEREAS, the terrorist attack was an attack on a nation that is home to a diverse population and plunged the nation into deep concern regarding its national security and vulnerability to future attacks;

WHEREAS, the National League of Cities condemns all terrorist acts wherever occurring;

WHEREAS, the National League of Cities believes that efforts to prevent and respond to acts of terrorism require extensive coordination, cooperation, and accountability among the federal, state, and local level;

WHEREAS, the National League of Cities recognizes that protecting our citizens against future terrorist attacks requires the federal government to aggressively pursue potential terrorists but these efforts to combat terrorism should not disproportionately infringe on the essential civil rights and liberties of the people of the United States;

WHEREAS, the prevention of future terrorists attacks is a critical national priority, but it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles;

WHEREAS, in response to the terrorist attacks, on October 26, 2001, the United States Congress passed, and President Bush signed into law, the USA PATRIOT Act, an acronym for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism," by a Senate vote of 98-1 and House of Representative vote of 357-66;

WHEREAS, the National League of Cities believes that a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

- Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home;
- Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;
- Section 218 which amends the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime;
- Sections 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;
- Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as "terrorist organizations" and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed; and
- Sections 507 and 508 which impose an unfounded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

WHEREAS, municipal governments budgets across the nation are strained and these added duties constitute unfounded mandates on cities police Departments, libraries, universities, etc. that cities cannot financially absorb;

WHEREAS, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, and which would severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, in response to the threats against civil liberties embodied in certain provisions of the PATRIOT ACT, legislation has been introduced in the House and Senate that would roll back certain provisions of the PATRIOT ACT.

THEREFORE BE IT RESOLVED, that the National League of Cities supports the United States' campaign against terrorism, but the National League of Cities affirms its commitment to the United States Constitution and respective state constitutions;

BE IT FURTHER RESOLVED, that the National League of Cities urges the President, and executive branch members to review, revise and rescind executive orders and policies adopted since the terrorist attacks, that limit or compromise the liberties guaranteed by the Constitution and the Bill of Rights;

BE IT FURTHER RESOLVED, that the National League of Cities strongly urges the United States Congress to amend the PATRIOT ACT in order to restore and protect our nation's fundamental and inalienable rights and liberties;

BE IT FURTHER RESOLVED, that the National League of Cities supports the "Freedom to Read Protection Act of 2003" that would reinstate legal standards for libraries and bookstores and the Protecting the Rights of Individuals Act which would require a court order before conducting electronic surveillance;

BE IT FURTHER RESOLVED, the National League of Cities supports the sunset of key provisions of the PATRIOT Act and increased Congressional oversight over the role of the agencies responsible for enforcing the law;

BE IT FURTHER RESOLVED, the National League of Cities calls on Congress, the Department of Homeland Security, and other related agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of Americans; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the President of the United States, the Attorney General of the United States, and to each member of Congress.

## **Rosendale, NY** **Passed on March 12, 2003**

WHEREAS, the Town of Rosendale desires to demonstrate a commitment to protecting the rights of all our citizens, and

WHEREAS, the Town of Rosendale has a diverse population, whose contributions to the community are vital to its character and function, and

WHEREAS, the Town of Rosendale, motivated by the commitment to uphold the human rights of all persons in Rosendale and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of New York and the Town of Rosendale, and

WHEREAS, several acts and orders recently enacted by the Federal Government, including sections of the USA PATRIOT Act and several executive orders, now threaten these fundamental rights and liberties:

- Freedom of speech, religion, assembly and privacy
- The rights to counsel and due process in judicial proceedings, and
- Protection from unreasonable searches and seizures;
- All guaranteed by the Constitution of the State of New York, the Constitution of the United States, and the Bill of Rights;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Rosendale, New York, acting in the spirit of and history of our community, do hereby request that:

- Local law enforcement preserve resident's freedom of speech, religion, assembly and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures;
- Our United States Congressmen and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of the Act and those Orders that violate fundamental rights and liberties as state din the Constitutions of New York and the United States.

## **Rochester, NY** **Passed on February 2, 2006**

[COPY of Letter to US Senators Charles Schumer and Hillary Clinton]

February 2, 2006

We are writing to express our deep concern, as elected officials representing the 219,000 people of the City of Rochester, and as fellow Americans, about the possible re-authorization of the USA Patriot Act.

As you know, on February 3rd, sixteen surveillance provisions of the Act are set to expire. There is justifiable concern about significant infringement on civil liberties contained in these post -9/11 surveillance and information sharing procedures. It is very

disturbing that the Department of Justice has failed to adequately answer questions presented by the Judiciary Committee about how frequently it has utilized the numerous increased surveillance and search powers that have been extended to the FBI. The expanded use of the secret FISA court further confounds Congressional ability to provide critical checks and balances on supposedly terror related investigations. The lowered standards for property searches and pen register, secret records searches, roving wire taps, and a blurring of the line between criminal investigations and foreign intelligence erode the essence of democracy, chilling First Amendment rights and weakening the Fourth Amendment.

History has shown us time and again that unbridled Executive powers have the capacity to devolve into, at best, paranoid surveillance of our own citizens, and at worst, a means to maintain power and muffle dissension. Under either scenario we experience great pressure on our freedom of speech and freedom of association. Democracy cannot work without a people emboldened to comment upon, criticize, and partake in peaceful action against their government.

When the USA Patriot Act was first enacted in 2001, Congress had the wisdom and foresight to add sunset provisions to particularly intrusive elements of the legislation. As you know, the 9/11 Commission recommended that the burden of proof for showing Congress that the Act should be renewed should lie with President Bush. Specifically, the Commission stated that the President should demonstrate how each power materially enhances security and that there is adequate supervision of the powers to ensure that civil liberties are protected. We do not believe these recommendations have been heeded by the President and his Justice Department.

Given the paucity of information from the Justice Department about the implementation of the USA Patriot Act and the President's inability to present substantial and accurate evidence as to the critical nature of re-authorizing the law for the defense of this country against terrorism, we ask that you vote down those measures that impinge upon the very civil liberties that make America a world leader.

Title II of the USA Patriot Act contains numerous surveillance measures that have drastically enlarged FBI powers with no oversight beyond a secret court whose documents are withheld from review by Congress. Of particular concern are the following sections, most of which are expiring:

- Section 203 (b) and (d) relating to the express document sharing between intelligence agencies and other parts of government,
- Section 206, that allows roving wire taps,
- Section 215, that allows secret and easier access to business records, which could include library and bookstore records,
- Section 218, that lowers the bar for launching foreign intelligence wiretaps and searches,
- Section 213, that allows “sneak and peak” search warrants, giving authorities the right to search without immediately notifying the target (No expiration), and
- Title VIII, Section 805, that expands the existing ban on giving material support to terrorists to include expert advice or assistance, which could lead to guilt by association (No expiration).

We strongly urge you to include significantly enhanced Congressional oversight in legislation renewing the USA Patriot Act, and ask you to ensure that stringent protections are added as a condition of the Act's passage in order to protect against potentially egregious infringements on civil liberties.

Sincerely,

[ Signed by all 9 Council Members ]  
 Lois J. Giess, President  
 Gladys Santiago , Vice President  
 Carolee A. Conklin, Councilmember  
 Benjamin L. Douglas, Councilmember  
 John F. Lightfoot, Councilmember  
 Adam C. McFadden, Councilmember  
 Dana K. Miller, Councilmember  
 William F. Pritchard, Councilmember  
 Robert J. Stevenson, Councilmember

**St. Lawrence County, NY**  
**Passed on September 8, 2003**

#### **Resolution Number 218-2003 Opposing the Patriot Act**

WHEREAS, according to Thomas Jefferson, “Dissent is the highest form of patriotism,” and

WHEREAS, St. Lawrence County and its citizens strongly support all lawful and Constitutional efforts to prevent and investigate terrorist or other criminal acts and prosecute their perpetrators, and

WHEREAS, St. Lawrence County and its citizens believes that sufficient Constitutionally acceptable tools existed, prior to the passage of the “USA Patriot Act” or other such restrictive acts, for law enforcement to accomplish their intended lawful purpose, and

WHEREAS, St. Lawrence County and its citizens believes that any act, enactment, law, or legislation, etc., which dilutes, weakens, or denies the State and/or Federal Constitutionally guaranteed rights of the citizen is void from its inception, is unenforceable in our jurisdiction, and should be quashed, repealed, or found by a court of jurisdiction to be unconstitutional in part or in full, as appropriate, to protect the Rights and Freedom of the Citizenry,

NOW, THEREFORE, BE IT RESOLVED that we, the St. Lawrence County Board of Legislators urge our Congressional Representatives to review, examine, and propose amendment or repeal of those portions of the USA Patriot Act of 2001 that restrict or infringe various civil rights and liberties recognized and guaranteed by the Constitution of the United States,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to our Congressional Representatives informing them of our position.

### **Schenectady, NY** **Passed on August 11, 2003**

WHEREAS, the Schenectady City Council recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including freedoms of religion, speech, assembly, and privacy; and

WHEREAS, the Schenectady City Council denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, attacks against Americans such as those that occurred on September 11, 2001, have necessitated several measures, including the crafting of effective laws, to protect the public from terrorist attacks; and

WHEREAS, any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens; and

WHEREAS, certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, also known as the USA PATRIOT Act, allow the federal government to engage in surveillance, investigative, detention and other law enforcement activities that may violate or offend the established rights and liberties guaranteed by our state and federal constitutions; and

WHEREAS, various groups and officials from across the political spectrum, including the NAACP, Gun Owners of America, the ACLU, and the American Conservative Union, as well as Republican Senator Lisa Murkowski of Alaska and Democratic Senator Russ Feingold of Wisconsin, have questioned whether the USA PATRIOT Act as interpreted by the U.S. Department of Justice properly protects our citizens’ rights and liberties; and

BE IT RESOLVED that the Schenectady City Council supports the government of the United States of America in its campaign against terrorism, and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the United States Constitution and the Bill of rights; and be it therefore,

FURTHER RESOLVED that the Schenectady City Council implores the United States Congress to continue its review of the effects of the USA PATRIOT Act and to correct provisions in the USA PATRIOT ACT that infringe on established civil liberties; and be it

FURTHER RESOLVED that the Schenectady City Council opposes any future federal legislation to the extent that it infringes on Americans’ established civil rights and liberties.

### **Schuyler County, NY** **Passed on December 8, 2003**

#### **Resolution Regarding the USA PATRIOT Act II and the Protection of Civil Rights and Liberties**

Whereas, the County of Schuyler is both deeply committed to the security of the United States and deeply concerned about the potential impact of the USA Patriot Act II on the constitutional rights of U.S. citizens, and

Whereas, the Schuyler County Legislature has particular concerns regarding several specific aspects of the Act as it may be applied to American citizens, including:

- Those provisions limiting the right to a speedy, public trial in accordance with the Federal Rule of Criminal Procedure as they now exist.
- Loss of access to legal counsel and the maintenance of the attorney-client privilege.
- Detention without charge.
- Potential erosion of the 4th and 5th amendment rights against unreasonable search and seizure and self incrimination, and



Whereas, we believe that eternal vigilance is the price of liberty.

Now, therefore, be it resolved, that our federal legislators in both the House and Senate amend the Patriot Act in light of the concerns expressed therein.

## **Syracuse, NY**

**Passed on September 8, 2003**

### **Resolution Addressing the Preservation of Civil Liberties and Civil Rights of All Individuals Living in Syracuse, NY in Response to the USA PATRIOT Act**

WHEREAS, the City of Syracuse recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold; and

WHEREAS, the City of Syracuse greatly benefits from the many different cultural and spiritual contributions of its highly diverse population; and

WHEREAS, the Common Council of the City of Syracuse believes that there need be no inherent conflict between national security and the preservation of liberty, and that government security measures that undermine fundamental rights do damage to American institutions and values; and

WHEREAS, federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions threaten basic fundamental rights and liberties by;

Authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as “enemy combatants”, without access to counsel or meaningful recourse to the federal courts;

Limiting the traditional authority of federal courts to provide reasonable limitation and oversight on electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;

Expanding the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched;

Granting Federal law enforcement and intelligence agencies broad access to personal medical, financial, library, and educational records, and other personal records held by third parties with little if any judicial oversight;

Discouraging citizens and residents from pursuing constitutionally protected speech and protest actions through overly broad definitions of “terrorism”;

Driving a wedge between immigrant communities and the police by encouraging involvement of state and local police in enforcement of federal immigration law;

Permitting the FBI to conduct surveillance of religious services, Internet chat rooms, political demonstrations, and other public meetings of any kind, without having any evidence that a crime has been or may be committed; and

WHEREAS, the expanded surveillance, investigation, and detention powers granted by Congress to federal law enforcement agencies under the USA PATRIOT ACT, and its erosion of our system of checks and balances, pose a particular threat to the civil liberties of the residents of our city; and”

WHEREAS, a number of federal officials and legislators have indicated a desire to abolish sunset provisions that Congress originally incorporated into the USA PATRIOT ACT, and

WHEREAS, new legislation has been drafted by the Administration entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which would continue to undermine constitutional rights, and our unique system of checks and balances by further diminishing personal privacy, reducing the accountability of government, and eroding the constitutional right of all persons to due process of law; and

WHEREAS, the City of Syracuse recognizes that government action that infringes on the constitutional rights of any person represents an abuse of power, a breach of the public trust, and misappropriation of public resources;

**NOW, THEREFORE BE IT RESOLVED THAT THE COMMON COUNCIL OF THE CITY OF SYRACUSE**

Affirms its strong commitment to the protection of the civil rights and civil liberties of all persons in the City of Syracuse, including but not limited to, their constitutional rights to assemble, peacefully protest, and to express their political views without governmental interference; and

Joins communities across the nation in expressing concerns regarding provisions in the USA PATRIOT Act (Public Law 107-56), related executive orders, regulations, and actions that threaten fundamental rights and liberties guaranteed under the United States Constitution; and

Supports the United States Congress in its efforts to oversee and assess the impacts of the USA PATRIOT Act and to ensure that the sunset date of Title II of the Act remains in force and is honored, thereby supporting all Congressional efforts to ensure that Congress enacts the required joint resolution on or before October 1, 2005 to inactivate Title II.

IT IS HEREBY FURTHER RESOLVED, and is the policy of the City of Syracuse, that the Common Council of the City of Syracuse:

Calls on the Police Department of the City of Syracuse to:

- Recognize that the enforcement of federal immigration laws is a function of federal law enforcement authorities, and to therefore refrain from participating in the enforcement of these laws except when specifically requested by federal officials in relation to particularized suspicion of criminal activity; and
- Recognize that individuals and groups should be able to freely engage in First Amendment activities, and to therefore refrain from engaging in the surveillance of individuals or groups based on their participation in such activities without particularized suspicion of criminal activity; and
- Refrain from utilizing profiling based on ethnicity, language, national origin, religion or religious belief, political affiliation or political belief, when initiating investigatory activities, without particularized suspicion of criminal activity; and
- Report to the Common Council any request by federal authorities that, if granted, would cause agencies of the City of Syracuse to exercise or cooperate in the exercise of powers in apparent violation of any city ordinance or the laws or Constitution of this State or the United States.

Requests all citizens - including residents, employers, educators, and business owners - to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations.

Urges institutions of higher learning and schools within Syracuse to provide written notice to parents and students as follows  
“WARNING: Under Section 507 of the Federal USA PATRIOT Act public law 107-56, educational records may be obtained by federal law enforcement agents. This educational institution may be prohibited from informing you if your records have been obtained. Questions about this policy should be directed to: Office of the Attorney General, Department of Justice, Washington, DC 20530 - Attention: John Ashcroft.”

Urges all libraries within the City of Syracuse to post in a prominent place within the library a notice to library users as follows:  
“WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. Under this federal law librarians are prohibited from informing you whether federal agents have obtained records about you. Questions about this policy should be directed to: Office of the Attorney General, Department of Justice, Washington, DC 20530 - Attention: John Ashcroft.”

Asks the Common Council President on behalf of the Common Council to seek annually no later than January 31st from federal authorities the following information in a form that facilitates an assessment of the effect of federal anti-terrorism efforts on the residents of Syracuse:

- The names of all residents of Syracuse who have been arrested or otherwise detained by federal authorities as a result of investigations into either domestic or international terrorism since September 11, 2001; the location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; and the name of counsel, if any, representing each detainee;
- The number of search warrants that have been executed in Syracuse without notice to the subject of the warrant pursuant to Section 213 of the USA Patriot Act;
- The nature and scope of electronic surveillance carried out in Syracuse under powers granted in the USA Patriot Act;
- The nature and scope of federal monitoring of political meetings, religious gatherings or other activities in Syracuse protected by the First Amendment;
- The number of times education records have been obtained from schools and institutions of higher learning in Syracuse under Section 507 of the USA PATRIOT ACT;
- The number of times public or academic library records have been obtained from libraries in Syracuse under Section 215 of the USA PATRIOT ACT;
- The number of times that records of books purchased by store patrons have been obtained from bookstores in Syracuse under Section 215 of the USA PATRIOT ACT;

Asks the Common Council President on behalf of the Common Council to transmit to the Common Council no later than March 31st of each year, in written form, the information obtained pursuant to the preceding paragraphs, as well as a written report on the status of any outstanding requests for such information.

IT IS HEREBY FURTHER RESOLVED, that upon passage of this resolution, the Common Council President, on behalf of the Common Council, shall:

Transmit a copy of this resolution to President George W. Bush and Attorney General John Ashcroft.

Transmit a copy of this resolution to Senators Clinton and Schumer, and Representative Walsh, accompanied by a letter urging them to:

- Monitor federal antiterrorism measures and to work to repeal provisions of the USA PATRIOT of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and civil liberties; and to
- Take all possible actions to lead to Congressional action to prevent passage of the DSEA, and to enact the required joint Congressional resolution to inactivate Title II of the USA Patriot Act on or before October 1, 2005.

Transmit a copy of this resolution to the New York State Governor, State Senators, and State Assembly members, accompanied by a letter urging them to support efforts to monitor federal antiterrorism measures, and to ensure that NY State anti-terrorism laws and policies be implemented in a manner that does not infringe on civil rights and civil liberties as described in this resolution.

## **Tompkins County, NY**

### **Passed on September 7, 2004**

#### **Addressing the Preservation of Civil Liberties and Civil Rights of All Individuals Living in Tompkins County New York, in Response to the “USA PATRIOT” Act**

WHEREAS, on October 26, 2001, President G. W. Bush signed “The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act” commonly known as the USA Patriot Act, (Public Law 107 §46), and

WHEREAS, this legislation was adopted very quickly as counter-terrorism legislation, needed immediately to respond to the September 11th attacks, and

WHEREAS, while the Tompkins County Legislature opposes terrorism in all its forms, we believe that it is possible to protect national security without undermining the rights and freedoms for which the United States was established, and

WHEREAS, certain Federal policies adopted since September 11, 2001, including certain provisions in the USA PATRIOT Act and related Executive Orders, regulations, and actions threaten fundamental rights and liberties, and

WHEREAS, some of the expanded surveillance, investigation, and detention powers granted by Congress to Federal law enforcement agencies under the USA PATRIOT Act, and its erosion of our system of checks and balances, pose a particular threat to the civil liberties of the residents of our county, and

WHEREAS, nonetheless new legislation has been drafted by the Administration entitled “the Domestic Security Enhancement Act” (DSEA) (also known as “PATRIOT II”), portions of which would also undermine constitutional rights and our unique system of checks and balances by further diminishing personal privacy, reducing the accountability of government, and eroding the constitutional rights of all persons to due process of law, now therefore be it

RESOLVED, on recommendation of the Consumer and Community Affairs Committee, That the Tompkins County Legislature affirms its strong commitment to the protection of the civil rights and civil liberties of all persons in Tompkins County, including but not limited to their constitutional rights to assemble, to peacefully protest, and to express their political views without governmental interference,

RESOLVED, further, That the Tompkins County Legislature supports the United States Congress in its efforts to oversee and assess the impacts of the USA PATRIOT Act and to delay passage of the “Domestic Security Enhancement Act” (DSEA) (also known as “PATRIOT II”) until its potential impacts on the exercise of protected rights are fully assessed and carefully addressed,

RESOLVED, further, That the Chair of the Legislature is directed to transmit a copy of this resolution to the New York State Governor, State Senators, and State Assembly members, accompanied by a letter from the Tompkins County Legislature urging them to support efforts to monitor Federal antiterrorism measures and to ensure that New York State antiterrorism laws and policies be implemented in a manner that does not infringe on civil rights and civil liberties.

## **Urbana, NY**

### **Passed on October 21, 2003**

#### **A Resolution Regarding the USA Patriot Act and the Protection of Civil Rights and Liberties**

WHEREAS, the Town of Urbana has a long and distinguished history of protecting an expanding the civil rights and civil liberties of its residents, and

WHEREAS, the Town of Urbana houses a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function, and

WHEREAS, the Urbana Town Board is committed to upholding the human rights of all persons in the Town of Urbana and their free exercise and enjoyment of any and all rights and privileges secured by the Constitutions and Laws of the United States, the State of New York and the Town of Urbana, and

WHEREAS, on September 11, 2001, the United States was cruelly and without provocation, attacked by persons of foreign origin which inflicted a heavy loss of innocent American lives, and

WHEREAS, the foreign persons who carried out this coordinated, cowardly attack were in the United States enjoying freedoms and privileges not celebrated in their own nations of origin, and

WHEREAS, the Congress of the United States, in cooperation with the Executive Branch of our government, did pass the USA Patriot Act in conjunction with the issuance of several Executive Orders which were responsive to the acts of terror of September 11, 2001, and

WHEREAS, the measures taken by the Congress and the Executive Branch of our government imposed certain restrictions upon both United States Citizens and foreign visitors.

NOW, THEREFORE, BE IT RESOLVED THAT

The Congress of the United States and the Executive Branch of the United States government shall give due respect and consideration to such changes, revisions and amendments to the USA Patriot Act and the related Executive Orders, so as to guarantee all rights and privileges granted to United States citizens by the Constitution of the United States while continuing to give due consideration and concern to protecting and safeguarding the United States of America from such acts of terrorism and military attack which might possibly be waged upon us by enemies from within and without our County.

## **Westchester County, NY** **Passed September 14, 2004**

### **PATRIOT ACT Resolution 141-2004**

WHEREAS, Westchester County recognizes the Constitution of the United States, including the Bill of Rights, to be the Supreme Law of the land, which all public servants are sworn to uphold, and

WHEREAS, Westchester County is proud of its long and distinguished tradition of protecting the civil rights and civil liberties of its people; and

WHEREAS, Westchester County has a diverse population whose contributions of our community are vital to its character and function; and

WHEREAS, Westchester County affirms that our freedom and rights, embodied in the Constitution and the Bill of Rights, are protected not only by the might of our military forces by the strength and resolve of our democratic traditions and institutions – freedom of speech, freedom of assembly, a free press, due process in judicial proceedings, free elections, and many others – that these inalienable rights are part of the very core beliefs that make us a great nation; and

WHEREAS, the tragedy of the terrorist actions of September 11, 2001, has caused our nation to assess what provisions are needed to ensure the safety and protection of all our residents in light of an ongoing threat; and

WHEREAS, the Congress of the United States and the President of the United States passed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) in 2001, with many provisions that affect the delicate balance between providing greater security and safety in troubled times on one hand and insuring the civil rights and civil liberties of the population on the other hand; and

WHEREAS, Westchester County as a County government is charged with elements of implementation of the USA PATRIOT Act and thereby affected by the specific provision of this Act; and

WHEREAS, the independent judicial review process is an important protection for individuals against illegal search and seizures;

THEREFORE BE IT RESOLVED, that Westchester County urge the full implementation and federal funding of specific provisions of the USA PATRIOT Act that are necessary and proper to ensure the safety and security of our people, including

- Provisions for protecting civil rights and civil liberties of all Americans (Sect. 102)
- Provisions to provide greater assistance to law enforcement agencies (Sect. 222)
- Provisions for increased border patrols along our border with Canada (Sect. 4011)
- Provisions to prohibit the harboring of terrorists (Sect. 803)
- Provisions that extend jurisdiction over crimes committed at U.S. facilities overseas (Sect. 804)
- Provisions to extend prosecution for money laundering (Sect. 1004)

- Provisions to expand prosecution against fraudulent charitable solicitations (Sect. 1011)

BE IT FURTHER RESOLVED that Westchester County urge the repeal of specific provisions of the USA PATRIOT Act that unnecessarily violate individual freedoms and rights, are not essential to the safety and security of our people and do not require a judicial warrant to be issued, including

- Provisions that allow for secret searches (Sect. 213)
- Provisions that allow for warrant-less searches (Sect. 213)
- Provisions that allow for obtaining library records of individuals (Sect. 215)
- Provisions that allow for extensive telephone and internet surveillance (Sect. 216)
- Provisions that allow for detaining individuals indefinitely (Sect. 411, 412)

IT IS FURTHER RESOLVED that this resolution be transmitted to our elected and senior appointed officials in the Executive and Legislative Branches of the Federal government, including President George W. Bush, Attorney General John Ashcroft, U.S. Senators Charles E. Schumer and Hillary Rodham Clinton, and U.S. Congress members Nita M. Lowey, Eliot L. Engel, and Sue Kelly.

## **Woodstock, NY**

**Passed on March 18, 2003**

### **Civil Liberties Resolution**

WHEREAS the Town Board of the Town of Woodstock is sworn to defend the constitutional rights of all persons in the Town, and determined to further the free exercise and enjoyment of all the rights guaranteed by the Constitutions of the State of New York and the United States, and

WHEREAS several state and federal statutes and executive orders, including the USA PATRIOT Act (Public Law 107-56) and Homeland Security act of 2002, now threaten such fundamental rights and liberties as freedom of speech, religion and assembly, the right to privacy, due process in judicial proceedings, equal protection of the laws and protection from unreasonable search and seizure, now therefore be it

RESOLVED that the Town Board of the Town of Woodstock instructs Woodstock law enforcement officers and all other Woodstock Town employees to preserve all the abovementioned rights for all persons by refraining from acting in a manner which infringes upon those freedoms and rights, even if authorized or requested to do so by federal or state law enforcement officials alleging authority under the USA PATRIOT Act (Public Law 107-56) or the Homeland Security Act of 2002; and be it further

RESOLVED that the Town Board urges all elected officials who represent the Town of Woodstock to monitor the implementation of the abovementioned Acts and actively work for the repeal of those provisions which violate the fundamental rights and liberties stated in the Constitution of the United States and the State of New York; and be it further

RESOLVED that the Town Board advises all persons in local businesses and institutions, particularly librarians, booksellers and other communications dealers, to refrain as far as possible from keeping records which identify the name of the purchaser or borrower, in order to protect the intellectual privacy rights of all persons from intrusion authorized by the abovementioned Acts; and be it further

RESOLVED that the Town Clerk shall communicate this resolution to all the elected representatives of the Town of Woodstock in the Ulster County Legislature, the New York State Legislature and the United States Congress, to the Governor and Attorney General of the State of New York, the United States Attorney General and the President of the United States.

# NORTH CAROLINA

## Boone, NC

Passed on June 29, 2004

### Resolution Affirming the Principles of Federalism and Civil Liberties

WHEREAS, the Boone Town Council believes there is no inherent conflict between national security and the preservation of liberty, and affirms its strong support of the rights of Americans to be both safe and free; and

WHEREAS, the Boone Town Council recognizes the Constitution of the United States as our nation's charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including the freedoms of speech, religion, assembly, and privacy;

WHEREAS, the Boone Town Council has a distinguished record of upholding the Constitution, and the Bill of Rights, and safeguarding the freedoms and rights of Boone residents; and

WHEREAS, on September 11, 2001, terrorists from abroad attacked the U.S. by commandeering four commercial airliners, and destroyed the World Trade Center in New York, significantly damaged the Pentagon, and caused a jetliner crash resulting in significant civilian casualties; and

WHEREAS, the terrorist attack was an attack on a nation that is home to a diverse population and plunged the nation into deep concern regarding its national security and vulnerability to future attacks; and

WHEREAS, the Boone Town Council condemns all terrorist attacks wherever occurring; and

WHEREAS, the Boone Town Council believes that efforts to prevent and respond to acts of terrorism require extensive coordination, cooperation, and accountability among the federal, state, and local level; and

WHEREAS, the Boone Town Council recognizes that protecting our citizens against future terrorist attacks requires the federal government to aggressively pursue potential terrorists but these efforts to combat terrorism should not disproportionately infringe on the essential civil rights and liberties of the people of the U.S.; and

WHEREAS, the prevention of future terrorist attacks is a critical national priority, but it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles, and

WHEREAS, in response to the terrorist attacks, on October 26, 2001, the U.S. Congress passed, and President Bush signed into law, the USA PATRIOT Act, an acronym for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism," by a Senate vote of 98-1 and House of Representatives vote of 357-66; and

WHEREAS, Section 1002(b)(1) of the USA PATRIOT Act states "Congress ... declares that, in the quest to identify, locate, and bring to justice the perpetrators and sponsors of the terrorist attacks on the United States of September 11, 2001, the civil rights and civil liberties of all Americans ... should be protected"; and

WHEREAS, the Boone Town Council believes that a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

- Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home;
- Section 215 which permits the FBI Director to seek records from bookstores and libraries, including books of patrons based on minimal evidence of wrongdoing, and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;
- Section 218 which amends the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime;
- Sections 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;
- Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as "terrorist organizations" and the Attorney general power to subject immigrants to indefinite detention or deportation even if no crime has been committed;
- Sections 507 and 508 which impose an unfounded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General; and

WHEREAS, municipal governments' budgets across the nation are strained and these added duties constitute unfounded mandates on cities' police departments, libraries, universities, etc. that cities cannot financially absorb; and

WHEREAS, there is current consideration to make the USA PATRIOT Act permanent law and to expand it through new laws which strengthen law enforcement and intelligence gathering powers, many of which are not related to terrorism. and which would severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, in response to the threats against civil liberties embodied in certain provisions of the USA PATRIOT Act, legislation has been introduced in the House and Senate that would roll back provisions of the USA PATRIOT Act; and

WHEREAS, a national, bi-partisan coalition including the American Civil Liberties Union, American Conservatives Union, American Library Association, Free Congress Foundation, and Gun Owners of America already supports passing new legislations (such as the Security and Freedom Ensured Act) to modify the unnecessary and threatening portions of the USA PATRIOT Act; and

WHEREAS, the North Carolina Library Association passed a resolution in April 2003 to "exempt libraries and booksellers from the most onerous provisions of the USA PATRIOT Act" so that North Carolina citizens can read freely without fear, a resolution supported in a letter written in January 2004 by the Watauga County Library Board; and

WHEREAS, the Appalachian State University Faculty Senate passed a resolution in December 2003 supporting academic freedoms and civil liberties ("Resolution in Defense of Academic Freedoms and the Bill of Rights of the U.S. Constitution"); and

WHEREAS, the Student Government Association of Appalachian State University passed a resolution in November 2003 encouraging the Boone Town Council to pass a resolution protecting town residents' civil rights and liberties ("Resolution of Support of Boone's Adoption of the Proposed Town Resolution Affirming Civil Rights"); and

WHEREAS, 317 town and counties and 4 states, representing 51 million Americans, have already passed resolutions reaffirming their commitment to civil rights and liberties and against the provisions of the USA PATRIOT Act that unnecessarily threaten them, including New York City and Washington, D.C., the two cities that suffered the worst of the terrorist attacks of September 11, 2001; and

WHEREAS, the National League of Cities, the oldest and largest national organization for American cities, which serves as a resource and advocate for 18,000 cities, towns, villages and 225 million Americans, passed a resolution reaffirming its commitment to civil rights and liberties and against the provisions of the USA PATRIOT Act that unnecessarily threaten them;

NOW, THEREFORE, BE IT RESOLVED that the Boone Town Council supports the U.S. campaign against terrorism, but the Boone Town Council affirms its commitment to the U.S. Constitution and liberties guaranteed by the United States Constitution and the Constitution of North Carolina; and

BE IT FURTHER RESOLVED that the Boone Town Council urges the President, and executive branch members to review, revise, and rescind executive orders and policies adopted since the terrorist attacks, that limit or compromise the liberties guaranteed by the Constitution and the Bill of Rights; and

BE IT FURTHER RESOLVED that the Boone Town Council strongly urges the U.S. Congress to amend the USA PATRIOT Act in order to restore and protect our nation's fundamental and inalienable rights and liberties; and

BE IT FURTHER RESOLVED that the Boone Town council supports the "Freedom to Read Protection Act of 2003" that would reinstate legal standards for libraries and bookstores and the "Protecting the Rights of Individuals Act" which would require a court order before conducting electronic surveillance; and

BE IT FURTHER RESOLVED that the Boone Town Council supports the sunset provisions of the USA PATRIOT Act and increased Congressional oversight over the role of the agencies responsible for enforcing the law; and

BE IT FURTHER RESOLVED that the Boone Town Council calls on Congress, the Department of Homeland Security, and other related agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of Americans; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the U.S. President, the Attorney General of the United States, to each member of Congress, and to appropriate members of the General Assembly

## **Carrboro, NC**

**Passed on June 25, 2002**

### **Resolution Regarding the USA PATRIOT Act and the Protection of Civil Rights and Liberties**

WHEREAS, the Town of Carrboro has a long and distinguished history of protecting and expanding the civil rights and civil liberties of its residents; and

WHEREAS, the Town of Carrboro houses a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the Board of Aldermen of the Town of Carrboro is committed to upholding the human rights of all persons in Carrboro and their free exercise and enjoyment of any and all rights and privileges secured by our constitutions and the laws of the United States, the State of North Carolina, and the Town of Carrboro; and

WHEREAS, several actions recently taken by the federal government, including the adoption of sections of the USA Patriot Act and several Executive Orders now threaten these fundamental rights and liberties, including: freedom of speech, religion, assembly and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the Constitutions of North Carolina and the United States.

NOW, THEREFORE BE IT RESOLVED, BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. That the Town of Carrboro, acting in the spirit and history of our community, hereby requests that:

- Local law enforcement continue to preserve residents' freedom of speech, religion, assembly and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA Patriot Act of Orders of the Executive Branch.
- Any federal or state law enforcement officials acting within the Town of Carrboro work in accordance with the policies and procedures of the Carrboro Police Department, and in cooperation with the Department, and not engage in or permit detentions without charges or racial profiling, and to regularly and publicly report to the Town the extent and manner in which they have acted under the Act or the new Executive Orders, including the names of any detainees held in the region or any Carrboro residents detained elsewhere.
- Our congressional delegation monitor the implementation of the Act and Orders cited herein and actively work for the repeal of those portions of the Act and those Orders that violate fundamental rights and liberties guaranteed by the United States and North Carolina Constitutions.

Section 2. This resolution shall become effective upon adoption.

## **Chapel Hill, NC**

**Passed on October 8, 2003**

### **A Resolution Regarding the Protection of Civil Rights and Civil Liberties (2003-10-08/R-5.1)**

WHEREAS, Chapel Hill is committed to the human rights of its residents and to actions that preserve and protect those rights; and

WHEREAS, Chapel Hill is home to a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the Town Council is committed to upholding the civil rights and civil liberties of all persons in Chapel Hill and their free exercise and enjoyment of any and all rights and privileges secured by the constitutions and the laws of the United States, the State of North Carolina, and Chapel Hill; and

WHEREAS, actions taken by the federal government, including the adoption of sections of the USA Patriot Act and several Executive Orders, now threaten those fundamental rights and liberties, including freedom of speech, assembly and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the Constitutions of North Carolina and the United States; and

WHEREAS, the Executive Branch of the United States government has drafted a "Domestic Security Enhancement Act" (also known as the "USA Patriot Act II"), which would further undermine those rights and liberties by expanding the government's surveillance authority; by allowing the sharing of sensitive personal information with local and state law enforcement agencies without consent or judicial process; and by authorizing secret arrests and detentions of persons not criminally charged;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council does hereby resolve:

Section 1. That we encourage our State and federal legislative delegations to monitor the implementation of the USA Patriot Act and the Executive Orders cited herein and to work actively for the repeal of those portions of the Act and those Orders that violate the rights and liberties guaranteed by the Constitutions of North Carolina and the United States.

Section 2. That we encourage our State and federal legislative delegations to work actively against adoption of the Domestic Security Enhancement Act cited herein and against any legislation or Executive Order that would undermine residents' fundamental rights and liberties.

Section 3. That we encourage local law enforcement agencies to continue to preserve residents' freedom of speech, religion, assembly, and privacy; the rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, even if requested or authorized to infringe upon those rights by federal law enforcement under powers granted by Acts or Orders cited herein.



Section 4. That we encourage federal and State law enforcement officials acting within Chapel Hill to work in accordance with the policies and procedures of and in cooperation with local law enforcement and not to engage in racial profiling or permit detentions without charges.

Section 5. That this resolution be forwarded to our State and federal legislative delegations on behalf of the residents of Chapel Hill.

## **Davidson, NC**

**Passed on November 11, 2003**

### **PREAMBLE**

The citizens of Davidson believe that respect for Constitutional rights and liberties strengthens our democracy and national unity. Conversely, undermining basic Constitutional rights and liberties could risk destroying freedom in order to save it.

This resolution is not intended to inhibit or prevent the apprehension, trial, or conviction of people who have carried out or planned attacks against the United States or any other country. We believe, however, that we are still a nation based on laws and that a threat to any one person's Constitutional rights and liberties is a threat to us all.

This resolution places the Town of Davidson on record in support of Constitutional rights and liberties for all its residents, regardless of religion, age, gender, race, ethnicity, or place of national origin. It calls upon all of its citizens to continue respecting those rights.

### **RESOLUTION**

WHEREAS the Declaration of Independence of the United States holds as self-evident that all people are created equal and are endowed with the unalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS the Constitutions of the United States and of North Carolina guarantee all citizens their traditional rights and liberties including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings, and a fair, speedy and public trial; and

WHEREAS the USA PATRIOT ACT contains provisions that may compromise the aforementioned rights and liberties and which could alter the nature of our Constitutional rights and liberties; and

WHEREAS the Town of Davidson houses a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS the Board of Commissioners of the Town of Davidson is committed to upholding the Constitutional rights and liberties of all persons in Davidson and their free exercise and enjoyment of any and all rights and liberties secured by the Constitutions and laws of the United States, the State of North Carolina, and the Town of Davidson;

THEREFORE, BE IT RESOLVED that the Town of Davidson affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of the Constitutional rights and liberties of the citizens of Davidson or of the citizens of other nations living within our Town; and

BE IT FURTHER RESOLVED that the Davidson Town Board calls upon its municipal employees and all private citizens – including residents, employers, educators, and business owners – to continue demonstrating respect for Constitutional rights and liberties; and

BE IT FURTHER RESOLVED that local law enforcement continue to recognize and respect residents' freedom of speech, religion, assembly and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and

BE IT FURTHER RESOLVED that the Town of Davidson calls on our United States Senators and Representatives to monitor the implementation of the USA PATRIOT Act and Orders of the Executive Branch and actively review and work for the repeal or revision of those sections of the Act and those Orders that may violate fundamental rights and liberties as stated in the United States Constitution and its Amendments.

## **Durham, NC**

**Passed on October 20, 2003**

### **A Resolution by the City Council of the City of Durham Regarding the Protection of Civil Rights and Civil Liberties**

WHEREAS, the City of Durham is committed to the human rights of its residents and to actions that preserve and protect those rights; and

WHEREAS, the City of Durham is home to a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the City of Durham is committed to upholding the civil rights and civil liberties of all persons in Durham and their free exercise and enjoyment of any and all rights and privileges secured by the Constitutions and the laws of the United States and the State of North Carolina; and

WHEREAS, actions taken by the federal government, including the adoption of sections of the USA Patriot Act and several Executive Orders, now threaten those fundamental rights and liberties, including freedom of speech, assembly and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the Constitutions of North Carolina and the United States; and

WHEREAS, the Executive Branch of the United States government has drafted a “Domestic Security Enhancement Act” (also known as the “USA Patriot Act II”), which would further undermine those rights and liberties by expanding the government’s surveillance authority; by allowing the sharing of sensitive personal information with local and state law enforcement agencies without consent or judicial process; and by authorizing secret arrests and detentions of persons not criminally charged.

NOW, THEREFORE, the City Council of the City of Durham hereby resolves that:

State and federal legislative delegations are encouraged to monitor the implementation of the USA Patriot Act and the Executive Orders cited herein and to work actively for the repeal of those portions of the Act and those Orders that violate the rights and liberties guaranteed by the Constitutions of North Carolina and the United States;

State and federal legislative delegations are encouraged to work actively against adoption of the Domestic Security Enhancement Act cited herein and against any legislation or Executive Order that would undermine residents’ fundamental rights and liberties;

Federal and state law enforcement officials acting within the City of Durham are encouraged to work in accordance with the policies and procedures of, and in cooperation with, local law enforcement and to not engage in racial profiling or permit detentions without charges.

The City Clerk forward this resolution to state and federal legislative delegations on behalf of the City of Durham and its residents.

## **Durham County, NC** **Passed on September 22, 2003**

### **Resolution Concerning the USA Patriot Act**

WHEREAS, the United States Congress has passed Public Law 107-56 entitled “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001”; and

WHEREAS, serious questions have been raised concerning certain provisions of the Patriot Act especially as they relate to the Durham County Library and the rights of the citizens of Durham County to be secure in their homes; and

WHEREAS, § 213 of the Patriot Act allows for “sneak and peek” searches of people’s homes without notifying the homeowner of the search; and

WHEREAS, § 215 of the Patriot Act allows the search of records of patrons of the Durham County Library which are confidential under State law; and

WHEREAS, while the Board of Commissioners recognizes the need for laws to protect the citizens of Durham County and the United States from terrorists, these laws should not be used to invade the privacy of United States citizens or conduct illicit covert surveillance of ordinary Americans.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOTH RESOLVE:

The Congress of the United States is called upon to conduct hearings regarding the appropriateness of the provisions of the Patriot Act and any abuses which may have occurred under the authority of the Patriot Act.

The Congress of the United States is further requested to consider the modification or repeal of §§ 213 and 215 of the Patriot Act, and to enact a privilege providing for the confidentiality of records maintained by public libraries by amending F.R.Evid. 501.

The County Manager shall send copies of this resolution to the Congressional delegation representing the citizens of Durham County and to the members of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

## **Greensboro, NC** **Passed on May 20, 2003**

### **A Resolution of the Greensboro City Council concerning the Patriot Act**

Whereas, The City of Greensboro has a diverse population that is vital to our community’s character, and that we have a long tradition of protecting human rights and civil liberties that protect all of our residents, including non-citizens and the recently-immigrated; and

Whereas, As a City, we are concerned that provisions of the USA Patriot Act and several Executive Orders could possibly lead to abuse in enforcement; and

Whereas, In a time of concern over terrorism, our country must find a balance between the need for national security and the need for protection of our basic civil rights and liberties; and

Whereas, The City of Greensboro Human Relations Commission has passed a resolution stating that some aspects of the USA Patriot Act and some Executive Orders may be an unnecessary threat to the civil rights and liberties of the people of Greensboro;

**NOW THEREFORE BE IT RESOLVED**

That the City of Greensboro affirms its opposition to terrorism, and also affirms its strong belief that there not be unnecessary sacrifices of civil rights and liberties in the fight against terrorism; and

That the City of Greensboro request the US Congress to further study the Act to determine if all civil liberties have been safeguarded while combating terrorism.

