

To: Chapel Hill Town Council
From: Margaret Misch, for the Orange County Bill of Rights Defense Committee
Date: September 17, 2003
Re: Submission of Petition "Protecting the Bill of Rights of the US Constitution and Constitution of North Carolina" and Suggested Resolution for Consideration by the Chapel Hill Town Council, "Regarding the Protection of Civil Rights and Civil Liberties"

The Orange County Bill of Rights Defense Committee submits to the Council 627 signatures on petitions urging the Council to act in the spirit of our state and federal constitutions by not participating, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties of the people within the jurisdiction of Chapel Hill, such as surveillance, wiretaps, and securing of private information, which the USA Patriot Act and other Executive Orders authorize. **The Orange County Bill of Rights Defense Committee** urges the Council to work for the repeal of parts of the Act and Orders that violate civil rights and civil liberties.

As of September 16, 2003, 163 cities, towns, and counties and the states of Alaska, Hawaii, and Vermont, representing over 19.6 million residents, have passed resolutions. Eight more elected bodies did in September, during the time Attorney General John Ashcroft took his tour to *defend* the USA Patriot Act to *invited* law enforcement officials in various locations, including Research Triangle Park.

It is worth noting that North Carolina refused to ratify the Constitution until the first 10 amendments were added to it in 1791. The protections of concern to the residents of Orange County are stated in Amendments I, IV, V, VI, and VIII, and also Amendment XIV, added to the US Constitution in 1868. Noteworthy is that in every case, residents are referred to as *people* or *persons*. Amendment XIV stipulates "all persons born or naturalized" and that no state shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws". **The Orange County Bill of Rights Defense Committee** joins a broad spectrum of local and

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national organizations, from the non-partisan League of Women Voters to advocates on the left and right politically in seeing the dangers of Patriot I and Homeland Security Acts and the pending Domestic Security Enhancement Act, the so-called Patriot II Act.

Local residents will give you their personal stories if you decide to defer this matter for decision until October 8, the next Council business meeting.

Congress and the public need more educating. The **Orange County Bill of Rights Defense Committee** *urges* people to write letters and lobby for removing any or all parts of the USA Patriot Act. It *urges* the Council to make Chapel Hill another "safe zone" and pass a resolution, perhaps the one presented, which is a copy of the one passed by the Orange County Commissioners on May 20, 2003.

Thank you.

Margaret S. Misick

TOWN COUNCIL OF CHAPEL HILL, NORTH CAROLINA

A RESOLUTION

Regarding the Protection of Civil Rights and Civil Liberties

WHEREAS, Chapel Hill is committed to the human rights of its residents and to actions that preserve and protect those rights; and

WHEREAS, Chapel Hill is home to a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the Town Council is committed to upholding the civil rights and civil liberties of all persons in Chapel Hill and their free exercise and enjoyment of any and all rights and privileges secured by the constitutions and the laws of the United States, the State of North Carolina, and Chapel Hill; and

WHEREAS, actions taken by the federal government, including the adoption of sections of the USA Patriot Act and several Executive Orders, now threaten those fundamental rights and liberties, including freedom of speech, assembly and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the Constitutions of North Carolina and the United States; and

WHEREAS, the Executive Branch of the United States government has drafted a "Domestic Security Enhancement Act" (also known as the "USA Patriot Act II"), which would further undermine those rights and liberties by expanding the government's surveillance authority; by allowing the sharing of sensitive personal information with local and state law enforcement agencies without consent or judicial process; and by authorizing secret arrests and detentions of persons not criminally charged;

NOW, THEREFORE, the Town Council of Chapel Hill does hereby resolve:

Section 1. That we encourage our state and federal legislative delegations to monitor the implementation of the USA Patriot Act and the Executive Orders cited herein and to work actively for the repeal of those portions of the Act and those Orders that violate the rights and liberties guaranteed by the Constitutions of North Carolina and the United States.

Section 2. That we encourage our state and federal legislative delegations to work actively against adoption of the Domestic Security Enhancement Act cited herein and against any legislation or Executive Order that would undermine residents' fundamental rights and liberties.

Section 3. That we encourage local law enforcement agencies to continue to preserve residents' freedom of speech, religion, assembly, and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, even if requested or authorized to infringe upon those rights by federal law enforcement under powers granted by Acts or Orders cited herein.

