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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

HOUSE RESOLUTION

TO PRESERVE HABEAS CORPUS AND CIVIL LIBERTIES OF THE CITIZENS OF RHODE ISLAND

Introduced By: Representatives Gordon, Savage, Hull, Carnevale, and Lally

Date Introduced: March 07, 2012

Referred To: House Judiciary

1 WHEREAS, The Constitution of the United States is the foundation of our nation's rights
2 and freedom, and the basis of our representative democracy; and

3 WHEREAS, For the first time in our nation's history, the National Defense Authorization
4 Act for Fiscal Year 2012 (Public Law 112-81) codifies indefinite military detention without
5 charge or trial of civilians captured far from any battlefield, violating the Constitution and
6 corroding our nation's commitment to the rule of law, which generations have fought to preserve;
7 and

8 WHEREAS, There is substantial public debate and uncertainty whether Sections 1021
9 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81)
10 could be read to repeal the Posse Comitatus Act and authorize indefinite military detention
11 without charge or trial within the United States of U.S. citizens, in addition to legal permanent
12 residents and others; and

13 WHEREAS, The indefinite military detention of any person in the United States without
14 charge or trial violates Article III and the 5th and 6th Amendments of the Constitution of the
15 United States; and

16 WHEREAS, The provisions of the National Defense Authorization Act for Fiscal Year
17 2012 (Public Law 112-81) authorizing the indefinite military detention of civilians captured
18 abroad far from any battlefield violate the laws of war by which the United States is bound and
19 which it helped to establish, and harm our nation's reputation for upholding the rule of law and

1 democratic values, as these civilians should be prosecuted in our federal courts if there is
2 evidence of wrongdoing, not detained without charge or trial; and

3 WHEREAS, No president has the power to take the country into war, except as James
4 Madison wrote, “to repel a sudden attack on the United States,” as it is Congress’s power to
5 decide whether and when to use military power; and

6 WHEREAS, Our system of checks and balances should be restored by making sure that
7 the 2001 Authorization for Use of Military Force cannot be used for endless war and endless
8 indefinite detention without charge or trial, but instead should expire as soon as United States
9 combat operations in Afghanistan end; now, therefore be it

10 RESOLVED, That this House of Representatives of the State of Rhode Island and
11 Providence Plantations hereby calls upon Congress to repeal Sections 1021 and 1022 of the
12 National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81); and be it further

13 RESOLVED, That it is the view of this House of Representatives of the State of Rhode
14 Island and Providence Plantations that the National Defense Authorization Act and the
15 Authorization for Use of Military Force (Public Law 107-40) do not now, and should never,
16 authorize the Armed Forces of the United States to investigate, arrest, detain, or try any person
17 within the United States, or to militarily detain without charge or trial civilians not captured on
18 any battlefield; and be it further

19 RESOLVED, That the Secretary of State be and he hereby is authorized and directed to
20 transmit duly certified copies of this resolution to the members of the Rhode Island Congressional
21 Delegation, the United States Senate Committee on the Judiciary, the United States Senate Select
22 Committee on Intelligence, the United States House of Representatives Committee on the
23 Judiciary, the United States House of Representatives Permanent Select Committee on
24 Intelligence, the United States Attorney General, and the President of the United States.

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