

RESOLUTION NO. 62,177–N.S.

CALLING FOR THE PASSAGE OF THE FREEDOM TO READ PROTECTION ACT OF 2003 (H.R. 1157), LEGISLATION WHICH WILL EXEMPT LIBRARIES AND BOOKSTORES FROM THE PROVISIONS OF THE PATRIOT ACT; ADVISE CONGRESSMAN BERNARD SANDERS OF BERKELEY'S POSITION IN SUPPORT OF HIS WORK ON THIS ISSUE AND SEND A COPY OF SAID RESOLUTION TO HIM; AND SEND LETTERS WITH COPIES OF SAID RESOLUTION TO CALIFORNIA'S CONGRESSIONAL REPRESENTATIVES URGING THEM TO SUPPORT AND CO-SPONSOR THE FREEDOM TO READ PROTECTION ACT OF 2003, AND TO CALIFORNIA'S SENATORS URGING THEM TO SUPPORT THE FREEDOM TO READ PROTECTION ACT OF 2003 AND INTRODUCE A SIMILAR BILL IN THE SENATE

WHEREAS, the Peace and Justice Commission is required to advise the Berkeley City Council and Berkeley Unified School District on all matters related to the City's role in issues of peace and social justice, including, but not limited to issues of ending the arms race, abolishing nuclear weapons, support for human rights and self-determination throughout the world, and the reallocation of our national resources so that money now spent on war is spent on fulfilling human needs and the promotion of peace (*Berkeley Municipal Code 3.68.070A*); and

WHEREAS, the Berkeley City Council has adopted two resolutions (61,449-N.S. and 61,747-N.S.) specifically objecting to unconstitutional and repressive provisions in the Patriot Act; and

WHEREAS, Section 215 of the Patriot Act allows government agencies to use secret administrative subpoenas to demand libraries and bookstores to demand production of "...any tangible things, including books, records, papers, documents and other items to protect against international terrorism..."; and

WHEREAS, Section 215 of the Patriot Act appears to be unconstitutional in that it seemingly violates the provision of the Fourth Amendment requiring that searches and seizures be based upon judicial issuance of a search warrant; and

WHEREAS, exercising Section 215 of the Patriot Act against libraries and bookstores not only violates the Fourth Amendment, but also does injury to the First Amendment rights of citizens; and

WHEREAS, on March 3, 2003, Congressman Bernard Sanders of Vermont introduced the Freedom to Read Protection Act of 2003 (H.R. 1157), legislation that would exempt both libraries and bookstores from provisions of the Patriot Act that violate the right to privacy; and

WHEREAS, the passage of such legislation will be a positive step in beginning the repeal of an unconstitutional and repressive law which the City of Berkeley has condemned on no less than three occasions.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley joins in calling for the passage of the Freedom to Read Protection Act of 2003 (H.R. 1157), legislation which will exempt libraries and bookstores from the provisions of the Patriot Act, and takes the following steps:

1. Advise Congressman Bernard Sanders of Berkeley's position in support of his work on this issue, and send him a copy of this Resolution;
2. Write to California's congressional representatives urging them to support and co-sponsor the Freedom to Read Protection Act of 2003, and enclosing a copy of this Resolution in support; and
3. Urge California's senators to work with Congressman Bernard Sanders and introduce such legislation in the United States Senate.

The foregoing Resolution was adopted by the Berkeley City Council on July 15, 2003 by the following vote:

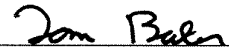
Ayes: Councilmembers Breland, Hawley, Maio, Olds, Shirek, Spring, Worthington, Wozniak and Mayor Bates.

Noes: None.

Absent: None.

Attest:


Sherry M. Kelly, City Clerk


Tom Bates, Mayor