

STATEMENT OF KEITH G. WAGNER, ATTORNEY AT LAW
IN SUPPORT OF
THE SACRAMENTO COALITION TO STOP THE PATRIOT ACT'S PROPOSED RESOLUTION
NOVEMBER 13, 2003

Mayor Fargo, Council Members:

My name is Keith Wagner. I am a local environmental attorney, and I am here tonight to speak on behalf of the Sacramento Coalition to Stop the Patriot Act.

In 1787 the people of the United States accepted a new federal Constitution and, in doing so, extracted a promise in return: the Bill of Rights. While the Constitution confers broad powers upon the federal government, the Bill of Rights ensures that the exercise of those powers does not trample the inalienable, individual rights that are the fundamental source of our liberal democracy: the *right of every person* to freedom of thought and expression; the *right of every person* to be free from unreasonable government intrusion; the *right of every person* to equal protection of the laws; and the *right of every person*, when seized by the government, to know the charges brought against him or her, to confront their accuser and adverse witnesses, to the effective assistance of counsel, and to a fair and speedy trial by a jury of one's peers.

Some have stated that the City of Sacramento has no business passing a resolution regarding the so-called "U.S.A. Patriot" Act, because it is supposedly not a matter of "local concern." This is untrue. The "U.S.A. Patriot" Act's unconstitutional provisions enlist the eyes and ears of city employees as agents of the federal government.

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At the request of Councilmember Waters, our Coalition has submitted five-pages of evidence, describing the involvement of various city and county officers and employees across the nation in constitutionally questionable activities under the Patriot Act, including the infiltration of peaceful organizations and interrogation of individuals with *no reasonable suspicion of criminal activity*, and the extended detention of immigrants under harsh conditions for minor infractions unrelated to "terrorism."

Many of those present today will address their concerns about these and other examples. I urge you to consider their words carefully. For my part, I would like to explain why the adoption of this Resolution is not only "relevant" to the City of Sacramento, but is simply a matter of sound, municipal and fiscal policy.

First, the Constitution of the United States, including the Bill of Rights, is the supreme law of this nation. Actions by the City of Sacramento or its employees that violate the Constitution and Bill of Rights can lead to civil rights actions, extended court battles, and associated costs of an adverse judgment or settlement. Thus, affirming the City's commitment to fundamental constitutional principals, and directing City employees to scrupulously honor such laws, is a simple matter of sound, fiscal policy.

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Second, the State of California's highest ranking law enforcement official, Attorney General Bill Lockyer, has recently published guidance to all state law enforcement agencies, which includes the City of Sacramento's police force, confirming that "it is a mistake of *constitutional dimension* to gather information for a criminal intelligence file where there is no reasonable suspicion of the existence of a criminal predicate." (emphasis added.) This resolution appropriately confirms the City's commitment to implementing Attorney General Lockyer's mandate that *all* state police officers ensure that their activities are consistent with constitutional norms.

Third, this resolution protects the integrity and welfare of the City's police force. In New York, a trial court recently ordered a local police department to disclose the identities of several undercover officers who had infiltrated a peaceful political organization under questionable legal authority. The court did so despite the police department's strenuous objections that such an order would 1) compromise the ability of those officer to engage in future undercover work, 2) potentially subject those officers and their families to personal danger from past targets of investigations, and 3) create an atmosphere where officers would refuse to take undercover assignments for fear of having their identities disclosed. A resolution by the City making it clear that constitutional principals must be

satisfied *before* its officers participate in such investigations will help to ensure that such judicial orders are not issued against the City and its police officers.

Fourth, confirming the City's commitment to constitutional principals leads to a greater degree of acceptance of legitimate criminal investigations. In his guidance document, Attorney General Lockyer explains that, "The best assurance for public acceptance of intelligence operations are clear guidelines that focus intelligence efforts on illegal activities, and do not encourage surveillance of people or groups engaged in *protest or civil disobedience*." (emphasis added.)

And, finally, affirming the City's policy of limiting investigations to situations where reasonable suspicion can be objectively demonstrated ensures that existing, limited law enforcement resources are used in the most efficient manner. As noted by Nancy Chang with the Center for Constitutional Rights, "the loosening of FBI domestic intelligence-gathering guidelines to permit monitoring of individuals *not suspected of criminal activity* [is] likely to result in an even greater overload of information. More agents will be pursuing more false leads, and more time, energy, and attention will be diverted from the warnings that we cannot afford to miss." (emphasis added.)

