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DEPARTMENT OF
FINANCE

FINANCE ADMINISTRATION

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CALIFORNIA

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November 4, 2003

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City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: USA Patriot Act

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION:

Per direction of the Law and Legislation Committee, this report transmits the attached resolution opposing the USA Patriot Act for City Council discussion and action.

CONTACT PERSON Patti Bisharat, Special Projects Manager – 808-8197

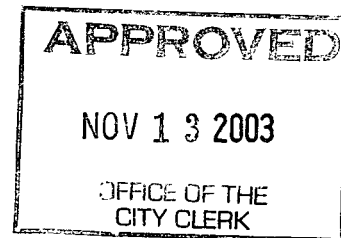
FOR THE COMMITTEE MEETING OF November 13, 2003

SUMMARY

Several Councilmembers have requested that staff bring forward a resolution opposing the USA Patriot Act. Per direction of the Law and Legislation Committee, this report transmits the attached resolution opposing the USA Patriot Act for City Council discussion and action.

COMMITTEE/COMMISSION ACTION

On October 21, 2003, the Law and Legislation Committee heard a staff report regarding the request to adopt a resolution opposing the USA Patriot Act. The Committee voted two ayes, 1 no and 1 abstention for a resolution opposing the measure. However, the Committee unanimously supported a motion to forward the resolution to the full City Council for discussion and action. The Committee also requested that staff research specific cases of violation of civil liberties resulting from the USA Patriot Act.



BACKGROUND

On October 26, 2001, President George W. Bush signed the USA Patriot Act. According to the United State Department of Justice (DOJ), the USA Patriot Act improves its counter-terrorism efforts in several significant ways. First, the act allows investigators to use tools that were already in place to investigate organized crime and drug trafficking. Second, it facilitated information sharing and cooperation among government agencies. Third, the act updated the law to reflect new technologies and threats. And fourth, it increased the penalties for those who commit terrorist crimes. Attachment A is an overview of the USA Patriot Act prepared by the DOJ.

Several organizations, including the American Civil Liberties Union (ACLU) have expressed serious concerns regarding the USA Patriot Act. Specifically, the ACLU has argued that the act gives the U.S. Attorney General and federal law enforcement unnecessary and permanent new powers to violate civil liberties that go beyond the stated goal of fighting international terrorism. Further, opponents of the act have argued that these powers could be used against American citizens who are not under criminal investigation, immigrants who are in the United States legally, and against those whose First Amendment activities are deemed to be threats to national security by the US Attorney General. Attachment B is a copy of the ACLU letter to the United States Senate urging rejection of this act.

Over 150 towns, cities and counties across the nation have passed resolutions expressing their opposition to the measure. Several Councilmembers have separately requested that staff bring forward a resolution opposing the USA Patriot Act. Attachment C is a survey conducted by the City of West Covina on the position of California cities on this act.

During the October 21, 2003 of the Law and Legislation Committee, the Committee made revisions to a draft resolution opposing the measure. Attachment F is a copy of the resolution reviewed and revised by the Law and Legislation Committee with revisions noted. The Committee voted two ayes, 1 no and 1 abstention for a resolution opposing the measure. However, the committee unanimously supported a motion to forward the resolution to the full City Council for discussion and action. At that same meeting, the Committee requested that staff research specific cases of violation of civil liberties resulting from the USA Patriot Act. Attachment D is the most recent report to Congress from the U.S. Department of Justice, Office of the Inspector General, reporting on Implementation of the USA Patriot Act. Beginning on page 6 (handwritten page 16), the report chronicles complaints received for the period of December 16, 2002 through June 15, 2003.

Since adoption of the USA Patriot Act, there have been several federal legislative measures to address concerns related to law enforcement authority given by the act. Congressmen Jim McDermott and Dennis Kucinich and 19 other members of the House of Representatives have recently introduced the Franklin True Patriot Act, HR 3171, to repeal sections of the act. Attachment E is copy of the bill which would provide for an appropriate review of recently enacted legislation relating to terrorism to assure that powers granted in it do not inappropriately undermine civil liberties. According to the authors, this bill would repeal sections of the act that authorize "sneak and peak" searches; searches of library, medical, and financial records without judicial warrant;

and detention and deportation of non-citizens without careful judicial review. Further, it would also cement the fundamental right of attorney-client privilege and restore transparency to Department of Justice and Department of Homeland Security administrative procedures by revoking Freedom of Information Act secrecy orders and other important provisions

FINANCIAL CONSIDERATIONS

None.

ENVIRONMENTAL CONSIDERATIONS

Not applicable.

POLICY CONSIDERATIONS

The Law and Legislation Committee unanimously supported a motion to forward the a resolution opposing the USA Patriot Act to the full City Council for discussion and action.

ESBD EFFORTS:

Not applicable.

Respectfully submitted,



Patti Bisharat
Special Projects Manager

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

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Department of Justice

USA PATRIOT ACT OVERVIEW

The Department of Justice's first priority is to prevent future terrorist attacks. Since its passage following the September 11th attacks, the PATRIOT Act has played a key part - and often the leading role - in a number of successful operations to protect innocent Americans from the deadly plans of terrorists dedicated to destroying America and our way of life. While the results have been important, in passing the PATRIOT Act, Congress provided for only modest, incremental changes in the law. Congress simply took existing legal principles and retrofitted them to preserve the lives and liberty of the American people from the challenges posed by a global terrorist network.

- ✓ Congress enacted the PATRIOT Act by overwhelming, bipartisan margins, arming law enforcement with new tools to detect and prevent terrorism: The USA PATRIOT Act was passed nearly unanimously by the Senate 98-1, and 357-66 in the House, with the support of members from across the political spectrum.

THE ACT IMPROVES OUR COUNTER-TERRORISM EFFORTS IN SEVERAL SIGNIFICANT WAYS:

1. The PATRIOT Act allows investigators to use the tools that were already available to investigate organized crime and drug trafficking. Many of the tools the Act provides to law enforcement to fight terrorism have been used for decades to fight organized crime and drug dealers, and have been reviewed and approved by the courts. As Sen. Joe Biden (D-DE) explained during the floor debate about the Act, "the FBI could get a wiretap to investigate the mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy! What's good for the mob should be good for terrorists." (Cong. Rec., 10/25/01)

- **Allows law enforcement to use surveillance against more crimes of terror.** Before the PATRIOT Act, courts could permit law enforcement to conduct electronic surveillance to investigate many ordinary, non-terrorism crimes, such as drug crimes, mail fraud, and passport fraud. Agents also could obtain wiretaps to investigate some, but not all, of the crimes that terrorists often commit. The Act enabled investigators to gather information when looking into the full range of terrorism-related crimes, including: chemical-weapons offenses, the use of weapons of mass destruction, killing Americans abroad, and terrorism financing.
- **Allows federal agents to follow sophisticated terrorists trained to evade detection.** For years, law enforcement has been able to use "roving wiretaps" to investigate ordinary crimes, including drug offenses and racketeering. A roving wiretap can be authorized by a federal judge to apply to a particular suspect, rather than a particular phone or communications device. Because international terrorists are sophisticated and trained to thwart surveillance by rapidly changing locations and communication devices such as cell phones, the Act authorized agents to seek court permission to use the same techniques in national security investigations to track terrorists.
- **Allows law enforcement to conduct investigations without tipping off terrorists.** In some cases if criminals are tipped off too early to an investigation, they might flee, destroy evidence, intimidate or kill witnesses, cut off contact with associates, or take other action to evade arrest. Therefore, federal courts in narrow circumstances long have allowed law enforcement to delay for a limited time when

the subject is told that a judicially-approved search warrant has been executed. Notice is always provided, but the reasonable delay gives law enforcement time to identify the criminal's associates, eliminate immediate threats to our communities, and coordinate the arrests of multiple individuals without tipping them off beforehand. These delayed notification search warrants have been used for decades, have proven crucial in drug and organized crime cases, and have been upheld by courts as fully constitutional.

- **Allows federal agents to ask a court for an order to obtain business records in national security terrorism cases.** Examining business records often provides the key that investigators are looking for to solve a wide range of crimes. Investigators might seek select records from hardware stores or chemical plants, for example, to find out who bought materials to make a bomb, or bank records to see who's sending money to terrorists. Law enforcement authorities have always been able to obtain business records in criminal cases through grand jury subpoenas, and continue to do so in national security cases where appropriate. These records were sought in criminal cases such as the investigation of the Zodiac gunman, where police suspected the gunman was inspired by a Scottish occult poet, and wanted to learn who had checked the poet's books out of the library. In national security cases where use of the grand jury process was not appropriate, investigators previously had limited tools at their disposal to obtain certain business records. Under the PATRIOT Act, the government can now ask a federal court (the Foreign Intelligence Surveillance Court), if needed to aid an investigation, to order production of the same type of records available through grand jury subpoenas. This federal court, however, can issue these orders only after the government demonstrates the records concerned are sought for an authorized investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a U.S. person is not conducted solely on the basis of activities protected by the First Amendment.

2. The PATRIOT Act facilitated information sharing and cooperation among government agencies so that they can better "connect the dots." The Act removed the major legal barriers that prevented the law enforcement, intelligence, and national defense communities from talking and coordinating their work to protect the American people and our national security. The government's prevention efforts should not be restricted by boxes on an organizational chart. Now police officers, FBI agents, federal prosecutors and intelligence officials can protect our communities by "connecting the dots" to uncover terrorist plots before they are completed. As Sen. John Edwards (D-N.C.) said about the Patriot Act, "we simply cannot prevail in the battle against terrorism if the right hand of our government has no idea what the left hand is doing." (Press release, 10/26/01)

- Prosecutors can now share evidence obtained through grand juries with intelligence officials -- and intelligence information can now be shared more easily with federal prosecutors. Such sharing of information leads to concrete results. For example, a federal grand jury recently indicted an individual in Florida, Sami al-Arian, for allegedly being the U.S. leader of the Palestinian Islamic Jihad, one of the world's most violent terrorist outfits. Palestinian Islamic Jihad is responsible for murdering more than 100 innocent people, including a young American named Alisa Flatow who was killed in a tragic bus bombing in Gaza. The Patriot Act assisted us in obtaining the indictment by enabling the full sharing of information and advice about the case among prosecutors and investigators. Alisa's father, Steven Flatow, has said, "When you know the resources of your government are committed to right the wrongs committed against your daughter, that instills you with a sense of awe. As a father you can't ask for anything more."

