

## RESOLUTION NUMBER 273

WHEREAS, protection of the health and safety of residents, workers, business owners and visitors in the City of St. Louis, including protection from terrorist attack, is a paramount concern for the City of St. Louis;

WHEREAS, the protection and exercise of civil rights and civil liberties guaranteed by the U.S. Constitution, as amended, forms the basis of our free and democratic society; and

WHEREAS, the City of St. Louis greatly benefits from the many contributions of its diverse population, including working people, students, immigrants and refugees; and

WHEREAS, the Board of Aldermen of the City of St. Louis believes that there is no inherent conflict between national security and the preservation of liberty -- United States residents can be both safe and free; and

WHEREAS, the Board of Aldermen of the City of St. Louis reaffirms its strong opposition to terrorism, but also affirms that any efforts to end terrorism not be waged at the expense of the essential civil rights and liberties of the innocent people of the City of St. Louis, State of Missouri and United States; and

WHEREAS, Government security measures that undermine fundamental rights do damage to the institutions and values that the residents of the City of St. Louis hold dear and which form the fabric of the oldest and greatest continuous democracy in world history;

WHEREAS, it is imperative that federal, state and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, nevertheless, they should do so in a balanced, rational, and deliberative fashion in order to ensure that security measures enhance the public safety without severely impairing constitutional rights or infringing on civil liberties by suffocating what makes us a free democracy; and

WHEREAS, certain federal policies adopted since September 11, 2001, including the application of certain provisions of the U.S.A. Patriot Act (P.L. 107-56; H.R. 31620 and related federal actions, including Orders in furtherance thereof, may unduly infringe upon fundamental rights and liberties and may threaten civil rights and liberties guaranteed as inalienable rights under the U.S. Constitution, as amended; and

WHEREAS, these certain federal policies include the power to authorize the indefinite incarceration of non-citizens based on mere suspicion of terrorist activity, and the indefinite incarceration of citizens designated as "enemy combatants" without access to counsel or meaningful recourse to the federal courts; limitations on the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations; the expansion of the authority of federal agents to conduct so-called "sneak and peek" or "black bag" searches, in which the subject of the search warrant is unaware that his property has been searched; grants to law enforcement and intelligence agencies of broad access to personal, medical, financial, library and education records with little, if any, judicial oversight; and

WHEREAS, these same federal policies may undermine trust between immigrant communities and the government and, in particular, pose a threat to the civil

rights and liberties of the residents of our City who are, or who appear, to be of Arab, Muslim, or South Asian descent; and

WHEREAS, the federal government has drafted new legislation entitled the Domestic Security Enhancement Act (known as Patriot II), which may further compromise constitutional rights and our government's unique system of checks and balances; and

WHEREAS, three states and more than 200 communities, including the City of New York, have enacted resolutions that reaffirm support for civil rights and civil liberties and that demand accountability from law enforcement agencies regarding the exercise of the extraordinary new powers conferred by the U.S.A. Patriot Act and related federal actions.

NOW THEREFORE BE IT RESOLVED, that it is the policy of the City of St. Louis that employees of the City of St. Louis and its departments shall refrain from:

1. profiling based on race, ethnicity, citizenship, religion, national origin, or non-violent political values; and
2. denying any city service on the basis of citizenship; and be it

FURTHER RESOLVED, that the City of St. Louis will avoid discrimination in every function of City government, and vigorously uphold the constitutionally protected rights of all persons; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis calls upon federal, state, county and local officials and upon City of St. Louis agencies and institutions to affirm and protect civil rights and civil liberties; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis affirms its strong support for the rights of immigrants and refugees and opposes measures that single out individuals for legal scrutiny or enforcement activity based primarily upon their country of origin; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis encourages the St. Louis Board of Police Commissioners and the St. Louis Metropolitan Police Department to adopt and to follow policies that prohibit its employees from:

1. investigating individuals or groups of individuals based on their participation in activities protected by the First Amendment to the U.S. Constitution, such as non-violent political advocacy or the practice of religion, without reasonable suspicion of criminal activity unrelated to the activity protected by the First Amendment;
2. profiling based on race, religion, or ethnicity;
3. participating in the enforcement of federal immigration laws, except to prevent persons from a continuing practice of transporting and harboring illegal aliens;
4. "sneak and peak" searches, pursuant to Section 213 of the U.S.A. Patriot Act, unless the search is authorized in accordance with the laws of the State of Missouri and unless searches are executed upon any resident of the City of St. Louis by search warrant with advance or simultaneous notice, and refrain from participating in a joint search with any law enforcement agency absent assurances that such notice will be provided to such individuals during the search; and
5. establishing or maintaining an anti-terrorism reporting system that

creates an electronic record on an individual unless subject to regulations that provide for the protection of individuals who are the subject of unfounded reports; and

6. without having, or being provided, evidence showing a reasonable suspicion of criminal activity:
  - a. assisting with investigations, interrogations, or arrest procedures, whether they be public or clandestine; and
  - b. recording, filing, collecting, maintaining or sharing information about the political, religious, or social views, associations or activities of any individual, group or business association, even if authorized by federal law enforcement. This includes but is not limited to library lending and research, book and video store sales and/or rentals, and educational records; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis opposes requests by federal authorities that, if granted, would cause agencies of the City of St. Louis or State of Missouri to exercise powers or cooperate in the exercise of powers in apparent violation of any city ordinance or the laws or Constitution of this State or of the United States; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis opposes the secret detention of persons and the detention of persons without charges or access to a lawyer; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis urges each of the City's public libraries to inform library patrons that Section 215 of the U.S. Patriot Act gives the government new authority to monitor book-borrowing and Internet activities without patrons' knowledge or consent and that this law prohibits library staff from informing patrons if federal agents have requested patrons' library records; and be it

FURTHER RESOLVED, that in order to assess the effect of anti-terrorism initiatives on the residents of the City of St. Louis, the Board of Aldermen calls upon federal officials to make periodic reports, consistent with the Freedom of Information Act, that include:

1. the number of City of St. Louis residents who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001;
2. the number of search warrants that have been executed in the City St. Louis without notice to the subject of the warrant pursuant to section 213 of the U.S.A. Patriot Act;
3. the number of electronic surveillance actions carried out in the city of St. Louis under powers granted in the U.S.A. Patriot Act;
4. the number of investigations undertaken by federal authorities to monitor political meetings, religious gatherings or other activities protected by the First Amendment to the U.S. Constitution within the City of St. Louis;
5. the number of times education records have been obtained from schools and institutions of learning in the City of St. Louis under section 507 of the U.S.A. Patriot Act;
6. the number of times library records have been obtained from libraries in the City of St. Louis under section 215 of the U.S. Patriot Act; and

7. the number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of St. Louis under section 215 of the U.S.A. Patriot Act; and be it

FURTHER RESOLVED, that the members of the Board of Aldermen of the City of St. Louis call on our United States Representatives and Senators to monitor the implementation of the U.S.A. Patriot Act and the federal actions, including Orders in furtherance thereof, and actively work for the repeal or revision of only those sections in the U.S.A. Patriot Act and those Orders that violate fundamental rights and liberties as stated in the United States constitution and its Amendments by sending a copy of this resolution to the Missouri delegation to Congress; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis calls upon our United States Representatives and Senators to take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as "Patriot II"; and be it

FURTHER RESOLVED, that the Board of Aldermen of the City of St. Louis calls upon Governor Bob Holden, Lieutenant Governor and Senate President Joe Maxwell, Senate President Pro Tem Peter Kinder, Senate Majority Leader Michael Gibbons, Senate Minority Leader Ken Jacob, Speaker of the House of Representatives Catherine Hanaway, Speaker Pro Tem of the House of Representatives Rod Jetton, Majority Floor Leader of the House of Representatives Jason Crowell, Minority Floor Leader of the House of Representatives Mark Abel, and the members of the State of Missouri Legislature to ensure that State anti-terrorism laws and policies are implemented in a manner that does not infringe upon fundamental rights and liberties as recognized in the U.S. Constitution and its Amendments and in the Constitution of the State of Missouri.

Introduced this 27<sup>th</sup> day of February, 2004, by:

Honorable Craig Schmid, Alderman 20th Ward

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2004 as attested by:

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Karen Divis  
Clerk, Board of Aldermen

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James F. Shrewsbury  
President, Board of Aldermen