

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 030437)

RESOLUTION

Urging the City Administration to demonstrate Philadelphia's strong commitment to civil liberties by continuing and strengthening the City's protection of the Constitutional rights of all persons in our City, regardless of race, religion, or national origin, and urging our Congressional Delegation to vigilantly monitor the implementation of the USA Patriot Act and to actively work to repeal the Act or those sections of the Act and those Orders, rules and regulations issued under the Act, that violate the fundamental rights and liberties of persons protected by the United States Constitution and its Amendments.

WHEREAS, The City of Philadelphia recognizes that a threat to any one person's Constitutional rights is a threat to the rights of all; and

WHEREAS, The City of Philadelphia has been and remains committed to the protection of civil rights and liberties for all residents; and

WHEREAS, The Declaration of Independence of the United States, which was written in Philadelphia, holds as self-evident that all people are created equal and are endowed with the inalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS, The United States Constitution guarantees all persons living in the United States certain fundamental rights including freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection; and access to counsel, presumption of innocence and a fair, speedy public trial; and

WHEREAS, A great crime against humanity occurred on September 11, 2001, resulting in new federal laws and enforcement powers, including the USA Patriot Act signed by President George W. Bush on October 26, 2001; and

WHEREAS, The USA Patriot Act which was written to respond to the attack on our nation, weakens, contradicts and undermines the basic constitutional rights outlined

City of Philadelphia

RESOLUTION NO. 030437 continued

above. The Act, a 342 page document, was hastily enacted in six weeks without public hearings, or a Congressional “mark-up”; and

WHEREAS, Examples of the Patriot Act’s threat to these fundamental rights include the Government’s expanded power to: engage in limited judicial supervision of telephone and Internet surveillance; grant law enforcement and intelligence agencies broad access to sensitive medical, mental health, financial, and educational records with little, if any, judicial oversight; expand the government’s ability to conduct secret searches of individual’s homes and businesses, including monitoring what books are bought from bookstores or borrowed from libraries; and limits the disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, Department of Justice interpretations of the Patriot Act and Executive Orders appear to impact on selective racial and religious groups. This has caused alarm among many of our local citizens and non-citizens who fear an emergent climate for racial and ethnic profiling. This is especially disconcerting because the City of Philadelphia is home to a diverse population, whose contributions are vital to the City’s character and function; and

WHEREAS, On May 30, 2002 this City Council passed Resolution No. 020394 which vigorously opposed federal policy giving local and state law enforcement agencies the authority to investigate the citizenship and residency status of any person unless required by court decision, or statute; and

WHEREAS, The City Council commended the leadership of the city’s Police Department for protecting the privacy rights of non-citizens in our city by implementing Police Directive Memorandum 01-06 requiring all police personnel to “preserve the confidentiality of all information regarding law abiding immigrants to the maximum extent permitted by law”; and

WHEREAS, The City of Philadelphia’s proactive response to the threats of terrorism following the attacks on September 11, 2001 was to establish in 2002 the Counter-Terrorism Bureau within the Philadelphia Police Department; and

WHEREAS, The City Council supports the Counter-Terrorism Bureau’s mandate including its policy which explicitly provides for the “...legitimate needs of law enforcement while at the same time maintaining the constitutional and statutory parameters, which guarantee each individual the right to privacy,” thus, another illustration of our city’s commitment to upholding basic civil liberties; and

WHEREAS, Over sixty cities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and are demanding accountability from federal agencies regarding the use of these new powers; now therefore

City of Philadelphia

RESOLUTION NO. 030437 continued

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the City Council of Philadelphia reaffirms its support of the United States government in its campaign against global terrorism, but also reaffirms that any efforts to end terrorism not be waged at the expense of the fundamental civil liberties of the people of Philadelphia, and all citizens of the United States; and

RESOLVED FURTHER, That the City of Philadelphia affirms the rights of all people, including United States citizens and citizens of other nations living within the City, in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and

RESOLVED FURTHER, That the City Council of Philadelphia urges the city administration and its citizens to be guided by the collective responsibility and obligation of safeguarding the constitutional protections afforded all people of our City. The Council recognizes that this is the paramount responsibility of local law enforcement personnel, appointed and elected government offices that are ultimately responsible for upholding the solemn oath they have taken to preserve, protect and defend the Constitutions of the United States and the Commonwealth of Pennsylvania; and

FINALLY RESOLVED, That the Council calls on our United States Representatives and Senators to monitor the implementation of the Act and Executive Orders cited herein and actively work for the repeal of the Act or those sections of the Act including Executive Orders, that violate fundamental rights and liberties as stated in the United States Constitution and its Amendments.

City of Philadelphia

RESOLUTION NO. 030437 continued

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twenty-ninth of May, 2003.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Ortiz and Goode

Sponsored by: Councilmembers Ortiz, Goode, DiCicco, Clarke, Cohen, Tasco, Blackwell, Reynolds Brown, Nutter and Miller