

Council Presentation
(Woodson)

Councilwoman Joyce Woodson

From: Jim McClellan [jmcclellan@nvcc.edu]
Sent: Monday, September 22, 2003 3:09 PM
To: council@joycewoodson.net
Subject: Re: Resolution

Thanks.

— Original Message —
From: Councilwoman Joyce Woodson
To: Jim McClellan
Sent: Thursday, September 18, 2003 8:10 PM
Subject: RE: Resolution

Thank you. I was actually working on a resolution. I will be glad to introduce this one on Tuesday.

Joyce

—Original Message—
From: Jim McClellan [mailto:jmcclellan@nvcc.edu]
Sent: Thursday, September 18, 2003 4:33 PM
To: council@joycewoodson.net
Subject: Resolution

Joyce,
Below is a resolution adopted by the Human Rights Commission on Tuesday. I thought it would be of interest to you given your successful sponsorship of the resolution on the war. It is being forwarded through Phil to Council.
Also, for background, attached is a column I wrote along similar lines. It appeared in the Westmoreland News.

Jim
Resolution Proposed by the Alexandria Human Rights Commission for Adoption by the City Council
Adopted by the Commission unanimously on September 16, 2003

Whereas, the right to have unfettered access to information that is the collective heritage of humanity is a fundamental human right, and
Whereas, freedom of inquiry is universally recognized as a driving force for the progression of civilization itself, and
Whereas, libraries hold the cumulative learning of civilization and their contents are the intellectual birthright of all humanity,
Whereas, certain features of the USA PATRIOT Act have been cited by the American Library Association and the Virginia Library Association as having a chilling effect on the right of free inquiry, and
Whereas, the USA PATRIOT Act permits the Federal Bureau of Investigation to force libraries and bookstores to surrender records of their patron's reading habits, and
Whereas, the USA PATRIOT Act permits the FBI to sidestep accepted procedures designed to guarantee due process of law in order to obtain library user records of anyone under

investigation for “suspicious activities,” and

Whereas the USA PATRIOT Act relieves the FBI from the burden of having to prove that there is “probable cause” to believe that a crime is being committed in order to obtain a warrant for retrieval of library usage records and requires only that the Agency attest that the requested information is related to an on-going intelligence or terrorist investigation, and

Whereas, the USA PATRIOT Act overrides state and local privacy laws, and

Whereas, the Act muzzles librarians by forbidding them to inform the patron or the press or the public that the government is prying into personal reading habits, and

Whereas, the USA PATRIOT Act expanded the authority of the FBI to use wiretaps in the monitoring of public computers, and

Whereas, these features of the USA PATRIOT Act have a chilling effect on the exercise of intellectual liberty and should not be condoned by a free and democratic people,

Therefore, be it resolved,

That the Alexandria City Council endorses the “Freedom to Read Act” and urges Congress to repeal the features of the USA PATRIOT Act that are contrary to traditional American practices and values.

(Drafted by Jim McClellan, Commission Chair)

City Clerk

Council
Presentation
(Woodson)

**A Resolution reaffirming the City of Alexandria, Virginia's
commitment to civil liberties and the bill of rights.**

WHEREAS, the City of Alexandria City Council is committed to upholding the United States Constitution and its Bill of Rights;

WHEREAS, the citizens of the City of Alexandria have a long history of working to obtain and preserve the civil rights and liberties of its residents;

WHEREAS, the City of Alexandria, Virginia is comprised of a diverse and multi-ethnic population, and every day experiences the richness of community that accompanies immigration to the United States;

WHEREAS, ~~f~~Federal, ~~state~~State and Local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties;

WHEREAS, the Council of the City of Alexandria is proud of the cooperative work between Federal, State and Local law enforcement officials to protect the safety of Alexandrians;

WHEREAS, the Council of the City of Alexandria believes that there is no inherent conflict between national security and the preservation of liberty -- Americans can be both safe and free; and

WHEREAS, while some sections of the USA Patriot Act may improve the safety of Americans, others may unconstitutionally authorize the federal government to infringe upon fundamental liberties in violation of due process, the right to privacy, the right to counsel, protection against unreasonable searches and seizures, and basic First Amendment freedoms, all of which are guaranteed by the Constitutions-constitutions of City of Alexandria Commonwealth of Virginia and the United States of America.

THEREFORE BE IT RESOLVED that the City Council of the City of Alexandria, Virginia

- 1) AFFIRMS its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on civil liberties.
- 2) AFFIRMS its strong support for the rights of immigrants and opposes measures that single out individuals for legal scrutiny or enforcement activity based solely on their country of origin.
- 3) DIRECTS the Police Department of the City of Alexandria to ensure that it is protecting the constitutional rights of Alexandria residents.
- 4) DIRECTS public schools and institutions of higher learning within the City of Alexandria to provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT Act.
- 5) DIRECTS public libraries within the City of Alexandria to post in a prominent place within the library a notice to library users as follows: "WARNING: Under Section 215 of the ~~federal~~ USA PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by

federal agents. That federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to: Attorney General John Ashcroft, Department of Justice, Washington, DC 20530 ”.

- 6) DIRECTS all public libraries to have a policy that ensures the regular destruction of records that identify the name of the book borrower after the book is returned, or that identify the name of the Internet user after completion of Internet use.
- 7) ~~Directs~~ DIRECTS the ~~office~~ Office of the Mayor to:
 - a. Transmit a copy of this resolution to Senators Warner and Allen, and to Representative Moran accompanied by a letter urging them to:
 - i. ~~support~~ Support Congressional efforts to assess the impacts of the USA PATRIOT Act
 - ii. ~~monitor~~ Monitor federal anti-terrorism tactics and work to repeal provisions of the USA PATRIOT ACT and other laws and regulations that infringe on civil rights and liberties
 - iii. ~~ensure~~ Ensure that provisions of the USA PATRIOT Act "sunset" in accordance with the provisions of the Act.
 - iv. ~~work to repeal any sections of the USA Patriot Act or recent executive orders that limit or violate fundamental rights and liberties protected by the Constitutions of City of Alexandria and the United States~~
- 8) DIRECTS the City Manager, that to the extent legally possible, no city resources – including law enforcement funds and educational administrative resources – may be used for unconstitutional activities, such as:
 - a. Monitoring political and religious gatherings exercising their First Amendment Rights;
 - b. Obtaining library records, bookstore records, and website activities without proper authorization and without notification;
 - c. Issuing subpoenas through the United States Attorney's Office without a court's approval or knowledge;
 - d. Requesting nonconsensual releases of student and faculty records from public schools and institutions of higher learning; and
 - e. Eavesdropping on confidential communications between lawyers and their clients.
- 9) ADVISES all persons in local businesses and institutions, and particularly booksellers, to refrain, when possible, from keeping records which identify the name of the purchaser, and to regularly destroy such records that are maintained, in order to protect intellectual individual privacy rights; and be it;
- 10) FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Virginia or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.