3. The PATRIOT Act updated the law to reflect new technologies and new threats. The Act brought the law up to date with current technology, so we no longer have to fight a digital-age battle with antique weapons—legal authorities leftover from the era of rotary telephones. When investigating the

murder of *Wall Street Journal* reporter Daniel Pearl, for example, law enforcement used one of the Act's new authorities to use high-tech means to identify and locate some of the killers.

- **Allows law enforcement officials to obtain a search warrant anywhere a terrorist-related activity occurred.** Before the Patriot Act, law enforcement personnel were required to obtain a search warrant in the district where they intended to conduct a search. However, modern terrorism investigations often span a number of districts, and officers therefore had to obtain multiple warrants in multiple jurisdictions, creating unnecessary delays. The Act provides that warrants can be obtained in any district in which terrorism-related activities occurred, regardless of where they will be executed. This provision does not change the standards governing the availability of a search warrant, but streamlines the search-warrant process.
- **Allows victims of computer hacking to request law enforcement assistance in monitoring the "trespassers" on their computers.** This change made the law technology-neutral; it placed electronic trespassers on the same footing as physical trespassers. Now, hacking victims can seek law enforcement assistance to combat hackers, just as burglary victims have been able to invite officers into their homes to catch burglars.

4. The PATRIOT Act increased the penalties for those who commit terrorist crimes. Americans are threatened as much by the terrorist who pays for a bomb as by the one who pushes the button. That's why the PATRIOT Act imposed tough new penalties on those who commit and support terrorist operations, both at home and abroad. In particular, the Act:

- **Prohibits the harboring of terrorists.** The Act created a new offense that prohibits knowingly harboring persons who have committed or are about to commit a variety of terrorist offenses, such as: destruction of aircraft; use of nuclear, chemical, or biological weapons; use of weapons of mass destruction; bombing of government property; sabotage of nuclear facilities; and aircraft piracy.
- **Enhanced the inadequate maximum penalties for various crimes likely to be committed by terrorists:** including arson, destruction of energy facilities, material support to terrorists and terrorist organizations, and destruction of national-defense materials.
- **Enhanced a number of conspiracy penalties,** including for arson, killings in federal facilities, attacking communications systems, material support to terrorists, sabotage of nuclear facilities, and interference with flight crew members. Under previous law, many terrorism statutes did not specifically prohibit engaging in conspiracies to commit the underlying offenses. In such cases, the government could only bring prosecutions under the general federal conspiracy provision, which carries a maximum penalty of only five years in prison.
- **Punishes terrorist attacks on mass transit systems.**
- **Punishes bioterrorists.**
- **Eliminates the statutes of limitations for certain terrorism crimes and lengthens them for other terrorist crimes.**

The government's success in preventing another catastrophic attack on the American homeland since September 11, 2001, would have been much more difficult, if not impossible, without the USA PATRIOT Act. The authorities Congress provided have substantially enhanced our ability to prevent, investigate, and prosecute acts of terror.



URL: <http://www.aclu.org/NationalSecurity/NationalSecurity.cfm?ID=9222&c=111>

Letter to the Senate Urging Rejection on the Final Version of the USA PATRIOT Act

October 23, 2001

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Dear Senator:

The American Civil Liberties Union is writing to urge you to reject the final version of the anti-terrorism legislation, the Uniting and Strengthening America By Providing Appropriate Tools Required To Intercept and Obstruct Terrorism (H.R. 3162, the "USA PATRIOT Act"). This is an historic vote that based upon a false dichotomy: that safety must come at the expense of civil liberties. We can be safe and fight terrorism without substantially surrendering our civil liberties, and without giving enormous, unwarranted power to the executive branch - which can be used against U.S. citizens -- unchecked by meaningful judicial review.

The process that brought you this bill is terribly flawed. After bypassing a Judiciary Committee mark-up, a few Senators and their staffs met behind closed doors, on October 12, 2001 to craft a bill. The full Senate was presented with anti-terrorism legislation in a take-it-or-leave-it fashion with little opportunity for input or review. No conference committee met to reconcile the differences between the House and Senate versions of the bill. We find it deeply disturbing that once again the full Senate will be forced to vote on legislation that it has not had the opportunity to read. Senate offices are closed and staff cannot even access their papers to fully prepare you for this important vote. Regular order is being rejected and it is an offense to the thoughtful legislative procedures necessary to protect the Constitution and Bill of Rights at a time when the rights of so many Americans are being jeopardized.

Oct
While it contains provisions that we support, the American Civil Liberties Union believes that the USA PATRIOT Act gives the Attorney General and federal law enforcement unnecessary and permanent new powers to violate civil liberties that go far beyond the stated goal of fighting international terrorism. These new and unchecked powers could be used against American citizens who are not under criminal investigation, immigrants who are here within our borders legally, and also against those whose First Amendment activities are deemed to be threats to national security by the Attorney General.

We believe that the legislation confers new powers on the Executive Branch and federal law enforcement that go beyond what is necessary to fight terrorism. Notwithstanding all of the exhortations by the Attorney General to pass this legislation quickly, the Senate should take more time to review and debate the broad new authorities given to federal law enforcement in the various provisions of the USA PATRIOT Act.

Among the bill's most troubling provisions are measures that would:

- Permit the Attorney General to indefinitely incarcerate or detain non-citizens based on mere suspicion, and to deny re-admission to the United States of non-citizens (including lawful permanent residents) for engaging in speech protected by the First Amendment.
- Minimize judicial supervision of telephone and Internet surveillance by law enforcement authorities in anti-terrorism investigations and in routine criminal investigations unrelated to terrorism.
- Expand the ability of the government to conduct secret searches -- again in anti-terrorism investigations and in routine criminal investigations unrelated to terrorism.
- Give the Attorney General and the Secretary of State the power to designate domestic groups as terrorist organizations and block any non-citizen who belongs to them from entering the country. Under this provision the payment of membership dues is a deportable offense.
- Grant the FBI broad access to sensitive medical, financial, mental health, and educational records about individuals without

having to show evidence of a crime and without a court order.

- Lead to large-scale investigations of American citizens for "intelligence" purposes and use of intelligence authorities to by-pass probable cause requirements in criminal cases.
- Put the CIA and other intelligence agencies back in the business of spying on Americans by giving the Director of Central Intelligence the authority to identify priority targets for intelligence surveillance in the United States.
- Allow searches of highly personal financial records without notice and without judicial review based on a very low standard that does not require probable cause of a crime or even relevancy to an ongoing terrorism investigation.
- Allow student records to be searched based on a very low standard of relevancy to an investigation.
- Create a broad new definition of "domestic terrorism" that could sweep in people who engage in acts of political protest and subject them to wiretapping and enhanced penalties.

In past times of tragedy and fear, our government has harassed, investigated and arrested people solely because of their race, religion, national origin, speech or political beliefs. We must not allow this to happen again, even as we work together to protect ourselves from future terrorist attacks. For these reasons, the ACLU urges you to vote against the USA PATRIOT Act of 2001. For more information about the bill, please visit our website at <http://archive.aclu.org>.

Sincerely,

Laura W. Murphy
Director, ACLU Washington Office

Gregory T. Nojeim
Associate Director & Chief Legislative Counsel

Now More Than Ever: Help The ACLU Turn Back Assaults on Our Freedoms!

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Patriot Act Positions of Cities				
City	Support	Oppose	No Position*	Pending
Albany		1		
Arcata		1		
Barstow			1	
Benicia			1	
Berkeley		1		
Carpinteria			1	
Claremont		1		
Clearlake			1	
Cloverdale			1	
Coronado			1	
Costa Mesa			1	
Cotati		1		
Davis		1		
Del Mar			1	
Dublin		1		
El Cerrito		1		
Emeryville		1		
Eureka			1	
Fairfax		1		
Fremont			1	
Fullerton			1	
Glendale			1	Pending
Hayward		1		
Huntington Beach			1	
La Palma			1	
Livermore		1		
Los Gatos		1		
Manteca			1	
Mill Valley		1		
Monte Serrano		1		
Morgan Hill			1	
Mountain View		1		
Mt. Shasta			1	
Napa			1	
Newark			1	
Novato			1	
Oakland		1		
Ojai			1	
Pacific Grove		1		
Palo Alto		1		
Pasadena*			1	Pending
Pinole		1		
Placerville			1	
Pleasanton		1		
Point Arena		1		
Porterville			1	
Richmond		1		
Salinas		1		
Sacramento			1	Pending
San Anselmo		1		

Patriot Act Positions of Cities

City	Support	Oppose	No Position*	Pending
San Francisco		1		
San Jose		1		
San Luis Obispo				
San Rafael			1	
San Rafael				
Santa Barbara		1		
Santa Clara			1	
Santa Monica		1		
Santa Rosa			1	
Saratoga		1		
Sausalito		1		
Sebastopol		1		
Sierra Madre		1		
Signal Hill			1	
Sonoma		1		
South Lake Tahoe			1	
South Pasadena		1		
Ukiah		1		
Union City		1		
Visalia			1	
Watsonville		1		
West Hollywood		1		
Totals		39	31	
* No Position includes cities that feel this a federal issue, have not been approached to discuss, the City Council took a position of "No Position", or the City Council did not want to agendize.				
Oppose	54.17%			
No Position	43.06%			
No Response	2.78%			



U.S. Department of Justice
Office of the Inspector General

Report to Congress on Implementation
of Section 1001 of the USA PATRIOT Act

(as required by Section 1001(3) of Public Law 107-56)

July 17, 2003

The USA PATRIOT Act (Patriot Act), Public Law 107-56, enacted by Congress and signed by the President on October 26, 2001, provides expanded law enforcement authorities to enhance the federal government's efforts to detect and deter acts of terrorism in the United States or against United States' interests abroad. Section 1001 of the Patriot Act directs the Office of the Inspector General (OIG) in the U.S. Department of Justice (DOJ) to undertake a series of actions related to claims of civil rights or civil liberties violations allegedly committed by DOJ employees. It also requires the OIG to provide semiannual reports to Congress on the implementation of the OIG's responsibilities under Section 1001. This report – the third since enactment of the legislation – summarizes the OIG's Patriot Act-related activities from December 16, 2002, through June 15, 2003.

