

Rodriguez, Jane

From: Paul Little [plittle4pasadena@earthlink.net]
Sent: Thursday, July 15, 2004 7:51 AM
To: jrodriguez@cityofpasadena.net
Cc: bbogaard@cityofpasadena.net
Subject: Patriot Act resolution



PatriotActPasadena
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Hi Jane,

Can you include this draft resolution in the Council packet as part of the Patriot Act item?

Thanks,

Paul

RESOLUTION TO PROTECT CIVIL LIBERTIES

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 City of Pasadena recognizes that there is no inherent conflict between national security and the preservation of liberty; 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:

- (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 peek* 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) Potentially chilling constitutionally protected speech through possibly overbroad definitions of terrorism;
- (F) Permitting the FBI 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.

IT IS THEREFORE RESOLVED that the City of Pasadena joins communities across the nation in expressing deep concern regarding 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:

- (A) 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;
- (B) Opposes any legislative or administrative action that would strengthen government's ability to violate individual privacy and civil rights;
- (C) Specifically opposes Section 215 of the USA PATRIOT 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.
- (D) Seeks adequate written assurances from federal authorities that residents of the City of Pasadena and individuals in the custody of the City of Pasadena who are placed in federal custody will not be subjected to military detention; secret detention; secret immigration proceedings; or detention without access to counsel,
- (E) Opposes any initiative, such as the proposed Terrorism Information and Prevention System (TIPS) that encourages members of the general public or public employees not normally associated with law enforcement to spy on their neighbors, colleagues or customers.

IT IS FURTHER RESOLVED, that the Pasadena City Council directs the Police Department of the City of Pasadena to:

(A) Maintain its existing policy of refraining from enforcing immigration matters, which are the responsibility of the Department of Homeland Security and maintain the existing policy of notifying the appropriate federal officials when the Police Chief or a Commander have determined that there is a reasonable suspicion that an illegal resident has been involved in criminal activity related to national security ;

(B) Continue to 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 reasonable suspicion of potential criminal activity; and

(C) Continue to 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

(D) Continue its policy of refraining from racial profiling. The Police Department has an exemplary policy of not using race, religion, ethnicity, or national origin as a factor in selecting which individuals to subject to investigative activities or to scrutinize identification documents except when seeking to apprehend a specific suspect whose race, religion, ethnicity or national origin is part of the description of the suspect;

(E) Have the Police Chief report to the appropriate authorities any request by federal authorities that, if granted, would cause the Police Department to exercise or cooperate in the exercise of powers in apparent violation of the laws or Constitution of the United States or the State of California.

IT IS FURTHER RESOLVED that the Pasadena City Council directs the Mayor to:

(A) 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:

- (1) 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;
- (2) Take all possible actions to lead Congressional action to prohibit passage of further laws abridging civil liberties;
- (3) Ensure that the sunset date of Title III of the Act remains in force and is honored;
- (4) 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

(B) 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

(C) Transmit a copy of this resolution to President George W. Bush and Attorney General John Ashcroft