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Sacramento Coalition to Stop the Patriot Act**

At the close of the Constitutional Convention in Philadelphia in 1787, Benjamin Franklin was asked, "Well Doctor, what have we got, a republic or a monarchy?" Franklin replied, "A republic, if you can keep it." And that is why the Sacramento Coalition to Stop the Patriot Act stands before you today. We ask that you, the duly elected officials and representatives of the people of City of Sacramento, do your part, on our behalf, to "keep the republic." We ask that you pass this Resolution affirming the City of Sacramento's commitment to the constitutional principals of separation of powers and individual freedoms upon which our nation was founded, and, without which, it is surely lost.

SACRAMENTO COALITION TO STOP THE PATRIOT ACT

"EVIDENCE" OF CIVIL RIGHTS ABUSES UNDER
USA PATRIOT ACT & RELATED LAWS

Compiled October 31, 2003

SPYING ON PEACE ACTIVIST ORGANIZATIONS

1st Amendment Violation – Chilling Freedom of Speech/Association
4th Amendment Violation – Surveillance Without Reasonable Suspicion

California Attorney General Guidelines

The revised rules, compiled in a 134-page handbook called "Criminal Intelligence Systems: A California Perspective," were written by Lockyer and his staff after public outcry over increased surveillance in the state. Specifically, the state guidelines say police can only surveil groups that have a known criminal goal or a history of criminal conduct: "Put bluntly, **it is a mistake of constitutional dimension to gather information for a criminal intelligence file where there is no reasonable suspicion of the existence of a criminal predicate.**" That contradicts U.S. Attorney General John Ashcroft's decision in May 2002 that freed the FBI to monitor public meetings of political, social, religious and educational organizations. (Source: Associated Press, Oct. 17, 2003.)

Peace Fresno - Infiltrated

Peace Fresno was infiltrated by an agent working for the Fresno Sheriff's Department. Aaron Kilner, known by Peace Fresno activists as Aaron Stokes, attended several Peace Fresno meetings. Peace Fresno members remember him taking voluminous notes and saw him at peace vigils. **He was also on the bus local anti-globalization activists took to attend the WTO ministerial-level conference on Agricultural Science and Technology demonstration in Sacramento in June 2003.** Kilner was discovered after he died in an unrelated motorcycle accident on August 30, 2003. **No reasonable suspicion has been articulated by the Fresno Sheriff's Department for its actions.** (Source: SF.Indymedia.Org, Oct. 4, 2003.)

International Action Center - Infiltrated

A long-term undercover intelligence operation hangs in the balance as the District of Columbia appeals a **circuit court judge's ruling ordering the Metro Police Department to reveal the identities of all undercover officers who have infiltrated and become active in a controversial anti-Bush group.** As part of an ongoing intelligence operation, D.C. undercover officers had posed as activists and infiltrated the International Action Center, or IAC, and its affiliates. The officers attended the center's meetings, **including those held in members' homes.** Some of the officers have been on long-term assignment and continue to operate undercover and provide law-enforcement agencies with intelligence data. International Action Center is the group that founded A.N.S.W.E.R., the organization that has sponsored anti-war rallies in San Francisco and other major cities. (Source: WorldNetDaily.com, Oct. 15, 2003.)

INVESTIGATIONS AND OTHER ACTIONS AGAINST "DISSIDENT" CITIZENS
1st Amendment Violation – Chilling Free Speech/Association
4th Amendment Violation – Investigation Without Reasonable Suspicion
Violation of Constitutional Right to Travel

The following examples of investigations and actions against citizens of the United States did not lead to secret arrest or formal detention. However, the **highly questionable investigatory actions** taken by FBI and other agents **without reasonable suspicion of criminal activity based on articulable facts**, followed by the **inevitable publicity of these encounters**, leads to a culture of fear and self-censorship by the public at large.

In short, while a court may or may not ultimately conclude that fundamental civil rights were violated in these cases (**many of the individuals below have pressed charges against the offending law enforcement agencies**), there can be no question that the following examples lead to a **breakdown of public trust in, and respect for, law enforcement officers** and a **chilling of public willingness to freely exercise protected liberties for fear of unwarranted suspicion and reprisal**.

