

California Urges Congress to Check Abuse of Power

By Hazem Kira

Sacramento, CA -- As Congress debates controversial issues related to the PATRIOT Act, domestic surveillance, and other civil liberties abuses, California boldly joined seven states, and nearly 400 communities calling on Congress for greater checks and balances and the repeal of unconstitutional provisions in the Act.

The censure is a major milestone in the bottom-up civil rights movement which is increasingly gaining ground in towns, cities, and states throughout this country. It comes on the heels of the domestic eves dropping program carried out by the current administration and reveals a growing resistance to the unconstitutional expansion of law enforcement and excesses of the Executive branch. It also coincides with heated debates in Congress to reauthorize provisions in the PATRIOT Act which civil liberty activists, politicians and civil rights organizations have dubbed an abuse of power.

California's move, as declared in a state resolution, also urged federal legislators to design laws that allow law enforcement to carry out their anti-terror efforts without infringing on the civil liberties of Californians or anyone else. The California Civil Rights Alliance (CCRA), an umbrella group which includes political social and religious organizations played a major role in gaining support and moving the resolution forward.

California stepped up to the plate February 16 when the final vote on the censure was tallied in the state Senate with a 23-10 vote in favor of Senate Joint Resolution 10. It thus became the 404th government entity and the largest of eight states to join the movement. The other seven are Alaska, Colorado, Hawaii, Idaho, Maine, Montana, and Vermont.

The Californian bipartisan resolution, which some political analysts see as a backlash to government attempts to strip away at guaranteed civil liberties, calls on Congress to revise controversial legislation and make the changes necessary to bring it in line with the Constitution. Leading Republicans who voted for the resolution, include state Senators Tom McClintock representing district 19, which includes Santa Barbara county, and Sam Aanestad representing district 4 which includes Yuba county and Redding.

“This resolution demonstrates the support of the Legislature for stronger protection of our civil liberties,” said State Senator Liz Figueroa who introduced the resolution. “With the PATRIOT Act and the president’s domestic surveillance program, Americans are justifiably concerned about the erosion of civil liberties. I am pleased that our state government took a stand and I hope more members of Congress will too.”

Assembly Member Alberto Torrico, who introduced the censure in the Assembly, has passionately argued, that “We can fight terrorism at home without sacrificing the essential civil rights that are the foundation of this country. The security measures we take must be carefully targeted to maximize their usefulness against terror and minimize their effect on our cherished freedoms.”

CCRA member, and past Chair of the Libertarian Party of California, Mark Hinkle emphasized that all members of the CCRA oppose terrorism. “If the price of defeating terrorism via the Patriot Act is surrendering our liberty, are we not then left with just two choices: 1. tyranny from within or 2. tyranny from outside? We think there's a better way that maintains our freedom without shredding the Bill of Rights.”

Senate Joint Resolution 10 declares that no state resources will be used to collect information based on residents’ activities that are protected by the First Amendment or to scoop up personal records without a direct connection between the records sought and suspected criminal activity.

California’s resolution also demanded that federal, state and local government security measures “should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of innocent persons in the State of California and the nation.”

The California Civil Rights Alliance (CCRA) which spearheaded the effort, called the PATRIOT Act censure “a clear and unambiguous petition from California to Congress to amend provisions long believed unconstitutional.”

“Congress must not rush reauthorization when Americans from across the country are demanding real change. It is imperative that our efforts to maintain our nation’s most sacred ideals and liberties be as robust as our efforts to combat the threat of terrorism,” it said in a statement.

The Coordinator of the California Civil Rights Alliance (CCRA), Dr. Agha Saeed, added, “We believe that many members of the US Congress are waiting for this kind of popular support. We enthusiastically commend State Senator Liz Figueroa and Assembly Member Alberto Torrico for taking leadership positions on this pivotal issue, and we applaud the state legislature for its clear declaration.”

The passage of the California resolution has the potential to affect the PATRIOT Act debate well beyond California’s borders because it mandates its representatives in Congress to strive for greater checks and balances on the federal level.

