

## Resolution Opposing Indefinite Detention Without Due Process

**WHEREAS** President Obama just signed into law HR 1540, the National Defense Authorization Act (NDAA) of 2012 despite provisions that will allow the military to indefinitely detain American citizens without due process, defying basic principles of justice and due process in perhaps the most extreme respect our nation has ever seen;

**WHEREAS** Section 1022, MILITARY CUSTODY FOR FOREIGN AL-QAEDA TERRORISTS. of HR 1540, despite its revised title which formerly was Section 1032, REQUIREMENT FOR MILITARY CUSTODY of the NDAA of 2012, is tantamount to the 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, neither is the military forbidden to do so, nor, by other provisions, is the president; and

**WHEREAS** Senator Diane Feinstein has introduced legislation to undo these provisions of the NDAA, in the form of The Due Process Guarantee Act;

**THEREFORE BE IT RESOLVED** that the Washington State Democratic Central Committee (WSDCC) strongly oppose Section 1022 of HR 1540, as it applies to “UNITED STATES CITIZENS AND LAWFUL RESIDENT ALIENS” because it is on its face a violation of Article I, Section 9 of the U.S. Constitution which proscribes the suspension of the Writ of Habeas Corpus as follows: “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.”;

**THEREFORE BE IT FURTHER RESOLVED** that the WSDCC support The Due Process Guarantee Act of 2011 introduced by Senator Diane Feinstein which amends the Non-Detention Act of 1971 by providing that a Congressional authorization for the use of military force does not authorize the indefinite detention – without charge or trial – of U.S. citizens who are apprehended domestically; and

**THEREFORE BE IT FINALLY RESOLVED** that upon adoption the WSDCC shall send this resolution to President Obama, to the members of the Washington State Congressional delegation, to Senator Diane Feinstein, and to daily and weekly newspapers in Washington State.

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Submitted by the 32<sup>nd</sup> LD Democrats to the Washington State Democratic Central Committee for consideration at its January 28, 2012 meeting in Shelton. (Date Submitted 1/20/2012)

- 44 The WSDCC Resolutions Committee "RECOMMENDED A PASS" at its January 28,  
45 2012 meeting in Shelton.  
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47 The WSDCC "PASSED" this resolution at its January 28, 2012 meeting in Shelton.