

Resolution on Restoring the Constitution

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3 **WHEREAS**, the so-called Patriot Acts I and II have eliminated many of the civil liberties
4 and rights guaranteed US citizens in the Bill of Rights such as: right to due process,
5 right to a speedy trial, right to know the evidence presented against you, right to be
6 tried by a jury of your peers, right to freedom from unwarranted search, etc.; and
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8 **WHEREAS**, torture is not a traditional American value and is in violation of the Geneva
9 Convention;
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11 **WHEREAS**, the principle of habeas corpus protects the individual from unlawful
12 imprisonment by requiring a prisoner be brought before a judge to hear the charges
13 leading to imprisonment, and to determine whether there are sufficient grounds for the
14 individual to be held; or whether the prisoner must be released;
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16 **WHEREAS**, habeas corpus is an integral part of due process and dates back to the 12th
17 century in England and the Magna Carta;
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19 **WHEREAS**, habeas corpus is protected in the US Constitution in Article One, Section 9:
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21 “The privilege of the writ of habeas corpus shall not be suspended, unless when
22 in cases of rebellion or invasion the public safety may require ”.;

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24 **WHEREAS**, the Sixth Amendment, in further support of that principle, assures that
25 “the accused shall enjoy the right ... to be informed of the nature and cause of the
26 accusation; to be confronted with the witnesses against him;”
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28 **WHEREAS**, the Supreme Court has recognized the fact that “the writ of habeas corpus
29 is the fundamental instrument for safeguarding individual freedom against arbitrary
30 and lawless state action.” (Harris v. Nelson, 1969), and that the writ of habeas corpus
31 could not be denied to an individual by attempting to have military tribunals try
32 civilians where civil courts were open and available, even during times of war (Ex parte
33 Milligan, 1886);
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35 **WHEREAS**, the Bush Administration’s following attacks on the right of habeas corpus
36 pose serious threats to our Freedoms as guaranteed under the Constitution such as:
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38 Alleging that “The Constitution doesn’t say every individual in the United States
39 or citizen is hereby granted or assured the right of habeas corpus;
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41 Being the major force behind the enactment of the Military Commissions Act of
42 2006 (Oct. 17, 2006) under which the President is given the power to declare any
43 non-citizen an “unlawful enemy combatant” and put the person into a system of

44 military tribunals with severely limited rights, including suspension of the right
45 of habeas corpus;

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47 Extending the reach of potential abuses allowable under the Military
48 Commissions Act of 2006 to citizens and non-citizens alike,

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50 Providing Military commissions with sole authority and jurisdiction in matters
51 subject to the Act, providing that no other court, justice or judge be able to
52 review a case or even review the lawfulness of military commission procedures;
53 and

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55 **WHEREAS**, several bills (S. 185 and H.R. 1416, the Habeas Corpus Restoration Act of
56 2007; and S. 576, Restoring the Constitution Act of 2007) have been introduced in
57 Congress in 2007;

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59 **THEREFORE BE IT RESOLVED THAT**, the Washington State Democratic Central
60 Committee endorse the restoration of habeas corpus for all persons and that we work
61 with our Congressional Representatives and Senators to restore habeas corpus.

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63 **THEREFORE BE IT FURTHER RESOLVED THAT**, the Washington State Democratic
64 Central Committee support HB 1416 and SB 576 that clearly restore the rights of US
65 citizens guaranteed in the Bill of Rights and Constitution including but not limited to:
66 due process, Habeas Corpus, speedy public (not secret military) trials and eliminates
67 the ability of executive authority to make their own rules on torture.

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71 Submitted by the King County Democrats to the Washington State Democratic Central
72 Committee for consideration at its June 30, 2007 meeting in the Tri-Cities. (Date
73 Submitted 6/27/2007)

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75 The WSDCC Resolutions Committee "AMENDED THIS RESOLUTION AND
76 RECOMMENDED A PASS" at its June 30, 2007 meeting in the Tri-Cities.

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78 The WSDCC "PASSED" this resolution at its June 30, 2007 meeting in the Tri-Cities.