I. INTRODUCTION

The OIG is an independent entity that reports to both the Attorney General and Congress. The OIG's mission is to investigate allegations of waste, fraud, and abuse in DOJ programs and personnel and to promote economy and efficiency in DOJ operations.

The OIG has jurisdiction to review programs and personnel in all DOJ components, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Federal Bureau of Prisons (BOP), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the U.S. Attorneys' Offices, and other DOJ components.¹

The OIG consists of the Immediate Office of the Inspector General and the following divisions and offices:

Audit Division is responsible for independent audits of Department programs, computer systems, and financial statements.

¹ Since its creation in 1989, the OIG has had the authority to conduct audits and inspections in all DOJ components and investigations of employee misconduct in all components except the FBI and the DEA. On July 11, 2001, the Attorney General expanded the OIG's jurisdiction to include criminal and administrative investigations of FBI and DEA employees. On November 2, 2002, the President signed Public Law 107-273, the DOJ Reauthorization Act, which codified the OIG's authority to investigate misconduct throughout the DOJ, including allegations of misconduct in the FBI and the DEA. In addition, on November 25, 2002, the President signed Public Law 107-296 that created a Department of Homeland Security. As a result of this law, on March 1, 2003, the Immigration and Naturalization Service (INS) moved from the DOJ to the new Department of Homeland Security (DHS). Consequently, the OIG's review of allegations of misconduct involving INS employees – including claims of civil rights and civil liberty abuses – ended in early 2003. Now, if the OIG receives allegations involving immigration-related issues, including complaints about abuse of civil rights or civil liberties by employees of the former INS, we forward the complaints to the DHS OIG.

Evaluation and Inspections Division provides an alternative mechanism to traditional audits and investigations to review Department programs and activities.

Investigations Division is responsible for investigating allegations of bribery, fraud, abuse, civil rights violations, and violations of other criminal laws and administrative procedures that govern Department employees, contractors, and grantees.

Office of Oversight and Review blends the skills of attorneys, investigators, and program analysts to investigate or review high profile or sensitive matters involving Department programs or employees.

Office of General Counsel provides legal advice to OIG management and staff. In addition, the office drafts memoranda on issues of law; prepares administrative subpoenas; represents the OIG in personnel, contractual, and legal matters; and responds to Freedom of Information Act requests.

Management and Planning Division assists the OIG by providing services in the areas of planning, budget, finance, personnel, training, procurement, automated data processing, computer network communications, and general support.

The OIG has a staff of approximately 400 employees, about half of whom are based in Washington, D.C., while the rest work from 19 Investigations Division field offices and 7 Audit Division regional offices located throughout the country.

II. SECTION 1001 OF THE PATRIOT ACT

Section 1001 of the Patriot Act provides the following:

The Inspector General of the Department of Justice shall designate one official who shall -

- (1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;
- (2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and

- (3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

In compliance with Section 1001, Inspector General Glenn Fine hired a Special Counsel, Scott Dahl, as the official who is responsible for overseeing the OIG's Section 1001 activities and coordinating the OIG's response to the Section 1001 directives. Mr. Dahl is a career Department of Justice official who worked as a prosecutor in the Public Integrity Section of the Criminal Division from 1997 to 2003, as a trial attorney in the Fraud Section of the Civil Division from 1992 to 1997, and as an attorney in a private firm from 1989 to 1992.

III. CIVIL RIGHTS AND CIVIL LIBERTIES COMPLAINTS

Review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice.

The OIG established the Special Operations Branch in its Investigations Division to help manage the OIG's investigative responsibilities outlined in the Patriot Act.² The Special Agent in Charge (SAC) who directs this unit is assisted by two Assistant Special Agents in Charge (ASAC), one of whom assists on Patriot Act and DEA matters and a second who assists on FBI matters. In addition, two Investigative Specialists support the unit and divide their time between Patriot Act and FBI/DEA responsibilities.

The Special Operations Branch receives civil rights and civil liberties complaints via mail, e-mail, telephone, and facsimile. The complaints are reviewed by the Investigative Specialist and ASAC responsible for the Patriot Act. After review, the complaint is entered into an OIG database and a decision is made concerning its disposition. The more serious civil rights and civil liberties allegations that relate to actions of a DOJ employee or DOJ contractor are normally assigned to an OIG Investigations Division field office where OIG special agents conduct investigations of criminal violations and administrative

² This unit also is responsible for coordinating the OIG's review of allegations of misconduct by employees in the FBI and the DEA.

misconduct.³ Some complaints are assigned to the OIG's Office of Oversight and Review for investigation.

Given the number of complaints and its limited resources, the OIG does not investigate all allegations of misconduct against DOJ employees. The OIG refers, for appropriate handling, many complaints involving DOJ employees to internal affairs offices in DOJ components, such as the FBI Office of Professional Responsibility, the DEA Office of Professional Responsibility, and the BOP Office of Internal Affairs. In certain referrals, the OIG requires the components to report the results of their investigations to the OIG. In most cases, the OIG notifies the complainant of the referral.

Many complaints involve matters outside the OIG's jurisdiction. The ones that identify a specific issue for investigation are forwarded to the appropriate investigative entity. For example, complaints of mistreatment by airport security staff are sent to the DHS OIG. We also have forwarded complaints to the OIGs at the Department of Veterans Affairs, United States Postal Service, United States Army, and to the Civil Rights Office in the Department of Education. In addition, we have referred complainants to a variety of police department internal affairs offices who have jurisdiction over the subject of the complaints.

When an allegation received from any source involves a potential violation of federal civil rights statutes by a DOJ employee, the complaint is discussed with the DOJ Civil Rights Division for possible prosecution. In some cases, the Civil Rights Division accepts the case and requests additional investigation by either the OIG or the FBI. In other cases, the Civil Rights Division declines prosecution.

The OIG has received directly from the Civil Rights Division complaints alleging physical abuse and civil rights and civil liberties abuses by DOJ employees against persons who are Muslim or Arab. These complaints generally come from the Civil Rights Division's Initiative to Combat Post-9/11 Discriminatory Backlash and its National Origin Working Group.

³ The OIG can pursue an allegation either criminally or administratively. Many OIG investigations begin with allegations of criminal activity but, as is the case for any law enforcement agency, do not end in prosecution. When this occurs, the OIG is able to continue the investigation and treat the matter as a case for potential administrative discipline. The OIG's ability to handle matters criminally or administratively helps to ensure that a matter can be pursued administratively, even if a prosecutor declines to prosecute a matter criminally.

A. Complaints Received this Reporting Period

From December 16, 2002, through June 15, 2003, the period covered by this report, the OIG received the following number and types of complaints:

- Number of complaints received suggesting a Patriot Act-related civil rights or civil liberties connection:⁴ 1,073
- Number of “unrelated” complaints:⁵ 370
- Number of complaints outside the OIG’s jurisdiction:⁶ 431
- Number of complaints within the OIG’s jurisdiction: 272
 - Number of complaints within the OIG’s jurisdiction that state a credible Patriot Act complaint: 34

The 272 complaints received by the OIG during this reporting period that fell within the OIG’s jurisdiction (*i.e.*, that state a claim involving a DOJ component or employee) covered a wide variety of subjects. They included allegations of excessive force by BOP correctional officers, verbal abuse by BOP staff, rude treatment by INS inspectors, unwarranted cell searches by BOP officers, and illegal searches of personal residences and property by FBI agents. However, many of the 272 complaints in this category, while within the OIG’s jurisdiction and couched as a “Patriot Act” or “civil rights” complaint, do not raise issues implicated by Section 1001. For example, the OIG received numerous complaints from inmates alleging that they have not received appropriate medical care, as well as e-mails from individuals asking about the status of immigration paperwork they had submitted to the INS.

⁴ This number includes all complaints in which the complainant makes any mention of a civil rights or civil liberties violation, even if the allegation is not within the OIG’s or the DOJ’s jurisdiction, or the allegation appears unsupported on its face.

⁵ Complaints in this category cite no credible, improper act by a DOJ employee or contractor and state no discernible nexus to a civil rights or civil liberties violation. Examples include individuals who claim they are under 24-hour surveillance by the CIA or other governmental agencies; individuals who allege that their e-mails and phone calls are being intercepted; and non-detained individuals who claim they are being tortured by the government.

⁶ These complaints generally cite issues that involve other federal agencies, state governments, local law enforcement agencies, or private businesses. Examples include allegations that local law enforcement officers used excessive force or entered a home without a search warrant; allegations of retaliation, unfair labor practices, or discrimination by federal agencies outside the DOJ; and allegations that corrections staff violated civil rights of state inmates.

Consequently, after closely analyzing the complaints in this category, the OIG identified 34 that raised credible Patriot Act violations on their face. These allegations ranged in seriousness from alleged beatings of immigration detainees to BOP correctional officers allegedly verbally abusing inmates.

B. Patriot Act Cases this Reporting Period

1. Complaints Worked by the OIG

During this reporting period, the OIG opened six new Patriot Act-related investigations, continued eight ongoing Patriot Act-related cases, and closed three investigations. Among the new cases opened by the OIG alleging civil rights and civil liberties abuses by DOJ employees during this reporting period are the following:

- The OIG is investigating allegations raised by approximately 20 inmates that a BOP correctional officer at a prison facility engaged in abusive behavior toward inmates that included verbally abusing a Muslim inmate and ordering him to remove his shirt so that the officer could use it to shine his shoes. The BOP's Office of Internal Affairs (OIA) initially conducted an investigation and provided the OIG with a copy of its report that concluded the allegations were unsubstantiated. Because BOP OIA did not interview the inmate complainants or the correctional officer, the OIG initiated its own investigation. A BOP witness provided the OIG with a sworn statement confirming the allegations. Additionally, OIG investigators interviewed six inmates who also corroborated the allegations. When the OIG interviewed the correctional officer, he admitted verbally abusing the Muslim inmate. The correctional officer also admitted that he was "less than completely candid" when he originally provided a memorandum to the BOP about the incident. The OIG presented the results of its investigation to the Civil Rights Division, which declined prosecution. The OIG is drafting a report of investigation that will be provided to the BOP.
- The OIG is investigating claims by an Egyptian national that the FBI improperly arrested him immediately following the September 11, 2001, terrorist attacks and that during his detention his civil rights and civil liberties were violated. According to the Egyptian national, while held at a BOP facility, he was forced to undergo multiple and duplicative invasive body cavity searches, denied access to counsel, denied the right to practice his religion, forced to consume food prohibited by his religion, not informed of the date and time of day in order to observe religious holidays and prayers, and denied access to the Egyptian Consulate. To date, the OIG has conducted approximately 50 interviews of BOP

employees who had contact with the detainee during his detention. The OIG is attempting to interview the detainee.