Section 4. That we encourage federal and state law enforcement officials acting within Chapel Hill to work in accordance with the policies and procedures of and in cooperation with local law enforcement and not to engage in racial profiling or permit detentions without charges.

Section 5. That this resolution be forwarded to our state and federal legislative delegations on behalf of the residents of Chapel Hill.

This the _____ day of September, 2003.

Kevin C. Foy, Mayor
Town Council of Chapel Hill

The Bill of Rights

*PASSED BY CONGRESS, SEPTEMBER 25, 1789
RATIFIED BY THE STATES, DECEMBER 15, 1791*

FIRST AMENDMENT

Congress shall make no law respecting an Establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

SECOND AMENDMENT

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

THIRD AMENDMENT

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

FOURTH AMENDMENT

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

FIFTH AMENDMENT

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of

life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

SIXTH AMENDMENT

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of counsel for his defense.

SEVENTH AMENDMENT

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

EIGHTH AMENDMENT

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

NINTH AMENDMENT

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

TENTH AMENDMENT

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**THE BUSH ADMINISTRATION IS VIOLATING:
U. S. Constitution & Bill of Rights**

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

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Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment XIV (1868)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



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PETITION TO ORANGE COUNTY OFFICIALS

Re: Protecting the Bill of Rights of the US Constitution and Constitution of North Carolina

Whereas, the Bill of Rights of the United States Constitution and the Constitution of North Carolina guarantee those living in the United States the following rights:

- Freedom of speech, assembly and privacy;
The rights to counsel and due process in judicial proceedings; and
Protection from unreasonable searches and seizures; and

Whereas, we believe these civil liberties are precious and are now threatened by

A. The USA PATRIOT Act, which

- All but eliminates judicial supervision of telephone and Internet surveillance;
Greatly expands the government's ability to conduct secret searches;
Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"; and
Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and

B. Federal Executive Orders, which

- Establish secret military tribunals for terrorism suspects;
Permit wiretapping of conversations between federal prisoners and their lawyers;
Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
Limit the disclosure of public documents and records under the Freedom of Information Act; and

Whereas, this law and these Executive Orders particularly target foreign nationals and people of Middle Eastern and South Asian descent, but could affect any one of us in the U.S.A. acting and speaking legally in opposing government policy; and

Whereas, the Executive Order on secret military tribunals also undermines the U.S. government's ability to denounce atrocities carried out in secret by military tribunals elsewhere in the world; and

Whereas, several law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and these Executive Orders as unnecessary to the prosecution of, and protection from, terrorism;

Therefore, we the people of Orange County, North Carolina, call on our local government to act in the spirit of our state and federal Constitutions by asking local and state police, the local U.S. Attorney's office, and the FBI to:

- Report to citizens regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees;
End racial profiling in law enforcement and detentions without charges;
Not participate, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties of the people of Orange County, such as surveillance, wiretaps, and securing of private information, which the Act and Orders authorize; and
Openly work for the repeal of the parts of the Act and Orders that violate civil rights and civil liberties.

Table with 4 columns: SIGNATURE, PRINTED NAME, ADDRESS, ZIP. Contains handwritten signatures and printed names/addresses of petitioners such as Barbara Cleaveland, Floise G. Lawson, James Galambos, etc.

Orange County Peace Coalition

Return to 629 Tinkerbell Road, Chapel Hill, North Carolina 27517; 919-942-2535

National Updates: Northampton Bill of Rights Defense Committee, www.gif.org/NBORDC/

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SIGNATURE	PRINTED NAME	ADDRESS	ZIP
<i>Michael Pollock</i>	MICHAEL POLLOCK	5100 Timmons Drive Durham NC	27713-2356
<i>Carole Dorisletter</i>	CAROLE DORISLETTER	106 Doris L. Carver Rd. Cary NC	27510
<i>Matt Menkel</i>	MATT MENKEL	223 Vance St. Chapel Hill NC	27516
<i>HARRIET CRISP</i>	HARRIET CRISP	806 Kings Mill Rd. CH	27517
<i>Bonnie Henderson</i>	BONNIE HENDERSON	750 W. Dairy Rd #125 CH	27514
<i>Gladys H. Crisp</i>	GLADYS H. CRISP	1912 Rolling Rd. CH	27514
<i>Mary Bushnell</i>	MARY BUSHNELL	460 Bayberry Drive CH	27517
<i>Joe Hackney</i>	JOE HACKNEY	104 Carolina Forest Rd	27514
<i>Frances Schindler</i>	FRANCES SCHINDLER	310 St Andrews Lane Chapel Hill NC	27517
<i>ALBERT GEIGER</i>	ALBERT GEIGER	17 CLOVER DR. CH	27517
<i>Albert Geiger</i>	ALBERT GEIGER	17 CLOVER DR. CH	27517-2509
<i>Dennis Schley</i>	DENNIS SCHLEY	911 Saluda Court	CH NC 27514