Approved by the Greensboro City Council by a unanimous vote May 20, 2003

## **Orange County, NC** **Passed on May 20, 2003**

### **A Resolution Regarding the Protection of Civil Rights and Civil Liberties**

WHEREAS, Orange County is committed to the human rights of its residents and to actions that preserve and protect those rights; and

WHEREAS, Orange County is home to a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the Board of Commissioners is committed to upholding the civil rights and civil liberties of all persons in Orange County and their free exercise and enjoyment of any and all rights and privileges secured by the constitutions and laws of the United States, the State of North Carolina, and Orange County; and

WHEREAS, actions taken by the federal government, including the adoption of sections of the USA Patriot Act and several Executive Orders, now threaten those fundamental rights and liberties, including freedom of speech, assembly, and privacy; the right to counsel of due process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the Constitutions of North Carolina and the United States; and

WHEREAS, the Executive Branch of the United States government has drafted a “Domestic Security Enhancement Act” (also known as the “USA Patriot Act II”), which would further undermine those rights and liberties by expanding the government’s surveillance authority; by allowing the sharing of sensitive personal information with local and state law enforcement agencies without consent or judicial process; and by authorizing secret arrests and detentions of persons not criminally charged.

**NOW, THEREFORE, the Orange County Board of Commissioners does hereby resolve:**

Section 1. That we encourage our state and federal legislative delegations to monitor the implementation of the USA Patriot Act and the Executive Orders cited herein and to work actively for the repeal of those portions of the Act and those Orders that violate the rights and liberties guaranteed by the Constitutions of North Carolina and the United States.

Section 2. That we encourage our state and federal legislative delegations to work actively against adoption of the Domestic Security Enhancement Act cited herein and against any legislation or Executive Order that would undermine residents’ fundamental rights and liberties.

Section 3. That we encourage local law enforcement agencies to continue to preserve residents; freedom of speech, religion, assembly, and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, even if requested or authorized to infringe upon those rights by federal law enforcement under powers granted by Acts or Orders cited herein.

Section 4. That we encourage federal and state law enforcement officials acting within Orange County to work in accordance with the policies and procedures of an in cooperation with local law enforcement and to not engage in racial profiling or permit detentions without charges.

Section 5. That this resolution be forwarded to our state and federal legislative delegations on behalf of the residents of Orange County.

**Raleigh, NC****Passed on June 15, 2004****A Resolution Relating to the USA PATRIOT Act**

WHEREAS, the City of Raleigh recognizes the Bill of Rights in the U.S. Constitution and the Declaration of Rights in the North Carolina Constitution as inalienable liberties which are secured against the powers of our federal and state governments; and

WHEREAS, the City of Raleigh has a long and distinguished history of protecting and enhancing the rights of its citizens and we find the erosion of these rights a cause for great alarm; and

WHEREAS, Raleigh is a politically diverse population which includes traditional and new residents, students, immigrants, and others whose combined contributions are vital to our City's growth and character; and

WHEREAS, acts of terrorism against the United States on September 11, 2001, prompted the federal government to declare a "war on terrorism", many aspects of which, in its domestic implementation, constitute an assault with few precedents on the following constitutional amendments:

THE FIRST AMENDMENT, which provides that no law shall be made "abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances";

THE FOURTH AMENDMENT, which declares, "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, upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons and things to be seized";

THE FIFTH AMENDMENT, which states that no person "shall be compelled in any criminal case to be a witness against himself, nor shall be deprived of life, liberty, or property, without due process of law";

THE SIXTH AMENDMENT, which guarantees defendants "the right to a speedy and public trial, by an impartial jury...and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense";

THE EIGHTH AMENDMENT, which states, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted";

THE FOURTEENTH AMENDMENT, which prohibits the government from denying "to any person within its jurisdiction the equal protection of the laws"; and

WHEREAS, the provisions of the Constitution apply in wartime as in peace; and to violate or depart from them, under the plea of necessity or any other plea, is subversive of good government.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. Maintains that the United States Constitution, including the Bill of Rights, is the ultimate legal authority whenever its provisions conflict with those of the U.S.A. Patriot Act, or federal Executive Orders;

Section 2. Requests the Mayor to transmit a copy of this Resolution, upon adoption, to the Governor, Attorney General, and General Assembly of North Carolina, all members of Congress representing the residents of Raleigh and North Carolina, and president and Attorney General of the United States.

# OHIO

## Cleveland Heights, OH Passed on February 17, 2004

**A Resolution of the Council of the City of Cleveland Heights calling upon our United States Representatives and Senators to monitor the implementation and execution of the USA PATRIOT Act (Public Law 107-56) and related legislation and executive orders, and to actively work for the repeal of any legislation and executive orders that violate fundamental rights and liberties as stated in the Constitution of the United States or that are otherwise overbroad and unnecessary to protect our national security; and declaring an emergency.**

WHEREAS, in response to the tragic crime against humanity that occurred on September 11, 2001, new federal laws and enforcement powers, including the USA PATRIOT Act (Public Law 107-56) (the “Act”) were hastily enacted; and

WHEREAS, since that time questions have arisen from citizens of both major political parties as well as editors and commentators as to the compatibility of certain provisions of the Act and certain actions taken there under with the basic freedoms and liberties guaranteed by the United States Constitution; and

WHEREAS, the City of Cleveland Heights values its racially, religiously and ethnically diverse population, including immigrants and college students, whose contributions to the community are vital to its economy, culture and civic character, and has concerns about any governmental actions which could lead to a climate of profiling based upon race, religion or ethnicity; and

WHEREAS, more than two hundred communities throughout this country and several states have enacted resolutions reaffirming support for the fundamental civil liberties and freedoms that define our Nation, and demanding accountability from the federal government in the enforcement of the Act so that the campaign against terrorism is not waged at the expense of these fundamental liberties and freedoms.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. The Council of the City of Cleveland Heights hereby affirms its strong support for the fundamental constitutional rights and liberties of the peoples of this Nation, and calls upon its United States Representatives and Senators to monitor the implementation and execution of the USA PATRIOT Act (Public Law 107-56) and related legislation and executive orders and to actively work for the repeal of any legislation and executive orders that violate fundamental rights and liberties as stated in the United States Constitution or that are otherwise overbroad and unnecessary to protect national security.

SECTION 2. The Clerk of Council is hereby directed to forward a copy of this legislation to the President of the United States, the Attorney General of the United States, the State of Ohio’s two Senators, the United States Representatives representing districts in Cuyahoga County, the Governor of the State of Ohio, and the Speaker of the House and Senate Majority Leader of the Ohio Legislature.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to join with other communities to protect the nation’s civil rights and liberties. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise it shall take effect and be in force from and after the earliest time allowed by law.

## Oberlin, OH Passed on September 15, 2003

### RESOLUTION NO. 03/15 CMS

WHEREAS, the City of Oberlin, Ohio, recognizes that a threat to any one person’s Constitutional rights is a threat to the rights of all; and

WHEREAS, the City of Oberlin has been and remains committed to the protection of civil rights and liberties for all residents; and

WHEREAS, the Declaration of Independence of the United States, holds as self-evident that all people are created equal and are endowed with the inalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS, the United States Constitution guarantees all persons living in the United States certain fundamental rights including freedom of religion, speech, assembly and privacy, protection from unreasonable searches and seizures; due process and equal protection; and access to counsel, presumption of innocence and a fair, speedy public trial; and

WHEREAS, the Council of the City of Oberlin supports the legitimate needs of law enforcement while at the same time maintaining the Constitutional and statutory parameters, which guarantee each individual the right to privacy; and

WHEREAS, the City of Oberlin has a racially and ethnically diverse population, including immigrants and international college students, whose contributions to the community are vital to its economy, culture and civic character;

WHEREAS, a great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement power, including the USA Patriot Act (Public Law 107-56) signed by President George W. Bush on October 26, 2001; and

WHEREAS, although the USA Patriot Act was written to respond to the attack on our nation, it weakens, contradicts and undermines the basic Constitutional rights outlined above. The Act, a 342 page document, was hastily enacted without public hearings or a Congressional “mark-up”; and

WHEREAS, examples of the Patriot Act’s threat to these fundamental rights include the Government’s expanded power to engage in limited judicial supervision of telephone and internet surveillance, grant law enforcement and intelligence agencies broad access to sensitive medical, mental health, financial, and education records with little, if any, judicial oversight; expand the Government’s ability to conduct secret searches of individuals’ homes and businesses, including monitoring what books are bought from bookstores or borrowed from libraries; and limits the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, federal policies adopted since September 11, 2001, including provisions in the USA Patriot Act and related executive orders, regulations and actions, threaten fundamental rights and liberties through an overbroad definition of “terrorism” that has a chilling effect on Constitutionally protected speech and threatens robust political discourse and free inquiry; the act also encourages state and local officials to be involved in enforcing a number of its provisions, but does not require them to do so; and

WHEREAS, Department of Justice interpretations of the USA Patriot Act and Executive Orders appear to impact on selective racial and religious groups including residents of other nations. This has caused alarm among citizens and non-citizens who fear an emergent climate for racial and ethnic profiling; and

WHEREAS, more than 150 cities and communities and several states throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of Government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these new powers.

NOW, THEREFORE, be it resolved by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the Council of the City of Oberlin reaffirms its support of the United States government in its campaign against global terrorism, but also reaffirms that any efforts to end terrorism not be waged at the expense of the fundamental civil liberties of the people of Oberlin, and all citizens of the United States.

SECTION 2. That the Council of the City of Oberlin reaffirms its strong support for fundamental Constitutional rights and its opposition to federal measures that infringe on civil liberties; and reaffirms its strong support for the rights of non-citizen and citizen immigrants as well as international visitors, in accordance with the Bill of Rights and the Fourteenth Amendment; and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin.

SECTION 3. That the Council of the City of Oberlin urges the city administration and its citizens during the course of their daily life to be guided by the collective responsibility and obligation of safeguarding the Constitutional protections afforded all people of our city. The Council recognizes that this is the paramount responsibility of local law enforcement personnel and appointed and elected government officials, who are ultimately responsible for upholding the solemn oath they have taken to preserve, protect and defend the Constitutions of the United States and the State of Ohio. For these reasons, insofar as the Patriot Act does not require local participation, the Council of the City of Oberlin urges the Oberlin City Manager and his staff to refrain from voluntarily participating in enforcing provisions of the USA Patriot Act and related executive orders, regulations, and actions.

SECTION 4. That the Council of the City of Oberlin requests the City Manager to provide to the council, without violating confidentiality, available data about investigations conducted in Oberlin under the auspices of the USA Patriot Act, related executive orders and legislation, in order to ensure accountability of law enforcement agencies.

SECTION 5. That the Council of the City of Oberlin commends libraries within the city for their policies, including record-keeping policies, that protect the personal privacy of library users.

SECTION 6. That the Council of the City of Oberlin calls on our United States Representatives and Senators to monitor the implementation of the Act and Executive Orders cited herein and to actively work for the repeal of the Act or those sections of the Act, including Executive Orders, that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments.

SECTION 7. That the Clerk of the Council of the City of Oberlin transmit a copy of this resolution to Ohio’s two Senators, to the City of Oberlin’s Congressional Representative, to the Governor of the State of Ohio, to appropriate members of the State Legislature, and to the President of the United States and his Attorney General;

SECTION 8. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9: That this resolution shall take effect at the earliest date allowed by law.

## **Oxford, OH**

**Passed on August 19, 2003**

### **A Resolution Affirming the Civil Rights of All Residents of the City of Oxford**

SECTION 1: The City of Oxford, with a diverse population vital to its character and function, has a long history of protecting and expanding the civil rights and civil liberties of its residents.

SECTION 2: The Bill of Rights of the United States Constitution guarantees those living in the United States the following rights: freedom of speech, religion, assembly, and privacy; equality before the law and the presumption of innocence; access to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures.

SECTION 3: The City of Oxford believes these civil liberties are precious and appear to be threatened by certain provisions of an act entitled “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” (the USA Patriot Act), passed by Congress on October 26, 2001 including those provisions that: reduce judicial supervision of telephone and internet surveillance; expand the government’s ability to conduct secret searches without warrants; expand the authority of federal agents to conduct searches in which the subject of the search warrant is unaware that his/her property has been searched; grant power to the U.S. Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime; grant power to the U.S. Attorney General to designate domestic groups as “terrorist organizations”; grant the Federal Bureau of Investigation (FBI) access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime; and grant the FBI the power to compel libraries and bookstores to produce circulation or purchase records of their patrons and forbid disclosure that such records have been requested and produced.

SECTION 4: Oxford City Council affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism should not be waged at the expense of essential civil rights and liberties of the people of the City of Oxford and the United States, in the belief that a threat to any one person’s Constitutional rights is a threat to the rights to all.

SECTION 5: The City of Oxford has been and remains committed to the protection of civil rights and liberties for all citizens of Oxford, and the Members of the Oxford City Council, loyal to their oaths to support and defend the Constitution of the United States and of the State of Ohio, affirm the rights of all people, citizen and non-citizen alike, within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution.

SECTION 6: Oxford City Council calls upon all City officials and employees to respect the civil rights and liberties of all members of this community and reaffirms the law enforcement policies and procedures of the City of Oxford that are based on (1) unbiased policing of the community without regard to the race, religion, ethnicity, national origin, or political values or associations of individuals, and (2) the requirement of showing probable cause for any inquiry, investigation, surveillance or detention of individuals.

SECTION 7: Oxford City Council calls upon all private citizens—including residents, employers, educators, and business owners—to demonstrate similar respect for civil rights and liberties, and asks (a) the public schools and the institution of higher learning within Oxford to provide notice to individuals whose education records have been obtained by law enforcement under the USA Patriot Act, and (b) the public library to post notice informing library patrons that their records may be obtained by federal agents under the USA Patriot Act, and (c) libraries and local businesses, in order to protect privacy rights, to refrain when possible from keeping records that identify the names of patrons.

SECTION 8: Oxford City Council calls upon our United States Congressional Representatives and Senators to monitor the implementation of the USA Patriot Act and Executive Orders issued pursuant to the Act, to review the USA Patriot Act for areas of conflict with the U.S. Constitution, especially the Bill of Rights, and to work actively for the repeal of those portions of the Act and those Orders that conflict with fundamental rights and liberties guaranteed by the United States and Ohio Constitutions.

SECTION 9: The City Manager is therefore directed to provide copies of this resolution to the City’s U.S. Congressional Representative and Senators, the City’s State Representative and Senator, the U.S. Attorney General, the President of the United States, the Miami University administration, the Talawanda School District administration, the Lane Public Library, and businesses in Oxford.

SECTION 10: This resolution shall take effect at the earliest date allowed by law.

## **Toledo, OH**

**Passed December 9, 2003**

### **Resolution to Support a Free, Safe, and Secure Toledo.**

WHEREAS, the City of Toledo is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS, the City of Toledo has a diverse population, including immigrants and students, whose contributions to the community are vital to the economic, cultural and civic character; and

WHEREAS, the preservation of civil rights and responsibilities, and liberties is essential to the well-being of a democratic society; and

WHEREAS, federal, state and local officials have a responsibility to protect the public from terrorist attacks such as those that have occurred in the past decade, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without violating the Constitution and the Bill of Rights of the United States of America; and

WHEREAS, the Council of the City of Toledo believes that there is no inherent conflict between national security and the preservation of liberty – Americans can be both safe and free; and

WHEREAS, recent federal policies adopted, including provisions in the United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, Domestic Security Enhancement Act of 2003, and related executive orders, regulations and actions that threaten provisions of the Constitution by:

- authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as enemy combatants without access to counsel or meaningful recourse to the federal courts;
- limiting the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;
- expanding the authority of federal agents to conduct so-called sneak and peek or black bag searches, in which the subject of the search warrant is unaware that his property has been searched;
- granting law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little if any judicial oversight;
- chilling constitutionally protected speech through overbroad definitions of terrorism and allowing police spying of lawful community demonstrations;
- driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law;
- permitting the FBI to conduct surveillance of religious services, internet chat-rooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed; and

WHEREAS, these new powers pose a threat to the civil rights and liberties of the residents of our city, particularly those who are Arab, Muslim or of South Asian descent; and

WHEREAS, many other communities throughout the country have taken the responsibility for reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers; NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. AFFIRMS its strong support for protection of all citizens under the Constitution and its opposition to measures that infringe on civil liberties.

SECTION 2. AFFIRMS its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin.

SECTION 3. REQUESTS that public schools and institutions of higher learning within the City of Toledo provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT Act.

SECTION 4. REQUESTS public libraries within the City of Toledo to post in a prominent place within the library a notice to library users as follows: WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530.

SECTION 5. DIRECTS the Clerk of Council to transmit a copy of this resolution to our federal and state elected officials, accompanied by a letter urging them to monitor federal anti-terrorism tactics and work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties.

SECTION 6. DIRECTS the Clerk of Council to transmit a copy of this resolution to President Bush and Attorney General Ashcroft.

SECTION 7. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.



## **Yellow Springs, OH**

### **Passed on November 3, 2003**

Whereas, the Village of Yellow Springs has a long and distinguished history of respecting and protecting civil rights and civil liberties; and

Whereas, the Village of Yellow Springs is home to a diverse population, including non-citizens, whose contributions to the community are vital to its character and function; and

Whereas, the Village of Yellow Springs has with gratitude for their supreme sacrifice memorialized those in the Armed Forces who protected these same cherished rights and liberties; and

Whereas, the Village of Yellow Springs, motivated by commitment to the free exercise of fundamental democratic rights and liberties, as set forth by the constitutions and laws of the United States, the State of Ohio, and the village of Yellow Springs, has established by ordinance the Human Relations commission of the Village of Yellow Springs;

Whereas, several acts and orders recently enacted at the Federal level, including sections of the USA Patriot Act and several Executive Orders, now threaten these fundamental rights and liberties:

- Freedom of speech, religion, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures,

All guaranteed by the Constitution of the State of Ohio, and the United States Constitution and its Bill of Rights

**NOW, THEREFORE, THE COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY RESOLVES THAT ACTING IN THE SPIRIT AND HISTORY OF OUR COMMUNITY DOES RESOLVE:**

Section 1. Our United States Congressman and Senators be urged to actively work for the repeal of the parts of the Patriot Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the state of Ohio and the United States.

Section 2. Village administration inform village Council of the enforcement of any provision of the Patriot Act and those Orders within Village incorporation limits or requiring the involvement of Village staff, so that council may meet and determine what action may be necessary by Council to preserve the rights of Village citizens.

# OREGON

## Ashland, OR

Passed on February 18, 2003

### Resolution No. 2003-05, Resolution to Protect Civil Liberties

#### Recitals:

The City of Ashland is proud of its commitment to protect the civil rights and liberties of its residents and believes that the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

The City of Ashland believes that there is no inherent conflict between national security and the preservation of liberty and that government can protect public safety without impairing civil rights and liberties; and

The new federal anti-terrorism policies may pose a threat to the civil rights and liberties of all persons within the City of Ashland, and a particular threat to those who are immigrants, Muslims, or people of Arab or South Asian descent; and

The First Amendment of the United States Constitution specifies that no law be made “respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances”; and

The Fourth Amendment declares that “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”; and

The Fifth Amendment states that no person “shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law”; and

The Sixth Amendment guarantees defendants “the right to a speedy and public trial, by an impartial jury .... and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense”; and

The Eighth Amendment states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”; and

The Fourteenth Amendment prohibits the government from denying “to any person within its jurisdiction the equal protection of the laws”; and

Federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions may threaten fundamental civil rights and liberties by being interpreted as:

- Authorizing the indefinite incarceration or deportation of non-citizens even if they have not committed a crime (USA PATRIOT Act, Sections 411 and 412);
- Limiting judicial supervision and civil liberties protections in the application of telephone and internet surveillance (USA PATRIOT Act, Section 216);
- Expanding the authority of federal agents to conduct secret searches so that the subject of a search warrant is unaware that the property has been searched (USA PATRIOT Act, Section 213);
- Granting law enforcement and intelligence agencies broad access to sensitive medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime (USA PATRIOT Act, Sections 215, 218, 219, 358, 507, and 508);
- Limiting constitutionally protected speech through unchecked authority of the Attorney General and the Secretary of State to designate domestic groups as “terrorist organizations” using overbroad definitions of “terrorism” (USA PATRIOT Act, Section 411 );
- Authorizing the indefinite incarceration of citizens designated by the President as “enemy combatants” without access to counsel or meaningful recourse to the federal courts (see Hamdi and Padilla cases);
- Authorizing the FBI to conduct surveillance of religious services, internet chatrooms, political demonstrations, and other public meetings without evidence that a crime has been or may be committed (Attorney General’s guidelines and procedures relating to criminal investigations and national security, issued May 30, 2002);
- Limiting the disclosure of public documents and records under the Freedom of Information Act (“Memorandum for Heads of all Federal Departments and Agencies,” Attorney General John Ashcroft, Oct. 12, 2001 );
- Permitting wiretapping of conversations between federal prisoners and their lawyers (28 CFR 501.3); and

- Establishing secret military tribunals for terrorism suspects (Military Order, Nov. 13, 2001).

#### THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

Section 1. The City of Ashland affirms its commitment to preserve the constitutional rights of all persons within the City of Ashland, including equal protection of the laws, freedom of speech, religion, and assembly, freedom from unreasonable search and seizure, and privacy, without regard to race, ethnicity, national origin, religion, age, sexual orientation, gender, economic status, marital status, citizenship status, or disability.

Section 2. The City of Ashland directs the Ashland Police Department:

To request written assurance from the applicable federal authority, when an individual in the custody of the City of Ashland who is not a member of the U.S. military forces is to be placed in federal custody under the authority of the USA PATRIOT Act, that the individual will not be subjected to military detention, secret detention, secret immigration proceedings, or detention without access to counsel, and to refrain from assisting the federal authority in obtaining custody of that individual absent such assurance;

To continue to determine particularized suspicion of criminal activity before engaging in surveillance of individuals or groups, and to refrain, whether acting alone or with other law enforcement agencies, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual or group unless such information directly relates to a criminal investigation (in accordance with ORS 181.575);

To continue to carry out investigations without regard to race, ethnicity, national origin, religion, age, sexual orientation, gender, economic status, marital status, citizenship status or disability, except when such factors are part of the description of a particular suspect, or an element of a state crime as provided in the Oregon Revised Statutes, and to refrain from participating in enforcement of federal immigration laws, which are the responsibility of the Immigration and Naturalization Service (in accordance with ORS 181.850);

Except as provided in ORS 133.619, 133.724, and 133.726, to continue to provide prior or simultaneous notice of the execution of a search warrant within the City of Ashland to the person whose property is the subject of such a warrant, and to refrain from participating in a joint search with any law enforcement agency where prior notice has not been given to the subject pursuant to section 213 of the USA PATRIOT Act; and

To refrain from undertaking or participating in any federal clandestine program such as the Terrorism Information and Prevention System (TIPS), which encourages members of the general public to spy on their neighbors, colleagues or customers, while continuing to participate in programs such as Amber Alert which depend on widespread dissemination to the public of information relevant to specific criminal activity.

Section 3. The City of Ashland requests that the U.S. Attorney's Office, the Office of the Federal Bureau of Investigation, the Oregon State Police, and any other federal, state or local law enforcement office having relevant information, report annually to the Ashland City Council the extent and manner in which they have acted within the City of Ashland under the USA PATRIOT Act and new Executive Orders, including but not limited to disclosing:

The names of all residents of the City of Ashland who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001; the location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; and the name of counsel, if any, representing each detainee;

The number of search warrants that have been executed in the City of Ashland without prior notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;

The extent of electronic surveillance carried out in the City of Ashland under the Foreign Intelligence Surveillance Act or powers granted in the USA PATRIOT Act;

The extent to which federal authorities are monitoring political meetings, religious gatherings, or other activities protected by the First Amendment within the City of Ashland;

The number of times education records have been obtained from public schools and institutions of higher learning in the City of Ashland under section 507 of the USA PATRIOT Act;

The number of times library records have been obtained from libraries within the City of Ashland under section 215 of the USA PATRIOT Act; and

The number of times that records of book purchases have been obtained from bookstores within the City of Ashland under section 215 of the USA PATRIOT Act.

Section 4. The City Administrator is directed to transmit a copy of this resolution to Oregon's elected officials in Congress, to the Governor and to the members of the Legislature representing Ashland, to President George Bush, to Attorney General John Ashcroft, to Jackson County and the Jackson County Library, School District #5 and Southern Oregon University.

Section 5. This resolution takes effect upon signing by the Mayor.

## **Astoria, OR**

### **Passed on August 18, 2003**

WHEREAS, the Constitution of the United States of America and its Bill of Rights, along with the Constitution of the State of Oregon, guarantee certain liberties to all Oregonians, including:

- Freedom of speech and peaceful assembly;
- Established rights in judicial proceedings, including presumption of innocence, due process, legal counsel and probable cause;
- Protection from unreasonable searches and seizures;

WHEREAS, the sanctity of these precious liberties may be threatened by certain new laws, including “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001” (also known as the USA PATRIOT ACT), several executive orders, the Homeland Security Act, and the proposed Domestic Security Enhancement Act of 2003 (also known as PATRIOT II);

WHEREAS, residents of Astoria have expressed alarm about the pursuit of security without appropriate protection of Constitutional rights;

WHEREAS, the Astoria City Council is committed to upholding the United States Constitution and its Bill of Rights, and the Oregon State Constitution and its Bill of Rights; and

WHEREAS, it is generally accepted that unwarranted secrecy is antithetical to a true democracy, and that actions undertaken by secret indictment or process undermine established norms for civil discourse between government and those whom it would govern;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF ASTORIA:

Section 1. Submits a letter to the Oregon Congressional delegation conveying the concerns of Astoria residents regarding the PATRIOT ACT, including but not limited to the following:

- Monitoring political and religious gatherings;
- Obtaining library records, bookstore records, and internet records without proper authorization and without notification;
- Issuing subpoenas through the United States Attorney’s Office without a court’s approval or knowledge;
- Eavesdropping on confidential communications between lawyers and their clients;
- Entering private residences, businesses and organizations without consent, before serving a search warrant;
- Engaging in racial profiling and detention without charges; and
- Withholding information from Congress and the public on actions taken under these laws.

Section 2. Urges members of the Oregon Congressional delegation to actively work for the revocation of any sections of the USA PATRIOT ACT, any proposed new Federal legislation and Executive Orders which limit or violate fundamental rights and liberties embodied in the Municipal Ordinances of the City of Astoria and in the Constitutions of the State of Oregon and of the United States.

Section 3. Requests the City Manager to instruct City employees to continue practices and policies favoring and protecting Constitutional rights and liberties;

Section 4. Declares December 15, the federally designated “Bill of Rights Day”, as a day of formal city celebration of the liberties and protections afforded by the Constitutional amendments known as the Bill of Rights; and

Section 5. Directs the City Manager to transmit copies of this Resolution to the Governor of the State of Oregon, Astoria’s State legislative delegation, Astoria’s delegation in the United States Congress, and the President of the United States.

Section 6. Effective Date. This Resolution is effective on the date of its passage.

## **Benton County, OR**

### **Passed on March 18, 2003**

#### **Civil Liberties Resolution D2003-111**

Whereas, several actions recently taken by the federal government, including the adoption of the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act,” also known as the USA Patriot Act, several Executive Orders, and the “Homeland Security Act,” may cause the federal government to violate the following when pursuing matters of security:

- Freedom of speech, assembly and privacy;

- Fundamental liberties protected by due process and probable cause;
- The right to legal counsel in judicial proceedings; and
- Protection from unreasonable searches and seizures;

all of which are guaranteed to all residents of the United States by the Constitutions of Oregon and the United States; and

Whereas, there is conflicting federal legislation that directly impacts the ability of Benton County employees to respond to requests for assistance and access to personal and confidential information;

Therefore, be it resolved that the Benton County Board of Commissioners, hereby:

1. Directs county employees to direct requests, including court orders, warrants and subpoenas from federal authorities under the aforementioned federal legislation or directives to the highest supervisory level: the sheriff for law enforcement and the Board of Commissioners for all others;
2. Directs all county departments to continue their strong commitment to preserve residents' freedom of speech, religion, assembly and privacy; and;
3. Urges local law enforcement entities to continue to be vigilant in preserving the rights of the people of Benton County as guaranteed by the Oregon and United States Constitutions.

Be it further resolved that the Benton County Board of Commissioners requests that our United States representatives and senators monitor the implementation of federal legislation and executive directives and actively work to correct or repeal those parts of such legislation that violate our rights and liberties as stated in the Constitution of the United States.

Therefore, in recognition that residents of Benton County, Oregon, are a diverse population and include non-citizens whose contributions to the community are vital to its character and function, the Benton County Board of Commissioners asserts its commitment to defend the constitutionally protected rights to liberty, justice and the pursuit of happiness from unnecessary government intrusion.

## **Coos County, OR**

**Passed on June 15, 2005**

### **Resolution Supporting US Constitution and Bill of Rights**

The Board moved to reaffirm their sworn duty to defend and uphold the constitution, to ask that the congregational delegation do the same and to reaffirm their commitment to continue to try to protect the freedoms and liberties of the people of Coos County.

## **Corvallis, OR**

**Passed on April 21, 2003**

### **A Resolution Protecting Civil Rights and Liberties of City of Corvallis Residents**

WHEREAS, The City of Corvallis strives to be a "community that encourages diversity and is free of prejudice, bigotry and hate" (Corvallis 2020 Vision Statement), is enriched by Oregon State University's foreign student population, our Uzhgorod Sister City relationships, and international exchange programs that teach us about each other and help make us an involved and concerned part of the international human community; and

WHEREAS, the Bill of Rights of the Oregon Constitution and the United States Constitution grant citizens and non-citizens living within the City of Corvallis each certain fundamental rights, such as freedom of speech and the press; protection from unreasonable searches and seizures; an open administration of justice; comprehensive rights of the accused in criminal prosecution; the privilege of the writ of habeas corpus - requiring that a person be brought before a court to determine whether that person has been detained legally; and

WHEREAS, the City Council of the City of Corvallis is committed to upholding the human rights of all persons in Corvallis and their exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of Oregon, and the City of Corvallis; and

WHEREAS, we believe that actions recently taken by the Federal government, including the adoption of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act," also known as the USA Patriot Act, several Executive Orders, and the "Homeland Security Act" may allow the Federal government to violate the following rights which are guaranteed to all residents of the United States by the Constitution of Oregon and the United States:

- Freedom of speech, assembly and privacy;
- Fundamental liberties protected by due process and probable cause;
- The right to legal counsel in judicial proceedings; and

- Protection from unreasonable searches and seizures; and

WHEREAS, the City Council of the City of Corvallis affirms its strong support for fundamental rights, and opposition to measures that infringe on civil rights and liberties; and

WHEREAS, the City Council of the City of Corvallis reaffirms its commitment to diversity by preserving the fundamental rights of all persons within the City of Corvallis, including equal protection of the laws, freedom of speech, religion and assembly, freedom from unreasonable searches and seizures -- without regard to race, ethnicity, national origin, religion, age, sexual orientation, gender, economic status, marital status, citizenship status or disability.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CORVALLIS:

Requests the City Manager to direct City employees to direct requests, including court orders, warrants and subpoenas from Federal authorities under the aforementioned Federal legislation or directives to the City Manager, unless the lawful directive precludes the same; and

Directs the City Manager to report to the City Council at the subsequent regularly scheduled City Council meeting any known activities within the City that have been carried out under the aforementioned Federal laws and orders; and

Requests the City Manager to direct all City departments to continue their strong commitment to preserve freedom of speech, religion, assembly and privacy; and

Requests the City Manager to direct the Corvallis Police Department to continue to be vigilant in preserving the rights of the people of the City of Corvallis as secured by the Oregon and United States Constitutions. Further, we request the City Manager to direct the Corvallis Police Department to:

- Continue to carry out investigations without regard to race, religion, ethnicity or national origin, age, sexual orientation, gender, economic status, marital status, citizenship status or disability as a factor in selecting which individuals to subject to investigatory activities, unless such information directly relates to an investigation or criminal activities.
- Refrain from collecting or maintaining information about the political, religious, social views, associations or activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities, or there is reasonable suspicion for suspecting criminal conduct.

BE IT FURTHER RESOLVED that the Corvallis City Council respectfully request our State Legislature to ensure that State anti-terrorism measures and laws be implemented in a manner that does not infringe on civil rights and liberties and respectfully request that our United States Representatives and Senators monitor the implementation of Federal legislation and executive directives and actively work to repeal those parts of such legislation that violate our rights and liberties as stated in the Constitution of the United States.

BE IT FURTHER RESOLVED that the Corvallis City Council directs the Mayor to forward this Resolution to the Governor of the State of Oregon and our State Legislative Delegation and our National Congressional Delegation.

## **Douglas County, OR** **Passed on October 24, 2001**

### **Douglas County, Oregon Resolution**

WHEREAS, on October 24, 2001 the Congress of the United States passed Public Law 107-56, herein referred to as The Patriot Act; and

WHEREAS, this act was passed in response to a brutal and premeditated attack on this country by terrorist organizations committed to the destruction of the principles of freedom, and the rule of law and all other constitutional provisions afforded citizens of this country; and

WHEREAS, not since December 7, 1941 has this country faced such an overt and calculated attack; and

WHEREAS, the Patriot Act was conceived and proposed to protect citizens of this country from further assault from those committed to its destruction and to prevent such acts in the future; and

WHEREAS, in their haste to put in place the protections and safeguards determined as necessary to prevent further acts of terrorist aggression against this country, Congress has included provisions that are ambiguous and unclear as to their constitutionality and impact on the freedom enjoyed by all Americans; and

WHEREAS, many citizens have expressed concern regarding lack of debate and discussion prior to the adoption of this law.

NOW, THEREFORE, be it resolved that the Douglas County Board of Commissioners urges all citizens to read and familiarize themselves with The Patriot Act, and to join us in relaying all questions, comments, and concerns to the Oregon congressional delegation and Department of Justice for their response and clarification.

**Eugene, OR****Passed on November 25, 2002****A Resolution of the City of Eugene Defending the Bill of Rights and Civil Liberties, Resolution No. 4743**

The City Council of the City of Eugene finds that:

- A. The City of Eugene has been, and remains committed to the protection of civil rights and liberties for all people as expressed in the United States and the Oregon Constitutions.
- B. The City of Eugene hereby reaffirms its support of the U.S. Constitution and the Oregon Constitution.
- C. The City of Eugene's Mission Statement promises to respect the perspectives and lifestyles of our active and diverse citizenry and commits the city to providing a safe community where people feel secure and respected, and a local government that works openly and respectfully with and for the community.

Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. We ask that the U.S. Attorney's Office, the Office of the Federal Bureau of Investigation, the Oregon State Police, and any other Federal, State law enforcement officials and local law enforcement with any such information report to the Eugene City Council and Human Rights Commission monthly and publicly the extent and manner in which they have acted under the USA PATRIOT Act and new Executive Orders, including but not limited to disclosing:

- 1.1 The names of any detainees held in the area or any Eugene residents detained here or elsewhere, the circumstances that led to the detention;
- 1.2 The charges, if any, lodged against each detainee;
- 1.3 The name of Counsel, if any, representing each detainee;
- 1.4 The number of search warrants that have been executed in the City of Eugene without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT act;
- 1.5 The extent of electronic surveillance carried out in the City of Eugene under powers granted in the USA PATRIOT Act;
- 1.6 The extent to which federal authorities are monitoring political meetings, religious gatherings or other such activities within the City of Eugene;
- 1.7 The number of times education records have been obtained from public schools and institutions of higher learning in the City of Eugene under section 507 of the USA PATRIOT Act;
- 1.8 The number of times library records have been obtained from libraries in the City of Eugene under section 215 of the USA PATRIOT Act;
- 1.9 The number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Eugene under section 215 of the USA PATRIOT Act; and
- 1.10 Subpoenas issued to Eugene citizens through the United States Attorney's Office without a court's approval or knowledge.

Section 2. We resolve that, to the greatest extent legally possible, no city resources, particularly administrative or law enforcement funds, will be used for unconstitutional activities conducted under the USA PATRIOT act or recent Executive Orders which permit activities listed above.

Section 3. It is finally resolved that the City of Eugene urges members of the Oregon Congressional delegation to actively work for the revocation of any sections of the USA PATRIOT Act, any proposed new Federal legislation and Executive Orders which limit or violate fundamental rights and liberties embodied in the Municipal Ordinances of the City of Eugene and in the Constitutions of the State of Oregon and of the United States.

Section 4. This Resolution shall become effective immediately upon its adoption.

**Gaston, OR****Passed on April 9, 2003****Civil Rights and Civil Liberties Resolution**

Adopted by the City Council of the City of Gaston, Oregon, on April 9, 2003, by a vote of 7 to 0

WHEREAS, the City of Gaston has been and remains committed to the protection of civil rights and liberties for all people as expressed in the Constitutions of the United States of America and of the State of Oregon.

WHEREAS, the City of Gaston hereby reaffirms its support of the Constitution of the United States of America and the Constitution of the State of Oregon.

WHEREAS, the Bill of Rights of the Constitution of the United States of America and the Constitution of the State of Oregon guarantee certain rights concerning:

- Freedom of speech and peaceful assembly;
- The assistance of counsel in criminal prosecutions and due process concerning deprivation of life, liberty or property; and
- Protection from unreasonable searches and seizures.

WHEREAS, the USA Patriot Act, Federal legislation also known as HR 3162 or Public Law 107-56, and associated orders and rules of the executive branch, now threaten these fundamental rights and liberties by:

- Authorizing indefinite incarceration of citizens designated as “enemy combatants,” without access to counsel or meaningful recourse to the courts;
- Authorizing indefinite incarceration of non-citizens based upon mere suspicion, without access to counsel or meaningful recourse to the courts;
- Substantially reducing judicial supervision of telephone and Internet surveillance;
- Substantially expanding the government’s ability to conduct secret searches;
- Granting the U.S. Attorney General and Secretary of State the power to designate domestic groups conducting legitimate activity as “terrorist organizations;”
- Granting the Federal Bureau of Investigation broad access to sensitive medical, mental health, financial, library, bookstore purchase and educational records about individuals without having to show evidence of a crime and without presenting or even obtaining a court order;
- Imposing prosecution on any keeper of records who divulges the search; and
- Allowing secret searches of homes and offices, thus undermining an individual’s right to be secure in one’s home without facing unreasonable searches and seizures;

WHEREAS, many other communities in the U.S. have enacted similar resolutions in order to make a statement, affect government policy and demand accountability from law enforcement regarding the implementation of these new powers;

WHEREAS, this Resolution is not intended to inhibit or prevent the apprehension, trial, or conviction of people who have carried out or planned attacks against the United States or any other country, but to state the belief, that we are still a nation based on laws and that a threat to any one person’s Constitutional rights is a threat to the rights of us all.

WHEREAS the Declaration of Independence of the United States holds as self-evident that all people are created equal and are endowed with the unalienable rights of life, liberty, and the pursuit of happiness;

WHEREAS the First Amendment of the United States Constitution specifies that no law be made “respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”;

WHEREAS the Fourth Amendment declares that “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”;

WHEREAS the Fifth Amendment states that no person “shall be compelled in any criminal case to be a witness against himself”;

WHEREAS the Sixth Amendment guarantees defendants “the right to a speedy and public trial, by an impartial jury..., and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense”;

WHEREAS the Eighth Amendment states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”;

WHEREAS the Fourteenth Amendment prohibits the government from denying “to any person within its jurisdiction the equal protection of the laws”;

THEREFORE, BE IT RESOLVED that the City of Gaston affirms the rights of all people-including United States citizens and citizens of other nations-within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and

BE IT FURTHER RESOLVED that Gaston City Council calls upon all City officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and



BE IT FURTHER RESOLVED that Gaston City Counsel calls upon all private citizens-including residents, employers, educators, and business owners-to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations; and

BE IT FURTHER RESOLVED that, to the extent legally possible, no City employee or department shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, be used that are in violation of individuals' civil rights or civil liberties as specified in the above Amendments of the United States Constitution; and

BE IT FURTHER RESOLVED that no City employee or department violate Oregon Revised Statutes 181.575, which prohibits police from collecting or maintaining information on groups or individuals based on their religious, political, and associational activities when that person or group is not suspected of any criminal activity; or ORS 181.850, which generally prohibits state and local law enforcement agencies from detecting or apprehending persons of foreign citizenship based only on violation of federal immigration laws and

BE IT FURTHER RESOLVED that the City Recorder communicate this Resolution to all City departments, the presiding judge of the circuit court, the Governor and Attorney General of the State of Oregon, the Oregon Congressional delegation, the United States Attorney General, and the President of the United States; and

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Oregon or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

## **Lane County, OR**

### **Passed on July 2, 2003**

#### **Order No. 03-7-2-1: In the Matter of Lane County, Oregon, Defending the Bill of Rights and Civil Liberties with Respect to the USA PATRIOT Act.**

WHEREAS, Lane County has a long and distinguished tradition of protecting the civil rights and liberties for all its residents as expressed in the United States and the Oregon Constitution; and

WHEREAS, Lane County has a diverse population, including immigrants, students and working people, whose contributions to the community are vital to its character and function; and

WHEREAS, Lane County reaffirms its support of the U.S. Constitution and the Oregon Constitution; and

WHEREAS, Lane County's Diversity Statement contained in LM 2.390 states the County policy of respecting and valuing differences, such as those based on ethnicity, language, and race, as well as respecting each individual's right to privacy in areas such as religious faith, political beliefs, and association; and

WHEREAS, in our opinion, several new federal laws, regulations and executive orders issued since September 11, 2001, including the adoption of certain provisions of the USA PATRIOT Act (Public Law 107-56, hereafter UPA) and the Homeland Security Act (Public Law 107-296) now threaten this local policy, as well as our constitutional rights and liberties, including:

- Freedom of speech, association, and religion,
- Right to privacy,
- Right to counsel and due process in judicial proceedings,
- Right to equal protection before the law,
- Protection from unreasonable searches and seizures; and

WHEREAS, federal, state and local governments need to protect the public from terrorist attacks such as those that occurred on September 11, 2001. Governments have an obligation to do so in a rational and deliberative fashion to ensure any new security measures enhance public safety without impairing Constitutional guarantees, or infringing on civil liberties; and

WHEREAS, in our opinion, federal policies adopted since September 11, 2001, including provisions in the UPA and related executive orders, regulations and actions threaten fundamental rights and liberties by:

- authorizing the indefinite incarceration of non-citizens based on mere suspicion (UPA, sections 411 and 412), and the indefinite incarceration of citizens designated by the President as "enemy combatants" without access to counsel or meaningful recourse to the federal courts (White House Order June 9, 2002; Department of Defense Report October 2, 2002),
- establishing secret military tribunals for terrorism suspects, without judicial oversight or Constitutional safeguards (Military Order, November 13, 2001),
- permitting wiretapping of conversations between federal prisoners and their attorneys (28 CFR 501.3),

- limiting disclosure of public documents and records under the Freedom of Information Act (“Memorandum for Heads of all Federal Departments and Agencies,” Attorney General John Ashcroft, October 12, 2001),
- permitting the use the secret Foreign Intelligence Courts to oversee law enforcement use of electronic surveillance in anti-terrorism investigations and in ordinary criminal investigations (UPA, section 216),
- expanding the authority of federal agents under the secrecy of Foreign Intelligence Courts to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched for citizens and non-citizens alike. (UPA, section 213),
- granting law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little if any judicial oversight (UPA, sections 215, 218, 358 and 508),
- chilling constitutionally protected speech through overbroad definitions of “terrorism”, which include protests and other political demonstrations (UPA, section 411),
- driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law (Public Law 107-296, Title VIII, Subtitle I: Homeland Security Information Sharing Act; Department of Justice Legal Opinion April 10, 2002),
- permitting the FBI to conduct surveillance of religious services, Internet chatrooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed (UPA, sections 203 and 901 and Attorney General’s Investigative Guidelines promulgated in May, 2002),
- eliminating many safeguards designed to prevent the potential for broad dissemination of unsubstantiated, incorrect or inappropriate information via law enforcement (Public Law 107-296, section 202; Department of Justice Rule amending 28 CFR Part 16 Privacy Act of 1974, March 24, 2003),
- allowing the Attorney General to override court decisions granting bond to immigrants seeking asylum, by requiring most immigrants to be jailed indefinitely without bond when “national security” risks exist (Interim Decision #3488, from John Ashcroft April 17, 2003),
- failing to ensure the accuracy of National Crime Information Center (NCIC) records (Department of Justice Order issued March 24, 2003, amending 28 CFR part 16, Privacy Act of 1974),
- granting the Attorney General broad discretion to determine which political and religious organizations are ‘terrorist organizations’, with no judicial or congressional oversight; (Executive Order 13224); and

WHEREAS, we believe that new legislation has been drafted by the Administration currently entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute, if not undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances by:

- diminishing personal privacy by removing important checks on government surveillance authority,
- reducing the accountability of government to the public by increasing government secrecy,
- expanding the definition of “terrorism” in a manner that threatens the constitutionally protected rights of Americans,
- seriously eroding the right of all persons to due process of law; and

WHEREAS, we believe that these new powers pose a particular threat to the civil rights and liberties of the residents of our county who are Arab, Muslim, or of South Asian descent; and

WHEREAS, more than 130 communities throughout the country, and three states have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers; and

WHEREAS, the citizens of Lane County want their commissioners and government to take a stand affirming the civil liberties and human rights of its residents,

NOW, THEREFORE IT IS HEREBY ORDERED AS FOLLOWS:

The County Administrator is directed every three months to compile from each County Department a list of all contacts, requests for assistance, requests for information, and any other communication from any federal agency, or on behalf of any federal agency, under the auspices of enforcing any of the provisions mentioned in the body of this Order. The information shall be disclosed to the fullest extent permissible by law. The information to be compiled includes but is not limited to:

- The number of any detainees connected with “terrorism” investigations;
- The names of any detainees connected with “terrorism” investigations;

- The charges, if any, lodged against each above mentioned detainee;
- The number of times federal authorities contacted any department in furtherance of monitoring political meetings, religious gatherings or other similar activities;
- The number of times education records have been requested or obtained from public schools and institutions of higher learning in Lane County under section 507 of the UPA, and
- The number of times library records have been requested or obtained from libraries in Lane County under section 215 of UPA
- The number of times records of books purchased by store patrons have been requested or obtained from bookstores in Lane County under section 215 of UPA.

