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# HOUSE RESOLUTION

OPPOSING THE INDEFINITE DETENTION PROVISIONS OF THE NATIONAL  
DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.

1           WHEREAS, the National Defense Authorization Act for 2012  
2 was signed into United States law on December 31, 2011, by  
3 President Barack Obama; and  
4

5           WHEREAS, the Act authorizes \$662,000,000,000 in funding "for  
6 the defense of the United States and its interests abroad"; and  
7

8           WHEREAS, the most controversial provisions to receive wide  
9 attention are contained in Title X, subtitle D, entitled  
10 "Counter-Terrorism," and sections 1021 and 1022, which deal with  
11 detention of persons the government suspects of involvement in  
12 terrorism, have generated controversy as to their legal meaning  
13 and their potential implications for abuse of presidential  
14 authority; and  
15

16           WHEREAS, pursuant to the Authorization for Use of Military  
17 Force, which was passed in the immediate aftermath of the  
18 September 11, 2001 attacks, the National Defense Authorization  
19 Act text affirms the President's authority to detain, via the  
20 armed forces, any person "who was part of or substantially  
21 supported al-Qaeda, the Taliban, or associated forces that are  
22 engaged in hostilities against the United States or its  
23 coalition partners," and anyone who commits a "belligerent act"  
24 against the United States or its coalition allies, under the law  
25 of war, "without trial, until the end of the hostilities  
26 authorized by the Authorization for Use of Military Force; and  
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28           WHEREAS, the National Defense Authorization Act also  
29 authorizes trial by military tribunal, or "transfer to the  
30 custody or control of the person's country of origin," or  
31 transfer to "any other foreign country, or any other foreign  
32 entity"; and



1  
 2 WHEREAS, the United States Constitution guarantees all  
 3 United States citizens and permanent residents, fundamental  
 4 rights including the freedom of religion, speech, assembly and  
 5 privacy; protection from unreasonable searches and seizures; due  
 6 process and equal protection; equality before the law and the  
 7 presumption of innocence; access to counsel in judicial  
 8 proceedings; and a fair and speedy public trial; and  
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10 WHEREAS, sections 1021 and 1022 of the National Defense  
 11 Authorization Act have been called a violation of constitutional  
 12 principles and of the United States Bill of Rights; and  
 13

14 WHEREAS, the National Defense Authorization Act affirms its  
 15 strong opposition to terrorism at the expense of the fundamental  
 16 civil rights and liberties of its people; now, therefore,  
 17

18 BE IT RESOLVED by the House of Representatives of the  
 19 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
 20 of 2012, that this body affirms its strong opposition to the  
 21 indefinite detention provisions of the National Defense  
 22 Authorization Act for fiscal year 2012; and  
 23

24 BE IT FURTHER RESOLVED that certified copies of this  
 25 Resolution be transmitted to the President of the United States,  
 26 the Majority Leader of the United States Senate, the Speaker of  
 27 the United States House of Representatives, and the members of  
 28 Hawaii's congressional delegation.  
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 30  
 31

OFFERED BY: Halbrook

Boaler  
~~Don A. ...~~  
[Signature]  
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