


CITY OF PASADENA

MEMORANDUM

TO: Mayor Bogaard and Members of the City Council

FROM: Michele Bagneris 
for City Attorney (RADZIGHEL)

DATE: May 10, 2004

RE: DISCUSSION OF THE PATRIOT ACT

We are respectfully transmitting to the City Council some general material on the Patriot Act which was gathered by staff and submitted to the Public Safety Committee, and, in addition, the following two documents: (1) Correspondence from the Friends of the Pasadena Public Library and the Pasadena Public Library Commission, and (2) Correspondence from the Pasadena Human Relations Commission dated October 10, 2003 (top documents).

cc: Cynthia Kurtz, City Manager
w/attachments

**MEMORANDUM – CITY OF PASADENA
DEPARTMENT OF INFORMATION SERVICES**

To: Beverly Bogar, Staff Liaison
Public Safety Committee

From: Jeanne Wright
Department of Information Services

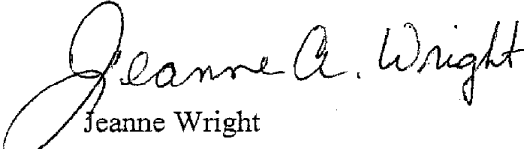
Date: October 10, 2003

Re: USA PATRIOT ACT Information

Attached is correspondence from The Friends of the Pasadena Public Library and the Pasadena Public Library Commission regarding the USA PATRIOT ACT. Please present this correspondence to Mr. Haderlein, Chair of the Safety Committee for review by the Safety Committee.

If you have any questions regarding this material, please don't hesitate to contact me at Ext. 4062.

Thank you,


Jeanne Wright

Cc: Steve Haderlein, Chair Safety Committee ✓
Enrique Martinez, Assistant City Manager
Greg Jones, Chair Pasadena Public Library Commission
Luis Herrera, Director Department of Information Services

Friends of the Pasadena Public Library
285 East Walnut Street
Pasadena, California 91101

October 6, 2003

Luis Herrera
Director of Information Services
Pasadena Public Library
285 East Walnut Street
Pasadena, California 91101

Re: USA Patriot Act – Section 215

Dear Mr. Herrera:

We are writing to you today to advise you of the position recently taken by the Board of Directors of the Friends of the Pasadena Public Library on Section 215 of the USA Patriot Act. It is the strong sense of the Friends' Board that the USA Patriot Act should be amended to exclude libraries from being covered by Section 215.

In addition, we urge the Library Commission of the City of Pasadena, as well as the Pasadena City Council, to adopt this position as soon as possible, and to advise Congressman Adam Schiff, Senators Feinstein and Boxer, Speaker Dennis Hastert of the United States House of Representatives and Senator Frist, Majority Leader of the United States Senate, of the position taken by the City of Pasadena.


While serious questions have been raised about the constitutionality of various aspects of the USA Patriot Act, we need go no further than to point out that Section 215, in its current form, permits the government to search patron records at libraries with no requirement to show possible criminal wrongdoing. In fact, Section 215 allows the FBI to order a library to turn over its records on an individual's circulation history simply on the FBI's specification that the order is "for an authorized investigation... to protect against international terrorism or clandestine intelligence activities." In short, Section 215 appears to be a clear violation of the Fourth Amendment to the United States Constitution, which provides that the government cannot effect a search without obtaining a warrant and showing probable cause to believe that the person has committed, or will commit, a crime.

Luis Herrera
October 6, 2003
Page 2

In a time of crisis, we can have both security and civil liberties. The Fourth Amendment is one of our most precious rights, and proposals that give the government unprecedented police power to snoop and spy on law-abiding citizens must be rejected. Otherwise, we will be doing nothing less than handing the Fourth Amendment over to the terrorists.

Please join the American Library Association, all 50 State Library Associations, and countless library support groups like the Friends of the Pasadena Public Library in urging the Congress to amend the USA Patriot Act to exclude libraries from being covered by Section 215.