- The OIG received information from the Civil Rights Division's National Origin Working Group that a BOP correctional officer is alleged to have verbally and physically abused an inmate while he was being transported to the prison's hospital and that the inmate had been placed in solitary confinement since the alleged incident. The OIG has interviewed the alleged victim, several witnesses, and the correctional officer. The investigation is ongoing.
- The OIG is investigating allegations that FBI agents conducted an illegal search of an Arab-American's apartment and that during the search they vandalized the apartment, stole items, and called the complainant a terrorist. The complainant alleged that the items taken were never returned or logged into evidence. According to the complainant, even though the FBI found no evidence linking him to terrorism, FBI agents returned approximately four months later and recruited an acquaintance of his to plant drugs in the complainant's home. FBI agents then arrived at the complainant's home, requested to search the apartment, and arrested the complainant when drugs were discovered.
- The OIG received a complaint alleging that Muslim inmates at a BOP facility have been targeted for disciplinary actions and subjected to disparate treatment by correctional officers. Specifically, the complainant alleged that certain members of the BOP staff exhibit a general animosity toward Muslim inmates and take retaliatory actions against the inmates on a regular basis. The OIG has interviewed the complainants and several witnesses and is planning to conduct further interviews.

The following are examples of civil rights and civil liberties cases opened during the previous reporting period that the OIG continued to investigate during this reporting period:

- The OIG has been investigating allegations that some BOP correctional officers physically and verbally abused detainees who were arrested on immigration charges in connection with the September 11 attacks and who were housed at the BOP's Metropolitan Detention Center (MDC) in Brooklyn, New York. As referenced in more detail later in this report, the OIG in June 2003 issued a special report examining the handling of the September 11 detainees that specifically discussed allegations of abuse at the MDC. While the Civil Rights Division and the United States Attorney's Office for the Eastern District of New York declined to

prosecute these matters criminally, the OIG continues to investigate the allegations as an administrative matter.

- The OIG is investigating claims that an INS detention enforcement officer at a detention facility held a loaded gun to an alien detainee's head and threatened the detainee while transferring him to another detention facility. OIG investigators have interviewed the detainee and the two officers who were involved in the transport in question. The investigation is continuing.
- The OIG opened an investigation based on allegations received from an INS detainee that the INS unlawfully detained him and others beyond the statutory limits imposed on the INS for detaining aliens. Additional allegations made by the detainee involved the use of unnecessary force against him and another detainee by correctional officers at a jail that holds INS detainees under a contract with the DOJ. During an interview, the complainant stated that while he was not physically abused, another detainee was physically abused. A review of their medical records showed no such documented injuries to the detainees. One detainee was treated with pain medication for knee problems as a result of an injury sustained while playing basketball. The OIG has completed its review of this matter and is drafting its report of investigation.
- The OIG continues to investigate claims that an INS Supervisory Detention Enforcement Officer (SDEO) entered a gas station operated by a man from the Middle East and, after demanding "papers" from the man, allegedly made a disparaging remark about the man's nationality. The SDEO also allegedly queried an immigration database using the gas station operator's name and the names of his children. The OIG has interviewed the gas station operator and the INS SDEO and is continuing to investigate the case

The following are summaries of the three OIG investigations closed during this reporting period:

- During the last reporting period, the OIG opened an investigation based on information received from the American-Arab Anti-Discrimination Committee involving a detainee who was being held in a jail for allegedly overstaying his visa. The detainee alleged that he was beaten, threatened by officers, denied adequate medical treatment, and forced to eat pork on a regular basis even though it was against his religion. The OIG interviewed the jail staff and reviewed the complainant's INS and medical records. The jail's Food Services Administrator told the OIG that the jail has had a 100 percent non-pork diet for approximately one year. In addition, prison dental records show that the victim signed consent

forms to have his badly infected teeth removed. Regarding the alleged assault by the correctional officers, the OIG investigation revealed conflicting information from the victim, witnesses, and officers, and the OIG could not substantiate the detainee's alleged injuries. The OIG presented the results of its investigation to attorneys in the Civil Rights Division, who declined prosecution. The OIG subsequently closed the case.

- The OIG investigated an allegation that an unidentified BOP correctional officer slammed the food tray door into the face of an INS detainee, causing his nose to bleed. According to the complaint, the correctional officer subsequently refused to provide the detainee with medical treatment the detainee had requested. As part of this investigation, the OIG reviewed the facility's logbooks, rosters, and staff photographs and created a "photo lineup" to assist the victim in identifying the assailant. The detainee refused to review the photo lineup or submit to an OIG interview. The Civil Rights Division declined to prosecute. The OIG conducted numerous interviews at the facility but could not substantiate any of the allegations and therefore closed the case.
- The OIG investigated allegations that a "detainee protest" resulted in detainees being beaten by correctional officers at a county jail that holds detainees for the federal government. According to the allegations, one detainee was beaten so badly that he was to be removed from his cell for medical treatment, but instead was placed in solitary confinement and forced to sign a form saying he had seen a nurse. In addition, according to the allegations a second detainee who suffered from psychological problems was allegedly beaten. Prior to the OIG's investigation, both detainees had been deported. A review of incident reports and medical records revealed that one of the detainees was charged with assaulting an officer and was restrained with pepper spray. However, medical records showed no injury to this detainee. No records could be found regarding the allegations of the second detainee. The OIG was unable to substantiate the allegations.

2. Complaints Referred to DOJ Components

During this reporting period, the OIG referred 28 of the 34 complaints that stated a credible Patriot Act violation to internal affairs offices within DOJ components for their review or information. The OIG forwarded two complaints to the FBI. One of the complaints sent to the FBI alleged that an FBI agent displayed aggressive, hostile, and demeaning behavior while administering a pre-employment polygraph examination. The candidate for employment expressed concern that the agent may exhibit a discriminatory pattern against certain ethnic groups when administering polygraph examinations. The FBI

conducted an internal investigation and determined the allegations were unsubstantiated. The second complaint involves allegations from a naturalized U.S. citizen of Lebanese descent who claimed that armed FBI and ATF agents accompanied by local police invaded his home based on false information and wrongly accused him of possessing an AK-47 firearm. The FBI and the ATF are continuing to investigate this complaint.

The OIG also forwarded a complaint to the Drug Enforcement Administration (DEA) alleging that agents conducted an illegal search of an Arab-American's home. The complainant alleged that even though nothing illegal was found during the search, DEA agents confiscated the family's passports and personal property and have refused to return the items. This matter is still under investigation.

Prior to its transfer to the DHS, the OIG referred five complaints to the INS, including allegations that INS agents illegally searched an apartment and denied a detainee access to an attorney. Another complaint alleged a family was detained for over three hours at an airport, questioned, fingerprinted and not given any food or water. A separate complaint alleged that an INS employee treated an individual rudely in front of others and asked if he "wanted to kill Christians and Jews." The DHS's Bureau of Immigration and Customs Enforcement Office of Internal Audit is investigating one matter and has referred the other four matters to the appropriate DHS field office for information.

The OIG referred 20 complaints to the BOP this reporting period, including allegations that BOP staff threatened to have an inmate's conditions of confinement changed unless the inmate cooperated with the government; abused inmates verbally by making slanderous remarks about Islam; placed an inmate in solitary confinement with a camera and a light constantly illuminated and denied him legal assistance; executed excessive searches of Muslim inmates' cells because of their religious beliefs; and denied Muslim inmates access to television, radio, books, and newspapers.

Of the 20 complaints sent to the BOP for its review, the OIG designated 16 as "Monitored Referrals," which means that the BOP is required at the end of its investigation to send a report of the investigation to the OIG for its review. Regarding the "Monitored Referrals," the BOP substantiated allegations in one case, closed one as unsubstantiated, and suspended another case due to an active OIG investigation of abuse at the MDC in Brooklyn, New York. Thirteen matters remain open. For the four non-monitored referrals, the BOP sustained the allegations in one matter, closed one as unsubstantiated, consolidated a case with an OIG investigation, and has one open.

During this reporting period, the BOP substantiated a non-criminal Patriot Act allegation in which an inmate alleged that during a physical

examination a BOP physician told the inmate, "If I was in charge, I would execute every one of you . . . because of the crimes you all did." The physician allegedly treated other inmates in a cruel and unprofessional manner. The BOP conducted an internal investigation and sustained the allegations relating to the verbal abuse of the complainant. As a result of the BOP's disciplinary process, the BOP physician received a verbal reprimand.

C. Other OIG Activities Related to Allegations of Civil Rights and Civil Liberties Abuses

The OIG is going beyond the explicit requirements of Section 1001 to more fully implement its civil rights and civil liberties responsibilities. Given the multi-disciplinary nature of its workforce, the OIG can extend its oversight beyond traditional investigations to include evaluations, audits, and special reviews of DOJ programs and personnel. Using this approach, the OIG conducted several special reviews, including a comprehensive review of the treatment of aliens held on immigration charges in connection with the September 11 terrorism investigation.

1. A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks

After the September 11 terrorist attacks, the Department used federal immigration laws to detain aliens in the United States who were suspected of having ties to the attacks or connections to terrorism, or who were encountered during the course of the FBI's investigation into the attacks. In the 11 months after the attacks, 762 aliens were detained in connection with the FBI terrorism investigation for various immigration offenses, including overstaying their visas and entering the country illegally.

