

'PATRIOT' Act Resolution

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3 **WHEREAS**, the Democratic Party of Skagit County and the Democratic Party of
4 Washington have long and distinguished traditions of asserting the civil rights and
5 liberties for all Washington residents as expressed in the United States and the
6 Washington Constitution; and

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8 **WHEREAS**, the state of Washington has a diverse population, including
9 immigrants, students and working people, whose contributions to the community
10 are vital to its character and function; and

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12 **WHEREAS**, the Democratic Party of Washington reaffirms its support of the U.S.
13 Constitution and the Washington Constitution; and

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15 **WHEREAS**, the Democratic Party of Washington's June 5, 2004 platform states in
16 part supports, "remove components that are unconstitutional and affect liberty"; and

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18 **WHEREAS**, in our opinion, several new federal laws, regulations and executive
19 orders issued since September 11, 2001, including the adoption of certain provisions
20 of the U.S.A. P.A.T.R.I.O.T. Act (Public Law 107-56, hereafter UPA) and the
21 Homeland Security Act (Public Law 107-296) now threaten principal tenets of our
22 platform, as well as our constitutional rights and liberties, including

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24 a. Freedom of speech, association, and religion,
25 b. Right to privacy,
26 c. Right to counsel and due process in judicial proceedings,
27 d. Right to equal protection before the law,
28 e. Protection from unreasonable searches and seizures; and

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30 **WHEREAS**, in our opinion, federal policies adopted since September 11, 2001,
31 including provisions in the UPA and related executive orders, regulations and
32 actions threaten fundamental rights and liberties by:

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34 a. Authorizing the indefinite incarceration of non-citizens based on mere
35 suspicion (UPA, sections 411 and 412), and the indefinite incarceration of citizens
36 designated by the President as "enemy combatants" without access to counsel or
37 meaningful recourse to the federal courts (White House Order June 9, 2002;
38 Department of Defense Report October 2, 2002),

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40 b. Establishing secret military tribunals for terrorism suspects, without judicial
41 oversight or Constitutional safeguards (Military Order, November 13, 2001),

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43 c. Permitting wiretapping of conversations between federal prisoners and their
44 attorneys (28 CFR 501.3),

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46 d. Limiting disclosure of public documents and records under the Freedom of
47 Information Act ("Memorandum for Heads of all Federal Departments and
48 Agencies," Attorney General John Ashcroft, October 12, 2001),
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50 e. Permitting the use the secret Foreign Intelligence Courts to oversee law
51 enforcement use of electronic surveillance in anti-terrorism investigations and in
52 ordinary criminal investigations (UPA, section 216),
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54 f. Expanding the authority of federal agents under the secrecy of Foreign
55 Intelligence Courts to conduct so-called "sneak and peek" or "black bag" searches, in
56 which the subject of the search warrant is unaware that his property has been
57 searched for citizens and non-citizens alike. (UPA, section 213),
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59 g. Granting law enforcement and intelligence agencies broad access to personal
60 medical, financial, library and education records with little if any judicial oversight
61 (UPA, sections 215, 218, 358 and 508),
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63 h. Chilling constitutionally protected speech through overbroad definitions of
64 "terrorism", which include protests and other political demonstrations (UPA, section
65 411),
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67 i. Driving a wedge between immigrant communities and the police that protect
68 them by encouraging involvement of state and local police in enforcement of federal
69 immigration law (Public Law 107-296, Title VIII, Subtitle I: Homeland Security
70 Information Sharing Act; Department of Justice Legal Opinion April 10,2002),
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72 j. Permitting the FBI to conduct surveillance of religious services, Internet
73 chatrooms, political demonstrations, and other public meetings of any kind without
74 having any evidence that a crime has been or may be committed (UPA, sections 203
75 and 901 and Attorney General's Investigative Guidelines promulgated in May,
76 2002),
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78 k. Eliminating many safeguards designed to prevent the potential for broad
79 dissemination of unsubstantiated, incorrect or inappropriate information via law
80 enforcement (Public Law 107-296, section 202; Department of Justice Rule amending
81 28 CFR Part 16 Privacy Act of 1974, March 24, 2003),
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83 l. Allowing the Attorney General to override court decisions granting bond to
84 immigrants seeking asylum, by requiring most immigrants to be jailed indefinitely
85 without bond when "national security" risks exist (Interim Decision #3488, from
86 John Ashcroft April 17, 2003),
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88 m. Failing to ensure the accuracy of National Crime Information Center (NCIC)
89 records (Department of Justice Order issued March 24, 2003, amending 28 CFR part
90 16, Privacy Act of 1974), and

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92 **WHEREAS**, more than 400 communities throughout the country, the states of
93 Hawaii; Alaska, Maine, Colorado, Idaho, Montana and Vermont, have enacted, and
94 the Oregon State Senate and New Mexico State House have passed resolutions
95 reaffirming support for civil rights and civil liberties in the face of government
96 policies that threaten these values, and demanding accountability from law
97 enforcement agencies regarding their use of these new powers; and

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99 **WHEREAS**, thousands of Washington citizens have signed petitions, asking local
100 governments and organizations such as the Democratic Party of Washington to take
101 a stand affirming the civil liberties and human rights of Washington residents,

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103 **THEREFORE BE IT RESOLVED** that the Washington State Democratic Central
104 Committee (WSDCC):

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106 1. Affirms its strong support for fundamental constitutional rights and its opposition
107 to the UPA and related Executive and Department of Justice orders that infringe on
108 important civil liberties, as cited above.