Very truly yours,



Barbara Double
President



Edward S. Garlock
Past President

PASADENA PUBLIC LIBRARY COMMISSION
285 EAST WALNUT STREET
PASADENA, CA 91101

October 9, 2003

Mr. Steve Haderlein, Chair
City of Pasadena Safety Committee
100 N. Garfield, Room 237
Pasadena, CA 91109

Dear Mr. Haderlein:

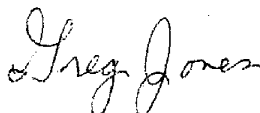
At the October 8, 2003 Library Commission meeting, the Library Commission voted to make the following recommendations to the Pasadena City Council regarding the U.S.A PATRIOT ACT:

The Pasadena Public Library Commission is deeply concerned about those portions of the USA PATRIOT ACT of 2001 (H.R.3162) (the "Act") that have the potential to affect the rights of library patrons to pursue knowledge and information in an environment free from governmental infringement upon privacy rights and state library confidentiality laws.

The Commission, therefore, urges the Pasadena City Council, when it considers taking a position on the Act, to evaluate the following:

1. The Commission's opposition to those portions of the Act that have any potential effect on the ability of library patrons to access information without fear of governmental intrusion;
2. The impact that the Act has on the Pasadena Public Library and its patrons, especially the possible dangerous effect that the Act has on the rights of library patrons to exercise, in an unfettered manner, the quest for knowledge and information; and the impact of the Act on library patrons' constitutional right to privacy under both state and federal law;
3. Support of congressional action to amend the PATRIOT ACT to exclude libraries from being covered by Section 215;

Sincerely,



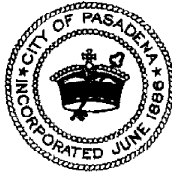
Greg Jones, Chair
Pasadena Public Library Commission

Memo

To: Steve Haderlein, Chair – City of Pasadena Safety Committee
From: Stephen Macala, Vice-Chair – Pasadena Human Relations Commission *SM*
CC: FILE
Date: October 10, 2003
Re: PATRIOT ACT

At its September 2, 2003 meeting, the Pasadena Human Relations Commission voted to submit a recommendation of the attached resolution to Pasadena City Council regarding the PATRIOT ACT. Attached is correspondence from the Pasadena Human Relations Commission to City Council for consideration.

We understand that the Pasadena Safety Committee may be reviewing information regarding the subject as submitted by the Library Commission, and Friends of the Library. We are therefore submitting this information to you for review and consideration should City Council take a position on the ACT.



HUMAN RELATIONS COMMISSION

October 7, 2003

City of Pasadena
City Council
100 N. Garfield Ave.
Pasadena, CA 91109

Dear Councilmembers:

The Human Relations Commission, established in 1963, was born out of the realization that hate crimes are rooted in prejudice, intolerance and discrimination based on race, religion, national origin and cultural background. The Commission was devised to help the City of Pasadena achieve better human relations.

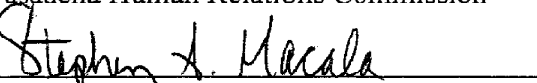
It is the duty of the Commission to advise City Council of issues that we feel could potentially undermine the personal freedoms of Pasadena residents or significantly impact their quality of life. These are freedoms that have been traditionally guaranteed under the Constitution of the United States of America and the Bill of Rights.

Recently, our Commission established a sub-committee to review and discuss the Patriot Act and Patriot Act II. We believe that this Act lacks the essential checks and balances, which assure fair and equitable treatment, and has the potential of being abused and used as a tool of discrimination. After careful consideration, we respectfully recommend to the City Council that the City of Pasadena join with the growing number of communities to adopt a resolution to protect our Civil Liberties. A sample resolution is enclosed for your consideration.

We would like to thank the City Council for their time and attention to this important matter.