The OIG examined the treatment of these detainees, including their processing, the bond decisions, the timing of their removal from the United States or their release from custody, their access to counsel, and their conditions of confinement. The OIG's 198-page report, released on June 2, 2003, focuses in particular on detainees held at the BOP's Metropolitan Detention Center (MDC) in Brooklyn, New York, and at the Passaic County Jail (Passaic) in Paterson, New Jersey, a county facility under contract with the INS to house federal immigration detainees. We chose these two facilities because they held the majority of September 11 detainees and also were the focus of many complaints of detainee mistreatment. As part of this examination, the OIG interviewed 32 September 11 detainees who were confined at the MDC and Passaic facilities and more than 110 officials and staff members at those facilities, the INS, the FBI, the BOP, the U.S. Attorney's Office, the Office of the Attorney General, the Office of the Deputy Attorney General, and the DOJ Criminal Division. The OIG also reviewed more than 200 official files

pertaining to September 11 detainees and examined a variety of DOJ policies and procedures.

In response to the September 11 attacks, the FBI allocated massive resources to its terrorism investigation. In addition, the amount of information and leads about the attacks and potential terrorists that the FBI received in the weeks and months after the attacks was staggering. Moreover, as our report points out, the Department was faced with unprecedented challenges responding to the attacks, including the chaos caused by the attacks and the possibility of follow-up attacks. Moreover, it also is important to recognize that Department employees worked tirelessly and with enormous dedication over an extended period of time to meet the challenges posed by the September 11 attacks and the ongoing threat of terrorism. Yet, while recognizing these difficulties and challenges, we found significant problems in the way the Department handled the September 11 detainees.

Among the report's findings:

- The FBI in New York City made little attempt to distinguish between aliens who were subjects of the FBI terrorism investigation (called "PENTTBOM") and those encountered coincidentally to a PENTTBOM lead. The OIG report concluded that, even in the chaotic aftermath of the September 11 attacks, the FBI should have expended more effort attempting to distinguish between aliens who it actually suspected of having a connection to terrorism from those aliens who, while possibly guilty of violating federal immigration law, had no connection to terrorism but simply were encountered in connection with a PENTTBOM lead.
- The INS did not consistently serve the September 11 detainees with notice of the charges under which they were being held within the INS's stated goal of 72 hours. The review found that some detainees did not receive these charging documents for weeks or more than a month after being arrested. This delay affected the detainees' ability to understand why they were being held, obtain legal counsel, and request a bond hearing.
- The Department instituted a policy that all aliens in whom the FBI had an interest in connection with the PENTTBOM investigation required clearance by the FBI of any connection to terrorism before they could be removed or released. The policy was based on the belief – which turned out to be erroneous – that the FBI's clearance process would proceed quickly. The OIG review found that instead of taking a few days as anticipated, the FBI clearance process took an average of 80 days,

primarily because it was understaffed and not given sufficient priority by the FBI.

- In the first 11 months after the terrorist attacks, 84 September 11 detainees were housed at the MDC in Brooklyn under highly restrictive conditions. These conditions included “lock down” for at least 23 hours per day; escort procedures that included a “4-man hold” with handcuffs, leg irons, and heavy chains when the detainees were moved outside their cells; and a limit of one legal telephone call per week and one social call per month.
- BOP officials imposed a communications blackout for September 11 detainees immediately after the terrorist attacks that lasted several weeks. After the blackout period ended, the MDC’s designation of the September 11 detainees as “Witness Security” inmates frustrated efforts by detainees’ attorneys, families, and even law enforcement officials to determine where the detainees were being held. We found that MDC staff frequently – and mistakenly – told people who inquired about a specific September 11 detainee that the detainee was not held at the facility when, in fact, the opposite was true.
- With regard to allegations of abuse at the MDC, the evidence indicated a pattern of physical and verbal abuse by some correctional officers against some September 11 detainees, particularly during the first months after the attacks and during intake and movement of prisoners. Although the allegations of abuse have been declined for criminal prosecution, the OIG is continuing to investigate these matters administratively.
- By contrast, the OIG review found that the detainees confined at Passaic had much different, and significantly less harsh, experiences than the MDC detainees. According to INS data, Passaic housed 400 September 11 detainees from the date of the terrorist attacks through May 30, 2002, the largest number of September 11 detainees held at any single U.S. detention facility. Passaic detainees housed in the general population were treated like “regular” INS detainees who also were held at the facility. Although we received some allegations of physical and verbal abuse, we did not find the evidence indicated a pattern of abuse at Passaic.

The OIG report offered 21 recommendations dealing with issues such as developing uniform arrest and detainee classification policies, improving information-sharing among federal agencies on detainee issues, improving the FBI clearance process, clarifying procedures for processing detainee cases, revising BOP procedures for confining aliens arrested on immigration charges who are suspected of having ties to terrorism, and improving oversight of

detainees housed in contract facilities. The OIG has asked the Department and its components to formally respond to these 21 recommendations.

Finally, on June 25, 2003, the Inspector General testified before the U.S. Senate Committee on the Judiciary regarding the OIG's detainee report.

2. Review of BOP Security Policies Regarding the Search of Religious Headwear

In a separate review, the OIG examined the BOP's policies on searching religious headwear worn by visitors to BOP facilities. This review arose out of a complaint to the OIG from a Sikh attorney who was denied access to his client being held at the MDC in Brooklyn, New York, because he refused to remove his turban for inspection. The Sikh's religious practice requires him to wear his turban in public at all times.

The objective of our review was to examine the BOP's policies regarding religious headwear in light of the BOP's interest in ensuring security at its facilities. The OIG interviewed the Sikh attorney, officials at the MDC, and BOP managers as part of the review. In addition, the OIG met with the Sikh Mediawatch and Resource Task Force to explore potential solutions for searching religious headwear.

During our review, BOP Headquarters issued a memorandum to all Regional Directors and Wardens that clarified how the BOP's search policies should be interpreted and applied to the search of religious headwear. While this memorandum effectively addressed the Sikh attorney's complaint, the OIG recommended that the BOP take additional steps to ensure that its search policies are consistently applied throughout the BOP to all visitors who wear religious headwear.

Specifically, the OIG recommended that the BOP take the following actions:

- Classify religious headwear as part of the person and apply the same procedure used for searches of the person to searches of religious headwear.
- Formalize the search policies for religious headwear.
- Ensure that policies and procedures for searching religious headwear are substantially uniform throughout the BOP.

3. Review of the BOP's Process for Selecting Muslim Clerics

During this reporting period, the OIG initiated a review to examine the procedures used by the BOP to select Muslim personnel, contractors, and volunteers who provide religious services to inmates. We initiated this review in response to a letter we received from a U.S. Senator expressing concern that the BOP relies solely on two organizations that allegedly have connections to terrorism to endorse Muslim cleric candidates as qualified religious leaders.

The OIG's review will examine the BOP's process for selecting Muslim religious service providers and determine whether this process effectively screens candidates to ensure that extremist groups do not become religious service providers in the BOP.

4. Review of the FBI's Implementation of the Attorney General's Guidelines

In May 2002, the Attorney General issued revised domestic Guidelines that govern general crimes and criminal intelligence investigations. In May 2003, one year after the revised Guidelines have been in effect, the OIG began a review of the FBI's implementation of the four sets of Guidelines that became effective on that date: Attorney General's Guidelines Regarding the Use of Confidential Informants; Attorney General's Guidelines on FBI Undercover Operations; Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations; and Revised Department of Justice Procedures for Lawful, Warrantless Monitoring of Verbal Communications.

The objectives of the OIG review are to determine what steps the FBI has taken to implement the Guidelines, examine how effective those steps have been, and assess the FBI's compliance with key provisions of the Guidelines. Because the FBI's adherence to these Guidelines could implicate civil rights or civil liberties issues, we are including the initiation of our review in this report.

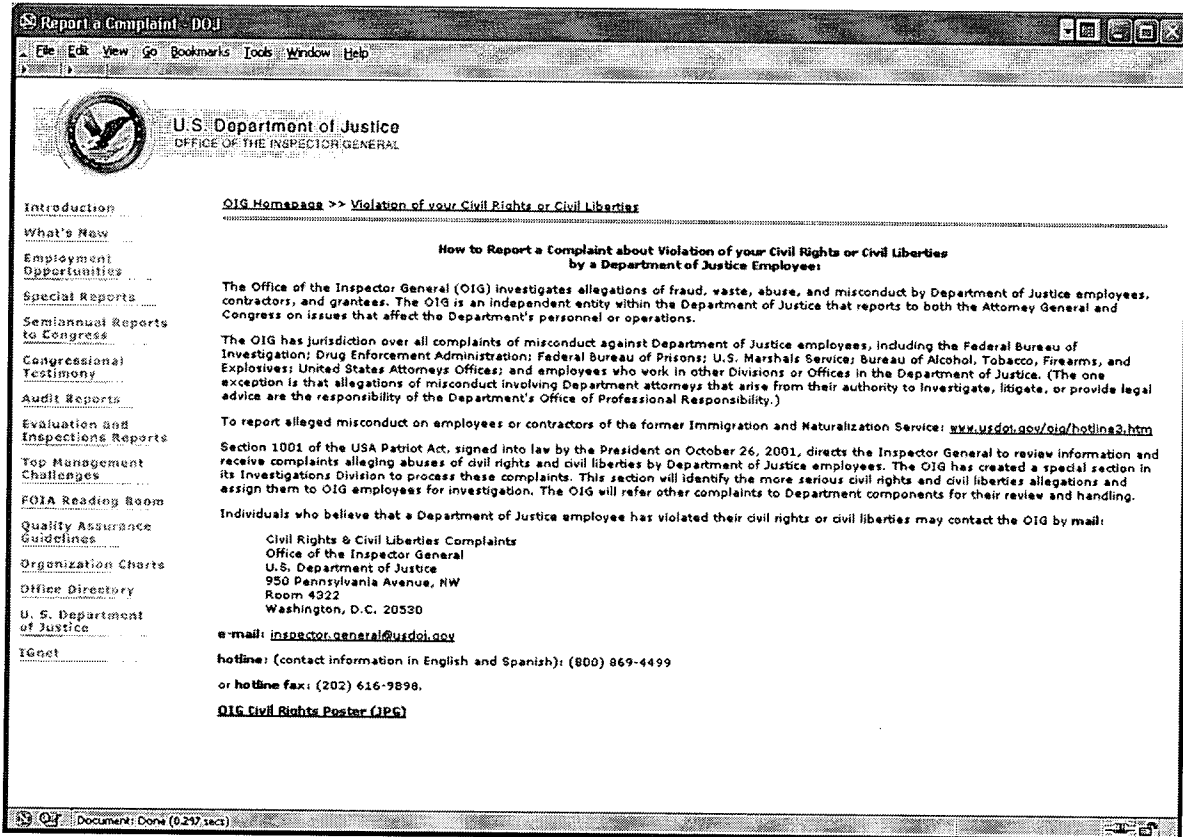
IV. ADVERTISING RESPONSIBILITIES

Make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official.