The County Administrator shall request a report from the Lane County Sheriff disclosing, to the extent permitted by law, any incidents within the past year in which he has been requested by federal authorities to take part in enforcement or furtherance of the above-listed statutes, regulations, and orders. The County Administrator shall request updated information every three months. The information requested by the County Administrator will include, but will not be limited to, the following:

- information regarding “sneak and peak” searches, that is, searches without either advance warning or prompt notification following a search, pursuant to Section 213 of the UPA,
- information regarding military tribunals involving Lane County residents;
- information regarding requests to obtain library, educational, and bookstore purchase records in connection with an investigation of suspected terrorist activity;
- information regarding the involvement of Sheriff’s deputies in the investigation of immigration offenses;
- information regarding surveillance of religious services, internet chat-rooms, political demonstrations, or other public meetings in connection with an investigation of suspected terrorist activity.

The County Administrator shall advise the Board and the Lane County Human Rights Advisory Committee of the results of his inquiries within three months of the date of this Order, and every three months for as long as federal laws and orders specified in this resolution remain in place.

The Sheriff is further requested to advise the Board of how his Department complies with ORS 181.850 and 181.575, including providing copies of any applicable written procedures.

All county agencies are directed not to use county funds in any manner which would violate the civil liberties of Lane County residents, as outlined in this resolution. No contract or agreement for any service will be approved by the Board if the terms of the contract or agreement is for the purpose of conducting any activities under the provisions of Federal law mentioned in the body of this Order in a manner that would violate the civil liberties of Lane County residents.

The County Administrator is directed to transmit a copy of this Order to Senator Ron Wyden, Senator Gordon Smith, and Representative Peter DeFazio, accompanied by letters, urging them to:

- monitor federal anti-terrorism tactics,
- work to repeal the UPA, Homeland Security and other laws and regulations that infringe on civil rights and liberties,
- ensure that provisions of the UPA “sunset” in accordance with the provisions of the Act, and
- take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as “Patriot II” and/or any other new legislation that performs similar assaults on privacy, due process, increased government secrecy, and the checks and balances in government.

The County Administrator is directed to transmit a copy of this Order to Governor Kulongoski, Oregon Attorney General Hardy Meyers and appropriate members of the State Legislature, accompanied by letters urging them to ensure the state does not weaken in any way ORS 181.850 or ORS 181.575, urging them to ensure that any policies implemented by the Legislature do not infringe on civil liberties as described in this Order, and urging them to take a public stand supporting a statewide resolution prohibiting the expenditure of state funds in support of the federal laws, regulations and policies described in this Order.

The County Administrator is directed to transmit a copy of this Order to President George W. Bush and U.S. Attorney General John D. Ashcroft.

The provisions of this Order shall be severable, and if any phrase, clause, sentence or provision of this Order is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Oregon or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Order and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

DATED this 2nd day of July, 2003.  
 Peter Sorenson, Chair  
 Lane County Board of Commissioners

**Multnomah County, OR**  
**Passed on December 9, 2004**

**Expressing Commitment to Protect Civil Rights in the Era of the USA Patriot Act and Asking Oregon's Congressional Delegation to Oppose Legislation that Infringes upon Those Rights: Resolution No. 04-183**

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County remains committed to its long standing tradition of protecting the civil rights and liberties of all persons as expressed in the Constitution of the United States, the Constitution of the State of Oregon, and the County's own policies and ordinances; and believes that a threat to anyone person's rights is a threat to the rights of all.
- b. In the aftermath of September 11, 2001, Multnomah County stated its strong opposition to terrorism of any kind and recognizes that, without undermining the fundamental rights and liberties that make this nation great, it is necessary for our federal government to protect our citizens from future terrorist acts.
- c. Some provisions of the USA PATRIOT Act (Public Law 107-56) and the Homeland Security Act (Public Law 107-296) have resulted in reports of discrimination, harassment and curtailment of the constitutional rights and liberties of people who live, work, study, worship or travel in Multnomah County.
- d. New legislation entitled the "Tools to Fight Terrorism Act Of 2004" (S. 2679) has been introduced for consideration by Congress; and provisions of the USA PATRIOT Act will soon be reconsidered by Congress for possible reauthorization.
- e. These proposed new powers potentially pose a continuing and growing threat to the civil rights and liberties of all persons in our country, regardless of their race, religion, country of origin or ethnicity.
- f. Under Oregon state law, ORS 192.502 (22), and in keeping with library policy and practice, Multnomah County Library protects the privacy and confidentiality of library records including personal information, records of material borrowed or consulted, and use of the internet and other electronic sources.
- g. Section 215 of the USA PATRIOT Act allows a court order to be issued under the Foreign Intelligence Surveillance Act of 1978 (Public Law 95-511) without probable cause and requires Library personnel to produce library records even when there is no cause to believe the library patron has committed a crime.
- h. More than 360 communities throughout the United States and Oregon, including four states, have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that violate them, and demanding accountability from the Federal Government regarding their use of these new powers.

The Multnomah County Board of Commissioners Resolves:

1. While the Board of County Commissioners affirms its opposition to terrorism, it also affirms that any efforts to end terrorism must not be waged at the expense of fundamental civil rights, liberties, and freedoms. The Board also opposes federal measures that infringing upon the fundamental civil rights, liberties and freedoms of the people of Multnomah County and the United States.
2. The right to engage peaceably in public demonstrations, vigils, protests, marches, and similar activities to express ideas and views is protected by this affirmation and in the First Amendment of the Bill of Rights as "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This right must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.
3. The right to the free exercise of religion, including such practices as participating in congregational prayers and making contributions to serve the needy and the common good, must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.
4. A copy of this resolution will be forwarded to Oregon's U.S. Senators Gordon Smith and Ron Wyden; Oregon's, U.S. Representatives Earl Blumenauer, Peter DeFazio, Darlene Hooley, Greg Walden and David Wu with a letter from the Board of County Commissioners urging them to work to:
  - a. repeal all provisions of the USA PATRIOT Act and the Homeland Security Act that infringe upon the rights protected by the Constitution of the United States;
  - b. actively oppose pending and future legislation that may also unjustly infringe upon those same rights and liberties; and to continue their vigorous oversight of our constitutional liberties;
  - c. protect the privacy of Multnomah County Library patrons by repealing Section 215 of the USA PATRIOT Act.

5. A copy of this resolution will be forwarded to the President of the United States and to the Attorney General of the United States.

**Port Orford, OR**  
**Passed on May 18, 2004**

**An Ordinance of the City of Port Orford Amending the Port Orford Municipal Code to Defend the Bill of Rights and Civil Liberties**

The City of Port Orford does ordain to amend the City of Port Orford Municipal Code to add Chapter 2.30 to Title 2 as follows:

**SECTION 2.30.010: PURPOSES.**

The purposes of this ordinance are as follows:

To protect the rights and liberties of all people as stated in the United States and the Oregon Constitution and ORS 181.575 and ORS 181.850.

To preserve the freedoms of speech, religion, assembly, privacy, and the right to bear arms, and all other rights contained in the Bill of Rights of the United States Constitution and the Oregon State Constitution.

**SECTION 2.30.020: NO UNCONSTITUTIONAL DETENTIONS OR PROFILING.**

No employee of the City shall officially engage in or permit unlawful detentions or other actions that violate individuals' rights or liberties as specified in the United States Constitution's Bill of Rights and Fourteenth Amendment, or in the Oregon Constitution.

**SECTION 2.30.030: NO UNCONSTITUTIONAL VOLUNTARY COOPERATION.**

The City shall expend no funds or resources for activities to be performed by City employees which the United States Constitution, Oregon Constitution or Oregon Revised Statutes do not support or which violate the constitutional rights and freedoms of all persons.

The City Administrator shall regularly advise the City Council and the Public of any attempts by Federal Agencies to require the City to violate any of the above rights and freedoms as contained in Sections 2.30.020 or 2.30.030A.

**SECTION 2.30.040: DEFENSE.**

The City shall provide legal defense to any employee who is criminally charged by another entity for his or her actions in compliance with this Ordinance.

**SECTION 2.30.050: SEVERABILITY.**

If any section or sections of the ordinance is or are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and remain in effect.

This ordinance will take effect thirty (30) days after the date of its adoption.

**SECTION 2.30.060: SANCTIONS.**

A violation of this ordinance is punishable by a fine not to exceed \$50.

**Portland, OR**  
**Passed on October 29, 2003**

**Resolution RE: PATRIOT ACT**

WHEREAS, the City of Portland affirms its commitment to the war on terrorism and acknowledges that federal, state and local governments need to protect the public from terrorist attacks such as those that occurred on September 11, 2001; and

WHEREAS, the City of Portland reaffirms its long and distinguished tradition of protecting the civil rights and liberties of all persons as expressed in the United States Constitution and the Constitution of the State of Oregon; and

WHEREAS, City policy recognizes that Portland has a diverse population, whose different backgrounds and experiences allow them to contribute a variety of ideas, expressions and perspectives that enrich our community; and

WHEREAS, the State of Oregon has the following laws recognizing the value of freedom and privacy for its residents: ORS 181.575, prohibiting law enforcement from collecting and maintaining information about the political, religious and social views, associations or activities of any individual or group unless such information directly relates to an investigation of criminal activities in which that individual is allegedly involved; and ORS 181.850, protecting our diverse immigrant population from undue scrutiny by prohibiting law enforcement from detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship residing in the United States in violation of federal immigration laws; and

WHEREAS, certain provisions of the U.S.A. P.A.T.R.I.O.T. Act (Public Law 107-56, hereafter referred to as the UPA) threaten these state laws, as well as our constitutional rights and liberties, by allowing the Federal Government to investigate, engage in surveillance

and detain people without some of the protections historically provided by our state and federal constitutions, such as the right to due process of law, the right to counsel and the right to privacy, and, in their enforcement, pose a particular threat to the civil rights and liberties of persons who are Arab, Muslim, or of South Asian descent;

WHEREAS, a growing climate of fear among people in this country caused by the expansion of federal government powers under the UPA undermines national unity and resolve; and

THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF PORTLAND:

AFFIRMS that the fight against terrorism requires city, county, state and federal law enforcement agencies to cooperate in efforts to investigate, prosecute, and prevent acts of terrorism such as those that occurred on September 11, 2001.

AFFIRMS that the fight against terrorism must not be waged at the expense of the essential rights and liberties of the residents of this state, as contained in the United States Constitution and Bill of Rights and the Constitution of the State of Oregon.

AFFIRMS our concern that portions of the UPA may violate the rights and liberties guaranteed by the United States Constitution and Bill of Rights and the Constitution of the State of Oregon, and implores the United States Congress to correct provisions of the UPA that unduly impair or infringe on civil liberties and oppose any pending or future federal legislation to the extent it infringes on civil liberties.

AFFIRMS strong support for the First Amendment right of public demonstrations, vigils, protests, marches and similar forms of protected expression of ideas and views without fear of prosecution under federal terrorism laws.

AFFIRMS our strong opposition to the indefinite detention of people who have not been charged with a crime, and measures that target individuals for legal scrutiny or enforcement activity based solely on their religion or country of origin.

DIRECTS the City Attorney to transmit a copy of this Resolution to Senator Ron

Wyden, Senator Gordon Smith, and Representatives Earl Blumenauer, David Wu, Peter DeFazio, Greg Walden and Darlene Hooley accompanied by letters, urging them to:

- work to modify the UPA to the extent that it infringes on civil rights and liberties,
- ensure that provisions of the UPA “sunset” in accordance with the provisions of the Act,
- work to prevent the passage of new legislation that infringes on privacy, due process, civil rights and liberties, and the checks and balances in government, and
- pass Senate Bill 1552, the Protecting the Rights of Individuals Act, introduced on July 31, 2003, by Senator Lisa Murkowski (R-Alaska) and Senator Ron Wyden (D-Oregon), and other bills and amendments, which directly address the City of Portland’s concerns about the UPA.

DIRECTS the City Attorney to transmit a copy of this Resolution to President George W. Bush and U.S. Attorney General John D. Ashcroft.

## **Talent, OR**

**Passed on April 2, 2003**

### **Resolution to Protect Civil Liberties**

WHEREAS:

The City of Talent is proud of its commitment to protect the civil rights and liberties of its residents and believes that the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

The City of Talent believes that there is no inherent conflict between national security and the preservation of liberty and that government can protect public safety without impairing civil rights and liberties; and

The new federal anti-terrorism policies may pose a threat to the civil rights and liberties of all persons within the City of Talent, and a particular threat to those who are immigrants, Muslims, or people of Arab or South Asian descent; and

The First Amendment of the United States Constitution specifies that no law be made “respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances”; and

The Fourth Amendment declares that “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”; and

The Fifth Amendment states that no person “shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law”; and

The Sixth Amendment guarantees defendants “the right to a speedy and public trial, by an impartial jury..., and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense”; and

The Eighth Amendment states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”; and

The Fourteenth Amendment prohibits the government from denying “to any person within its jurisdiction the equal protection of the laws”; and

Federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions may threaten fundamental civil rights and liberties by being interpreted as:

- Authorizing the indefinite incarceration or deportation of non-citizens even if they have not committed a crime (USA PATRIOT Act, Sections 411 and 412);
- Limiting judicial supervision and civil liberties protections in the application of telephone and internet surveillance (USA PATRIOT Act, Section 216);
- Expanding the authority of federal agents to conduct secret searches so that the subject of a search warrant is unaware that the property has been searched (USA PATRIOT Act, Section 213);
- Granting law enforcement and intelligence agencies broad access to sensitive medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime (USA PATRIOT Act, Sections 215, 218, 219, 358, 507, and 508);
- Limiting constitutionally protected speech through unchecked authority of the Attorney General and the Secretary of State to designate domestic groups as “terrorist organizations” using overbroad definitions of “terrorism” (USA PATRIOT Act, Section 411 );
- Authorizing the indefinite incarceration of citizens designated by the President as “enemy combatants” without access to counsel or meaningful recourse to the federal courts (see Hamdi and Padilla cases);
- Authorizing the FBI to conduct surveillance of religious services, internet chatrooms, political demonstrations, and other public meetings without evidence that a crime has been or may be committed (Attorney General’s guidelines and procedures relating to criminal investigations and national security, issued May 30, 2002);
- Limiting the disclosure of public documents and records under the Freedom of Information Act (“Memorandum for Heads of all Federal Departments and Agencies,” Attorney General John Ashcroft, Oct. 12, 2001 );
- Permitting wiretapping of conversations between federal prisoners and their lawyers (28 CFR 501.3); and 10. Establishing secret military tribunals for terrorism suspects (Military Order, Nov. 13, 2001).

#### THE CITY OF TALENT RESOLVES AS FOLLOWS:

Section 1. The City of Talent affirms its commitment to preserve the constitutional rights of all persons within the City of Talent, including equal protection of the laws, freedom of speech, religion, and assembly, freedom from unreasonable search and seizure, and privacy, without regard to race, ethnicity, national origin, religion, age, sexual orientation, gender, economic status, marital status, citizenship status, or disability.

Section 2. The City of Talent directs the Talent Police Department:

- To request written assurance from the applicable federal authority, when an individual in the custody of the City of Talent who is not a member of the U.S. military forces is to be placed in federal custody under the authority of the USA PATRIOT Act, that the individual will not be subjected to military detention, secret detention, secret immigration proceedings, or detention without access to counsel, and to refrain from assisting the federal authority in obtaining custody of that individual absent such assurance;
- To continue to determine particularized suspicion of criminal activity before engaging in surveillance of individuals or groups, and to refrain, whether acting alone or with other law enforcement agencies, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual or group unless such information directly relates to a criminal investigation (in accordance with ORS 181.575);
- To continue to carry out investigations without regard to race, ethnicity, national origin, religion, age, sexual orientation, gender, economic status, marital status, citizenship status or disability, except when such factors are part of the description of a particular suspect, or an element of a state crime as provided in the Oregon Revised Statutes, and to refrain from participating in enforcement of federal immigration laws, which are the responsibility of the Immigration and Naturalization Service (in accordance with ORS 181.850);

- Except as provided in ORS 133.619, 133.724, and 133.726, to continue to provide prior or simultaneous notice of the execution of a search warrant within the City of Talent to the person whose property is the subject of such a warrant, and to refrain from participating in a joint search with any law enforcement agency where prior notice has not been given to the subject pursuant to section 213 of the USA PATRIOT Act; and
- To refrain from undertaking or participating in any federal clandestine program such as the Terrorism Information and Prevention System (TIPS), which encourages members of the general public to spy on their neighbors, colleagues or customers, while continuing to participate in programs such as Amber Alert which depend on widespread dissemination to the public of information relevant to specific criminal activity.

Section 3. The City of Talent requests that the U.S. Attorney's Office, the Office of the Federal Bureau of Investigation, the Oregon State Police, and any other federal, state or local law enforcement office having relevant information, report annually to the Talent City Council the extent and manner in which they have acted within the City of Talent under the USA PATRIOT Act and new Executive Orders, including but not limited to disclosing:

- The names of all residents of the City of Talent who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001; the location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; and the name of counsel, if any, representing each detainee;
- The number of search warrants that have been executed in the City of Talent without prior notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;
- The extent of electronic surveillance carried out in the City of Talent under the Foreign Intelligence Surveillance Act or powers granted in the USA PATRIOT Act;
- The extent to which federal authorities are monitoring political meetings, religious gatherings, or other activities protected by the First Amendment within the City of Talent;
- The number of times education records have been obtained from public schools and institutions of higher learning in the City of Talent under section 507 of the USA PATRIOT Act;
- The number of times library records have been obtained from libraries within the City of Talent under section 215 of the USA PATRIOT Act; and
- The number of times that records of book purchases have been obtained from bookstores within the City of Talent under section 215 of the USA PATRIOT Act.

Section 4. The City Administrator is directed to transmit a copy of this resolution to Oregon's elected officials in Congress, to the Governor and to the members of the Legislature representing Talent, to President George Bush, to Attorney General John Ashcroft, to Jackson County and the Jackson County Library, School District #4.

Section 5. This resolution takes effect upon passage

## **Wheeler, OR**

### **Passed on April 20, 2004**

#### **Wheeler, Oregon Resolution**

WHEREAS, the Constitution of the United States of America and its Bill of Rights, along with the Constitution of the State of Oregon, guarantee certain liberties to all Oregonians, including:

- Freedom of speech and peaceful assembly;
- Established rights in judicial proceedings, including presumption of innocence, due process, legal counsel and probable cause;
- Protection from unreasonable searches and seizures;

WHEREAS, the sanctity of these precious liberties may be threatened by certain new laws, including "United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001" (also known as the USA PATRIOT ACT), several executive orders, the Homeland Security Act, and the proposed Domestic Security Enhancement Act of 2003 (also known as PATRIOT ACT II);

WHEREAS, residents of Wheeler have expressed alarm about the pursuit of security without appropriate protection of Constitutional rights;

WHEREAS, the Wheeler City Council is committed to upholding the United States Constitution and its Bill of Rights, and the Oregon State Constitution and its Bill of Rights; and



WHEREAS, it is generally accepted that unwarranted secrecy is antithetical to a true democracy and that actions undertaken by secret indictment or process undermine established norms for civil discourse between government and those whom it would govern;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF WHEELER:

Section 1. Submit a letter to the Oregon Congressional Delegation conveying the concerns of Wheeler residents regarding the USA PATRIOT ACT, including but not limited to the following:

- Monitoring political and religious gatherings;
- Obtaining library records, bookstore records, and internet records without proper authorization and without notification;
- Issuing subpoenas through the United States Attorney's Office without a court's approval or knowledge;
- Eavesdropping on confidential communications between lawyers and their clients;
- Entering private residences, businesses and organizations without consent, before serving a search warrant;
- Engaging in racial profiling and detention without charges; and
- Withholding information from Congress and public on actions taken under these laws.

Section 2. Urge members of the Oregon Congressional Delegation to actively work for the revocation of any sections of the USA PATRIOT ACT, any proposed new Federal legislation and Executive Orders that limit or violate fundamental rights and liberties embodied in the Municipal Ordinances of the City of Wheeler, the Constitution of the State of Oregon and of the United States.

Section 3. Request the City Manager to instruct City Employees to continue practices and policies favoring and protecting Constitutional rights and liberties.

Section 4. Declare December 15, the federally designated "Bill of Rights Day," as a day of formal City celebration of the liberties and protections afforded by the Constitutional amendments known as the Bill of Rights.

Section 5. Direct the City Manager to transmit copies of this Resolution to the Governor of the State of Oregon, Wheeler's State legislative delegation, Wheeler's delegation in the United States Congress, and the President of the United States; and

Section 6. Consider this Resolution effective on the date of its passage.

# PENNSYLVANIA

## **Berks County, PA** **Passed on April 8, 2004**

### **Resolution in Support of Civil Liberties and Opposing Certain Provisions of the USA PATRIOT Act and Related Regulations and Executive Orders**

WHEREAS, the Commissioners of Berks County strongly denounce and condemn all acts of terrorism;

WHEREAS, notwithstanding the dangers encompassed by the threat of terrorism, the Constitutions of the United States and of the Commonwealth of Pennsylvania guarantee all persons living in the United States certain fundamental rights, including freedom of religion, speech, assembly and privacy; the right to bear arms; protection from unreasonable searches and seizures; the right to due process and equal protection under the law; and presumption of innocence, access to counsel and fair, speedy, public trial;

WHEREAS, the preservation of civil rights and liberties is essential to the well being of a democratic society;

WHEREAS, the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act” (“USA PATRIOT ACT”) and related executive orders and regulations weaken, contradict and undermine such fundamental rights and liberties; and

WHEREAS, the Berks County Commissioners believe that a threat to any citizen’s Constitutional rights is a threat to the rights of all.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED that the Commissioners of the County of Berks:

Affirms its strong support for the rights of all persons, including United States citizens and citizens of other nations in accordance with the Bill of Rights and the Fourteenth Amendment of the United States Constitution and opposes any measure that singles out individuals for unreasonable or warrantless scrutiny, investigation or law enforcement based on their beliefs, ethnicity or country of origin.

Calls upon all citizens, businesses and institutions in the County of Berks to be guided by respect for the Constitutional protections afforded to all persons.

Directs all officials and employees of the County of Berks, including law enforcement officers, to protect the civil rights and liberties of all members of this community, including those who are citizens of other nations and to vigorously uphold the constitutionally protected rights of all persons to peacefully protest or express their political views without unreasonable interference.

Requests all schools in the County of Berks to display a copy of the Bill of Rights in each classroom and review the importance of Constitutional protection for civil liberties with all students.

Strongly urges the United States Congress to promptly amend or repeal the USA Patriot Act in order to restore and protect our nation’s fundamental liberties on or before the sunset date provided in such Act and strongly urges the President and members of the Executive Branch to rescind executive orders and policies adopted since September 11, 2001 which limit or impinge upon liberties guaranteed by the Bill of Rights and the Fourteenth Amendment.

The Chief Clerk of the County of Berks shall provide copies of this Resolution to those members of the United States Congress and the Pennsylvania State Legislature who represent the people of the County of Berks, to the Attorney General and Governor of the Commonwealth of Pennsylvania and to the Attorney General and the President of the United States.

## **Erie, PA** **Passed on February 2, 2005**

### **Resolution of the City of Erie, Pennsylvania**

WHEREAS, the City of Erie affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people of Erie, the United States and the World;

WHEREAS, the City of Erie houses a highly diverse population, including citizens from around the world and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the City Council of Erie, motivated by the commitment to uphold the human rights of all persons in the City of Erie and the free exercise and enjoyment of any and all rights and privileges secured by the constitutions and laws of the United States, the Commonwealth of Pennsylvania and the City of Erie; and

WHEREAS, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties;

- Freedom of speech, religion, assembly and privacy;

- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures;

All guaranteed by the Constitution of the Commonwealth of Pennsylvania, and the United States Constitution and its Bill of Rights;

THEREFORE BE IT RESOLVED that the City of Erie joins communities across the nation in expressing concern that the USA PATRIOT Act threatens civil rights and liberties guaranteed under the United States Constitution.

THEREFORE BE IT FURTHER RESOLVED that the City of Erie remains firmly committed to the protection of civil rights and civil liberties for all people. The City of Erie will completely avoid discrimination in every function of city government, and vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without any form of governmental interference.

THEREFORE BE IT FINALLY RESOLVED, that we the City Council of Erie, Pennsylvania, acting in the spirit and history of our community, do hereby request that:

1. Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures;
2. Federal and State Law Enforcement Officials acting within the City of Erie wherever and whenever possible, adhere to the principles set forth above and cooperate with the City Police Department in protecting the Civil Rights of all people;
3. Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States and oppose language in the legislation known commonly as the USA PATRIOT Act II that would further violate fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States.

## Lansdowne, PA

Passed on May 21, 2003

**A Resolution declaring Lansdowne a "Bill of Rights Protection Zone," providing a message to citizens of the Borough and to Borough employees that the Borough government values civil rights and will work to protect them.**

WHEREAS, the Borough of Lansdowne is home to a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function, and

WHEREAS, the Borough of Lansdowne recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold, superceding all administrative rules, local ordinances, state statutes and federal laws; and

WHEREAS, the Bill of Rights of the United States Constitution guarantees those living in the United States the following rights:

- freedom of speech, assembly and privacy;
- protection from unreasonable searches and seizures;
- due process in judicial proceedings and access to counsel;
- protection from cruel and unusual punishment; and
- equality before the law and the presumption of innocence; and

WHEREAS, the Fourteenth Amendment prohibits the government from denying "to any person within its jurisdiction the equal protection of the laws"; and

WHEREAS, the Borough of Lansdowne has, with gratitude for their supreme sacrifice, memorialized those in the Armed Forces who have died in battle protecting these same cherished rights and liberties; and

WHEREAS, the provisions of the USA Patriot Act expands the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non-citizens and threatens civil rights and liberties guaranteed under the United States Constitution; the Provisions in the USA PATRIOT Act and Certain Executive Orders pursuant to enforcement of the Act that may violate the constitution and the rights and civil liberties of Lansdowne residents being as follows. They:

- Significantly expand the government's ability to access sensitive medical, mental health, financial and educational records about individuals; and lower the burden of proof required to conduct secret searches and telephone and Internet surveillance
- Give law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests

- Give the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as “terrorist organizations”
- Grant power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime. Authorize eavesdropping on confidential communications between lawyers and their clients in federal custody
- Limit disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, Department of Justice interpretations of this Act and these Executive Orders particularly targets Muslims, people of Middle Eastern and South Asian descent and citizens of other nations, and thereby encouraging racial profiling by law enforcement and hate crimes by individuals in our community; and

WHEREAS, the Borough of Lansdowne recognizes that such infringement of the constitutionally guaranteed rights of any person, under the color of law, is an abuse of power, a breach of the public trust, a misappropriation of public resources, a violation of civil rights and is beyond the scope of governmental authority.

IT IS THEREFORE RESOLVED that the Borough of Lansdowne remains firmly committed to the protection of civil rights and civil liberties for all people, and does therefore declare Lansdowne to be a “Bill of Rights Protection Zone” in which the Borough of Lansdowne condemns discrimination based on national or ethnic origin or political affiliation or absence of political affiliation in any function of borough government, and vigorously upholds the constitutionally protected rights of all persons to peacefully protest and express or develop their political views without governmental interference.

IT IS FURTHER RESOLVED that the Borough of Lansdowne joins communities across the nation in expressing concern that the USA Patriot Act and associated Executive Orders threaten civil rights and liberties guaranteed under the United States Constitution.

IT IS FURTHER RESOLVED and is the policy of the Borough of Lansdowne to restrict borough employees, in the absence of probable cause of criminal activity from:

1. The recording or filing of any information concerning any person or organization, such as the collection and review of library lending and research records, as well as book and video store sales and/or rental records, or information on citizen activities, creditworthiness, health, political activities except as required by law or for operation and service; and
2. The retention of personal information. The Borough Manager is hereby directed to develop a unified records retention policy for all borough programs and departments. This policy must include procedures for permanent disposal of any and all information collected on citizens when there is no current probable cause for suspicion of criminal activity, except where those records are required by law or for operation and service. The policy will be reviewed by Council, with annual compliance reports submitted by department heads; and
3. Profiling based on race, ethnicity, citizenship, religion, or political values. Profiling is defined as any police-initiated action that relies on the race, ethnicity, political values or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.

IT IS FURTHER RESOLVED that the Council President or his designee will communicate this resolution to all borough departments, the Governor and Attorney General of the Commonwealth of Pennsylvania, the President and Attorney General of the United States of America and does hereby call upon our congressional representatives to actively work to repeal the USA Patriot Act.

IT IS FINALLY RESOLVED that this Resolution shall be severable if any phrase, clause, sentence or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States of America or the Commonwealth of Pennsylvania. If the applicability thereof to any agency, person or circumstances is held invalid, the validity of the remainder of this Resolution and applicability thereof to any other agency, person or circumstances shall not be affected thereby.

## **Philadelphia, PA**

### **Passed on May 29, 2003**

#### **Resolution Against the USA PATRIOT ACT and Other Executive Orders for the City of Philadelphia, Pennsylvania**

Urging the City Administration to demonstrate Philadelphia’s strong commitment to civil liberties by continuing and strengthening the City’s protection of the Constitutional rights of all persons in our City, regardless of race, religion, or national origin, and urging our Congressional Delegation to vigilantly monitor the implementation of the USA Patriot Act and to actively work to repeal the Act or those sections of the Act and those Orders, rules and regulations issued under the Act, that violate the fundamental rights and liberties of persons protected by the United States Constitution and its Amendments.

WHEREAS, the City of Philadelphia recognizes that a threat to any one person’s Constitutional rights is a threat to the rights of all; and

WHEREAS, the City of Philadelphia has been and remains committed to the protection of civil rights and liberties for all residents; and

WHEREAS, the Declaration of Independence of the United States, which was written in Philadelphia, holds as self-evident that all people are created equal and are endowed with the inalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS, the United States Constitution guarantees all person living in the United States certain fundamental rights including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection; and access to counsel, presumption of innocence and a fair, speedy public trial; and

WHEREAS, a great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement powers, including the USA Patriot Act signed by President George W. Bush on October 26, 2001; and

WHEREAS, the USA Patriot Act was written to respond to the attack on our nation, it weakens, contradicts and undermines the basic constitutional rights outlined above. The Act, a 342 page document, was hastily enacted in six weeks without public hearings, or a Congressional “mark-up”; and

WHEREAS, examples of the Patriot Act’s threat to these fundamental rights include the Government’s expanded power to: engage in limited judicial supervision of telephone and Internet surveillance; grant law enforcement and intelligence agencies broad access to sensitive medical, mental health, financial, and educational records with little, if any, judicial oversight; expand the government’s ability to conduct secret searches of individual’s homes and businesses, including monitoring what books are bought from bookstores or borrowed from libraries; and limits the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, Department of Justice interpretations of the Patriot Act and Executive Orders appear to impact on selective racial and religious groups including residents of other nations. This has caused alarm among many of our local citizens and non-citizens who fear an emergent climate for racial and ethnic profiling. This is especially disconcerting because the City of Philadelphia is home to a diverse population, whose contributions are vital to the city’s character and function; and

WHEREAS, on May 30, 2002 this City Council passed resolution #020394 which vigorously opposed federal policy giving local and state law enforcement agencies the authority to investigate the citizenship and residency status of any person unless required by court decision, or statute; and

WHEREAS, the City Council commended the leadership of the city’s Police Department for protecting the privacy rights of non-citizens in our city by implementing Police Directive Memorandum 01-06 requiring all police personnel to “preserve the confidentiality of all information regarding law abiding immigrants to the maximum extent permitted by law.”; and

WHEREAS, the City of Philadelphia’s proactive response to the threats of terrorism following the attacks on September 11, 2001 was to establish in 2002 the Counter-Terrorism Bureau within the Philadelphia Police Department; and

WHEREAS, the City Council supports the Counter-Terrorism Bureau’s mandate including it’s policy which explicitly provides for the “...legitimate needs of law enforcement while at the same time maintaining the constitutional and statutory parameters, which guarantee each individual the right to privacy,” thus, another illustration of our city’s commitment to upholding basic civil liberties; and

WHEREAS, many other communities and over fifty cities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these new powers; therefore

RESOLVED by the Council of the City of Philadelphia, that the City Council of Philadelphia reaffirms its support of the United States government in its campaign against global terrorism, but also reaffirms that any efforts to end terrorism not be waged at the expense of the fundamental civil liberties of the people of Philadelphia, and all citizens of the United States; and

RESOLVED FURTHER, that the City of Philadelphia affirms the rights of all people, including United States citizens and citizens of other nations, living within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and

RESOLVED FURTHER, that the City Council of Philadelphia urges the city administration and its citizens during the course of their daily life to be guided by the collective responsibility and obligation of safeguarding the constitutional protections afforded all people of our city. The Council recognizes that this is the paramount responsibility of local law enforcement personnel, appointed and elected government offices that are ultimately responsible for upholding the solemn oath they have taken to preserve, protect and defend the Constitutions of the United States and the Commonwealth of Pennsylvania; and

FINALLY RESOLVED, that the Council calls on our United States Representatives and Senators to monitor the implementation of the Act and Executive Orders cited herein and actively work for the repeal of the Act or those sections of the Act including Executive Orders that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments.

## **Pittsburgh, PA**

### **Passed on April 26, 2004**

#### **Local Resolution to Protect Civil Liberties in the City of Pittsburgh, Pennsylvania**

WHEREAS the City of Pittsburgh is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents;

WHEREAS the City of Pittsburgh has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character;

WHEREAS the preservation of civil rights and liberties is essential to the well-being of a democratic society;

WHEREAS federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties;

WHEREAS government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of the City of Pittsburgh hold dear;

WHEREAS the Council of the City of Pittsburgh believes that there is no inherent conflict between national security and the preservation of liberty -- Americans can be both safe and free;

WHEREAS federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56), The Homeland Security Act of 2002, and related executive orders, regulations, and actions threaten fundamental rights and liberties by:

- Authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as “enemy combatants” without access to counsel or meaningful recourse to the federal courts;
- Limiting the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;
- Expanding the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched;
- Granting law enforcement and intelligence agencies broad access to personal, medical, financial, library and education records with little if any judicial oversight;
- Chilling constitutionally protected speech through overbroad definitions of “terrorism”;
- Driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law;
- Permitting the FBI to conduct surveillance of religious services, Internet chatrooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed;

WHEREAS new legislation has been drafted by the Administration entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute many basic constitutional rights, as well as disturb our unique system of checks and balances by:

- Diminishing personal privacy by removing important checks on government surveillance authority;
- Reducing the accountability of government to the public by increasing government secrecy;
- Expanding the definition of “terrorism” in a manner that threatens the constitutionally protected rights of Americans; and
- Eroding the right of all persons to due process of law

WHEREAS these new powers pose a particular threat to the civil rights and liberties of the residents of our city who are Arab, Muslim or of South Asian descent; and

WHEREAS many other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers;

THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF PITTSBURGH:

AFFIRMS its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties.

AFFIRMS its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin.

REQUESTS the Mayor to direct the Police Department of the City of Pittsburgh to:

- Refrain from participating in the enforcement of federal immigration laws which are solely the responsibility of the federal government;
- Seek adequate written assurances from federal authorities that residents of the City of Pittsburgh and individuals in the custody of the City of Pittsburgh who are placed in federal custody will not be subjected to military detention, secret

detention, secret immigration proceedings, or detention without access to counsel, and refrain from assisting federal authorities to obtain custody of such individuals absent such assurances;

- Refrain from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without particularized suspicion of criminal activity unrelated to the activity protected by the First Amendment;
- Refrain from racial profiling. The police department shall not utilize race, religion, ethnicity, or national origin as a factor in selecting which individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect;
- Refrain, whether acting alone or with federal or state law enforcement officers, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;
- Refrain from: engaging in video surveillance unless the police have reasonable suspicion that the subjects of the video surveillance have or are about to commit a crime, establishing additional general surveillance networks, deploying facial recognition technology or other unreliable biometric identification technology within the City of Pittsburgh;
- Provide advance or simultaneous notice of the execution of a search warrant to any resident of the City of Pittsburgh whose property is the subject of such a warrant except in those cases where it has been determined by a judge that delayed notification will preserve life or physical safety, prevent flight from prosecution or prevent the destruction of evidence, and refrain from participating in a joint search with any law enforcement agency absent assurances that such notice, absent the specific exceptions, will be provided to such individuals during the search;
- Refrain from undertaking or participating in any initiative that encourages members of the general public to spy on their neighbors, colleagues or customers;
- Refrain from the practice of stopping drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity;
- Report to the City Council any request by federal authorities that, if granted, would cause agencies of the City of Pittsburgh to exercise powers or cooperate in the exercise of powers in apparent violation of any city ordinance or the laws or Constitution of this State or the United States;

RECOMMENDS that all schools and institutions of higher learning within the City of Pittsburgh provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT Act;

RECOMMENDS that all libraries within the City of Pittsburgh post in a prominent place within the library a notice to library users as follows: “WARNING: Section 215 of the federal USA PATRIOT Act (Public Law 107-56) greatly expands the authority of federal agents to obtain records of books and other materials you borrow from this library. This law prohibits librarians from informing you, should records about you be obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530 “;

RECOMMENDS that all libraries within the City of Pittsburgh have a policy that ensures the regular destruction of records that identify the name of the book borrower after the book is returned, or that identify the name of the computer user after completion of Internet or other use;

RECOMMENDS that all persons in local businesses and institutions, and particularly booksellers, be advised to refrain when possible from keeping records that identify the name of the purchaser, and to regularly destroy such records that are maintained, in order to protect intellectual privacy rights;

REQUESTS the Mayor to seek periodically from the Department of Justice and the Department of Homeland Security the following information in a form and format to be determined that facilitates an assessment of the effect of federal anti-terrorism efforts on the residents of the City of Pittsburgh:

- The names of all residents of the City of Pittsburgh who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001; the location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; the name of counsel, if any, representing each detainee;
- The total number of search warrants that have been executed in the City of Pittsburgh without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;
- The total number of new or additional electronic surveillance networks installed within the City of Pittsburgh under powers granted in the USA PATRIOT Act;
- The names and total number of groups, political, religious, or other, whose activities are protected by the First Amendment, which are being monitored by federal authorities within the City of Pittsburgh;

- The total number of times education records have been obtained from public schools and institutions of higher learning in the City of Pittsburgh under section 507 of the USA PATRIOT Act;
- The total number of times library records have been obtained from libraries in the City of Pittsburgh under section 215 of the USA PATRIOT Act;
- The total number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Pittsburgh under section 215 of the USA PATRIOT Act;

REQUESTS the Mayor to transmit to the City Council no less than once every six months a summary of the information obtained pursuant to the preceding paragraph and, based on such information and any other relevant information, an assessment of the effect of federal anti-terrorism efforts on the residents of the City of Pittsburgh;

REQUESTS the City Clerk to transmit a copy of this resolution to Senator Arlen Specter, Senator Rick Santorum, and Congressional Representative Mike Doyle, Melissa Hart, and Tim Murphy, accompanied by a letter urging them to:

- Support Congressional efforts to assess the impacts of the PATRIOT Act;
- Monitor federal anti-terrorism tactics and work to repeal provisions of the USA PATRIOT ACT and other laws and regulations that infringe on civil rights and liberties;
- Ensure that provisions of the USA PATRIOT Act “sunset” in accordance with the provisions of the Act; and
- Take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as “Patriot II”.

REQUESTS the City Clerk to transmit a copy of this resolution to Governor Ed Rendell, and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that do not infringe on civil liberties as described in this resolution.

REQUESTS the City Clerk to transmit a copy of this resolution to President Bush and Attorney General John Ashcroft.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the Commonwealth of Pennsylvania or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

## **Reading, PA**

### **Passed on April 28, 2003**

WHEREAS, the City of Reading affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people of Reading, the United States and the World;

WHEREAS, the City of Reading houses a highly diverse population, including citizens from around the world and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the City Council of Reading, motivated by the commitment to uphold the human rights of all persons in the City of Reading and the free exercise and enjoyment of any and all rights and privileges secured by the constitutions and laws of the United States, the Commonwealth of Pennsylvania and the City of Reading; and

WHEREAS, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties;

Freedom of speech, religion, assembly and privacy; · The rights to counsel and due process in judicial proceedings; and · Protection from unreasonable searches and seizures;

All guaranteed by the Constitution of the Commonwealth of Pennsylvania, and the United States Constitution and its Bill of Rights;

THEREFORE BE IT RESOLVED that the City of Reading joins communities across the nation in expressing concern that the USA PATRIOT Act threatens civil rights and liberties guaranteed under the United States Constitution.

THEREFORE BE IT FURTHER RESOLVED that the City of Reading remains firmly committed to the protection of civil rights and civil liberties for all people. The City of Reading will completely avoid discrimination in every function of city government, and vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without any form of governmental interference.

THEREFORE BE IT FINALLY RESOLVED, that we the City Council of Reading, Pennsylvania, acting in the spirit and history of our community, do hereby request that:

Local law enforcement continue to preserve residents’ freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures;



Federal and State Law Enforcement Officials acting within the City of Reading wherever and whenever possible, adhere to the principles set forth above and cooperate with the City Police Department in protecting the Civil Rights of all people;

Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States and oppose language in the legislation known commonly as the USA PATRIOT Act II that would further violate fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States.

