

RESOLUTION OPPOSING INDEFINITE DETENTION WITHOUT DUE PROCESS

Whereas President Obama has signed into law HR 1540, the National Defense Authorization Act (NDAA) of 2012, despite its containing provisions that allow the military to detain American citizens and lawful resident aliens indefinitely, without due process, in defiance of basic principles of justice in perhaps the most extreme respect our nation has ever seen; and

Whereas the U.S. Constitution provides, in Article I, Section 9, that "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it"; and

Whereas Section 1022 of the NDAA, "MILITARY CUSTODY FOR FOREIGN AL-QAEDA TERRORISTS" (formerly and more accurately captioned as "REQUIREMENT FOR MILITARY CUSTODY"), is tantamount to an illicit suspension of *habeas corpus*, in violation of the Constitution, because – while it does not require the military to enforce the provisions for indefinite detention without due process against U.S. citizens or others – neither is the military forbidden to do so, nor, by other provisions, is the President; and

Whereas Senator Diane Feinstein has introduced the *Due Process Guarantee Act of 2011*, which would prevent misapplication of the above provisions of the NDAA by amending the *Non-Detention Act of 1971* to provide that a Congressional authorization for the use of military force does not authorize the indefinite detention—without charge or trial—of U.S. citizens or lawful permanent residents who are apprehended domestically;

THEREFORE, BE IT RESOLVED that we strongly oppose Section 1022 of the NDAA of 2012, in that it applies to "United States citizens and lawful resident aliens" and is therefore, on its face, a violation of the U.S. Constitution's guarantee of the writ of *habeas corpus*; and

BE IT FURTHER RESOLVED that we support prompt enactment of Senator Feinstein's *Due Process Guarantee Act of 2011*; and

BE IT FINALLY RESOLVED that this resolution be sent to President Obama, to the members of the Washington State Congressional delegation and Senator Diane Feinstein, and to the Washington State Democratic Central Committee for consideration at its January 28, 2012 meeting.

Adopted January 24, 2012, by King County Democratic Central Committee

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