

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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SANTA BARBARA • SANTA CRUZ

*Office of the Chair*  
*Telephone: (510) 987-0711*  
*Fax: (510) 763-0309*  
*Email: Lawrence.Pitts@ucop.edu*

*Assembly of the Academic Senate, Academic Council*  
*University of California*  
*1111 Franklin Street, 12th Floor*  
*Oakland, California 94607-5200*

July 2, 2004

**ROBERT C. DYNES**  
**PRESIDENT**

**Re: Academic Council Resolution on the USA PATRIOT Act**

Dear Bob:

I am pleased to forward the Academic Council's resolution on the USA PATRIOT Act, which members unanimously adopted at their June 23, 2004 meeting. The resolution is predicated on a resolution that was sent to the Academic Council by the University Committee on Academic Freedom and is in keeping with resolutions passed by the Academic Senates at UC Santa Cruz, UC Berkeley and UC Irvine, which are enclosed with this letter. Some of the other division senate chairs report that similar discussions are also currently underway at their campuses. The Academic Council's resolution reads as follows:

“Be it resolved that the Academic Council of the University of California Academic Senate supports efforts by the University of California to implement safeguards against potential threats to civil liberties and academic freedom posed by the USA PATRIOT Act and related acts of government.”

The Academic Senate acknowledges the University of California's long history of supporting the academic and personal freedoms of all its employees. In that vein, the Academic Senate asks that you seriously consider these resolutions and take whatever steps you deem may be most effective in preventing encroachment on these freedoms. The Academic Council would be grateful if it could be provided with a report at its November 2004 meeting on the efforts undertaken as a result of these Senate initiatives.

Cordially,

A handwritten signature in cursive script that reads "Larry".

Lawrence Pitts, Chair  
Academic Council

Copy: Academic Council

Encls.: Berkeley Division, Resolution on the USA PATRIOT Act  
Santa Cruz Division, Resolution on the USA PATRIOT Act  
Irvine Division, Resolution on the USA PATRIOT Act

Resolution Passed at the May 6, 2004  
Special Meeting of the  
Berkeley Division of the Academic Senate

WHEREAS the preservation of civil rights and civil liberties is a pillar of the American polity and is essential to the well-being of any democracy, particularly during times of conflict when such rights and liberties may be threatened, and

WHEREAS the USA PATRIOT Act (Public Law 107-56) and related federal actions, regulations and executive orders contain provisions that violate basic civil rights of students, faculty, and staff of the University of California at Berkeley by, among other things, authorizing

- secret monitoring of the email communications and internet activities of students, faculty, or staff, and wiretaps of phones;
- law enforcement expanded access to medical, financial, and academic records of students, faculty, or staff, without meaningful oversight or judicial review, probable cause, and notification of the person whose records are being sought;
- law enforcement directives to libraries and bookstores to maintain and produce records pertaining to circulation and/or purchase of books by students, faculty, staff, and other patrons while forbidding disclosure that such records have been requested or provided;
- the arbitrary identification of domestic groups, including political and religious groups, as “terrorist organizations”;
- the deportation, or indefinite detention, of non-citizens without charging them with, or showing evidence to them of, a crime; and

WHEREAS the threat posed by these measures can create an atmosphere of fear detrimental to the free inquiry and unfettered pursuit of knowledge that are essential to the mission of the University, be it therefore

RESOLVED, that the Senate urge the Chancellor to redesignate all authority to respond to requests for information, subpoenas, and other demands received pursuant to the USA PATRIOT Act or related federal actions, regulations, and executive orders to the Chancellor, or to a single designee of the Chancellor, and that the Chancellor instruct campus employees to refer all such inquiries to this person; and be it further

RESOLVED, that the Senate urge the Chancellor and the Chancellor’s designee to take every legally protected step to challenge and resist investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals’ civil rights or civil liberties as specified in the Constitution of the United States; and be it further

RESOLVED, that the Senate urge the Chancellor to assure all campus employees that legal expenses they might reasonably incur by complying with the redesignation of authority will be borne by the University; and be it further

RESOLVED that the Senate urge the Chancellor to petition the Congress to overturn the provisions of the USA PATRIOT Act and regulations and executive orders issued pursuant thereto that violate constitutional rights, to petition the Congress not to enact further such legislation, to seek and support a judicial review of these statutes, regulations, and executive orders, and to support legislation that seeks to restore civil liberties.