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110 2. Calls upon all private citizens and organizations, including residents, employers,
111 educators and business owners to demonstrate respect for civil rights and civil
112 liberties.

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114 3. Urges each public library to conduct a "privacy audit" to determine what paper
115 and electronic records are kept that provide personally identifiable information
116 concerning a patron's use of the library's facilities, including both Internet usage and
117 usage of other materials in the library's collection. The audit should also determine
118 the purpose for which such records are kept and the time period for which they are
119 kept. Upon completion of the audit, the library shall adopt a records retention policy
120 that minimizes the amount of time that any such personally identifiable information
121 is retained by the library.

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123 4. Encourages Police/Sheriff's Departments to:

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125 a. Refuse to cooperate with any U.S. Attorney Office or FBI requests to
126 participate in the exercise of powers that violate either the Washington or U.S.
127 Constitution.

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129 b. Refuse to conduct surveillance on individuals or groups of individuals based
130 on their participation in protected First Amendment activities such as political
131 advocacy or religious practice, without reasonable suspicion of criminal activity.

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c. Refuse to collect or maintain 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 many be involved in criminal conduct.

d. Refrain from establishing a general surveillance network of video cameras, and refrain from deploying facial recognition technology or other unreliable biometric identification technology.

e. Refuse to stop drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity.

5. Encourages public schools and institutions of higher learning to provide notice to individuals whose education records have been obtained by law enforcement agents, pursuant to section 507 of the UPA;

6. Encourages all City/County Managers to determine how the new federal powers are being used locally by making the following information public:

a. The names of all detainees that have been held in their City/County as a result of terrorism investigations, where they have been held, circumstances of detention, any changes, whether the detainee has been transferred or d eported, whether the detainee has legal representation, and the name of the attorney.

b. The number of times records have been requested from libraries and bookstores under the powers granted in the UPA.

c. The number of searches conducted under the powers granted in the UPA, in which the subject of the search warrant is unaware that her/his property has been searched (so-called "sneak and peek" or "black bag" searches).

d. The number of individuals who have been questioned in connection with terrorism investigations, and the race, ethnicity, and immigration status of those individuals.

e. The number of wiretaps utilized under the powers granted in the UPA.

f. The number of religious institutions, political rallies and political meetings attended by law enforcement without probable cause of criminal activity.

g. The number of residents being held in connection with civil immigration violations and the nationality of those being held.

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h. The number of requests made to their Police Department or other city agencies for assistance with the execution of powers that violate either the Washington or U.S. Constitution.

i. The extent of electronic surveillance carried out in their City/County under powers granted in the UPA.

j. The number of times education records have been obtained from public schools and institutions of higher learning in their jurisdiction under section 507 of the UPA;

8. Urges all Washington City and County governments which have not done so already, to pass community resolutions taking a strong stand in support of our Bill of Rights, in order to influence Congress to restore our freedoms guaranteed in the Constitution, and affirms the Democratic Party of Washington's support for such resolutions.

9. Will send a copy of this Resolution to Governor Gregoire, the Washington Attorney General and appropriate members of the State Legislature, accompanied by letters urging them to ensure that any policies implemented by the Legislature do not infringe on civil liberties as described in this Resolution, and urging them to take a public stand supporting a statewide resolution, executive order, or statewide initiative prohibiting the expenditure of state funds in support of the federal laws, regulations and policies described in this Resolution.

10. Urges the Washington Congressional delegation to:

a. Monitor federal anti-terrorism tactics,

b. Work to repeal the UPA, Homeland Security and other laws, regulations and federal orders that infringe on civil rights and liberties, such as exists in HR 3171,

c. Ensure that provisions of the UPA "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" and/or any other new legislation that performs similar assaults on privacy, due process, increased government secrecy, and the checks and balances in government, including HR 3037 and S 113.

11. Will transmit a copy of this Resolution to President George W. Bush, US Attorney General Alberto Gonzales, and FBI Director Robert Mueller.

220 Submitted to Precinct _____ in _____ County
221 for consideration at its March 4, 2006 Precinct Caucus by:

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223 Name: _____ Phone: _____

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225 Approved: (date) _____

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227 PCO Signature: _____

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