## **State College, PA**

**Passed February 21, 2006**

### **A Resolution Reaffirming the Commitment of the Borough of State College to the Freedoms Guaranteed by the U.S. and Pennsylvania Constitutions**

WHEREAS, the United States Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Pennsylvania guarantee freedom of speech, religion, and assembly; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures for all persons;

WHEREAS, the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS, the Borough of State College Council affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people of the Borough of State College; and

WHEREAS, government security measures that undermine fundamental rights do damage to the American institutions and values that the people of the Borough of State College hold dear; and

WHEREAS, the Borough of State College Council believes that there is no inherent conflict between national security and the preservation of liberty -- Americans can be both safe and free; and

WHEREAS, the Borough of State College Council is motivated by the commitment to uphold the human rights of all persons in the Borough of State College and the free exercise and enjoyment of any and all rights and privileges secured by the constitutions and laws of the United States, the Commonwealth of Pennsylvania and the Borough of State College; and

WHEREAS, the Borough of State College houses a diverse student and working population, including non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, several acts and orders enacted at the federal level to combat terrorism may threaten these fundamental rights and liberties including freedom of speech, religion, and assembly; the rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, all guaranteed by the United States Constitution, the Bill of Rights and the Constitution of the Commonwealth of Pennsylvania;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of State College Council affirm its strong resolve to fight terrorism, but also affirm that any actions to end terrorism must not be waged at the expense of fundamental liberties, rights, and freedoms of all people regardless of race, culture, and ethnicity; and further

BE IT RESOLVED that the Borough of State College join nearly 400 communities and seven states across the nation in expressing concern that proposed laws to fight terrorism may threaten civil rights and liberties guaranteed under the United States Constitution; and further

BE IT RESOLVED that the Borough of State College Council affirm that it shall continue to abide by the law of the land preserving those rights and liberties guaranteed by the U.S. and the Pennsylvania Constitutions, including freedom of speech, religion, and assembly; the right to counsel and due process in legal proceedings; and protection from unreasonable searches and seizures; and further

BE IT RESOLVED that the Borough of State College Council urge Congress to perform due diligence in upholding such protections; and further

BE IT RESOLVED that a copy of this resolution be duly signed and transmitted to all locally elected Federal and State officers, the Attorney General of the United States, and the Secretary of the Department of Homeland Security.

## **Wilkesburg, PA**

**Passed on November 19, 2000**

### **Resolution to Protect the Bill of Rights**

Whereas, the Borough of Wilkesburg has never hesitated to send our young men and women into military service to secure our country and defend our freedoms and liberties;

Whereas, the Borough of Wilkinsburg is a diverse community, including non-citizens who make a vital contribution to the commerce, character and restoration of our neighborhoods and business district. Wilkinsburg is known as a religious center throughout Allegheny County home to spiritual expression from around the world.

Whereas, Wilkinsburg elected officials are sworn to uphold the Constitution of the Commonwealth of Pennsylvania and the Constitution of the United States, including the Bill of Rights;

Whereas, several acts and orders recently enacted at the Federal level, including sections of the USA Patriot Act and other executive orders, now threaten the Bill of Rights and liberties including freedom of speech, assembly, religion and privacy; the right to (legal) counsel and due process in judicial proceedings and protection from unreasonable searches and seizures;

Whereas, as of November 17, 2003, 215 communities and states representing 26.9 million US residents including the Pennsylvania city of Philadelphia and the communities of Lansdowne, Reading and York have taken action to protect the civil rights and liberties of their residents called into question by the Patriot Act and several orders by US Attorney General Ashcroft;

Whereas, former Vice President Gore, in a November 9, 2003 speech, raised an alarm regarding the erosion of our most precious freedoms. The former vice president further pointed out that since the heinous terrorist attacks on our country, “the administration is still not investing in local government training and infrastructures where they make the difference. The first responder community (local police, fire and EMS) is still being shortchanged.”

Be It Further Resolved, that Wilkinsburg Council calls upon Congressman Doyle and US Senators Santorum and Specter to rescind the USA Patriot Act and associated Attorney General orders and fully fund local safety forces to meet their responsibilities as ‘first responders’ to protect local communities;

Therefore, the Council of the Borough of Wilkinsburg urges Congressman Mike Doyle to join in sponsorship of HR 1157, which protects library patrons’ rights to read and research from law enforcement intrusion;

Be It Further Resolved, that County, State and Federal law enforcement officials acting within Wilkinsburg work in accordance with the policies of the Wilkinsburg Police Department and in cooperation with the Department by not engaging in or permitting detentions without charges, guarantees the right to legal counsel and resists racial profiling.

## **Yeadon, PA**

**Passed on October 16, 2003**

### **Resolution No. 03-11**

WHEREAS the Borough of Yeadon, as a community, takes great pride in our long and distinguished tradition of upholding and protecting the fundamental Constitutional Rights and Civil Liberties of a diverse populace, many of whom make vital, daily contributions to Yeadon’s culture, economy and civic character;

WHEREAS the preservation of these fundamental Constitutional Rights and Civil Liberties is clearly essential to the well being of any successful, inclusive democratic society.

WHEREAS our great nation has witnessed - and continues to witness - many struggles, both well known and obscure, for the guarantee that there will be equal protection for all citizens under these same fundamental Constitutional Rights and Civil Liberties;

WHEREAS it is the duty of federal, state and local governments to protect the American people at all times from outside aggression and terrorism and its perpetrators, who seek to weaken our government’s very foundation with acts such as those that occurred on September 11, 2001;

WHEREAS these governments and their elected and appointed officials should execute these duties in such a manner as to ensure that any new security measures enhance public safety without impairing Constitutional Rights or infringing on Civil Liberties;

WHEREAS federal policies adopted since September 11, 2001, including provisions in the USA Patriot Act (Public Law 107-56) and related executive orders, regulations and actions place in jeopardy many of our fundamental Constitutional Rights and Civil Liberties by granting exceptional powers to agencies within the federal government, especially through the far-reaching and broadly written provisions contained in Sections 206, 213, 214, 215, 216, 218, 411, 412, 505 and 802 of the Act;

WHEREAS these new powers pose a particular threat to the residents of our community and of neighboring communities who are Arab, Muslim or of South Asian descent, much in the way that many minorities have been profiled and detained over the course of our nation’s history;

WHEREAS new legislation entitled the Domestic Security Enhancement Act contains a multitude of new and weeping law enforcement and intelligence gathering powers;

WHEREAS Congressional leaders from each major party and more than 150 other communities throughout the country, including our neighboring community, Lansdowne, have enacted resolutions reaffirming support for our Freedoms in the face of these intimidating policies and demanding accountability from law enforcement agencies regarding their use of these new powers; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE BOROUGH OF YEADON, that while, indeed, we recognize that we face terrorist threats that make us fear for loved ones at home and abroad, it is our paramount responsibility as Americans to revere and respect our fundamental Constitutional Rights and Civil Liberties. That we remember with reverence those who lost their lives on September 11, 2001 and in battles on foreign soil, and we are resilience against the threat of terrorism in any shape and form, be it directed at Americans or at innocent persons of any nationality anywhere in the world. as individuals who share an abiding love for this nation and who cherish daily the very rights and privileges we were given by birth or chose to accept as naturalized citizens, we stand united against any measures whatsoever that compromise and infringe upon our fundamental Constitutional Rights and Civil Liberties and we encourage all citizens not to become complicit in the enforcement of such measures.

## **York, PA**

**Passed on February 19, 2003**

### **A Resolution Upholding the Human Rights of All Persons in the City of York, Pennsylvania, and Bringing Attention to Sections of the USA PATRIOT Act, and Several Executive Orders at the Federal Level, that May Threaten the Fundamental Rights and Liberties of Citizens.**

WHEREAS, the City of York wishes to continue protecting and expanding citizens civil rights and civil liberties; and

WHEREAS, the City of York houses a diverse student and working population, including non- citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the City of York has with gratitude for their supreme sacrifice memorialized those in the Armed Forces who have died in battle protecting these same cherished rights and liberties; and

WHEREAS, the City Council of York, motivated by the commitment to uphold the human rights of all persons in the City of York and the free exercise and enjoyment of any and all rights and privileges secured by the constitutions and laws of the United States, the Commonwealth of Pennsylvania and the City of York; and

WHEREAS, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties;

- Freedom of speech, religion, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures;

All guaranteed by the Constitution of the Commonwealth of Pennsylvania, and the United States Constitution and its Bill of Rights;

NOW THEREFORE BE IT RESOLVED, that we the City Council of York, Pennsylvania, acting in the spirit and history of our community, do hereby request that:

Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures;

Federal and State Law Enforcement Officials acting within the City of York wherever and whenever possible, adhere to the principles set forth above and cooperate with the City Police Department in protecting the Civil Rights of all people;

Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States and oppose language in the legislation known commonly as the USA PATRIOT Act II that would further violate fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States.

## RHODE ISLAND

### Bristol, RI

Passed on July 20, 2005

#### **A Resolution by the Town of Bristol Reaffirming its Commitment to the U.S. Constitution and its Bill of Rights and Established Freedoms**

WHEREAS, the Town Council of Bristol, RI recognizes and upholds the United States Constitution and its Bill of Rights and the Rhode Island Constitution; and

WHEREAS, the residents of Bristol cherish their political and civil rights and liberties based upon the Constitution and Bill of Rights; and

WHEREAS, full recognition is taken of the serious nature of the current threats to the United States and its citizens which prompt dynamic actions to defend ourselves and our way of life; and

WHEREAS, while we support the necessary thrust of actions for “homeland security,” we do not want those actions, directed to preserve our liberties, to in any way abridge the very liberties being defended; and

WHEREAS, the citizens of Bristol, thus, wish to insure that the PATRIOT ACT and related executive orders do not significantly erode our fundamental constitutional protections, including but not limited to due process, the right of privacy, the right to counsel, protection against unreasonable search and seizure and all basic freedoms of the Bill of Rights.

NOW, THEREFORE, BE IT RESOLVED that the Council, while not condemning the PATRIOT ACT, urges its federal delegation to review and work toward revision and/or repeal of those sections of the PATRIOT ACT that may limit or violate the fundamental liberties granted to Americans by the Constitution and Bill of Rights; and

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to our Federal Congressional delegates.

### Charlestown, RI

Passed on December 9, 2003

#### **Resolution in Defense of the Bill of Rights and Civil Liberties**

A RESOLUTION reaffirming the Town of Charlestown’s commitment to the Bill of Rights and civil liberties

WHEREAS, the Town Council of Charlestown recognizes and upholds the United States Constitution and its Bill of Rights, and the Rhode Island State Constitution

WHEREAS, the Town of Charlestown is home to a diverse and multi-ethnic population; and

WHEREAS, the residents of Charlestown cherish their basic political liberties and civil rights as set forth in the Constitution and Bill of Rights; and

WHEREAS, citizens of Charlestown are concerned that actions authorized by the USA PATRIOT Act and related Executive Orders may call into question fundamental Constitutional protections, such as due process, the right to privacy, the right to counsel, protection against unreasonable search and seizures, and basic First Amendment freedoms.

NOW THEREFORE, BE IT RESOLVED by the Honorable Town Council of the Town of Charlestown in the State of Rhode Island and Providence Plantations, that the Council urges its Federal Congressional delegation to review and revise and repeal any sections of the USA PATRIOT Act or recent executive orders that may limit or violate fundamental rights and liberties protected by the Constitution of the United States; and

BE IT FURTHER RESOLVED that certified copies of the resolution be transmitted to our Federal Congressional delegates.

### Middletown, RI

Passed on November 4, 2003

#### **Local Referenda**

#### **Directing the Rhode Island Congressional Delegation to Monitor the USA Patriot Act (Federal Public Law 107-56) (Non-binding)**

“Shall the Rhode Island congressional delegation be directed to monitor the implementation of the USA Patriot Act (Public Law 107-56), and related executive orders and regulations, in order to prevent the unfair infringement on fundamental rights and liberties guaranteed by the Constitution of the United States?”

## **New Shoreham, RI**

### **Passed on September 17, 2003**

#### **A Resolution declaring the Town Council of the Town of New Shoreham in affirmation of, belief in, and support for the Constitution of the United States of America and the Constitution of the State of Rhode Island and Providence Plantations and for the rights guaranteed therein to citizens and others**

WHEREAS, the United States of America, the State of Rhode Island, and the documents creating and limiting their governments, were conceived in the wake of conflicts whose oppressions were yet fresh in the minds of the people, the sovereign creators of all governments; and

WHEREAS, the majority of the original thirteen independent states, rightfully jealous of their newly won liberty and sovereignty, at the time of their adoption of the “Constitution for the United States,” in order to prevent any misconstruction, abuse, or expansion of the proposed federal government’s newly created powers, expressed a clear desire that further declaratory and restrictive clauses should be added to the Constitution in the form of a Bill of Rights; and,

WHEREAS, Article VI of the Constitution of the United States clearly states that only laws and treaties “made in pursuance” or in conformity with said Constitution shall be the “supreme law of the land”; and,

WHEREAS, in 1803 AD, the Supreme Court ruled in *Marbury v. Madison*, that “a law repugnant to the Constitution is void” from its inception; and,

WHEREAS, certain recent acts of the Congress including the USA Patriot Act, in part, and the acts of certain officials of the federal government have openly or covertly contradicted the sovereign rights reserved by and for the citizens in both State and Federal Constitutions and other founding documents; then,

Now, Therefore, be it resolved by the Town Council of the Town of New Shoreham that:

Section 1. The Town of New Shoreham supports all lawful and constitutional efforts to prevent and investigate terrorist or other criminal acts and to prosecute their perpetrators.

Section 2. The Town of New Shoreham believes that sufficient constitutionally acceptable tools existed, prior to the passage of the “USA Patriot Act” or other such restrictive acts, for law enforcement officers to accomplish their intended lawful purposes.

Section 3. The Town of New Shoreham believes that any act, enactment, order, or legislation, etc. that dilutes, weakens, or denies the State and/or Federal Constitutionally guaranteed rights of the citizens is void from its inception, is unenforceable in our jurisdiction, and should be quashed, repealed or found by a court of jurisdiction to be unconstitutional in part or in full, as appropriate, in order to protect the rights and freedom of the citizenry.

Section 4. The New Shoreham Town Council strongly encourages all citizens, organizations, and governmental legislative bodies to study the State and Federal Constitutions and their history, and especially the Bill of Rights and its history, so that they can recognize and resist attempts to undermine our constitutional republics and the system of government that has brought our civilization so much success.

Section 5. The Town of New Shoreham believes it is the duty of every citizen to protect and defend the State and Federal Constitutions from all enemies -foreign and domestic- and to demonstrate respect for the rights that have been paid for with the blood and sweat of the people of the United States throughout our history.

## **North Providence, RI**

### **Passed on February 3, 2004**

#### **Resolution of the Town Council**

A resolution declaring the Town Council of the Town of North Providence in affirmation of, belief in, and support for the Constitutions of the United States of America and the Constitution of the State of Rhode Island and Providence Plantations and for the rights guaranteed therein to citizens and others

WHEREAS, The United States Constitution guarantees all persons living in the United States certain fundamental rights including freedom of religion, speech, assembly and privacy, protection from unreasonable searched and seizures, due process and equal protection, and access to counsel, presumption of innocence and a fair, speedy public trial; and

WHEREAS, A great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement powers, including the USA Patriot Act signed by President George W. Bush on October 26, 2001; and

WHEREAS, the USA Patriot Act was written to respond to the attack on our nation, it weakens contradicts, and undermines the basic constitutional rights outlined above. The Act, a 342 page document, was hastily enacted in six weeks without public hearings or a Congressional “mark-up”; and

WHEREAS, Examples of the Patriot Act's threat to these fundamental rights include the Government's expanded power to: engage in limited judicial supervision of telephone and Internet surveillance; grant law enforcement and intelligence agencies broad access to sensitive medical, mental health, financial, and educational records with little, if any, judicial oversight; expand the government's ability to conduct secret searches of individuals' homes and businesses, including monitoring what books are bought from bookstores or borrowed from libraries; and limits the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, certain recent acts of the Congress including the USA Patriot Act, in part, and the acts of certain officials of the federal government have openly or covertly contradicted the sovereign rights reserved by and for the citizens to both State and Federal Constitutional efforts to prevent and investigate terrorist or other criminal acts and to prosecute their perpetrators.

Now, Therefore, be it resolved by the Town Council of the Town of North Providence that the Town of North Providence supports all lawful and constitutional efforts to prevent and investigate terrorist or other criminal acts and to prosecute their perpetrators.

BE IT FURTHER RESOLVED, that the Town of North Providence supports the many other communities and over 120 cities throughout the country that have enacted resolutions reaffirming support of civil rights and civil liberties in the face of government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these powers.

BE IT FURTHER RESOLVED, that the Town Council of the Town of North Providence, affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil liberties of the people of North Providence, and all citizens of the United States; and

BE IT FURTHER RESOLVED, that the Town Council of North Providence urges the town administration and its citizens during the course of their daily life to be guided by the collective responsibility and obligation of safeguarding the constitutional protections afforded all people of our town. The Council recognizes that this is the paramount responsibility of local law enforcement personnel, appointed and elevated government offices that are ultimately responsible for upholding the solemn oath they have taken to preserve, protect and defend the Constitution of the United States and the State of Rhode Island; and

FURTHER RESOLVES, that the North Providence Town Council calls on our United States Representative and Senators to monitor the implementation of the Act and Executive Orders cited herein including Patriot Act II and actively work for the repeal of the Act or those sections of the Act including Executive Orders that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments.

## **Providence, RI**

### **Passed on December 18, 2003**

WHEREAS, The City of Providence recognizes that a threat to any one person's Constitutional rights is a threat to the rights of all; and

WHEREAS, The City of Providence has been and remains committed to the protection of civil rights and liberties for all residents; and

WHEREAS, The United States Constitution guarantees all persons living in the United States certain fundamental rights including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection; and access to counsel, presumption of innocence and a fair, speedy public trial; and

WHEREAS, A great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement powers, including the USA Patriot Act signed by President George W. Bush on October 26, 2001; and

WHEREAS, The USA Patriot Act was written to respond to the attack on our nation, it weakens, contradicts and undermines the basic constitutional rights outlined above. The Act, a 342 page document, was hastily enacted in six weeks without public hearings, or a Congressional "mark-up"; and

WHEREAS, Examples of the Patriot Act's threat to these fundamental rights include the Government's expanded power to: engage in limited judicial supervision of telephone and Internet surveillance; grant law enforcement and intelligence agencies broad access to sensitive medical, mental health, financial, and educational records with little, if any, judicial oversight; expand the government's ability to conduct secret searches of individual's homes and businesses, including monitoring what books are bought from bookstores or borrowed from libraries; and limits the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, The Department of Justice interpretations of the Patriot Act and Executive Orders appear to impact on selective racial and religious groups including residents of other nations. This has caused alarm among many of our local citizens and non-citizens who fear an emergent climate for racial and ethnic profiling. This is especially disconcerting because the City of Providence is home to a diverse population, whose contributions are vital to the city's character and function; and

WHEREAS, Many other communities and over 120 cities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these new powers.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence, affirms that any efforts to end terrorism not be waged at the expense of the fundamental civil liberties of the people of Providence, and all citizens of the United States; and

BE IT FURTHER RESOLVED, That the City of Providence affirms the rights of all people, including United States citizens and citizens of other nations, living within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and

BE IT FURTHER RESOLVED, That the City Council of Providence urges the city administration and its citizens during the course of their daily life to be guided by the collective responsibility and obligation of safeguarding the constitutional protections afforded all people of our city. The Council recognizes that this is the paramount responsibility of local law enforcement personnel, appointed and elected government offices that are ultimately responsible for upholding the solemn oath they have taken to preserve, protect and defend the Constitution of the United States and the State of Rhode Island, and

FURTHER RESOLVES, That the Providence City Council calls on our United States Representatives and Senators to monitor the implementation of the Act and Executive Orders cited herein and actively work for the repeal of the Act or those sections of the Act including Executive Orders that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments.

## **South Kingstown, RI**

### **Passed on November 24, 2003**

#### **A Resolution Reaffirming the Town of South Kingstown's commitment to the Bill of Rights and Civil Liberties**

WHEREAS, the Town Council of South Kingstown recognizes and upholds the United States Constitution and its Bill of Rights, and the Rhode Island Constitution; and

WHEREAS, the Town of South Kingstown is home to a diverse and multi-ethnic population; and

WHEREAS, the residents of South Kingstown cherish their basic political liberties and civil rights as set forth in the Constitution and Bill of Rights; and

WHEREAS, citizens of South Kingstown are concerned that actions authorized by the USA Patriot Act and related Executive Orders may call into question fundamental Constitutional protections, such as due process, the right to privacy, the right to counsel, protection against unreasonable search and seizures, and basic First Amendment freedoms.

NOW THEREFORE, BE IT RESOLVED by the Honorable Town Council of the Town of South Kingstown in the State of Rhode Island and Providence Plantations, that the Council urges its Federal Congressional delegation to review and revise any sections of the USA Patriot Act or recent executive orders that may limit or violate fundamental rights and liberties protected by the Constitution of the United States; and

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to our Federal Congressional delegates.

# SOUTH CAROLINA

## Columbia, SC

Passed on October 26, 2005

### Statement on the Defense of Civil Liberties

Whereas, the City of Columbia has a long and distinguished history of protecting and expanding civil rights and civil liberties as set forth in the United States Constitution and Bill of Rights especially:

- Freedom of speech, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures;

Whereas, the City of Columbia houses a diverse student and working population, including non-citizens, whose contributions to the community are vital to its character and functions;

Whereas, the City of Columbia has with gratitude for their supreme sacrifice memorialized those in the Armed Forces who have died in battle protecting these same cherished rights and liberties;

Whereas, the City of Columbia is motivated to protect the human rights of all persons in Columbia and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of South Carolina, and the City of Columbia;

Whereas, the City of Columbia believes there is no inherent conflict between national security and the preservation of liberty, and affirms its strong support of the right of Americans to be both safe and free;

Whereas, several acts and orders enacted at the Federal level, including sections of the USA PATRIOT Act, threaten these fundamental rights and liberties;

Whereas, nearly 400 cities and 4 states and the National League of Cities, have adopted resolutions criticizing the violations of the United States Constitution and Bill of Rights as well as State Constitutions posed by the USA PATRIOT Act and related Federal Orders; and

Therefore, we the City of Columbia, acting in the spirit and history of our community do hereby request that

1. Local law enforcement and city employees continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures in accordance with their solemn oath to preserve, protect, and defend the Constitutions of South Carolina and the United States of America;
2. Federal and state law enforcement officials acting within the City work in accordance with the policies of the Columbia Police Department, and in cooperation with the Department, by not engaging in or permitting detentions without charges or racial profiling in law enforcement;
3. A mechanism will be set up to report regularly and publically the extent to and manner in which our city has been affected by the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees held in Columbia or any Columbia residents detained elsewhere.



## **SOUTH DAKOTA**

### **Rapid City, SD**

**Passed on September 19, 2005**

#### **Rapid City Resolution**

WHEREAS, the City of Rapid City has been presented with discussion regarding the constitutionality of various provisions of the USA Patriot Act; and

WHEREAS, the City of Rapid City recognizes the importance of maintaining the security of the nation and its citizens from acts of terror; and

WHEREAS, the City of Rapid City recognizes the importance of maintaining the rights of the people guaranteed by the United States Constitution and its amendments.

NOW, THEREFORE, BE IT RESOLVED that the City of Rapid City encourages the President of the United States and the United States Congress to continue to insure that the rights of the people guaranteed by the United States Constitution and its amendments are maintained to the fullest extent possible in all executive and legislative enactments.

# TENNESSEE

## Blount County, TN Passed on February 27, 2003

### Resolution No. 03-02-020, A Resolution Supporting the Restoration of the Bill of Rights

WHEREAS, Blount County was founded and exists according to the laws of the Tennessee State Constitution and the United States Constitution and Bill of Rights, both of which guarantee the citizenry the protection of unalienable rights granted them by their Creator; and

WHEREAS, the United States Constitution and Bill of Rights and the Tennessee State Constitution guarantee all persons living in the United States these inviolate rights including:

- Article 1 Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for the redress of grievances;
- Article 4 The right of 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 person or things to be seized.

WHEREAS, the provisions in the USA PATRIOT Act HR 3162 violates the United States Constitution and the Tennessee State Constitution as listed and many areas not listed.

- Within the 1016 sections of the Act the government's ability to access sensitive medical, mental health, financial, and educational records about individuals. It removes any burden of proof required to conduct telephone and internet surveillance.
- Section 213 allows any branch of the Federal or state governments to break into your home or business, to remove any times (or place items) they wish without a warrant and without Informing the person or business of the total violation of the Fourth Amendment.\*
- Section 215 also decapitates the First Amendment protection of Freedom of Speech by forcing silence on those victimized by their Unconstitutional warrantless searches.
- Limits disclosure of public documents and records under the Freedom of Information Act
- Section 215 gives law enforcement expanded authority to obtain library and book store records (violating Fourth Amendment) while prohibiting librarians and store workers from Informing patrons of monitoring requests (violating the First Amendment).
- Section 802(a) changes the definition in the United States Code of the term "Domestic Terrorism" to include "acts dangerous to human life that are violation of the criminal laws of the United States or of any sate." (5) (B) appear to be intended to intimidate or coerce a civilian population; or to influence the policy of a government by intimidation or coercion."

WHEREAS, Congressman John J. Duncan Jr. defended his oath of office to "uphold and defend the Constitution against all enemies foreign and domestic" by voting against the President of the United States being given the power to declare war in House Joint Resolution 114 which violates Article 1 section 8 the power of Congress.

BE IT RESOLVED, that this Blount County Commission affirms that the collective Oath of office of its members, and its strong opposition to terrorism, but also affirms that any effort to end terrorism not be used as a pretext to Infringe upon God given rights and liberties of the people of Blount County, Tennessee recognized in the Bill of Rights and the Declaration of Independence.

BE IT FURTHER RESOLVED that, to the extent legally possible, no County employee or department shall assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals' God-given rights that are simply enumerated by the first ten amendment to the United States Constitution; and

BE IT FURTHER RESOLVED that the Blount County Commission calls upon all Blount County Constitutional Officeholders, county employees, private citizens and organizations including residents, employers, and domestic and to demonstrate outspoken respect for the rights that have been paid for with so much blood by Veterans and patriots throughout time, and to study the Bill of Rights so that they can recognize and resist attempts to undermine our Constitutional Republic and the system that has brought our civilization so much success; and recognize as unenforceable in Blount County those laws that violate the fundamental rights and liberties as stated in the United States Constitution, and Its Amendments; and declare null and void all future attempts to establish Martial Law, Declared Sates of Emergency or War by Elected or Appointed officials, Congressional legislation, Presidential Decision Directives, Executive Orders, international treaties and agreements with the United Nations or the State of Tennessee that would compromise these GOD GIVEN RIGHTS.

# TEXAS

## Austin, TX

Passed on September 25, 2003

### RESOLUTION NO. 030807-37

WHEREAS, the City of Austin and its citizens are governed by the United States Constitution which includes the Bill of Rights, and the Texas State Constitution; and

WHEREAS, the City of Austin has a diverse population, including students, immigrants and non-citizens, whose contributions are vital to economy and culture and civic character; and

WHEREAS, the City of Austin is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS, the preservation of civil rights and liberties is essential to the well being of a democratic society; and

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those which occurred on September 11, 2001 and should do so rationally and deliberatively, to insure that security measures shall enhance public safety without impairing or modifying constitutional rights or infringing on civil liberties; and

WHEREAS, government security measures which undermine fundamental rights do intrinsic damage to American traditions, institutions and values that residents of Austin hold dear; and

WHEREAS, there is no inherent or insurmountable conflict between national security and the preservation of liberty and that Americans can be both safe and free; and

WHEREAS, the City of Austin adheres to the principle that no law enforcement agency, or any other City agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnic or national origin, color, age, sexual orientation, gender, religion physical or mental disability, or socio-economic status;

WHEREAS, the City of Austin acknowledges its commitment to uphold the Constitutional, legal and human rights of its residents and visitors; and

WHEREAS, federal policies adopted since September 11, 2001, including provisions in Public law 107-56, known as the USA PATRIOT Act, and related executive orders, regulations and actions threaten fundamental rights and liberties by:

- limiting the authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism and ordinary criminal investigations;
- expanding the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant has not been notified that his or her property has been searched;
- granting federal law enforcement and intelligence agencies broad access to personal, medical, financial, library and educational records with little, if any, judicial oversight;
- authorizing the indefinite incarceration of non-citizens based on mere suspicion and the indefinite incarceration of citizens designated by the president as “enemy combatants” without access to counsel or meaningful recourse to the federal courts;
- chilling constitutionally protected speech through overly broad definitions of “terrorism”;
- permitting the federal bureau of investigation to conduct surveillance of religious services, internet chat rooms, political demonstrations and public meetings of any kind without evidence that a crime has been or may be committed;
- granting potential unchecked powers to the Attorney General and the U.S. Secretary of State to designate legal domestic groups as “terrorist organizations” by broadly defining “domestic terrorism” to include activities that “appear to be intended to intimidate or coerce civilian population,” thus possibly categorizing acts of civil disobedience as domestic terrorism;
- granting law enforcement expanded authority to obtain library records, and prohibiting librarians from informing patrons of monitoring or information requests; and
- authorizing eavesdropping on confidential communications between lawyers and their clients in federal custody; and

WHEREAS, new legislation has been drafted by the Federal Administration entitled the Domestic Security Enhancement Act (DSEA, also known as Patriot II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute, if not undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances by

- radically expanding law enforcement and intelligence gathering authorities;

- reducing or eliminating judicial oversight over surveillance;
- authorizing secret arrests;
- creating a DNA database based on unchecked executive ‘suspicion;’
- creating new death penalties; and
- expatriating and removing citizenship from Americans who belong to or support disfavored political groups; and

WHEREAS, other communities from around the country have passed similar resolutions reaffirming and reinforcing local efforts to support and defend the legal and human rights of their residents, their civil rights and civil liberties; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

That the City of Austin has been, and remains absolutely committed to the protection of civil rights and civil liberties for all of its residents and affirms its commitment to embody democracy and to embrace, defend and uphold the inalienable rights and fundamental liberties granted to under United States and Texas Constitutions;

BE IT FURTHER RESOLVED:

That local law enforcement continue to preserve and uphold residents’ freedom of speech, assembly, association, and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures;

BE IT FURTHER RESOLVED:

That law enforcement officials, public officials and Austinites engage in and participate in community dialogue on civil liberties issues, in order to promote and preserve safety and well being for Austin;

BE IT FURTHER RESOLVED:

That the council calls on our United States Representatives and Senators to monitor the implementation of the Act and related Executive Orders and actively work for the repeal of the Act or those sections of the Act including Executive Orders that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments, and to oppose the passage of Patriot Act II

BE IT FURTHER RESOLVED:

That the Austin Police Department shall refrain from engaging in the surveillance of individuals or groups of individuals based solely on their participation in activities protected by the First Amendment to the United States Constitution, such as political advocacy or the practice of a religion without reasonable and particularized suspicion of criminal conduct unrelated to the activity protected by the First Amendment of the United States Constitution;

BE IT FURTHER RESOLVED:

That the City Manager shall report to the City Council any request by authorities that, if granted, would cause City departments or agencies to exercise powers or cooperate in the exercise of powers in apparent violation of a city ordinance or the laws or constitution of this state or the United States;

BE IT FURTHER RESOLVED:

That the City Manager direct the Director of the Library Department to post in a prominent place within the library a notice as follows:

“WARNING: Under Section 215 of the federal USA Patriot Act (Public Law 107-56), records of books and other materials you borrow from this library may be obtained by federal agents. This law also prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to Attorney General John Ashcroft, Department of Justice, Washington, DC 20530.”;

BE IT FURTHER RESOLVED:

That upon passage, the City Clerk, shall deliver this Resolution to all appropriate federal, state and local law enforcement agencies and to the Austin Federal legislative delegation.

## **Dallas, TX**

**Passed on February 25, 2004**

### **Resolution Expressing the Commitment of the City of Dallas, Texas, to Civil Rights and Liberties and Urging Certain Actions be Taken with Respect to the “USA PATRIOT Act”**

WHEREAS, the United States Constitution, including the Bill of Rights, is the supreme law of the land; and

WHEREAS, all elected and appointed officials in Texas swear, upon taking office, to uphold the United States and Texas Constitutions; and

WHEREAS, federal, state and local governments must protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberate fashion to ensure that any new security measures effectively enhance public safety without impairing constitutional rights or infringing upon civil liberties protected by the United States and Texas Constitutions; and

WHEREAS, the City of Dallas recalls, with gratitude for their supreme sacrifice, those in the Armed Forces who have died in battle protecting these same cherished rights and liberties; and

WHEREAS, certain federal laws and policies adopted since September 11, 2001, including provisions of the “USA PATRIOT” Act, and related executive orders, regulations, and actions threaten fundamental rights and civil liberties of citizens and non-citizens alike; and

WHEREAS, certain provisions of those federal anti-terrorism measures violate fundamental rights and civil liberties, including the freedom from unwarranted searches and seizures, the right to a speedy and public trial, the right to legal counsel, the right to be informed of charges against you, the right to free speech, assembly, and the right to privacy; and

WHEREAS, the City of Dallas benefits both culturally and economically from the contributions of its racially, ethnically, and religiously diverse populations, some of which have been, or may be, special targets of federal anti-terrorism acts; and

WHEREAS, the City of Dallas benefits greatly from its status in international trade and commerce, and recognizes the importance of maintaining prosperous relations with all nations; and

WHEREAS, a number of states and many other cities throughout the United States, including Baltimore, Chicago, Detroit, Philadelphia, and Seattle, have enacted resolutions that affirm the support for civil liberties, and demand both governmental accountability and the repeal of unconstitutional provisions of the “USA PATRIOT” Act; and

NOW THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City of Dallas has been, and remains, firmly committed to the protection of civil rights and civil liberties for all its people, and will avoid discrimination in every function of city government and will vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without governmental interference.

Section 2. That the City of Dallas affirms the following principles, which are incorporated into the policies of the Dallas Police Department: every person has the right to be free from unreasonable search and seizure, arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed, every person has a right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law, and every person has the right to free speech and freedom of association under the United States and Texas Constitutions.

Section 3. That the City of Dallas respects and values public safety intelligence gathering, in accord with constitutional standards, as an indispensable part of law enforcement and of national security. Currently held and gathered information shall be thoroughly and carefully reviewed for its appropriateness under the United States and Texas Constitutions.

Section 4. That the City of Dallas reaffirms Dallas’s commitment to unbiased policing as expressed in the policies of the Dallas Police Department and endorses the principle that no law enforcement or other city agency may profile or discriminate against any person on the basis of race, ethnicity, national origin, age, sex, sexual orientation, or religion.

Section 5. That the City of Dallas reaffirms Dallas support of the government of the United States of America in its campaign against terrorism, but also reaffirms its commitment that such a campaign not be waged at the expense of civil rights and liberties of the people of Dallas and the United States.

Section 6. That as long as Section 215 of the “USA PATRIOT” Act remains unamended, the City of Dallas shall direct public libraries within the city to post in a prominent place within each library, on the city library homepage, a notice to library users as follows: “WARNING: Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. Federal agents may also track your personal Internet usage on library computers. This federal law prohibits librarians from informing you if federal agents have obtained records about you.

Section 7. That the City Council of Dallas petition Texas representatives of the United States Senate and House of Representatives, urging them to strictly monitor the implementation of federal anti-terrorism measures in the Dallas area and to work to repeal those provisions of the “USA PATRIOT” Act and other federal anti-terrorism laws and policies, that infringe upon fundamental rights and civil liberties.

Section 8. That the City Council of Dallas calls upon the United States Attorney’s Office, the Office of the Federal Bureau of Investigation, and local law enforcement authorities to publicly and promptly disclose the names of any and all federal detainees held in Dallas, and not keep those name secret.

Section 9. That the Clerk of the City Council of Dallas attests and affixes the seal of the City of Dallas to this resolution and that a copy be transmitted to President George W. Bush, Attorney General John Ashcroft, Governor Rick Perry, Mayor Laura Miller, City Manager Ted Benavides, and Police Chief Randy Hampton.

## **El Paso, TX** **Passed on April 27, 2004**

### **El Paso Resolution**

WHEREAS, the City of El Paso is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS, the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of the City of El Paso hold dear; and

WHEREAS, the City Council of the City of El Paso believes that there is no inherent conflict between national security and the preservation of liberty, Americans can be both safe and free; and

WHEREAS, federal policies adopted since September 11, 2001 including provisions in the USA PATRIOT ACT (Public Law 107-56) and related executive orders, regulations and actions can be enforced in such a manner as to threaten fundamental rights and liberties; and

WHEREAS, new legislation has been drafted by the current federal Administration entitled the Domestic Security Enhancement Act (DSEA), also known as PATRIOT II, which contains new law enforcement and intelligence gathering powers, many of which are not related to terrorism, that could dilute many basic constitutional rights, as well as disturb our country's unique system of checks and balance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso AFFIRMS its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties.

## **Sunset Valley, TX** **Passed on September 2, 2003**

WHEREAS, the City of Sunset Valley its citizens are governed by the United States Constitution which includes the Bill of Rights, and Texas State Constitution; and

WHEREAS, the City of Sunset Valley is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS, the preservation of civil rights and liberties is essential to the well being a democratic society; and

WHEREAS, federal, state, and local governments should protect the public from terrorist attacks such as those which occurred on September 11, 2001 and should do so rationally and deliberatively, to insure that security measures shall enhance public safety without impairing or modifying constitutional rights or infringing on civil liberties; and

WHEREAS, government security measures which undermine fundamental rights do intrinsic damage to American traditions, institutions and values that residents of Sunset Valley hold dear; and

WHEREAS, there is no inherent or insurmountable conflict between national security and the preservation of liberty and that Americans can be both safe and free; and

WHEREAS, fundamental rights granted by the United States Constitution are threatened by actions taken at the federal level, notably by passage of certain sections of the "USA PATRIOT Act", other acts and executive orders which, among other things:

- Grant potential unchecked powers to the Attorney General and the U.S. Secretary of State to designate legal domestic groups as "terrorist organizations" by overly broad definitions, and implying restrictions to Constitutionally protected First Amendment rights of speech and assembly by reference, such as political advocacy or the practice of a religion; while lifting administrative regulations on covert, surveillance counter-intelligence operations;
- Violate the First and Fourth Amendments to the Constitution through the expansion of the government's ability to wiretap telephones, monitor e-mail communications, survey medical, financial and student records, and secretly enter homes and offices without customary administrative oversight or without showing probable cause;

- Give law enforcement expanded authority to obtain library records, and prohibits librarians from informing patrons of monitoring or information requests;
- Violate the Fifth, Sixth and Fourteenth Amendments to the Constitution in establishing secret military tribunals, and in subjecting citizens and non-citizens to secret arrests, to indefinite detention without being allowed an attorney, without being brought to trial, and without even being charged with a crime;
- Authorize eavesdropping on confidential communication between lawyers and their clients in federal custody; and

WHEREAS, the City of Sunset Valley adheres to the principle that no law enforcement agency, or any other City agency, may profile or discriminate against any person solely on the basis of ancestry, race, ethnic or national origin, color, age, sexual orientation, gender, religion, physical or mental disability; or socio-economic status; and

WHEREAS, new legislation has been drafted by the Federal Administration entitled the Domestic Security Enhancement Act (DSEA, also known as Patriot II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute, if not undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances; and

WHEREAS, the provisions of the proposed act would represent a fundamental change from the Constitutional framework of separation of powers of the branches of government; and

WHEREAS, the proposed act would remove numerous protective walls between government agencies, erected by statute and regulation to correct past abuses; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNSET VALLEY, TEXAS, THAT

Our Congressional Members preserve the liberties guaranteed by the Bill of Rights, preserve balance of power between three branches of government, preserve the protections against government intrusion into lawful citizen activity, and preserve the distinction between law enforcement and foreign intelligence operations.

Any consideration of the “Domestic Security Enhancement Act of 2003” (or similar legislation by another name) be carried out with a full schedule of public hearings and congressional debate, with congressional oversight and responsibility. Congress must be accountable for such sweeping changes to the fundamental structures of our laws. The light of public scrutiny will help protect our civil liberties and human rights from further damage.

## **Wichita Falls, TX**

### **Passed on December 4, 2007**

#### **Expressing the City’s Strong Opposition to Terrorism and Its Commitment to Civil Rights and Liberties**

WHEREAS, the Constitution of the United States is our charter of liberty and enshrines fundamental rights of Americans, including the freedoms of religion, speech, assembly, privacy and petitioning the government for a redress of grievances; and,

WHEREAS, all elected and appointed officials in Texas, including elected public servants in Wichita Falls, swear, upon taking office, to uphold the United States and Texas Constitutions; and,

WHEREAS, the City of Wichita Falls is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and,

WHEREAS, the preservation of civil rights and liberties is essential to the wellbeing of a democratic society; and,

WHEREAS, federal, state, and local governments should protect the public from terrorist attacks such as those which occurred on September 11, 2001, and should do so rationally and deliberately to ensure that new security measures enhance public safety; and,

WHEREAS, the City Council of the City of Wichita Falls believes that there is no inherent conflict between national security and the preservation of liberty; Americans can be both safe and free.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

SECTION 1. The City of Wichita Falls affirms its strong opposition to terrorism, but also affirms that any actions to end terrorism must not be waged at the expense of the fundamental civil liberties, rights, and freedoms of the people of Wichita Falls.

SECTION 2. The City of Wichita Falls wishes to encourage each of its many citizens to read and study the Constitution of the United States and the Texas Constitution.

SECTION 3. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED this the 4th day of December, 2007.

# UTAH

## Castle Valley, UT Passed on February 19, 2003

### A Resolution Reaffirming the Town of Castle Valley's Commitment to Civil Liberties

Whereas, the Town of Castle Valley has a history of protecting the civil rights and civil liberties of its residents; and

Whereas, the Town of Castle Valley houses a small population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and

Whereas, the Town of Castle Valley is committed to upholding the human rights of all persons in Castle Valley and their free exercise and enjoyment of any and all rights and privileges secured by our constitution and laws of the United States, the State of Utah, and the Town of Castle Valley, and

Whereas, effective means of ensuring the security of our people must be balanced against the reductions in basic civil liberties; and

Whereas, several actions recently taken by the federal government, including the adoption of the USA Patriot Act, several Executive Orders, and the Homeland Security Act may allow the federal government, when pursuing matters of security, to sacrifice fundamental liberties protected by due process and "probable" cause including freedom of speech, assembly, and privacy; the right to legal counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; all of which are guaranteed by the constitutions of Utah and the United States; and

Whereas, national responses to extremist threats can be both effective in reducing such threats and still respect our Constitution's most basic and treasured freedoms:

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE VALLEY:

Section 1. That the Town of Castle Valley, acting in the spirit and history of our community, hereby requests that:

- All Town Departments continue their strong commitment to preserve residents' freedom of speech, religion, assembly and privacy; the right to counsel and due process in judicial proceedings and the protection from unreasonable searches and seizures.
- Any federal or state law enforcement officials acting within the Town of Castle Valley work in accordance with the policies and procedures of the Town of Castle Valley and when cooperating with Town Departments, continue to guarantee the fundamental constitutional rights of all Castle Valley residents.
- Our Congressional delegation monitor the implementation of the Acts and Orders cited herein and advocate for the protection of fundamental rights and liberties guaranteed by the United States and Utah Constitutions.

Section 2. This resolution shall become effective upon adoption.



