

AGENDA COVER MEMO

AGENDA DATE: July 2, 2003

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: LANE COUNTY OFFICE OF LEGAL COUNSEL

PRESENTED BY: Teresa J. Wilson, County Counsel



AGENDA ITEM TITLE: Order/In the Matter of Lane County, Oregon Defending the Bill of Rights and Civil Liberties with respect to the USA Patriot Act

I. MOTION: I MOVE TO APPROVE THE ORDER REGARDING THE USA PATRIOT ACT,
AS PRESENTED.

II. ISSUE OR PROBLEM: On May 14, the Board directed that the draft resolution prepared by citizens regarding the USA Patriot Act be revised to comply with the Lane County Charter and made consistent with what the County could legally and reasonably do.

III. DISCUSSION:

A. Background. On May 14, citizens presented the Board with a number of petitions and a draft resolution regarding the USA Patriot Act (Public Law 107-56), and testified as to abuses to individuals' civil rights and liberties that they believe have occurred under the auspices of that Act and the Homeland Security Act. The Board directed that County Counsel revise the draft resolution in a manner that complied with the County Charter and was within the realm of what the County could legally and reasonably do within available resources.

B. Analysis. Attached to this cover memorandum is the original resolution presented by the citizens, as I was able to retrieve electronically from an e-mail. Also attached is a Board Order which is derived from the citizens' resolution, in a format consistent with other County orders that directs various County activities, and is consistent with the County Charter.

The significant difference between the two documents is as follows:

1. Several of the "Whereas" clauses are now prefaced in the Board Order with the phrase "in our opinion" or "we believe" where the pronouncements in the clauses opine about the effect of federal laws, policies or legislation.

2. In the Board Order, the County Administrator is given direction to determine the effect of the federal laws identified in the order by inquiry to both County departments and the US Attorney for Oregon and Special Agent in Charge of Eugene. He is also directed to make a report to the Board within two months. The original resolution requires the County Administrator to make a determination of the effect of the federal powers, but does not limit that determination to knowledge gained through inquiry. It also directs the inquiries and reports to both the Human Rights Commission and the Board to be continuing obligations that would occur every two months beginning two months after the adoption of the resolution.

3. The original resolution imposes prohibitions on the Sheriff in areas that are exclusively his responsibilities under the Charter and State law, and which thus would not be appropriate for the Board to attempt to impose. The Board Order addresses the topics covered by the resolution's prohibitions by directing the County Administrator to inquire of the Sheriff whether there have been incidents within the past year where he has been requested by federal authorities to perform or assist with any of the activities which the resolution sought to prohibit.

4. The resolution seeks to require the Sheriff to follow state law and to uphold county law enforcement policies regarding stopping or questioning drivers or pedestrians. As the Sheriff has taken an oath of office to uphold the laws of the State and County, this seemed unnecessary. The resolution also seems to assume that there are county law enforcement policies that are within the purview of the Board to affect; this assumption is contrary to what is permissible under the Charter as to the respective responsibilities of the Board and the Sheriff.

5. The resolution seeks to require the Sheriff certify to the Board within 14 days of any contact by federal authorities regarding use of Sheriff's resources for earlier mentioned tasks, and to require the Sheriff notify the County Administrator and County Counsel when an individual is being held at the federal government's request on a "material witness" warrant or a non-citizen is being held as a detainee under the Patriot Act. There is no further direction provided as to what is expected to be done with this information, and it presumes, at least with respect to the second requirement, that the Sheriff even has information regarding why someone is held. It is feasible that the drafters intend the County to act; however, it is not clear what is desired. Such things as directing the Sheriff to release a detained individual is outside the scope of authority of the Board, and directing County Counsel to seek redress legally for the detained person would be a commitment of resources that is beyond what has been budgeted and would be a service beyond any the County has performed in the past. For these reasons, these provisions have not been replicated in the Board Order.

