

February 25, 2010

George Blumenthal
Chancellor's Office

Re: Police Surveillance at Campus Demonstrations

Dear George:

We write, as the Senate Executive Committee (SEC), to protest the use of police photographic surveillance at the February 17, 2010 demonstration by Language Program lecturers and their supporters on the plaza of Kerr Hall. This demonstration, in support of the Language Program and against proposed program cuts, was nicknamed "Where is the love." As you know, from discussions with Senate leadership, faculty in attendance at the demonstration approached the photographer and he acknowledged his intentions. We strongly disagree with this use of police surveillance. We see the tactic as intimidating, chilling of the exercise of free speech. We want to draw your attention to the Senate's established position on this issue. We refer you to the Senate's "Patriot Act" resolution, passed unanimously on May 21, 2004 (full resolution attached). The third "be it resolved" states:

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:

(part 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 religion, unless a valid court order is produced;

This resolution makes clear the Senate's will on this issue. The Police department, acting under your direction, is to refrain from exactly the type of surveillance in evidence on February 17. We ask that you reply back to us, by March 15, clarifying the Administration's policy on the use of police surveillance at campus demonstrations.

Sincerely,

SENATE EXECUTIVE COMMITTEE

Elizabeth Abrams	Brent Haddad
David Brundage	Norma Klahn
Maureen Callanan	Phokion Kolaitis
Mark Carr	Marc Mangel
Sue Cater	Loisa Nygaard
Bruce Cooperstein	John Tamkun
Carla Freccero	Lori Kletzer, Chair

Enclosure

cc: CPEVC Kliger
VC BAS Vani

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