

1 [Resolution opposing the USA PATRIOT Act and related Executive Orders]

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5 WHEREAS, the City of San Francisco houses a diverse population, including citizens
6 of other nations whose contributions to the community are vital to its character and function;
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9 WHEREAS, the United States Constitution guarantees all persons living in the United
10 States fundamental rights including freedom of religion, speech, assembly and privacy;
11 protection from unreasonable searches and seizures; due process and equal protection to
12 any person; equality before the law and the presumption of innocence; access to counsel in
13 judicial proceedings; and a fair, speedy and public trial; and,

14 WHEREAS, the USA PATRIOT Act signed by President George W. Bush on October
15 26, 2001 has a number of provisions that contradict the above mentioned inalienable rights
16 and fundamentally alters the nature of our civil liberties while doing little to increase public
17 safety; and,

18 WHEREAS, examples of the provisions of the USA PATRIOT Act and Executive
19 Orders that may violate the Constitution and the rights and civil liberties of San Francisco
20 residents are as follows:

- 21 • Significantly expands the government's ability to access sensitive medical, mental
22 health, financial and educational records about individuals, and lowers the burden
23 of proof required to conduct secret searches and telephone and internet
24 surveillance
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- 1 • Gives law enforcement expanded authority to obtain library records, and prohibits
- 2 librarians from informing patrons of monitoring or information requests
- 3 • Gives the Attorney General and the Secretary of State the power to designate
- 4 domestic groups, including religious and political organizations as “terrorist
- 5 organizations”
- 6 • Grants power to the Attorney General to subject citizens of other nations to
- 7 indefinite detention or deportation even if they have not committed a crime
- 8 • Authorizes eavesdropping of confidential communications between attorneys and
- 9 their clients in federal custody
- 10 • Limits disclosure of public documents and records under the Freedom of
- 11 Information Act; and

12 WHEREAS, Department of Justice interpretations of this Act and these Executive
13 Orders particularly target Muslims, persons of Middle Eastern and South Asian descent and
14 citizens of other nations, and thereby encouraging racial profiling by law enforcement and
15 hate crimes by individuals in our community; now, therefore, be it

16 RESOLVED, that the City of San Francisco affirms its strong opposition to terrorism,
17 but also affirms that any efforts to end terrorism not be waged at the expense of the
18 fundamental civil rights and liberties of the people of San Francisco, the United States and
19 other countries; and, be it

20 FURTHER RESOLVED, that the City of San Francisco affirms the rights of all people,
21 including United States citizens and citizens of other nations, living within the City in
22 accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution;
23 and, be it

24 FURTHER RESOLVED, that, to the extent legally possible, no City employee or
25 department shall officially assist or voluntarily cooperate with investigations, interrogations, or

1 arrest procedures, public or clandestine, that are in violation of individuals' civil rights or civil
2 liberties as specified in the above Amendments of the United States Constitution; and be it

3 FURTHER RESOLVED that the San Francisco Board of Supervisors calls upon all
4 private citizens and organizations, including residents, employers, educators, and business
5 owners, to demonstrate similar respect for civil rights and civil liberties, especially but not
6 limited to conditions of employment and cooperation with investigations; and be it

7 FURTHER RESOLVED that the City and County of San Francisco call on our United
8 States Representatives and Senators to monitor the implementation of the Act and Orders
9 cited herein and actively work for the repeal of the Act and those Orders that violate
10 fundamental rights and liberties as stated in the United States Constitution and its
11 Amendments.

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