

SAN JOSE/SILICON VALLEY BRANCH OF THE  
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

304 North Sixth Street, San Jose, CA 95112

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**Patriot Act Resolution**

**Submitted By: San Jose/Silicon Valley, CA Branch**

**Date Adopted April 24, 2003**

Whereas, the NAACP has a long and distinguished tradition of protecting the civil rights and civil liberties of its residents; and

Whereas, fundamental constitutional rights are essential to the preservation of a just and democratic society; and

Whereas, provisions in the USA PATRIOT Act and related federal actions threaten fundamental rights and liberties by:

- (a) authorizing the indefinite incarceration of non-citizens, based on mere suspicion, as well as citizens designated by the President as "enemy combatants;"
- (b) giving law enforcement and intelligence agencies access to any individual's personal records, including medical, financial, library and education records;
- (c) permitting the FBI to spy on 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;
- (d) expanding the authority of federal agents to conduct searches in which the subject of the search warrant is unaware that his property has been searched (so-called "sneak and peek" or "black bag" searches);
- (e) limiting the ability of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism and ordinary criminal investigations;

Whereas, these new powers threaten the civil rights and civil liberties of all Americans, and particularly affect those of Arab, Muslim, and South Asian backgrounds; and

Whereas, the Bush Administration has drafted a second Patriot Act, the "Domestic Security Enhancement Act of 2003", which proposes secret arrests and other serious threats to civil liberties; and

**Therefore be it Resolved that the NAACP**

1. Affirms its strong support for fundamental constitutional rights and its opposition to the USA Patriot Act and related federal actions that infringe on important civil liberties.
2. Affirms its opposition to the proposed "Patriot Act II", the Domestic Security Enhancement Act of 2003.
3. Affirms its strong support for the constitutional rights of immigrant communities and oppose racial profiling and the scapegoating of immigrants.
5. Calls upon all private citizens and organizations, including residents, employers, educators, and business owners, to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations.
6. Urge each public library to conduct a "privacy audit" to determine what paper and electronic records are kept that provide personally identifiable information concerning a

patron's use of the library's facilities, including both Internet usage and usage of other materials in the library's collection. The audit shall also determine the purpose for which such records are kept and the time period for which they are kept. Upon completion of the audit, the library shall adopt a records retention policy that minimizes the amount of time that any such personally identifiable information is retained by the library.

7. Encourages Police/Sheriff's Departments to:

- a. Refrain from cooperating in any U.S. Attorney Office or FBI requests to participate in the exercise of powers that violate either the state or federal constitution;
- b. Refrain from conducting surveillance on individuals or groups of individuals based on their participation in protected First Amendment activities such as political advocacy or religious practice, without reasonable suspicion of criminal activity;
- c. Refrain 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;
- d. Refrain from establishing a general surveillance network of video cameras, and refrain from deploying facial recognition technology or other unreliable biometric identification technology .;
- e. Refrain from the practice of stopping drivers or pedestrians for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity;

8. Encourages public schools and institutions of higher learning to provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to section 507 of the USA PATRIOT Act;

9. Encourages all City Managers to determine how the new federal powers are being used locally by making the following information public:

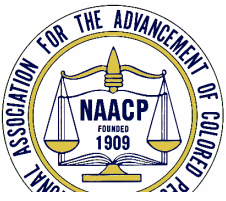
- a. The names of all detainees that have been held in their City/County as a result of terrorism investigations, where they have been held, circumstances of detention, any charges, whether the detainee has been transferred or deported, whether the detainee has legal representation, and the name of the attorney.
- b. The number of times records have been requested from libraries and book stores under powers granted in the USA Patriot Act.
- c. The number of searches conducted under the powers granted in the USA Patriot Act, in which the subject of the search warrant is unaware that his property has been searched (so-called "sneak and peek" or "black bag" searches);
- d. The number of individuals who have been questioned in connection with terrorism investigations, and the race, ethnicity, and immigration status of those individuals.
- e. The number of wiretaps utilized under the powers granted in the USA Patriot Act.
- f. The number of religious institutions, political rallies, and political meetings.
- g. The number of residents being held in connection with civil immigration violations and the nationality of those being held.
- h. The number of requests made to their Police Department or other city agencies for assistance with the execution of powers that violate either the state or federal constitution;
- i. The number of search warrants executed without notice to the subject of

the warrant pursuant to section 213 of the USA PATRIOT Act;

j. The extent of electronic surveillance carried out in their City/County under powers granted in the USA PATRIOT Act;

k. The number of times education records have been obtained from public schools and institutions of higher learning in their jurisdiction under section 507 of the USA PATRIOT Act;

