

HAINES BOROUGH

Adopted

RESOLUTION 05-12-078

A resolution of the Haines Borough Assembly reaffirming the Borough's commitment to civil liberties, opposing portions of the "USA Patriot Act" and related Executive Orders, and re-affirming the Borough's commitment to the protection of Constitutional rights.

**WHEREAS**, the Haines Borough recognizes that the Constitution of the United States as the charter of our liberty, guaranteeing our fundamental American rights, including the freedoms of religion, speech and assembly, and recognizes that the Alaska Constitution specifically protects the right of privacy; and,

**WHEREAS**, each of the Borough's duly-elected public servants has sworn to support the United States Constitution, the Constitution of the State of Alaska, and the Haines Borough Charter; and,

**WHEREAS**, the Haines Borough denounces and condemns all acts of terrorism, wherever occurring, and supports the need to craft effective laws to protect the public from terrorism; and,

**WHEREAS**, provisions of the "USA Patriot Act," allow the federal government to detain citizens without due process and engage in surveillance activities that are believed to violate the rights guaranteed by the United States and Alaska Constitutions;

**NOW, THEREFORE BE IT RESOLVED** that the Haines Borough Assembly supports the government of the United States in the campaign against terrorism, and affirms the Borough's commitment that the campaign to ensure public safety be waged in a manner that protects the essential civil rights guaranteed by the United States and Alaska Constitutions; and,

**BE IT FURTHER RESOLVED** that the Haines Borough joins Juneau, Fairbanks, Sitka and other communities across the state and nation, in stating concern that the "USA Patriot Act" threatens civil rights guaranteed under the United States Constitution; and opposing any portion of the "USA Patriot Act" that would violate State or federal Constitutional rights; and

**BE IT FURTHER RESOLVED** that the Haines Borough adopts the following policy. Unless there is reasonable suspicion of criminal activity as defined by Alaska Statutes, the Borough, its officers, employees and agents shall not, even where permitted by the "USA Patriot Act" or related Executive Orders:

1. Initiate, participate in or assist in any investigation of, surveillance of or detention of an individual or group;
2. Collect, retain or share any private information concerning any person or group. This includes collection and review of library records, book or video sales or rental records, medical records, financial records, student records and other personal data;
3. Retain intelligence information. Any information now held shall be carefully reviewed by the Borough Attorney for legality and appropriateness under the United States and Alaska State Constitutions. Any information previously collected shall be permanently destroyed unless essential to a police investigation based upon a reasonable suspicion of criminal activity;
4. Enforce immigration matters, these being the jurisdiction of the U.S. Immigration and Naturalization Service;
5. Collect or maintain information about the political, religious or social views, affiliations, associations or activities of any individual, group, organization, corporation or business;

**BE IT FURTHER RESOLVED** that any State or federal law enforcement agency working within the Haines Borough is expected to comply with the policies and procedures of the Haines Borough Police Department, and will regularly report to the mayor the extent and manner of any investigation conducted under the "USA Patriot Act" or related Executive Orders. This includes providing the names of any detainees held in or taken from the Haines Borough, and of any Haines Borough resident detained elsewhere. The mayor will then publicly report to the Assembly; and

**BE IT FURTHER RESOLVED** that copies of this resolution shall be sent to all Borough departments, the Governor and Attorney General of the State of Alaska, the President and Attorney General of the United States of America, and to the Alaska delegation in Congress to support our congressional representatives working to repeal the USA Patriot Act.

**ADOPTED** by a duly constituted quorum of the Haines Borough Assembly this 13<sup>th</sup> day of December, 2005.

Attest:

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Fred Shields, Borough Mayor

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Julie Cozzi, Borough Clerk