Orange County Peace Coalition

Return to 629 Tinkerbell Road, Chapel Hill, North Carolina 27517; 919-942-2535

National Updates: Northampton Bill of Rights Defense Committee, www.gjf.org/NBORDC/

What is the Bill of Rights Defense Committee?

We are a grassroots effort supporting the Bill of Rights by opposing federal legislation and executive orders which violate constitutional rights and liberties.

Since passage of the Patriot Act, these liberties are being threatened, and the Orange County Bill of Rights Defense Committee's objectives include:

To increase community awareness of all threats to the Bill of Rights and the spirit of our nation's constitution.

To pass and put in place local resolutions to oppose the unconstitutional aspects of the Patriot Act, the Homeland Security Act, and other orders and legislation which violate fundamental rights guaranteed by the United States and North Carolina Constitutions or go against the spirit of these constitutions.

Contacts in Orange County:

Peggy Misch
919-942-2535

mmisch@earthlink.net

Lucy Lewis
919-929-5983

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Other local efforts
in Durham County
Jim Senter
919-220-5169
jimsenter@mindspring.com

Joan Walsh
919-403-2712
walsh@mail.schr.unc.edu

In Wake County
Linda Gettier
919-848-3050
LindaGettier@aol.com

Susan Wigger
919-816-8230

ONBOARD_Raleigh@hotmail.com

Nationally:
Bill of Rights Defense Committee
P.O. Box 60591
Florence, MA 01062
info@bordc.org
<http://www.bordc.org/>

American Civil Liberties Union
<http://www.aclu.org/>

.....
First they came for the communists
but I was not a communist
so I said nothing.

.....
Then they came for the social democrats
but I was not a social democrat
so I did nothing.

.....
Then came the trade unionists
but I was not a trade unionist.

.....
And then they came for the Jews
but I was not a Jew
so I did little.

.....
Then when they came for me
there was no one left
to speak out for me.

.....
Pastor Martin Niemöller
1892-1984
.....

The Bill of Rights: Are Your Rights Being Threatened, Right Now?

"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

Benjamin Franklin, 1759

Brought to you by the Orange
County Bill of Rights Defense
Committee

What is the Bill of Rights?

The first ten amendments to the United States Constitution are called the Bill of Rights. They were passed in 1791, and the rights they protect are at the heart of our freedoms in this country.

The First Amendment guarantees freedom of religion, freedom of speech and of the press, and the rights of peaceful assembly and petition to express disagreement with government policy.

Other Amendments in the Bill of Rights guarantee privacy in one's own home, such as protection from unreasonable searches and seizures; and fair treatment of people accused of crimes, such as freedom from having to testify against oneself, the right to a speedy and impartial jury trial, and representation by counsel.



What is the threat?

Before the USA Patriot Act, the government had to obtain a warrant and give notice to the person whose property they wanted to search.

The right of every American fully to be protected under the Fourth Amendment against unreasonable searches and seizures is now destroyed.

Since passage of the USA PATRIOT Act, the CIA and FBI can now join in conducting secret spying against domestic groups, as was done in the 1960s to discredit leaders like Dr. Martin Luther King, Jr. These threats apply to both citizens and non-citizens.

The FBI and the CIA now have more ability to wiretap phones, monitor e-mail, and survey medical, financial, and student records. They can break into homes and offices without prior notice or search warrants.

Any of us could now be considered "enemy combatants" just for peacefully and legally protesting or working against government policies. Persons labeled "enemy combatants" can be held in secret, lose the right to a trial by jury, and be denied legal counsel.