10. Encourages all of its branches to ask their respective local municipalities to pass this resolution and to send a letter and a copy of this resolution to their Senators and Congresspersons, urging them to work to repeal all provisions of the USA Patriot Act that infringe on civil liberties and to oppose passage of the proposed "Patriot Act II", the Domestic Security Enhancement Act of 2003.



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**Resolution to Support HR 1019  
Freedom of Information in Vietnam Act of 2003**

**Submitted By: San Jose/Silicon Valley, CA Branch**

**Date Adopted April 24, 2003**

Whereas, the NAACP supports the United Nations International Covenant on Civil and Political Rights which affirms “respect for, and observance of, human rights and freedoms”;

Whereas, the NAACP affirms that “[a]ll peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”;

Whereas, the NAACP seeks to eliminate the digital divide which limits access to information, economic mobility and disenfranchises people who wish to be self-sufficient;

Whereas, Vietnam has failed to meet its obligations as a signatory to the UN International Covenant on Civil and Political Rights, which ensures that citizens of Vietnam are free “to seek, receive, and impart information and ideas of all kinds”;

Whereas, the Government of Vietnam continues to restrict all forms of media, including jamming broadcasts by Radio Free Asia (an independent broadcast service funded by the U.S. in order to provide objective news and information to the people of countries in Asia whose governments deny the right to freedom of expression and of the press) and blocking its Internet site and other sites like the BBC World News;

Whereas, the “Government of Vietnam is taking active measures to keep its citizens from freely accessing the Internet and obtaining international and domestic political, religious, and economic news and information”;

Whereas, the NAACP affirms the right to access information and the freedoms of speech and press;

Be it resolved, the NAACP supports HR 1019 – the Freedom of Information in Vietnam Act of 2003 and will lobby the U.S. Congress and the President of the United States to pass HR 1019.

For the complete text of the U.N. International Covenant on Civil and Political Rights, please visit [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)



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**Resolution to Support HR 1587  
The Viet Nam Human Rights Act 2003**

**Submitted By: San Jose/Silicon Valley, CA Branch**

**Date Adopted April 24, 2003**

Whereas, the NAACP supports the United Nations Universal Declaration of Human Rights;

Whereas, the NAACP knows and understands “harassment, discrimination and intimidation, and sometimes of imprisonment and other forms of detention, against those who peacefully express dissent from government...policy”;

Whereas, the “Unified Buddhist Church of Viet Nam, the largest religious denomination in the country, has been declared illegal by the Government, and over the last twenty-five years its clergy have often been imprisoned and subjected to other forms of persecution”;

Whereas, “Independent Protestants, most of whom are members of ethnic minority groups, are subjected to particularly harsh treatment by the Government of Viet Nam. According to the United States Commission on International Religious Freedom, such treatment includes ‘police raids on homes and house churches, detention, imprisonment, confiscation of religious and personal property, physical and psychological abuse, and fines for engaging in unapproved religious activities (such as collective worship, public religious expression and distribution of religious literature, and performing baptisms, marriages, or funeral services)’”;

Whereas, the NAACP affirms the rights of freedom of speech, press, religion, peaceable assembly and the rule of law;

Whereas, the NAACP supports a democratic society without discrimination of race, gender or religion where the voice of its citizens are heard and their votes counted;

Whereas, HR 2833 – the Viet Nam Human Rights Act passed the U.S. House of Representatives with a resounding vote of 410-1 in September 2001 and held in the Senate;

Be it resolved, the NAACP supports HR 1587 – the Viet Nam Human Rights Act 2003 and will lobby the U.S. Congress and the President of the United States to pass HR 1587.

For the complete text of the U.N. Universal Declaration of Human Rights, please visit  
<http://www.un.org/Overview/rights.html>

For the complete text of HR 1587, please visit  
[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_bills&docid=f:h1587ih.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:h1587ih.txt.pdf)