

## ORDER OF BUSINESS

### I. Minutes

Minutes of the Division Meeting of April 29, 2004 will still be in preparation and therefore not available at the time of this Special Meeting.

### II. Business

Consideration of the following resolution.

Resolution proposed by: Judith Butler, Professor, Rhetoric/Comparative Literature; Tom Campbell, Dean, Haas School of Business; Timothy Clark, Professor, History of Art; Susan Ervin-Tripp, Professor, Psychology; Louise Fortmann, Professor, Environmental Science, Policy and Management; Abdul Janmohamed, Associate Professor, English; Claire Kramsch, Professor, German; Ann Smock, Associate Professor, French; Anne Wagner, Professor, History of Art; and W. Daniel Wilson, Professor, German.

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 redesignated 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.

### **III. Other matters authorized by unanimous consent**