# VERMONT

## State of Vermont

Passed on May 28, 2003

### **Joint Resolution Strongly Urging the President to Revise Executive Orders and Policies, and for Congress to Amend Provisions of the U.S.A. Patriot Act, Which Seriously Erode Fundamental Civil Liberties**

Whereas, on September 11, 2001, for the first time since the War of 1812, the continental United States was subjected to an attack from abroad when terrorists commandeered four commercial airliners and destroyed the World Trade Center in New York City and caused significant damage to the Pentagon, and

Whereas, in response to these tragic and devastating events, which cost nearly 3,000 innocent American lives, Congress adopted the U.S.A. Patriot Act (Public Law 107-56) which is intended to enable the federal government to act more authoritatively in preventing future attacks, and

Whereas, while the prevention of future terrorist attacks is a critical national priority, it is equally important to preserve the fundamental civil liberties and personal freedoms which were enshrined in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance and outcry against periodic threats to their existence, and

Whereas, while sunset review dates were attached to certain provisions, the final bill remains, perhaps, the most severe legislative attack on civil liberties since the passage of the Alien and Sedition Acts in the 1790s, and

Whereas, under the auspices of both the U.S.A. Patriot Act and related executive orders, persons from the Middle East and South Asia have been unjustly targeted for interrogation and possible deportation, and

Whereas, the ability of the Central Intelligence Agency to engage in domestic spying activities, with tragic repercussions, fortunately halted in the 1970s, but is now being revived pursuant to sections 223 and 901 of the Act, and

Whereas, section 213 greatly lowers the threshold required for a court to issue a search warrant, and

Whereas, section 216 nearly eliminates judicial supervision of telephone and internet surveillance, and

Whereas, section 411 gives the U.S. Attorney General extraordinarily broad authority to designate domestic groups as “terrorist organizations,” and

Whereas, both sections 411 and 412 subject non-citizens to indefinite detention or deportation even if they have not committed a crime, and

Whereas, several sections of the bill, including 215, 218, 358, and 508, permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records, and

Whereas, there has been an especially strong outcry in Vermont against the ability of federal authorities, under section 215 of the Act, to obtain judicially-issued warrants for library or bookstore patron records based on minimal information, and the accompanying prohibition on librarians and bookstore personnel from revealing any information regarding the request, and

Whereas, this provision runs directly counter to the intent of the Vermont General Assembly to protect the privacy of a library patron’s records as codified in Title 3 § 317(c)(19) of the Vermont Statutes Annotated, and the code of ethics of the American Library Association, and

Whereas, both the Fletcher Free Library Commission and the Vermont Library Association have expressed their strongest possible concerns that the U.S.A. Patriot Act undermines constitutionally-guaranteed rights and the privacy of library patrons, and

Whereas, Congressman Bernard Sanders has announced his intention to sponsor legislation to exempt libraries and booksellers from the disclosure requirements of the U.S.A. Patriot Act, and

Whereas, a number of municipal legislative bodies, including the Burlington City Council, have expressed their deep concerns relative to the U.S.A. Patriot Act’s historic degradation of civil liberties, and

Whereas, the law gravely threatens the civic values, personal freedoms, and rights that constitute the foundation of our national existence, now therefore be it

Resolved by the Senate and House of Representatives: That the General Assembly strongly urges the President and members of the executive branch to review and revise executive orders and policies which have been adopted since September 11, 2001, and be it further

Resolved: That the General Assembly strongly urges the United States Congress to revise the U.S.A. Patriot Act in order to restore and protect our nation’s fundamental civil liberties, and, in particular, to enact Representative Sanders’ proposal to exempt libraries and bookstores from the provisions of the Act, and be it further

Resolved: That the General Assembly requests that the office of the Vermont Attorney General offer legal support to any public library which is subject to a federal suit or administrative enforcement action for refusing to comply with the provisions of the Act related to library patrons' records, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the President of the United States, to each member of the Vermont Congressional Delegation, and to Keith M. Fiels, Executive Director of the American Library Association, in Chicago.

## **Athens, VT**

**Passed on March 4, 2003**

We call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office and the FBI to:

1. Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch, or COINTELPRO-type regulations, including disclosing the names of any detainees;
2. Not participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties such as surveillance, wiretaps, and securing of private information, which the Acts and Orders authorize;
3. End racial profiling in law enforcement and detentions without charges; and

We call on our local government to:

4. Openly work for the repeal of the parts of the Acts and Orders that violate civil rights and civil liberties
5. Ask the Town Clerk to notify the above authorities of our action in this regard

## **Brattleboro, VT**

**Passed on February 4, 2003**

**Resolution calling on local government to defend state and federal Constitutions from threats imposed on them by the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch:**

WHEREAS the Town of Brattleboro recognizes the Constitution of the United States of America to be the supreme law of the land, which public servants are sworn to uphold, superseding all state and federal laws, administrative rules, and local ordinances;

WHEREAS, many residents of Brattleboro and other communities across the nation are concerned that the USA PATRIOT Act threatens our civil rights and liberties by:

- greatly expanding the government's ability to conduct secret searches;
- all but eliminating judicial supervision of telephone and Internet surveillance;
- granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups as "terrorist organizations";
- allowing the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime;
- giving law enforcement officials broad access to sensitive medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime;
- placing the CIA back in the business of spying on Americans; and

WHEREAS, the Homeland Security Act:

- increases secret surveillance and reduces privacy protections;
- allows the federal government to maintain extensive files on all Americans without court order or probable cause or evidence of a crime;
- expands the ability of government to access emails and information about an individual's Internet activity without judicial supervision, even when such a disclosure is not reasonable and does not deal with an imminent threat of injury;
- provides exemptions to the Freedom of Information Act and the Sunshine Act, decreasing public access to information regarding government proceedings.

WHEREAS, our civil rights and liberties are further threatened by orders and rules of the executive branch that:

- establish military tribunals for terrorism suspects;
- permit wiretapping of conversations between federal prisoners and their lawyers;
- revise Justice Department guidelines against illegal COINTELPRO-type operations-covert activities that in the past targeted domestic groups and individuals;
- limit the disclosure of public documents and records under the Freedom of Information Act;

WHEREAS, the executive order on military tribunals also undermines the U.S. government's ability to denounce human rights violations carried out in secret by military tribunals elsewhere in the world;

WHEREAS, several law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and the associated orders and rules of the executive branch as unnecessary to the prosecution of, and protection from, terrorism;

WHEREAS, communities across the nation have adopted resolutions opposing those parts of the USA PATRIOT Act, the Homeland Security Act, and associated orders and rules of the executive branch that threaten civil liberties; and

WHEREAS, the Vermont Library Association and the Vermont Booksellers' Association have adopted an open letter to Vermont's Congressional Delegation requesting that legislation be introduced to eliminate provisions in the USA PATRIOT Act that undermine constitutionally guaranteed rights;

THEREFORE IT IS RESOLVED that the Town of Brattleboro affirm the civil rights granted to all of its citizens and residents in accordance with the Bill of Rights and the Fourteenth Amendment of the United States Constitution; and

IT IS FURTHER RESOLVED that the Brattleboro Selectboard affirm the Brattleboro Police Department's policy and practice of respecting and protecting freedoms of speech, religion, assembly, and privacy; upholding and advancing the presumption of innocence; acting at all times with due respect for the equality of all people, irrespective of race, religion, ethnic identity, or national origin; in no event engaging in racial profiling for any purpose; and guaranteeing the right to counsel and due process in judicial proceedings; and

IT IS FURTHER RESOLVED that the Town of Brattleboro request that federal, state, and county law enforcement officials acting within the Town work cooperatively with the Brattleboro Police Department in upholding and advancing each of the foregoing Police Department policies and standards; and

IT IS FURTHER RESOLVED that the Town of Brattleboro request that federal, state, and county law enforcement officials acting within the Town hold or detain no person without charging that person in accordance with the Constitution and the laws of this State and the United States; and

IT IS FURTHER RESOLVED that the Town of Brattleboro request that Vermont's Congressional delegation monitor the implementation of the USA PATRIOT Act, the Homeland Security Act, and the associated orders and rules of the executive branch and actively work for the repeal of those portions of the Acts and those orders and rules that violate the rights and liberties guaranteed by the United States Constitution; and

IT IS FINALLY RESOLVED that the Town Clerk communicate this resolution to Vermont's Congressional delegation, the Governor and Attorney General of the State of Vermont, Brattleboro's Chief of Police, the local U.S. Attorney's office, the local office of the Federal Bureau of Investigation, and the Vermont State Police.

## **Burlington, VT**

### **Passed on December 2, 2002**

A Resolution Relating to the USA PATRIOT Act and the Protection of Burlington Residents' Civil Rights and Liberties

That WHEREAS, in response to the tragic events of September 11, 2001, the United States Congress passed the USA PATRIOT Act (Public Law 107-56) which was signed into law by President George W. Bush on October 26, 2001; and

WHEREAS, many residents of Burlington and other communities across the nation are concerned that the USA PATRIOT Act threatens our civil rights and liberties by:

- greatly expanding the government's ability to conduct secret searches (section 213);
- all but eliminating judicial supervision of telephone and internet surveillance (section 216);
- granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups as "terrorist organizations" (section 411);
- allowing the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime (sections 411 and 412);

- giving law enforcement officials broad access to sensitive medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime (sections 215, 218, 358, and 508);
- placing the CIA back in the business of spying on Americans (sections 203 and 901); and

WHEREAS, our civil rights and liberties are further threatened by orders and rules of the executive branch that:

- establish secret military tribunals for terrorism suspects (Military Order, Nov. 13, 2001);
- permit wiretapping of conversations between federal prisoners and their lawyers (28 CFR 501.3);
- revise Justice Department guidelines against illegal COINTELPRO-type operations -- covert activities that in the past targeted domestic groups and individuals (Attorney General's guidelines and procedures relating to criminal investigations and national security, issued May 30, 2002);
- limit the disclosure of public documents and records under the Freedom of Information Act

WHEREAS, communities across the country -- including Berkeley, California; Santa Cruz, California; Boulder, Colorado; Denver, Colorado; Alachua County, Florida; Amherst, Massachusetts; Cambridge, Massachusetts; Leverett, Massachusetts; Northampton, Massachusetts; Takoma Park, Maryland; Ann Arbor, Michigan; Santa Fe, New Mexico; Carrboro, North Carolina; Madison, Wisconsin -- have passed resolutions opposing those parts of the USA PATRIOT Act and the associated orders and rules that threaten our civil liberties; and

WHEREAS, librarians from Fletcher Free Library, University of Vermont, Community College of Vermont and other local libraries are concerned that the USA PATRIOT Act undermines Burlington residents' constitutionally guaranteed right to read and access information without governmental intrusion or interference; and

WHEREAS, members of the Fletcher Free Library Commission voted unanimously to support and encourage adoption of this resolution and the Vermont Library Association has adopted an open letter to Vermont's Congressional Delegation requesting that legislation be introduced to eliminate provisions in the USA PATRIOT Act that undermine these constitutionally guaranteed rights; and

WHEREAS, the USA PATRIOT Act and the associated orders and rules of the executive branch have been used to target foreign nationals and people of Middle Eastern and South Asian descent, and also threaten the rights of any U.S. citizen acting and speaking legally in opposition to government policy; and

WHEREAS, the City of Burlington's full-time resident and student population includes foreign nationals, people of Middle Eastern and South Asian descent, and other law-abiding residents who may be unfairly targeted under the USA PATRIOT Act; and

WHEREAS, the City of Burlington is committed to protecting and upholding the civil rights and liberties of all persons in Burlington as expressed in the United States and Vermont State Constitutions.

NOW THEREFORE BE IT RESOLVED that the City of Burlington affirms the civil rights granted to all of its residents - U.S. citizens and citizens of other nations alike -- in accordance with the Bill of Rights and the Fourteenth Amendment of the United States Constitution; and

BE IT FURTHER RESOLVED that the Burlington City Council encourages the Burlington Police Department to continue its policy of:

- respecting and protecting freedom of speech, religion, assembly, and privacy;
- guaranteeing the right to counsel and due process in judicial proceedings;
- prohibiting unreasonable searches and seizures; and

BE IT FURTHER RESOLVED that the City of Burlington requests that federal and state law enforcement officials acting within the City work cooperatively with the Burlington Police Department, and abide by the Department's policies prohibiting racial profiling and detentions without charges, and regularly and publicly report to the City the extent and manner in which they have acted under the USA PATRIOT Act or the associated orders and rules of the executive branch, including names of any detainees held in the region or any Burlington residents detained elsewhere; and

BE IT FURTHER RESOLVED that the City of Burlington requests that Vermont's Congressional delegation monitor the implementation of the USA PATRIOT Act and the associated orders and rules of the executive branch and actively work for the repeal of those portions of the Act and those orders and rules that violate the rights and liberties guaranteed by the United States Constitution; and

BE IT FURTHER RESOLVED that the city clerk communicate this resolution to Vermont's Congressional Delegation, the Governor and Attorney General of the State of Vermont, Burlington's Chief of Police, the local U.S. Attorney's office, the local office of the Federal Bureau of Investigation, and the Vermont State Police.

## **Dummerston, VT**

### **Passed on March 4, 2003**

**Article 11: Shall the votes of Dummerston vote the following resolution calling on local government to defend state and federal Constitutions from threats imposed by the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch:**

We call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office, and the FBI to:

- Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch, or COINTELPRO-type regulations including disclosing the names of any detainees;
- Not participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties such as surveillance, wiretaps, and securing of private information, which the Acts and Orders authorize;
- End racial profiling in law enforcement and detentions without charges; and

We call on our local government to

- Openly work for the repeal of the parts of the Acts and Orders that violate civil rights and civil liberties
- Ask the Town Clerk to notify the above authorities of our action in this regard

## **Guilford, VT**

### **Passed on March 4, 2003**

**Approved by the Voters of Guilford, Vermont, at their Annual Town Meeting on March 4, 2003**

Whereas, the Bill of Rights of the United States Constitution and the Constitution of Vermont guarantee those living in the United States the following rights:

- Freedom of speech, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

Whereas, we believe these civil liberties are precious and are now threatened by

A. The USA PATRIOT Act, which

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"; and
- Grants FBI broad access to sensitive medical, mental health, library, financial, and educational records about individuals without having to show evidence of a crime and without a court order; and

B. The Homeland Security Act, which

- Increases the government's ability to secretly collect information without court orders or other checks; and

C. Federal Executive Orders, which

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act; and

THEREFORE, we the undersigned voters of the Town of Guilford petition to place the following article on the Warning of the 2003 Town Meeting:

Resolution calling on local government to defend state and federal Constitutions from threats imposed by the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch:

We call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office, and the FBI to:

Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch, or COINTELPRO-type regulations including disclosing the names of any detainees;

Not participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties such as surveillance, wiretaps, and securing of private information, which the Acts and Orders authorize;

End racial profiling in law enforcement and detentions without charges; and

We call on our local government to

Openly work for the repeal of the parts of the Acts and Orders that violate civil rights and civil liberties

Ask the Town Clerk to notify the above authorities of our action in this regard.

## **Jamaica, VT**

### **Passed on March 4, 2003**

Approved by the Voters of Jamaica, VT, at their Annual Town Meeting on March 4, 2003

Whereas, the Bill of Rights of the United States Constitution and the Constitution of Vermont guarantee those living in the United States the following rights: freedom of speech, assembly and privacy; the rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and

WHEREAS, we believe these civil liberties are precious and are now threatened by:

- The USA PATRIOT Act, which all but eliminates judicial supervision of telephone and Internet surveillance; greatly expands the government's ability to Conduct secret searches; gives Attorney General and the Secretary of State Unchecked power to designate domestic groups as "terrorist organizations"; and Grants the FBI broad access to sensitive medical, mental health, library, financial, And educational records about individuals without having to show evidence of a Crime without a court order; and
- The Homeland Security Act, which allows the federal government to maintain Extensive files on all Americans without a court order or probable cause or Evidence of a crime; expands the ability of government to access emails and Information about an individual's Internet activity without judicial supervision; and
- Federal Executive Orders, which establish secret military tribunals for terrorism Suspects; permit wiretapping of conversations between federal prisoners and Their lawyers; lift Justice Department regulations against illegal COINTELPRO-Type operations by the FBI (covert activities that in the past targeted domestic Groups and individuals); and limit the disclosure of public documents and records Under the Freedom of Information Act; and

WHEREAS, communities across the nation have adopted resolutions opposing those parts of the USA PATRIOT Act, the Homeland Security Act, and associated orders and rules of the executive branch that threaten civil liberties;

THEREFORE, be it resolved that the voters of the Town of Jamaica, Vermont, call on our local government to act in the spirit of our state and the federal Constitutions by asking local and state police, the local U.S. Attorney's office, and the FBI to:

- Report to Vermont citizens the extent to and matter in which they have acted under the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch, or the COINTELPRO-type regulations, including disclosing the names of any detainees held in Vermont or any Jamaica residents detained elsewhere;
- Not participate, to the extent legally permissible, in law enforcement activities That threaten civil rights and civil liberties such as surveillance, wiretaps, and Securing of private information, which the Acts Orders authorize;
- Refrain from racial profiling, in law enforcement and detention without charges;

We call on Vermont's Congressional delegation to monitor the implementation of the USA PATRIOT Act, the Homeland Security Act, and the associated orders and rules of the executive branch, and actively work for the repeal of the parts of the Acts and Orders that violate civil rights and civil liberties.

We ask the Town Clerk to notify the above authorities of our action in this regard.

## **Marlboro, VT**

### **Passed on March 4, 2003**

#### **Article 21: Shall the Voters of the Town of Marlboro Adopt the Following Resolution:**

Be it resolved that the voters of the town of Marlboro, Vermont, call on local government to defend state and federal Constitutions from threats imposed by the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch:

We call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office, and the FBI to:

- Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch, or COINTELPRO-type regulations including disclosing the names of any detainees;
- Not participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties such as surveillance, wiretaps, and securing of private information, which the Acts and Orders authorize;
- End racial profiling in law enforcement and detentions without charges; and

We call on our local government to

- Openly work for the repeal of the parts of the Acts and Orders that violate civil rights and civil liberties

## **Montpelier, VT**

### **Passed on March 4, 2003**

The following resolution was passed by the Montpelier, Vermont City Council on January 15, 2003. Montpelier's voters approved the resolution when it was placed on the ballot on March 4, 2003.

RESOLUTION, calling on local government to encourage and promote defense of the Constitution, as the United States undertakes the difficult task of keeping the nation free from the threats of international terrorism; and requesting that our Congressional delegation work to repeal those provisions of the USA PATRIOT Act that violate the Bill of Rights and undermine those principles of fairness, equity, and due process that have kept us strong and free as a people, and which constitutes the essence of true patriotism.

WHEREAS, in response to the tragic events of September 11, 2001, the United States Congress passed the USA PATRIOT Act (Public Law 107-56), which was signed into law by President George W. Bush on October 26, 2001; and

WHEREAS, many residents of Montpelier and other communities across the nation are concerned that the USA PATRIOT Act threatens our civil rights and liberties by:

- greatly expanding the government's ability to conduct secret searches (Sec. 213)
- all but eliminating judicial oversight of telephone and Internet surveillance (Sec. 216);
- granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups as "terrorist organizations" (Sec. 411);
- allowing the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime (Secs. 411 and 412);
- giving law enforcement officials broad access to sensitive medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime (Secs. 215, 218, 358, and 508);
- placing the CIA back in the business of spying on Americans (Secs. 203 and 901; and

WHEREAS, our civil rights and liberties are further threatened by orders and rules of the executive branch that:

- establish secret military tribunals for terrorism suspects (Military Order, Nov. 13, 2001);
- permit wiretapping of conversations between federal prisoners and their lawyers (28 CFR 501.3)
- revise Justice Department guidelines against illegal COINTELPRO-type operations—covert activities that in the past targeted domestic groups and individuals (Attorney General's guidelines and procedures relating to criminal investigations and national security, issued May 30, 2002); and
- limit the disclosure of public documents and records under the Freedom of Information Act ("Memorandum for Heads of all Federal Departments and Agencies," Attorney General John Ashcroft, Oct 12, 2001); and

WHEREAS, communities across the country including Berkeley, California; Santa Cruz, California; Boulder, Colorado; Denver, Colorado; Alachua County, Florida; Amherst, Massachusetts; Cambridge, Massachusetts; Leverett, Massachusetts; Northampton, Massachusetts; Takoma Park, Maryland; Ann Arbor, Michigan; Santa Fe, New Mexico; Carrboro, North Carolina; Madison, Wisconsin; and Burlington, Vermont have passed resolutions apposing those parts of the USA PATRIOT Act and the associated orders and rules that threaten our civil liberties; and

WHEREAS, librarians from the Kellogg-Hubbard Library in Montpelier, the Fletcher Free Library in Burlington, the University of Vermont, Community College of Vermont, and other local libraries are concerned that the USA PATRIOT Act undermines the constitutionally guaranteed right to read and access information without government intrusion or interference; and

WHEREAS, the USA PATRIOT Act and the associated orders and rules of the executive branch have been used to target foreign nationals and people of Middle Eastern and South Asian descent and also threaten the rights of any U.S. citizen acting and speaking legally in opposition to government policy; and

WHEREAS, the City of Montpelier is committed to protecting and upholding the civil rights and liberties of all persons in the City, as expressed in the United States and Vermont Constitutions,

NOW, THEREFORE, BE IT RESOLVED, that the City of Montpelier affirms the civil rights granted to all of its residents—U.S. citizens and citizens of other nations alike—in accordance with the Bill of Rights and the Fourteenth Amendment of the United States Constitution; and

IT IS FURTHER RESOLVED, that the Montpelier City Council directs the Montpelier Police Department to uphold its privacy of respecting and protecting freedoms of speech, religion, assembly, and privacy; upholding the advancing and the presumption of innocence; and acting at all times with due respect for the equality of all people, irrespective of race, religion, ethnic identity, or national origin, and in no event engaging in racial profiling for any purpose; and

IT IS FURTHER RESOLVED, that the City of Montpelier request that the federal and state law enforcement officials acting within the City work cooperatively with the Montpelier Police Department, and abide by the Department's policies prohibiting racial profiling and detentions without charges, and that such officials regularly and publicly report to the City the extent and manner in which they have acted under the USA PATRIOT Act or the associated orders and rules of the executive branch, including names of any detainees held in the region or any Montpelier residents detained elsewhere; and

IT IS FURTHER RESOLVED, that the City of Montpelier request that Vermont's Congressional delegation monitor the implementation of the USA PATRIOT Act and the associated orders and rules of the executive branch and actively work for the repeal of those portions of the Act and those orders and rules that violate the rights and liberties guaranteed by the United States Constitution; and

IT IS FURTHER RESOLVED, that the City Clerk communicate this resolution to Vermont's Congressional delegation; the Governor and Attorney General of the State of Vermont, Montpelier's Chief of Police, the local U.S. Attorney's office, the local office of the Federal Bureau of Investigation, and the Vermont State Police.

## **Newfane, VT**

### **Passed on March 4, 2003**

Shall the residents of Newfane vote to support the following Resolution calling on local government to defend state and federal Constitutions from threats imposed by the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch:

We call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office and FBI to:

- Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch, or COPINTEL-PRO-type regulations, including disclosing the names of any detainees;
- Not to participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties such as surveillance, wiretaps, and securing of private information, which the Acts and Orders authorize;
- End racial profiling in law enforcement and detentions without charges; and

We call on our local government to:

- Openly work for the repeal of the parts of the Acts and Orders that violate civil rights and civil liberties
- Ask the Town Clerk to notify the above authorities of our action in this regard.



**Putney, VT****Passed on March 4, 2003****Resolution calling on local government to defend state and federal Constitutions from threats imposed by the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch:**

We call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office, and the FBI to:

- Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch, or COINTELPRO-type regulations including disclosing the names of any detainees;
- Not participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties such as surveillance, wiretaps, and securing of private information, which the Acts and Orders authorize;
- End racial profiling in law enforcement and detentions without charges; and

We call on our local government to:

- Openly work for the repeal of the parts of the Acts and Orders that violate civil rights and civil liberties
- Ask the Town Clerk to notify the above authorities of our action in this regard.

**Rockingham, VT****Passed on February 18, 2003****Resolution Calling on Local Government to Defend State and Federal Constitutions from Threats Imposed on Them by the USA PATRIOT Act, the Homeland Security Act, and Orders and Rules of the Executive Branch:**

WHEREAS the Town of Rockingham recognizes the Constitution of the United States of America to be the supreme law of the land, which public servants are sworn to uphold, superseding all state and federal laws, administrative rules, and local ordinances;

WHEREAS, many residents of Rockingham and other communities across the nation are concerned that the USA PATRIOT Act threatens our civil rights and liberties by:

- greatly expanding the government's ability to conduct secret searches;
- all but eliminating judicial supervision of telephone and Internet surveillance;
- granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups as "terrorist organizations";
- allowing the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime;
- giving law enforcement officials broad access to sensitive medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime;
- placing the CIA back in the business of spying on Americans; and

WHEREAS, the Homeland Security Act:

- increases secret surveillance and reduces privacy protections;
- allows the federal government to maintain extensive files on all Americans without court order or probable cause or evidence of a crime;
- expands the ability of government to access emails and information about an individual's Internet activity without judicial supervision, even when such a disclosure is not reasonable and does not deal with an imminent threat of injury;
- provides exemptions to the Freedom of Information Act and the Sunshine Act, decreasing public access to information regarding government proceedings.

WHEREAS, our civil rights and liberties are further threatened by orders and rules of the executive branch that:

- establish military tribunals for terrorism suspects;
- permit wiretapping of conversations between federal prisoners and their lawyers;
- revise Justice Department guidelines against illegal COINTELPRO-type operations-covert activities that in the past targeted domestic groups and individuals;

- limit the disclosure of public documents and records under the Freedom of Information Act;

WHEREAS, the executive order on military tribunals also undermines the U.S. government's ability to denounce human rights violations carried out in secret by military tribunals elsewhere in the world;

WHEREAS, several law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and the associated orders and rules of the executive branch as unnecessary to the prosecution of, and protection from, terrorism;

WHEREAS, communities across the nation have adopted resolutions opposing those parts of the USA PATRIOT Act, the Homeland Security Act, and associated orders and rules of the executive branch that threaten civil liberties; and

WHEREAS, the Vermont Library Association and the Vermont Booksellers' Association have adopted an open letter to Vermont's Congressional Delegation requesting that legislation be introduced to eliminate provisions in the USA PATRIOT Act that undermine constitutionally guaranteed rights;

THEREFORE IT IS RESOLVED that the Town of Rockingham affirm the civil rights granted to all of its citizens and residents in accordance with the Bill of Rights and the Fourteenth Amendment of the United States Constitution; and

IT IS FURTHER RESOLVED that the Rockingham Selectboard affirm the Bellows Falls Police Department's, The Vermont State Police and the Sheriff's Department's policy and practice of respecting and protecting freedoms of speech, religion, assembly, and privacy; upholding and advancing the presumption of innocence; acting at all times with due respect for the equality of all people, irrespective of race, religion, ethnic identity, or national origin; in no event engaging in racial profiling for any purpose; and guaranteeing the right to counsel and due process in judicial proceedings; and

IT IS FURTHER RESOLVED that the Town of Rockingham request that federal, state, and county law enforcement officials acting within the Town work cooperatively with the Bellows Falls Police Department's, The Vermont State Police and the Sheriff's Department's in upholding and advancing each of the foregoing Police Department policies and standards, to the extent legally possible, no town employee shall officially assist or voluntarily cooperate with investigations, interrogations or arrest procedures" that may be judged to violate civil rights or liberties; and

IT IS FURTHER RESOLVED that the Town of Rockingham request that federal, state, and county law enforcement officials acting within the Town hold or detain no person without charging that person in accordance with the Constitution and the laws of this State and the United States; and

IT IS FURTHER RESOLVED that the Town of Rockingham request that Vermont's Congressional delegation monitor the implementation of the USA PATRIOT Act, the Homeland Security Act, and the associated orders and rules of the executive branch and actively work for the repeal of those portions of the Acts and those orders and rules that violate the rights and liberties guaranteed by the United States Constitution; and

IT IS FINALLY RESOLVED that the Town Clerk communicate this resolution to Vermont's Congressional delegation, the Governor and Attorney General of the State of Vermont, the Bellows Falls Police Department's, The Vermont State Police and the Sheriff's Department's, the local U.S. Attorney's office, and the local office of the Federal Bureau of Investigation.

To the extent legally possible, no town employee shall officially assist or voluntarily cooperate with investigations, interrogations or arrest procedures" that may be judged to violate civil rights or liberties.

## **Waitsfield, VT**

**Passed on March 4, 2003**

### **Non-Binding Resolution to Protect Our Constitutional Rights and Freedoms**

We, the voters of the Town of Waitsfield, Vermont, gathered today at this Town Meeting, and voting from the floor, do resolve to direct our Town Clerk to notify all of our local, state and federal representatives to do all in their power to rescind parts of the USA PATRIOT Act, the Homeland Security Act, and recent Federal Executive orders which threaten our most precious civil liberties; freedom of speech, assembly, privacy, protections from unreasonable searches and seizures, wire tapping, access to personal records of all kinds, and the right to legal counsel. We further resolve that the Freedom of Information Act be upheld and that citizens have the right to be notified of any investigations being undertaken by the FBI, or any other branch of government, when there is no evidence of a crime and no court order.

## **Warren, VT**

**Passed March 3, 2003**

### **Civil Liberties Resolution**

RESOLUTION, calling on local government to encourage and promote defense of the Constitution, as the United States undertakes the difficult task of keeping the nation free from the threats of international terrorism; and requesting that our Congressional delegation work to repeal those provisions of the USA PATRIOT Act that violate the Bill of Rights and undermine those principles of fairness, equity, and due process that have kept us strong and free as a people, and which constitute the essence of true patriotism.

WHEREAS, in response to the tragic events of September 11, 2001, the United States Congress passed the USA PATRIOT Act (Public Law 107-56), which was signed into law by President George W. Bush on October 26, 2001; and

WHEREAS, many residents of Warren and other communities across the nation are concerned that the USA PATRIOT Act threatens our civil rights and liberties by:

- greatly expanding the government’s ability to conduct secret searches (Sec. 213);
- all but eliminating judicial oversight of telephone and Internet surveillance (Sec. 216);
- granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups as “terrorist organizations” (Sec. 411);
- allowing the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime (Secs. 411 and 412);
- giving law enforcement officials broad access to sensitive medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime (Secs. 215, 218, 358, and 508);
- placing the CIA back in the business of spying on Americans (Secs. 203 and 901); and

WHEREAS, the Homeland Security Act:

- increases secret surveillance and reduces privacy protections;
- allows the federal government to maintain extensive files on all Americans without court order or probable cause or evidence of a crime;
- expands the ability of government to access emails and information about an individual’s Internet activity without judicial supervision, even when such a disclosure is not reasonable and does not deal with an imminent threat of injury;
- provides exemptions to the Freedom of Information Act and the Sunshine Act, decreasing public access to information regarding government proceedings.

WHEREAS, our civil rights and liberties are further threatened by orders and rules of the executive branch that:

- establish secret military tribunals for terrorism suspects (Military Order, Nov. 13, 2001);
- permit wiretapping of conversations between federal prisoners and their lawyers (28 CFR 501.3);
- revise Justice Department guidelines against illegal COINTELPRO-type operations-covert activities that in the past targeted domestic groups and individuals (Attorney General’s guidelines and procedures relating to criminal investigations and national security, issued May 30, 2002); and
- limit the disclosure of public documents and records under the Freedom of Information Act (“Memorandum for Heads of all Federal Departments and Agencies,” Attorney General John Ashcroft, Oct 12, 2001,

WHEREAS, communities across the country including Berkeley, California; Santa Cruz, California; Boulder, Colorado; Denver, Colorado; Alachua County, Florida; Amherst, Massachusetts; Cambridge, Massachusetts; Leverett, Massachusetts; Northampton, Massachusetts; Takoma Park, Maryland; Ann Arbor, Michigan; Santa Fe, New Mexico; Carrboro, North Carolina; Madison, Wisconsin; and Burlington, Vermont have passed resolutions opposing those parts of the USA PATRIOT Act, the Homeland Security Act and the associated orders and rules that threaten our civil liberties; and

WHEREAS, librarians from the Kellogg-Hubbard Library in Montpelier, the Fletcher Free Library in Burlington, the University of Vermont, Community College of Vermont, and other local libraries are concerned that the USA PATRIOT Act undermines the constitutionally guaranteed right to read and access information without governmental intrusion or interference; and

WHEREAS, the USA PATRIOT Act and the associated orders and rules of the executive branch have been used to target foreign nationals and people of Middle Eastern and South Asian descent, and also threaten the rights of any U.S. citizen acting and speaking legally in opposition to government policy; and

WHEREAS, the Town of Warren is committed to protecting and upholding the civil rights and liberties of all persons in the Town, as expressed in the United States and Vermont Constitutions,

NOW, THEREFORE, IT IS RESOLVED, that the Town of Warren affirms the civil rights granted to all of its residents-U.S. citizens and citizens of other nations alike-in accordance with the Bill of Rights and the Fourteenth Amendment of the United States Constitution; and

IT IS FURTHER RESOLVED, that the Warren Selectboard request the Vermont State Police Department and other law enforcement agencies to uphold its policy of respecting and protecting freedoms of speech, religion, assembly, and privacy; upholding the

advancing the presumption of innocence; and acting at all times with due respect for the equality of all people, irrespective of race, religion, ethnic identity, or national origin, and in no event engaging in racial profiling for any purpose; and

IT IS FURTHER RESOLVED, that the Town of Warren request that federal and state law enforcement officials acting within the Town abide by the Department's policies prohibiting racial profiling and detentions without charges, and that such officials regularly and publicly report to the Town the extent and manner in which they have acted under the USA PATRIOT Act, the Homeland Security Act or the associated orders and rules of the executive branch, including names of any detainees held in the region or any Warren residents detained elsewhere; and

IT IS FURTHER RESOLVED, that the Town of Warren request that Vermont's Congressional delegation monitor the implementation of the USA PATRIOT Act, Homeland Security Act and the associated orders and rules of the executive branch and actively work for the repeal of those portions of the Act and those orders and rules that violate the rights and liberties guaranteed by the United States Constitution; and

IT IS FURTHER RESOLVED, that the Town Clerk communicate this resolution to Vermont's Congressional delegation, the Governor and Attorney General of the State of Vermont, the local U.S. Attorney's office, the local office of the Federal Bureau of Investigation, and the Vermont State Police.

## **Westminster, VT**

### **Passed on March 3, 2003**

#### **Resolution Calling on Local Government to Defend State and Federal Constitutions from Threats Imposed by the USA PATRIOT Act, the Homeland Security Act, and Orders and Rules of the Executive Branch:**

We call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office, and the FBI to:

- Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch, or COINTELPRO-type regulations including disclosing the names of any detainees;
- Not participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties such as surveillance, wiretaps, and securing of private information, which the Acts and Orders authorize;
- End racial profiling in law enforcement and detentions without charges; and

We call on our local government to

- Openly work for the repeal of the parts of the Acts and Orders that violate civil rights and civil liberties
- Ask the Town Clerk to notify the above authorities of our action in this regard.

## **Windham, VT**

### **Passed on March 4, 2003**

#### **To see if the Voters of the Town of Windham, will adopt the following Resolution:**

Whereas, the Bill of Rights of the United States Constitution and the Constitution of Vermont guarantee those living in the United States the following rights:

- Freedom of speech, assembly and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

Whereas, we believe these civil liberties are precious and are now threatened by

The USA PATRIOT Act which

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches and seizures;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"; and
- Grants the FBI broad access to sensitive medical, mental health, library, financial, and educational records about individuals without having to show evidence of a crime and without a court order; and

The HOMELAND SECURITY ACT, which

- Increases the government's ability to secretly collect information without court orders or other checks; and

#### FEDERAL EXECUTIVE ORDERS, which

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act

#### THEREFORE

Resolution calling on local government to defend state and federal Constitutions from threats imposed by the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch:

We call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office, and the FBI to:

- Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, the Homeland Security Act, and orders and rules of the executive branch, or COINTELPRO-type regulations including disclosing the names of any detainees;
- Not participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties such as surveillance, wiretaps, and securing of private information, which the Acts and Orders authorize;
- End racial profiling in law enforcement and detentions without charges; and

We call on our local government to

- Openly work for the repeal of the parts of the Acts and Orders that violate civil rights and civil liberties
- Ask the Town Clerk to notify the above authorities of our action in this regard.

# VIRGINIA

## Alexandria, VA Passed on November 11, 2003

WHEREAS, the Alexandria City Council is committed to upholding the United States Constitution and its Bill of Rights;

WHEREAS, the City of Alexandria has a long history of working to obtain and preserve the civil rights and liberties of its residents;

WHEREAS, the City has a diverse and multi-ethnic population and everyday embraces the richness of community that includes immigrants, whose contributions to the City are vital to its economy, culture and civic character;

WHEREAS, the City has among its residents many who were affected directly, and many more who were affected indirectly, by the tragic events of September 11, 2001, both in New York City and at the Pentagon only a short distance from this Chamber as well as in Somerset County, Pennsylvania;

WHEREAS, this nation's need to respond to those terrible events, and to protect itself from future acts of terrorism, does not diminish the commitment of the City or its residents, regardless of their personal circumstances, to the Constitutional rights and liberties that are the precious entitlement of all;

WHEREAS, the Alexandria City Council believes there is no inherent conflict between national security and the preservation of liberty – that Americans can be both safe and free;

WHEREAS, the Alexandria City Council is proud of the cooperative work among federal, state and local law enforcement officials to protect the safety of Alexandrians;

WHEREAS, the federal, state and local government actions designed to protect the public from terrorist attacks, such as those that occurred on September 11, 2001, must be taken in a rational and deliberative fashion to ensure that any new security measure intended to enhance public safety does not impair constitutional rights or infringe on civil liberties;

WHEREAS, federal laws, regulations, policies, and practices adopted since September 11, 2001, including provisions of Public Law 107-56 (the “USA PATRIOT” Act), and related Executive Orders, regulations and actions:

- authorize the indefinite incarceration of non-citizens to solitary confinement, based upon mere suspicion, without being charged with any crime, without counsel, and without a right to be heard;
- authorize the indefinite incarceration of citizens by the President based upon unspecified standards as “enemy combatants” to solitary confinement, without being charged with a crime, without counsel, and without a right to be heard;
- authorizes the indefinite detention of citizens and non-citizens in solitary confinement as “material witnesses,” without counsel, and without a right to be heard;
- limit the traditional authority of the federal courts to curb law enforcement abuses including electronic surveillance;
- limit the judicial oversight of federal “sneak and peek” searches and eliminate timely notice to the person who is subject of the search that his or her property has been searched;
- grant broad governmental access to personal medical, financial, library, and educational records without judicial oversight;
- inhibit free speech and free association by defining any person or group as a terrorist, or an act as terrorism, without articulating the basis for the characterization or giving the person or group so characterized a right to be heard;
- encourage local and state law enforcement personnel to enforce federal immigration laws, and to use those laws as a pretext for detention of, and denial of due process to, persons who are not reasonably suspected of criminal behavior;
- permit government surveillance of public meetings, including religious services, Internet chat rooms, holiday gatherings, and political rallies without judicial oversight;

WHEREAS, draft federal legislation, known as the Domestic Security Enhancement Act (“DSEA” or “Patriot II”), contains many new and sweeping provisions that further expand government surveillance authority, increase government secrecy, reduce governmental accountability, erode the separation of powers essential for Constitutional checks and balances, and diminish the right of all persons to the due process of law guaranteed by the Constitution;

THEREFORE, BE IT RESOLVED, that the Alexandria City Council:

AFFIRMS its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties;

AFFIRMS its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin;

DIRECTS the Police Department of the City of Alexandria to ensure that it protects the constitutional rights of Alexandria residents, that it maintains a relationship of trust with those it is sworn to serve and protect, and that it continues to abide by the Alexandria Police Department directives that prohibit racial profiling or collecting information not reasonably related to suspicion of criminal behavior;

DIRECTS public libraries in the City to promote unfettered access to information, which is the collective heritage of humanity and which is a fundamental human right, and to protect freedom of inquiry, universally recognized as a driving force for the progression of civilization itself, by:

- posting this notice to library users “WARNING: Under Section 215 of the federal “USA PATRIOT” Act (Public Law 107-56), records of the books and other materials you borrow may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been requested or obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, US Department of Justice, Washington DC 20530;”
- ensuring there is regular destruction of records that identify a book borrower after a book is returned, or that identify the name of an Internet user after use;

RECOMMENDS that local businesses and institutions in the City, and in particular booksellers, notify consumers that purchase records are subject to disclosure to federal law enforcement agencies;

DIRECTS the City Manager to ensure that, to the extent legally possible, no City resources – including law enforcement funds and educational administrative resources – may be used for unconstitutional activities, including but not limited to monitoring the exercise by political or religious groups of their First Amendment rights of expression, association, assembly, or petition or obtaining library, bookstore or website activity records without proper authorization without notice to the subjects of the records;

DIRECTS the Clerk of the Council to:

- Send a copy of this Resolution to Governor Warner with a letter urging him to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on personal rights liberties and due process; and
- Send a copy of this Resolution to Senators Warner and Allen, and Congressman Moran, accompanied by a letter asking that the resolution be read into the record, on the floor, and urging Congress to assess the impact of the “USA PATRIOT” Act and federal anti-terrorism efforts; to work to repeal provisions of the “USA PATRIOT” Act and other laws, regulations, policies and practices that infringe on personal rights, liberties and due process; and to ensure that no provision of the “USA PATRIOT” Act originally intended to expire remains in effect past its sunset date.

AND BE IT FURTHER RESOLVED, that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitutions of the United States or of the Commonwealth of Virginia, the validity of the remainder of this Resolution shall not be affected thereby.

## **Arlington County, VA**

**Passed on March 13, 2004**

### **Resolution on the PATRIOT Act**

WHEREAS, Arlington County has a long-standing commitment to upholding the United States Constitution and the Bill of Rights, and the laws adopted pursuant to them, and protecting the civil rights and liberties of all its residents; and,

WHEREAS, Arlington County has a diverse population characterized by differences in race, ethnicity, national origin, religious belief, sexual orientation, and income levels; and includes students, immigrants, the elderly, persons with disabilities, and others whose contributions to the community are vital to its economy, culture and civic character; and,

WHEREAS, Arlington County has among its residents many who were affected directly, and many more who were indirectly affected, by the tragic events of September 11, 2001, both in New York City and at the Pentagon located within Arlington County and only a short distance from the center of the Arlington County government; and,

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, and should do so in a deliberative fashion. All levels of government must ensure that any new security measures protect public safety, to the greatest extent possible, without impairing constitutional rights or infringing upon civil liberties; and,

WHEREAS, controversy has developed in response to federal policies adopted since September 11, 2001, including provisions in the USA Patriot Act (Public Law 107-56) and related executive orders, regulations and actions, as well as proposed legislation entitled the Domestic Security Enhancement Act (DSEA) (also known as Patriot II), about whether those policies threaten fundamental constitutional rights and civil liberties; and,

WHEREAS, Arlington County is committed to providing open and full access to information through its public libraries;

NOW, THEREFORE, BE IT RESOLVED THAT THE ARLINGTON COUNTY BOARD HEREBY:

Affirms its support for constitutional rights and civil liberties in the face of government action that may threaten these values, as well as for the responsible exercise of governmental authority used to protect national security;

Affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin;

Supports Congressional efforts to monitor federal anti-terrorism activities and to assess the impacts of the Patriot Act and other existing and proposed laws and regulations, including Patriot II;

Directs that the following notice be posted in all public libraries in order to inform library users: “NOTICE: Under Section 215 of the federal “USA PATRIOT” Act (Public Law 107-56), records of the books and other materials you have borrowed may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been requested or obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, U.S. Department of Justice, Washington, D.C. 20530”;

Reaffirms the County’s policy to take all reasonable steps to destroy records that identify a book/material borrower after the material is returned, or identify an internet user after use; and

Directs that a copy of this resolution be transmitted to Senators Warner and Allen and Congressman Moran accompanied by a letter signed by the Chairman urging them to ensure that federal anti-terrorism laws and policies be implemented in a manner that does not infringe on the constitutional rights and civil liberties of Arlingtonians.

