



## Legislation Text

---

**File #:** Res 1120-2003, **Version:** \*

---

Res. No. 1120

Resolution calling upon the Bush Administration to abandon its efforts to further erode basic civil liberties and civil rights through the proposed Domestic Security Enhancement Act of 2003, also known as Patriot Act II, because of the proposal's expansion of police and governmental powers.

By the Speaker (Council Member Miller) and Council Members Brewer, Clarke, Comrie, Foster, Koppell, Liu, Lopez, Monserrate, Perkins, Reed, Sanders, Seabrook, Serrano, Stewart, Vann, Weprin, Moskowitz and Quinn

Whereas, In recent months, the Bush Administration, in a package of amendments known as the Domestic Security Enhancement Act of 2003, or Patriot Act II, has been advocating changes to expand upon the powers given to law enforcement in the 2001 USA PATRIOT Act (Public Law 107-56); and

Whereas, The Patriot Act itself has come under increased scrutiny for the expanded powers it gave to law enforcement agencies, particularly in the area of searches and surveillance, and the New York Times, in a recent editorial, noted that "many people, both liberals and conservatives, consider [the Patriot Act] a dangerous assault on civil liberties"; and

Whereas, While the ramifications and effectiveness of the two-year old Patriot Act are still being evaluated and debated, the Bush Administration should hold back from proposing or suggesting any changes until a full analysis of the role played by the Patriot Act in ferreting out terrorists and preventing terrorist acts is completed, and until an understanding of its impact on civil liberties is undertaken; and

Whereas, As drafted, however, several provisions of Patriot Act II cause concern, particularly in the inability of federal courts to monitor certain government actions and in the increased surveillance powers contemplated by the proposal; and

Whereas, Section 128, for example, would allow for the use of administrative subpoenas in domestic and international terror investigations and these subpoenas would be issued by the Department of Justice without prior judicial review and without the benefit of the standard judicial safeguards against law enforcement abuse of authority in obtaining warrants; and

Whereas, In addition, the City of New York has a large and diverse immigrant population that provides a substantial cultural and economic foundation for many communities, and Patriot Act II has the potential to adversely affect both the immigrant and citizen population by allowing for broader federal powers in the removal or exclusion of non-citizens (§501-506); and

Whereas, The City of New York also has an interest in retaining the power to enter into consent decrees, and to observe prior agreements, and the Council of the City of New York has recognized that the 1985 Handschu Agreement, which regulates the ability of the NYPD to spy on its citizens, has protected the people of the City of New York from unnecessary intrusions by the NYPD into their constitutionally-protected rights to privacy, free speech, and assembly, yet Section 312 of Patriot Act II would eliminate all law enforcement agency consent decrees except for those falling under the vague category of "necessary;" and

Whereas, There has been great concern voiced not only in New York City, but in communities nationwide, with regard to the further expansion in Patriot Act II of surreptitious surveillance, searches, and other policies that would lead to the continued deterioration of basic civil rights and liberties; and

Whereas, While the Council of the City of New York is committed to the goal of strengthening our country's defenses against terrorism and to supporting the law enforcement agencies that are charged with this tremendous duty, we must assure the people of the City of New York that we are not willing to compromise the rights and freedoms that they presently enjoy as citizens and residents of the United States, and Patriot Act II has the potential to infringe on these freedoms; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Bush Administration to abandon its efforts to further erode basic civil liberties and civil rights through the proposed Domestic Security Enhancement Act of 2003, also known as Patriot Act II, because of the proposal's expansion of police and governmental powers.