The OIG has initiated a variety of actions in response to Section 1001's advertising requirements and is planning to take additional steps in the months ahead.

A. Internet

The OIG's website contains information about how individuals can report violations of their civil rights or civil liberties. The OIG also continues to promote an e-mail address – inspector.general@usdoj.gov – where individuals can send complaints of civil rights and civil liberties violations.



The OIG previously developed a poster, translated in Arabic, that explains how to file a civil rights or civil liberties complaint with the OIG and during this reporting period the OIG added an electronic version of this poster to its website.

The DOJ's main Internet homepage contains a link that provides a variety of options for reporting civil rights and civil liberties violations to the OIG. The Civil Rights Division's website also describes the OIG's role in investigating allegations of misconduct by DOJ employees and provides information on how to file a complaint with the OIG.

In addition, several minority and ethnic organizations have added information to their websites about how to contact the OIG with civil rights and civil liberties complaints. For example, the Arab American Institute (www.aaiusa.org), an organization that represents Arab Americans' interests and provides community services, added the OIG's Patriot Act poster to its website of information and resources for the Arab American community. The Institute also has informed its members and affiliates of the OIG's Patriot Act responsibilities through its weekly e-mail newsletter. Similarly, the American-Arab Anti-Discrimination Committee (ADC), one of the largest Arab American organizations in the nation, has posted the OIG's contact information and Patriot Act responsibilities on its website, which averages more than 1 million hits per month. The ADC also has published the OIG's Patriot Act responsibilities in its magazine, the *ADC Times*, which is circulated to more than 20,000 people. Furthermore, the OIG's Arabic poster and Patriot Act responsibilities have been disseminated electronically by the Council on American Islamic Relations LISTERV and the National Association of Muslim Lawyers LISTSERV.

B. Television

During this reporting period the OIG developed television advertisements with the following text spoken in Arabic and scrolled in English:

The Office of the Inspector General investigates allegations of civil rights and civil liberties abuses by U.S. Department of Justice employees. If you believe a Department of Justice employee has violated your civil rights or civil liberties, contact the Inspector General at 800-869-4499. That number again is 800-869-4499.

The OIG purchased blocks of time on ANA Television Network, Inc., an Arab cable television station with outlets around the country. According to the promotional materials, ANA Television Network is the largest Arab-American television network in the country and broadcasts news and entertainment 24 hours a day. The segment will be aired 48 times, during prime time, each day from June 5, 2003, through July 22, 2003.

C. Posters

The OIG continues to disseminate Patriot Act posters and, to date, has distributed approximately 2,500 posters to more than 150 organizations in 50 cities. The posters, in English and Arabic, explain how to contact the OIG to report civil rights and civil liberties abuses.

We also provided the posters to the BOP, which has placed at least two in each of its facilities. In addition, we previously provided approximately

400 posters to INS officials prior to the agency's transfer from the DOJ for distribution to its offices across the country. If the posters generate complaints about immigration officials, as of March 1, 2003, we have forwarded these allegations to the DHS OIG.

Finally, staff in the OIG's Investigations Division field offices also are distributing the posters to Arab businesses and organizations in their respective locations, including: New York City; Los Angeles; San Francisco; San Diego; Chicago; Detroit; Atlanta; Washington, D.C.; Miami; Tucson; McAllen; El Paso; and Dallas.

REPORT
Civil Rights & Civil Liberties Abuses

**بلغوا عن أي إنتهاك للحقوق
أو للحريات المدنية**

يقوم مكتب المفتي العام أمام لجنة العدل الأميركية بالتحقيق في أية اتهامات حول إنتهاكات الحقوق والحريات المدنية على أيدي موظفين من مكتب التفتيش الفيدرالي (FBI)، وكالة مكافحة المخدرات دائرة الهجرة والجنس (INS)، مكتب المجرم الفيدرالي، مكتب المأوى، الأميركي، مكاتب المدعي العام، وجميع الوكالات الأمنية التابعة لوزارة العدل. إذا كنت تعتقد بأن أحد موظفي وزارة العدل قد إنتهك على إنتهاك حقوقك أو حرياتك المدنية، وإمكانك أن تقدم شكوى لدى مكتب المفتي العام. يولمعة البريد، فإن التواك التالي:

Civil Rights & Civil Liberties Complaints
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Room 4706
Washington, D.C. 20530

بريد الإلكتروني:
inspector.general@usdoj.gov

أو التاكسي: (202) 616-9898

لمزيد من المعلومات إتصلوا بمكتب المفتي العام ختري
الخط الساخن المجاني: (800) 869-4499

The Office of the Inspector General (OIG),
U.S. Department of Justice, investigates
allegations of civil rights and civil liberties
abuses by employees in the FBI, DEA, INS,
Federal Bureau of Prisons, U.S. Marshals
Service, U.S. Attorneys Offices, and all other
Department of Justice agencies.

If you believe a Department of Justice employee
has violated your civil rights or civil liberties,
you may file a complaint with the OIG by:

mail: Civil Rights & Civil Liberties Complaints
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Room 4706
Washington, D.C. 20530

e-mail: inspector.general@usdoj.gov

or fax: (202) 616-9898

For more information
visit the OIG's website at www.usdoj.gov/oig

inspector.general@usdoj.gov
(800) 869-4499 www.usdoj.gov/oig

D. Newspapers

The OIG purchased advertisements in several newspapers about its role in investigating allegations of civil rights and civil liberties abuses. These display advertisements ran in large circulation newspapers such as *The Washington Post* and *The Washington Times* and in smaller, ethnic and community-based newspapers such as *The Beirut Times* in Los Angeles, California, and *The Arab American News* in Dearborn, Michigan.

Advertisements in the latter two newspapers appeared in both English and Arabic. The following is an example of the English text display advertisement.

Report Civil Rights/Civil Liberties Abuses

The Office of the Inspector General (OIG), U.S. Department of Justice, investigates allegations of civil rights and civil liberties abuses by employees in the FBI, DEA, INS, Federal Bureau of Prisons, U.S. Marshals Service, U.S. Attorneys Offices, and all other Department of Justice agencies.


If you believe a Department of Justice employee has violated your civil rights or civil liberties, you may file a complaint with the OIG by:

mail: Civil Rights & Civil Liberties Complaints
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Room 4706
Washington, D.C. 20530

e-mail: inspector.general@usdoj.gov

or fax: (202) 616-9898

Call the OIG's toll-free hotline at (800) 869-4499 for more information.



E. Radio

During the previous reporting period, the OIG produced a 60-second radio advertisement that contained the following text, read first in English and then in Arabic:

The Office of the Inspector General investigates allegations of civil rights and civil liberties abuses by U.S. Department of Justice employees. If you believe a Department of Justice employee has violated your civil rights or civil liberties, contact the Inspector General at 800-869-4499.

Last fall, the OIG purchased advertising time to run this announcement on nine radio programs in five major metropolitan areas: New York City, Los Angeles, Chicago, Detroit, and Houston. The OIG selected these cities because they have large populations of Arab Muslims and have had the most anti-Muslim incidents reported since the September 11 terrorist attacks.

The OIG also placed this radio advertisement on small, ethnic radio stations that appeal specifically to Arab and Muslim listeners. The radio programs included: New York City's 1430 AM; New York City's 1680 AM South Asian; New York City's 930 AM Ramadan program; New York City's 930 AM Jaman program; Los Angeles's 1190 AM Muslim Radio; Los Angeles's 900 AM Pakistan Radio; Chicago's 1420 AM Arab Community Radio; Detroit's 690 AM Arab Radio; and Houston's 1180 AM.

In addition to purchasing advertisements, we distributed our advertisement text as a public service announcement to an additional 55 of the most popular radio stations in 13 cities across the United States: New York City, Los Angeles, San Francisco, San Diego, Sacramento, San Jose, Chicago, Detroit, Houston, Dallas, Austin, San Antonio, and Washington, D.C. We chose these locations for the public service announcement because they have large populations of Arab Muslims and have reported several Anti-Muslim incidents since September 11.

F. Flyers

With the assistance of the FBI's Language Services department, the OIG developed flyers in Urdu and Punjabi, which after Arabic, are the two most commonly spoken Arab languages. We are in the process of distributing these flyers to organizations that work with Urdu and Punjabi-speaking communities to inform them of the OIG's Section 1001 responsibilities.