Since the USA PATRIOT Act, the Homeland Security Act has been passed, further eroding our fundamental liberties. Draft legislation has also been developed for a "Domestic Security Enhancement Act" which would take away even more rights than these two bills. And now CAPPS, the Computer Assisted Passenger Pre-Screening System, will use secret information to determine which passengers will be allowed to fly.

How do I help protect the Bill of Rights?

1. Sign the local petition to let local officials know where voters stand. Tell friends and family about this petition.
2. Urge NC's two senators and members of Congress to repeal the USA PATRIOT Act, the Homeland Security Act, and other legislation and executive orders which threaten the civil liberties of US citizens and other residents. Ask them to speak out against the proposed Domestic Security Enhancement Act (PATRIOT II).
3. Write letters to the editor of local newspapers.
4. Ask organizations to endorse the OCBORDC initiative. Invite speakers to your group.
5. Join the Orange County Bill of Rights Defense Committee and help with activities including educational events and lobbying elected officials.

It is time for action. Over 100 local governments, across the country, have passed resolutions for repeal of the PATRIOT Act and other orders and legislation which weaken constitutional rights or go against the spirit of the Constitution.

WE NEED YOUR SUPPORT!

Why you should know about the USA Patriot Act

On January 29, 2003, the American Library Association (ALA, website www.ala.org) adopted a "Resolution on the USA Patriot Act and Related Measures That Infringe on the Rights of Library Users," forwarding copies to the U.S. President, U.S. Attorney General, members of both Houses of Congress, and to the American library community.

The Resolution, available at the ALA website, reads in part

"WHEREAS, Certain provisions of the USA PATRIOT Act, the revised Attorney General Guidelines to the Federal Bureau of Investigation, and other related measures expand the authority of the federal government to investigate citizens and non-citizens, to engage in surveillance, and to threaten civil rights and liberties guaranteed under the United States Constitution and Bill of Rights...."

"RESOLVED, That the American Library Association considers sections of the USA PATRIOT Act are a present danger to the constitutional rights and privacy rights of library users...."

Why should we know about this law?

The ALA, civil liberties groups, and many others conclude that the Patriot Act undermines our key library freedoms, and effectively suspends the First, Fourth, Fifth, Sixth, and Eighth Amendments. Many librarians say we need national security, but not at the expense of our rights as a free democracy.

The "USA Patriot Act" became law on October 26, 2001. The legislation originated with Attorney General John Ashcroft, who asked for additional power to fight terrorism in the wake of 9-11. Congress passed it into law without any hearings or other oversight, at the height of the anthrax scare, when many lawmakers did not have access to their offices.

The Patriot Act is not just one standalone law. It amended over 15 federal statutes, including everything from surveillance and laws governing the privacy of student records, to money laundering, and was in the hopper before 9-11.

What are some of the basics of the law, specifically as it pertains to libraries?

The ALA website has a complete summary of the Patriot Act, as well as a vast amount of supporting articles from journals and newspapers about the implications of the law, and guidelines for librarians. For example, Section 215 of the Patriot Act:

- Allows government agents, without significant judicial review, to obtain a search warrant for "any tangible thing," which can include books, records, floppy disks, data tapes, and computers with hard drives.

- Permits agents to compel production of library circulation records, Internet use records, and registration information stored in any medium.
- Does not require the agent to demonstrate "probable cause," i.e., the existence of specific facts to support the belief that a crime has been committed or that the items sought are evidence of a crime. Instead, the agent only needs to claim that he believes that the records he wants may be related to an investigation, a very low legal standard.
- Libraries or librarians served with a search warrant may not disclose, under penalty of law, the existence of the warrant or the fact that records were produced as a result of the warrant. This "gag order" means a patron cannot be told that his or her records were given to the FBI or that he or she is the subject of an investigation.
- Overrides state library confidentiality laws protecting library records.

There's more that pertains to electronic information: government agents are allowed total access to any type of data, such as medical, educational and financial records, including simple Web browsing and email, and agents are granted the right to total secrecy in such operations. It also expanded the laws governing wiretaps and "trap and trace" phone devices to Internet and electronic communications, and these enhanced surveillance procedures pose the greatest challenge to privacy and confidentiality in the library.

"It reminds me of the McCarthy witch hunt era," says Brandy Hamilton, readers' services librarian for Southeast Regional Library, regarding the period when, during the '50s, opposition to raging McCarthyism was politically dangerous. The ALA's "Freedom to Read" Statement emerged as a result. In the latter '80s, librarians became activists, arousing public awareness when the FBI attempted to conduct its infamous "Library Awareness Program." Agents would show up at libraries, flashing badges and demanding to know about what books had been checked out, as well as database histories and reference questions.

"I think that this law (the Patriot Act) is based on fear," says Ann Burlingame, regional library supervisor for East Regional Library. "I don't think it should make people feel safer. It reminds me of that statement by Franklin Roosevelt: 'The only thing we have to fear is fear itself.' Privacy and freedom of information are core library values, as well as what our country is all about. If we chip away and chip away at these things, in the end it's going to weaken the whole idea of the free public library."

"We don't yet have a full grasp on what this law means and how exactly it will affect libraries," notes Dale Cousins, regional library supervisor for Cameron Village Regional Library. "There are some frightening areas in the law regarding the loss of privacy and the right of the government to know what we consider to be private matters, including the books one reads and/or the Internet sites one visits."

What can we do?

Wake County Library personnel, along with the public, are only now becoming aware of the vast implications of the Patriot Act. Sandra Cooper, State Librarian for North Carolina, lists some steps all librarians can take to uphold library values while addressing their legal responsibilities:

- **Educate** Library managers must understand the state and federal law, including how federal legislation interacts with the NC statute that protects the confidentiality of library records. They should then make certain that Board members, legal counsel and staffs are informed about the issues.

- **Conduct a security audit** Review all the information that the library retains about library users, evaluate each procedure to determine whether it is critical to retain that information, and revise procedures as needed to retain only the information that is critical and delete the rest as soon as possible.
- **Establish policies and procedures** Make sure your library has a privacy policy and establish clear procedures for responding to government requests for information, and communicate them to all staff.

Theresa Cummings, operations manager for Wake County Libraries, outlines a few important facts patrons should know about our library records:

- Our system has set up its circulation and Internet registration system in such a manner that there are relatively minimal records of patron use.
- Regarding book borrowing, there is no record of patron use once a book has been returned. Patron records are maintained for a period of time for overdue books and lost books, so if you are concerned, then return borrowed books promptly.
- Regarding Internet use, patrons log onto a computer with a library card but the PC Reservation system only acknowledges that the barcode is a valid Wake County barcode. Barcode numbers are retained, but without any link to the patron, for one month. There is no way that websites visited by patrons can be traced back by using their library barcode. The barcode simply shows that the patron was using one of the library computers.

Meanwhile, as an even more stringent "Patriot II" Act is reportedly in the works by Attorney General Ashcroft, why not drop by or write to your librarian and send a message of support? And consider joining the Friends of the Library organization. Friends share the belief that free public libraries are essential to our democracy and to the vitality of our communities, and serve as advocates for the Library, as well as support its programs and mission.

Friends of the Wake County Public Library
P.O. Box 26744
Raleigh, NC 27611

Furor mounts over the 'Patriot Act'

In our spring issue, we summarized some of the key features of the Patriot Act as it impacts libraries ("Why You Should Know About the USA Patriot Act"). In attempting to prevent acts of domestic terrorism, the law undermines our civil liberties, suspending the First, Fourth, Fifth, Sixth, and Eighth Amendments of the U.S. Constitution. In future issues of the Quarterly we will continue to update Friends of the Library, other citizens and library users with news pertaining to this important issue.

The furor over the USA Patriot Act, and its anticipated, more ominous sequel, dubbed "Patriot II," and "Son of Patriot," continues among library and book groups, as well as civil liberties organizations, and cities, towns and counties all over the country, including here in North Carolina.

The seemingly ill-named Patriot Act, which encourages racial profiling and permits detentions without charge, creates a new crime of domestic terrorism that is so broadly defined that it may be applied to citizens acting legally to express their dissent. It authorizes eavesdropping on confidential communications between lawyers and their clients in federal custody. It gives the FBI and CIA, with subpoenas issued by secret federal tribunals, greater rights to wiretap phones, monitor email, survey confidential medical, financial, and student records, and break into homes and offices without prior notification.