Barry Reingold – Retired Telephone Company Employee

Awakened at his San Francisco apartment by two FBI agents seeking to question him about a discussion that he had at the local gym two weeks earlier. In the conversation at his gym, **Mr. Reingold expressed his disagreement with the Mr. Bush's decision to bomb Afghanistan and his belief that the invasion of Afghanistan was motivated primarily by oil**. After being informed by the FBI that he was entitled to exercise his first amendment right to speech, Mr. Reingold informed the agents that he did not wish to speak with them and closed the door. (Source: Sacramento Bee, Liberty in the Balance, In the Spotlight, Sept. 21, 2003.)

Andrew O'Connor – Public Defender

Mr. O'Connor was **surrounded by four local police officers** in a library in Santa Fe, New Mexico, and then **handcuffed and detained by Secret Service agents** after being overheard stating in a heated debate that "Bush is out of control." Mr. O'Connor's experience led to **hearings in the New Mexico Legislature** over civil rights abuses associated with the Patriot Act and related laws and regulations. (Source: Sam Stanton and Emily Bazar, Sacramento Bee, Security Collides with Civil Liberties, Sept. 21, 2003.)

Donna Huanca – Docent, Houston's Art Car Museum

Ms. Huanca's art gallery was opening "Secret Wars," an **exhibit on US covert operations and government secrets**. FBI special agent Terrence Donahue and Steven Smith of the Secret Service **questioned Ms. Huanca for over an hour**. "[I]t was a **routine mission** to check out one of the more than 435,000 tips they have received since Sept. 11." Luckily for Ms. Huanca, the FBI ultimately determined that the Art Car Museum and its exhibit (which had been planned months before Sept. 11) were **"not dangerous."** But, to Huanca, **the face-off seemed unnecessary and intimidating**. She says the agents puzzled over each art installation, sneering and saying things like, "What's that supposed to mean?" (Source: Kris Axtman, Christian Science Monitor, Political Dissent Can Bring Federal Agents to Door, <http://www.csmonitor.com/2002/0108/p1s4-usju.html>, Jan. 8, 2002.)

A.J. Brown – College Student

Ms. Brown, a student at Durham Technical Community College in North Carolina, faced **40 minutes of grilling by two Secret Service agents and a Raleigh police officer** in her doorway (she wouldn't let them come in, and they had no search warrant). By her account, they said **they were investigating a tip that she had "un-American material" in her apartment**. From the doorway, **they took particular note of a poster of George W. Bush holding a noose** (in his hand, **not** around his neck). It read: "We hang on your every word," referring to Bush's unflinching support of the death penalty as governor of Texas. (Source: Kris Axtman, Christian Science Monitor, Political Dissent Can Bring Federal Agents to Door, <http://www.csmonitor.com/2002/0108/p1s4-usju.html>, Jan. 8, 2002.)

Jan Adams and Rebecca Gordon – Peace Activists

Ms. Adams and Ms. Gordon were **held and questioned for hours before being released at San Francisco International Airport** because their names were listed on a **secret government "no fly" list**. After being detained and questioned by police, they were finally allowed to board the plane. The only apparent reason Ms. Adams and Ms. Gordon's names appeared on the list is their work in **publishing the anti-war War Times newspaper**. (Source: Sacramento Bee, Liberty in the Balance, In the Spotlight, Sept. 21, 2003.)

UNLAWFUL DEMANDS FOR AND ACCESS TO PERSONAL INFORMATION AND RECORDS

1st Amendment Violation – Chilling Freedom of Speech/Association

4th Amendment Violation – Surveillance Without Reasonable Suspicion

Library Records Illegally Obtained by FBI and Local Police

An anonymous survey of 906 libraries by the Library Research Center at the University of Illinois Urbana-Champaign found that **in the year following the Sept. 11 attacks, federal and local law enforcement agents visited at least 545 libraries to inquire after patrons' records**. When asked to voluntarily forfeit patrons' records, **roughly half the librarians cooperated with investigators without demanding a subpoena or court order**, the study found. 60 percent of the librarians who responded said they believed the **gag order** precluding them from publicizing visits from investigators **was an abridgement of their First Amendment rights**. Indeed, the authors of the study allow that **the gag order may have skewed the survey results**. (Source: University of Illinois anonymous survey of libraries, located at <http://www.lis.uiuc.edu/gslis/research/finalresults.pdf>)

DOJ Admits Monitoring Modem Connections Without Court Supervision

The Department of Justice is further abusing its Patriot Act powers by monitoring cable modem users **without obtaining a judge's permission first**. "We would not have been able to do (this) under prior law without a specific court order," said Michael Chertoff, assistant attorney general in the Justice Department's criminal division. Chertoff said the government also has used its new powers to obtain court orders for logs from Internet providers that are **outside of the court's traditional jurisdiction**. (Source: Wired News, <http://www.wired.com/news/conflict/0,2100,48711,00.html>, Nov. 28, 2001.)