6. The resolution directs County Counsel establish procedures to ensure compliance by the Sheriff's office of two state laws. One prohibits the collection or maintenance of information regarding political, religious or social views of individuals or groups unless there are reasonable grounds to suspect there is involvement in criminal activity (ORS 181.575). The other prohibits law enforcement agencies from using agency resources to detect or apprehend persons whose only violation is that they are persons of foreign citizenship residing in the United States in violation of immigration laws, except that the law enforcement agency may exchange certain information with INS (ORS 181.850). County Counsel has no authority to impose procedures on the Sheriff. The Board Order therefore addresses this topic by requesting the Sheriff to advise the Board of how he complies with these laws, and provide copies of any applicable procedures.

7. The resolution provides certain detailed prohibitions about the use of county funds in a manner that would violate civil liberties. The Board Order addresses this topic more generically.

8. The resolution directs the County Administrator provide copies of it to a variety of elected officials; the Board Order does likewise.

9. The resolution has an effective date as of adoption. This is omitted from the Board Order as unnecessary, as Orders are always effective upon adoption unless they specify otherwise.

C. Recommendations. None. The decision here is more in the nature of a political one within the Board's purview.

IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

ORDER NO. 03-7-2

) IN THE MATTER OF LANE COUNTY, OREGON
) DEFENDING THE BILL OF RIGHTS AND CIVIL
) LIBERTIES WITH RESPECT TO THE USA PATRIOT ACT

WHEREAS, Lane County has a long and distinguished tradition of protecting the civil rights and liberties for all its residents as expressed in the United States and the Oregon Constitution; and

WHEREAS, Lane County has a diverse population, including immigrants, students and working people, whose contributions to the community are vital to its character and function; and

WHEREAS, Lane County reaffirms its support of the U.S. Constitution and the Oregon Constitution; and

WHEREAS, Lane County's Diversity Statement contained in LM 2.390 states the County policy of respecting and valuing differences, such as those based on ethnicity, language, and race, as well as respecting each individual's right to privacy in areas such as religious faith, political beliefs, and association; and

WHEREAS, in our opinion, several new federal laws, regulations and executive orders issued since September 11, 2001, including the adoption of certain provisions of the U.S.A. P.A.T.R.I.O.T. Act (Public Law 107-56, hereafter UPA) and the Homeland Security Act (Public Law 107-296) now threaten this local policy, as well as our constitutional rights and liberties, including:

- a. Freedom of speech, association, and religion,
- b. Right to privacy,
- c. Right to counsel and due process in judicial proceedings,
- d. Right to equal protection before the law,
- e. Protection from unreasonable searches and seizures; and

WHEREAS, federal, state and local governments need to protect the public from terrorist attacks such as those that occurred on September 11, 2001. Governments have an obligation to do so in a rational and deliberative fashion to ensure any new security measures enhance public safety without impairing Constitutional guarantees, or infringing on civil liberties; and

WHEREAS, in our opinion, federal policies adopted since September 11, 2001, including provisions in the UPA and related executive orders, regulations and actions threaten fundamental rights and liberties by:

- a. authorizing the indefinite incarceration of non-citizens based on mere suspicion (UPA, sections 411 and 412), and the indefinite incarceration of citizens designated by the President as "enemy combatants" without access to counsel or meaningful recourse to the federal courts (White House Order June 9, 2002; Department of Defense Report October 2, 2002),
- b. establishing secret military tribunals for terrorism suspects, without judicial oversight or Constitutional safeguards (Military Order, November 13, 2001),
- c. permitting wiretapping of conversations between federal prisoners and their attorneys (28 CFR 501.3),

d. limiting disclosure of public documents and records under the Freedom of Information Act ("Memorandum for Heads of all Federal Departments and Agencies," Attorney General John Ashcroft, October 12, 2001),

e. permitting the use the secret Foreign Intelligence Courts to oversee law enforcement use of electronic surveillance in anti-terrorism investigations and in ordinary criminal investigations (UPA, section 216),

f. expanding the authority of federal agents under the secrecy of Foreign Intelligence Courts 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 for citizens and non-citizens alike. (UPA, section 213),

g. granting law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little if any judicial oversight (UPA, sections 215, 218, 358 and 508),

