



Legislation Text

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SUBSTITUTE 2

Reference

Sponsor

ALD. RICHARDS, D'AMATO, JOHNSON-ODOM, GORDON AND MURPHY

Title

Substitute resolution affirming the protection of citizens' civil rights and civil liberties.

Analysis

This resolution affirms the protection of citizens' civil rights and civil liberties, which are threatened by sections of the USA Patriot Act. The United States Congress passed the USA Patriot Act (Act) on October 26, 2001, following the events of September 11, 2001. Approximately, 250 communities in 37 states representing approximately 43 million people have passed resolutions opposing the USA Patriot Act as of February 24, 2004.

Body

Whereas, The City of Milwaukee denounces terrorism and acknowledges that federal, state and local governments have a responsibility to protect the public from terrorist attacks and uphold: 1) freedom of speech, religion, assembly and privacy, 2) the right to counsel and due process in judicial proceedings, and 3) protection from unreasonable searches, seizures and detention; and

Whereas, The members of the Common Council believe that there is no inherent conflict between national security and the preservation of liberty -- Americans can be both safe and free; and

Whereas, Federal, state and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion in order to ensure that security measures enhance the public safety without impairing constitutional rights or infringing on civil liberties; and

Whereas, The City of Milwaukee is grateful for the supreme sacrifice of military veterans and law enforcement officers who have died in protecting this country's cherished rights and liberties; and

Whereas, The U.S. Congress passed the USA Patriot Act on October 26, 2001 with little debate, following the attacks on the United States on September 11, 2001; and

Whereas, Sections of the USA Patriot Act and several Executive Orders, now threaten fundamental rights and liberties, which are guaranteed by the Constitution of the State of Wisconsin and the United States Constitution and its Bill of Rights; the sections of the Act which threaten these human rights and liberties include:

- Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home.
- Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents.
- Section 218 which dilutes the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime.
- Section 215, 218, 358 and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records; and

Whereas, The City of Milwaukee has a commitment to uphold the human rights of all persons in Milwaukee and the free exercise and enjoyment of any and all rights and privileges secured by our constitutions and laws of the United States, the State of Wisconsin and the Charter of the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council expresses its support of protection of citizens' human rights and civil liberties and opposition to those provisions of the USA Patriot Act that threaten those rights and liberties; and, be it

Further Resolved, That the Common Council recognizes the crucial distinctions between:

- a) Legal and peaceful demonstrations and protests, which are protected by the U.S. and Wisconsin constitutions and laws.
- b) Acts of protest involving civil disobedience or minor law infractions such as disorderly conduct.
- c) Acts of terrorism, which would involve serious threats or violence, such as kidnapping or serious bodily injury to a civilian population; and, be it

Further Resolved, That the Common Council affirms its commitment to uphold civil rights and civil liberties and therefore expresses its opposition to: (a) investigation of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of religion, without reasonable suspicion of criminal activity, and (b) racial, religious or ethnic profiling; and, be it

Further Resolved, That the Common Council calls upon Wisconsin's federal legislators to monitor the implementation of the USA Patriot Act and related federal actions and to actively work for the repeal of those sections of the USA Patriot Act that unduly infringe upon fundamental rights and liberties as recognized in the U.S. Constitution; and, be it

Further Resolved, That the Common Council urges Wisconsin's federal legislators to support and co-sponsor the Security and Freedom Ensured Act of 2003 (SAFE Act) and urges Congressman F. James Sensenbrenner, chair of the House Judiciary Committee, to schedule hearings on the SAFE Act; and, be it

Further Resolved, That the City of Milwaukee opposes any unfunded federal mandates instructing local police to attempt to enforce the complex civil immigration laws of the U.S. to the detriment of

their primary law enforcement duties, as articulated by the Boston Police Commissioner: "turning all police officers into immigration agents...will discourage immigrants from coming forward to report crimes and suspicious activity, making our streets less safe as a result"; and, be it

Further Resolved, That the City of Milwaukee remains committed to the protection of civil rights and civil liberties for all people and will uphold the constitutionally protected rights of all people to peacefully express their political views without governmental interference and that officers of the Milwaukee Police Department be trained consistent with the above principles; and, be it

Further Resolved, That the Common Council opposes requests by federal authorities that, if granted, would cause agencies of the City of Milwaukee to exercise powers or cooperate in the exercise of powers in violation of any city ordinance or the laws or Constitution of this State or the United States; and, be it

Further Resolved, That in order to assess the effect of antiterrorism initiatives on the residents of the City of Milwaukee, the Common Council calls upon federal officials to make periodic reports, consistent with the Freedom of Information Act; and, be it

Further Resolved, That the City of Milwaukee joins 43 million Americans, 250 communities in 37 states across the nation and the National League of Cities as of February 24, 2004 in expressing concern that existing elements of the USA Patriot Act threaten civil rights and liberties guaranteed under the U.S. Constitution.

Drafter
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TRG
2/27/04