Abuse of Patriot Act Provisions to Evade Constitutional and Statutory Limitations on Conventional Law Enforcement Investigations

Federal law, 42 U.S.C. § 2000aa, and the First Amendment prohibit federal officers from demanding journalists to turn over their work product and notes for ordinary criminal investigations. However, in investigating a case involving a computer hacker, FBI agents have done just that by sending out a blanket order to journalists covering the story, warning them to expect subpoenas for all documents relating to the hacker, including, apparently, their own notes, e-mails, impressions, interviews with third parties, independent investigations, and privileged conversations and communications. The FBI has threatened to put these reporters in jail unless they agree to preserve all of these records while they obtain a subpoena for them under the Patriot Act. The FBI's letter also orders the journalists to not disclose the request to anyone -- presumably including their editors, directors, or lawyers -- under the implied threat of prosecution for obstruction of justice. The provision of the Patriot Act cited by the FBI in the letter applies to Internet Service Providers (ISPs), not journalists. Furthermore, there is no suggestions or evidence that the hacker is a "terrorist" or engaged in any "terrorist activity." In short, the FBI is invoking a Patriot Act provision of questionable applicability to evade other express provisions of law (and the First Amendment) in carrying out an investigation of ordinary domestic crime. (Source: Mark D. Rasch, J.D., former head Justice Department's computer crime unit, Senior Vice President and Chief Security Counsel at Solutionary Inc., FBI Bypasses First Amendment to Nail a Hacker, The Register, <http://www.theregister.co.uk/content/55/33106.html>, Sept. 29, 2003.)

SECRET ARREST AND DETENTION OF DISFAVORED CLASSES OF IMMIGRANTS

- 5th/14th Amendment Violation – Due Process of Law/Equal Protection
- 6th Amendment Violation – Right to Counsel/Confrontation of Witnesses/Speedy Trial
- 8th Amendment Violation – Prohibition on Cruel and Unusual Punishment

General Post 9/11 Secret Arrests and Detentions of Hundreds of Arab Immigrants

In the New York area alone, 762 aliens were secretly detained in harsh conditions for extended periods by Immigration and Naturalization Service after September 11, 2001. An April, 2003 review, conducted by the Office of the Inspector General, concludes that many of these "disappeared" persons were classified as September 11 detainees "regardless of the factual circumstances of the aliens' arrest or the absence of evidence connecting them to the September 11 attacks or terrorism." (Office of the Inspector General, The September 11 Detainees: A Review of Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks, at p. 186) "Many leads that resulted in an alien's arrest on immigration charges were quite general in nature, such as a landlord reporting suspicious activity by an Arab tenant." (*Id.*) Ironically, the Department of Justice continues to invoke the privacy interests of these "disappeared" detainees to withhold their identities and the conditions of their detention. Nationwide, well over 1,000 such detentions are documented. Over two years later, not a single individual secretly arrested and detained as part of the Department of Justice's September 11 "investigation" has been charged with a terrorist crime. The only person charged with terrorism is Zacarias Moussaoui, who was already in custody on September 11, 2001. (Source: David Cole, Constitutional Law Professor, Georgetown University Law Center, in article titled Their Liberty, Our Security, at TomPaine.com, <http://www.tompaine.com/feature2.cfm/ID/9242>, Oct. 27, 2003.)

Judicial Opinions Rejecting the Government's Unconstitutional Policy of Secret Arrests

- New Jersey Superior Court Judge Arthur D'Italia quoting the U.S. District Court for the District of Columbia, in ruling, "**The requirement that arrest books be open to the public is to prevent any 'secret arrests,' a concept odious to a democratic society.**" *Morrow v. District of Columbia*, 417 F.2d 728, 741-42 (D.C. Cir. 1969).
- U.S. District Judge Nancy Edmunds ruled that, "[o]penness is necessary for the public to maintain confidence in the value and soundness of the government's actions, as **secrecy only breeds suspicion.**"
- U.S. District Judge Shira A. Scheindlin ruled that the government had unlawfully jailed Osama Awadallah as a material witness, "**without any claim that there was probable cause to believe that he had violated any law – Awadallah bore the full weight of a prison system designed to punish convicted criminals.**"