Sincerely,


Nancy Sullivan, Chair
Pasadena Human Relations Commission


Stephen Macala, Vice-Chair
Pasadena Human Relations Commission

Cc: HRC FILE

Patriot Act Resolution

A Resolution of the City Council Of Pasadena, California to uphold the human and civil liberties of the people of Pasadena, California.

Whereas, the City of Pasadena 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 Pasadena, and;

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

Now therefore, the Pasadena City Council does hereby resolve:

Section 1 The City of Pasadena is committed to upholding the human rights of all persons in Pasadena, 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 Constitution of the United States of America and the State of California.

Section 2 The City Council of Pasadena 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 Pasadena 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 Pasadena urges the State Legislature, the Governor of the State of California and the United States Congress, particularly the delegation representing Pasadena 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 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.

Passed, Approved, and Adopted this ____ day of _____, 2003

AROUND PASADENA

THURSDAY, JULY 17, 2003

City Editor ROBERT RECTOR • (626) 578-6300, Ext. 4439 • robert.rector@spsun.com

PASADENA STAR-NEWS 1

SoPas chooses to oppose Patriot Act

By Gary Scott
STAFF WRITER

SOUTH PASADENA — The City Council voted Wednesday night to adopt a resolution that calls the USA Patriot Act a threat to civil liberties.

South Pasadena joins more than 130 cities in speaking against the Patriot Act. The resolution will be posted in all city departments and copies sent to California's congressional delegation, the U.S. Attorney General's Office and President Bush.

"In the days immediately following 9/11, there was little organized opposition to the act," said City Librarian Terri Maguire in her written report to the council.

"As time passes and people are able to view events more objectively, there has been a groundswell of concern

regarding provisions of the act and the high degree of secrecy with which they are carried out."

The resolution appeared on the council's consent agenda, which Mayor Michael Cacciotti said is reserved for "routine" business. With no one wanting to speak, the resolution was unanimously approved.

The resolution had been offered by Victor Magistrale, president of the local chapter of the American Civil Liberties Union and South Pasadena resident. The council approved a revised version crafted by Maguire and City Attorney Joseph Pannone.

Among the provisions of the Patriot Act criticized in the resolution are those that allow enemy combatants to be detained without access to counsel,

Council unanimously OKs resolution stating criticism

veillance and investigative powers to help combat terrorism.

"Sept. 11 was a few years ago, we're starting to calm down a little bit and looking at what this legislation took away from us," Maguire said.

Earlier this year, the South Pasadena Public Library posted placards warning patrons that their records could be reviewed by federal authorities under the act.

Calling South Pasadena "an educated, liberal town," Maguire said the city was spurred into action by a groundswell of opposition to the Patriot Act, as well as by proposed legislation to repeal the provision allowing the search of library and bookstore records.

Rep. Adam Schiff, D-Pasadena, recently called on the Justice Depart-

ment to provide a classified briefing how it is conducting records search. Officials in Pasadena and Simi Madre are also beginning to think about adopting resolutions opposing the act.

The Pasadena City Council's Public Safety Committee is scheduled to discuss the matter Monday. The Simi Madre City Council said this week would consider a resolution supporting legislation to repeal the power to search library records without a traditic warrant.

Additionally, the Monterey Public Library has posted placards similar to those in South Pasadena. Maguire said, and the Arcadia Public Library may do the same.

Staff Writer Lisa Faught contributed to this story. Gary Scott can be reached at (626) 578-6300, Ext. 4439, or by e-mail at gary.scott@spsun.com.

PILOTING A 15-TON BEHEMOTH

Bus drivers need skill, patience

By Emanuel Parker
STAFF WRITER

ARCADIA — Transit buses are the 600-pound gorillas of the road: 40 feet long, 8 1/2 feet wide, 15-ton wide-bodies that intimidate even SUV owners and take skill to thread down crowded city streets.

To demonstrate how much



Some defend salary hikes
Monrovia raises