

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H.R. 982
May 16, 2012
HOUSE PRINCIPAL CLERK

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HOUSE RESOLUTION DRHR60099-LG-149 (02/09)

Sponsors: Representative Bradley.

Referred to:

1 A HOUSE RESOLUTION EXPRESSING OPPOSITION TO THE PROVISIONS IN THE
2 NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012 THAT
3 AUTHORIZE, IN DIRECT VIOLATION OF THE UNITED STATES CONSTITUTION
4 AND THE CONSTITUTION OF NORTH CAROLINA, MILITARY DETENTION AND
5 TRIAL OF UNITED STATES CITIZENS AND LAWFUL RESIDENTS OF THE
6 UNITED STATES.

7 Whereas, on December 15, 2011, the 220th anniversary of the ratification of the Bill
8 of Rights, the United States Senate passed the conference report to H.R. 1540, the "National
9 Defense Authorization Act for Fiscal Year 2012" (NDAA); and

10 Whereas, on December 31, 2011, President Barack Obama signed the conference
11 report to H.R. 1540 into law; and

12 Whereas, the NDAA contains provisions repugnant to, and destructive of, the Bill of
13 Rights of the United States and the constitutions of the United States and the State of North
14 Carolina; and

15 Whereas, the United States Constitution and the constitution of this State are
16 infringed and/or usurped by provisions in the NDAA that authorize the application of military
17 force (including assassination), indefinite military detention without trial, military trial, and
18 rendition to foreign countries and entities of any person, including American citizens and
19 lawful resident aliens, at the discretion of the President or a subordinate within the Department
20 of Defense; and

21 Whereas, the Preamble to the United States Constitution states: "We the people of
22 the United States, in order to form a more perfect union, establish justice, insure domestic
23 tranquility, provide for the common defence, promote the general welfare, and secure the
24 blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for
25 the United States of America"; and

26 Whereas, the Preamble to the North Carolina Constitution declares: "We, the people
27 of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for
28 the preservation of the American Union and the existence of our civil, political and religious
29 liberties, and acknowledging our dependence upon Him for the continuance of those blessings
30 to us and our posterity, do, for the more certain security thereof and for the better government
31 of this State, ordain and establish this Constitution"; and

32 Whereas, the United States Constitution, Article I, Section 9, Clause 2, states: "The
33 privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion
34 or invasion the public safety may require it"; and

35 Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section
36 21, Inquiry into restraints on liberty, states: "Every person restrained of his liberty is entitled to



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1 a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that
2 remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be
3 suspended"; and

4 Whereas, there has been no suspension of habeas corpus by Congress purporting to
5 authorize detention without grand jury indictment for such time as Congress has specified
6 during a "rebellion" or an "invasion"; and

7 Whereas, instead of suspending habeas corpus, Congress has unconstitutionally
8 authorized, under the "law of war," indefinite military detention of persons, including United
9 States citizens and lawful resident aliens, a power nowhere granted to government within the
10 United States Constitution; and

11 Whereas, the United States Constitution, Article III, Section 2, Clause 3, states:
12 "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be
13 held in the state where the said crimes shall have been committed; but when not committed
14 within any state, the trial shall be at such place or places as the Congress may by law have
15 directed"; and

16 Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section
17 22, Modes of prosecution, states: "Except in misdemeanor cases initiated in the District Court
18 Division, no person shall be put to answer any criminal charge but by indictment, presentment,
19 or impeachment. But any person, when represented by counsel, may, under such regulations as
20 the General Assembly shall prescribe, waive indictment in noncapital cases"; and

21 Whereas, the United States Constitution, Article III, Section 3, Clause 1, states:
22 "Treason against the United States shall consist only in levying war against them, or in
23 adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason
24 unless on the testimony of two witnesses to the same overt act, or on confession in open court";
25 and

26 Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section
27 29, Treason against the State, states: "Treason against the State shall consist only of levying
28 war against it or adhering to its enemies by giving them aid and comfort. No person shall be
29 convicted of treason unless on the testimony of two witnesses to the same overt act, or on
30 confession in open court. No conviction of treason or attainder shall work corruption of blood
31 or forfeiture"; and

32 Whereas, the North Carolina Constitution, Article VI, Suffrage and Eligibility to
33 Office, Section 8, Disqualifications for office, states: "The following persons shall be
34 disqualified for office:

35 First, any person who shall deny the being of Almighty God.

36 Second, with respect to any office that is filled by election by the people, any person who is
37 not qualified to vote in an election for that office.