h. chilling constitutionally protected speech through overbroad definitions of "terrorism", which include protests and other political demonstrations (UPA, section 411),

i. driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law (Public Law 107-296, Title VIII, Subtitle I: Homeland Security Information Sharing Act; Department of Justice Legal Opinion April 10, 2002),

j. permitting the FBI to conduct surveillance of religious services, Internet chatrooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed (UPA, sections 203 and 901 and Attorney General's Edict for Increased Surveillance of Religious and Political Organizations),

k. eliminating many safeguards designed to prevent the potential for broad dissemination of unsubstantiated, incorrect or inappropriate information via law enforcement (Public Law 107-296, section 202; Department of Justice Rule amending 28 CFR Part 16 Privacy Act of 1974, March 24, 2003),

l. allowing the Attorney General to override court decisions granting bond to immigrants seeking asylum, by requiring most immigrants to be jailed indefinitely without bond when "national security" risks exist (Interim Decision #3488, from John Ashcroft April 17, 2003),

m. failing to ensure the accuracy of National Crime Information Center (NCIC) records (Department of Justice Order issued March 24, 2003, amending 28 CFR part 16, Privacy Act of 1974,

n. granting the Attorney General broad discretion to determine which political and religious organizations are 'terrorist organizations', with no judicial or congressional oversight; (Executive Order 13224); and

WHEREAS, we believe that new legislation has been drafted by the Administration currently entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute, if not undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances by:

a. diminishing personal privacy by removing important checks on government surveillance authority,

b. reducing the accountability of government to the public by increasing government secrecy,

c. expanding the definition of "terrorism" in a manner that threatens the constitutionally protected rights of Americans,

d. seriously eroding the right of all persons to due process of law; and

WHEREAS, we believe that these new powers pose a particular threat to the civil rights and liberties of the residents of our county who are Arab, Muslim, or of South Asian descent; and

WHEREAS, more than 100 other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers;

NOW, THEREFORE IT IS HEREBY ORDERED AS FOLLOWS:

1. The County Administrator is directed to determine how the new federal powers are being used in Lane County and how they are affecting Lane County residents by making the following inquiries: The County Administrator shall determine if any information listed below is held by County departments. The County Administrator shall also request the following information from the U.S. Attorney for the District of Oregon and the Special Agent in Charge of the Eugene field office:

- a. The number of any detainees connected with "terrorism" investigations,
- b. The names of any detainees connected with "terrorism" investigations,
- c. The charges, if any, lodged against each above mentioned detainee,
- d. The name of counsel, if any, representing each detainee,
- e. The number of search warrants that have been executed in Lane County without prompt notice to the subject of the warrant after completion of the search, pursuant to section 213 of UPA,
- f. The extent of electronic surveillance carried out in Lane County under powers granted in UPA,
- g. The number of times federal authorities have monitored political meetings, religious gatherings or other such activities within Lane County,
- h. The number of times education records have been obtained from public schools and institutions of higher learning in Lane County under section 507 of UPA,
- i. The number of times library records have been obtained from libraries in Lane County under section 215 of UPA,
- j. The number of times that records of the books purchased by store patrons have been obtained from bookstores in Lane County under section 215 of UPA, and
- k. The number and details of subpoenas issued to Lane County residents through the United States Attorney's Office without the approval or knowledge of the United States District Court for the State of Oregon.

2. The County Administrator shall also request a report from the Lane County Sheriff of any incidents within the past year in which he has been requested by federal authorities to perform or assist in the following:

- a. wiretapping without a local judge's order,
- b. "sneak and peek" searches, that is searches without either advance warning or prompt notification following a search, of County residents,
- c. conducting covert counter-intelligence on County residents, without the approval of a local Court,
- d. assisting in any aspect of military tribunals for Lane County residents,
- e. obtaining library, educational, financial, medical or bookstore purchase records without judicial oversight and without evidence of a crime,

f. performing duties of Immigration and Naturalization Services agents such as questioning residents about their immigration status, without evidence that a crime has been or may be committed, and

g. conducting surveillance of religious services, Internet chat-rooms, political demonstrations, or other public meetings of any kind without sufficient evidence a crime has been or may be committed, and without a search warrant obtained from a local Court.