**University of California, Santa Cruz**  
**Academic Senate**  
**PATRIOT Act Resolution**  
**Passed unanimously 5/21/04**

**Whereas**, the faculty of the University of California, Santa Cruz are proud of the University's long and distinguished tradition of protecting the civil liberties of its faculty, students, and employees;

**Whereas**, threats to U.S. security are genuine, but indiscriminate attacks on civil liberties under the PATRIOT Act and related legislation fail to enhance security;

**Whereas**, the University of California, Santa Cruz has a diverse population, including foreignborn and international faculty and students, whose contributions are vital to the culture, character, and learning environment of our University;

**Whereas**, the preservation of civil rights and liberties is essential to the well-being of a democratic society and an academic environment;

**Whereas**, the preservation of academic freedom and open debate is essential to the well-being of the academic community;

**Whereas**, federal, state, and local governments as well as University Administrations should protect public safety without impairing constitutional rights or infringing on civil liberties;

**Whereas**, federal policies adopted since September 11, 2001, including provisions in the PATRIOT Act (Public Law 107-56) and related executive orders, regulations and actions threaten fundamental rights and liberties, chilling constitutionally protected speech and driving a wedge between communities and those that protect them;

**Whereas**, more than 250 communities and universities throughout the country have enacted local resolutions and/or policies reaffirming support for civil rights and civil liberties in the face of post 9/11 government policies that threaten these values;

**Therefore Be It:**

1. **Resolved** that the Academic Senate of the University of California, Santa Cruz affirms its strong support for fundamental constitutional rights and its opposition to federal measures that infringe upon rights guaranteed by the Constitution.

2. **Resolved** that the Academic Senate of the University of California, Santa Cruz affirms its strong support for the rights of all faculty, students, and employees and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their race, religion, ethnicity, gender, age or country of origin.

3. **Resolved** that the Academic Senate of the University of California, Santa Cruz calls upon the Chancellor to enact policy that directs the Campus Police Department (or Security Guards) and any other UCSC department or instrumentality to:

- a. refrain from participating in a Joint Terrorism Task Force unless and until a valid court order is produced;
- b. refrain from disclosing any information about a student, faculty member, or campus employee to federal, state, or local law enforcement without notice and approval from the director of the campus police. The director shall provide such approval only if the information is already public, or a valid court order is produced;
- c. seek adequate written assurances from federal authorities that UCSC faculty who are placed in federal custody will not be subjected to military detention; secret detention; secret immigration proceedings; or detention without access to counsel, and refrain from assisting federal authorities in obtaining custody of such individuals absent such assurances, unless a valid court order is produced;
- d. refrain from engaging in the surveillance of individuals or groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy, the practice of a religion, unless a valid court order is produced;
- e. refrain from racial profiling;
- f. refrain, whether acting alone or with federal, state, or local law enforcement officers, 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 is kept in the ordinary course of business, or unless a valid court order is produced;
- g. provide advance or simultaneous notice of the execution of a search warrant to any UCSC student, faculty member or employee whose property is the subject of such a warrant, and refrain from participating in a joint search with any law enforcement agency absent assurances that such notice will be provided to such individuals during the search, unless a valid court order is produced which instructs that the person not be notified;
- h. refrain from the practice of stopping members of the campus community for the purpose of scrutinizing their identification documents without particularized suspicion of criminal activity;
- i. report to the University administration any request by federal authorities that, if granted, would cause agencies of the University of California, Santa Cruz to exercise powers or cooperate in the exercise of powers in apparent violation of any University ordinance or the laws or Constitution of this State or the United States.

4. **Resolved** that the Academic Senate of the University of California, Santa Cruz calls upon the Chancellor of the University of California, Santa Cruz to enact policy that directs relevant bodies at the University of California, Santa Cruz to provide immediate notice to individuals whose education, library, or other records have been obtained or examined by law enforcement agents unless prohibited from doing so by statute or court order.

5. **Resolved** that the Academic Senate of the University of California, Santa Cruz calls upon the Chancellor of the University of California, Santa Cruz to enact policy that directs all libraries at the University of California, Santa Cruz to post in a prominent place within the library a notice to library users as follows: "WARNING: Under Section 215 of the federal PATRIOT Act (Public Law 107-56), records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to: The Attorney General, Department of Justice, Washington, DC 20530 ".