## **Charlottesville, VA**

### **Passed on July 21, 2003**

#### **A Resolution Opposing the USA Patriot Act**

WHEREAS, the Commonwealth of Virginia, Albemarle County, and the City of Charlottesville have a rich history of securing the inalienable rights of individuals, dating to the first settlement of our Commonwealth in 1607, through the Revolutionary War and the adoption of key documents authored by Virginians such as Thomas Jefferson, James Madison, and George Mason; and

WHEREAS, these documents include the Declaration of Independence, the Virginia Declaration of Rights, the Virginia Act for Establishing Religious Freedom, the United States Constitution, and the U.S. Bill of Rights; and

WHEREAS, the City of Charlottesville houses a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Constitution guarantees to all persons living in the United States fundamental rights, including: freedom of religion, speech, assembly, and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and the right to a fair, speedy, and public trial; and

WHEREAS, several actions recently taken by the federal government, including the adoption of certain sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties; and

WHEREAS, Federal, State and Local governments, in their efforts to protect residents from terrorist attacks, should do so in a rational and deliberative fashion to ensure that any new security measures enhance public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, our nation has taken its strength from the freedoms guaranteed of all citizens and should lead the world in setting the example of Democracy’s ability to protect itself without undue coercion of its citizens or resorting to government secrecy, violation of due process or invasion of privacy.

NOW, THEREFORE, BE IT RESOLVED THAT THE CHARLOTTESVILLE CITY COUNCIL:

AFFIRMS its strong support for fundamental, constitutional rights as well as its opposition to Federal measures that infringe upon these rights; and

AFFIRMS its oppositions that single out individuals for government scrutiny and enforcement activity based on their country of origin; and

REQUESTS that local law enforcement continue to preserve residents’ freedom of speech, religion, assembly, and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or Orders of the Executive Branch; and

AFFIRMS that any Federal or State law enforcement official acting within the City of Charlottesville work in accordance with the policies and procedures of our Police Department, not engage in or permit detention without charges; and



REQUESTS THAT THE Mayor of the City of Charlottesville seek periodically from Federal authorities a public report to the City of the extent and manner in which they have acted under the USA PATRIOT Act or the new Executive Orders, including the names of any detainees held in the region or any Charlottesville residents detained elsewhere; and

AFFIRMS that the members of the Council call upon all private citizens and organizations, including residents ,employers, educators and business owners, to demonstrate similar respect for civil rights and civil liberties, specially but not limited to conditions of employment and cooperation with investigations; and

AFFIRMS that public schools and institutions of higher learning within the City of Charlottesville should provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to Section 507 of the USA PATRIOT Act; and

AFFIRMS that public libraries within the City of Charlottesville should post a in a prominent place within the library a notice to library users as follows: “Warning to Library Patrons: Under Section 215 of the USA PATRIOT Act (Public Law 107-56) records of books and other materials borrowed from this library, as well as Internet activity in this library, may be obtained by Federal agents. This federal law prohibits librarians from informing you if records about you have been obtained by Federal agents”; and

REQUESTS that our congressional delegation set up an independent oversight system to monitor the implementation of the laws and Executive Orders cited herein and actively work to rescind or repeal those laws and regulations that violate fundamental rights and liberties guaranteed by the United States and Virginia Constitutions; and

REQUESTS that copies of this resolution be distributed to President George Bush and U.S. Attorney General John Ashcroft; U.S. Senator John Warner, U.S. Senator George Allen, and Representative Virgil Goode; Virginia Governor Mark Warner and Virginia Attorney General Jerry Kilgore.

## **Falls Church, VA**

### **Passed on August 9, 2004**

#### **Text of the Resolution ‘To Protect Civil Liberties and Fight Terrorism’ Passed by the Falls Church City Council Aug. 9**

WHEREAS, the City of Falls Church is proud of its long and distinguished tradition of upholding and protecting the civil rights and liberties of its citizens; and

WHEREAS, the City of Falls Church has a diverse population, whose contributions to the community are vital to its economy, culture, and civic character; and

WHEREAS, the citizens of Falls Church have been directly affected by terrorism through the loss of loved ones, including relatives, friends, and co-workers, and have, in many capacities, themselves sacrificed for the cause of Freedom here and abroad; and

WHEREAS, the City of Falls Church has been extensively involved in fighting terrorism, including: its fire, police, and sheriff’s departments were first responders to the Pentagon on September 11, 2001, members of City Council and City staff have led and participated in initiatives to improve the Washington Metropolitan region’s anti-terrorism and emergency preparedness programs including the Regional Emergency Plan and Emergency Preparedness Council, the City has expended significant resources on improving safety and security of its operations and that of the water system it administers, and its first responders have since engaged in frequent anti-terrorism drills and operations; and

WHEREAS, the United States Constitution guarantees certain fundamental rights including freedom of religion, speech, assembly and privacy, protection from unreasonable search and seizure, due process and equal protection, equality before the law, the presumption of innocence, access to counsel in judicial proceedings, and the right to a fair, speedy and public trial; and

WHEREAS, all governments have a responsibility to protect these constitutional rights as well as to protect the public from terrorism; and

WHEREAS, controversy has developed in response to federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions, as well as proposed legislation entitled the Domestic Security Enhancement Act (DSEA) about whether those policies threaten fundamental constitutional rights and civil liberties; and

WHEREAS, the USA PATRIOT Act expands the authority of the Federal Bureau of Investigation to secure access to many types of records, including paper records, stored electronic data, electronic communications and library records without having to show evidence of a crime and without a court order; and

WHEREAS, the USA PATRIOT Act expands the government’s ability to conduct secret searches, limits judicial supervision of telephone and internet surveillance, risks alienating immigrant communities from the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law; and

WHEREAS, federal, state and local governments, in their efforts to protect residents from terrorist attacks, should do so in a rational and deliberative fashion to ensure that any new security measures enhance public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, our nation has taken its strength from the freedoms guaranteed of all citizens and should lead the world in setting the example of Democracy's ability to protect itself without undue coercion of its citizens or resorting to government secrecy, violation of due process or invasion of privacy; and

WHEREAS, the Mary Riley Styles Library Board has considered these issues and has adopted a policy on Confidentiality and Responding to Judicial Process to give direction to Library employees and to provide notification to the public; and

WHEREAS, although the City Council of the City of Falls Church does not usually take positions on Federal matters, the possible erosion of civil liberties has a direct impact on the operations of the Falls Church City government and on the lives of the people living in the City, necessitating that the City Council express its position; and

WHEREAS, the City Council of the City of Falls Church believes there is no inherent conflict between national security and the preservation of liberty and maintains that it is possible to be both safe and free.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF FALLS CHURCH CITY COUNCIL:

Affirms its strong support for fundamental constitutional rights as well as for the responsible exercise of governmental authority used to protect national security, and opposes Federal measures that infringe upon these rights; and

Affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin, ethnicity or religion; and

Commits to continue to use every available resource to play its part in fighting terrorism; and

Recognizes and will continue to advocate and support the importance of basic civil rights including the right to a trial by jury for all people, the right to counsel in all criminal matters, the right to a speedy and fair trial, the right to protection against illegal searches and seizures and the right for full and unfettered exercise of all Constitutional Rights especially those enumerated in the First Amendment; and

Requests that members of Congress support and enact legislation to modify the provisions of the USA PATRIOT Act and other enactments, such as the executive orders and federal regulations, that threaten to undermine the fundamental rights of our citizens guaranteed by the United States Constitution and requests that its Federal representatives oppose all measures that contain overly broad and unnecessary infringements of civil rights; and

Directs that, except as lawfully directed by the federal government, by order of a court, or pursuant to the Code of Virginia, no agency or employee of the government of the City of Falls Church shall divulge information or records, including educational, medical, financial or library, pertaining to an individual; and

Endorses and supports the Mary Riley Styles Library's policy on Confidentiality and Responding to Judicial Process; and

Affirms that the library post in a prominent place a notice stating: "Under Section 215 of the federal USA PATRIOT Act (Public Law 107-56), records of the books and other materials patrons borrow from this library may be obtained by federal agents. Federal law prohibits librarians from informing a patron if records about him/her have been requested or obtained by federal agents."; and

Affirms that the library post a sign at all computer workstations stating: "Activity on this computer may be monitored according to state and federal law."; and

Directs the City Manager to implement such policies and procedures as are legally possible within the Divisions of the local government, including the Police Department, to insure that the civil rights and liberties of the people of the City of Falls Church are protected.

Directs that copies of this resolution be sent to President George W. Bush, Attorney General John Ashcroft, Senator John Warner, Senator George Allen, Congressman Jim Moran, Governor Mark Warner, Senator Mary Margaret Whipple, and Delegate Jim Scott.

## **Richmond, VA**

### **Passed on March 8, 2004**

#### **To Express the Opposition of the Council of the City of Richmond to the Provisions of the USA PATRIOT Act and to Direct that Certain Actions be Taken to Express this Opposition**

Whereas, the Council of the City of Richmond is committed to upholding the United States Constitution and its Bill of Rights; and

Whereas the preservation of civil rights and liberties is essential to the well-being of a democratic society;

Whereas, the City of Richmond has a long history of working to obtain and preserve the civil rights and liberties of its residents; and

Whereas, the City of Richmond has a diverse and multi-ethnic population and everyday embraces the richness of community that includes immigrants, whose contributions to the City are vital to its economy, culture and civic character and

Whereas, the Council is proud of the cooperative work among federal, state, and local law enforcement officials to protect the safety of the citizens of the City; and

Whereas, the federal, state and local government actions designed to protect the public from terrorist attacks, such as those that occurred on September 11, 2001, must taken in a rational and deliberative fashion to ensure that any new security measure intended to enhance public safety does not impair constitutional rights or infringe on civil liberties; and

Whereas, this nation's need to respond to the terrible events of September 11, 2001, and to protect itself from future acts of terrorism, does not diminish the commitment of the City or its residents, regardless of their personal circumstances, to the Constitutional rights and liberties that are the precious entitlement of all; and

Whereas, the Council believe there is not inherent conflict between national security and the preservation of liberty—that Americans can be both safe and free; and

Whereas, it has been stated that federal laws, regulations, policies, and practices adopted since September 11, 2001, including provisions of the United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, Public Law 107-56 (The "USA PATRIOT" Act), and related Executive Orders, regulations and actions:

- a. Authorize the indefinite incarceration of non-citizens to solitary confinement, based upon mere suspicion, without being charged with any crime, without counsel, and without a right to be heard;
- b. Authorize the indefinite incarceration of citizens by the President based upon unspecified standards as "enemy combatants" to solitary confinement, without being charged with a crime, without counsel, and without a right to be heard;
- c. Authorizes the indefinite detention of citizens and non-citizens in solitary confinement at "material witnesses," without counsel, and without a right to be heard;
- d. Limit the traditional authority of federal courts to curb law enforcement abuses including electronic surveillance;
- e. Limit the judicial oversight of federal "sneak and peek" searches and eliminate timely notice to the person who is subject of the search that his or her property has been searched;
- f. Grant broad governmental access to personal medical, financial, library, and educational records without judicial oversight;
- g. Inhibit free speech and free association by defining any person or group as a terrorist, or an act as terrorism, without articulating the basis for the characterization or giving the person or group so characterized a right to be heard;
- h. Encourage local and state law enforcement personnel to enforce federal immigration laws, and to use those laws as a pretext for detention of, and denial of due process to, persons who are not reasonably suspected of criminal behavior; and
- i. Permit government surveillance of public meetings, including religious services, Internet chat rooms, holiday gatherings, and political rallies without judicial oversight; and

Whereas, draft federal legislation, known as the Domestic Security Enhancement Act ("DESA" or "Patriot II"), purportedly contains many new and sweeping provisions that further expand government surveillance authority, increase government security, reduce governmental accountability, erode the separation of powers essential for Constitutional checks and balances, and diminish the right of all persons to the due process of law guaranteed by the Constitution.

NOW THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the Council:

1. Affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties;
2. Affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin;
3. Directs the City Manager to cause the Department of Police to ensure that it protects the constitutional rights of residents of the city of Richmond and that it maintains a relationship of trust with those it is sworn to serve and protect;
4. Directs public libraries in the City to promote unfettered access to information, which is the collective heritage of humanity and which is a fundamental human right, and to protect freedom of inquiry, universally recognized as a driving force for the progression of civilization itself, by:
  - a. Posting this notice to library users "WARNING: Under Section 215 of the federal 'USA PATRIOT' Act (Public Law 107-56), records of the books and other materials you borrow may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been requested or obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, US Department of Justice, Washington DC 20530;" and

- b. Ensuring there is regular destruction, in conformance with applicable law, of records that identify a book borrower after a book is returned, or that identify the name of an Internet user after use;
- 5. Recommends that local businesses and institutions in the City, and in particular booksellers, notify consumers that purchase records are subject to disclosure to federal law enforcement agencies;
- 6. Directs the City Manager to ensure that, to the extent legally possible, no City resources- including law enforcement funds and educational administrative resources- may be used for unconstitutional activities, including but not limited to monitoring the exercise by political or religious groups of the First Amendment rights of expression, association, assembly, or petition or obtaining library, bookstore or website activity records without proper authorization without notice to the subjects of the records; and
- 7. Directs the City Clerk to:
  - a. Send a copy of this resolution to Governor of Virginia Mark Warner with a letter urging him to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on personal rights, liberties and due process; and
  - b. Send a copy of this resolution to Senators John Warner and George Allen, and Congressmen Robert Scott and Eric Cantor, accompanied by a letter asking that the resolutions be read into the record, on the floor, and urging Congress to assess the impact of the “USA PATRIOT” Act and federal anti-terrorism efforts; to work to repeal provisions of the “USA PATRIOT” Act and other laws, regulations, policies, and practices that infringe on personal rights, liberties and due process; and to ensure that no provisions of the “USA PATRIOT” Act originally intended to expire remains in effect past its sunset date

**BE IT FURTHER RESOLVED:**

That the provisions of this resolution shall be severable, and if any phrase, clause, sentence, or provision of this resolution is declared in court of competent jurisdiction to be contrary to the Constitutions or laws of the United States or of the Commonwealth of Virginia, the validity of the remainder of this resolution shall not be affected thereby.

# WASHINGTON

## Bainbridge Island, WA

Passed on May 28, 2003

### **RESOLUTION No. 2003-28: A Resolution to Protect the Civil Rights and Liberties of the People of Bainbridge Island, Washington**

WHEREAS, the people of Bainbridge Island, Washington, are acutely aware that over 200 of our neighbors of Japanese descent were forcibly removed from their homes and our community to be interned in camps during World War II, thus denying them the civil liberties guaranteed by the State of Washington and the Constitution of the United States of America;

WHEREAS, this process of denying constitutional rights to targeted citizens had a profound impact on their lives, their livelihoods, and the peace and safety of all people of Bainbridge Island and our community as a whole;

WHEREAS, the spirit and intent of our community is to never let the denial of constitutional rights happen here again for law-abiding residents of any ethnicity or religion;

WHEREAS, the Bill of Rights of the United States Constitution and the Constitution of the State of Washington ensure that every person has the right to freedom of speech and association. Every person has the right to freedom of religion. Every person has the right to assembly and privacy. Every person has the right to due process in judicial proceedings. Every person has the right to be free from unreasonable search and seizure. Stops or arrests may not be made without establishing reasonable suspicion or probable cause that a crime has been committed or is about to be committed. Every person has the right to equal protection under the law and the right not to be deprived of life, liberty, or property without due process of law;

WHEREAS, the people of Bainbridge Island, Washington, believe that the above-mentioned constitutional guarantees are of the utmost importance, and there is strong evidence that these guarantees are threatened by parts of the USA PATRIOT Act, related legislation, and Federal Executive orders;

WHEREAS, it is clear to the people of Bainbridge Island, Washington, that parts of the USA PATRIOT Act and other related acts and legislation particularly target students, immigrants, naturalized United States' citizens and foreign nations, but could affect any one of us in the United States who legally acts and speaks against government policy; and that the Executive Order on secret military tribunals undermines the US government's ability to denounce atrocities carried out in secret by military tribunals elsewhere in the world;

WHEREAS, parts of these cited laws and acts were deemed as unnecessary by many law enforcement officials for the prosecution of, and protection from, terrorism, and that a growing number of cities throughout the country are passing similar resolutions;

NOW, THEREFORE BE IT RESOLVED THAT the City Council of the City of Bainbridge Island, Washington, makes the following resolutions as a manifestation of our history and a covenant for our people's wish, desire, and need to defend their constitutionally protected rights to liberty, justice, and the pursuit of happiness:

The City of Bainbridge Island has been and remains firmly committed to the protection of civil rights and civil liberties for all people in our City, including those who are citizens of other nations. We affirm this commitment to embody the spirit of democracy, to embrace and defend human rights and civil liberties, to make those liberties viable for all, regardless of citizenship status, gender, racial identification, religious affiliation, age, sexual orientation, or country of origin.

The City of Bainbridge Island affirms its strong opposition to those parts of the USA PATRIOT Act, related legislation and acts, and to certain Justice Department directives and executive orders that weaken or destroy our constitutional civil rights and liberties.

The City of Bainbridge Island calls upon all its citizens, residents, and community groups, to join in affirming the principles as stated in the Bill of Rights and in the Constitution of the State of Washington.

The City of Bainbridge Island directs City employees and departments to choose their legal option to withhold cooperation in federal investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil liberties as specified in the Bill of Rights, an amendment to the United States Constitution, and in the Constitution of Washington State.

The City of Bainbridge Island shall employ all possible leverage to ensure that Federal and State law enforcement officials working within the city not engage, to the extent legally permissible, in law enforcement activities that threaten the civil rights and civil liberties of the people of Bainbridge Island, such as surveillance, wiretaps, and securing private information, which the USA PATRIOT Act and related legislation and acts authorize. In addition, no City of Bainbridge Island employee or department shall spy on or gather information on religious or political meetings or rallies in the absence of substantiated evidence that the organization is involved in terrorism or some other illegal activity.

The City of Bainbridge Island sends copies of this resolution to the President of the United States, to local Congressional representatives, and to the United Nations High Commissioner for Human rights in Geneva, Switzerland. Further, the City Council of Bainbridge Island requests that our United States Congressional representatives monitor the implementation of the USA PATRIOT

Act and related legislation, acts, and executive orders, and actively work for the repeal of the parts of those documents that violate fundamental rights and liberties as stated in the Constitution of the United States and the Constitution of Washington, in the United Nations Charter, and the ratified International Covenant on Civil and Political Rights, the Convention Against torture, and the Convention on Elimination of Racial Discrimination.

## **Bellingham, WA**

### **Passed on March 24, 2003**

#### **A Resolution to Defend Civil Liberties**

WHEREAS, outrageous terrorist attacks upon the United States have introduced to the people of America a new environment of physical uncertainty; and

WHEREAS, it is natural, expected and appropriate that responsible governmental officials take prudent and appropriate measures in light of the potential for further terrorist activity in the United States; and

WHEREAS, in times of uncertainty, distress or fear the actions or reactions by government have historically often exceeded the bounds of prudence or constitutionality; and

WHEREAS, the cornerstone of our civil society is the Constitution of the United States and the Constitutions of the various states which embody the fundamental principle that we are a nation under the rule of law, and

WHEREAS, following the attacks on the United States of September 11, 2001, Congress passed the USA Patriot Act (PL107-56) on October 26, 2001, and

WHEREAS, the City of Bellingham, acting in the spirit and history of our community, affirms its strong support for fundamental constitutional rights, as expressed in the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments, and its opposition to federal measures that could infringe on civil liberties, and

WHEREAS, several acts and orders recently enacted at the Federal level, including sections of the USA Patriot Act and several Executive Orders, appear to place in jeopardy these fundamental Constitutional guarantees, most particularly including:

- Freedom of speech, religion, assembly and privacy;
- the rights to counsel and due process in judicial proceedings; and
- protection from unreasonable searches and seizures;

WHEREAS, the City of Bellingham seeks to protect and expand civil rights and civil liberties for all its residents, non-citizens and citizens alike; and

WHEREAS, the City of Bellingham houses a diverse student and working population, including immigrants, whose contributions to the community are vital to its economy, culture, and civic character; and

WHEREAS, the City of Bellingham is proud of its tradition of protecting the constitutional rights and civil liberties of its residents; and

WHEREAS, it is possible that city employees, particularly police officers, will receive requests to take actions from federal law enforcement agencies pursuant to purported authority of the USA Patriot Act, which requests, if complied with, may violate the constitutional guarantees of Bellingham residents; and

WHEREAS, numerous cities in the United States have passed similar resolutions reemphasizing their commitment to the freedoms and guarantees contained in the United States Constitution and expressing concern and steadfast opposition to any attempts to undermine or limit said Constitutional guarantees;

**THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF BELLINGHAM**

**REAFFIRMS** its commitment to the protections guaranteed by the Constitution of the United States and the State of Washington and further condemns any measure which impairs such constitutional guarantees.

**REAFFIRMS** the commitment of the City of Bellingham to observe and respect the constitutional protections, particularly those guaranteed by the Bill of Rights and the 14th Amendment, of all people living in or traveling through Bellingham, regardless of citizenship or national origin.

**ESTABLISHES** as the policy of the City of Bellingham, that in the event a request is made by an outside agency compliance with which, in the judgment of the City employee receiving such request, is contrary to or in violation of the Constitutional protections afforded to any person in Bellingham, that the employee shall promptly communicate such belief to his or her supervisor or manager for transmittal to the City Attorney for review and, if appropriate, commencement of judicial proceedings to review the constitutionality of such request.

**BE IT FURTHER RESOLVED THE CITY OF BELLINGHAM**

REQUESTS that the U.S. Attorney's Office, Federal Bureau of Investigation, Immigration and Naturalization Service, and any other local, state, or federal law enforcement officials acting within the City work cooperatively with the Bellingham Police Department, abide by the Department's policies prohibiting racial profiling and detentions without charges, and regularly and publicly report to the City the following:

The extent of electronic surveillance carried out within the City of Bellingham under powers granted in the USA Patriot Act; The extent to which federal authorities are monitoring political or religious gatherings, or other such activities; The number of times library records have been obtained from libraries in the City of Bellingham under section 215 of the USA Patriot Act. The number of times that records of books purchased by store patrons have been obtained from bookstores in the City of Bellingham under section 215 of the USA Patriot Act. The names of Bellingham residents who are detainees pursuant to Sections 411 and 412 of the USA Patriot Act.

#### BE IT FURTHER RESOLVED

That the Mayor communicate a copy of this resolution to all City Departments, the Governor and Attorney General of the State of Washington, the Washington Congressional delegation, the United States Attorney General, and the President of the United States.

#### BE IT FURTHER RESOLVED

That the provisions of this Resolution shall be severable, and if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Washington or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Resolution and applicability thereof to any other agency, person or circumstances shall not be affected thereby; and

#### FURTHER REQUEST

That the Member of Congress representing the second congressional district and our United States Senators actively work for the repeal of those parts of the USA Patriot Act which violate fundamental rights and liberties as enumerated in the Constitutions of the State and the United States.

We, the undersigned, hereby declare our belief and concern that certain aspects of the USA Patriot Act passed by the US Congress, as described herein, since the tragic and murderous September 11, 2001 attacks on our nation, seriously infringe upon constitutional protections and guarantees.

### **Clallam County, WA**

**Passed on December 16, 2003**

#### **RESOLUTION No 122, 2003, Affirming Clallam County's Commitment to Protecting the Civil Rights and Liberties of All of Its Citizens**

1. WHEREAS, Clallam County has a long and distinguished history of protecting and expanding the civil rights and civil liberties of its residents and affirming the fundamental rights of all people; and
2. WHEREAS, the residents of Clallam County wish to honor the memory of all those who died as a result of the September 11, 2001 attacks; and
3. WHEREAS, Clallam County has a diverse population including: students, working and retired citizens, and non-citizens whose contributions to the community are vital to its character and function; and
4. WHEREAS, the United States Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act); and
5. WHEREAS, many provisions of the USA Patriot Act, the Homeland Security Act, and other related Federal and Executive Orders and measures may limit the civil rights and liberties of the residents of Clallam County including those who are immigrants by potentially:
  - a. Reducing judicial supervision of telephone and Internet surveillance (Section 216)
  - b. Expanding the government's power to conduct secret searches without warrants (Section 213)
  - c. Granting power to the U.S. Secretary of State to designate domestic groups, including political and religious groups, as "terrorist organizations" (Section 211)
  - d. Granting power to the U.S. Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime (Sections 411 and 412)
  - e. Granting the Federal Bureau of Investigation (FBI) access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime (Sections 215, 218, 358, and 508)
  - f. Granting the FBI the power to compel libraries and bookstores to produce circulation or book purchase records of their patrons, and forbidding disclosure that such records have been requested and produced (Section 215); and

6. WHEREAS, a nation engaged in or preparing for foreign wars must do everything in its power to lessen fear at home and reinforce constitutional protections for those who in wartime may be victimized; and
7. WHEREAS, the Bill of Rights of the United States Constitution and the Declaration of Rights of the Constitution of the State of Washington guarantee all people living in Clallam County freedom of speech, assembly and privacy; equality before the law and the presumption of innocence; access to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and
8. WHEREAS, the preservation of civil rights and liberties is a pillar of American society and is essential to the well-being of our republic and its democratic processes, particularly during times of conflict when such rights and liberties, especially those of immigrants and ethnic minorities, may be threatened, intentionally or unintentionally, under false pretense of national security or patriotic zeal; and
9. WHEREAS, the residents of Clallam County denounce terrorism, and acknowledge that federal, state, and local governments have a responsibility to protect the public from terrorist attacks, and should do so in a rational, deliberative, and lawful fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing upon civil liberties; and
10. WHEREAS, law enforcement and security measures that undermine fundamental rights do irreparable damage to U.S. institutions and values of equal justice and freedom that the residents of Clallam County hold dear; and
11. WHEREAS, Clallam County believes that there is not and need not be conflict between security and the preservation of liberty, and that residents of this County and this nation can be both safe and free; and
12. WHEREAS, Clallam County has been and remains, committed to the protection of civil rights and liberties for all of its citizens; and
13. WHEREAS, the Board of Clallam County Commissioners believes that a threat to any person's Constitutional rights is a threat to the rights of all.

NOW, THEREFORE, BE IT RESOLVED by the Clallam County Board of Commissioners, in consideration of the above findings of fact that we:

1. Will vigorously resist any unconstitutional acts against Clallam County citizens including: invasion of privacy, expanded surveillance, and denial of due process that may come from the application of the Homeland Security Act, related Executive Orders, and by administration of the USA Patriot Act.
2. Affirm the rights of all people, including U.S. citizens and citizens of other nations, within the County in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution.
3. Affirm Clallam County's strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties.
4. Call upon all County officials and employees to continue to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations.
5. Call upon all private citizens including: residents, employers, educators, and business owners to demonstrate similar respect for civil rights and civil liberties.
6. Request that the Clallam County Sheriff's Department continue to protect residents' freedom of speech, religion, assembly and privacy; rights to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures.
7. Support the North Olympic Library System in its efforts to protect the free speech rights of library patrons.
8. Affirm its strong opposition to terrorism but also affirms that any efforts to end terrorism should not be waged at the expense of essential civil rights and liberties of the people of Clallam County and the United States.
9. Request that federal and state law enforcement officials acting within the County not engage in or permit detentions without charges or permit racial profiling in law enforcement.
10. Request that the U.S. Attorney's Office and the Office of the FBI regularly and publicly disclose the extent to and manner in which they have acted under the USA Patriot Act, new Executive Orders, or COINTELPRO-type regulations including public disclosure of the names of any detainees.
11. Request that our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of Washington State and the United States of America.
12. Direct the County Administrator to provide copies of this resolution to the County's U.S. Congressional representatives, the United State Attorney General, and the President of the United States.



**Coupeville, WA**  
**Passed on December 13, 2005**

**Resolution of the town of Coupeville, reaffirming our commitment to uphold the United States Constitution.**

Whereas citizens of the town of Coupeville have presented information and concerns to the town council regarding various provisions of the USA PATRIOT Act and

Whereas the town council recognizes the importance of maintaining the security of the nation and its citizens from acts of terror and

Whereas the town council recognizes the importance of maintaining the rights of the people, guaranteed by the United States Constitution and its amendments,

Now therefore be it resolved

That the town council of the town of Coupeville encourages the president of the United States and the United States Congress to ensure that the rights of the people guaranteed by the United States Constitution and its amendments are maintained to the fullest extent possible in all executive and legislative enactments.

Adopted by the Town Council on December 13, 2005

**Jefferson County, WA**  
**Passed on June 9, 2003**

**Resolution in the Matter of Affirming the County's Commitment to Protecting the Civil Rights and Liberties of all Residents of Jefferson County**

WHEREAS, Jefferson County, Washington, has a long and distinguished history of protecting and expanding the civil rights and civil liberties of its residents and affirming the fundamental rights of all people; and,

WHEREAS, the residents of Jefferson County wish to honor the memory of all those who died as a result of the September 11, 2001, attacks; and,

WHEREAS, Jefferson County has a diverse population, including students, working and retired citizens, and non-citizens, whose contributions to the community are vital to its character and function; and,

WHEREAS, the United States Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act); and

WHEREAS, many provisions of the USA Patriot Act, the Homeland Security Act and other related Federal and Executive Orders and measures may limit the civil rights and liberties of the residents of Jefferson County, including those who are immigrants, by potentially:

- A. Reducing judicial supervision of telephone and Internet surveillance
- B. Expanding the government's power to conduct secret searches without warrants
- C. Granting power to the US Secretary of State to designate domestic groups, including political and religious groups, as "terrorist organizations"
- D. Granting power to the US Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime
- E. Granting the Federal Bureau of Investigation (FBI) access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime
- F. Granting the FBI the power to compel libraries and bookstores to produce circulation or book purchase records of their patrons, and forbidding disclosure that such records have been requested and produced; and,

WHEREAS, a nation engaged in or preparing for foreign wars must do everything in its power to lessen fear at home and reinforce constitutional protections for those who in wartime may be victimized; and,

WHEREAS, the Bill of Rights of the United States Constitution and the Declaration of Rights of the Constitution of the State of Washington guarantee all people living Jefferson County freedom of speech, assembly and privacy; equality before the law and the presumption of innocence; access to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and,

WHEREAS, the preservation of civil rights and liberties is a pillar of American society and is essential to the well-being of our republic and its democratic processes, particularly during times of conflict when such rights and liberties, especially those of immigrants and ethnic minorities, may be threatened, intentionally or unintentionally, under false pretense of national security or patriotic zeal; and,

WHEREAS, the residents of Jefferson County denounce terrorism, and acknowledge that federal, state, and local governments have a responsibility to protect the public from terrorist attacks, and should do so in a rational, deliberative and lawful fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing upon civil liberties; and,

WHEREAS, law enforcement and security measure that undermine fundamental rights do irreparable damage to US institutions and values of equal justice and freedom that the residents of Jefferson County hold dear; and,

WHEREAS, the Federal Administration is moving to pass a Second USA PATRIOT ACT also known as the Domestic Security Enhancement Act of 2003 that usurps more rights than the original USA PATRIOT ACT which would provide for the presumptive denationalization of American citizens who support the activities of any organization that the executive branch has deemed “terrorist;” and,

WHEREAS, Jefferson County believes that there is not and need not be conflict between security and the preservation of liberty, and that residents of this County and this nation can be both safe and free; and

WHEREAS, Jefferson County has been and remains, committed to the protection of civil rights and liberties for all citizens of Jefferson County; and,

WHEREAS, the Board of County Commissioners of Jefferson County believes that a threat to any person’s Constitutional rights is a threat to the rights of all; and,

WHEREAS, at least 81 cities and counties in more than 20 states, including major cities such as Seattle, Chicago, Philadelphia and Detroit have enacted resolutions reaffirming support for civil rights and liberties in response to the USA Patriot Act and subsequent government policies and laws that threaten these values, demanding accountability from law enforcement agencies regarding their use of these new powers.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Jefferson County, Washington, that we:

- Will vigorously resist any unconstitutional acts against Jefferson County citizens, including invasion of privacy, expanded surveillance, and denial of due process that may come from the application of the Homeland Security Act, related Executive Orders and by administration of the USA Patriot Act.
- Affirm the rights of all people, including United State citizens and citizens of other nations, within the County in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution.
- Affirm Jefferson County’s strong support for fundamental constitutional rights and its opposition to federal measure that infringe on civil liberties.
- Call upon all County officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations.
- Call upon all private citizens, including residents, employers, educators, and business owners, to demonstrate similar respect for civil rights and civil liberties.
- Request that the Jefferson County Sheriff’s Department continue to protect residents’ freedom of speech, religion, assembly and privacy; rights to counsel and due process in judicial proceeding and protection from unreasonable searches and seizures.
- Support the County Library system in its efforts to protect the free speech rights of library patrons.
- Affirm its strong opposition to terrorism, but also affirms that any efforts to end terrorism should not be waged at the expense of essential civil rights and liberties of the people of Jefferson County and the United States.
- Request that federal and State law enforcement officials acting within the County not engage in or permit detentions without charges or permit racial profiling in law enforcement.
- Request that the U.S. Attorney’s Office and the Office of the Federal Bureau of Investigation regularly and publicly disclose the extent to and manner in which they have acted under the USA Patriot Act, new Executive Orders, or COINTELPRO-type regulations, including public disclosure of the names of any detainees.
- Request that our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of Washington States and the United States of America.
- Direct the County Administrator to provide copies of this resolution to the County’s U.S. Congressional representatives, the United State Attorney General, and the President of the United States.

## **King County, WA**

### **Passed on December 15, 2003**

#### **A Motion affirming King County's abhorrence of, and opposition to, global terrorism, and its commitment to protecting the civil rights and civil liberties of all King County residents: Motion 2003-0483**

WHEREAS, King County's highly utilized waterways, large active port, major international airport, multiple bridges, access to military, dispatch and transport of hazardous waste into Hanford and proximity to the Canadian border make the region uniquely vulnerable to terrorism, and

WHEREAS, King County has a diverse population whose contribution to the community are vital to its economy, culture and civic character, and

WHEREAS, King County denounces terrorism and acknowledges that federal, state and local governments have a responsibility to protect the public from terrorist attacks and should ensure that any new security measures enhance public safety without unconstitutionally impairing civil rights or civil liberties, and

WHEREAS, King County is proud of its long and distinguished tradition of protecting the civil rights and civil liberties of all its residents and affirming the fundamental rights of all people, and

WHEREAS, Congress passed the USA PATRIOT Act (PL 107-56) on October 26, 2001, following the horrific attacks on America of September 11, 2001, and

WHEREAS, the King County council believes that there is no inherent conflict between national security and the preservation of constitutional rights and liberties, and

WHEREAS, the Bill of Rights of the United States Constitution and the Declaration of Rights of the Constitution of the state of Washington guarantee freedom of speech, assembly and privacy, equality before the law and the presumption of innocence, access to counsel and due process in judicial proceedings and protection from unreasonable searches and seizures, for all people living in King County, and

WHEREAS, the preservation of civil rights and civil liberties is a pillar of American society and is essential to the well-being of any democracy, and

WHEREAS, the King County council believes that residents of this county and this nation can be both safe and free;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

That we:

- A. Affirm King County's abhorrence of and opposition to global terrorism;
- B. Affirm King County's commitment to protecting the civil rights and civil liberties of all King County residents and oppose any measures that unconstitutionally infringe upon those civil rights and civil liberties; and
- C. Resolve that King County calls on Congress to adopt S. 1709, the SAFE Act, which is sponsored by a bipartisan group of senators and which would amend and clarify several provisions of the USA PATRIOT Act including:
  1. Codifying the pre-USA PATRIOT Act standards for delayed notice or "sneak and peek" warrants to allow these warrants if notice of the warrant would: endanger someone's life or physical safety; result in flight from prosecution; or result in destruction or tampering with evidence;
  2. Requiring requests for roving wiretaps to identify either the person or place to be wiretapped and that the suspect is present at the place to be wiretapped, before collecting information;
  3. Reinstating the pre-USA PATRIOT Act standard for seizing business and library records by requiring the Federal Bureau of Investigation to demonstrate it has reasons to believe that the person to whom the records are related is a suspected terrorist or spy. The SAFE Act also exempts libraries from the section of the USA PATRIOT Act that allows access to electronic communications on the strength of an administrative subpoena rather than a court order; and
  4. Sunsetting the provisions allowing for: nationwide search warrants, requiring Congress to review and reauthorize it; delayed notice of "sneak and peek" warrants; application of pen registers and trap and trace devices to electronic communications; and national security letter authority.

## **Olympia, WA**

### **Passed on October 28, 2003**

#### **A Resolution to Protect Civil Liberties.**

WHEREAS the City of Olympia is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS the City of Olympia has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS the City of Olympia affirms an abhorrence of an opposition to global terrorism and maintains an unqualified support for the men and women serving in our armed forces to protect our freedoms; and

WHEREAS the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11<sup>th</sup>, 2001, but should do so in a rational and deliberate fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS the government security measures that undermine fundamental rights to damage to the American institutions and values that the City of Olympia holds dear; and

WHEREAS the Council of the City of Olympia believes that there is no inherent conflict between national security and the preservation of personal liberties – Americans can be both safe and free; and

WHEREAS federal policies adopted since September 11<sup>th</sup>, 2001, including provisions of the USA PATRIOT ACT (Public Law 107-56) and related executive orders, regulations and actions threaten fundamental rights and liberties by:

- A. authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as “enemy combatants” without access to counsel or meaningful recourses to the federal courts;
- B. limiting the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;
- C. expanding the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched;
- D. granting law enforcement and intelligence agencies broad access to personal medical, financial, library and educational records with little, if any, judicial oversight;
- E. chilling constitutionally protected speech through overly-broad definitions of “terrorism;”
- F. driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law;
- G. permitting the FBI to conduct surveillance of religious services, Internet chatrooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed; and,

WHEREAS these new federal policies pose a particular threat to the civil rights and liberties of the residents of our city who are or are perceived to be of Arab, Muslim or South Asian descent; and

WHEREAS many other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values and demand accountability from law enforcement agencies regarding their use of these new powers.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF OLYMPIA:

1. Affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties.
2. Affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin.
3. Urges all private citizens and organizations, including residents, employers and educators, and business owners, to demonstrate similar respect for civil rights and civil liberties, especially, but not limited to conditions of employment and cooperation with investigations;
4. Directs the City Manager to instruct all Employees of the City of Olympia to:
  - a. Request that Federal and State law enforcement officials acting within the City not engage in or permit detentions without charges or based on racial discrimination in law enforcement
  - b. Refrain, to the extent legally possible, from officially assisting or voluntarily cooperating with investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals’ civil rights or civil liberties as specified in the United States Constitution;
  - c. Promptly communicate with supervisor or City Manager for transmittal to the City Attorney in an event a request is made to a City employee by an outside agency, compliance with which, in the judgment of the City employee receiving

such request, is contrary to or in violation of the Constitutional protections afforded to any person in Olympia. If appropriate, the City Attorney shall commence judicial proceedings to review the constitutionality of such request;

- d. When engaging in public safety intelligence gathering as part of law enforcement and of national security, refrain from collecting information about political, religious or social views, associations, or activities unless the information relates to public safety concerns or suspicion of criminal activity or the potential for criminal activity.
- e. Continue to carry out investigations without regard to race, religion, ethnicity or national origin, age, sexual orientation, gender, economic status, marital status, citizenship status, or disability as a factor in selecting which individuals are subject to investigatory activities, unless such information directly relates to an investigation or to criminal activities;
- f. Immediately report to the City Manager, who shall report to the City Council at the subsequent City Council meeting, to the extent not directly prohibited by law, any known activities within the City that have been carried out under the aforementioned Federal laws and orders;

5. Directs the City Manager to:

Transmit a copy of this resolution to Senator Patty Murray, Senator Maria Cantwell and Congressman Brian Baird accompanied by a letter urging them to:

- Support Congressional efforts to assess the impacts of the USA PATRIOT Act;
- Monitor federal anti-terrorism tactics and work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties;
- Ensure that provisions of the USA PATRIOT Act “sunset” in accordance with the provisions of the Act; and
- Take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as “Patriot II,” or any similar legislation that would dilute, if not undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances by:
  - a. diminishing personal privacy by removing important checks on government surveillance authority,
  - b. reducing the accountability of government to the public by increasing government secrecy,
  - c. expanding the definition of “terrorism” in a manner that threatens the constitutionally protected rights of Americans, and/or
  - d. seriously eroding the right of all persons to due process of law.

6. Directs the City Manager to transmit a copy of this resolution to the State Governor and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on civil liberties as described in this resolution;

7. Directs the City Manager to transmit a copy of this resolution to President Bush and Attorney General Ashcroft;

And be it

FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Washington or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

## **Oroville, WA**

### **Passed in the Spring of 2003**

#### **A Resolution Declaring the City of Oroville in Affirmation of, Belief in, and Support for the State and Federal Constitutional Rights of Citizenry**

WHEREAS, the United States of America, the State of Washington, and the documents creating and limiting their government, were both conceived in the shadow of bloody conflicts whose terrors and oppressions were yet fresh in the minds of the People, the Sovereign creators of all governments; and

WHEREAS, the majority of the original thirteen Independent States, rightfully jealous of their newly won Liberty and Sovereignty, who, at the time of their adoption of the Constitution for the United States, in order to prevent any misconstruction, abuse, or expansion of the proposed federal government’s newly created powers, expressed a clear desire that further declaratory and restrictive clauses should be added to the Constitution in the form of a Bill of Rights; and,

WHEREAS, Article Six of the Constitution for the United States clearly states that only laws and treaties “made in pursuance” or in conformity with said Constitution shall be the “supreme law of the land”; and,

WHEREAS, early in our history, in 1803 A.D., the Supreme Court ruled in *Marbury vs. Madison*, that “All laws which are repugnant to the Constitution are null and void” for their inception; and,

WHEREAS, certain recent acts of various legislative bodies have directly or covertly contradicted the Sovereign Rights reserved by and for the Citizens in both State and Federal Constitutions and founding documents; then,

Now, Therefore, be it resolved by the Town Council of the City of Oroville, Washington, that:

Section 1. City of Oroville supports all, lawful, and Constitutional efforts to prevent and investigate terrorist or other criminal acts and prosecute their perpetrators.

Section 2. The City of Oroville believes that sufficient Constitutionally acceptable tools existed, prior to the passage of the “USA PATRIOT Act” or other such restrictive acts, for law enforcement to accomplish their intended lawful purpose.

Section 3. The City of Oroville believes that any act, enactment, law, or legislation, etc. which dilutes, weakens, or denies the State and/or Federal Constitutionally guaranteed Rights of the Citizens is void from its inception, is unenforceable in our jurisdiction, and should be quashed, repealed or found by a court of jurisdiction to be unconstitutional in part or in full, as appropriate, to protect the Rights and Freedom of the Citizenry.

Section 4. The Oroville City Council strongly encourages all citizens, organizations, and governmental legislative bodies to study, for understanding, the State and Federal Constitutions and their history, and the Bill of Rights and it’s history so that they can recognize and resist attempts to undermine our Constitutional Republics and the system of government that has brought our civilization so much success.

Section 5. The City of Oroville believes it is the duty of every citizen to protect and defend the State and Federal Constitutions from all enemies—foreign and domestic—and to demonstrate outspoken respect for the Rights that have been paid for with the blood and sweat of the American People throughout our history.

## **Port Townsend, WA**

### **Passed on June 16, 2003**

#### **A Resolution of the City Council of the City of Port Townsend, Washington Affirming the City’s Commitment to Protecting the Civil Rights and Liberties of All Residents of the City of Port Townsend**

WHEREAS, City of Port Townsend, Washington, has a long and distinguished history of protecting and expanding the civil rights and civil liberties of its residents and affirming the fundamental rights of all people; and

WHEREAS, the residents of City of Port Townsend wish to honor the memory of all those who died as a result of the September 11, 2001, attacks; and

WHEREAS, the City of Port Townsend has a diverse population, including students, working and retired citizens, and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the United States Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act); and

WHEREAS, many provisions of the USA Patriot Act, the Homeland Security Act and other related Federal and Executive Orders and measures may limit the civil rights and liberties of the residents of City of Port Townsend, including those who are immigrants, by potentially:

- A. Reducing judicial supervision of telephone and Internet surveillance;
- B. Expanding the government’s power to conduct secret searches without warrants;
- C. Granting power to the U.S. Secretary of State to designate domestic groups, including political and religious groups, as “terrorist organizations”;
- D. Granting power to the U.S. Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime;
- E. Granting the Federal Bureau of Investigation (FBI) access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime;
- F. Granting the FBI the power to compel libraries and bookstores to produce circulation or book purchase records of their patrons, and forbidding disclosure that such records have been requested and produced; and

WHEREAS, a nation engaged in or preparing for foreign wars must do everything in its power to lessen fear at home and reinforce constitutional protections for those who in wartime may be victimized; and

WHEREAS, the Bill of Rights of the United States Constitution and the Declaration of Rights of the Constitution of the State of Washington guarantee all people living in the City of Port Townsend freedom of speech, assembly and privacy; equality before the

law and the presumption of innocence; access to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and

WHEREAS, the preservation of civil rights and liberties is a pillar of American society and is essential to the well-being of our republic and its democratic processes, particularly during times of conflict when such rights and liberties, especially those of immigrants and ethnic minorities, may be threatened, intentionally or unintentionally, under false pretense of national security or patriotic zeal; and

WHEREAS, the residents of the City of Port Townsend denounce terrorism, and acknowledge that federal, state, and local governments have a responsibility to protect the public from terrorist attacks, and should do so in a rational, deliberative and lawful fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing upon civil liberties; and

WHEREAS, law enforcement and security measure that undermine fundamental rights do irreparable damage to U.S. institutions and values of equal justice and freedom that the residents of the City of Port Townsend hold dear; and

WHEREAS, the Federal Administration is moving to pass a Second USA PATRIOT ACT also known as the Domestic Security Enhancement Act of 2003 that usurps more rights than the original USA PATRIOT ACT which would provide for the presumptive denationalization of American citizens who support the activities of any organization that the executive branch has deemed “terrorist;” and

WHEREAS, the City of Port Townsend believes that there is not and need not be conflict between security and the preservation of liberty, and that residents of this City and this nation can be both safe and free; and

WHEREAS, the City of Port Townsend has been and remains, committed to the protection of civil rights and liberties for all citizens of the City of Port Townsend; and

WHEREAS, the City Council of the City of Port Townsend believes that a threat to any person’s Constitutional rights is a threat to the rights of all; and

WHEREAS, at least 127 cities and counties in more than 20 states, including major cities such as Seattle, Chicago, Philadelphia and Detroit have enacted resolutions reaffirming support for civil rights and liberties in response to the USA Patriot Act and subsequent government policies and laws that threaten these values, demanding accountability from law enforcement agencies regarding their use of these new powers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port Townsend, Washington, that we:

- Will vigorously resist any unconstitutional acts against the City of Port Townsend’s citizens, including invasion of privacy, expanded surveillance, and denial of due process that may come from the application of the Homeland Security Act, related Executive Orders and by administration of the USA Patriot Act.
- Affirm the rights of all people, including United State citizens and citizens of other nations, within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution.
- Affirm the City of Port Townsend’s strong support for fundamental constitutional rights and its opposition to federal measure that infringe on civil liberties.
- Call upon all City officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations.
- Call upon all private citizens, including residents, employers, educators, and business owners, to demonstrate similar respect for civil rights and civil liberties.
- Request that the City of Port Townsend Police Department continue to protect residents’ freedom of speech, religion, assembly and privacy; rights to counsel and due process in judicial proceeding and protection from unreasonable searches and seizures.
- Support the City Library system in its efforts to protect the free speech rights of library patrons.
- Affirm its strong opposition to terrorism, but also affirms that any efforts to end terrorism should not be waged at the expense of essential civil rights and liberties of the people of the City of Port Townsend and the United States.
- Request that Federal and State law enforcement officials acting within the City not engage in or permit detentions without charges or permit racial profiling in law enforcement.
- Request that the U.S. Attorney’s Office and the Office of the Federal Bureau of Investigation regularly and publicly disclose the extent to and manner in which they have acted under the USA Patriot Act, new Executive Orders, or COINTELPRO-type regulations, including public disclosure of the names of any detainees.

- Request that our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of Washington States and the United States of America.
- Direct the City Manager to provide copies of this resolution to the City's U.S. Congressional representatives, the United State Attorney General, and the President of the United States.

## **Riverside, WA**

**Passed on June 10, 2003**

### **A Resolution Declaring the Town of Riverside in Affirmation of, Belief in, and Support for the State and Federal Constitutional Rights of Citizenry**

WHEREAS, the United States of America, the State of Washington, and the documents creating and limiting their government, were both conceived in the shadow of bloody conflicts whose terrors and oppressions were yet fresh in the minds of the People, the Sovereign creators of all governments; and

WHEREAS, the majority of the original thirteen Independent States, rightfully jealous of their newly won Liberty and Sovereignty, who, at the time of their adoption of the Constitution for the United States, in order to prevent any misconstruction, abuse, or expansion of the proposed federal government's newly created powers, expressed a clear desire that further declaratory and restrictive clauses should be added to the Constitution in the form of a Bill of Rights; and,

WHEREAS, Article Six of the Constitution for the United States clearly states that only laws and treaties "made in pursuance" or in conformity with said Constitution shall be the "supreme law of the land"; and,

WHEREAS, early in our history, in 1803 A.D., the Supreme Court ruled in *Marbury vs. Madison*, that "All laws which are repugnant to the Constitution are null and void" for their inception; and,

WHEREAS, certain recent acts of various legislative bodies have directly or covertly contradicted the Sovereign Rights reserved by and for the Citizens in both State and Federal Constitutions and founding documents; then,

Now, Therefore, be it resolved by the Town Council of the Town of Riverside, Washington, that:

Section 1. Town of Riverside supports all, lawful, and Constitutional efforts to prevent and investigate terrorist or other criminal acts and prosecute their perpetrators.

Section 2. The Town of Riverside believes that sufficient Constitutionally acceptable tools existed, prior to the passage of the "USA PATRIOT Act" or other such restrictive acts, for law enforcement to accomplish their intended lawful purpose.

Section 3. The Town of Riverside believes that any act, enactment, law, or legislation, etc. which dilutes, weakens, or denies the State and/or Federal Constitutionally guaranteed Rights of the Citizens is void from its inception, is unenforceable in our jurisdiction, and should be quashed, repealed or found by a court of jurisdiction to be unconstitutional in part or in full, as appropriate, to protect the Rights and Freedom of the Citizenry.

Section 4. The Riverside Town Council strongly encourages all citizens, organizations, and governmental legislative bodies to study, for understanding, the State and Federal Constitutions and their history, and the Bill of Rights and it's history so that they can recognize and resist attempts to undermine our Constitutional Republics and the system of government that has brought our civilization so much success.

Section 5. The Town of Riverside believes it is the duty of every citizen to protect and defend the State and Federal Constitutions from all enemies—foreign and domestic—and to demonstrate outspoken respect for the Rights that have been paid for with the blood and sweat of the American People throughout our history.

## **San Juan County, WA**

**Passed June 10, 2003**

### **Resolution Regarding the USA PATRIOT Act and Related Executive Orders**

WHEREAS, the County of San Juan is home to a diverse population, including citizens of other nations, whose contributions to the community are vital to the character and functions of the County; and,

WHEREAS, the authority of government is derived from the consent of the governed; and,

WHEREAS, the Bill of Rights and the Fourteenth Amendment of the Constitution of the United States and the Declaration of Rights of the Constitution of the State of Washington guarantee all persons living in San Juan County fundamental rights including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and,



WHEREAS, the County of San Juan has been, and remains, committed to the protection of civil rights and civil liberties of all our people; and,

WHEREAS, the County of San Juan affirms its unequivocal opposition to terrorism and also affirms that freedom, civil rights and civil liberties are compatible with the necessity for national security and are not to be infringed upon by efforts to end terrorism; and,

WHEREAS, a great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement powers, including the USA Patriot Act (“Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism”) of October 26, 2001 and related Executive Orders which contain some provisions that contradict the above listed inalienable civil rights and fundamentally alter civil liberties.

WHEREAS, many other counties and cities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these new powers, now

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SAN JUAN that the County affirms the civil rights and civil liberties of all citizens and non-citizens living within the County in accordance with the Bill of Rights and the Fourteenth Amendment of the Constitution of the United States and the Declaration of Rights of the State of Washington Constitution; and, be it

FURTHER RESOLVED, that the Board of County Commissioners urges county employees and citizens during the course of their daily life to be guided by the collective responsibility and obligation for safeguarding the constitutional protections afforded all people of our County. The Board of County Commissioners recognizes that this is the paramount responsibility of local law enforcement personnel, and appointed and elected government offices that are ultimately responsible for upholding the solemn oath they have taken to preserve, uphold, protect and defend the Constitution of the United States and the State of Washington Constitution; and, be it

FURTHER RESOLVED that the Board of County Commissioners calls upon all private citizens and organizations, including residents, employers, educators, and business owners, to demonstrate respect for civil rights and civil liberties, especially but not limited to conditions of employment; and, be it

FURTHER RESOLVED that the Board of County Commissioners call on our United States Representative and Senators to work for the repeal of any provisions of the USA Patriot Act and those Executive Orders that violate the civil rights and civil liberties guaranteed in the Bill of Rights and the Fourteenth Amendment of the Constitution of the United States and the Declaration of Rights of the State of Washington Constitution; and, be it

FURTHER RESOLVED that the Board of County Commissioners communicate a copy of this Resolution to all County departments, the Attorney General and Governor of the State of Washington, the Congressional Delegation of the State of Washington, the United States Attorney General and the President of the United States.

## **Seattle, WA**

**Passed on February 18, 2003**

### **A Resolution Affirming the City of Seattle’s Commitment to Protecting the Civil Rights and Civil Liberties of all Seattle Residents**

WHEREAS, Congress passed the so-called USA Patriot Act (PL 107-56) on October 26, 2001, following the horrific attacks on America of September 11, 2001; and

WHEREAS, many provisions of the USA PATRIOT Act and other related Federal orders and measures may pose a threat to the civil rights and civil liberties of the residents of our City, particularly to those who are immigrants of Middle Eastern, Muslim or South Asian descent, by potentially:

- Reducing judicial supervision of telephone and Internet surveillance.
- Expanding the government’s power to conduct secret searches without warrants.
- Granting power to the Secretary of State to designate domestic groups, including political and religious groups, as “terrorist organizations”.
- Granting power to the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime.
- Granting the Federal Bureau of Investigations (FBI) access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime.
- Granting the FBI the power to compel libraries and bookstores to produce circulation or book purchase records of their patrons, and forbidding disclosure that such records have been requested and produced; and

WHEREAS, the City of Seattle honored the memory of victims of the terrorist attacks of September 11, 2001, through Resolution 30434, by denouncing acts of violence and intolerance against all people, and affirming the civil rights of people of all ethnic and ideological backgrounds; and

WHEREAS, a nation headed to a foreign war must do everything in its power to lessen fear at home and reinforce constitutional protections for those who in wartime may be victimized; and

WHEREAS, the City of Seattle is proud of its long and distinguished tradition of protecting the civil rights and civil liberties of all its residents and affirming the fundamental rights of all people; and

WHEREAS, the Bill of Rights of the United States Constitution and the Declaration of Rights of the Constitution of the State of Washington guarantee all people living in the City of Seattle freedom of speech, assembly and privacy, equality before the law and the presumption of innocence, access to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures; and

WHEREAS, the preservation of civil rights and civil liberties is a pillar of American society and is essential to the well-being of any democracy, particularly during times of conflict when such rights and liberties, especially those of immigrants and ethnic minorities, may be threatened, intentionally or unintentionally, under false pretense of national security or patriotic zeal; and

WHEREAS, through the “Seattle Police Intelligence Ordinance” (Seattle Municipal Code Chapter 14.12; Ordinance 108333 as amended by Ordinance 110572 and Ordinance 110640), the City of Seattle was the first city in the United States to prohibit by law the collection and maintenance of information about the political, religious or social views, associations or constitutionally protected activities of subjects who are neither involved in criminal activity, suspected of involvement in criminal activity, nor charged with involvement in criminal activity; and

WHEREAS, the City of Seattle denounces terrorism, and acknowledges that federal, state and local governments have a responsibility to protect the public from terrorist attacks, but should do so in a rational, deliberative and lawful fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing upon civil liberties; and

WHEREAS, law enforcement and security measures that undermine fundamental rights do irreparable damage to the American institutions and values of equal justice and freedom that the residents of the City of Seattle hold dear; and

WHEREAS, the Council of the City of Seattle believes that there is not and need not be conflict between security and the preservation of liberty, and that residents of this City and this nation can be both safe and free; and

WHEREAS, cities and counties in more than 20 states, including major cities such as Chicago, Philadelphia, and Detroit have enacted resolutions reaffirming support for civil rights and liberties in response to the USA PATRIOT Act and other government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT WE:

AFFIRM the City of Seattle’s abhorrence of, and opposition to global terrorism and our unqualified support for the men and women serving in our armed forces.

AFFIRM the City of Seattle’s support for the fundamental, constitutionally protected civil rights and liberties of all our residents, and oppose those measures that infringe upon such civil rights and liberties or that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin, religion, ethnicity or immigration status.

AFFIRM the City of Seattle’s support for the Seattle Police Intelligence Ordinance (Seattle Municipal Code Chapter 14.12; Ordinance 108333 as amended by Ordinance 110572 and Ordinance 110640) and endorse its independent Civilian Oversight.

RESOLVE that the City of Seattle will vigorously resist any unconstitutional acts against its citizens under the USA PATRIOT Act, including invasion of privacy, expanded surveillance, and denial of due process that may come from application of the USA PATRIOT Act.

REQUEST that City of Seattle Departments with jurisdiction over facilities frequented by the public post copies of the Bill of Rights in prominent locations within such buildings.

URGE the Seattle Library Board of Trustees to notify patrons of the Seattle Public Library that their library records may be subject to disclosure to law enforcement officials under provisions of the Patriot Act, and that librarians may under some circumstances be forbidden from disclosing that certain records have been requested or obtained.

### **Passed in January 2003**

#### **Seattle City Council Ordinance**

In January 2003, the Seattle City Council was the first local government body in the United States to pass an ordinance that prevents local police from questioning immigrants about their immigration status unless they are working with the INS or have reason to believe a person has been deported or is committing a felony.

**Snoqualmie, WA****Passed on September 8, 2003****A Resolution Declaring the Position of the City of Snoqualmie in Affirmation of, Belief in, and Support for the State and Federal Constitutional Rights of the Citizenry.**

WHEREAS, the United States of America, the State of Washington, and the documents creating and limiting their government, were both conceived in the shadow of bloody conflicts whose terrors and oppressions were yet fresh in the minds of the People, the Sovereign creators of all our governments; and,

WHEREAS, the majority of the original thirteen Independent States, rightfully jealous of their newly won Liberty and Sovereignty, who, at the time of their adoption of the Constitution for the United States, in order to prevent any misconstruction, abuse, or expansion of the proposed federal government's newly created powers, expressed a clear desire that further declaratory and restrictive clauses should be added to the Constitution in the form of a Bill of Rights; and,

WHEREAS, Article Six of the Constitution for the United States clearly states that only laws and treaties "made in pursuance" or in conformity with said Constitution shall be the "supreme law of the Land"; and,

WHEREAS, early in our history, in 1803 A.D., the Supreme Court ruled in *Marbury vs. Madison*, that "All laws which are repugnant to the Constitution are null and void" for their inception; and,

WHEREAS, certain recent acts of various legislative bodies have directly or covertly contradicted the Sovereign Rights reserved by and for the Citizens in both State and Federal Constitutions and founding documents; then,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SNOQUALMIE, WASHINGTON, THAT:**

Section 1. The City of Snoqualmie supports all, lawful, and constitutional efforts to prevent and investigate terrorist or other criminal acts and prosecute their perpetrators.

Section 2. The City of Snoqualmie believes that sufficient Constitutionally acceptable tools existed, prior to the passage of the "USA Patriot Act" or other such restrictive acts, for Law enforcement to accomplish their intended lawful purpose.

Section 3. The City of Snoqualmie believes that any act, enactment, law, or legislation, etc., which dilutes, weakens, or denies the State and/or Federal Constitutionally guaranteed Rights of the Citizens is void from its inception, is unenforceable in our jurisdiction, and should be quashed, repealed or found by a court of jurisdiction to be unconstitutional in part or in full, as appropriate, to protect the Rights and Freedom of the Citizenry.

Section 4. The Snoqualmie City Council strongly encourages all citizens, organizations, and governmental legislative bodies to study, for understanding, the State and Federal Constitutions and their history, and the Bill of Rights and it's history so that they can recognize and resist attempts to undermine our Constitutional Republics and the system of government that has brought our civilization so much success.

Section 5. The Snoqualmie City Council believes it is the duty of every citizen to protect and defend the State and Federal Constitutions from all enemies - foreign and domestic - and to demonstrate outspoken respect for the Rights that have been paid for with the blood and sweat of the American People throughout our history.

**Tacoma, WA****Passed on December 16, 2003**

WHEREAS the Council of the City of Tacoma seeks to protect the civil liberties and civil rights of all its residents, and

WHEREAS the Declaration of Independence of the United States of America holds as self-evident that all people are created equal and are endowed by the creator with the unalienable rights of life, liberty, and the pursuit of happiness, and

WHEREAS the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the Constitution of the United States establish a shield of protection for the residents of the City, and

WHEREAS the Declaration of Rights of the Constitution of the state of Washington guarantees all people living in the City of Tacoma freedom of speech, assembly, and privacy; equality before the law and the presumption of innocence; access to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and

WHEREAS the Tacoma City Council believes these liberties are precious and any act that seeks to deny or threaten them should be opposed, and

WHEREAS the Tacoma City Council acknowledges that federal, state, and local jurisdictions have a responsibility to protect the citizenry, and

WHEREAS the Tacoma City Council established a Human Rights Commission with a mandate to protect and preserve the civil liberties and rights of its residents as a pillar of our common society, and

WHEREAS measures such as the USA PATRIOT Act of 2001 and other recent federal executive orders and governmental actions can undermine or threaten these basic liberties, and

WHEREAS the Tacoma City Council believes that residents can be both safe and free, as do the governing bodies of over 219 other local, county, and state jurisdictions, representing 26, 931, 608 residents, that have passed similar resolutions and ordinances reaffirming support for civil liberties and civil rights, and

WHEREAS the Tacoma City Council strongly opposes any unconstitutional acts against its residents under the USA PATRIOT Act of 2001 or similar governmental acts; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the Council of the City of Tacoma will continue to defend the Constitution of the United States and take all necessary measures to ensure that the practices and the policies of the City protect those values of life, liberty, and the pursuit of happiness we all hold so dearly.

## **Tonasket, WA** **Passed April 2003**

### **A Resolution declaring the City of Tonasket in affirmation of, belief in, and support for the State and Federal Constitutional Rights of Citizenry**

WHEREAS, the United States of America, the State of Washington, and the documents creating and limiting their government, were both conceived in the shadow of bloody conflicts whose terrors and oppressions were yet fresh in the minds of the People, the Sovereign creators of all governments; and

WHEREAS, the majority of the original thirteen Independent States, rightfully jealous of their newly won Liberty and Sovereignty, who, at the time of their adoption of the Constitution for the United States, in order to prevent any misconstruction, abuse, or expansion of the proposed federal government's newly created powers, expressed a clear desire that further declaratory and restrictive clauses should be added to the Constitution in the form of a Bill of Rights; and,

WHEREAS, Article Six of the Constitution for the United States clearly states that only laws and treaties "made in pursuance" or in conformity with said Constitution shall be the "supreme law of the land"; and,

WHEREAS, early in our history, in 1803 A.D., the Supreme Court ruled in *Marbury vs. Madison*, that "All laws which are repugnant to the Constitution are null and void" for their inception; and,

WHEREAS, certain recent acts of various legislative bodies have directly or covertly contradicted the Sovereign Rights reserved by and for the Citizens in both State and Federal Constitutions and founding documents; then,

Now, Therefore, be it resolved by the Town Council of the City of Tonasket, Washington, that:

Section 1. City of Tonasket supports all, lawful, and Constitutional efforts to prevent and investigate terrorist or other criminal acts and prosecute their perpetrators.

Section 2. The City of Tonasket believes that sufficient Constitutionally acceptable tools existed, prior to the passage of the "USA PATRIOT Act" or other such restrictive acts, for law enforcement to accomplish their intended lawful purpose.

Section 3. The City of Tonasket believes that any act, enactment, law, or legislation, etc. which dilutes, weakens, or denies the State and/or Federal Constitutionally guaranteed Rights of the Citizens is void from its inception, is unenforceable in our jurisdiction, and should be quashed, repealed or found by a court of jurisdiction to be unconstitutional in part or in full, as appropriate, to protect the Rights and Freedom of the Citizenry.

Section 4. The Tonasket City Council strongly encourages all citizens, organizations, and governmental legislative bodies to study, for understanding, the State and Federal Constitutions and their history, and the Bill of Rights and its history so that they can recognize and resist attempts to undermine our Constitutional Republics and the system of government that has brought our civilization so much success.

Section 5. The City of Tonasket believes it is the duty of every citizen to protect and defend the State and Federal Constitutions from all enemies—foreign and domestic—and to demonstrate outspoken respect for the Rights that have been paid for with the blood and sweat of the American People throughout our history.

## **Tumwater, WA** **Passed on July 20, 2004**

### **A Resolution to Protect Civil Liberties.**

WHEREAS the City of Tumwater is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents, and;

WHEREAS the City of Tumwater has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture, and civic character, and;

WHEREAS the City of Tumwater affirms an abhorrence of and opposition to global terrorism and maintains an unqualified support for the men and women serving in our armed forces to protect our freedoms, and;

WHEREAS the preservation of rights and liberties is essential to the well-being of a democratic society, and;

WHEREAS federal, state, and local governments should protect the public from terrorists attacks such as those that occurred on September 11<sup>th</sup>, 2001, but should do so in a rational and deliberate fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties, and;

WHEREAS government security measures that undermine fundamental rights do damage to the American institutions and values that the City of Tumwater holds dear, and;

WHEREAS the Council of the City of Tumwater believes that there is no inherent conflict between national security and the preservation of personal liberties – Americans can be both safe and free, and;

WHEREAS some federal provisions adopted since September 11<sup>th</sup>, 2001, including provisions of the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions, threaten fundamental rights and liberties by:

- A. authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as “enemy combatants” without access to counsel or meaningful recourse to the federal courts;
- B. limiting the traditional authority of federal courts to control law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;
- C. expanding the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched;
- D. granting law enforcement and intelligence agencies broad access to personal medical, financial, library and educational records with little, if any, judicial oversight;
- E. chilling constitutionally protected speech through overbroad definitions of “terrorism,” and

WHEREAS new legislation has been drafted by the Administration entitled the Domestic Security Enhancement Act (DSEA) (also known as Patriot II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, which may dilute, if not undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances; and,

WHEREAS these new powers pose a particular threats to the civil rights and liberties of the residents of our city who are or who are perceived to be of Arab, Muslim, or South Asian descent; and,

WHEREAS many other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values and demand accountability from law enforcement agencies regarding their use of these news powers.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TUMWATER:

Affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties.

1. Affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin,
2. Affirms its desire that all private citizens and organizations, including residents, employers and educators, and business owners, demonstrate respect for civil rights and civil liberties, especially, but not limited to, conditions of employment.
3. Directs the Mayor to instruct all employees of the City of Tumwater to:
4. Refrain, to the extent legally possible, from officially assisting or voluntarily cooperating with investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals’ civil rights or civil liberties as specified in the United States’ Constitution;
5. Promptly communicate with the Mayor for transmittal to the City Attorney in the event that a request is made to a City employee by an outside agency, compliance with which, in the judgment of the City employee receiving such request, is contrary to or in violation of the Constitutional protections afforded any person in Tumwater, and;
6. Continue to carry out investigations without regard to race, religion, ethnicity or national origin, age, gender, sexual orientation, economic status, marital status, citizenship status, or disability as a factor in selecting which individuals are subject to investigatory activities, unless such information directly relates to an investigation or to criminal activities.
7. Directs the Mayor to transmit a copy of this Resolution to Senator Patty Murray, Senator Maria Cantwell, and Representative Brian Baird accompanied by a letter urging them to:

- a. Support Congressional efforts to assess the impacts of the USA PATRIOT Act;
  - b. Monitor federal anti-terrorism tactics and work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties;
  - c. Ensure that provisions of the USA PATRIOT Act “sunset” in accordance with the provisions of the Act.
8. Directs the Mayor to transmit a copy of this Resolution to the State Governor and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on civil liberties as described in this Resolution.
  9. Directs the Mayor to transmit a copy of this Resolution to President Bush and Attorney General Ashcroft.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any phrase, clause, or sentence of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Washington or the applicability thereof to any person, agency or circumstances is held invalid, the validity of the remainder of this Resolution and the applicability thereof to any other person, agency, or circumstances shall not be affected thereby.

## **Twisp, WA**

**Passed on December 30, 2003**

### **A Resolution of the Town of Twisp, Declaring the Position of Affirmation of, Belief in, and Support for, the State and Federal Constitutional Rights of the Citizenry.**

WHEREAS, certain recent acts of various legislative bodies have directly or covertly contradicted the Sovereign Rights reserved by and for the Citizens in both State and Federal Constitutions and founding documents, then,

Now, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Twisp that;

Section 1: The Town of Twisp supports all, lawful and Constitutional efforts to prevent and investigate terrorist or other criminal acts and prosecute their perpetrators.

Section 2: The Town of Twisp believes that sufficient Constitutionally acceptable tools exist, prior to the passage of the “USA Patriot Act” or other such restrictive acts, for Law Enforcement to accomplish their intended lawful purpose.

Section 3: The Town of Twisp believes that any act, enactment, law, or legislation, etc., which dilutes, weakens, or denies due process of the State and/or Federal Constitutionally guaranteed Rights of the Citizen is void from its inception, is unenforceable in our jurisdiction, and should be quashed, repealed or found by a court of jurisdiction to be unconstitutional in part or in full, as appropriate, to protect the Rights and Freedom of the Citizenry.

Section 4: The Twisp Town Council strongly encourages all Citizens, organizations, and governmental legislative bodies to study, for understanding, the State and Federal Constitutions and their history, and the Bill of Rights and its history so that they can recognize and resist attempts to undermine our Constitutional Republics and the system of government that has brought our civilization so much success.

Section 5: The Twisp Town Council believes it is the duty of every citizen to protect and defend the State and Federal Constitutions from all enemies-foreign and domestic- and to demonstrate outspoken respect for the Rights that have been paid for with the blood and sweat of the American People throughout our history.

## **Vashon-Maury Island, WA**

**Passed on February 17, 2003**

### **Resolution Concerning Civil Liberties in Vashon-Maury Island**

The Vashon-Maury Island Community Council, representing the citizens of Vashon and Maury Islands in unincorporated King County, Washington, fully supports the United States Constitution and its first ten amendments, the Bill of Rights, as being essential to the health of democracy. The fundamental rights and liberties guaranteed therein are essential to the well-being of the citizens and community of Vashon-Maury Island.

Several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten the following fundamental rights and liberties:

- Freedom of speech, assembly, and privacy
- The rights to counsel and due process in judicial proceedings
- Protection from unreasonable searches and seizures

These rights and liberties are guaranteed by the United States Constitution and its Bill of Rights, as well as Article I of the Washington State Constitution.

Therefore, The Vashon-Maury Island Community Council, acting in the spirit of our community, hereby requests that the Metropolitan King County Council resolve the following:

Local law enforcement continue to preserve residents' freedom of speech, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;

The U.S. Attorney's Office and the Office of the Federal Bureau of Investigation regularly and publicly disclose the extent to and manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees;

Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of Washington State and the United States.

## **Whatcom County, WA** **Passed on April 20, 2004**

### **Opposing Sections of the USA PATRIOT Act**

WHEREAS, the Whatcom County Council supports the constitutional rights of all its citizens; and

WHEREAS, the county council supports most efforts to combat terrorism; and

WHEREAS, the county council believes that sufficient constitutionally acceptable tools existed prior to the passage of the "USA Patriot Act" or any other restrictive acts, for law enforcement to accomplish its intended lawful purpose; and

WHEREAS, the county council believes that among those objectionable provisions that warrant modification or repeal are measures that permit weakening of fundamental protections and guarantees found in our Bill of Rights including, but not limited to, provisions that; reduce judicial supervisions of telephone and Internet surveillance (section 216); expand the government's power to conduct secret searches without warrants (section 213); grant power to the U.S. Secretary to State to designate domestic groups, including political and religious groups, as "terrorist organizations" (section 211); and grant the FBI the power to compel libraries and bookstores to produce circulation or book purchase records of their patrons, and forbidding disclosure that such records have been requested and produced; and

WHEREAS, the county council strongly encourages all citizens, organizations, and government legislative bodies to study and understand the State and Federal Constitutions and their history, and the Bill of Rights and its history so that they can recognize and resist attempts to undermine our constitutional republic and the system of government that has brought our civilization so much success; and

WHEREAS, the Whatcom County Council values the right to privacy; and

WHEREAS, the county council believes it is the duty of every citizen to protect and defend the State and Federal Constitutions from all enemies, foreign and domestic, and to demonstrate respect for the rights that have been paid for with the blood and sweat of the American people throughout our history; and

WHEREAS, the County Council is concerned about unfounded mandates that would place unfair financial burdens on the County budget to implement or enforce the USA Patriot Act in Whatcom County.

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council respectfully opposes all sections of the "USA Patriot Act" that weaken the freedoms and inalienable rights on which the United States of America was founded.

BE IT FINALLY RESOLVED that the Whatcom County Council supports those sections of the "USA Patriot Act" that enhance the capacity for law enforcement agencies to protect our citizens against terrorist acts.

# WEST VIRGINIA

## Huntington, WV

Passed on October 13, 2003

### **An Ordinance of the Council Amending, Modifying, and Re-enacting Article 99 of the Codified Ordinances of the City of Huntington, as Revised, Concerning People's Bill of Rights.**

WHEREAS, the devastating attacks of 9-11-01 in the United States and the continued national outcry for patriotism causes a need for reaffirmation of the American way of life; and

WHEREAS, the restriction of civil liberties by the United States actually constitutes a defeat of its founding principles as well as a victory for the perpetrators of 9-11; and

WHEREAS, this Council wishes to limit government intrusion upon the personal lives of the people of Huntington; and

WHEREAS, the people of Huntington have a right to be free from profiling, discrimination and general searches; and

WHEREAS, the people of Huntington should not be subject to searches without probable cause and due process of law; and

WHEREAS, the constitution of the State of West Virginia, Article 1-3. (Continuity of constitutional operation), asserts that

“The provisions of the constitution of the United States, and of this state, are operative alike in a period of war as in time of peace, and any departure therefore, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government, and tends to anarchy and despotism.”

WHEREAS, this Council recognizes the people within its jurisdiction as the sovereign of the City of Huntington, Cabell and Wayne Counties, West Virginia,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HUNTINGTON, CABELL AND WAYNE COUNTIES, WEST VIRGINIA, that Article 99 of the Codified Ordinances of the City of Huntington, as revised, is hereby AMENDED, MODIFIED and RE-ENACTED to read as follows:

#### ARTICLE 99: PEOPLE'S BILL OF RIGHTS

99.01 PREAMBLE. The people have inalienable rights that exceed the needs of the City of Huntington and are granted through the individual's ability to reason, right to be free, to question the governors of the City of Huntington and to act as sovereign have, by declaration, rights recognized by Council as the basis of American Democracy and our chosen way of life. The essence of American Freedom is founded upon individual liberties, not granted by government, but retained by the sovereign. And therefore, the following actions affect the City of Huntington, Council, Mayor and its subordinate agencies, boards, and committees.

99.02 THE RIGHT OF FREE SPEECH. The people shall have the right to express their opinion and the City of Huntington shall not attempt to regulate content of speech. The City of Huntington, Council, Mayor and its subordinate agencies, boards, and committees may regulate time, place and manner of speech, but not content.

99.03 RIGHT TO KEEP AND BEAR ARMS. The people shall have the right to keep and bear arms within the City of Huntington under the laws of the United States of America and the State of West Virginia.

99.04 RIGHT TO DUE PROCESS. No one shall be compelled to testify against himself or spouse / herself or spouse nor be denied rights of due process under the laws of the United States of America and the State of West Virginia. No person shall be held by the City of Huntington greater than twenty-four (24) hours without charges being proffered. An individual has a right to be secure in his person from unreasonable searches and seizures and no warrants shall be issued without probable cause supported by oath or affirmation and particularly describing the persons or items to be seized and the places to be searched. No stops, searches or inquiry can be made of any person based upon their race, religion, sex, age or ethnic origin.

99.05 RIGHT OF PRIVACY. No government agency shall invade the privacy of a person located within the City of Huntington by electronic eavesdropping, intercepting Internet transmissions, or by opening correspondence transmitted electronically, lest he be an officer of the law who has obtained a specific warrant for such searches. No law enforcement agency shall seek to invade any telephone, computer transmission or personal correspondence that is private between the sender and receiver without a warrant. Each invasion shall constitute a separate act and the individual perpetrating the act and those directing the invasion shall be equally subject to the penalty as stated in Section 99.99.

99.99 PENALTY. Any violation of Article 99 shall be subject to a fine of up to Five Hundred Dollars (\$500.00) and/or thirty (30) days in jail.

BE IT FURTHER ORDAINED that all other articles, sections and sub-sections of the Codified Ordinances of the City of Huntington, as revised, shall remain in full force and effect until further Ordinance of this Council.

BE IT FURTHER ORDAINED that Article 99 shall become effective upon its adoption by council and approval by the Mayor.



# WISCONSIN

## Douglas County, WI Passed on May 15, 2003

### Resolution by the Douglas County Board of Supervisors, Resolution #59-03, Subject: USA Patriot Act

WHEREAS, Douglas County, Wisconsin, recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold, superceding all administrative rules, local ordinances, state statutes and federal laws, and

WHEREAS, Douglas County, Wisconsin, recognizes that the Bill of Rights, as represented in Exhibit H-5-03, embodies the rights of citizenship that have made the United States of America the land of freedom for more than 200 years, and

WHEREAS, Douglas County, Wisconsin, and the United States have benefited greatly through the constitutional rights and liberties afforded their diverse citizenry, in freedom of speech and assembly, equality before the law and the presumption of innocence, access to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures, and

WHEREAS, Douglas County, Wisconsin, affirms its strong opposition to terrorism, and further affirms that any efforts to end terrorism not be waged at the expense of our civil rights and liberties, and

WHEREAS, in the aftermath of the September 11, 2001 terrorist attack, in an effort to unite and strengthen America, and to combat terrorism, Congress passed the USA Patriot Act, and

WHEREAS, it has become apparent that the USA Patriot Act weakens the constitutional protections for every United States citizen as follows:

1. First Amendment rights, which guarantee “freedom of religion, of speech, to peaceably assemble, and to petition the government for a redress of grievances,” are compromised by USA Patriot Act, Sections 802 and 215;
2. Fourth Amendment protections, which guarantee the “right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures,” are compromised by USA Patriot Act Sections 203, 206, 213, and 218; and
3. Fifth Amendment protections of due process and attorney -client confidentiality are compromised.

NOW, THEREFORE, BE IT RESOLVED that the Douglas County Board of Supervisors expresses deep concern over any compromise of constitutional freedoms which protect civil rights and liberties for all people of the United States.

BE IT FURTHER RESOLVED that the Douglas County Board of Supervisors affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism should not be waged at the expense of fundamental civil rights and liberties, and that a threat to one person’s constitutional rights is a threat to the rights of all.

BE IT STILL FURTHER RESOLVED that the Douglas County Board of Supervisors requests that United States representatives and senators closely monitor implementation of the USA Patriot Act, as well as Executive Orders issued pursuant to the Act, and actively work to repeal those Sections of the USA Patriot Act that threaten the essential civil rights and liberties of all Americans.

BE IT STILL FURTHER RESOLVED, that any enhancement to the USA Patriot Act, such as USA Patriot Act II (AKA Domestic Security Act of 2003), be forestalled until such time as enhancements or changes are done in full view of American citizens.

BE IT STILL FURTHER RESOLVED that upon passage, a copy of this resolution shall be provided to Governor James Doyle, Senator Robert Jauch, Representative Frank Boyle, each Wisconsin congressional delegate, United States Attorney General John Ashcroft, Secretary of State Colin Powell, and President George W. Bush.

## Eau Claire, WI Passed on April 13, 2004

### Bill of Rights Defense Committee Final Resolution

Whereas, the City of Eau Claire and its citizens being governed by the United States Constitution and the Constitution of the State of Wisconsin; and

Whereas, the City of Eau Claire acknowledges that both the United States and Wisconsin Constitutions guarantee her citizens freedom of speech, freedom to peaceably assemble, freedom from unreasonable searches and seizures, freedom of religion, freedom to petition the government for grievances and protection of the rights of the accused; and

Whereas, the City of Eau Claire is home to a diverse population, including citizens of other nations, whose contributions to the community are vital to its charter and function; and

Whereas, the City Council of the City of Eau Claire, while a strong opponent of terrorism and a strong proponent for the safety and security of its citizens, believes that efforts to maintain and enhance public safety and security should not infringe on the essential civil rights and liberties of the people of Eau Claire; and

Whereas, the City of Eau Claire recognizes and honors all those who have served in the Armed Forces of the United States of America, and has with gratitude for their supreme sacrifice memorialized those in the Armed Forces who have died in battle to secure and protect these same cherished rights and liberties; and

Whereas, sections of the USA PATRIOT Act now threaten these fundamental rights and liberties; and

Whereas, many citizens of Eau Claire, surrounding communities, and other communities across the nation are concerned that the USA PATRIOT Act threatens the civil rights and liberties of citizens of the United States and other nations by

- so broadly defining “domestic terrorism” that any citizens who use direct action to further their political causes are vulnerable to prosecution as “domestic terrorists” (Sec. 802 of the USA PATRIOT Act);
- authorizing federal agents to conduct covert searches of a person’s home or office without notice of the execution of a search warrant until after the search has been completed, in some cases up to 90 days later (Sec. 213 of the USA PATRIOT Act);
- requiring the surrender of “any tangible things (including books, records, papers, documents and other items)” and without limits as to the parties from whom the seizure of the above-mentioned tangible things can be required (Sec. 215 of the USA PATRIOT Act);
- authorizing the government to install tracking devices on Internet Service Providers which are capable of intercepting all forms of Internet activity, e-mail messages, web page activity and Internet telephone communications whether the client is targeted in an investigation or not (Sec. 216 of the USA PATRIOT Act);
- allowing searches to take place without probable cause of criminal conduct (Sec 218 of the USA PATRIOT Act); and
- authorizing the United States Attorney General to detain indefinitely non-citizens on immigration violations and to arrest material witnesses not charged with any crime (Sec 412 of the USA PATRIOT Act).

Whereas, the City of Eau Claire recognizes that to date some 236 cities, towns, counties and states in the United States of America have passed resolutions, ordinances or ballot initiatives protecting the civil liberties of their residents;

Therefore, we the City Council of Eau Claire, Wisconsin, acting in the spirit of liberty, and to preserve those liberties guaranteed by the Constitutions of the United States of America and the State of Wisconsin, do hereby request that

1. Local, state, and federal law enforcement continue to preserve residents’ freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, detentions and racial profiling;
2. The Wisconsin Congressional delegation actively work for the repeal of those portions of the Act and its extensions, including “Patriot Act II” and national security letters, that violate the rights and liberties guaranteed by the United States Constitution; and

The City Clerk communicate this resolution to all City and County departments and employees, Wisconsin’s Congressional delegation, the Governor and Attorney General of the State of Wisconsin, and the President and Attorney General of the United States.

## **Madison, WI**

**Passed on October 15, 2002**

### **Resolution to Defend the Bill of Rights and Civil Liberties**

WHEREAS the City of Madison recognizes the Constitution of the United States of America to be the supreme law of the land, which all public servants are sworn to uphold, superseding all administrative rules, local ordinances, state statutes and federal laws;

WHEREAS the City of Madison has a long and proud tradition of upholding the free exercise and enjoyment of the inalienable rights granted to all persons by the Universal Declaration of Human Rights and the Constitution of the United States of America;

WHEREAS the City of Madison greatly benefits from the many contributions of its highly diverse population, which includes citizens from around the world, and is vital to our city’s unique character;

WHEREAS the City of Madison affirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of essential civil rights and liberties of the people of Madison, the United States and the World;

WHEREAS the provisions of the USA Patriot Act expands the authority of the federal government to detain and investigate citizens and non-citizens and engage in electronic surveillance of citizens and non-citizens and threatens civil rights and liberties guaranteed under the United States Constitution;

WHEREAS the City of Madison recognizes that such infringement of the constitutionally guaranteed rights of any person, under the color of law, is an abuse of power, a breach of the public trust, a misappropriation of public resources, a violation of civil rights and is beyond the scope of governmental authority;

IT IS THEREFORE RESOLVED that the City of Madison remains firmly committed to the protection of civil rights and civil liberties for all people. The City of Madison will completely avoid discrimination in every function of city government, and vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without any form of governmental interference.

IT IS FURTHER RESOLVED that the City of Madison joins communities across the nation in expressing concern that the USA Patriot Act threatens civil rights and liberties guaranteed under the United States Constitution.

IT IS FURTHER RESOLVED, and is the policy of the City of Madison, to forbid in the absence of probable cause of criminal activity:

- any initiation of, participation in, assistance or cooperation with any inquiry, investigation, surveillance or detention; and
- the recording, filing and sharing of any intelligence information concerning any person or organization, even if authorized by federal law enforcement, acting under new powers granted by the USA Patriot Act or Executive Orders. This includes collection and review of library lending and research records, as well as book and video store sales and/or rental records; and
- the retention of intelligence information. Information that is currently held shall be thoroughly and carefully reviewed by the City Attorney or other appropriate City official to be designated by the Mayor, for its legality and appropriateness, using the United States and Wisconsin Constitutions. Any information that was collected is permanently disposed of if there is no probable cause of criminal activity; and
- enforcement of immigration matters, which are entirely the responsibility of the Immigration and Naturalization Service. No city service will be denied on the basis of citizenship; and
- profiling based on race, ethnicity, citizenship, religion, or political values.

