

# HOUSE . . . . . No. 2281

By Ms. Atkins of Concord, petition of Cory Atkins and others for adoption of resolutions by the General Court memorializing the government of the United States to affirm civil rights and liberties. Public Safety and Homeland Security.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying resolutions:

### PETITION OF:

Cory Atkins	Matthew C. Patrick
Barbara A. L'Italien	James B. Eldridge
Denise Provost	Ellen Story

### RESOLUTION AFFIRMING THE CIVIL RIGHTS AND LIBERTIES OF THE PEOPLE OF MASSACHUSETTS.

- 1     *WHEREAS*, the struggle to establish democracy and secure the
- 2 rights and liberties of Americans began in Massachusetts; and
- 3     *WHEREAS*, the Declaration of Rights of the Inhabitants of the
- 4 Commonwealth of Massachusetts was the first enumeration of the
- 5 civil rights and liberties of Americans, provided a model for the
- 6 United States Constitution and its Bill of Rights, and continues to
- 7 serve the citizens of the Commonwealth; and
- 8     *WHEREAS*, every duly elected public official in Massachusetts
- 9 has sworn to uphold the Constitution of the United States and the
- 10 Constitution of the Commonwealth; and
- 11     *WHEREAS*, in response to the terrorist attacks of September 11th,
- 12 2001, the United States Congress passed without public hearings and
- 13 with little debate the USA PATRIOT Act (Public Law 107-56), pro-
- 14 visions of which threaten the fundamental rights and liberties of citi-
- 15 zens and non-citizens; and
- 16     *WHEREAS*, through executive orders, changes in procedures, and
- 17 other actions, the United States Department of Justice has adopted

18 practices which infringe upon the rights and liberties of citizens and  
19 non-citizens; and

20 *WHEREAS*, forty-three Massachusetts cities and towns and more  
21 than three hundred and ninety cities and towns across the United  
22 States have passed resolutions that affirm their support for our fun-  
23 damental freedoms and that state their opposition to provisions of  
24 the USA PATRIOT Act and the practices of the United States  
25 Department of Justice; and

26 *WHEREAS*, on November 2, 2004, in the nine state legislative  
27 districts where it appeared on the ballot, voters approved, by over-  
28 whelming margins, a referendum question requesting legislators to  
29 support a Massachusetts resolution asserting that the campaign  
30 against terrorism should not be waged at the expense of civil rights  
31 and liberties, and to support legislation barring the use of state  
32 resources for racial and religious profiling, for secret investigations  
33 without reasonable grounds, and for maintaining files on individuals  
34 and organizations without reasonable suspicion of criminal conduct;  
35 and

36 *WHEREAS*, the States of Alaska, Hawaii, Vermont, Maine, Mon-  
37 tana, Colorado, and Idaho have passed resolutions opposing provi-  
38 sions of the USA PATRIOT ACT and federal practices which  
39 threaten our civil liberties; and

40 *WHEREAS*, in recent testimony and through legislative initiatives  
41 the United States Department of Justice has indicated an intention to  
42 seek even greater powers of surveillance, investigation, and prosecu-  
43 tion;

44 THEREFORE, THE SENATE AND THE HOUSE OF THE  
45 COMMONWEALTH OF MASSACHUSETTS:

46 *RESOLVED*, that the Great and General Court of the Common-  
47 wealth of Massachusetts affirms the rights and liberties of the people  
48 of Massachusetts and our system of checks and balances as specified  
49 in the United States Constitution, the Bill of Rights, and the Consti-  
50 tution of the Commonwealth of Massachusetts; and be it further

51 *RESOLVED*, that the Great and General Court of the Common-  
52 wealth of Massachusetts affirms that measures taken to protect our  
53 local and national security must be guided by and must respect prin-  
54 ciples of American liberty and the rights of persons as enshrined in

55 the Constitution of the Commonwealth of Massachusetts, the United  
56 States Constitution, and the Bill of Rights; and be it further

57 *RESOLVED*, that the Great and General Court of the Common-  
58 wealth of Massachusetts requests state and local law enforcement  
59 authorities to refrain from actions that impinge and infringe upon  
60 and violate constitutional rights, such as racial and religious pro-  
61 filing, conducting warrantless searches, and maintaining files on  
62 individuals and organizations without reasonable suspicion of crim-  
63 inal conduct; and be it further

64 *RESOLVED*, that the Great and General Court of the Common-  
65 wealth of Massachusetts asks the United States Congress to allow to  
66 sunset, to repeal, and to amend those sections of the USA PATRIOT  
67 Act which allow the Executive branch to infringe upon the rights  
68 and liberties of persons as specified in the United States Constitu-  
69 tion, the Bill of Rights, and the Constitution of the Commonwealth  
70 of Massachusetts, and to oppose any additional legislation that  
71 would infringe upon these rights and liberties; and be it further

72 *RESOLVED*, that the Great and General Court of the Common-  
73 wealth of Massachusetts asks the United States Department of Jus-  
74 tice and other federal agencies and departments to refrain from any  
75 investigations, procedures, or prosecutions which infringe upon the  
76 liberties of persons as specified in the United States Constitution, the  
77 Bill of Rights, and the Constitution of the Commonwealth of Massa-  
78 chusetts, or which single out individuals for legal scrutiny or  
79 enforcement activity based upon their race, religion, ethnicity or  
80 country of origin; and be it further

81 *RESOLVED*, that the Great and General Court of the Common-  
82 wealth of Massachusetts asks the United States Congress to exercise  
83 its constitutionally necessary and proper oversight responsibilities  
84 with regard to the operations and actions of the Departments of  
85 Defense and Justice and the Central Intelligence Agency that may  
86 adversely affect and impinge upon civil rights and liberties, and to  
87 ensure the publication of its findings; and be it further

88 *RESOLVED*, that copies of this Resolution shall be transmitted  
89 to the Honorable George W. Bush, President of the United States; to  
90 the Attorney General of the United States; and to the United States  
91 Attorney for Massachusetts, Michael J. Sullivan; and be it further

92 *RESOLVED*, that copies of this Resolution shall be transmitted to  
93 Senators Edward Kennedy and John Kerry; to Congressmen Michael

94 Capuano, William Delahunt, Barney Frank, Edward Markey,  
95 Stephen Lynch, James McGovern, Marty Meehan, Richard Neal,  
96 John Olver and John Tierney; to Governor Deval Patrick; to Massa-  
97 chusetts Attorney General Martha Coakley; to Massachusetts State  
98 Police Colonel Thomas G. Robbins; and to all city and town halls  
99 and public libraries within the Commonwealth of Massachusett