

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-183

Expressing Commitment to Protect Civil Rights in the Era of the USA Patriot Act and Asking Oregon's Congressional Delegation to Oppose Legislation that Infringes upon Those Rights

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County remains committed to its long standing tradition of protecting the civil rights and liberties of all persons as expressed in the Constitution of the United States, the Constitution of the State of Oregon, and the County's own policies and ordinances; and believes that a threat to any one person's rights is a threat to the rights of all.
- b. In the aftermath of September 11, 2001, Multnomah County stated its strong opposition to terrorism of any kind and recognizes that, without undermining the fundamental rights and liberties that make this nation great, it is necessary for our federal government to protect our citizens from future terrorist acts.
- c. Some provisions of the USA PATRIOT Act (Public Law 107-56) and the Homeland Security Act (Public Law 107-296) have resulted in reports of discrimination, harassment and curtailment of the constitutional rights and liberties of people who live, work, study, worship or travel in Multnomah County.
- d. New legislation entitled the "Tools to Fight Terrorism Act of 2004" (S. 2679) has been introduced for consideration by Congress; and provisions of the USA PATRIOT Act will soon be reconsidered by Congress for possible reauthorization.
- e. These proposed new powers potentially pose a continuing and growing threat to the civil rights and liberties of all persons in our country, regardless of their race, religion, country of origin or ethnicity.
- f. Under Oregon state law, ORS 192.502(22), and in keeping with library policy and practice, Multnomah County Library protects the privacy and confidentiality of library records including personal information, records of material borrowed or consulted, and use of the internet and other electronic sources.
- g. Section 215 of the USA PATRIOT Act allows a court order to be issued under the Foreign Intelligence Surveillance Act of 1978 (Public Law 95-511) without probable cause and requires Library personnel to produce library records even when there is no cause to believe the library patron has committed a crime.
- h. More than 360 communities throughout the United States and Oregon, including four states, have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that violate them, and demanding accountability from the Federal Government regarding their use of these new powers.

The Multnomah County Board of Commissioners Resolves:

- 1 While the Board of County Commissioners affirms its opposition to terrorism, it also affirms that any efforts to end terrorism must not be waged at the expense of

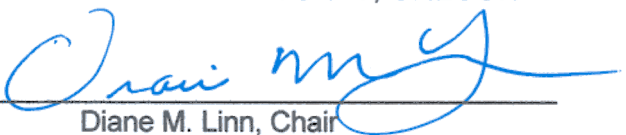
fundamental civil rights, liberties, and freedoms. The Board also opposes federal measures that infringe upon the fundamental civil rights, liberties and freedoms of the people of Multnomah County and the United States.

2. The right to engage peaceably in public demonstrations, vigils, protests, marches, and similar activities to express ideas and views is protected by this affirmation and in the First Amendment of the Bill of Rights as "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This right must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.
3. The right to the free exercise of religion, including such practices as participating in congregational prayers and making contributions to serve the needy and the common good, must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.
4. A copy of this resolution will be forwarded to Oregon's U.S. Senators Gordon Smith and Ron Wyden; Oregon's U.S. Representatives Earl Blumenauer, Peter DeFazio, Darlene Hooley, Greg Walden and David Wu with a letter from the Board of County Commissioners urging them to work to:
 - a. repeal all provisions of the USA PATRIOT Act and the Homeland Security Act that infringe upon the rights protected by the Constitution of the United States;
 - b. actively oppose pending and future legislation that may also unjustly infringe upon those same rights and liberties; and to continue their vigorous oversight of our constitutional liberties;
 - c. protect the privacy of Multnomah County Library patrons by repealing Section 215 of the USA PATRIOT Act.
5. A copy of this resolution will be forwarded to the President of the United States and to the Attorney General of the United States.

ADOPTED this 9th day of December, 2004.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney