



Montgomery County Council

For Immediate Release

September 30, 2003

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COUNTY COUNCIL URGES CHANGES IN “USA PATRIOT ACT”

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The Montgomery County Council today overwhelmingly approved a resolution urging Maryland’s Senators and Representatives to support legislation to modify the “USA Patriot Act” passed in the wake of September 11 and urging County government departments to continue to respect all County residents’ freedoms and civil liberties. The resolution was sponsored by Councilmembers Nancy Floreen, George Leventhal, Tom Perez, and Steve Silverman.

While affirming the need to protect homeland security and combat possible terrorism, the Council pointed to several provisions in the federal law that crossed the line between needed enforcement tools in the war against terrorism and needless infringement on individuals’ rights.

Section 213, which permits the searching of one’s home without the traditional ‘knock and announce’ requirement, allows notification of the search to be delayed indefinitely and is not limited to crimes of terrorism.

Section 215 authorizes searches of records such as library, bookstore, business, medical, university, and Internet Service Provider records without any showing of probable cause that a crime has been committed. It also prohibits any person from disclosing that they have been ordered to produce such letters.

Section 802 creates a new crime of “domestic terrorism,” defined so broadly that it could be applied to acts of civil disobedience wholly unrelated to terrorism.

“We all understand the need to combat terrorism,” said Councilmember Leventhal. “But we don’t have to violate our citizens’ rights in order to fight terrorism. The ‘USA Patriot Act’ could mean having the federal government

(more...)

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asking County librarians what books folks are reading. It could mean using County personnel to monitor the immigration status of County residents, possibly undermining the trust we've work to build among our communities of New Americans."

"We've heard from County residents with hundreds of letters and petitions on this issue," said Councilmember Floreen. "They are concerned that the 'USA Patriot Act' contains provisions that potentially threaten the freedoms and liberty that this country was founded on. Since County government employees could be called on to enforce these provisions, it's important that we speak up for changing this law."

"Today Montgomery County joins 176 other communities that already have voiced their disapproval of parts of the 'USA Patriot Act'," said Councilmember Perez. "Left, right, and center – Americans have a problem with this law. It's time for Congress to take another look."

The resolution was approved by an 8 to 1 vote, with Councilmembers Leventhal, Floreen, Howard Denis, Michael Subin, Marilyn Praisner, Michael Knapp, Tom Perez, and Steve Silverman voting in favor. Councilmember Phil Andrews opposed the Council taking a position on the issue.

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Resolution No: _____
Introduced: _____
Adopted: September 30, 2003

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Floreen, Leventhal, Perez and Silverman

Subject: Montgomery County Council Support for Protection of Civil Liberties

Background

1. WHEREAS, we, the residents of Montgomery County, Maryland recognize that the diversity of our population is vital to our community's character, and that we have a tradition of protecting and expanding human rights and civil liberties protections for all of our residents; and
2. WHEREAS, the United States Constitution guarantees certain fundamental rights 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 in judicial proceedings; and the right to a fair, speedy and public trial; and
3. WHEREAS, human rights protections in Montgomery County have been strengthened and expanded by the passage in August 2001 of additions to the Montgomery County Code establishing the Commission on Human Rights and the Office of Human Rights; and
4. WHEREAS, Montgomery County affirms that efforts to end terrorism and ensure security can and should be undertaken while preserving the civil rights and liberties of the residents of Montgomery County; and
5. WHEREAS, the USA Patriot Act (Public Law 107-56) was enacted shortly after the tragedy of September 11, 2001; and
6. WHEREAS, during and subsequent to its enactment, many concerns have been raised regarding its effect upon civil rights and liberties; and

7. WHEREAS, among the provisions causing concern are

Section 213, which permits the searching of one's home without the traditional "knock and announce" requirement, allows notification of the search to be delayed indefinitely, and is not limited to crimes of terrorism; and

Section 215, which authorizes searches of all kinds of records such as library, business, bookstore, medical, university, and Internet Service Provider; and without a showing of probable cause that a crime has been committed. This Section also prohibits any person from disclosing the fact that they have been ordered to produce such records; and

Section 802, which creates a new crime of "domestic terrorism," defined so broadly that it could be applied to acts of civil disobedience wholly unrelated to terrorism such as could be committed by political, social, religious or other organizations; and

8. WHEREAS, Montgomery County has developed an outstanding, well-planned Community Policing program which is making great progress in engaging neighborhoods and new residents to trust and work with local police officers thereby creating relationships of growing mutual respect and confidence; and

9. WHEREAS, in addition to the passage of the Patriot Act, the federal government has taken a number of other steps in the aftermath of September 11 that threaten to undermine the fundamental rights and liberties guaranteed by the Constitutions of the State of Maryland and the United States, as well as Community Policing and other law enforcement strategies designed to build trust between the police and communities, such as encouraging local law enforcement to enforce provisions of federal immigration law that historically have been an exclusive province of the federal government, authorizing the FBI to conduct surveillance of religious services, Internet chatrooms, political demonstrations, and public meetings without evidence that a crime has been or may be committed, and providing for the indefinite incarceration of those designated as "enemy combatants," without meaningful access to legal counsel and the federal courts; and

10. WHEREAS, these steps have raised particular anxiety in immigrant communities, especially among our neighbors of the Muslim faith;

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council confirms the need to provide homeland security and end terrorism in the United States and abroad.

The County Council urges our United States Senators and members of Congress to review the USA Patriot Act (Public Law 107-56) and support legislation to modify those provisions of the statute (such as those noted above) that undermine the fundamental rights and liberties guaranteed by the Constitutions of the State of Maryland and the United States, and to take similar action with respect to related executive orders, regulations and actions of the federal government. In particular, we urge that libraries and bookstores be exempted from the provisions of the Act and that the integrity of Community Policing programs be protected.

The County Council calls upon all County departments, agencies, officials and employees to continue to respect all residents' freedoms of speech, religion, and assembly, and right to privacy, in keeping with our County's distinguished practice of protecting human rights.

It is the policy of the County Council that, other than for employment purposes, County law enforcement officials will not, in the course of normal business operations, request the immigration status of any individual with whom they come into contact.

The Council will convey this resolution to all County departments and our Congressional and State delegations.