

## Key to PA Spreadsheet

1's are used to denote that something applies for a given state/county/town.

- B. Year resolution was passed
- C. Size of group represented by the resolution (neighborhood, city, town, borough, etc)

### **Document(s) which is/are objected to:**

- D. Patriot Act
- E. Domestic Security Enhancement Act of 2003
- F. Various Executive Orders and/or Justice Department Directives
- G. Homeland Security Act
- H. HR 2417 Intelligence Authorization Act for Fiscal Year 2004: 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"

### **Specific Objections:**

- I. The expanded ability to conduct Inquiries, investigations, surveillance and detention without probable cause.

Recording, filing, sharing (without probable cause):

- J. Library lending and research records
- K. Book sales
- L. Video rentals and sales
- M. Medical
- N. Mental Health
- O. Financial
- P. Business
- Q. Education
- R. Telephone records (sender, receiver of calls)
- S. Wiretapping
- T. Internet usage and email/and or computer records
- U. Travel
- V. Other Personal Data
- W. Immigration (particularly the ability to hold immigrants indefinitely even if no crime has been committed) \*only applied when the resolution expressly states an opposition to immigration activities, not when the resolution states a policy to refrain from participation in federal immigration matters
- X. Collecting information on the political, religious, social views and associations and activities of people, groups, and businesses and/or conducting surveillance of such organizations
- Y. Profiling (racial, ethnic, religious)/Discriminatory and encourages profiling
- Z. Eavesdropping on confidential information exchanged between lawyers and clients
- AA. Gag orders on National Security Letters
- AB. Expanding the government's ability to secretly enter homes and offices to conduct searches without warrants (includes sneak and peeks, black bag searches)

- AC. Granting unchecked power to the US Secretary of State to designate domestic groups, including religious and political organizations, as terrorist organizations
- AD. 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” and as to have a chilling effect on first amendment freedom of speech
- AE. Creates an unfunded mandate on local governments to participate in Patriot Act matters
- AF. Allowing the CIA to have access to sensitive information gathered during criminal investigations
- AG. Secret military tribunals for terror suspects
- AH. The President’s Military Order of November 13, 2001, which 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 (\*AF will also be coded when this applies)
- AI. Designation of Enemy Combatants: allow the government to designate citizens as “enemy combatants” and place them in military custody indefinitely without access to counsel or judicial review
- AJ. Allowing for torture of terror suspects
- AK. Removes Justice Department regulations against covert, counter-intelligence operations by the FBI that in the past targeted domestic groups and individuals
- AL. Limiting access to Freedom of Information Act documents
- AM. HSA for empowering the Secretary of the new agency to waive the safeguards contained in the Federal Whistleblower Protection Act.
- AN. General Violations

**By Sections:**

- AO. 213 – allows for searches when no one is present and for the delay of notification of such searches
- AP. 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
- AQ. 215 – allows the FBI Director to collect information from bookstores and libraries and to prohibit such libraries and bookstores from notifying patrons of such collections
- AR. 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
- AS. 218 – amends the “probable cause” clause for secret searches and seizures
- AT. 219 - 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
- AU. 358 - 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
- AV. 411– allows the Secretary of State wide powers to designate domestic groups as “terrorist organizations” and redefines “terrorist activity” and “terrorist organization” so broadly that it could have a chilling effect on free speech, and
- AW. 412 - authorizes the indefinite incarceration or deportation of non-citizens even if they have not committed a crime/grants the Attorney General the power to subject immigrants to indefinite detention when no crime has been committed

AX. 507 – creates unfunded mandate on state and local universities to collect information on students that that may be of interest to the Attorney General

AY. 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

AZ. 802 – creates an overly broad definition of terrorism

## **REASONS FOR OBJECTIONS**

BA. Certain provisions of the Patriot Act allow the government to engage in activities that may violate or offend the rights and liberties of the people / The Patriot Act contains several provisions that reduce freedoms guaranteed in the U.S. Constitution and the Bill of Rights / (may violate, reduce, threaten, fundamentally alter, effect, etc. – no specific right)

### **Specific Rights Are Violated:**

- BB. 1<sup>st</sup> Amendment
- BC. 4<sup>th</sup> Amendment
- BD. 5<sup>th</sup> Amendment
- BE. 6<sup>th</sup> Amendment
- BF. 8<sup>th</sup> Amendment
- BG. 14<sup>th</sup> Amendment

### **Other documents are violated:**

- BH. Declaration of Independence
- BI. United Nations Charter
- BJ. Universal Declaration of Human Rights
- BK. International Covenant on Civil and Political Rights
- BL. Convention Against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment
- BM. Convention on Elimination of Racial Discrimination
- BN. Geneva Conventions

### **Why such violations are problematic:**

- BO. Infringing on the constitutional rights of any person, under the color of the law, is abuse of power, a breach of public trust, a misappropriation of public resources, a violation of civil rights and beyond the scope of government authority
- BP. The Patriot Act adds to Executive Branch powers at the expense of the Legislative and Judicial Branches
- BQ. The new powers created in the Patriot Act do not always relate to terrorism/not always necessary for the prevention of terror
- BR. The USA PATRIOT Act and the Homeland Security Act and other documents did not receive the level of scrutiny that most Acts of Congress receive
- BS. 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
- BT. Prior Violations

## **PROPOSED SOLUTIONS**

**Amend/Correct/Repeal certain sections of the Patriot Act (who is requested to do so):**

BU. Congress

BV. Specific Congressional delegation

BW. President and various members of the Executive Branch

\*unspecified support for amending the Patriot Act is coded as “\*1” under Congress