6. **Resolved** that the Academic Senate of the University of California, Santa Cruz calls upon the Chancellor of the University of California, Santa Cruz to enact policy that directs all bookstores and other entities that maintain business records of purchases on the UCSC campus to post in a prominent place within the store a notice to patrons as follows: "WARNING: Under Section 215 of the federal PATRIOT Act (Public Law 107-56), records of the books and other materials you purchase from this store may be obtained by federal agents. That federal law prohibits storeowners from informing you if records about you have been obtained by federal agents. Questions about this policy should be directed to: The Attorney General Department of Justice, Washington, DC 20530 ".

7. **Resolved** that the Academic Senate of the University of California, Santa Cruz calls upon the Chancellor of the University of California, Santa Cruz to enact policy that directs all computer laboratories or other public computer terminals on the UCSC campus to include on account application forms and to post in a prominent place within the laboratory or terminal a notice to computer users as follows: "WARNING: Under Sections 214, 216 and 505 of the federal PATRIOT Act (Public Law 107-56), records of your computer use and certain information about the emails you send or websites you visit may be obtained by federal agents. That federal law prohibits the University from informing you if such information has been obtained by federal agents. Questions about this policy should be directed to: The Attorney General, Department of Justice, Washington, DC 20530".

8. **Resolved** that the Academic Senate of the University of California, Santa Cruz calls upon the Chancellor of the University of California, Santa Cruz to encourage all campus libraries to dispose of records of book borrowing and internet use on a regular basis, and for all campus bookstores and other entities that keep records of borrowing or purchase to destroy those records as soon as they are no longer necessary, and to refrain, whether acting alone or with federal, state or local law enforcement officers, from collecting or maintaining records of purchases or borrowing unless legally required to do so by a court order for a specific individual and, under those circumstances, to maintain them only for that individual and only for the duration specified in the court order.

9. **Resolved** that the Academic Senate of the University of California, Santa Cruz calls upon the Chancellor of the University of California, Santa Cruz to enact policy that directs the University administration to seek periodically from federal authorities the following information in a form that facilitates an assessment of the effect of federal antiterrorism efforts on UCSC faculty, students, and employees:

- a. the names of all UCSC faculty, students, and employees who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001; the location of each detainee; the circumstances that led to each detention; the charges, if any, lodged against each detainee; the name of counsel, if any, representing each detainee;
- b. the number of search warrants that have been executed without advance or contemporaneous notice on the UCSC campus without notice to the subject of the warrant pursuant to section 213 of the PATRIOT Act;
- c. without disclosing the names of specific surveillance targets or other specific investigative information, the extent of electronic surveillance carried out on the UCSC campus under powers granted in the PATRIOT Act;
- d. without disclosing the names of specific surveillance targets or other specific investigative information, the extent to which federal authorities are monitoring political meetings, religious gatherings or other activities protected by the First Amendment within the UCSC campus;

- e. the number of times education records have been obtained from UCSC under section 507 of the PATRIOT Act;
- f. the number of times library records have been obtained from UCSC under section 215 or 505 of the PATRIOT Act;
- g. the number of times that records of the books or other merchandise purchased by store patrons, or any other customer records, have been obtained from UCSC under section 215 and section 505 of the PATRIOT Act;
- h. the number of times records of computer use have been obtained from UCSC under Sections 214, 216 and 505 of the federal PATRIOT Act.

10. **Resolved** that the Academic Senate of the University of California, Santa Cruz calls upon the Chancellor of the University of California, Santa Cruz to enact policy that directs the University Administration to transmit to the Chancellor no less than once every term a summary of the information obtained pursuant to the preceding paragraph and, based on such information and any other relevant information, an assessment of the effect of federal anti-terrorism efforts on UCSC faculty, students, and employees; and further directs the Administration to publish reports of their findings each quarter so that faculty, students, and employees can be fully informed about such activities on the campus or to be informed of the federal government's refusal to disclose information about such activities.

11. **Resolved** that the Academic Senate of the University of California, Santa Cruz calls upon the Chancellor of the University of California, Santa Cruz to enact policy that directs the University Administration to provide the Chancellor, no less than once every term, an accounting of all students, faculty and staff who have been unable to enter the US and/or assume their studies or teaching functions due to denial of visas. Said report should also contain an analysis of the financial and programmatic implications of the loss of these students, faculty and staff. The Administration should publish these reports each quarter so that students, faculty and employees can be fully informed about the impact of post 9/11 federal actions on our community.