IT IS FURTHER RESOLVED that any state or federal law enforcement agencies working within the City of Madison comply with the policies and procedures of the Madison Police Department, and regularly report to the Mayor the extent and manner in which they have acted under the USA Patriot Act or new Executive Orders. This includes the names of any detainees held in the Madison area, or any Madison residents detained elsewhere. The Mayor will then publicly report to the Common Council.

IT IS FURTHER RESOLVED that the City Clerk communicate this resolution to all city departments, the Governor and Attorney General of the State of Wisconsin, the President and Attorney General of the United States of America and to call upon our congressional representatives to actively work to repeal the USA Patriot Act.

IT IS FINALLY RESOLVED THAT this Resolution shall be severable if any phrase, clause, sentence or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States of America or the State of Wisconsin. If the applicability thereof to any agency, person or circumstances is held invalid, the validity of the remainder of this Resolution and applicability thereof to any other agency, person or circumstances shall not be affected thereby.

## **Milwaukee, WI**

**Passed on March 2, 2004**

### **Resolution Affirming the Protection of Citizens' Civil Rights and Civil Liberties**

Whereas, The city of Milwaukee denounces terrorism and acknowledges that federal, state and local governments have a responsibility to protect the public from terrorist attacks and uphold: 1) freedom of speech, religion, assembly and privacy, 2) the right to counsel and due process in judicial proceedings, and 3) protection from unreasonable searches, seizures and detention; and

Whereas, The members of the Common Council believe that there is no inherent conflict between national security and the preservation of liberty--Americans can be both safe and free; and

Whereas, Federal, state and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion in order to ensure that security measures enhance the public safety without impairing constitutional rights or infringing on civil liberties; and

Whereas, The City of Milwaukee is grateful for the supreme sacrifice of military veterans and law enforcement officers who have died in protecting this country's cherished rights and liberties; and

Whereas, the U.S. Congress passed the USA PATRIOT Act on October 26, 2001 with little debate, following the attacks on the United States on September 11, 2001; and

Whereas, Sections of the USA Patriot Act and several Executive Orders, now threaten fundamental rights and liberties, which are guaranteed by the Constitution of the State of Wisconsin and the United States Constitution and its Bill of Rights; the sections of the Act which threaten these human rights and liberties include:

Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home.

Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents.

Section 218 which dilutes the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime.

Section 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records; and

Whereas, the City of Milwaukee has a commitment to uphold the human rights of all persons in Milwaukee and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of Wisconsin and the Charter of the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council expresses its support of protection of citizens' human rights and civil liberties and opposition to those provisions of the USA Patriot Act that threaten those rights and liberties; and, be it

Further Resolved, That the Common Council recognizes the crucial distinctions between:

- Legal and peaceful demonstrations and protests, which are protected by the U.S. and Wisconsin constitutions and laws.
- Acts of protest involving civil disobedience of minor law infractions such as disorderly conduct.
- Acts of terrorism, which would involve serious threats or violence, such as kidnapping or serious bodily injury to a civilian population; and, be it

Further Resolved, That the Common Council affirms its commitment to uphold civil rights and civil liberties and therefore expresses its opposition to: (a) investigation of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of religion, without reasonable suspicion of criminal activity, and (b) racial, religious or ethnic profiling; and, be it

Further Resolved, That the Common Council calls upon Wisconsin's federal legislators to monitor the implementation of the USA Patriot Act and related federal actions and to actively work for the repeal of those sections of the USA Patriot Act that unduly infringe upon fundamental rights and liberties as recognized in the U.S. Constitution; and, be it

Further Resolved, That the Common Council urges Wisconsin's federal legislators to support and co-sponsor the Security and Freedom Ensured Act of 2003 (SAFE Act) and urges Congressman F. James Sensenbrenner, chair of the House Judiciary Committee, to schedule hearings on the SAFE Act; and, be it

Further Resolved, that the City of Milwaukee opposes any unfounded federal mandates instructing local police to attempt to enforce the complex civil immigration laws of the U.S. to the detriment of their primary law enforcement duties, as articulated by the Boston Police Commissioner: "turning all police officers into immigration agents...will discourage immigrants from coming forward to report crimes and suspicious activity, making our streets less safe as a result"; and, be it

Further Resolved, That the City of Milwaukee remains committed to the protection of civil rights and civil liberties for all people and will uphold the constitutionally protected rights of all people to peacefully express their political views without governmental interference and that officers of the Milwaukee Police Department be trained consistent with the above principles; and, be it

Further Resolved, That the Common Council opposes requests by federal authorities that, if granted, would cause agencies of the City of Milwaukee to exercise powers or cooperate in the exercise of powers in violation of any city ordinance or the laws or Constitution of the State of the United States; and, be it

Further Resolved, That in order to assess the effect of antiterrorism initiatives on the residents of the City of Milwaukee, the Common Council calls upon federal officials to make periodic reports, consistent with the Freedom of Information Act; and, be it

Further Resolved, That the City of Milwaukee joins 43 million Americans, 250 communities in 37 states across the nation and the National League of Cities as of February 24, 2004 in expressing concern that existing elements of the USA Patriot Act threaten civil rights and liberties guaranteed under the U.S. Constitution.

# WYOMING

## **Fremont County, WY** **Passed on January 6, 2004**

### **Resolution 2004-02, USA PATRIOT Act**

WHEREAS, federal, State and local governments should protect the public from terrorist attacks such as those of September 11, 2001, but should do so in a rational and deliberate fashion to ensure that any new security measures enhance public safety without impairing Constitutionally protected rights and without infringing on civil liberties; and

WHEREAS, a broad coalition of Fremont County citizens of diverse political views believes the USA Patriot Act (Public Law 107-56) undermines our Constitutional rights; and

WHEREAS, the preservation of our Constitutionally-guaranteed civil rights and liberties is essential to our Republic; and

WHEREAS, the USA Patriot Act and related executive orders, regulations and actions threaten these rights and liberties.

WHEREAS, each Fremont County Commissioner has duly sworn their oath to uphold the United States Constitution and the Wyoming Constitution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Fremont County Commissioners, by advocating the well-reasoned reform of the USA Patriot Act, and failing such modification, advocate its repeal:

BE IT FURTHER RESOLVED that the Board of Fremont County Commissioners affirms its strong support for fundamental Constitutional rights and opposes federal measures which infringe on our civil liberties; and

BE IT FURTHER RESOLVED, a copy of this Resolution shall be sent to Senators Craig Thomas and Michael B. Enzi and Representative Barbara Cubin, accompanied by a letter urging them to:

Advocate the reform or repeal of all portions of the USA Patriot Act (PL 107-56) that usurp Constitutionally protected freedoms and other laws and regulations which infringe on Wyoming citizens' rights and liberties; and

Take a lead in Congressional action to prohibit passage of any laws that would, or might, infringe on any personal freedoms or rights as guaranteed by the U.S. Constitution or the Wyoming Constitution.

DATED this 6th day of January, 2004. BOARD OF FREMONT COUNTY COMMISSIONERS

## NATIONAL ORGANIZATIONS

### American Association of Law Libraries

Passed on April 3, 2004

#### Resolution on the USA PATRIOT Act and Related Measures That Infringe on the Rights of Library Users

WHEREAS, the American Association of Law Libraries holds that serving the legal information needs of law firms, corporations, academic and governmental institutions, and the general public is a noble calling and that only when individuals have ready access to legal information can they participate fully in the affairs of their government; and

WHEREAS, protecting the privacy of library users and confidentiality of library use promotes the free and open exchange of knowledge and ideas necessary for making the ideal of democracy a reality; and

WHEREAS, the American Association of Law Libraries upholds a duty to its clientele to develop service policies that respect confidentiality and privacy; and

WHEREAS, certain provisions of the USA PATRIOT Act, the revised Attorney General Guidelines to the Federal Bureau of Investigation, and other measures increase the likelihood that the activities of library users, including their use of computers to browse the Web or access email, may be under government surveillance without their knowledge or consent; and

WHEREAS, increased surveillance of these activities threatens civil rights and liberties guaranteed under the Constitution; now, therefore, be it

RESOLVED, that the American Association of Law Libraries strongly opposes those provisions of the USA PATRIOT Act and of any other current or future legislation, regulations, or guidelines that erode the privacy and confidentiality of library users; and, be it further

RESOLVED, that the American Association of Law Libraries opposes any legislation, regulations or guidelines that have the effect of suppressing the free and open exchange of ideas and information; and, be it further

RESOLVED, that the American Association of Law Libraries urges Congress to provide effective oversight of expanding surveillance on library users and urges Congress and the President to amend provisions of the USA Patriot Act and other legislation, regulations, and guidelines that threaten the rights of inquiry and free expression; and, be it further

RESOLVED, that the American Association of Law Libraries joins other library organizations in resolving to educate library users about threats to privacy and confidentiality and collaborates with others, as appropriate, to oppose these threats to civil liberties; and, be it further

RESOLVED, that the American Association of Law Libraries transmit a copy of this resolution to the President of the United States, to the Attorney General of the United States, to the Secretary of the Department of Homeland Security, to the Leadership of both Houses of Congress, to the library community, and to others as appropriate.

### American Library Association

Passed on January 29, 2003

#### Resolution on the USA Patriot Act and Related Measures That Infringe on the Rights of Library Users

WHEREAS, The American Library Association affirms the responsibility of the leaders of the United States to protect and preserve the freedoms that are the foundation of our democracy; and

WHEREAS, Libraries are a critical force for promoting the free flow and unimpeded distribution of knowledge and information for individuals, institutions, and communities; and

WHEREAS, The American Library Association holds that suppression of ideas undermines a democratic society; and

WHEREAS, Privacy is essential to the exercise of free speech, free thought, and free association; and, in a library, the subject of users' interests should not be examined or scrutinized by others; and

WHEREAS, Certain provisions of the USA PATRIOT Act, the revised Attorney General Guidelines to the Federal Bureau of Investigation, and other related measures expand the authority of the federal government to investigate citizens and non-citizens, to engage in surveillance, and to threaten civil rights and liberties guaranteed under the United States Constitution and Bill of Rights; and

WHEREAS, The USA PATRIOT Act and other recently enacted laws, regulations, and guidelines increase the likelihood that the activities of library users, including their use of computers to browse the Web or access e-mail, may be under government surveillance without their knowledge or consent; now, therefore, be it

RESOLVED, That the American Library Association opposes any use of governmental power to suppress the free and open exchange of knowledge and information or to intimidate individuals exercising free inquiry; and, be it further

RESOLVED, That the American Library Association encourages all librarians, library administrators, library governing bodies, and library advocates to educate their users, staff, and communities about the process for compliance with the USA PATRIOT Act and other related measures and about the dangers to individual privacy and the confidentiality of library records resulting from those measures; and, be it further

RESOLVED, That the American Library Association urges librarians everywhere to defend and support user privacy and free and open access to knowledge and information; and, be it further

RESOLVED, That the American Library Association will work with other organizations, as appropriate, to protect the rights of inquiry and free expression; and, be it further

RESOLVED, That the American Library Association will take actions as appropriate to obtain and publicize information about the surveillance of libraries and library users by law enforcement agencies and to assess the impact on library users and their communities; and, be it further

RESOLVED, That the American Library Association urges all libraries to adopt and implement patron privacy and record retention policies that affirm that “the collection of personally identifiable information should only be a matter of routine or policy when necessary for the fulfillment of the mission of the library” (ALA Privacy: An Interpretation of the Library Bill of Rights); and, be it further

RESOLVED, That the American Library Association considers sections of the USA PATRIOT Act are a present danger to the constitutional rights and privacy rights of library users and urges the United States Congress to:

- provide active oversight of the implementation of the USA PATRIOT Act and other related measures, and the revised Attorney General Guidelines to the Federal Bureau of Investigation;
- hold hearings to determine the extent of the surveillance on library users and their communities; and
- amend or change the sections of these laws and the guidelines that threaten or abridge the rights of inquiry and free expression; and, be it further

RESOLVED, That this resolution be forwarded to the President of the United States, to the Attorney General of the United States, to Members of both Houses of Congress, to the library community, and to others as appropriate.

## **Middle East Studies Association of North America**

### **Passed on November 25, 2002**

#### **Regarding Academic Freedom in a Time of Crisis from The Board of Directors of the Middle East Studies Association of North America November 25, 2002**

Recognizing that this is a time of extraordinary tension in the Middle East and the Muslim world, and that public debate in North America about the policies of the US government and of other governments has grown passionate and contentious, the Board of Directors of the Middle East Studies Association of North America calls upon the leaders of North American colleges and universities to be especially resolute in fulfilling their responsibility to uphold academic freedom on their campuses.

As the representatives of the academic organization whose members are most intimately associated with the issues that stir these passions, and as scholars and advocates ourselves, we are acutely aware of the necessity of maintaining the university as an arena in which unfettered debate takes place.

We believe that critical analysis and argument should infuse university life. We believe that individuals should be accorded equal access to that arena for debate without regard to their personal status, country of origin, religious persuasion or policy preference. Education and analysis require discriminating, thoughtful and provocative debate; competent citizenship demands that we be prepared to reflect on and refine our arguments and our beliefs.

Therefore, to nurture this capacity among our students and colleagues and thereby create more capable citizens,

BE IT RESOLVED that the Board of Directors of the Middle East Studies Association of North America calls upon the leaders of North American colleges and universities to steadfastly defend academic freedom and to champion freedom of expression—even when the ideas and opinions expressed are unorthodox or unpopular.

## **National Federation of Press Women**

### **Passed in September 2003**

#### **Resolution on Privacy of Journalists, Libraries and Researchers**

Whereas, Section 215 of the USA PATRIOT Act amended the Foreign Intelligence Surveillance Act (FISA) to allow the FBI to seek a secret court order requiring the production of “any tangible thing,” which the law says includes books, records, papers, documents and other items, from anyone—including journalists, researchers and libraries—for investigations involving foreign intelligence or international terrorism, and

Whereas, the person or business receiving the order is forbidden from telling anyone that the FBI sought or obtained the “tangible things,” and

Whereas, even appealing such an order is nearly impossible since the FISA court is a secret court, and

Whereas, the Department of Justice has confirmed that in its view, the Patriot Act would permit invasion of journalists’ confidentiality, as well as that of libraries, library records, researchers’ notes and other materials generally deemed protected by state statutes and constitutional privileges;

NOW THEREFORE BE IT RESOLVED THAT the National Federation of Press Women calls upon Attorney General John Ashcroft to restore Justice Department procedures permitting invasion of such confidentiality only upon order of the attorney general or the deputy attorney general and that such orders should not be given unless the Justice Department possesses evidence that such an invasion is necessary to avoid an imminent threat to national security.

## **National League of Cities**

**Passed on December 13, 2003**

### **Resolution Affirming the Principles of Federalism and Civil Liberties**

WHEREAS, the National League of Cities believes there is no inherent conflict between national security and the preservation of liberty, and affirms its strong support of the rights of Americans to be both safe and free;

WHEREAS, the National League of Cities recognizes the Constitution of the United States as our nation’s charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including the freedoms of speech, religion, assembly, privacy;

WHEREAS, the National League of Cities has a distinguished record of upholding the Constitution, and the Bill of Rights, and safeguarding the freedoms and rights of American residents;

WHEREAS, on September 11, 2001, terrorists from abroad attacked the United States by commandeering four commercial airliners, and destroyed the World Trade Center in New York, significantly damaged the Pentagon, and caused a jetliner crash resulting in significant civilian casualties;

WHEREAS, the terrorist attack was an attack on a nation that is home to a diverse population and plunged the nation into deep concern regarding its national security and vulnerability to future attacks;

WHEREAS, the National League of Cities condemns all terrorist acts wherever occurring;

WHEREAS, the National League of Cities believes that efforts to prevent and respond to acts of terrorism require extensive coordination, cooperation, and accountability among the federal, state, and local level;

WHEREAS, the National League of Cities recognizes that protecting our citizens against future terrorist attacks requires the federal government to aggressively pursue potential terrorists but these efforts to combat terrorism should not disproportionately infringe on the essential civil rights and liberties of the people of the United States;

WHEREAS, the prevention of future terrorists attacks is a critical national priority, but it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles;

WHEREAS, in response to the terrorist attacks, on October 26, 2001, the United States Congress passed, and President Bush signed into law, the USA PATRIOT Act, an acronym for “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism,” by a Senate vote of 98-1 and House of Representative vote of 357-66;

WHEREAS, the National League of Cities believes that a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen’s home;

Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;

Section 218 which amends the “probable cause” requirement before conducting secret searches or surveillance to obtain evidence of a crime;

Sections 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;



Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as “terrorist organizations” and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed; and

Sections 507 and 508 which impose an unfunded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

WHEREAS, municipal governments budgets across the nation are strained and these added duties constitute unfunded mandates on cities police Departments, libraries, universities, etc. that cities cannot financially absorb;

WHEREAS, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, and which would severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, in response to the threats against civil liberties embodied in certain provisions of the PATRIOT ACT, legislation has been introduced in the House and Senate that would roll back certain provisions of the PATRIOT ACT.

THEREFORE BE IT RESOLVED, that the National League of Cities supports the United States’ campaign against terrorism, but the National League of Cities affirms its commitment to the United States Constitution and respective state constitutions;

BE IT FURTHER RESOLVED, that the National League of Cities urges the President, and executive branch members to review, revise and rescind executive orders and policies adopted since the terrorist attacks, that limit or compromise the liberties guaranteed by the Constitution and the Bill of Rights;

BE IT FURTHER RESOLVED, that the National League of Cities strongly urges the United States Congress to amend the PATRIOT ACT in order to restore and protect our nation’s fundamental and inalienable rights and liberties;

BE IT FURTHER RESOLVED, that the National League of Cities supports the “Freedom to Read Protection Act of 2003” that would reinstate legal standards for libraries and bookstores and the Protecting the Rights of Individuals Act which would require a court order before conducting electronic surveillance;

BE IT FURTHER RESOLVED, the National League of Cities supports the sunset of key provisions of the PATRIOT Act and increased Congressional oversight over the role of the agencies responsible for enforcing the law;

BE IT FURTHER RESOLVED, the National League of Cities calls on Congress, the Department of Homeland Security, and other related agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of Americans; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the President of the United States, the Attorney General of the United States, and to each member of Congress.

## **Veterans for Peace**

**Passed on August 9, 2003**

### **Defense of Liberty, adopted at 18<sup>th</sup> VFP National Convention meeting in San Francisco on August 9, 2003**

In consideration of Ben Franklin’s statement that those who would sacrifice liberty for security deserve neither;

And honoring the oath we took upon entering military service to support and defend the constitution of the United States;

Be it resolved that Veterans For Peace Members will engage in efforts to educate the public on the urgent need to:

1. Repeal the Patriot Act.
2. Prevent passage of Patriot Act II, or any similar such legislation.
3. Guarantee preservation of the Bill Of Rights in its original form.
4. Stop government and/or corporate assaults on individual freedom under the guise of national security.

## STATE ORGANIZATIONS

For full text of these resolutions visit [www.bordc.org/involved/orgs/](http://www.bordc.org/involved/orgs/).

### **League of Women Voters of California**

Passed on May 18, 2003  
Resolution on Civil Liberties

### **League of Women Voters of Maryland**

Passed on June 1, 2003  
Civil Liberties Resolution

### **League of Women Voters of Ohio**

Passed on May 18, 2003  
Resolution Regarding USA PATRIOT Act

### **Librarians Association of the University of California**

Passed on May 30, 2003  
Resolution on the USA PATRIOT Act, the Homeland Security Act, and Related Measures that Infringe on the Rights of Library Users

### **Minnesota State Bar Association**

Passed on June 17, 2005  
Resolution Addressing the Need to Defend Civil Liberties

### **New Jersey State League of Municipalities**

Passed on November 16, 2004  
Resolution Affirming the Principles of Federalism And Civil Liberties

### **North Carolina Academy of Trial Lawyers**

Passed in January 2004  
A Resolution Opposing the USA PATRIOT Act and Calling for the Protection of Civil Liberties

## LOCAL ORGANIZATIONS

For full text of these resolutions visit [www.bordc.org/involved/orgs/](http://www.bordc.org/involved/orgs/).

### **San Jose/Silicon Valley Branch of the National Association for the Advancement of Colored People (NAACP)**

Passed on April 24, 2003  
Patriot Act Resolution

### **Port of Port Orford, Curry County, Oregon**

Passed on October 21, 2003  
Civil Liberties Resolution

# RELIGIOUS ORGANIZATIONS

## The Unitarian Universalist Association of North America Passed in Summer 2004

### Statement of Conscience

#### PREAMBLE:

Liberty is at the core of our Unitarian Universalist faith. Civil liberties are at the heart of our American experiment in democracy. Those civil liberties guaranteed by the Bill of Rights, Amendments I through X to the Constitution of the United States of America, are as fundamental to our practice of democracy as freedom of conscience is to our actions of faith.

Civil liberties carry a history of conflict and struggle between rights for all and privilege for some, between individual liberty and general security, between personal need and the common good, between the aspiration to reason and tolerance and the inclination to scapegoat and punish. Our democracy has the ability to balance these competing claims. Democratic process is at the heart of Unitarian Universalism. Our Unitarian Universalist Principles are grounded in freedom, reason, and tolerance. Ours is a tradition that has sought to uphold the sanctity of the individual voice. We have affirmed that human beings need not adhere to the same beliefs or draw upon the same sources of meaning to discern the common good.

#### BACKGROUND:

As Unitarian Universalists, we look to American history, the history of our faith movement, and our shared Principles and Purposes to help us determine the appropriate balance between freedom and security. Prophetic people of all faiths have been instrumental in defending liberty throughout history. We stand on the shoulders of those who have fought to uphold civil liberties. Civil liberties are also essential to the free expression and practice of our faith tradition and to the diversity of faith traditions in America. They are further essential to our ability as citizens to fully engage the political process and hold our leaders accountable.

Unitarian Universalists are gravely concerned with the current erosion of American civil liberties. Our criminal justice system has seen increases in police brutality, harsher sentencing, racial profiling, and a call by our leaders for quicker resort to the death penalty. The “War on Drugs” has given the United States the dubious distinction of having the highest incarceration rate among economically advanced nations. Federal funding for faith-based initiatives has threatened religious liberty by compromising the independence and equality of different religious groups.

The attacks of September 11, 2001, created a climate of fear that has escalated these threats to our liberties and made possible an ill-defined “War on Terrorism.” The message from our government is that the United States cannot be both safe and free. Building on a pre-September 11 current of diminished civil liberties, the USA PATRIOT Act was signed into law on October 26, 2001. This Act permits the unlimited detention and deportation of foreign nationals on the basis of suspicion and without due process of law. It redefines the scope of terrorism law to include domestic associations, rendering citizen organizations, including communities of faith, subject to secret surveillance and investigation. It allows the FBI to investigate American citizens without probable cause if the agents consider it for “intelligence purposes.” It permits law enforcement agencies to conduct secret searches, including phone and Internet surveillance, and grants access to medical, banking, employment, library, and other personal records with fewer considerations of due process.

Dissent has been branded as unpatriotic and tantamount to aiding and abetting terrorism. Emboldened by the passage of the USA PATRIOT Act, the administration of President George W. Bush has interrogated thousands of Arab and South Asian immigrants, incarcerated hundreds in the United States on minor immigration charges or material witness claims, and detained over 1,200 foreign nationals in Guantanamo Bay, Cuba, without due process or compliance with the Geneva Convention. Military tribunals have been empowered to convict suspected terrorists on the basis of hearsay and secret evidence and without independent judicial review. Individuals have been denied the ability to travel by airplane because they are on a government no-fly list. All this has happened in an oppressive political climate in which Unitarian Universalists and others have too frequently failed to raise voices of reason and forbearance. This failure is evidenced by the hundreds of people who have been arrested and subjected to excessive force and the denial of due process for exercising their constitutionally protected freedoms through lawful protests, rallies, vigils, and signage. Because so many of our global neighbors look to the United States as a model of democracy, the erosion of American civil liberties gives permission to governments elsewhere to similarly erode civil liberties.

Freedom sacrificed for safety is no longer freedom. Americans discovered this in the aftermath of the Alien and Sedition Acts of 1798, the infamous Palmer raids of 1920, the internment of 120,000 Japanese Americans following the bombing of Pearl Harbor, and the McCarthy hearings of the 1950s. We are discovering it today.

#### CALL TO ACTION:

As people of faith, and as Americans, we are called to action. We are called to reclaim our heritage as Unitarian Universalists and become vigilant stewards of our democracy. We are called as individuals, as congregations, and as an association of congregations to let our leaders know that some current policies are unacceptable. Therefore:

We hold public officials accountable and insist that they refrain from supporting policies and legislation that further limit civil liberties.

We demand that Attorney General John Ashcroft be held fully accountable for his advocacy of policies that have eroded civil liberties, including the refusal to provide constitutionally guaranteed legal representation to detained individuals, American citizens and non-citizens alike.

We urge Congressional oversight committees publicly to monitor federal law enforcement and intelligence agencies, including the Foreign Intelligence Surveillance Court, to ensure that the excesses of the past do not become the norms of the future.

We demand repeal of the USA PATRIOT Act and call upon local officials to adopt resolutions urging its repeal and declaring their intention not to enforce its onerous provisions.

We oppose the proposed Domestic Security Enhancement Act (PATRIOT II), whether proposed as a separate legislative act or as parts of other legislation.

We oppose implementation of the “total information awareness” data-mining program of the Department of Defense; efforts to revive the Terrorism Information and Prevention System (“TIPS”) program of the Department of Justice, which sought to recruit Americans to spy on other Americans; and profiling based on nationality, ethnicity, or religion.

We oppose nominees to the federal appeals courts or the Supreme Court whose records demonstrate insensitivity to the protection of civil liberties.

We affirm the right of foreign nationals to due process and the presumption of innocence, and we oppose unwarranted tracking and reporting requirements that abridge those rights.

We appeal to public officials and the media to support constitutional protections enshrined in the Bill of Rights. We encourage adult education classes focused on the guarantees of the Bill of Rights and urge public and private schools to include this focus in their regular curricula.

We support the civil liberties activity of such organizations as the American Civil Liberties Union, Americans United for Separation of Church and State, Amnesty International USA, Bill of Rights Defense Committee, Center for Public Integrity, The Electronic Frontier Foundation, Human Rights First, The Interfaith Alliance, People for the American Way, the Unitarian Universalist Service Committee, and the Unitarian Universalist United Nations Office.

#### CONCLUSION:

Nearly every generation faces grave challenges to the liberties for which so many men and women have fought—the liberties for which many of our ancestors placed themselves in peril so that future generations could live in freedom. Balancing freedom and security is our challenge. Let us heed the words of Benjamin Franklin engraved on the base of the Statue of Liberty, “They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.”

The ultimate test of democracy is the will to protect the rights of whomever we deem “the other.” It is what matters most in a nation struggling to realize the promise of liberty and justice for all. It is a matter of conscience and faith.

### Regional, State and Local Religious Organizations

For full text of these resolutions visit <http://www.bordc.org/involved/religious/relig-list.php/>.

#### Atlanta Meeting of the Religious Society of Friends

Passed on May 18, 2003

#### Bridge City Preparative Meeting of the Religious Society of Friends

Passed on October 12, 2003

#### Canadian Yearly Meeting of the Religious Society of Friends

Passed on August 9, 2003

#### Chapel Hill Meeting of the Religious Society of Friends

Passed on December 14, 2004

**Farmington (NY) Monthly Meeting of the Religious Society of Friends**

Passed on March 17, 2005

**Grand Rapids Meeting of the Religious Society of Friends**

Passed on December 7, 2003

**Morningside Monthly Meeting of the Religious Society of Friends**

Passed on February 1, 2004

**Missoula Meeting of the Religious Society of Friends**

Passed on February 1, 2004

**New England Yearly Meeting of the Religious Society of Friends**

Passed on August 6, 2003

**Northampton Meeting of the Religious Society of Friends**

Passed on August 10, 2003

**Patapsco Meeting of the Religious Society of Friends**

Passed on November 2, 2003

**Philadelphia Yearly Meeting of the Religious Society of Friends**

Passed on December 13, 2003

**Pondtown Monthly Meeting of the Religious Society of Friends**

Passed on July 20, 2003

**Religious Society of Friends Meeting of Washington**

Passed on June 13, 2004

**The California-Nevada Annual Conference of the United Methodist Church**

Passed on June 21, 2003

**The First Unitarian Church of San Jose**

Passed on July 31, 2003

**The Unitarian Universalist Meeting of South Berkshire, Massachusetts**

Passed on May 16, 2004The Unitarian Society of Amherst, Massachusetts

Passed on February 3, 2002

**The Unitarian Society of Northampton and Florence, Massachusetts**

Passed on October 26, 2003

## **COLLEGE AND UNIVERSITY CAMPUSES**

For full text of these resolutions visit <http://www.bordc.org/involved/student/campus-resolutions.php>.

### **Alaska**

#### **University of Alaska, Fairbanks**

Associated Students passed on April 14, 2003

#### **University of Arizona, Tucson**

Faculty Senate passed in 2005

### **California**

#### **California State University**

Academic Senate passed on November 13-14, 2003

#### **Stanford University (Palo Alto, CA)**

Associated Students Passed on January 27, 2003

Faculty Senate Passed on January 9, 2002

#### **University of California, Berkeley**

Academic Senate Passed on May 6, 2004

Associated Students Passed in Spring 2003

#### **University of California, Santa Barbara**

Associated Students passed on May 21, 2003

#### **University of California, Santa Cruz**

Academic Senate passed on May 21, 2004

### **Illinois**

#### **Illinois State University**

Academic Senate passed on November 10, 2004

#### **University of Illinois, Springfield**

Student Government passed on November 16, 2003

### **Iowa**

#### **Iowa State University**

Student Senate passed on February 11, 2004

## **Kentucky**

### **University of Kentucky**

Student Government passed on February 26, 2004

## **Massachusetts**

### **Mount Holyoke College (South Hadley, MA)**

Student Government Association passed on February 15, 2005

### **Suffolk University (Boston, MA)**

Student Government Association passed on November 6, 2003

### **Tufts University (Medford, MA)**

Tufts Community Union Senate passed on March 28, 2005

### **Wheaton College (Norton, MA)**

Student Government Senate passed on November 19, 2003

## **Missouri**

### **Southwest Missouri State**

Student Government passed on October 7, 2003

## **Nebraska**

### **University of Nebraska, Lincoln**

Student Senate passed on January 14, 2004

## **New York**

### **Hartwick College (Oneonta, NY)**

Student Senate passed on April 13, 2004

### **State University of New York Albany**

University Senate passed on May 3, 2004

### **State University of New York Fredonia**

University Senate passed on April 5, 2004

## **North Carolina**

### **Appalachian State University (Boone, NC)**

Faculty Senate passed on December 8, 2003

Student Government passed on November 18, 2003

## Ohio

### **Miami University (Oxford, OH)**

Associated Students passed on November 30, 2004

## Oregon

### **Southern Oregon University**

Students passed on January 20, 2004

### **University of Oregon**

University Senate passed on April 14, 2004

## Pennsylvania

### **Juniata College (Huntingdon, PA)**

Passed on November 5, 2003

### **Lehigh University (Bentleheim, PA)**

Faculty Senate passed on May 3, 2004

### **Muhlenberg College**

Faculty passed on January 23, 2004

### **University of Pennsylvania**

Faculty Senate passed on April 2, 2003

Graduate and Professional Students passed on April 23, 2003

University Council passed on April 23, 2003

### **West Chester University, Pennsylvania**

Faculty Senate passed on April 9, 2004

## Rhode Island

### **Brown University**

Undergraduate Council of Students passed on March 17, 2005

### **University of Rhode Island**

Passed on October 30, 2003

## Texas

### **Lamar University (Beaumont, TX)**

Student Government passed on March 2, 2004



## **University of Texas, Austin**

Student Government passed

## **Utah**

### **University of Utah**

Academic Senate passed on August 30, 2004

## **Virginia**

### **George Mason University**

Faculty Senate passed on April 13, 2005

### **Virginia Polytechnic Institute and State University**

Faculty Senate passed on February 17, 2004

Student Government passed on April 27, 2004

## **Washington**

### **University of Puget Sound**

Associated Students passed on February 10, 2005

### **University of Washington**

Associated Students passed

### **Washington State University**

Associated Students passed

### **Western Washington University**

Faculty Senate passed on February 23, 2004

Associated Students passed on October 14, 2003

### **Whitman College (Walla Walla, WA)**

Associated Students passed on October 26, 2003

## **Wisconsin**

### **University of Wisconsin**

United Council of Students passed

### **University of Wisconsin, Stevens Point**

Student Government passed on February 17, 2005

## LABOR UNIONS

### International Longshore and Warehouse Union

Passed on May 1, 2003

#### OPPOSITION TO THE U.S. OCCUPATION OF IRAQ

WHEREAS: The ostensible purpose of the U.S. military invasion of Iraq was to eliminate weapons of mass destruction, facilitate “regime change” by ending Saddam Hussein’s brutal dictatorship and “liberate” the Iraqi people; and

WHEREAS: The real purpose that war was waged by Bush was for control of Iraq’s nationalized oil fields and to impose its influence in the Middle East; and

WHEREAS: To realize those aims the U.S. is occupying Iraq and imposing its own military dictatorship while the Iraqi people have been angrily demonstrating in the streets demanding U.S. military withdrawal; and

WHEREAS: This war cost \$75 billion dollars while the U.S. economy is in shambles, leaving people jobless, homeless, without universal health care, and public school systems in major cities like Oakland bankrupt; and

WHEREAS: Over a billion dollars is being cut from veterans’ benefits as many who fought in the 1991 Gulf War are still suffering from debilitating diseases while hundreds of millions of dollars in contracts are being given to U.S. companies closely connected to the Bush Administration like Stevedoring Services of America to run the port of Umm Qasr and the San Francisco-based Bechtel Corporation to rebuild the infrastructure destroyed by U.S. bombs in Iraq; and

WHEREAS: The war in Iraq is over and Bush is now making threats in that region against Syria and Iran, not to mention North Korea, China and Cuba; THEREFORE BE IT

RESOLVED: That we demand that the U.S. military immediately withdraw from Iraq and the Middle East and recognize the right of the Arab peoples to self-determination free of foreign interference.

#### OPPOSE THE U.S WAR AGAINST IRAQ

WHEREAS: Working people in the U.S. will pay for the war on Iraq by cuts on health, education, workers’ safety and social services;

WHEREAS: The war in Iraq is being used to escalate attacks on the working class, workers’ democratic rights, and our civil liberties, through the use of the Homeland Security Act, Patriot Act, and Port Maritime Security Act; and

WHEREAS: Workers throughout the world, and in every trade union, must stand together to oppose this war; and

WHEREAS: United labor action internationally has the power to stop the war against Iraq; and

WHEREAS: The ILWU had opposed the Vietnam War and the first U.S. invasion against Iraq in 1991; THEREFORE BE IT

RESOLVED: That the International Longshore and Warehouse Union opposes the war against

Iraq and stands in defense of labor and people’s democratic rights throughout the world.

#### GENERAL STRIKES AND TAFT-HARTLEY

WHEREAS: This Union was born of a general strike; and

WHEREAS: The current national and international political environment restrains the rights of workers to such a degree that they are unable to rise above the oppression; and

WHEREAS: The achievement of the Longshore hiring hall, the elimination of the shapeup, and the current right for all members to attend every Longshore Local Union General Membership meeting followed the San Francisco general strike of 1934; and

WHEREAS: Since the inception of Taft-Hartley, workers have been unfairly and unjustly fettered in their ability to organize, to strike in sympathy with other workers, to engage in secondary boycotts and pickets and engage in large scale acts of solidarity; THEREFORE BE IT

RESOLVED: That the ILWU will publicize and champion the goal of regaining the right of workers to engage in a General Strike, in plain and proud view of all workers for further consideration; and BE IT FINALLY

RESOLVED: That the ILWU will work with other Unions and coalitions towards repealing the Taft-Hartley Act.

#### STOP ALLOWING THE THREAT OF WAR TO ATTACK OUR CIVIL LIBERTIES AND WORKERS’ RIGHTS AT HOME

WHEREAS: The Bush Administration has carefully crafted a strategy of distracting Americans from its anti-civil liberties, anti-labor and anti-worker agenda at home by an endless war on terrorism; and

WHEREAS: Wars have been waged in Afghanistan, Iraq, with Syria and Iran possibly being next; and

WHEREAS: The Bush Administration has used the issue of patriotism to silence the dissent of working people who oppose the wars and who speak out against the growing infringement on our civil liberties, civil rights and workers' rights; and

WHEREAS: The anti-labor agenda of the Bush Administration using the cover of the economy and national security intervened into our contract negotiations; and

WHEREAS: Taft-Hartley was invoked against us subsequent to the lock-out by the Pacific Maritime Association (PMA) during an impending war against Iraq; THEREFORE BE IT

RESOLVED: That in the tradition of the ILWU's progressive history, we take an active role in building labor and community coalitions to organize to protect our workers' rights and civil liberties here at home.

## **United Electrical (UE)**

**Passed in August 2007**

### **Defend Our Civil Liberties**

With the so-called Patriot Act as their centerpiece, new laws passed by both Democrats and Republicans in Congress, along with a host of proclamations from President Bush and the U.S. Attorneys General, have greatly expanded the ability of government agencies to spy on and disrupt organizations in the U.S. Even where laws exist to restrain government excesses, the Bush Administration has ignored them, illegally wiretapping a wide range of individuals without first showing cause to a judge.

American history is full of examples showing that when the government is given this power, it can and will use it against ordinary Americans, particularly those who speak out against government policies, and especially those who represent a credible power base, such as the labor movement. During the 1940s and 1950s McCarthy period, the combined forces of the federal government, business, and their business-union co-conspirators nearly destroyed the UE and progressive trade unionism.

The core challenge to civil liberties lies in allowing law enforcement agencies to spy on and infiltrate organizations without any indication that a crime has been committed or is being planned. This has resulted in a massive increase in the number of Americans under government and corporate scrutiny, yet it will not protect us from events like 9/11. The problem was not a lack of information but rather the failure to analyze and act upon existing information. The government gathering so much information on non-terrorist political opponents means there are fewer resources to combat real crime, including terrorism.

Bosses try to instill fear in workers during union organizing campaigns – that is the kind of fear that the Bush administration has tried to spread across society as a whole. Fewer people will attend anti-globalization rallies if they know they are under government surveillance. A union member will think twice about voicing their outrage on a picket line if they know they could be accused on trumped-up terrorism charges. Fewer people will attend organizing meetings if they suspect that someone in the room could be a police agent.

There are numerous examples of violations of our civil liberties under this new regime. President Bush stripped 70,000 federal workers of their right to a union under the guise of homeland security. A group of twenty peace activists from Milwaukee was prevented from attending a Washington rally protesting U.S. policy in Colombia when their names mysteriously showed up on a secret “no-fly” list. At least two U.S. citizens were held for years as “enemy combatants” without bail and with no charges pending. Thousands of non-citizens were also held for many months or years, sometimes in undisclosed locations, with no charges nor access to lawyers, and even their names were kept secret. Police in several cities have infiltrated peaceful protest groups and in some cases arrested hundreds of people in advance of demonstrations to prevent them from exercising their civil rights.

Many Americans have resisted these attacks. Over 400 local governments and several states have passed resolutions supporting the Bill of Rights and objecting to parts of the Patriot Act and other post-9/11 laws, executive orders, and policy changes. Some cities have passed ordinances directing police to facilitate, not impede, peaceful demonstrations. The new Democratic Congress has not only failed miserably to overturn these bad laws, but has instead helped expand the Bush attack on our civil liberties. For example, when Bush approached Congress asking for carte blanche to continue warrantless wiretapping for 90 days, bipartisan majorities gleefully rolled over. An increasing number of federal court rulings have thrown out some of the worst government practices. Much more work is clearly needed.

A growing number of Americans also question the use of the death penalty. Why should working people who regularly express deep distrust of our government officialdom trust these same forces with the power to inflict the ultimate penalty of death? The question is especially crucial when a rising tide of evidence is demonstrating the corrupt nature of our justice system, a system clearly stacked against those without money. Revelations that many death row prisoners are actually innocent confirm that our justice system is fundamentally flawed. The question of capital punishment is historically of great concern to union members. On numerous occasions our government has framed and executed labor leaders. Among the more famous are the Haymarket martyrs, the IWW leader Joe Hill, immigrant labor activists Sacco and Vanzetti, and the coal miners known as the Molly Maguires. Spared the death penalty only after massive campaigns to save them were Tom Mooney, who spoke to an early UE convention, and the legendary Big Bill Haywood.

Attacks on civil liberties are not minor infringements on the rights of a few extremists. Today they affect a vast cross-section of Americans. The chilling effect of denials of our democratic freedoms curtails political debate within the U.S., limits the ability of all citizens to make democratic choices for the future of our country, and thereby undermines our livelihoods and living standards.

## THEREFORE, BE IT RESOLVED THAT THIS 70th UE CONVENTION:

1. Opposes any change in the federal criminal code that would undermine our basic rights to organize, strike, protest, demonstrate and otherwise defend the interests of working people, specifically including changes designed to make picket line activity subject to federal prosecution;
2. Urges all UE locals to actively defend the right to protest against government and corporate policies which hurt working people by working with and supporting organizations such as the Bill of Rights Defense Committee (BRDC), and the Defending Dissent Foundation (DDF - formerly the National Committee Against Repressive Legislation), and the National Lawyers Guild (NLG);
3. Calls on UE public-sector locals to investigate and aggressively challenge any restrictions on their members' civil liberties written into state law or municipal ordinances;
4. Demands that Congress outlaw political spying and disruption by the FBI and other federal agencies and repeal regressive parts of the Patriot Act and other executive orders and policy changes which expand investigative authority without justifying the need first, remove significant court checks and balances, increase government secrecy, allow secret evidence, and dissolve the Foreign Intelligence Act's separation of intelligence and criminal investigations;
5. Supports local initiatives to refuse compliance with the Patriot Act and encourages local governments to pass laws based on the First Amendments Rights and Police Standards Act of 2004 enacted in Washington, DC, which recognizes demonstrations as critical to free speech and vital to democracy, and thus emphasizes negotiation and communication and prohibits preemptive arrests;
6. Demands that the U.S. Justice Department rescind recent policies that allow for closed hearings, secret evidence, refusal to name those detained, elimination of attorney-client privilege, and long detentions without bond without any specific articulated reason, or that otherwise send a message that First Amendment-protected free speech and association activity is fair game for surveillance;
7. Calls for legislation to prohibit random or blanket drug testing in the work place as well as legislation to ban telephone and internet monitoring of employees and to further restrict the use of lie detectors in employment;
8. Supports legislation to abolish preventive detention and re-establish the right to bail and the concept of "innocent until proven guilty;"
9. Supports legislation to strengthen the Freedom of Information Act and opposes efforts to intimidate or bar the press and other news media from reporting on government activities;
10. Supports repeal of McCarthy-era "speech crimes" laws, including the Smith Act and the Subversive Activities Control Act and opposes exclusion of foreigners based on political beliefs or memberships;
11. Supports the abolition of the death penalty and supports the bill introduced by Senator Russ Feingold (D-WI) to abolish the death penalty at the federal level;
12. Calls on Congress to immediately restore the collective-bargaining rights of Homeland Security workers.

**Regional, State and Local Unions**

For full text of these resolutions visit <http://www.bordc.org/involved/unions/>.

**California Labor Federation AFL-CIO**

Passed in July 2004

**Los Angeles County Federation of Labor, AFL-CIO**

Passed on January 27, 2003

**Minnesota AFL-CIO**

Passed in August 2003

**San Francisco Labor Council**

Passed on June 14, 2004

**Washington State Labor Council**

Passed on August 28, 2002