

City of Olympia, Washington
RESOLUTION NO. M-1531

A RESOLUTION to protect civil liberties.

WHEREAS the City of Olympia is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS the City of Olympia has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS the City of Olympia affirms an abhorrence of and opposition to global terrorism and maintains an unqualified support for the men and women serving in our armed forces to protect our freedoms; and

WHEREAS the preservation of civil rights and liberties is essential to the well-being of a democratic society; 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 deliberate fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS government security measures that undermine fundamental rights do damage to the American institutions and values that the City of Olympia holds dear; and

WHEREAS the Council of the City of Olympia believes that there is no inherent conflict between national security and the preservation of personal liberties – Americans can be both safe and free; and

WHEREAS federal policies adopted since September 11, 2001, including provisions of the **USA PATRIOT ACT** (Public Law 107-56) and related executive orders, regulations and actions, threaten fundamental rights and liberties by:

- (A) authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as “enemy combatants” without access to counsel or meaningful recourse to the federal courts;

- (B) limiting the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;
- (C) expanding the authority of federal agents to conduct so-called “sneak and peek” or “black bag” searches, in which the subject of the search warrant is unaware that his property has been searched;
- (D) granting law enforcement and intelligence agencies broad access to personal medical, financial, library and educational records with little, if any, judicial oversight;
- (E) chilling constitutionally protected speech through overly-broad definitions of “terrorism;”
- (F) driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law;
- (G) permitting the FBI to conduct surveillance of religious services, Internet chatrooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed;

and

WHEREAS these new federal policies pose a particular threat to the civil rights and liberties of the residents of our city who are or are perceived to be of Arab, Muslim or South Asian descent; and

WHEREAS many other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values and demand accountability from law enforcement agencies regarding their use of these new powers.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF OLYMPIA:

1. Affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties.
2. Affirms its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin.

3. Urges all private citizens and organizations, including residents, employers and educators, and business owners, to demonstrate similar respect for civil rights and civil liberties, especially, but not limited to conditions of employment and cooperation with investigations;
4. Directs the City Manager to instruct all Employees of the City of Olympia to:
 - A) Request that Federal and State law enforcement officials acting within the City not engage in or permit detentions without charges or based on racial discrimination in law enforcement
 - B) Refrain, to the extent legally possible, from officially assisting or voluntarily cooperating with investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil liberties as specified in the United States Constitution;
 - C) Promptly communicate with supervisor or City Manager for transmittal to the City Attorney in an event a request is made to a City employee by an outside agency, compliance with which, in the judgment of the City employee receiving such request, is contrary to or in violation of the Constitutional protections afforded to any person in Olympia. If appropriate, the City Attorney shall commence judicial proceedings to review the constitutionality of such request;
 - D) When engaging in public safety intelligence gathering as part of law enforcement and of national security, refrain from collecting information about political, religious or social views, associations, or activities unless the information relates to public safety concerns or suspicion of criminal activity or the potential for criminal activity.
 - E) Continue to carry out investigations without regard to race, religion, ethnicity or national origin, age, sexual orientation, gender, economic status, marital status, citizenship status, or disability as a factor in selecting which individuals are subject to investigatory activities, unless such information directly relates to an investigation or to criminal activities;
 - F) Immediately report to the City Manager, who shall report to the City Council at the subsequent City Council meeting, to the extent not directly prohibited by law, any known activities within the City that have been carried out under the aforementioned Federal laws and orders;

5. Directs the City Manager to:

Transmit a copy of this resolution to Senator Patty Murray, Senator Maria Cantwell and Congressman Brian Baird accompanied by a letter urging them to:

- Support Congressional efforts to assess the impacts of the USA PATRIOT ACT;
- Monitor federal anti-terrorism tactics and work to repeal provisions of the USA PATRIOT ACT and other laws and regulations that infringe on civil rights and liberties;
- Ensure that provisions of the USA PATRIOT Act "sunset" in accordance with the provisions of the Act; and
- Take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as "Patriot II," or any similar legislation that would dilute, if not undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances by:
 - a. diminishing personal privacy by removing important checks on government surveillance authority,
 - b. reducing the accountability of government to the public by increasing government secrecy,
 - c. expanding the definition of "terrorism" in a manner that threatens the constitutionally protected rights of Americans, and/or
 - d. seriously eroding the right of all persons to due process of law.

6. Directs the City Manager to transmit a copy of this resolution to the State Governor and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws and policies be implemented in a manner that does not infringe on civil liberties as described in this resolution;

7. Directs the City Manager to transmit a copy of this resolution to President Bush and Attorney General Ashcroft;

and 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 the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

PASSED BY THE OLYMPIA CITY COUNCIL this 28 day of October, 2003.