Ali Al-Maqtari – Lied to and Fraudulently Accused of Wife Beating by Investigators

Ali Al-Maqtari, a 28-year-old Yemeni national married to a U.S. citizen, was **locked up for two months** on the charge that he had been **out of immigration status for 10 days** while transferring his status from tourist to permanent resident. He was arrested on September 15, 2003, as he **accompanied his wife, Tiffinay Hughes, to Fort Campbell, Ky., where she was reporting for Army basic training.** Apparently the couple had aroused suspicion at their local army induction center in Springfield, Mass., two days earlier, because Tiffinay was wearing the traditional Muslim head covering, a hijab, and the couple were overheard speaking to each other in French. When they arrived at the Kentucky Army base, their car was searched, and **officials found pictures of New York City and two box cutters** they had used in their prior jobs.

They were locked in separate rooms and interrogated for more than 12 hours. **Agents lied to Al-Maqtari**, telling him that the Springfield office had been bombed 20 minutes after he and his wife had left it (it hadn't), accusing him repeatedly of abusing his wife and claiming they had a statement from her complaining of his abuse (they didn't). (Source: David Cole, Constitutional Law Professor, Georgetown University Law Center, in article titled *Their Liberty, Our Security*, at TomPaine.com, <http://www.tompaine.com/feature2.cfm/ID/9242>, Oct. 27, 2003.)

Kourosh Golamshahi – Iranian Immigrant

Mr. Golamshahi came to U.S. 18 years ago **fleeing persecution in Iran**. He sought political asylum in 1989 but was denied, and was ordered deported back to Iran. He continued living in the U.S., and was swept up by federal government in its post 9/11 dragnet for Arab immigrants. **Prior to 9/11, the resolution of cases where immigrants had failed to comply with deportation orders (if enforced at all) was to obtain an agreement from the immigrant that they would immediately leave**, which they were allowed to do. Instead, **Mr. Golamshahi wound up in detention for nearly a year, housed among suspected murderers and white supremacists.** "Kouroush is a person who has **no criminal background,**" said Gae Geram, a Sacramento immigration bond specialist who fought to win his release. "**Wanting to stay here was his only crime.**" (Source: Sam Stanton and Emily Bazar, *Sacramento Bee*, *Security Collides with Civil Liberties*, Sept. 21, 2003.)

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GRASSROOTS OPPOSITION TO THE USA PATRIOT ACT
212 Communities and States (26.3 million people) as of November 11, 2003

* State of Alaska	San Mateo County	Idaho	Montana	Orange County	Waitsfield
Anchorage	San Rafael	Boise	Beaverhead County	Ohio	Windham
Fairbanks	San Ramon	Idaho County	Bozeman	Oberlin	Virginia
Gustavus	Santa Barbara	Illinois	Dillon	Oxford	Alexandria
Homer	Santa Clara County	Chicago	Missoula	Yellow Springs	Charlottesville
Juneau	Santa Cruz	Evanston	New Hampshire	Oregon	Washington
Kenai	Santa Cruz County	Indiana	Marlborough	Ashland	Bainbridge Island
North Pole	Santa Monica	Bloomington	Peterborough	Astoria	Bellingham
Skagway	Saratoga	Maine	New Jersey	Benton County	Jefferson County
Sitka	Sausalito	Waterville	Princeton	Corvallis	Olympia
Soldotna	Sebastopol	Maryland	Borough	Eugene	Oroville
Arizona	Soledad	Baltimore	Willingboro	Gaston	Port Townsend
Bisbee	Sonoma	Greenbelt	New Mexico	Lane County	Riverside
Flagstaff	South Pasadena	Montgomery Cty	Albuquerque	<u>Portland</u>	San Juan County
Pima County	Tehama County	Takoma Park	Aztec	Port Orford	Seattle
Tucson	Ukiah	Massachusetts	Bayard	Talent	Snoqualmie
California	Union City	Amherst	Farmington	Pennsylvania	Tonasket
Albany	Watsonville	Arlington	Grant County	Lansdowne	Vashon-Maury Island
Arcata--resolution and ordinance	West Hollywood	Ashfield	Las Vegas	Philadelphia	West Virginia
Berkeley	Yolo County	Brookline	Los Alamos	Reading	Huntington
Claremont	Colorado	Cambridge	County	York	Wisconsin
Contra Costa County	Boulder	Eastham	Rio Arriba County	Rhode Island	Douglas County
Cotati	Crestone	Leverett	Santa Fe	Middletown	Madison
Davis	Denver	Lincoln	Silver City	New Shoreham	
Dublin	Durango	Newton	Socorro	Tennessee	
El Cerrito	Fort Collins	Northampton	Taos	Blount County	
Emeryville	Ridgway	Orleans	New York	Texas	
Fairfax	San Miguel County	Pittsfield	Albany	Austin	
Hayward	Telluride	Provincetown	Canton	Sunset Valley	
Lake County	Connecticut	Shutesbury	Danby	Utah	
Livermore	Bethany	Wellfleet	Ithaca	Castle Valley	
Los Gatos	Hartford	Wendell	Town of New Paltz	* State of Vermont	
Marin County	Mansfield	Michigan	Village of New Paltz	Athens	
Mendocino County	New Haven	Ann Arbor	Rosendale	Brattleboro	
Mill Valley	Delaware	Detroit	Schenectady	Burlington	
Mountain View	Wilmington	Kalamazoo	St. Lawrence Cty	Dummerston	
Oakland	Florida	Meridian	Syracuse	Guilford	
Pacific Grove	Alachua County	Township	Urbana	Jamaica	
Palo Alto	Broward County	Minnesota	Woodstock	Marlboro	
Pinole	Sarasota	Duluth	North Carolina	Montpelier	
Pleasanton	* State of Hawaii	Minneapolis	Carrboro	Newfane	
Point Arena	Honolulu	Robbinsdale	Chapel Hill	Putney	
Porterville	Missouri	University City	Davidson	Rockingham	
Richmond			Durham County	Warren	
Salinas			Durham	Westminster	
San Anselmo			Greensboro		
San Francisco					
San Jose					

