

RESOLUTION NO. 6541

A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS AFFIRMING
THE STRONGEST SUPPORT FOR CIVIL LIBERTIES AND THE BILL
OF RIGHTS AND CALLING FOR THE REPEAL OF CERTAIN
PORTIONS OF THE USA PATRIOT ACT

WHEREAS, the City of Lawrence has a long and distinguished history of protecting and expanding civil rights and civil liberties, having been founded by proponents of the abolition of human slavery, and having served as a beacon for our country's citizens when essential liberties are threatened; and

WHEREAS, the Lawrence community houses a diverse student and working population, representing many cultures and nationalities, including non-citizens, whose contributions to the community and the University of Kansas and Haskell Indian Nations University, are vital to its character and function; and

WHEREAS, the City of Lawrence condemns all acts of terrorism; and

WHEREAS, government security measures that undermine fundamental rights do damage to American institutions and values that all Americans, especially the residents of Lawrence, hold dear; and

WHEREAS, the Lawrence City Commission believes that there should be no inherent conflict between national security and the preservation of liberty and Americans can be both safe and free; and

WHEREAS, the Lawrence City Commission believes that efforts to prevent and respond to acts of terrorism require extensive coordination, cooperation, and accountability among the federal, state, and local level; and

WHEREAS, the Lawrence City Commission recognizes that protecting our citizens against future terrorist attacks requires the federal government to aggressively pursue potential terrorists but these efforts to combat terrorism should not disproportionately infringe on the essential civil rights and liberties of the people of the U.S.; and

WHEREAS, the prevention of future terrorists attacks is a critical national priority, but it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles; and

WHEREAS, certain portions of the USA PATRIOT ACT threaten fundamental civil rights and liberties, particularly those portions which unnecessarily broaden law enforcement investigative powers at the expense of diminished personal liberties; and

WHEREAS, the City of Lawrence joins many others in believing that that a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

- Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home;
- Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;
- Section 218 which amends the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime;
- Sections 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;
- Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as "terrorist organizations" and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed; and
- Sections 507 and 508 which impose an unfunded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

WHEREAS, municipal government budgets across the nation are strained and these added duties constitute unfunded mandates on cities police departments, libraries, universities, etc. that cities cannot financially absorb; and

WHEREAS, over 245 other communities, three states—Alaska, Hawaii and Vermont, and the National League of Cities have enacted resolutions reaffirming support for these essential Constitutional rights in the face of certain provisions of the USA Patriot Act and other Federal Laws and Orders that infringe upon these essential liberties demanding that law enforcement officers abide by their sworn oath to uphold the Constitution,

NOW, THEREFORE, THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS HEREBY RESOLVES:

Section 1. The Lawrence City Commission affirms its strong support for fundamental constitutional rights and its opposition to government measures that infringe on civil liberties.

Section 2. The Lawrence City Commission 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.

Section 3. The Lawrence City Commission strongly urges the U.S. Congress to amend the USA PATRIOT ACT in order to restore and protect our nation's fundamental and inalienable rights and liberties; the Commission further urges the President, and executive branch members to review, revise and rescind executive orders and policies adopted since the terrorist attacks, that limit or compromise the liberties guaranteed by the Constitution and the Bill of Rights.

Section 4. The Lawrence City Commission requests that the Lawrence Public Library Board of Trustees post in prominent places a notice to library patrons as follows: "NOTICE. Under Section 215 of the USA PATRIOT Act (Public Law 107-56), records of books and other materials you borrow from this library may be inspected and retained by Federal agents. Librarians are prohibited from informing you if records about you have been obtained by federal agents." This notice shall also be provided in the Spanish language. Handouts printed with the above statement may be distributed in lieu of posting notices.

Section 5. The Lawrence City Commission commends the governing body of the Lawrence Public Library for protecting the privacy of patrons by maintaining circulation records only as long as necessary to secure the return of materials and payment of fines and fees and requests the governing body of the Lawrence Public Library continue this policy.

Section 6. The Lawrence City Commission supports the "Freedom to Read Protection Act of 2003" that would reinstate legal standards for libraries and bookstores and the Protecting the Rights of Individuals Act which would require a court order before conducting electronic surveillance.

Section 7. The Lawrence City Commission supports the sunset of key provisions of the PATRIOT Act and increased Congressional oversight over the role of the agencies responsible for enforcing the law.

Section 8. The Lawrence City Commission urges that portions of the Intelligence Authorization Act of 2004 expanding the authority for the use of National Security Letters be reexamined and repealed.

Section 9. The City of Lawrence calls on Congress, the Department of Homeland Security, and other related agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of Americans.


Section 10. Copies of this Resolution shall be forwarded to President Bush and the Kansas Congressional Delegation.

Adopted this 20th day of April 2004.

PASSED:


Mike Rundle, Mayor

ATTEST:


Frank S. Reeb, City Clerk