

FOURTEENTH DAY

FOURTH COUNCILMANIC YEAR — SESSION OF 1999-2004

JOURNAL
CITY COUNCIL OF BALTIMORE

May 19, 2003

Brother Clinton Miles, of Central Church of Christ, led the Council in Prayer.

The President and members of the Council recited the Pledge of Allegiance to the Flag.

The City Council of Baltimore met pursuant to adjournment. Present: Sheila Dixon, President, and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Abayomi, Reisinger, Stukes

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Bill No. 03-1122 - By Councilmembers Abayomi, Curran, President Dixon, Councilmembers Cain, Harris, Mitchell, Pugh, Stukes (by request):

Introduced: May 19, 2003
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

Preservation of Civil Liberties – USA Patriot Act

FOR the purpose of defending the civil liberties and rights of all individuals in Baltimore City.

WHEREAS, the City of Baltimore recognizes the U.S. Constitution to be the supreme law of the land ,which all public servants are sworn to uphold.

WHEREAS, the City of Baltimore greatly benefits from the many contributions of its highly diverse population, including global people vital to our city’s unique character.

WHEREAS, the City of Baltimore is a major international port uniquely positioned to maintain prosperous relationships with all nations.

WHEREAS, government security measures undermining fundamental rights damage the American institutions and values that City residents covet.

WHEREAS, the Baltimore City Council believes no inherent conflict exists between national security and liberty preservation – Americans can be both safe and free.

WHEREAS, federal policies adopted since September 11, 2001, including provisions in the USA Patriot Act (Public Law 107-56) (the “Act”), related executive orders, regulations, and actions threaten fundamental rights and liberties by:

- (a) authorizing indefinite incarceration of non-citizens based on mere suspicion and those designated by the President as “enemy combatants” without access to counsel or meaningful judicial recourse;
- (b) limiting federal courts’ traditional authority to curb law enforcement abuse of electronic surveillance in anti-terrorism and ordinary criminal investigations;
- (c) expanding federal agents’ authority to conduct so-called “sneak and peek” or “black bag” searches in which the search warrant subject is unaware his property has been searched;
- (d) granting law enforcement and intelligence agencies broad access to personal medical, financial, library, and education records with little, if any, judicial oversight;
- (e) chilling constitutionally protected speech through overbroad definitions of “terrorism”;
- (f) distancing immigrant communities from the police protecting them by encouraging state and local police involvement in federal immigration law enforcement; and
- (g) permitting FBI surveillance of religious services, internet chat rooms, political demonstrations and other public meetings without any evidence a crime has been or may be committed.

WHEREAS, these expanded powers have and will particularly threaten city persons’ civil rights and liberties. Powers granted by Congress to government agencies are seldom retracted, and agencies with greater surveillance and investigative powers under the Act, e.g., Defense, State, and Justice Departments, may not be willing to abandon those powers by 2005. Thus, these agencies and Administration may seek to amend, adjust, or repeal the Act’s sunset provisions. Congress must ensure powers granted by the Act are limited in scope and effect to Congressional intent.

WHEREAS, the Administration has drafted new legislation entitled the Domestic Security Enhancement Act (DSEA or Patriot II) containing a multitude of new and sweeping law-enforcement and intelligence-gathering powers, many of which are unrelated to terrorism, that

would severely dilute, if not undermine, many basic constitutional rights and disturb our unique system of checks and balances by:

- (a) diminishing personal privacy by removing important checks on government surveillance authority,
- (b) reducing government accountability to the public by increasing government secrecy,
- (c) expanding the definition of “terrorism” in a manner threatening Americans’ constitutionally protected rights, and
- (d) seriously eroding all persons’ right to due process of law.

WHEREAS, the City of Baltimore recognizes that infringing any person’s constitutionally guaranteed rights, under color of law, is an abuse of power, breach of public trust, misappropriation of public resources, violation of civil rights, and beyond the scope of governmental authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That it remains firmly committed to protecting civil rights and liberties for all people. The City of Baltimore will completely avoid discrimination in every function of city government and vigorously uphold all persons’ constitutionally protected rights to peacefully protest and express political views without any form of governmental influence.

AND BE IT FURTHER RESOLVED, That the City of Baltimore joins communities across the nation in expressing concerns regarding provisions in the Act, related executive orders, regulations, and actions threatening fundamental rights and liberties guaranteed under the Constitution.

AND BE IT FURTHER RESOLVED, That:

1. The City Council urges Baltimore Police to:
 - a. refrain from enforcing immigration matters, which are entirely Homeland Security Department’s responsibility. No city service will be denied based on citizenship;
 - b. refrain from engaging in surveillance of individuals or groups based on their participation in activities protected by the First Amendment, such as political advocacy or religious practice, without particularized suspicion or criminal activity unrelated to First Amendment protected acts;
 - c. refrain from utilizing racial or religious profiling factors in selecting individuals to subject to investigatory activities except when seeking to

apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the suspect's description;

- d. refrain, whether acting alone or with federal or state law enforcement officers, from collecting or maintaining information about the political, religious, social views, associations or activities of any individual, group, association, organization, corporation, business, or partnership unless such information directly relates to criminal investigation activities and reasonable grounds exist to suspect the subject of the information is or may be involved in criminal conduct;
 - e. refrain from undertaking or participating in any initiative, such as the Terrorism Information and Prevention System (TIPS), that encourages members of the general public to spy on their neighbors, colleagues, or customers;
 - f. refrain from using racial profiling to stop drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity; and
 - g. report to the City Council any request by federal authorities that, if granted, would cause city agencies to exercise or cooperate in the exercise of powers in apparent violation of any city ordinance, laws or constitution of Maryland or the United States.
2. The City Council urges public libraries in Baltimore City to post prominently this notice to patrons: "WARNING: Under the federal USA Patriot Act (Public Law 107-56) Section 215, records of the books and other materials you borrow from this library may be obtained by federal agents. This law prohibits librarians from informing you if federal agents have obtained records about you. Send questions about this policy to: Attorney General John Ashcroft, Justice Department, Washington, DC 20530".
3. The City Council directs its Chief Clerk to:
- a. Send a copy of this resolution to Senators Paul Sarbanes, Barbara Mikulski, Representatives Dutch Ruppersberger, Roscoe Bartlett, and Elijah Cummings, with a letter urging them to monitor federal anti-terrorism tactics, work to repeal provisions of the Act, other laws and regulations infringing on civil rights and liberties, to take all possible steps leading Congress to prohibit DSEA passage, to support Congress' efforts to oversee and assess the impacts of the Act, and to ensure that the Act's sunset date remains in force and is honored, thereby supporting all Congressional efforts to ensure Congress

enacts the required joint resolution on or before October 1, 2005, to inactivate Title;

- b. Send a copy of this resolution to Governor Robert Ehrlich and appropriate General Assembly members, with a letter urging them to ensure state anti-terrorism laws and policies be implemented without infringing civil liberties described herein; and
- c. Send a copy of this resolution to President George Bush and Attorney General Ashcroft.

Councilmember Abayomi made a motion, which was duly seconded, that the Rules be suspended.

The roll was called on the motion, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Spector, Abayomi, Reisinger, Stukes - Total 18.

Nays - 0.

Out of Chambers - Councilmember Rawlings Blake - Total 1.

The President declared the Rules "Suspended".

Then Councilmember Abayomi made a motion, which was duly seconded, that the Resolution be adopted.

The roll was called on the motion, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Spector, Abayomi, Reisinger, Stukes - Total 18.

Nays - 0.

Out of Chambers - Councilmember Rawlings Blake - Total 1.

The President declared the Resolution "Adopted".