AMENDED

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RESOLUTION NO. 2003-795

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: _____

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11-13-03

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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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

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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.: _____

DATE ADOPTED: _____

AMENDED

RESOLUTION NO.

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Add new where clause at end of p. 1 of Reso;

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notwithstanding the Sacramento City Council's concern about the

USA Patriot Act as expressed in this

Resolution, the Sacramento City Council

acknowledges and commends the

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diligent and sincere efforts to

uphold the U.S. Constitution and

the laws of this nation in a

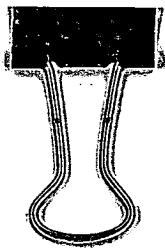
respectful, lawful and nondiscriminatory

②

Change 150 to 200 in 1st line of ~~points~~ para. on p. 2 (last where clause)

③

Add "re" to "affirm" in 2d resolve clause.



12.2

PLANNING AND BUILDING DEPARTMENT

CITY OF SACRAMENTO CALIFORNIA

12311 STREET ROOM 300 SACRAMENTO, CA 95814-2998

PLANNING 916-264-5381 FAX 916-264-5328

Planning Division

October 30, 2003

City Council Sacramento, California

CONTINUED FROM 11-13-03 TO 12-2-03

Honorable Members in Session:

SUBJECT: DEVELOPMENT SERVICES QUARTERLY WORKLOAD UPDATE AND STATUS OF DEVELOPMENT OVERSIGHT COMMISSION (DOC) RECOMMENDATIONS

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION: This report is for the Council's information and comment. No action is required.

CONTACT PERSONS: Gary Stonehouse, Planning Director, 264-5567 Dennis Richardson, Chief Building Official, 808-5956

FOR COUNCIL MEETING OF: November 13, 2003 (Evening)

SUMMARY: The Development Oversight Commission (DOC) and staff have been working to ensure implementation of recommendations contained in the 2002 Annual Report to Council, provide a forum for development services related input from the community and to recommend more detailed actions to streamline the City's development process.

This is the second in a series of quarterly reports on the city's development services activities. The report has two purposes: to present information on the level of development activities in the city and workload in Planning and Building with associated partnering departments of Public Works and Utilities, and to provide brief status reports on efforts to implement the recommendations of the Development Oversight Commission. The Development Oversight Commission's full annual report to the City Council will be presented in January.

BACKGROUND INFORMATION: The current Development Oversight Commission (DOC) was established as a result of the 1999 Mayor's Commission on Development recommendations.

Since its inception, the DOC has:

- Solicited public input through regular meetings and outreach measures, Reviewed development processes, practices and procedures with staff, Implemented recommendations from the 2002 Annual Report to the City Council, and Formulated ideas for additional improvement.