3. The County Administrator shall advise the Board of the results of his inquiries within two months of the date of this Order.

4. The Sheriff is further requested to advise the Board of how his Department complies with ORS 181.850 and 181.575, including providing copies of any applicable written procedures.

5. All county agencies are directed not to use county funds in any manner which would violate the civil liberties of Lane County residents, as outlined in this resolution.

6. The County Administrator is directed to transmit a copy of this Order to Senator Ron Wyden, Senator Gordon Smith, and Congressperson Peter DeFazio, accompanied by letters, urging them to:

- a. monitor federal anti-terrorism tactics,
- b. work to repeal the UPA, Homeland Security and other laws and regulations that infringe on civil rights and liberties,
- c. ensure that provisions of the UPA "sunset" in accordance with the provisions of the Act, and
- d. take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as "Patriot II" and/or any other new legislation that performs similar assaults on privacy, due process, increased government secrecy, and the checks and balances in government.

7. The County Administrator is directed to transmit a copy of this Order to Governor Kulongoski, and appropriate members of the State Legislature, accompanied by letters urging them to ensure the state does not weaken in any way ORS 181.850 or ORS 181.575, urging them to ensure that any policies implemented by the Legislature do not infringe on civil liberties as described in this Order, and urging them to take a public stand supporting a statewide resolution prohibiting state funds to be used in support of these laws and regulations.

8. The County Administrator is directed to transmit a copy of this Order to President George W. Bush and Attorney General John D. Ashcroft.

9. The provisions of this Order shall be severable, and if any phrase, clause, sentence or provision of this Order is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Oregon or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Order and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

DATED this _____ day of July, 2003.

APPROVED AS TO FORM

Date 6/19/03 _____ lane county
Terence Smith
OFFICE OF LEGAL COUNSEL

Peter Sorenson, Chair
Lane County Board of Commissioners

A RESOLUTION OF LANE COUNTY, OREGON DEFENDING THE BILL OF RIGHTS
AND CIVIL LIBERTIES

The Lane County Board of Commissioners finds that:

A. The County of Lane has a long and distinguished tradition of protecting the civil rights and liberties for all its residents as expressed in the United States and the Oregon Constitutions; and

B. The County of Lane has a diverse population, including immigrants, students and working people, whose contributions to the community are vital to its character and function; and

C. The County of Lane reaffirms its support of the U.S. Constitution and the Oregon Constitution; and

D. The County of Lane's Diversity Statement contained in LM 2.390 states the County policy of respecting and valuing differences, such as those based on ethnicity, language, and race, as well as respecting each individual's right to privacy in areas such as religious faith, political beliefs, and association; and

E. Several new federal laws, regulations and executive orders issued since September 11, 2001, including the adoption of certain provisions of the U.S.A.P.A.T.R.I.O.T. Act (Public Law 107-56, hereafter UPA) and the Homeland Security Act (Public Law 107-296) now threaten this local policy, as well as our constitutional rights and liberties, including:

- a. Freedom of speech, association, and religion,
- b. Right to privacy,
- c. Right to counsel and due process in judicial proceedings,
- d. Right to equal protection before the law,
- e. Protection from unreasonable searches and seizures; and

F. Federal, state and local governments need to protect the public from terrorist attacks such as those that occurred on September 11, 2001. Governments have an obligation to do so in a rational and deliberative fashion to ensure any new security measures enhance public safety without impairing Constitutional guarantees, or infringing on civil liberties; and

G. Federal policies adopted since September 11, 2001, including provisions in the UPA and related executive orders, regulations and actions threaten fundamental rights and liberties by:

- a. authorizing the indefinite incarceration of non-citizens based on mere suspicion (UPA, sections 411 and 412), and the indefinite incarceration of citizens designated by the President as "enemy combatants" without access to counsel or meaningful recourse to the federal courts (White House Order June 9, 2002; Department of Defense Report