Section 215 of the law allows government agents to gain access to our library reading and Internet use habits, observe web activity on library computers, collect information on book buying choices—all without demonstrating "probable cause." Libraries and bookstores served with search warrants are issued "gag orders," meaning librarians and booksellers can be imprisoned for informing patrons they are the targets of an investigation

ALA demands reform

In January, the 64,000-member American Library Association (ALA) adopted a resolution opposed to those measures of the law that infringe on the rights of ordinary citizens as well as library users, calling the Patriot Act "a present danger to the constitutional rights and privacy rights of library users." Prompted in part by the ALA's stance, Rep. Bernie Sanders (I-Vermont), who has been on the front lines with librarians in fighting for the right to read freely in American libraries and in defending our civil rights, has introduced the "Freedom to Read Protection Act" (HR 1157).

Sanders' tri-partisan bill, co-sponsored [at time of this printing] by 105 members of the House (including NC Congressmen Bob Etheridge, David Price, and Melvin L. Watt), restores protections for the privacy of book and library records that were eliminated by the Patriot Act. It is endorsed by the ALA and some 32 companies, associations, and groups, including the American Booksellers Association, the Association of American Publishers, PEN American Center, Barnes & Noble, Borders, Books-A-Million, the National Association of College Stores, and most regional bookseller associations.

Rep. Sanders was the keynote speaker at the ALA's annual conference, held in Toronto in June. A raft of programs related to privacy and confidentiality issues in the library was presented at the conference, including briefings on the Patriot Act and its implications.

The ALA awarded the SIRS State and Regional Achievement Award to the Bill of Rights Defense Committee (BORDC), of Northampton, MA, for spearheading a national, grassroots movement to protect civil liberties guaranteed by the Bill of Rights. BORDC has successfully recruited activists across the country to work at the local level in coalition-building and promoting awareness of the negative impact on intellectual freedom and civil liberties posed by the Patriot Act. One measure of the group's success has been the number of towns, cities and counties across the country that they have assisted in passing resolutions that protect the Bill of Rights and support rolling back those portions of the legislation that infringe on civil liberties. To date, 127 cities, towns and counties, and three states—Hawaii, Alaska, and Vermont—have passed resolutions protecting the civil liberties of a combined total of 15 million people.

Activity in North Carolina and elsewhere

Here in North Carolina, communities are joining the nationwide movement to pass resolutions opposing portions of the Patriot Act. The Carrboro Board of Aldermen was the first governmental body in North Carolina to pass such a resolution. Last month, the Orange County Board of Commissioners passed, unanimously, a resolution in opposition to portions of the Patriot Act. Cabarrus County has also adopted a resolution, and parallel efforts are underway in Asheville, Charlotte, Greensboro and Hendersonville, as well as in Wake County. The Durham Bill of Rights Defense Committee held its first public forum May 22 to discuss infringements upon Constitutional freedoms included in the Patriot Act and Patriot II. The full text of each of the resolutions passed in NC is available at the BORDC website, listed at the end of this article.

In addition, there is a statewide lobbying effort among various groups, libraries, and other organizations to get North Carolina legislators to support HR 1157. Citizens and groups interested in joining this effort should visit the BORDC site for instructions on how to lobby your congressperson.

The Orange County Bill of Rights Defense Committee will have tables at the Carrboro 4th of July Celebration, 10 am - 3 pm on the lawn of the Carrboro Town Hall, Main Street. The Orange County and Durham Bill of Rights Defense Committees will have a booth at the

Festival for the Eno, West Point on the Eno, Roxboro Road, Durham, 10 am - 7 pm, July 4, 5, 6. Volunteers will answer questions, distribute literature, and educate citizens on what they can do to help restore our Constitutional rights.

Last month, under congressional pressure, the Justice Department revealed that under the Patriot Act, public libraries have been contacted about 50 times in the last year by federal investigators, although librarians have said they believe libraries have been contacted much more frequently. Under scrutiny, the Justice Department also admitted it has used many of the powers granted by the Patriot Act to pursue defendants for crimes unrelated to terrorism, including drug violations, credit card fraud, and bank theft.

The number of persons detained around the country without charges has been a closely guarded secret. Nationwide, librarians have begun posting warning signs and shredding documents daily in reaction to the law.

