



PROPOSED RESOLUTION OF THE CITY OF TAMPA

WHEREAS the City of Tampa and its citizens are governed by the United States Constitution, including the Bill of Rights, and the Florida Constitution and Declaration of Rights which guarantee certain fundamental civil rights including: freedom of religion, speech, assembly and privacy; protection from unreasonable search and seizures; due process of law and equal protection under law to any person; equality before the law and the presumption of innocence; access to counsel and the courts in judicial proceedings; and a fair, speedy and public trial; and

WHEREAS the City of Tampa is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS the City of Tampa has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS the City of Tampa recognizes that the preservation of civil rights and liberties in our entire community is essential to the well-being of a democratic society; and

WHEREAS the City of Tampa denounces terrorism, and reiterates its respect and support for the individuals and military and law enforcement institutions which secure our liberty and protect us from terrorism and violence in our communities; and

WHEREAS the City Council of the City of Tampa believes that there is no inherent conflict between national security interests and the preservation of liberty at home, and holds that individuals in Tampa can be both safe AND free; and

WHEREAS the City of Tampa recognizes that overzealous government security measures which undermine fundamental civil liberty interests do damage to the American democratic institutions and values that the residents of the City of Tampa hold dear; and

WHEREAS, in the opinion of many Americans, new Executive Branch regulations and policies and the USA PATRIOT ACT, passed by Congress at the federal government level in great haste after Sept. 11, 2001, have been adopted without adequate deliberation or consideration for the liberty interests protected by the Constitution, undermine the constitutional rights and liberties set forth above without increasing our security by, among other things:

Significantly expanding the government's ability to access and monitor sensitive private medical, mental health, financial and educational records about individuals; and lowering the burden of proof required to conduct secret searches and electronic and Internet surveillance;

Giving law enforcement expanded authority to obtain library records and prohibiting librarians from informing patrons of monitoring or information requests from the government;

Reducing the ability of the judiciary to oversee and prevent abuse of these extraordinary new authorities;

Granting the U.S. Attorney General the power to designate domestic groups, including religious and political organizations, as "terrorist organizations;"

Creating new crimes of "aiding terrorism" and "domestic terrorism" so vague and broadly defined they are likely to chill legitimate First Amendment activity;

Giving the U.S. Attorney General the power to subject non-citizens to indefinite detention or deportation, even if they have NOT committed a crime;

Authorizing eavesdropping on confidential communications between lawyers and their clients in federal custody;

Limiting disclosure of public documents and records under the Freedom of Information Act;

WHEREAS, these measures threaten the civil rights of all people and the Department of Justice interpretations of this Act and these Executive Orders particularly target immigrants, including Hispanics, people of Middle Eastern and South Asian descent and citizens of other nations, thereby potentially encouraging racial profiling by law enforcement and the unintended consequences of increases in hate crimes; and

WHEREAS, over 200 other communities throughout America representing over 25 million people have already enacted civic resolutions reaffirming their support for civil rights and civil liberties in the face of federal government policies that threaten these fundamental values, and are demanding accountability from federal agencies regarding the use of these new powers; now therefore be it

RESOLVED that the City of Tampa now joins these communities and affirms both its strong opposition to terrorism and its steadfast support for the civil rights of all people living within the City in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution and the Florida Constitution and Declaration of Rights; and be it

FURTHER RESOLVED that the members of the City Council of the City of Tampa call on our United States Representatives and Senators to review the implementation of the USA PATRIOT ACT and new Executive Branch regulations and policies, and to actively work for the repeal of those sections of the Act, policies, and regulations that violate fundamental rights and protections including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel and the courts in judicial proceedings; and a fair, speedy and public trial by sending a copy of this resolution to the Florida delegation to Congress.