

Resolve 8 – 03/04

Passage: 3/15/04 6-3 (Leeman, Cohen, Gorham opposed)

NATHAN H. SMITH (MAYOR)(3)
WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
CHERYL A. LEEMAN (4)
JAMES I. COHEN (5)

CITY OF PORTLAND
IN THE CITY COUNCIL

PETER E. O'DONNELL (A/L)
JAMES F. CLOUTIER(A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**RESOLUTION SUPPORTING THE PROTECTION OF THE CIVIL LIBERTIES,
PEACE AND SECURITY OF CITY RESIDENTS UNDER THE USA PATRIOT ACT
AND THE U.S. AND MAINE CONSTITUTIONS AND OPPOSING ACTS
OF RACIAL AND ETHNIC PROFILING IN THE CITY OF PORTLAND**

WHEREAS, the City of Portland recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS, each of Portland's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Maine; and

WHEREAS, the City of Portland denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS, any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent citizens of the State of MAINE and the nation; and

WHEREAS, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001", also known as the USA PATRIOT Act, allow the federal government more liberally to detain and investigate citizens, engage in certain acts of racial or ethnic profiling as part of its efforts to enforce immigration laws; and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our State and Federal Constitution; and

WHEREAS, such activities based upon racial and ethnic profiling by federal officials, or the threat of such actions, create fear and suspicion of all law enforcement officials, deter the willingness of innocent residents to report crimes or other illegal actions for fear of unwarranted reprisal, and have a negative effect upon the ability of the Portland Police Department to protect the public safety and the residents of Portland; and

NOW THEREFORE, BE IT RESOLVED, that the City of Portland supports the government of the United States of America in its campaign against terrorism, while affirming its commitment that the campaign not be waged at the expense of essential civil rights and

BE IT FURTHER RESOLVED, that copies of this Resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable John E. Baldacci, Governor of Maine; to The Honorable Olympia Snowe and the Honorable Susan Collins, U.S. Senators, and the Honorable Tom Allen and the Honorable Michael Michaud, U.S. Representatives, members of the Maine Delegation in Congress; the Attorney General of Maine, the local U.S. Attorney's Office, the local office of the Federal Bureau of Investigation, and the Chief of the Maine State Police.

liberties of its individuals, as expressed in the United States Constitution and the Bill of Rights and the Maine State Constitution

BE IT FURTHER RESOLVED, that the City of Portland denounces the actions of federal immigration officials, which occurred in Portland in February, 2004, and urges the federal government to modify its immigration enforcement activities so as to avoid similar actions of racial or ethnic profiling in the future; and

BE IT FURTHER RESOLVED, that it is the policy of the City of Portland to oppose any portion of the USA PATRIOT Act or any proposed amendments thereto that have been found by a competent court to be in violation of the rights and liberties guaranteed under the state and federal constitutions; and

BE IT FURTHER RESOLVED, that the City of Portland affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based primarily upon their race or country of origin; and

BE IT FURTHER RESOLVED, that the City of Portland, in the absence of reasonable suspicion of criminal activity, opposes:

- (1) initiation or participation in a criminal inquiry, investigation, surveillance, or detention;
- (2) recording, filing, or sharing intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the USA PATRIOT Act;
- (3) retention of such intelligence information; or
- (4) collecting or maintaining information about the political or religious associations or activities of any individual, group, association, organization, corporation, business, or partnership, unless the information relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct; provided, however, that nothing in Subsections (1)-(4) is intended to prohibit the collection and retention of information necessary for participation in City programs and benefits; and

BE IT FURTHER RESOLVED, that the Portland City Council urges the United States Congress, and Maine's U.S. Congressional Delegation in particular, to correct provisions in the USA PATRIOT Act and future federal legislation that unduly infringe upon fundamental rights and liberties as recognized in the U.S. Constitution and its Amendments, and which in any way permit or encourage the use of racial or ethnic profiling as a means to enforce immigration laws; and