

EXHIBIT 3  
DATE 1/29/01  
HB 287

## RESOLUTION NO. 19181

### A RESOLUTION PROTECTING THE CIVIL LIBERTIES OF THE CITIZENS OF THE CITY OF HELENA, MONTANA

**WHEREAS**, federal, state and local governments should take rational and deliberate steps to protect our society and our freedoms from terrorist attacks such as those that occurred on September 11, 2001; and

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

**WHEREAS**, various federal policies adopted since September 11, 2001, including certain provisions in the USA PATRIOT Act (Public Law 107-56) and related executive orders, regulations, and actions jeopardize fundamental rights and liberties, examples of which include:

1. chilling constitutionally protected speech through over-broad definitions of "domestic terrorism";

2. permitting the FBI to conduct surveillance of religious services, internet chatrooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed;

3. authorizing the indefinite incarceration of non-citizens based on mere suspicion, and the indefinite incarceration of citizens designated by the President as "enemy combatants" without providing access to counsel or meaningful recourse to the federal courts;

4. limiting the traditional authority of federal courts to curb abuses by law enforcement of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations;

5. expanding the authority of federal agents to conduct so-called "sneak and peek" or "black bag" searches in which the subject of the search is unaware that his property has been searched; and

6. granting law enforcement and intelligence agencies broad access to personal medical, financial, education, and library records with little, if any, judicial oversight.

**WHEREAS**, many other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of federal government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers; and

**WHEREAS**, Helena has a diverse population, including immigrants and students, whose contributions to the community are vital to its economy, culture, and civic character; and

**WHEREAS**, these new federal powers pose a particular threat to the civil rights and liberties of persons of particular religious, cultural, or ethnic origin; and

**WHEREAS**, Helena is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents, and of how the Helena Police Department respects the civil liberties of our population; and

**WHEREAS**, the Helena City Commission believes that there is no inherent conflict between national security and the preservation of liberty - Americans can be both safe and free; and

**WHEREAS**, the Helena City Commission does not wish to see the police department put in a position to lose the respect and trust of the citizens of Helena; and

**WHEREAS**, government security measures that undermine fundamental rights harm the ability of the residents of Helena to participate fully and freely in their community and in the governance of the City.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COMMISSION OF THE CITY OF HELENA, MONTANA:**

**Section 1. AFFIRMS** its strong support for fundamental constitutional rights and its opposition to federal measures that infringe on human rights and civil liberties;

**Section 2. AFFIRMS** its opposition to secret detention, secret immigration proceedings, detention without access to counsel, and subjection of non-military personnel to military detention;

**Section 3. AFFIRMS** its opposition to measures that single out individuals for legal scrutiny or enforcement activity based solely on their particular religious, cultural or ethnic origins, and therefore affirms its strong support for the rights of immigrants;

**Section 4. AFFIRMS** its support of policing currently followed by the City of Helena, including how the City:

- a. maintains public records on the names and initial charges of those detained and/or arrested by the City of Helena;
- b. refrains from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as

political advocacy or the practice of a religion, except when there are reasonable grounds to suspect the subject of the surveillance is or may be involved in criminal activity unrelated to or beyond the activities protected by the First Amendment;

c. avoids using race, religion, ethnicity or national origin as factors in selecting which individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect;

d. refrains from using city resources to enforce federal immigration laws which are the responsibility of the federal government, except when an alien has been detained or arrested on suspicion of a criminal offense;

e. refrains from collecting or maintaining information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;

f. has not established a general surveillance network of video cameras deploying facial recognition technology or other biometric identification technology;

g. provides notice of the execution of a search warrant simultaneous with the search of the property subject to such a warrant;

h. encourages citizens to report crime and the observable results of crime, through organizations such as Crimestoppers, but does not recruit members of the general public to spy on their neighbors, colleagues, or customers, such as the proposed federal Operation TIPS; and

i. refrains from stopping drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity, except under those limited circumstances specifically authorized by Montana law.

**Section 5. DIRECTS** the City Manager to report to the City Commission at the next regular meeting subsequent to any change in the policing listed in the previous section, as well as any requests by federal authorities that, if granted, would cause agencies of the City of Helena to exercise powers or cooperate in the exercise of powers in apparent violation of those policing practices, of any city ordinance, or of the laws or Constitution of this state;

**Section 6. REQUESTS** that public schools and institutions of higher learning within the City of Helena provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to Section 507 of the USA PATRIOT Act;