

RESOLUTION NO. A-_____

DEFENSE OF LIBERTY RESOLUTION

A Resolution calling upon federal, state and local officials, and upon Lincoln agencies and institutions, to affirm and uphold civil rights and civil liberties.

Whereas, the protection of civil rights and civil liberties is essential to the well-being of a free and democratic society; and

Whereas, the men and women in the United State Armed Forces are bravely serving around the world defending our freedoms; and

Whereas, the members of the Lincoln City 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, government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of the City of Lincoln hold dear; 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 public safety without impairing constitutional rights or infringing on civil liberties; and

Whereas, certain federal policies adopted since September 11, 2001, including certain provisions in the USA PATRIOT Act (Public Law 107-56) and related federal actions unduly infringe upon fundamental rights and liberties; and

Whereas, these new policies include granting law enforcement and intelligence agencies broad access to personal medical, business, library and education

1 records with little if any judicial oversight; limitations on the traditional authority of
2 federal courts to curb law enforcement abuses of electronic surveillance in anti-
3 terrorism investigations and ordinary criminal investigations; the power to authorize the
4 indefinite incarceration of non-citizens based on mere suspicion of terrorist activity
5 without access to counsel or meaningful recourse to the federal courts; the expansion
6 of the authority of federal agents to conduct so-called “sneak and peek” or “black bag”
7 searches, in which the subject of the search warrant is unaware that his property has
8 been searched; and

9 Whereas, the City of Lincoln has a diverse population, including
10 immigrants and students, whose contributions to the city are vital to its economy,
11 culture and civic character; and

12 Whereas, these new policies may undermine trust between immigrant
13 communities and the government, and in particular, pose a threat to the civil rights and
14 liberties of the residents of our city who are or who appear to be Arab, Muslim or of
15 South Asian descent; and

16 Whereas, the federal government has drafted new legislation entitled the
17 Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II), which may
18 further compromise constitutional rights and our government’s unique system of checks
19 and balances; and

20 Whereas, four states, more than 340 communities throughout the country,
21 and the Association of Students of the University of Nebraska have enacted resolutions
22 that reaffirm support for civil rights and civil liberties and demand accountability from
23 law enforcement agencies regarding the exercise of the extraordinary new powers
24 referred to herein.

25 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
26 Lincoln, Nebraska:

1 1. That the Lincoln City Council affirms its commitment to uphold civil
2 rights and civil liberties as recognized in the United States Constitution and its
3 Amendments.

4 2. That the Lincoln City Council calls upon federal, state and local
5 officials, and upon Lincoln agencies and institutions, to affirm and protect civil rights and
6 civil liberties.

7 3. That the Lincoln City Council affirms its strong support for the rights
8 of immigrants and opposes racial, religious or ethnic profiling, or any measures that
9 single out individuals for legal scrutiny or enforcement activity based primarily upon their
10 country of origin.

11 4. That the Lincoln City Council opposes requests by federal
12 authorities that, if granted, would cause agencies of the City of Lincoln to exercise
13 powers or cooperate in the exercise of powers in apparent violation of any city
14 ordinance or the laws or Constitution of this State or the United States.

15 5. That the Lincoln City Council urges each of the City's public
16 libraries to inform library patrons that Sections 215 and 505 of the USA PATRIOT Act
17 give the government expanded authority to monitor book-borrowing and Internet
18 activities without patrons' knowledge or consent and that this law prohibits library staff
19 from informing patrons if federal agents have requested patrons' library records.

20 6. That in order to assess the effect of antiterrorism initiatives on the
21 residents of the City of Lincoln, the Lincoln City Council calls upon federal officials to
22 make periodic reports, consistent with the Freedom of Information Act, that include:

23 (a) the number of Lincoln residents who have been arrested or
24 otherwise detained by federal authorities as a result of terrorism investigations since
25 September 11, 2001;

26 (b) the number of search warrants that have been executed in
27 the City of Lincoln without notice to the subject of the warrant pursuant to section 213 of
28 the USA PATRIOT Act;

1 (c) the number of electronic surveillance actions carried out in
2 the City of Lincoln under powers granted in the USA PATRIOT Act;

3 (d) the number of investigations undertaken by federal
4 authorities to monitor political meetings, religious gatherings or other activities protected
5 by the First Amendment within the City of Lincoln;

6 (e) the number of times education records have been obtained
7 from public schools and institutions of higher learning in the City of Lincoln under
8 section 507 of the USA PATRIOT Act;

9 (f) the number of times library records or records of books
10 purchased by store patrons in bookstores have been obtained in the City of Lincoln
11 under section 215 or 505 of the USA PATRIOT Act; and

12 (g) the number of times business or medical records have been
13 obtained from businesses or health care providers within the City of Lincoln under
14 section 215 or 505 of the USA PATRIOT Act.

15 7. That the Lincoln City Council gives voice to the concerns of Lincoln
16 residents by supporting efforts consistent with this resolution to change those sections
17 of the USA PATRIOT Act that unduly infringe upon fundamental rights and liberties as
18 recognized in the United States Constitution and its Amendments.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor