

Dear Mayor Fargo and Members of the Sacramento City Council:

The Sacramento Chapter of Physicians for Social Responsibility (PSR/Sacramento) urges you to pass the resolution currently before the City Council entitled "Resolution by the Sacramento City Council Affirming Civil Liberties and Opposing the Infringement of such Liberties by the Federal Government." We believe that it is appropriate and necessary for the Sacramento City Council to pass this resolution to mitigate the infringement on the civil liberties and constitutional rights of the citizens of Sacramento resulting from the enactment by the federal government of the so-called "USA PATRIOT Act."

By way of background, PSR/Sacramento represents over 200 physicians, other health care providers, and other concerned citizens in the Sacramento area. Nationwide, PSR has over 20,000 members. PSR is the U.S. affiliate of the International Physicians for the Prevention of Nuclear War, winner of the 1985 Nobel Peace Prize.

The so called "USA PATRIOT Act" was hurriedly passed by Congress in October, 2001, in an atmosphere of fear and suspicion following the terrorist attacks of September 11. Members of Congress were pressured into passing the act overnight, and many who voted for it subsequently acknowledged that they did not completely read it, much less understand it. The act threatens many of our constitutionally guaranteed civil liberties. Some of the more disturbing provisions of the act include those which:

- * Permit the Attorney General to indefinitely incarcerate or detain non-citizens based on mere suspicion, and to deny re-admission to the United States of non-citizens (including lawful permanent residents) for engaging in speech protected by the First Amendment.
- * Minimize judicial supervision of telephone and Internet surveillance by law enforcement authorities in routine criminal investigations unrelated to terrorism.
- * Expand the ability of the government to conduct secret searches both in alleged anti-terrorism investigations and in routine criminal investigations unrelated to terrorism.
- * Create a broad new definition of "domestic terrorism" that could sweep in people who engage in acts of political protest and subject them to wiretapping and enhanced penalties.
- * Give the Attorney General and the Secretary of State the power to designate domestic groups as terrorist organizations and block any non-citizen who belongs to them from entering the country.
- * Grant the FBI broad access to sensitive medical, financial, mental health, and educational records about individuals without having to show evidence of a crime and without a court order.

As health professionals, we find those sections of the act relating to medical records to be particularly disturbing. Section 215 of the USA PATRIOT Act allows the Federal Bureau of Investigation to obtain "tangible things (including books, records, papers, documents, and other items) for investigation to protect against international terrorism or clandestine intelligence

activities.” To obtain authorization from a judge, however, *the FBI agent does not need to show probable cause* that the person under investigation is engaged in criminal activity. The agent only needs to state that “records concerned are sought for an authorized investigation.”

Records that can be obtained include confidential medical, psychiatric, and other health care records. Furthermore, health care providers are prohibited from disclosing to the patient that records have been given to the FBI.

We are also particularly disturbed by those provisions of the act which give the government broad latitude in defining terrorist organizations. Despite sharing the Nobel Peace Prize in 1985, PSR was considered to be a subversive organization during an earlier presidential administration. Our members have been outspoken critics of the Bush Administration's foreign policy, and we were instrumental in bringing a resolution before you earlier this year opposing war on Iraq. Under the so-called Patriot Act, organizations such as PSR/Sacramento could be subjected to harassment under the Administration's absurd premise that "either you're with us or you're with the terrorists."

Finally, infringement upon our constitutional rights and civil liberties included in the so-called PATRIOT Act is unnecessary and counterproductive in the aftermath of September 11. If it is true, as President Bush asserts, that the September 11 terrorists hated us "because we're free," then with the passage of the so-called PATRIOT Act, the terrorists accomplished their purpose in making us less free. In response to September 11, the American people, including residents of Sacramento, should not allow the federal government to abridge our civil liberties, but should instead hold the federal government to a higher level of responsibility in protecting them. Your vote in favor of the "Resolution by the Sacramento City Council Affirming Civil Liberties and Opposing the Infringement of such Liberties by the Federal Government" will send this message to Congress and the Bush Administration.

Respectfully submitted,

Physicians for Social Responsibility/Sacramento Chapter