



Text File

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Committee: City Council

Status: Adopted

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

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

WHEREAS the preservation of civil rights and liberties is essential to the well-being of a democratic society;

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 deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties;

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

WHEREAS the Council of the City of Pittsburgh believes that there is no inherent conflict between national security and the preservation of liberty -- 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 Homeland Security Act of 2002, 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 education records with little if any judicial oversight;
- (e) Chilling constitutionally protected speech through overbroad 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;

WHEREAS new legislation has been drafted by the Administration entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute 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
- (d) Eroding the right of all persons to due process of law

WHEREAS these new powers pose a particular threat to the civil rights and liberties of the residents of our city who are Arab, Muslim or of 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 demanding accountability from law enforcement agencies regarding their use of these new powers;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF PITTSBURGH:

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. REQUESTS the Mayor to direct the Police Department of the City of Pittsburgh to:
 - (a). Refrain from participating in the enforcement of federal immigration laws **which are solely the responsibility of the federal government**;
 - (b). Seek adequate written assurances from federal authorities that residents of the City of Pittsburgh and individuals in the custody of the City of Pittsburgh who are placed in federal custody will not be subjected to military detention, secret detention, secret immigration proceedings, or detention without access to counsel, and refrain from assisting federal authorities to obtain custody of such individuals absent such assurances;
 - (c). Refrain from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of a religion, without particularized suspicion of criminal activity unrelated to the activity protected by the First Amendment;
 - (d). Refrain from racial profiling. The police department shall not utilize race, religion, ethnicity, or national

origin as a factor in selecting which 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 description of the suspect;

(e). Refrain, whether acting alone or with federal or state law enforcement officers, from collecting or maintaining information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;

(f). Refrain from: engaging in video surveillance unless the police have reasonable suspicion that the subjects of the video surveillance have or are about to commit a crime, establishing additional general surveillance networks, deploying facial recognition technology or other unreliable biometric identification technology within the City of Pittsburgh;

(g). Provide advance or simultaneous notice of the execution of a search warrant to any resident of the City of Pittsburgh whose property is the subject of such a warrant except in those cases where it has been determined by a judge that delayed notification will preserve life or physical safety, prevent flight from prosecution or prevent the destruction of evidence, and refrain from participating in a joint search with any law enforcement agency absent assurances that such notice, absent the specific exceptions, will be provided to such individuals during the search;

(h). Refrain from undertaking or participating in any initiative that encourages members of the general public to spy on their neighbors, colleagues or customers;

(i). Refrain from the practice of stopping drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity;

(j). Report to the City Council any request by federal authorities that, if granted, would cause agencies of the City of Pittsburgh to exercise powers or cooperate in the exercise of powers in apparent violation of any city ordinance or the laws or Constitution of this State or the United States;

(k). Nothing in this resolution shall be construed as a directive or enticement to law enforcement officials to engage in any illegal activities.

4. RECOMMENDS that all schools and institutions of higher learning within the City of Pittsburgh provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT Act;

5. RECOMMENDS that all libraries within the City of Pittsburgh post in a prominent place within the library a notice to library users as follows: "WARNING: Section 215 of the federal USA PATRIOT Act (Public Law 107-56) greatly expands the authority of federal agents to obtain records of books and other materials you borrow from this library. This law prohibits librarians from informing you, should records about you be obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530 ";

6. RECOMMENDS that all libraries within the City of Pittsburgh have a policy that ensures the regular destruction of records that identify the name of the book borrower after the book is returned, or that identify the name of the computer user after completion of Internet or other use;

7. RECOMMENDS that all persons in local businesses and institutions, and particularly booksellers, be advised to refrain when possible from keeping records that identify the name of the purchaser, and to regularly destroy such records that are maintained, in order to protect intellectual privacy rights;

8. REQUESTS the Mayor to seek periodically from the Department of Justice and the Department of Homeland Security the following information in a form and format to be determined that facilitates an assessment of the effect of federal anti-terrorism efforts on the residents of the City of Pittsburgh:

- (a). The names of all residents of the City of Pittsburgh who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001; the location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; the name of counsel, if any, representing each detainee;
- (b). The total number of search warrants that have been executed in the City of Pittsburgh without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;
- (c). The total number of new or additional electronic surveillance networks installed within the City of Pittsburgh under powers granted in the USA PATRIOT Act;
- (d). The names and total number of groups, political, religious, or other, whose activities are protected by the First Amendment, which are being monitored by federal authorities within the City of Pittsburgh;
- (e). The total number of times education records have been obtained from public schools and institutions of higher learning in the City of Pittsburgh under section 507 of the USA PATRIOT Act;
- (f). The total number of times library records have been obtained from libraries in the City of Pittsburgh under section 215 of the USA PATRIOT Act;
- (g). The total number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Pittsburgh under section 215 of the USA PATRIOT Act;

9. REQUESTS the Mayor to transmit to the City Council no less than once every six months a summary of the information obtained pursuant to the preceding paragraph and, based on such information and any other relevant information, an assessment of the effect of federal anti-terrorism efforts on the residents of the City of Pittsburgh;

10. REQUESTS the City Clerk to transmit a copy of this resolution to Senator Arlen Specter, Senator Rick Santorum, and Congressional Representative Mike Doyle, Melissa Hart, and Tim Murphy, accompanied by a letter urging them to:

- (a) Support Congressional efforts to assess the impacts of the PATRIOT Act;
- (b) 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;
- (c) Ensure the provisions of the USA PATRIOT Act "sunset" in accordance with the provisions of the Act; and
- (d) Take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as "Patriot II".

11. REQUESTS the City Clerk to transmit a copy of this resolution to Governor Ed Rendell, and appropriate members of the State Legislature, accompanied by a letter urging them to ensure that state anti-terrorism laws

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and policies be implemented in a manner that do not infringe on civil liberties as described in this resolution.

12. REQUESTS the City Clerk to transmit a copy of this resolution to President Bush and Attorney General John Ashcroft.

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 Commonwealth of Pennsylvania 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.