ਰਿਪੋਰਟ ਸ਼ਕਸੀ ਅਜ਼ਾਦੀ ਦੇ ਵਿਰੁਧ ਵਿਤਕੇ।

REPORT

CIVIL RIGHTS & CIVIL LIBERTIES ABUSES

ਅਮਰੀਕਾ ਦਾ ਇਨਸਾਫ਼ ਵਿਭਾਗ ਅਤੇ ਇੰਸਪੈਕਟਰ ਜਨਰਲ ਦਾ ਦਫਤਰ (OIG) ਲੋਕਾਂ ਦੇ ਮਾਨਵ ਅਧਿਕਾਰ ਅਤੇ ਮਾਨਵ ਅਧਿਕਾਰ ਉਤੇ ਕੀਤੀਆਂ ਗਈਆਂ ਬੇਇਨਸਾਫ਼ੀਆਂ ਦੀ ਤਹਕੀਕਾਤ ਕਰਦਾ ਹੈ। ਇਨ੍ਹਾਂ ਬੇਇਨਸਾਫ਼ੀਆਂ ਦਾ ਤਹਕੀਕਾਤ ਇਨਸਾਫ਼ ਵਿਭਾਗ, ਐ.ਬੀ.ਆਈ., ਡੀ.ਈ.ਐ. ਉਤੇ ਆਈ. ਐਨ. ਐਸ. ਫੈਡਰਲ ਜੇਲ ਵਿਭਾਗ, ਅਮਰੀਕਾ ਦੀ ਮਾਰਸ਼ਲ ਸੇਵਾ, ਅਮਰੀਕਨ ਵਕਾਲਤ ਦੇ ਦਫਤਰ ਅਤੇ ਹੋਰ ਸਾਰੇ ਇਨਸਾਫ਼ ਵਿਭਾਗਾਂ ਦੇ ਮੁਲਾਜ਼ਮਾਂ ਅਤੇ ਅਧਿਕਾਰੀਆਂ ਦੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।

ਅਗਰ ਤੁਹਾਨੂੰ ਯਕੀਨ ਹੈ ਕਿ ਤੁਹਾਡੇ ਨਾਲ ਕਿਸੀ ਇਨਸਾਫ਼ ਵਿਭਾਗ ਦੇ ਮੁਲਾਜ਼ਮ ਨੇ ਬੇਇਨਸਾਫ਼ੀ ਕੀਤੀ ਹੈ, ਤੁਸੀਂ ਅਪਨੀ ਸ਼ਿਕਾਯਤ ਉ. ਆਈ. ਜੀ. ਦੇ ਦਫਤਰ ਨੂੰ ਇਸ ਪਤੇ ਤੇ ਭੇਜੋ।

ਚਿਠੀ ਭੇਜਣ ਦਾ ਪਤਾ

mail: Civil Rights & Civil Liberties Complaints
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

e-mail: inspector.general@usdoj.gov

or fax: (202) 616-9898

For more information, call (800) 869-4499 or visit the OIG's website at www.usdoj.gov/oig

The Office of the Inspector General (OIG), U.S. Department of Justice, investigates allegations of civil rights and civil liberties abuses by Department of Justice employees in the FBI, DEA, ATF, Federal Bureau of Prisons, U.S. Marshals Service, U.S. Attorneys Offices, and all other Department of Justice agencies.

If you believe a Department of Justice employee has violated your civil rights or civil liberties, you may file a complaint with the OIG by:

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950 Pennsylvania Avenue, NW
Washington, D.C. 20530

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or fax: (202) 616-9898

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V. EXPENSE OF IMPLEMENTING SECTION 1001

Submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report . . . including a description of the use of funds appropriations used to carry out this subsection.

During this reporting period, the OIG spent approximately \$400,000 in personnel costs, \$16,000 in travel costs, and \$17,500 in non-personnel costs, for a total of more than \$433,500 to implement its responsibilities under Section 1001.

The personnel and travel costs reflect the time spent by OIG Special Agents, inspectors, and lawyers who have worked directly on Patriot Act-related matters. The non-personnel costs reflect interpreter services, printing of posters and flyers, distributing the posters, and developing and airing of the television ads.

VI. ADDITIONAL OUTREACH AND TRAINING EFFORTS

In addition to media advertisements, the OIG is reaching out in other ways to educate the public and its own employees about its Patriot Act responsibilities. The following are examples of OIG outreach and education efforts:

- On June 12, 2003, an OIG Assistant Special Agent in Charge participated in an "Arab, Muslim and Sikh Awareness and Protocol Seminar" at the Middlesex County Fire Academy in Sayreville, New Jersey. The seminar was co-hosted by the U.S. Attorney's Office for the District of New Jersey, DOJ's Community Relations Service, the New Jersey State Police Community Affairs Bureau, the New Jersey Office of Bias Crimes and Community Affairs, and the Middlesex County Prosecutor's Office. The seminar served to help build cultural awareness for law enforcement officials by educating them about Arab, Sikh, and Muslim Americans. Approximately 125 persons representing various federal, state, and local law enforcement agencies attended the seminar.
- On June 26, 2003, an OIG Special Agent in Charge attended the DOJ's Community Relations Service sponsored training entitled "*Building Cultural Competency: Arab, Muslim and Sikh Americans.*" This day-long program was designed to assist the attendees to understand cultural issues relating to the Arab, Muslim, and Sikh communities in the United States and to provide guidance for training others.

HR 3171 IH

108th CONGRESS

1st Session

H. R. 3171

To provide for an appropriate review of recently enacted legislation relating to terrorism to assure that powers granted in it do not inappropriately undermine civil liberties.

IN THE HOUSE OF REPRESENTATIVES**September 24, 2003**

Mr. KUCINICH (for himself, Mr. PAUL, Mr. CONYERS, Mr. GEORGE MILLER of California, Mr. SERRANO, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. SOLIS, Mr. HONDA, Ms. WOOLSEY, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. MCGOVERN, Mr. ABERCROMBIE, Ms. LEE, Mr. STARK, Mr. FILNER, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, and Mr. FARR) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Select Committees on Intelligence (Permanent Select), Education and the Workforce, Government Reform, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for an appropriate review of recently enacted legislation relating to terrorism to assure that powers granted in it do not inappropriately undermine civil liberties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Benjamin Franklin True Patriot Act'.

SEC. 2. FINDINGS.

Congress finds the following:

- (1) Benjamin Franklin stated: 'Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.'
- (2) The First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution were established to protect the civil rights and liberties of all Americans in perpetuity.
- (3) Federal policies adopted since September 11, 2001, including provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations, and actions threaten fundamental rights and

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liberties, including the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the Constitution by--

- (A) authorizing the indefinite incarceration of noncitizens 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 antiterrorism 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 or her 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) creating divisions between immigrant communities and the police that protect them by encouraging involvement of State and local police in enforcement of Federal immigration law; and the police that protect them;
 - (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; and
 - (H) mandating the closure of certain immigration removal hearings, including denying judges the authority to reject stays of release where bond has been ordered and denying noncitizens the right to a bond hearing.
- (4) Future legislation, such as legislation drafted entitled the Domestic Security Enhancement Act (DSEA) or PATRIOT II, contains a multitude of new and sweeping law enforcement and intelligence gathering powers many of which are not related to terrorism, and would severely dilute and undermine 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) seriously eroding the right of all persons to due process of law.
- (5) The above new and unprecedented powers pose threats to all Americans and particularly to the civil rights and liberties of the residents of our Nation who are Arab, Muslim, or of South Asian descent.

SEC. 3. NINETY-DAY REVIEW PERIOD.

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Each provision of law, regulation, or other policy directive listed in sections 4 through 10, and any amendments made by that provision, shall cease to have effect 90 days after the date of the enactment of this Act. During this 90-day period, the Congress may, at the request of the President, hold hearings to determine whether a particular section should be removed from the list in section 4.

SEC. 4. PROVISIONS IN THE USA PATRIOT ACT.

The provisions in the USA PATRIOT Act (Public Law 107-56) to which section 3 applies are:

- (1) Section 213, relating to 'sneak and peak searches'.
- (2) Section 214, relating to the use of pen registers for foreign intelligence purposes.
- (3) Section 215, relating to the obtaining by the Government of certain business records.
- (4) Section 216, relating to the use of pen registers in criminal cases.
- (5) Section 218, relating to the Foreign Intelligence Surveillance Act.
- (6) Section 411, relating to new grounds for deportation.
- (7) Section 412, relating to mandatory detention of certain aliens.
- (8) Section 505, relating to national security letters.
- (9) Section 507, relating to educational records.
- (10) Section 508, relating to collection and disclosure of individually identifiable information under the National Education Statistics Act of 1994.
- (11) Section 802, relating to the definition of domestic terrorism.

SEC. 5. PROVISIONS OF AVIATION SECURITY ACT EXCLUDING PERMANENT RESIDENT ALIENS FROM BEING BAGGAGE CHECKERS.

Section 3 also applies to section 44935(e)(2)(A)(ii) of title 49, United States Code.

SEC. 6. HOMELAND SECURITY ACT OF 2002 PROVISIONS.

Section 3 also applies to the following provisions of the Homeland Security Act of 2002:

- (1) Section 214, relating to an exemption from the Freedom of Information Act.
- (2) Section 871, relating to an exemption from the Federal Advisory Committee Act.

SEC. 7. IMMIGRATION REGULATIONS PROVISIONS.

Section 3 also applies to the following provisions of regulations:

- (1) The regulation found at 66 Federal Register 48334-35 (September 20, 2001) relating to time held without charges.
- (2) The regulation found at 66 Federal Register 54909-12 (October 31, 2001) relating to automatic stays for the Government in immigration hearings.
- (3) The so-called 'Creppy memo' that mandates closed immigration hearings in certain cases, and 67 Federal Register 54878 (August 26, 2002) relating to restructuring appeals.
- (4) Any legal opinion or regulation that increases the powers of the Attorney General to authorize State or local law enforcement officers to exercise Federal immigration enforcement beyond those given in 8 CFR Part 2 or 28 CFR Part 65.
- (5) The regulation found at 67 Federal Register 52584 (August 12, 2002), relating to registration and monitoring of certain aliens, and all notices published pursuant to that regulation.

SEC. 8. ATTORNEY-CLIENT MONITORING.

Section 3 also applies to the regulation found at 66 Federal Register 55063, relating to monitoring conversations between attorneys and clients.

SEC. 9. SECRECY ORDERS.

Section 3 also applies to the memorandum of Attorney General Ashcroft dated October 12, 2001 and relating to the disclosure of documents under the Freedom of Information Act.

SEC. 10. THORNBURG GUIDELINES ON RELIGIOUS INSTITUTION SPYING.

Section 3 also applies to any regulations having the effect of changing the effect of the Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Domestic Security/Terrorism Investigations approved by Attorney General Dick Thornburg for the Department of Justice on March 21, 1989.