October 2, 2002),

b. establishing secret military tribunals for terrorism suspects, without judicial oversight or Constitutional safeguards (Military Order, November 13, 2001),

c. permitting wiretapping of conversations between federal prisoners and their attorneys (28 CFR 501.3),

d. limiting disclosure of public documents and records under the Freedom of Information Act ("Memorandum for Heads of all Federal Departments and Agencies," Attorney General John Ashcroft, October 12, 2001),

e. permitting the use the secret Foreign Intelligence Courts to oversee law enforcement use of electronic surveillance in anti-terrorism investigations and in ordinary criminal investigations (UPA, section 216);

f. expanding the authority of federal agents under the secrecy of Foreign Intelligence Courts 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 for citizens and non citizens alike. (UPA, section 213);

g. granting law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little if any judicial oversight (UPA, sections 215, 218, 358 and 508);

h. chilling constitutionally protected speech through overbroad definitions of "terrorism", which include protests and other political demonstrations (UPA, section 411);

i. driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law (Public Law 107-296, Title VIII, Subtitle I: Homeland Security Information Sharing Act; Department of Justice Legal Opinion April 10, 2002);

j. permitting the FBI to conduct surveillance of religious services, Internet chatrooms, political demonstrations, and other public meetings of any kind without having any evidence that a crime has been or may be committed (UPA, sections 203 and 901 and Attorney General's Edict for Increased Surveillance of Religious and Political Organizations);

k. eliminating many safeguards designed to prevent the potential for broad dissemination of unsubstantiated, incorrect or inappropriate information via law enforcement (Public Law 107-296, section 202; Department of Justice Rule amending 28 CFR Part 16 Privacy Act of 1974, March 24, 2003);

l. allowing the attorney general to override court decisions granting bond to immigrants seeking asylum, by requiring most immigrants to be jailed indefinitely without bond when "national security" risks exist (Interim Decision #3488, from John Ashcroft April 17, 2003);

m failing to ensure the accuracy of National Crime Information Center (NCIC) records (Department of Justice Order issued March 24, 2003, amending 28 CFR part 16, Privacy

Act of 1974);

n. granting the Attorney General broad discretion to determine which political and religious organizations are 'terrorist organizations', with no judicial or congressional oversight; (Executive Order 13224); and

H. New legislation has been drafted by the Administration currently entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains a multitude of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute, if not undermine, many basic constitutional rights, as well as disturb our unique system of checks and balances by:

a. diminishing personal privacy by removing important checks on government surveillance authority,

b. reducing the accountability of government to the public by increasing government secrecy,

c. expanding the definition of "terrorism" in a manner that threatens the constitutionally protected rights of Americans, and

d. seriously eroding the right of all persons to due process of law.

I. These new powers pose a particular threat to the civil rights and liberties of the residents of our county who are Arab, Muslim, or of South Asian descent; and

J. More than 100 other communities throughout the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that threaten these values, and demanding accountability from law enforcement agencies regarding their use of these new powers;

Now, therefore,

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LANE COUNTY, a County Corporation of the State of Oregon, as follows:

Section 1. The County Administrator is directed to determine how the new federal powers are being used in Lane County and how they are affecting Lane County residents. The County Administrator shall determine if any information listed below is held by County agencies. The County Administrator shall report the results to the Lane County Human Rights Commission and the Lane County Board of Commissioners every two months beginning two months following the passage of this resolution. The County Administrator shall also request six times a year the following information from the U.S. Attorney for the District of Oregon and the Special Agent in Charge of the Eugene field office:

1.1 The number of any detainees connected with "terrorism" investigations

1.2 The names of any detainees connected with "terrorism" investigations

1.3 The charges, if any, lodged against each above mentioned detainee

1.4 The name of counsel, if any, representing each detainee

1.5 The number of search warrants that have been executed in the County of Lane without prompt notice to the subject of the warrant after completion of the search, pursuant to section 213 of UPA;

1.6 The extent of electronic surveillance carried out in the County of Lane under powers granted in UPA;

1.7 The number of times federal authorities have monitored political meetings, religious gatherings or other such activities within the County of Lane;

1.8 The number of times education records have been obtained from public schools and institutions of higher learning in the County of Lane under section 507 of UPA;

1.9 The number of times library records have been obtained from libraries in the County of Lane under section 215 of UPA:

1.10 The number of times that records of the books purchased by store patrons have been obtained from bookstores in the County of Lane under section 215 of UPA; and

1.11 The number and details of subpoenas issued to Lane County residents through the United States Attorney's Office without the approval or knowledge of the United States District Court for the State of Oregon.

