

We, the undersigned, as residents and concerned citizens of the City of Las Cruces, New Mexico, do hereby petition the City Council of Las Cruces to enact the following Resolution:

A RESOLUTION OF THE CITY COUNCIL OF LAS CRUCES, NEW MEXICO, REAFFIRMING THE BILL OF RIGHTS AND SUPPORTING CIVIL LIBERTIES AND CIVIL RIGHTS IN THE CITY OF LAS CRUCES, NEW MEXICO

WHEREAS the City of Las Cruces and its citizens are governed by the United States Constitution, including the Bill of Rights, and the New Mexico State Constitution; and

WHEREAS the City of Las Cruces has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture and civic character; and

WHEREAS the preservation of civil rights and liberties is essential to the well-being of a free society; and

WHEREAS the Council of the City of Las Cruces believes that there is no inherent conflict between national security and the preservation of liberty - We can be safe, secure, and free; and

WHEREAS, in response to the tragic events of September 11, 2001, the United States Congress passed the USA PATRIOT Act (Public Law 107-56) which was signed into law by the President on October 26, 2001; and

WHEREAS many residents of Las Cruces and other communities across the nation are concerned that the USA PATRIOT Act threatens our civil rights and liberties by:

1. greatly expanding the government's ability to conduct secret searches (section 213);
2. greatly curtailing judicial supervision of telephone and internet surveillance (section 216);
3. granting unchecked power to the Attorney General and the Secretary of State to designate domestic groups as "terrorist organizations" (section 802);
4. allowing the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime (sections 411 and 412);
5. giving law enforcement officials broad access to sensitive personal, medical, mental health, library, business, financial, educational, and other records about individuals without first showing probable cause or evidence of a crime and forbidding disclosure that such information has been demanded (sections 215, 218, 358, and 508);

6. eroding firewalls between law enforcement and foreign intelligence agencies, thereby placing the CIA back in the business of spying on Americans (sections 203 and 901); and

WHEREAS our civil rights and liberties are further threatened by orders and rules of the executive branch that:

7. establish secret military tribunals for terrorism suspects (Military Order, Nov. 13, 2001);
8. authorize classification of U.S. citizens as enemy combatants, thereby stripping them of their rights of habeas corpus, due process and access to counsel;
9. permit monitoring and recording of conversations between federal prisoners and their lawyers without a judicial order (28 CFR 501.3);
10. revise Justice Department guidelines against illegal covert domestic information gathering and counterintelligence activities - activities that in the past targeted domestic groups and individuals (Attorney General's guidelines and procedures relating to criminal investigations and national security, issued May 30, 2002); and
11. limit the disclosure of public documents and records under the Freedom of Information Act ("Memorandum for Heads of all Federal Departments and Agencies," Attorney General John Ashcroft, Oct. 12, 2001); and

WHEREAS numerous communities and organizations in New Mexico and across the country have passed resolutions opposing those parts of the USA PATRIOT Act and the associated orders and rules that threaten our civil liberties;

NOW THEREFORE BE IT RESOLVED that the City of Las Cruces affirms the civil rights and liberties granted to all of its residents - U.S. citizens and citizens of other nations alike - in accordance with the Bill of Rights, the Fourteenth Amendment of the United States Constitution, and the New Mexico State Constitution; and

BE IT FURTHER RESOLVED that local law enforcement shall continue to preserve and uphold residents' constitutionally guaranteed rights of freedom of speech, assembly, association, and privacy, the right to counsel and due process, and protection from unreasonable searches and seizures, despite powers authorized by the USA PATRIOT Act or by Executive Order;

BE IT FURTHER RESOLVED that our Federal legislative delegation is petitioned to actively monitor the implementation of the USA PATRIOT Act, any new Executive Orders, or new regulations related to covert domestic information gathering and/or counterintelligence activities, and actively work for the repeal of those portions that violate the guaranteed civil liberties enumerated in the Constitution of the United States including the Bill of Rights;

BE IT FURTHER RESOLVED that the city clerk communicate this resolution at the time of its passage to New Mexico's Congressional Delegation, the Governor and

