



Legislation Details (With Text)

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Res. No. 649
Resolution calling upon the United States Congress to repeal the USA Patriot Act because of serious concerns regarding the federal government's increased powers of surveillance upon its citizens and the effects of this expanded power upon fundamental rights and liberties.

By Council Members Barron, Comrie, Jackson, Lopez, Perkins, Vann and Reed; also Council Member Seabrook

Whereas, On October 26, 2001, President Bush signed into law the USA Patriot Act (acronym for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism", hereinafter "Patriot Act"); passed quickly in the wake of the horrific September 11th terrorist attacks, the 342 page Patriot Act was conceived hastily in a climate of mourning, fear and resolve, allowing insufficient time for debate or deliberation regarding the significant changes the Act sought to achieve; and

Whereas, The enactment of the Patriot Act has since given new, far-reaching powers to both domestic law enforcement and international intelligence agencies while simultaneously hampering the oversight ability of the courts to ensure that these powers will not be abused; and

Whereas, The Patriot Act makes changes to over 15 different statutes, and a number of legal scholars and organizations, including the American Civil Liberties Union, agree that many of these statutory changes have the potential to compromise our civil liberties; voices in opposition to the Patriot Act include a number of municipalities nationwide including Cambridge, Massachusetts, Ann Arbor, Michigan and Berkeley, California, all of which have found the Patriot Act to be a potential threat to the civil rights of the residents of their communities; and Whereas, Among other things, the Act creates a new crime of "domestic terrorism", which the Act defines so broadly that it could possibly be applied to a number of legitimate acts of civil disobedience; and

Whereas, By amending a number of laws which were designed to be protective of privacy, the Patriot Act has greatly expanded the government's authority and ability to conduct surveillance to intrude into private lives and obtain personal information about individuals living in the United States, including United States citizens; and

Whereas, A prime example is the amendment of the Foreign Intelligence Surveillance Act ("FISA"); by amending FISA, the Patriot Act effectively increases the government's access to an individual's private information by enabling the FBI to acquire records from bookstores and libraries of materials that an individual suspected of terrorism has purchased or read, including records of one's activities on a library computer; and

Whereas, Further, the Patriot Act creates a gag order to prevent anyone from disclosing that they have been ordered to produce such documents, effectively denying booksellers and library personnel the free speech right to inform anyone, including an attorney, that the FBI has requested someone's reading list; and

Whereas, The Act significantly changes how search warrants are executed and allows for surveillance of legal, religious, labor and political organizations, as well as surveillance of private citizens, private business records and other materials without any evidence of wrongdoing or proof of probable cause, in violation of the Fourth Amendment; and

Whereas, The Patriot Act gives the FBI and CIA greater rights to wiretap phones, monitor e-mail and internet use, survey medical, financial and student records, and break into homes and offices without prior notification; and

Whereas, In another example, according to the Bill of Rights Defense Committee, the dangers of the Patriot Act are further augmented by a

Bureau of Prisons order which allows federal agents to abridge the attorney-client privilege by eavesdropping on conversations between lawyers and their clients held in federal custody; and

Whereas, The significant potential for abuse associated with these increased powers is exacerbated by the fact that, according to the Bill of Rights Defense Committee, the government is not providing unclassified information as to how it is using these new powers pursuant to the Freedom of Information Act; this veil of secrecy prevents anyone, including citizens, federal judges, members of Congress, and the media, from ever properly overseeing these activities and assessing whether the government may be misusing or abusing its significantly enhanced powers; and

Whereas, Many have expressed concerns that these new surveillance laws seriously threaten civil rights and democratic principles; while measures to promote national security are a necessity, the government should not be trading basic civil rights for the illusion of public safety; and

Whereas, It is clear that many sections of the Patriot Act have not been thoroughly and carefully examined by Congress; this concern is amplified by the fact that several key procedural processes applicable to other proposed laws, including the normal committee and hearing processes, were suspended for the Patriot Act; and

Whereas, The City of New York demonstrates a continuous commitment to protecting the free exercise and enjoyment of the rights and privileges secured by the Constitution and the laws of the United States and the State and the City of New York; now, as the Patriot Act threatens to abridge these rights and liberties, efforts should be undertaken to restore these rights by having the Patriot Act repealed; and

Whereas, Law enforcement must be equipped with tools to locate terrorists and prevent future tragedies, however, we must ensure that our outrage is not used to justify legislation that trespasses on our rights under the Constitution; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to repeal the USA Patriot Act because of serious concerns regarding the federal government's increased powers of surveillance upon its citizens and the effects of this expanded power upon fundamental rights and liberties.

LS # 1551
TMQ