

**RESOLUTION TO ENSURE THE CONSTITUTIONAL RIGHTS OF CITIZENS
AND RESIDENTS OF FAIRFAX COUNTY**

28 January 2003

WHEREAS, Fairfax County houses a diverse population, including citizens of other nations, whose contributions to the community are vital to its character and function; and

WHEREAS, The United States Constitution guarantees all persons living in the United States 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 a fair, speedy, and public trial; and

WHEREAS, The USA PATRIOT Act undermines the checks and balances that are at the foundation of protecting and preserving our democracy by undermining judicial review and oversight thereby allowing government agents to obtain a warrant for wiretap surveillance or searches without showing probable cause; and

WHEREAS, The USA PATRIOT Act signed by President George W. Bush on October 26, 2001, has several provisions that contradict the above-mentioned rights and do little to increase public safety: and

WHEREAS, Examples of the provisions in the USA PATRIOT Act, Executive Orders and of arbitrary acts that may violate the constitution and the rights and civil liberties of the residents of Fairfax County are as follows:

- Significant expansion of the government's ability to access sensitive medical, mental health, financial and educational records about individuals;
- Lowering the burden of proof required to conduct secret searches and telephone and Internet surveillance;
- Expansion of law enforcement authority to obtain library records, and prohibiting librarians from informing patrons of monitoring or information requests;
- Giving the Attorney General and the Secretary of State the power to designate domestic groups, including religious and political organizations, as "terrorist organizations";
- Granting power to the Attorney General to subject citizens of other nations to indefinite detention or deportation even if they have not committed a crime;
- Arbitrary sequestration of citizens identified as "enemy combatants" without benefit of Counsel, the right of access to witnesses, documents, or other materials that may or may not be exculpatory;
- Authorization of eavesdropping on confidential communications between lawyers and their clients in federal custody;
- Limitation of disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS, Department of Justice interpretations of this Act and these Executive Orders particularly target Muslims, people of Middle Eastern and South Asian descent and citizens of other nations, and thereby

encourage racial profiling by law enforcement and hate crimes by individuals in our community;

RESOLVED, That the Fairfax County Democratic Committee (FCDC) affirms its strong opposition to terrorism, and supports the right to protect the public from future terrorist attacks, such as those that occurred in Oklahoma in 1995 and in Virginia, New York, and Pennsylvania on September 11, 2001, in a rational and deliberative fashion ensuring that security measures enhance public safety without impairing the fundamental constitutional rights or infringing on the civil liberties of individuals residing in or visiting Fairfax County, the Commonwealth of Virginia, and the United States; and be it

FURTHER RESOLVED, That the FCDC believes that there is no inherent conflict between national security and the preservation of liberty; and

FURTHER RESOLVED, That the FCDC affirms the rights of all people, including United States citizens and citizens of other nations, living within the County in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and be it

FURTHER RESOLVED, That the FCDC supports the independence of local public safety agencies whose mission is to ensure public safety and opposes making these local public safety agencies arms of the Immigration and Naturalization Service or the Federal Bureau of Investigations; and be it

FURTHER RESOLVED, That the FCDC calls upon all private citizens and organizations, including residents, employers, educators, and business owners, to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations; and be it

FURTHER RESOLVED, That the FCDC calls upon our elected officials at all levels of government to demand the immediate establishment of an independent oversight system to prevent the abuse of the information collected about us by the Government and its agents; and be it

FURTHER RESOLVED, That the FCDC calls upon our United States Representatives and Senators to monitor the implementation of the Patriot Act and Executive Orders cited herein and actively work for the repeal of those aspects of the Patriot Act and Executive Orders that violate fundamental rights and liberties as stated in the US Constitution and its Amendments.