Congress members tend to be willing to take a strong stand in defense of civil liberties, when their local government and constituents have already passed resolutions to that respect, according to the Bill of Rights Defense Committee. Its data show that the 174 representatives who opposed a PATRIOT Act reauthorization compromise bill on December 14, 2005, were four and a half times as likely to have one or more resolutions passed in their districts as the 251 members who voted in favor.

In a resounding critique after the passage of the resolution, Congressman Pete Stark said "It's a sad commentary on the cowardice of many of my colleagues in Congress that we need a grassroots movement in America to argue that citizens have the right to live free of unwarranted government intrusion into their lives." Rep. Pete Stark (D-CA, 13th) added "I thank the California Legislature, led by my very own State Senator Liz Figueroa and Assembly Member Alberto Torrico, and the civil rights community for pushing Members of Congress to do their jobs and uphold the Constitution."

Since the passage of the USA PATRIOT Act, said CCRA member and Co-Chair to the National Green party, Jo Chamberlian "I have been sickened by the silence throughout our nation about the civil rights and liberties violations that we see and hear daily from the media. The vision and leadership shown by our CA state leadership is a huge step toward supporting the civil rights and liberties stated in our state and national constitutions and federal Bill of Rights. The CA Legislature strong stand for civil rights and liberties is a shining light calling for freedom in our country. Hopefully other states will see the light and join us."

Senator Figueroa, also commending the various efforts that contributed to the passing of Resolution 10, said the "broad coalition that is opposed to the attacks on our freedom and our rights.. have a common belief that there's too much power being concentrated in the executive branch of our federal government and too little oversight being conducted to hold it in check."

She added the "CCRA and other organizations should be commended for their work on behalf of our civil liberties. Without their efforts, these issues would be swept out of sight and our citizens would be in the dark about the threat to our freedom"

Senator Art Torres (Ret.), Chairman of the California Democratic Party also praised the effort, I commend the California Legislature for passing this important civil rights resolution. I also commend the tireless work that the California Civil Rights Alliance under the leadership of Dr. Agha Saeed, has done in passing this legislation. It is time that our nation stands up and declares that every citizen deserves protection under our Constitution."

Hayward Demos Democratic Club, Board member, and liason to the CCRA, Harry Scott strongly thanked Democratic Senator Liz Figueroa for her leadership, and acknowledged that "It is my greatest wish that the United States Congress will heed the call from the state of California and communities and states all over the U.S. and take appropriate action, to modify this horrendous legislation erroneously called the USA Patriot Act which targets us all."

Stephen Rohde, constitutional lawyer, and former President of the ACLU of Southern California, said "As we learn more and more each day about the extent to which our civil liberties are being violated in America, it is heartening for the California Legislature to speak out in favor of the Bill of Rights and against the unwarranted provisions contained in the USA PATRIOT Act.

"Our country has experienced dark chapters from the Alien and Sedition Acts in 1798 to the suspension of the Writ of Habeas Corpus during the Civil War to the Red Scare and Palmer Raids during World War I to the internment of 120,000 Japanese Americans during World War II to McCarthyism and COINTELPRO. Elected officials and average Americans need to speak out to ensure that we do not live through another dark chapter, when our liberties were sacrificed in the name of protecting them."

CCRA organizations include American Muslim Alliance, the libertarian party of California, the green party of California, Hayward Demos Democratic Club, The council on American Islamic Relations, the Muslim Public affairs Council, the interfaith Freedom Foundation, Arab American Anti-Discrimination Committee (Bay Area Chapter), Ecumenical Peace Institute /CALC, Northern California Interreligious Conference, Office of Public Policy and Social Concerns, The Archdiocese of San Francisco, South Alameda County Peace and Justice Coalition, Peninsula Peace and Justice Coalition, The Rt. Rev. William E. Swing, Bishop Episcopal Diocese of California.

Non-CCRA organizations that endorsed the measure include the ACLU, NAACP, the California Library Association (CLA), and chapters of the Bill of Rights Defense Committee (BORDC).

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