

RESOLUTION NO. R03-15 CMS

A RESOLUTION REGARDING THE USA PATRIOT ACT

WHEREAS, the City of Oberlin, Ohio, recognizes that a threat to any one person's Constitutional rights is a threat to the rights of all; and

WHEREAS, the City of Oberlin has been and remains committed to the protection of civil rights and liberties for all residents; and

WHEREAS, the Declaration of Independence of the United States, holds as self-evident that all people are created equal and are endowed with the inalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS, the United States Constitution guarantees all persons living in the United States certain fundamental rights including freedom of religion, speech, assembly and privacy, protection from unreasonable searches and seizures; due process and equal protection; and access to counsel, presumption of innocence and a fair, speedy public trial; and

WHEREAS, the Council of the City of Oberlin supports the legitimate needs of law enforcement while at the same time maintaining the Constitutional and statutory parameters, which guarantee each individual the right of privacy; and

WHEREAS, the City of Oberlin has a racially and ethnically diverse population, including immigrants and international college students, whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS, a great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement power, including the USA Patriot Act (Public Law 107-56) signed by President George W. Bush on October 26, 2001; and

WHEREAS, although the USA Patriot Act was written to respond to the attack on our nation, it weakens, contradicts and undermines the basic Constitutional rights outlined above. The Act, a 342-page document, was hastily enacted without public hearings or a Congressional "mark-up"; and

WHEREAS, examples of the Patriot Act's threat to these fundamental rights include the Government's expanded power to engage in limited

judicial supervision of telephone and internet surveillance, grant law enforcement and intelligence agencies broad access to sensitive medical, mental health, financial, and education records with little, if any, judicial oversight; expand the Government's ability to conduct secret searches of individuals' homes and businesses, including monitoring what books are bought from bookstores or borrowed from libraries; and limits the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, federal policies adopted since September 11, 2001, including provisions in the USA Patriot Act and related executive orders, regulations and actions, threaten fundamental rights and liberties through an overbroad definition of "terrorism" that has a chilling effect on Constitutionally protected speech and threatens robust political discourse and free inquiry; the act also encourages state and local officials to be involved in enforcing a number of its provisions, but does not require them to do so; and

WHEREAS, Department of Justice interpretations of the USA Patriot Act and Executive Orders appear to impact on selective racial and religious groups including residents of other nations. This has caused alarm among citizens and non-citizens who fear an emergent climate for racial and ethnic profiling; and

WHEREAS; more than 150 cities and communities and several states throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of Government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these new powers.

NOW, THEREFORE, be it resolved by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the Council of the City of Oberlin reaffirms its support of the United States government in its campaign against global terrorism, but also reaffirms that any efforts to end terrorism not be waged at the expense of the fundamental civil liberties of the people of Oberlin, and all citizens of the United States.

SECTION 2. That the Council of the City of Oberlin reaffirms its strong support for fundamental Constitutional rights and its opposition to federal

measures that infringe on civil liberties; and reaffirms its strong support for the rights of non-citizen and citizen immigrants as well as international visitors, in accordance with the Bill of Rights and the Fourteenth Amendment; and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin.

SECTION 3. That the Council of the City of Oberlin urges the city administration and its citizens during the course of their daily life to be guided by the collective responsibility and obligation of safeguarding the Constitutional protections afforded all people of our city. The Council recognizes that this is the paramount responsibility of local law enforcement personnel and appointed and elected government officials, who are ultimately responsible for upholding the solemn oath they have taken to preserve, protect and defend the Constitution of the United States and the State of Ohio. For these reasons, insofar as the Patriot Act does not require local participation, the Council of the City of Oberlin urges the Oberlin City Manager and his staff to refrain from voluntarily participating in enforcing provisions of the USA Patriot Act and related executive orders, regulations, and actions.

SECTION 4. That the Council of the City of Oberlin requests the City manager to provide to the council, without violating confidentiality, available data about investigations conducted in Oberlin under the auspices of the USA Patriot Act, related executive orders and legislation, in order to ensure accountability of law enforcement agencies.

SECTION 5. That the Council of the City of Oberlin commends libraries within the city for their policies, including record-keeping policies that protect the personal privacy of library users.

SECTION 6. That the Council of the City of Oberlin calls on our United States Representatives and Senators to monitor the implementation of the Act and Executive Orders cited herein and to actively work for the repeal of the Act or those sections of the Act, including Executive Orders, that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments.

SECTION 7. That the Clerk of the Council of the City of Oberlin transmit a copy of this resolution to Ohio's two Senators, to the City of Oberlin's Congressional Representative, to the Governor of the State of Ohio, to appropriate members of the State Legislature, and to the President of the United States and his Attorney General.

SECTION 8. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9. That this resolution shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - September 15, 2003 (Suspension of Rules/Emergency)
2nd Reading -
3rd Reading -

ATTEST:



CLERK OF COUNCIL



CHAIR OF COUNCIL

POSTED: September 16, 2003

EFFECTIVE DATE: September 16, 2003