Section 2. The Sheriff of Lane County is prohibited from assisting federal officials when asked to perform or assist in the following:

1.1 wiretapping without a local judge's order;

1.2 "sneak and peek" searches, that is searches without either advance warning or prompt notification following a search, of County residents;

1.3 conducting covert counter-intelligence on County residents, without the approval of a local Court;

1.4 assisting in any aspect of military tribunals for Lane County residents;

1.5 obtaining library, educational, financial, medical or bookstore purchase records without judicial oversight and without evidence of a crime;

1.6 performing duties of Immigration and Naturalization Services agents such as questioning residents about their immigration status, without evidence that a crime has been or may be committed; and

1.7 conducting surveillance of religious services, Internet chat-rooms, political demonstrations, or other public meetings of any kind without sufficient evidence a crime has been or may be committed, and without a search warrant obtained from a local Court;

Section 3. The Sheriff of Lane County is required to follow state law and continue upholding county law enforcement policies of only stopping and questioning drivers or pedestrians based on reasonable suspicion of criminal activity or probable cause to believe legal violations have occurred, and not because of racial or religious profiling.

Section 4. The Lane County Sheriff's department is required to certify to the County Commission, within fourteen days, any contact by federal authorities for the purpose of utilizing sheriff personnel, resources, or funds for any of the aforementioned tasks.

Section 5. The Lane County Sheriff is directed to notify the County Administrator and the County Council when an individual is being held at the request of the federal government on a "material witness" warrant, and when a non-citizen is being held as a detainee pursuant to the UPA.

Section 6. The County Counsel is directed to establish procedures to ensure the Sheriff's Department is complying with ORS 181.850 and 181.575;

Section 7. All county agencies are directed not to use county funds, particularly law enforcement and administrative, to detain citizens and non-citizens without attorney, opportunity for bond, or public trial. No county funds will be used to support with jail cells, with transport, with secretarial assistance, with person-hours, or with any other county resources, the activities of the UPA, or any other federal legislation, regulations or orders which violate the civil liberties of Lane County residents, as outlined in this resolution.

Section 8. The County Administrator is directed to transmit a copy of this resolution to Senator Ron Wyden, Senator Gordon Smith, and Congressperson Peter DeFazio, accompanied by letters, urging them to:

- a. monitor federal anti-terrorism tactics,
- b. work to repeal the UPA, Homeland Security and other laws and regulations that infringe on civil rights and liberties,
- c. ensure that provisions of the UPA "sunset" in accordance with the provisions of the Act.
- d. take a lead in Congressional action to prohibit passage of the Domestic Security Enhancement Act, known as "Patriot II" and/or any other new legislation that performs similar assaults on privacy, due process, increased government secrecy, and the checks and balances in government.

Section 9. The County Administrator is directed to transmit a copy of this resolution to Governor Kulongoski, and appropriate members of the State Legislature, accompanied by letters urging them to ensure the state does not weaken in any way ORS 181.850 or ORS 181.575, urging them to ensure that any policies implemented by the Legislature do not infringe on civil liberties as described in this resolution, and urging them to take a public stand supporting a statewide resolution prohibiting state funds to be used in support of these laws and regulations.

Section 10. The County Administrator is directed to transmit a copy of this resolution to

President George W. Bush and Attorney General John D. Ashcroft.

Section 11. The provisions of this Resolution shall be severable, and if any phrase, clause, sentence or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of Oregon or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

Section 12. This resolution takes effect on the day it is passed by the Lane County Board of Commissioners.