

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-109

By Zerby, Zimmermann, Benson, Johnson Lee, Lilligren, Schiff and Niziolek

Defending the Bill of Rights.

Whereas, the first ten amendments to the United States Constitution, known as the Bill of Rights, guarantee individual rights and liberties; and

Whereas, individual rights and liberties are protected by international law; and

Whereas, Article I, Section 1 of the Bill of Rights of the Minnesota Constitution declares that Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good; and

Whereas, the Bill of Rights of the Minnesota Constitution further protects and guarantees:

- Freedom of speech, association and the press; and
- Privacy against unreasonable searches and seizures; and
- Freedom of religion; and
- Due process and equal protection of law; and
- Rights of the accused in criminal prosecution including a public and speedy trial by jury; and

Whereas, we believe these constitutionally guaranteed rights and liberties that are treasured by us are now threatened by:

A. The USA PATRIOT Act (Pub. L. No. 107-56), which

- Effectively eliminates judicial supervision of telephone and Internet surveillance (Sections 206 and 218); and
- Gives the Attorney General and the Secretary of State the power to designate domestic groups conducting legitimate activity as "terrorist organizations" (Section 411); and
- Grants the FBI broad access to sensitive medical, mental health, financial, library and educational records about individuals without having to show evidence of a crime, and without a court order (Sections 215 and 507); and
- Demands the prosecution of the custodian of these records who reveals a knowledge of the search (Section 215); and
- Allows secret searches of homes and offices, undermining an individual's right to be secure in one's home against unreasonable searches and seizures (Sections 213 and 218).

B. The Homeland Security Act of 2002 (Pub. L. No. 107-296), which

- Allows government officials to probe into all aspects of our private lives without a search warrant, and without proof of criminal wrongdoing (Title II); and
- Specifically creates a database on every American, which can record all communications (phone calls, e-mails and Internet activity), banking transactions, credit card purchases, prescriptions, school records, medical records, employment, and travel records (Title II); and
- Undermines the Privacy Act of 1974, which was intended to limit what government agencies could do with personal and private information (Title II and Title VIII Subtitle I); and
- Prevents the dissemination of public documents and records (Section 214) under the Freedom of Information Act.

C. Executive and Military Orders, and Justice Department Directives, which

- Promote the exchange of sensitive personal information with and among state and local governments and private entities (E.O. 13228); and
- Establish secret military tribunals for anyone deemed by the Justice Dept. to be an "enemy combatant" (M.O. 11/13/01); and
- Permit the monitoring and wiretapping of conversations between lawyers and federal prisoners, without a court order or supervision [Justice Department - Bureau of Prisons (28 CFR 501.3)]; and
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI [covert activities that in the past targeted domestic groups and individuals] (Attorney General's Guidelines; May 30, 2002.); and

· Limit the disclosure of public documents and records under the Freedom of Information Act (Attorney General's Memorandum; Oct. 12, 2001); and

Whereas, Section 412 of the USA PATRIOT Act, and the Military Order of 11/13/01, specifically target foreign nationals and encourages the profiling of Muslims and people of Middle Eastern and South Asian descent, but could potentially affect anyone in the United States acting and speaking legally in opposing government policy; and

Whereas, the Military Order on secret military tribunals (66 FR 57833) could also be used to designate any foreign national as a suspected terrorist, or as aiding terrorists, and be detained, tried, convicted and even executed without a public trial, without adequate access to counsel, without the presumption of innocence or even proof of guilt beyond reasonable doubt, and without the right to appeal; and

Whereas, the USA PATRIOT Act and the Homeland Security Act permit the gathering and disclosure of personal information on American citizens who are neither accused of or under investigation for criminal activity;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we affirm our strong support for the rights and liberties enumerated above which are guaranteed by our Federal and State Constitutions, by international law, and by City Ordinances, and we oppose federal laws, directives and orders, including those cited above, to the extent that they infringe on those rights and liberties, because such laws, directives and orders threaten the residents of our City.

Be It Further Resolved that all City law enforcement agencies and personnel promptly report to the Minneapolis City Council and Human Rights Commission, to the extent legally possible, all instances in the City of Minneapolis, where activities, investigations, or proceedings have violated the fundamental rights and liberties enumerated above, including but not limited to each instance of:

- A person detained without charges, denied the right to counsel, or denied a public and speedy trial;
- A search warrant executed without notice to the subject of the warrant;
- Electronic surveillance or wiretaps conducted without judicial approval;
- Surveillance of religious or political meetings; and
- Obtaining records from educational institutions, libraries, and bookstores without judicial approval.

And they shall refrain from using City resources, including personnel and administrative or law enforcement funds to advance such unconstitutional activities.

Be It Further Resolved that the City of Minneapolis urges members of the Minnesota Congressional delegation to actively work for the revocation of any sections of the USA PATRIOT and Homeland Security Acts, and any federal legislation, orders or directives which limit or violate fundamental rights and liberties enumerated above or otherwise contained in the Constitutions of the State of Minnesota and of the United States or treaties of the United States.

Be It Further Resolved that the City Council recommends that the Director of the Minneapolis Library post a notice to all library users that their personal library records may be obtained by the federal government under the USA PATRIOT ACT.

Be It Further Resolved that the Minneapolis Police Department not engage in profiling based on race, ethnicity, citizenship, religious or political affiliation.

Be It Further Resolved that the City Clerk transmit a copy of this resolution to the persons and agencies enumerated in this Resolution.

Adopted 4/4/03. Yeas, 11; Nays, 2 as follows:

Yeas - Benson, Goodman, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Ostrow.

Nays - Lane, Johnson.

The **INTERGOVERNMENTAL RELATIONS** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

IGR & T&PW - Your Committee recommends passage of the accompanying resolution supporting \$30 million in transportation bonding authority for Busway Rapid Transit in the Northwest Corridor.

Adopted 4/4/03.