

RESOLUTION NO. 2003 - 06

A RESOLUTION TO DEFEND CIVIL LIBERTIES

WHEREAS, outrageous terrorist attacks upon the United States have introduced to the people of America a new environment of physical uncertainty; and

WHEREAS, it is natural, expected and appropriate that responsible governmental officials take prudent and appropriate measures in light of the potential for further terrorist activity in the United States; and

WHEREAS, in times of uncertainty, distress or fear the actions or reactions by government have historically often exceeded the bounds of prudence or constitutionality; and

WHEREAS, the cornerstone of our civil society is the Constitution of the United States and the Constitutions of the various states which embody the fundamental principle that we are a nation under the rule of law, and

WHEREAS, following the attacks on the United States of September 11, 2001, Congress passed the USA Patriot Act (PL107-56) on October 26, 2001, and

WHEREAS, the City of Bellingham, acting in the spirit and history of our community, affirms its strong support for fundamental constitutional rights, as expressed in the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments, and its opposition to federal measures that could infringe on civil liberties, and

WHEREAS, several acts and orders recently enacted at the Federal level, including sections of the USA Patriot Act and several Executive Orders, appear to place in jeopardy these fundamental Constitutional guarantees, most particularly including:

Freedom of speech, religion, assembly and privacy;

the rights to counsel and due process in judicial proceedings; and

protection from unreasonable searches and seizures;

WHEREAS, the City of Bellingham seeks to protect and expand civil rights and civil liberties for all its residents, non-citizens and citizens alike; and

WHEREAS, the City of Bellingham houses a diverse student and working population, including immigrants, whose contributions to the community are vital to its economy, culture, and civic character; and

WHEREAS, the City of Bellingham is proud of its tradition of protecting the constitutional rights and civil liberties of its residents; and

WHEREAS, it is possible that city employees, particularly police officers, will receive requests to take actions from federal law enforcement agencies pursuant to purported authority of the USA Patriot Act, which requests, if complied with, may violate the constitutional guarantees of Bellingham residents; and

WHEREAS, numerous cities in the United States have passed similar resolutions reemphasizing their commitment to the freedoms and guarantees contained in the United States Constitution and expressing concern and steadfast opposition to any attempts to undermine or limit said Constitutional guarantees;

THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF BELLINGHAM

REAFFIRMS its commitment to the protections guaranteed by the Constitution of the United States and the State of Washington and further condemns any measure which impairs such constitutional guarantees.

REAFFIRMS the commitment of the City of Bellingham to observe and respect the constitutional protections, particularly those guaranteed by the Bill of Rights and the 14th Amendment, of all people living in or travelling through Bellingham, regardless of citizenship or national origin.

ESTABLISHES as the policy of the City of Bellingham, that in the event a request is made by an outside agency compliance with which, in the judgement of the City employee receiving such request, is contrary to or in violation of the Constitutional protections afforded to any person in Bellingham, that the employee shall promptly communicate such belief to his or her supervisor or manager for transmittal to the City Attorney for review and, if appropriate, commencement of judicial proceedings to review the constitutionality of such request.

BE IT FURTHER RESOLVED THE CITY OF BELLINGHAM

REQUESTS that the U.S. Attorney's Office, Federal Bureau of Investigation, Immigration and Naturalization Service, and any other local, state, or federal law enforcement officials acting within the City work cooperatively with the Bellingham Police Department, abide by the Department's policies prohibiting racial profiling and detentions without charges, and regularly and publicly report to the City the following:

- A. The extent of electronic surveillance carried out within the City of Bellingham under powers granted in the USA Patriot Act;
- B. The extent to which federal authorities are monitoring political or religious gatherings, or other such activities;
- C. The number of times library records have been obtained from libraries in the City of Bellingham under section 215 of the USA Patriot Act.

- D. The number of times that records of books purchased by store patrons have been obtained from bookstores in the City of Bellingham under section 215 of the USA Patriot Act.
- E. The names of Bellingham residents who are detainees pursuant to Sections 411 and 412 of the USA Patriot Act.

BE IT FURTHER RESOLVED

That the Mayor communicate a copy of this resolution to all City Departments, the Governor and Attorney General of the State of Washington, the Washington Congressional delegation, the United States Attorney General, and the President of the United States.

BE IT FURTHER RESOLVED

That the provisions of this Resolution shall be severable, and if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Washington or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Resolution and applicability thereof to any other agency, person or circumstances shall not be affected thereby; and

FURTHER REQUEST


That the Member of Congress representing the second congressional district and our United States Senators actively work for the repeal of those parts of the USA Patriot Act which violate fundamental rights and liberties as enumerated in the Constitutions of the State and the United States.

We, the undersigned, hereby declare our belief and concern that certain aspects of the USA Patriot Act passed by the US Congress, as described herein, since the tragic and murderous September 11, 2001 attacks on our nation, seriously infringe upon constitutional protections and guarantees.

PASSED BY COUNCIL THIS 24TH DAY OF MARCH, 2003.


COUNCIL PRESIDENT

APPROVED BY ME THIS 31ST DAY OF MARCH, 2003.


MAYOR

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

ATTEST:


FINANCE DIRECTOR

APPROVED AS TO FORM:


OFFICE OF THE CITY ATTORNEY