**Amend/Correct/Repeal other documents which are mentioned:**

BX. Congress

BY. Specific Congressional delegation

BZ. President and various members of the Executive Branch

\*unspecified support for amending related acts is coded as “\*1” under Congress

**Oppose Future acts, etc, which may violate fundamental rights:**

CA. Congress

CB. Specific Congressional delegation

CC. President

\*unspecified support for opposing future acts is coded as “\*1” under Congress

**Monitor the implementation of the Patriot Act:**

CD. Congress

CE. Specific Congressional delegation

CF. Members of the executive branch (President, Attorney General)

\*unspecified support for monitoring the implementation of the Patriot Act is coded as “\*1” under Congress

**Monitor the implementation of the other items mentioned:**

CG. Congress

CH. Specific Congressional delegation

CI. Members of the executive branch (President, Attorney General)

\*unspecified support for monitoring other acts is coded as “\*1” under Congress

**Other federal level solutions:**

CJ. Respect the original sunset clause

CK. 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

CL. Any Federal, State, or County law enforcement officials acting within the locale 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 residents

CM. Call for federal agencies to collaborate with cities/counties to protect citizens against terror without infringing on fundamental rights and liberties

**Local level government solutions:**

CN. The local entity stands ready to oppose any section of the Patriot Act or related measures that infringe on fundamental rights and liberties

CO. State/county/city entities and funds will not be used to retain or collect information that violates essential civil rights and liberties and/or such funds/entities shall not participate in Patriot Act

matters which are objected to / Employees are not to engage in activities that violate fundamental rights

- CP. The [level of government in question] supports individuals, who in their performance of government duties, refuse to comply with requests for information/assistance made under provisions of the USA Patriot Act
- CQ. The state Attorney General shall review all currently held information for appropriateness and destroy any information which is inappropriately held (such information can also be reviewed by other government officials)
- CR. City/County/State employees are called upon the respect civil rights and liberties of all members of the community
- CS. City/County/State employees are to work to uphold the fundamental rights of all citizens/preserve/etc and or the city/county/state upholds these rights
- CT. Management employees will not cooperate with detentions, investigations, etc, that violate a citizen's rights
- CU. If a management employee is contacted to assist with an investigation, etc, he/she is to report to the City Manager who will report to the city council
- CV. City manager is to take all reasonable steps prevent law enforcement officials from being pressured to take any actions which violate rights and liberties, even if they are permitted by the Patriot Act and related Orders
- CW. The city/county/state attorney general is to challenge any request for government staff or contractors to comply with certain provisions of the Patriot Act that appear to be in violation of Constitutional provisions regarding unreasonable searches and seizures
- CX. Legal defense will provided for city employees who are charged for following city policies concerning the Patriot Act and related items
- CY. City/County/State government will vigorously uphold the constitutionally protected rights of all persons to peacefully protest and express their political views without any form of governmental interference
- CZ. Discrimination will be avoided in every function of local government
- DA. Local employees should consult the city/borough/state attorney to determine their rights and responsibilities concerning the Patriot Act before divulging information
- DB. The city/borough/state attorney or some government entity will train employees to know their rights and responsibilities under the Patriot Act and related items
- DC. Group in question (whoever drafted and passed the resolution) is requested to work collaboratively with others within the local 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 a report regarding the rights and obligations of County/city/etc employees and residents in relation to federal requirements which may violate their constitutionally guaranteed rights
- DD. Local government is called upon 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 refrain from violating essential rights, even when permitted by the Patriot Act and to openly work for the repeal of those portions of the orders and Patriot Act which violate rights and liberties
- DE. Local government will not participate in federal immigration matters

**Local level solutions concerning private citizens:**

- DF. Residents are encouraged to read frequently and know the Declaration of Independence, Constitution and Bill of Rights
- DG. Citizens should be presented balanced information about the Patriot Act and other legislation

- DH. Private citizens are called upon to respect the civil rights and liberties of all members of the community, especially in relation to employment and criminal investigations
- DI. Private citizens are asked to inform the local government, to the extent legally possible, of any instance occurring the locale of information gathering or requested records under the provisions of the USA Patriot Act
- DJ. Public schools in the locale are called upon to provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA Patriot Act
- DK. Call 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
- DL. Libraries are to refrain from providing information about patrons to authorized agencies.

**Solutions involving Reporting Measures:**

- DM. Any State or federal law enforcement agency operating within the city/county will regularly report to the mayor/county executive the extent and manner of any investigation conducted under the Patriot Act or related Executive Orders. (Includes providing the names of any detainees held in or taken from city/county)
- DN. Local executive is to seek the above mentioned information and report to citizens/departments are to report this information to the city executive/Local government will report to a central group (Board of Selectman, etc)
- DO. Law enforcement is 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
- DP. The United States Attorney for the area in question is requested to provide the City Manager with an annual summary (or regular) of limited to the number of investigations, warrants, orders, subpoenas, and arrests carried out within the city/borough/state under the authority of the Patriot Act, the HAS, and related executive orders. This information shall be made public
- DQ. The local Human Rights Commission will report, as far as confidentiality allows, to the local counsel whenever it receives a complaint that a citizen's civil rights or liberties have allegedly been infringed due to action authorized by the Patriot Act or related items

**Solutions through supporting other legislation, policies, etc:**

- DR. Support for S. 1552, the Protecting the Rights of Individuals Act
- DS. Support for National League of Cities Resolution #2004.37, a Resolution Affirming the Principles of Federalism and Civil Liberties, passed in December 2003
- DT. Support for 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
- DU. Adopting Confidentiality of Library Records policy
- DV. Pass the Patriot Act Oversight Restoration Act
- DW. Security and Freedom Ensured Act (S. 1709)
- DX. National League of Cities Resolution

Color coding on spreadsheet:

Green: could not locate resolution text