END

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-- DRAFT --

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION BY THE SACRAMENTO CITY COUNCIL
AFFIRMING CIVIL LIBERTIES AND OPPOSING THE INFRINGEMENT
OF SUCH LIBERTIES BY THE FEDERAL GOVERNMENT**

WHEREAS, the City of Sacramento is the capital of California, the most diverse state in the United States; and

WHEREAS, the City of Sacramento is proud of its national reputation as the most diverse **integrated** city in the United States and a model of tolerance for the state and for the nation; and

WHEREAS, the diverse population of the City of Sacramento includes immigrants, students, farm workers, union members and other men and women of ~~many backgrounds~~ **various ancestry, color, ethnicity, national origin, ages, sex, sexual orientation, marital status, physical and mental disability, and religion** whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS, on previous occasions, the people of Sacramento, including its elected officials, law enforcement, and community leaders have gathered together in unity to affirm solidarity with victims of hate crimes and to denounce hate violence; and

WHEREAS, the preservation of civil liberties is crucial to the political and social health of the community, state, and nation; and

WHEREAS, federal laws and policies were hastily adopted in the aftermath of the September 11, 2001 terrorist attacks which threaten fundamental rights and liberties; and

WHEREAS, that federal legislation known as the USA PATRIOT ACT was passed by Congress without **sufficient** study or debate and gives the federal government unprecedented powers that threaten the civil rights of Sacramento residents and especially those community members of Arab descent or Muslim faith as well as immigrants and those who question government policies; and

WHEREAS, the Sacramento City Council believes that there is no inherent conflict between national security and the preservation of liberty; and

FOR CITY COUNCIL USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

-- DRAFT --

WHEREAS, more than 150 other patriotic communities throughout California and the United States have enacted resolutions reaffirming support for the civil rights and civil liberties in the face of government policies threaten these core values;

BE IT THEREFOR RESOLVED BY THE SACRAMENTO CITY COUNCIL THAT,

THE CITY OF SACRAMENTO AFFIRMS **REAFFIRMS** its strong support for the fundamental constitutional rights and its opposition to federal measures that infringe on these rights; and

THE CITY OF SACRAMENTO AFFIRMS its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny based on their country of origin, religion, or immigration status, and

THE CITY OF SACRAMENTO calls on agencies and employees of the City not to engage in any activities that would violate any city ordinance or the laws and constitution of the State of California or of the United States; and

THE CITY OF SACRAMENTO calls upon the Sacramento public schools to provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT ACT; and

THE CITY OF SACRAMENTO calls upon public libraries to post in a prominent place within the library a notice warning patrons that under Section 215 of the USA PATRIOT ACT records or books and other materials borrowed from the library may be obtained by federal agents; and

THE CITY OF SACRAMENTO reaffirms its commitment to unbiased policing and endorses the principle that no law enforcement or other city agency may profile or discriminate against any person solely on the basis of ancestry, color, ethnicity, national origin, ages, sex, sexual orientation, marital status, physical or mental disability, or religion.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to United States Senators Diane Feinstein and Barbara Boxer and Congressman Robert Matsui along with a letter urging them to monitor federal anti-terrorism tactics and work to repeal those provisions of the USA PATRIOT ACT and other laws and policies that infringe upon the rights and liberties of the residents of the City of Sacramento.

MAYOR

ATTEST:

CITY CLERK

FOR CITY COUNCIL USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

AMENDED

RESOLUTION NO. 2003-195

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION BY THE SACRAMENTO CITY COUNCIL
AFFIRMING CIVIL LIBERTIES AND OPPOSING THE INFRINGEMENT
OF SUCH LIBERTIES BY THE FEDERAL GOVERNMENT**

WHEREAS, the City of Sacramento is the capital of California, the most diverse state in the United States; and

WHEREAS, the City of Sacramento is proud of its national reputation as the most integrated city in the United States and a model of tolerance for the state and for the nation; and

WHEREAS, the diverse population of the City of Sacramento includes immigrants, students, farm workers, union members and other men and women of various ancestry, color, ethnicity, national origin, ages, sex, sexual orientation, marital status, physical and mental disability, and religion whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS, on previous occasions, the people of Sacramento, including its elected officials, law enforcement, and community leaders have gathered together in unity to affirm solidarity with victims of hate crimes and to denounce hate violence; and

WHEREAS, the preservation of civil liberties is crucial to the political and social health of the community, state, and nation; and

WHEREAS, federal laws and policies were hastily adopted in the aftermath of the September 11, 2001 terrorist attacks which threaten fundamental rights and liberties; and

WHEREAS, that federal legislation known as the USA PATRIOT ACT was passed by Congress without sufficient study or debate and gives the federal government unprecedented powers that threaten the civil rights of Sacramento residents and especially those community members of Arab descent or Muslim faith as well as immigrants and those who question government policies; and

WHEREAS, the Sacramento City Council believes that there is no inherent conflict between national security and the preservation of liberty; and

FOR CITY COUNCIL USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

WHEREAS, more than 150 other patriotic communities throughout California and the United States have enacted resolutions reaffirming support for the civil rights and civil liberties in the face of government policies threaten these core values;

BE IT THEREFOR RESOLVED BY THE SACRAMENTO CITY COUNCIL THAT,

THE CITY OF SACRAMENTO REAFFIRMS its strong support for the fundamental constitutional rights and its opposition to federal measures that infringe on these rights; and

THE CITY OF SACRAMENTO AFFIRMS its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny based on their country of origin, religion, or immigration status, and

THE CITY OF SACRAMENTO calls on agencies and employees of the City not to engage in any activities that would violate any city ordinance or the laws and constitution of the State of California or of the United States; and

THE CITY OF SACRAMENTO calls upon the Sacramento public schools to provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT ACT; and

THE CITY OF SACRAMENTO calls upon public libraries to post in a prominent place within the library a notice warning patrons that under Section 215 of the USA PATRIOT ACT records or books and other materials borrowed from the library may be obtained by federal agents; and

THE CITY OF SACRAMENTO reaffirms its commitment to unbiased policing and endorses the principle that no law enforcement or other city agency may profile or discriminate against any person solely on the basis of ancestry, color, ethnicity, national origin, ages, sex, sexual orientation, marital status, physical or mental disability, or religion.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to United States Senators Diane Feinstein and Barbara Boxer and Congressman Robert Matsui along with a letter urging them to monitor federal anti-terrorism tactics and work to repeal those provisions of the USA PATRIOT ACT and other laws and policies that infringe upon the rights and liberties of the residents of the City of Sacramento.

MAYOR

ATTEST:

CITY CLERK

FOR CITY COUNCIL USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

why

AMENDED

RESOLUTION NO. 2003-795

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF NOV 13 2003

**RESOLUTION BY THE SACRAMENTO CITY COUNCIL
AFFIRMING CIVIL LIBERTIES AND OPPOSING THE INFRINGEMENT
OF SUCH LIBERTIES BY THE FEDERAL GOVERNMENT**

WHEREAS, the City of Sacramento is the capital of California, the most diverse state in the United States; and

WHEREAS, the City of Sacramento is proud of its national reputation as the most integrated city in the United States and a model of tolerance for the state and for the nation; and

WHEREAS, the diverse population of the City of Sacramento includes immigrants, students, farm workers, union members and other men and women of various ancestry, color, ethnicity, national origin, ages, sex, sexual orientation, marital status, physical and mental disability, and religion whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS, on previous occasions, the people of Sacramento, including its elected officials, law enforcement, and community leaders have gathered together in unity to affirm solidarity with victims of hate crimes and to denounce hate violence; and

WHEREAS, the preservation of civil liberties is crucial to the political and social health of the community, state, and nation; and

WHEREAS, federal laws and policies were hastily adopted in the aftermath of the September 11, 2001 terrorist attacks which threaten fundamental rights and liberties; and

WHEREAS, that federal legislation known as the USA PATRIOT ACT was passed by Congress without sufficient study or debate and gives the federal government unprecedented powers that threaten the civil rights of Sacramento residents and especially those community members of Arab descent or Muslim faith as well as immigrants and those who question government policies; and

WHEREAS, the Sacramento City Council believes that there is no inherent conflict between national security and the preservation of liberty; and

WHEREAS, notwithstanding the Sacramento City Council's concerns about the USA Patriot Act as expressed in this Resolution, the Sacramento City Council acknowledges and commends the Office of the U.S. Attorney General for the Eastern District of California for its

FOR CITY COUNCIL USE ONLY

RESOLUTION NO.: 2003-795

DATE ADOPTED: NOV 13 2003

diligent and sincere efforts to uphold the U.S. Constitution and the laws of this nation in a respectful, lawful and nondiscriminatory manner.

WHEREAS, more than 200 other patriotic communities throughout California and the United States have enacted resolutions reaffirming support for the civil rights and civil liberties in the face of government policies threaten these core values;

BE IT THEREFORE RESOLVED BY THE SACRAMENTO CITY COUNCIL THAT,

THE CITY OF SACRAMENTO REAFFIRMS its strong support for the fundamental constitutional rights and its opposition to federal measures that infringe on these rights; and

THE CITY OF SACRAMENTO REAFFIRMS its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny based on their country of origin, religion, or immigration status, and

THE CITY OF SACRAMENTO calls on agencies and employees of the City not to engage in any activities that would violate any city ordinance or the laws and constitution of the State of California or of the United States; and

THE CITY OF SACRAMENTO calls upon the Sacramento public schools to provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT ACT; and

THE CITY OF SACRAMENTO calls upon public libraries to post in a prominent place within the library a notice warning patrons that under Section 215 of the USA PATRIOT ACT records or books and other materials borrowed from the library may be obtained by federal agents; and

THE CITY OF SACRAMENTO reaffirms its commitment to unbiased policing and endorses the principle that no law enforcement or other city agency may profile or discriminate against any person solely on the basis of ancestry, color, ethnicity, national origin, ages, sex, sexual orientation, marital status, physical or mental disability, or religion.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to United States Senators Dianne Feinstein and Barbara Boxer and Congressman Robert Matsui along with a letter urging them to monitor federal anti-terrorism tactics and work to repeal those provisions of the USA PATRIOT ACT and other laws and policies that infringe upon the rights and liberties of the residents of the City of Sacramento.

HEATHER FARGO

MAYOR

ATTEST:

VIRGINIA HENRY

CITY CLERK

FOR CITY COUNCIL USE ONLY

RESOLUTION NO.: 2003-795

DATE ADOPTED: NOV 13 2003