

RESOLUTION No. 36179

Express concern about certain provisions of the U.S.A. P.A.T.R.I.O.T. Act (Resolution)

WHEREAS, the City of Portland affirms its commitment to the war on terrorism and acknowledges that federal, state and local governments need to protect the public from terrorist attacks such as those that occurred on September 11, 2001; and

WHEREAS, the City of Portland reaffirms its long and distinguished tradition of protecting the civil rights and liberties of all persons as expressed in the United States Constitution and the Constitution of the State of Oregon; and

WHEREAS, City policy recognizes that Portland has a diverse population, whose different backgrounds and experiences allow them to contribute a variety of ideas, expressions and perspectives that enrich our community; and

WHEREAS, the State of Oregon has the following laws recognizing the value of freedom and privacy for its residents: ORS 181.575, prohibiting law enforcement from collecting and maintaining information about the political, religious and social views, associations or activities of any individual or group unless such information directly relates to an investigation of criminal activities in which that individual is allegedly involved; and ORS 181.850, protecting our diverse immigrant population from undue scrutiny by prohibiting law enforcement from detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship residing in the United States in violation of federal immigration laws; and

WHEREAS, certain provisions of the U.S.A. P.A.T.R.I.O.T. Act (Public Law 107-56, hereafter referred to as the UPA) threaten these state laws, as well as our constitutional rights and liberties, by allowing the Federal Government to investigate, engage in surveillance and detain people without some of the protections historically provided by our state and federal constitutions, such as the right to due process of law, the right to counsel and the right to privacy, and, in their enforcement, pose a particular threat to the civil rights and liberties of persons who are Arab, Muslim, or of South Asian descent;

WHEREAS, a growing climate of fear among people in this country caused by the expansion of federal government powers under the UPA undermines national unity and resolve; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Portland:

1. AFFIRMS that the fight against terrorism requires city, county, state and federal law enforcement agencies to cooperate in efforts to investigate, prosecute, and prevent acts of terrorism such as those that occurred on September 11, 2001.
2. AFFIRMS that the fight against terrorism must not be waged at the expense of the essential rights and liberties of the residents of this state, as contained in the United States Constitution and Bill of Rights and the Constitution of the State of Oregon.

3. AFFIRMS our concern that portions of the UPA may violate the rights and liberties guaranteed by the United States Constitution and Bill of Rights and the Constitution of the State of Oregon, and implores the United States Congress to correct provisions of the UPA that unduly impair or infringe on civil liberties and oppose any pending or future federal legislation to the extent it infringes on civil liberties.
4. AFFIRMS strong support for the First Amendment right of public demonstrations, vigils, protests, marches and similar forms of protected expression of ideas and views without fear of prosecution under federal terrorism laws.
5. AFFIRMS our strong opposition to the indefinite detention of people who have not been charged with a crime, and measures that target individuals for legal scrutiny or enforcement activity based solely on their religion or country of origin.
6. DIRECTS the City Attorney to transmit a copy of this Resolution to Senator Ron Wyden, Senator Gordon Smith, and Representatives Earl Blumenauer, David Wu, Peter DeFazio, Greg Walden and Darlene Hooley accompanied by letters, urging them to:
 - a. work to modify the UPA to the extent that it infringes on civil rights and liberties,
 - b. ensure that provisions of the UPA “sunset” in accordance with the provisions of the Act,
 - c. work to prevent the passage of new legislation that infringes on privacy, due process, civil rights and liberties, and the checks and balances in government, and
 - d. pass Senate Bill 1552, the Protecting the Rights of Individuals Act, introduced on July 31, 2003, by Senator Lisa Murkowski (R-Alaska) and Senator Ron Wyden (D-Oregon), and other bills and amendments, which directly address the City of Portland’s concerns about the UPA.
7. DIRECTS the City Attorney to transmit a copy of this Resolution to President George W. Bush and U.S. Attorney General John D. Ashcroft.

Adopted by the Council: October 29, 2003
Commissioner Dan Saltzman
Prepared by:
Jeff Cogen 10/23/03

GARY BLACKMER
Auditor of the City of Portland
By: /S/ Susan Parsons

Deputy

BACKING SHEET INFORMATION

AGENDA NO. 1283-2003

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 36179

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
FRANCESCONI	X	
LEONARD	X	
SALTZMAN	X	
STEN	X	
KATZ	X	