12. **Resolved** that the Academic Senate of the University of California, Santa Cruz calls upon the Chancellor of the University of California, Santa Cruz to enact policy that directs the University Administration to notify promptly the Santa Cruz Division of the University of California Academic Senate if it becomes aware that publication of any faculty or student research carried out on campus has been suppressed or otherwise restricted by the federal government for security or political reasons, unless prevented by a valid court order.

13. **Resolved** that the Academic Senate of the University of California, Santa Cruz instructs the Administration of UCSC to transmit a copy of this new resolution to Senator Barbara Boxer, Senator Dianne Feinstein, and Representative Sam Farr, accompanied by a letter urging them to work to repeal provisions of the PATRIOT Act and other laws and regulations that infringe on civil rights and liberties such as the US VISIT Program, the proposed International Studies in Higher Education Act, CLEAR Act, and the CAPPS II program, and to support legislation that seeks to end racial profiling, protect immigrants, and restore our liberties such as the Security and Freedom Ensured (SAFE) Act (S. 1709).

14. **Resolved** that the Academic Senate of the University of California, Santa Cruz instructs the Administration of UCSC to transmit a copy of this new resolution to Governor Schwarzenegger, appropriate members of the State Legislature, President Bush and Attorney General Ashcroft, accompanied by a letter urging them to ensure that anti-terrorism laws and policies be implemented in a manner that does not infringe on civil liberties.

15. **Resolved** that the Academic Senate of the University of California, Santa Cruz instructs the Administration of UCSC to transmit a copy of this new resolution to other Universities in the California system with a letter urging the faculty senates of those other Universities to enact similar resolutions.

The UCSC Academic Senate requests a written response from the Chancellor by the beginning of the Fall Quarter, 2004, on each of the actions that he has been called upon to undertake, and, if this has not been done, the reason.

Respectfully submitted,

COMMITTEE ON ACADEMIC FREEDOM

Erik Asphaug  
Roberto Manduchi  
Dick Wasserstrom  
Barbara Epstein, Chair

COMMITTEE ON FACULTY WELFARE

Roger Anderson  
Scott Brandt  
Maureen Callanan  
Faye Crosby (F & W), Chair  
Shelly Errington  
Onuttom Narayan (S), Chair  
Paul Ortiz  
Richard Otte

May 4, 2004



**Resolution on the University's Response  
to the USA PATRIOT Act and Related Measures**

Approved by the Assembly of the Academic Senate

University of California, Irvine Division

June 3, 2004

Transmitted to Chancellor Ralph Cicerone June 15, 2004

WHEREAS the preservation of civil rights and civil liberties is a pillar of the American polity and is essential to the well-being of any democracy, particularly during times of conflict when such rights and liberties may be threatened, and

WHEREAS the USA PATRIOT Act (Public Law 107-56) and related federal actions, regulations and executive orders contain provisions that violate basic civil rights of students, faculty, and staff of the University of California at Irvine by, among other things, authorizing

- secret monitoring of the email communications and internet activities of students, faculty, or staff, and wiretaps of phones;
- law enforcement expanded access to medical, financial, and academic records of students, faculty, or staff, without meaningful oversight or judicial review, probable cause, and notification of the person whose records are being sought;
- law enforcement directives to libraries and bookstores to maintain and produce records pertaining to circulation and/or purchase of books by students, faculty, staff, and other patrons while forbidding disclosure that such records have been requested or provided;
- the arbitrary identification of domestic groups, including political and religious groups, as "terrorist organizations";
- the deportation, or indefinite detention, of non-citizens without charging them with, or showing evidence to them of, a crime; and

WHEREAS the threat posed by these measures can create an atmosphere of fear detrimental to the free inquiry and unfettered pursuit of knowledge that are essential to the mission of the University, be it therefore

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procedures, public or clandestine, that are in violation of individuals' civil rights or civil liberties as specified in the Constitution of the United States; and be it further

RESOLVED, that the Senate urges the Chancellor to petition the Congress to overturn the provisions of the USA PATRIOT Act and regulations and executive orders issued pursuant thereto that violate constitutional rights, to petition the Congress not to enact further such legislation, to seek and support a judicial review of these statutes, regulations, and executive orders, and to support legislation that seeks to restore civil liberties.