In all Santa Cruz, CA, public library branches, librarians have posted signs warning library patrons that records of the books they borrow may wind up in the hands of federal agents. "Questions about this policy," patrons are told, "should be directed to Attorney General John Ashcroft, Department of Justice, Washington, D.C. 20530." The Santa Cruz Library shreds materials daily in an effort to keep as little traceable information on its patrons as possible.

In Santa Fe, NM, a city that has since adopted a resolution protecting its citizens' civil rights, a visit to the library of St. John's College by a former city public defender last February was abruptly interrupted when city police officers arrested him at the computer terminal he was using, handcuffed him, and took him to the Santa Fe police station for questioning by Secret Service agents. The man was held without charges for making remarks critical of President George W. Bush in an Internet chat room, and, he believes, because of his one-time involvement in a pro-Palestinian group in Boulder, CO.

Other news in the book world

Last month in Los Angeles at Book Expo America, the annual convention of the American Bookseller Association, Congressman Sanders was awarded the Bookseller Appreciation Award for his work to protect libraries, booksellers, and their patrons from intrusive government surveillance and for his introduction of the Freedom to Read Protection Act legislation.

In addition to its large website devoted to issues pertaining to the Patriot Act, the ALA has announced the campaign "Keep Big Brother Out of Your Library," to support its ongoing educational and legal efforts to counteract the federal government's intrusion upon the rights of library users. Contributions can be made at the ALA's website [see right] or can be mailed to ALA headquarters, at 50 E. Huron St., Chicago, IL 60611.

Last month, the ALA announced that director Michael Moore—author, activist, and winner of a 2002

Oscar for best documentary film—donated \$25,000 to support the ALA Spectrum Initiative. After librarians organized to save his best selling book, *Stupid White Men*, from being censored or pulped last year, Moore has been a self-proclaimed lover of libraries and librarians. In addition to making a personal contribution to Spectrum, the ALA's national diversity and recruitment effort aimed at addressing the under-representation of critically needed ethnic librarians within the profession, Moore has offered to devote a portion of his Web site to promote the ALA's Campaign to Save America's Libraries, the Children's Internet Protection Act Legal Defense Fund, and the ALA's education efforts around the Patriot Act. He has also donated thousands of copies of his books and films to under-funded libraries.

.....
"Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us."

—Supreme Court Justice William O. Douglas
.....

Important Websites

American Library Association (ALA)

www.ala.org

Complete analysis of the Patriot Act, its implications for libraries, as well as a comprehensive listing of links, news, issues pertaining to the Office for Intellectual Freedom.

Bill of Rights Defense Committee (BORDC)

www.bordc.org

Includes a complete tool package for declaring your town or county a civil liberties safe zone.

Congressman Bernie Sanders

www.bernie.house.gov

[also click on issues and legislation - civil liberties]

Congressman Sanders' website, which includes a student page, has been named "the Best on Capitol Hill."

American Booksellers Foundation for Free Expression

www.abffe.org

American Civil Liberties Union

www.aclu.org

Electronic Frontier Foundation

www.eff.org

People for the American Way

www.pfaw.org

Friends of the Wake County Public Library

P.O. Box 26744, Raleigh, NC 27611

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Become an advocate! Join the Friends of the Library.

Pick up a membership form at any library branch tod

(16)

Petition 3a(2)
Add'l. Info.

To: Chapel Hill Town Council

From: Margaret Misch, for the Orange County Bill of Rights Defense Committee

Date: September 22, 2003

Re: Submission of Petition "Protecting the Bill of Rights of the US Constitution and Constitution of North Carolina" and Suggested Resolution for Consideration by the Chapel Hill Town Council, "Regarding the Protection of Civil Rights and Civil Liberties"

9-22-03

The **Orange County Bill of Rights Defense Committee** submits to the Council 627 signatures on petitions urging the Council to act in the spirit of our state and federal constitutions by *not* participating, to the extent legally permissible, in law enforcement activities that threaten civil rights and civil liberties of the people within the jurisdiction of Chapel Hill, such as surveillance, wiretaps, and securing of private information, which the USA Patriot Act and other Executive Orders authorize. The **Orange County Bill of Rights Defense Committee** urges the Council to work for the repeal of parts of the Act and Orders that violate civil rights and civil liberties.

