

**Resolution to affirm and uphold civil rights and civil liberties  
at the University at Albany**

**For discussion at the May 3, 2004 Senate meeting**

**Submitted by Professor Lawrence Snyder**

Whereas, The protection of civil rights and civil liberties is essential to the well being of a university community; and

Whereas, The University at Albany has a diverse population of faculty, students and staff including immigrants whose contributions to the community are vital to its functioning; and

Whereas, Government security measures that undermine fundamental rights do damage to the University community and the values it holds dear;

Whereas, Certain federal policies adopted since September 11, 2001, including certain provisions in the USA PATRIOT Act (Public Law 107-56) and related federal actions unduly infringe upon fundamental rights and liberties; and

Whereas, These new policies include the power to authorize the indefinite incarceration of non-citizens based on mere suspicion of terrorist activity, and the indefinite incarceration of citizens designated as "enemy combatants" without access to counsel or meaningful recourse to the federal courts; limitations on the traditional authority of federal courts to curb law enforcement abuse of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations; the expansion of the authority of federal agents to conduct so-called "sneak and peek" or "black bag" searches, in which the subject of the search warrant is unaware that his property has been searched; grants to law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little if any judicial oversight; and

Whereas, These new policies may undermine trust between the University community and the University administration, and in particular, pose a threat to the civil rights and liberties of members of our community who are or appear to be Arab, Muslim, or of South Asian descent; and

Whereas, The exemplary professionalism of the University Police has earned the respect and trust of the University community by enforcing the law in a civil and dignified manner without infringing on the civil liberties of those stopped, investigated, or arrested.

Be it Resolved:

That the University at Albany Senate calls upon the University at Albany administration to affirm its commitment to oppose:

- (a) investigation 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 religion, without reasonable suspicion of criminal activity unrelated to the activity protected by the First Amendment;
- (b) racial, religious or ethnic profiling;
- (c) "sneak and peak" searches, pursuant to Section 213 of the Patriot Act, unless the search is authorized and conducted in accordance with New York State law; and
- (d) establishment or maintenance of an anti-terrorism reporting system that creates an electronic record on an individual unless subject to regulations that provide for the protection of individuals subject to unfounded reports.

That the University at Albany Senate calls upon the University at Albany administration to give strong support for the rights of immigrants and oppose measures that single out individuals for legal scrutiny or enforcement activity based primarily upon their country of origin.

That the University at Albany Senate opposes requests by federal authorities that, if granted, would cause the University at Albany administration to violate the University at Albany Community Rights and Responsibilities or the laws or Constitution of this State or the United States.

That the University at Albany Senate opposes the secret detention of persons and the detention of persons without charges or access to a lawyer.

That the University at Albany Senate urges that the University Libraries inform library patrons that Section 215 of the USA PATRIOT Act gives the government new authority to monitor book-borrowings and Internet activities without patrons' knowledge or consent and that this law prohibits library staff from informing patrons if federal agents have requested patrons' library records.

That in order to assess the effect of antiterrorism initiatives on the University at Albany community, the University at Albany Senate requests that the University at Albany administration make reports to the University Senate each semester, that include:

- (a) the number of members of the University community who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations;

(b) the number of search warrants that have been executed on the University of Albany grounds without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;

(c) the number of electronic surveillance actions carried out on the University at Albany campus under powers granted in the USA PATRIOT Act;

(d) the number of investigations undertaken on the University at Albany campus by federal authorities to monitor political meetings, religious gatherings or other activities protected by the First Amendment;

(e) the number of times education records have been obtained from the University at Albany under section 507 of the USA PATRIOT Act;

(f) the number of times library records have been obtained from the University at Albany libraries under section 215 of the USA PATRIOT Act;

(g) the number of times that records of the books purchased by University bookstore patrons have been obtained under section 215 of the USA PATRIOT Act.

That the University at Albany Senate research further the impact of the USA PATRIOT Act on current and prospective international students.