

The following is a model resolution for introduction at the local level - Counties, cities and towns in support of the 4th Amendment and in opposition to NSA spying. It calls upon the state to oppose, as James Madison advised, unwarrantable (unconstitutional) or simply unpopular actions from the federal government.

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Whereas, the 4th Amendment to the Constitution of the United States reads as follows, “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, Article I, Section 13 of the California Constitution (REPLACE THIS SECTION WITH YOUR OWN STATE) reads as follows, “The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Whereas, the (CITY, COUNTY, TOWN) of (NAME) affirms its support for the 4th Amendment to the Constitution of the United States by declaring our firm opposition to federal programs and agencies, including the National Security Agency (NSA), which engage in the collection of electronic data or metadata of people without a warrant that particularly describes the person(s), place(s) and thing(s) to be searched or seized; and

Whereas, James Madison, the “Father of the Constitution,” writing in Federalist #46, said that means to oppose federal acts, whether unconstitutional or not, were “powerful and at hand” and included, specifically a “refusal to cooperate with officers of the Union.”

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE (city, county, town) OF (NAME) that the (CITY, COUNTY, TOWN) of (NAME) is committed to upholding the 4th Amendment to the Constitution of the United States, (ARTICLE # AND SECTION #) of the (NAME OF STATE) Constitution. Be it further resolved that the (CITY, COUNTY, TOWN):

1. Respectfully calls upon the (NAME OF STATE) State Legislature to pass a law following James Madison’s advice, requiring political subdivisions of this state to refuse material support, participation or assistance, to any federal agency which claims the power, or with any federal law, rule, regulation, or order which purports to authorize the collection of electronic data or metadata of any person(s) pursuant to any action not based on a warrant that particularly describes the person(s), place(s) and thing(s) to be searched or seized.
2. Requests that our neighboring localities of (NAME), (NAME), and (NAME), pass a

similar resolution in support of the 4th Amendment

3. Respectfully informs all law enforcement agencies of the (city, county, town) OF (NAME) that this governing body desires a law enforcement policy regarding the right of the people to be secure in their persons, houses, papers, and effects which is consistent with this resolution.

The (COUNTY CITY TOWN) of (NAME) requests that copies of this resolution be immediately transmitted to each individual legislator that represents our district in the State government.