As of September 22, 2003, 168 cities, towns, and counties and the states of Alaska, Hawaii, and Vermont, representing over 19.3 million residents, have passed resolutions. Eight elected bodies did so in September, during the *very* time Attorney General John Ashcroft toured to *defend* the USA Patriot Act to *invited* law enforcement officials in various locations, including Research Triangle Park.

It is worth noting that North Carolina refused to ratify the Constitution until the first 10 amendments were added to it in 1791. Currently protections of concern to the residents of Orange County are stated in Amendments I, IV, V, VI, and VIII, and also Amendment XIV, added to the US Constitution in 1868. Noteworthy is that in every case, residents are referred to as **people** or **persons**. Amendment XIV stipulates "all persons born or naturalized" and that no state shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws". The **Bill of Rights Defense Committee** joins a broad spectrum of local and national organizations, from the non-partisan League of Women Voters to advocates on the left and right politically, in seeing the dangers of Patriot I and Homeland Security Acts and the pending Domestic Security Enhancement Act, the so-called Patriot II Act.

Local residents will give you their personal stories if you decide to defer this matter for decision until October 8, the next Council business meeting.

Congress and the public need more educating. The **Orange County Bill of Rights Defense Committee** *urges* people to write letters and lobby for removing any or all parts of the USA Patriot Act. It *urges* the Council to make Chapel Hill another "safe zone" and pass the resolution presented, which is a copy of the one passed by the Orange County Commissioners on May 20, 2003.

Thank you.

(18)

Joyce Smith

From: Carol Abernethy on behalf of Cal Horton
Sent: Friday, September 19, 2003 4:25 PM
To: 'Tana Hartman'
Cc: Woodrow Barfield; Andrea Rohrbacher; Cam Hill; Dianne Bachman; Doug Schworer; Mike McSwain; Sally Greene (sally@sallygreene.org); Terri Tyson; Thatcher Freund; 'Rudy Juliano'; Pat Evans; Bill Strom; Council Member Dorothy Verkerk (dverkerk@nc.rr.com); Ed Harrison; Flicka Bateman ; Jim Ward (W) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins (rr)'; Toni Pendergraph; Cal Horton; Flo Miller; Joyce Smith; Ralph Karpinos; Sonna Loewenthal; Owen Franklin; Emily Dickens
Subject: RE: Resolution: Regarding the Protection of Civil Rights and Civil Liberties

A copy of your email message has been forwarded to each Council Member.

Carol Abernethy
 Exec. Asst., Manager's Office
 Town of Chapel Hill

-----Original Message-----

From: Tana Hartman [mailto:tana_hartman@med.unc.edu]
Sent: Friday, September 19, 2003 11:58 AM
To: dverkerk@nc.rr.com; edithwiggins@nc.rr.com; patevans@bellsouth.net
Cc: Town Council
Subject: Resolution: Regarding the Protection of Civil Rights and Civil Liberties

Dear Council members and Mayor Foy:

On Monday, September 22, a resolution titled "**Regarding the Protection of Civil Rights and Civil Liberties**" will be presented to the Chapel Hill Town Council along with petitions signed by hundreds of residents of Orange County. As a Chapel Hill resident, voter, tax payer, and concerned citizen, I urge you to vote **in favor of this important Resolution**. Please make Chapel Hill one of a growing number of communities around the country that, in the honored tradition of our nation's founders, are taking a public stand to preserve civil liberties in the face of an internal threat more serious than anything we've seen since the McCarthy era.

Despite the fearmongering assertions of Ashcroft and others, the Patriot Act will not protect Americans from further terrorism, but it will throw open the door to perhaps as lethal a threat to democracy. In Constitutional Dictatorship: Crisis Government in the Modern Democracies, Clinton Rossiter years ago pointed out that each national crisis leaves the nation a little less democratic than before. The powers extended by the Patriot Act would establish a constitutional dictatorship, the common result of which is that the undemocratic form of government becomes the norm. I hope we have learned from history. Please help us resist and oppose this dangerous and potentially deadly assault on the freedoms that are essential to a democratic society. In the words of Benjamin Franklin, "They who would give up an essential liberty for temporary security, deserve neither liberty or security . . ."

I look forward to your response. **Please email me to confirm the anticipated date on which a Council vote will be taken on this resolution.**

Sincerely,
 Tana Hartman
 3010 Butler Glen Drive
 Chapel Hill, NC

9/22/2003