(passed 7-0-1)
Banach abstained
Mayer absent

# RESOLUTION 03-10

**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**

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.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 25th day of June, 2003.

Chris Gaal

CHRIS GAAL, President
Bloomington Common Council

ATTEST:

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 26th day of June, 2003.

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 26 day of June, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This resolution elaborates upon how the USA Patriot Act, the proposals to extend portions of it and to adopt what is known as 'Patriot II,' and certain Executive Orders and other federal actions taken in the name of national security threaten fundamental rights and liberties guaranteed to all persons living in the United States. It then calls upon local officials and private individuals to respect these fundamental rights and liberties; calls upon the President and his Attorney General to disclose their activities exercised under these new powers and to provide due process for the detainees; urges our Congressional delegation to repeal existing authority and legislation and not adopt proposed legislation that limit fundamental rights and liberties; and, directs the City Clerk to mail the signed resolution to local, state, and federal officials.

Signed copies to:
list per directives in ordinance
file
CA(CA(2)