

WOODY CREEK CAUCUS
U.S. AND COLORADO "BILL OF RIGHTS DEFENSE" RESOLUTION
March 30, 2006
Woody Creek, Colorado

This Bill of Rights Defense Resolution was adopted on March 30, 2006 by the Woody Creek Caucus, a neighborhood caucus organized under the Pitkin County Home Rule Charter.

1. Constitutional oaths of public officials. This resolution expresses our deep concerns to all who hold constitutional offices--judicial, legislative and executive—in our local, state and federal governments. We especially direct these concerns and comments to our representatives in Congress, and the President and Attorney General of the United States of America, in addition to other local, state and federal officials.

- Each of you -- as a condition to exercising your official powers-- swore an oath to "protect and defend" the US Constitution, which is the sole source of your offices and your official powers of federal officials.
- All state and local officials in Colorado take the same oath, and also swear to "protect and defend" the Constitution of the State of Colorado, which is the source of their offices and official powers.
- Both the US and Colorado Constitutions contain the same fundamental Bill of Rights provisions ---guaranteeing freedom speech, religion, press, assembly, to petition for grievances and the guarantee that persons or property may not be unreasonably searched (including official tax funded surveillance of their private activities) or seized - without a warrant issued by a court based upon probable cause that a crime has been committed.
- We call upon each of you to refuse to cooperate or condone, and to insist on thorough disclosures and investigations of, actions of any federal officials who assert the right to overtly or secretly fail or refuse to "protect and defend" these fundamental constitutional rights.

2. Oath reaffirmation, signing statements; office policy clarifications. On or before July 4, 2006 and after concluding such joint public hearings, we ask each of our participating local officials to

- a. Re-affirm your official oaths, which may be accompanied by
- b. Your personal "signing statements", and
- c. Announcements of your policy clarifications to protect and defend the Bill of Rights.

3. Local officials' Joint public hearings on Bill of Rights Defense concerns. We call upon our local elected officials to meet with our representatives to develop processes to convene joint public hearings --by the Sheriff, the Board of County Commissioners, and heads of hospital and library boards-- to take evidence and to adopt policy to address the Bill of Rights Defense concerns which we share with many citizens and communities across our state and our Nation.

4. Scope of hearings. Joint public hearings should provide a basis for your citizens to urge your oath re-affirmation and signing statements, and to announce your new official policy clarifications concerning the following Bill of Rights Defense concerns:

- a. Claims of authority to use secret, warrantless searches, seizures and surveillance of the persons, homes private records of American citizens without required "probable cause" required by the Bill of Rights;
- b. Claims of authority to hold jail U.S. citizens by secret Presidential designations that they are "enemy combatants" without full access to federal courts;
- c. Claims that executive department officials may conduct surveillance and investigative practices that chill, or cause US Citizens to be apprehensive about, their exercise of their Bill of Rights freedoms --such as freedom of speech, association, peaceful assembly, privacy and religion;
- d. Claims that the U.S. government can impose and enforce secrecy, and other practical obstacles, to prevent U.S. citizens, their families and lawyers, from discovering or objecting to these excesses, and to exercise their rights to have violations of their constitutional rights promptly reviewed by Federal court proceedings and Congressional investigative oversight.

5. Hearing topics at the joint public hearing processes should permit participants to show, by local and outside experts, that our Bill of Rights Defense concerns are widespread, for example

- a. **Other US community Bill of Rights Defense resolutions.** Other local Bill of Right Defense actions in Colorado and elsewhere, by more than 400 city governments, communities, and by several state governments, reaffirming the obligation of these local and state governments to protect the rights of their citizens, and often directing local government employees to publicly report, and to refuse to participate in any such Federal agency excesses.

- b. **ABA warning to federal executives & Congress.** Cautionary warnings, to the President and Attorney General, by the American Bar Association (America's most prestigious association of attorneys) in the form of a February 2006 report of the ABA's Task Force on Domestic Surveillance --composed of eminent federal and state lawyers-- as well as the ABA's resolution and letter to the President and Attorney General of the United States. These ABA documents reminded the Bush administration and Congress that:
- The Constitution imposes on the President checks and balances and assigns essential roles to Congress and Judicial Branch to assure our national security in a manner consistent with Constitutional guarantees;
 - Urged Congress to conduct thorough, comprehensive investigations of the nature and extent of electronic surveillance of U.S. persons conducted by any U.S. government agency that may not comply with federal statutes or the Constitution;
 - Recommended that Congressional investigations be conducted in an open and public manner, to the maximum extent possible, to provide a clear and credible account to the American people of these activities and any deficiencies in current law.
- c. **President's disclaimers in March 15, 2006 Patriot Act signing statement.** The President's March 15, 2006 "signing statement" (accompanying the reauthorization of the USA Patriot Act) claimed the ability to pick and choose when the executive branch would provide information required by Congress's weak oversight amendments.
- d. **Colorado Legislature's BORD direction to state entities.** Local government's obligation to follow the Bill of Rights Defense directions of Colorado Senate Joint Resolution 05-044, adopted by both houses of the State of Colorado's General Assembly on May 9, 2005, which directed state government employees, and other "instrumentalities" of the state government, such as local governments and special districts, as follows:
- That certain provisions of the USA Patriot Act "expand the power of the Federal Government to detain and investigate people in the United States and to engage in surveillance activities that may be inconsistent with rights and liberties guaranteed by the State and Federal Constitutions."
 - Resolved that the "campaign against terrorism" should not be waged at the expense of the essential civil rights enshrined in the Constitutions of the United States and the State of Colorado.
 - Resolved that the policy of the State of Colorado is "to oppose any provision in the USA. Patriot Act that would violate the rights and liberties guaranteed" by the State of Colorado and U.S. Constitutions and
 - Instructed state agencies, "that in accordance with the policy of the State of Colorado, no agency or instrumentality of the State should, without reasonable suspicion of criminal activity under Colorado law, initiate, participate in, assist, or cooperate in any inquiry, investigation, surveillance or detention, or record, file, or share intelligence information concerning any person or organization including library lending and research records, books and video stores and rental accounts, medical records, financial records, student records, internet mail or usage records or other personal data even if authorized under the USA Patriot Act,"
 - Required all State agencies or instrumentalities [which term would include municipalities and special districts] to avoid participation in any such activities unless "there are reasonable grounds to suspect that the subject of the information is involved in criminal conduct,
 - Officially requested the United States Congress to amend the provisions of the USA Patriot Act and other related legislation that "infringe on civil rights and liberties and opposes enactment of future federal legislation that infringes on civil rights and liberties."

5. Bill of Rights Defense Zone declaration. The Woody Creek Caucus declares its caucus area to be the first "Bill of Rights Defense Zone" in Pitkin County and urges other caucus areas and civic organizations to enter into similar resolutions and engage with local officials in developing Bill of Rights Defense policies and public hearings.

6. Woody Creek Caucus assistance to local officials. The Woody Creek Caucus directs its representatives to offer assistance to local government officials in developing local procedures, schedules and presentations for the joint public hearing, as well as recommendations as to dignified and appropriate oath re-affirmations, "signing statements" and Bill of Rights Defense policy clarifications by individual officials.

Approved by vote of the Woody Creek Caucus
March 30, 2006

Unanimously passed
3/30/06
George Stranahan
Moderator, Woody Creek Caucus