38 Third, any person who has been adjudged guilty of treason or any other felony against this
39 State or the United States, or any person who has been adjudged guilty of a felony in another
40 state that also would be a felony if it had been committed in this State, or any person who has
41 been adjudged guilty of corruption or malpractice in any office, or any person who has been
42 removed by impeachment from any office, and who has not been restored to the rights of
43 citizenship in the manner prescribed by law"; and

44 Whereas, the United States Constitution, Article III, Section 2, Clause 3, and Article
45 III, Section 3, together clearly and plainly set forth what manner of trial must be used against a
46 United States citizen or lawful resident who is alleged to have waged war against the United
47 States or to have aided the enemy in wartime, requiring a trial by a jury of his or her peers in an
48 a civilian court for the crime of treason, with the extra evidentiary burden of two witnesses to
49 the same overt act, or confession in open court; and

50 Whereas, Section 1021 of the NDAA directly violates Article III, Section 2, Clause
51 3, and Article III, Section 3, of the United States Constitution by authorizing, before a military

commission, military trial of American citizens and lawful residents accused of levying war against the United States or adhering to their enemies, giving them aid and comfort, which are the elements of the crime of treason as defined in Article III, Section 3, "...levying war against [the United States] or in adhering to their enemies, giving them aid and comfort...", thus denying United States citizens and lawful resident aliens their right to a trial by jury and also denying them the additional evidentiary protections of Article III, Section 3, the requirement of two witnesses to the same overt act or confession in open court, before they can be found guilty by a jury of their peers of having levied war against the United States or adhering to their enemies, giving them aid and comfort, which constitute the crime of treason; and

Whereas, the United States Constitution, Fourth Amendment, states: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized"; and

Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section 20, General warrants, states: "General warrants, whereby any officer or other person may be commanded to search suspected places without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and shall not be granted"; and

Whereas, Section 1021(c)(1) of the NDAA directly violates the right of the people against unreasonable seizure by allowing them to be snatched up (kidnapped) by the United States military, by the authority of the military alone, and taken to a military detention facility at Guantanamo Bay, Cuba, or to some other location, to be held in "(1) Detention under the law of war without trial until the end of the hostilities authorized by the Authorization for Use of Military Force," or, under Section 1021(c)(4), to be turned over to the custody or control of "any other foreign country, or any other foreign entity," of which either/is the epitome of an unreasonable seizure, as the American people are thereby treated exactly the same as any person captured on a foreign battlefield such as Iraq or Afghanistan, where anyone who is suspected of being an unlawful belligerent in the war on terrorism, or of aiding belligerents, is simply picked up by the military and taken away to wherever the United States military sees fit, with no involvement whatsoever by the civilian courts. A government that does the above to its own people is consistent with the behavior of every despotic and totalitarian regime in world history; and

Whereas, the United States Constitution, Fifth Amendment, states: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation"; and

Whereas, Section 1021(c)(1) of the NDAA directly violates the Fifth Amendment of the United States Constitution by authorizing that United States citizens and lawful residents be held in military detention "under the law of war without trial until the end of the hostilities authorized by the authorization for use of military force," including being held to answer for a capital or otherwise infamous crime—violations of the laws of war, and by authorizing the initiation of military trial for those offenses without presentment or indictment of a grand jury; and

Whereas, claiming authority under the laws of war and the Authorization for the Use of Military Force (AUMF), President Barack Obama has, on his direction alone, targeted United States citizens for killing by the United States military and has, in fact, based on secret

evidence, ordered the successful killing of several United States citizens, pursuant to secret criteria for deciding such targeting, depriving them of their lives without due process of law, while refusing to present any evidence whatsoever and while proclaiming the intent to target other United States citizens for such extrajudicial, extraconstitutional killing with no due process whatsoever before placing United States citizens on a secret assassination list, and directly in violation of the Fifth Amendment, all under the fiction that he can treat Americans like foreign enemy soldiers during war and simply kill them on sight. Such an assumption of power by the "leader" of a nation to arbitrarily kill citizens on the sole authority of their nation's leader is the hallmark of every despotic and totalitarian regime in world history. Under our Constitution, a citizen or lawful resident must be tried for treason and found guilty by a jury of his peers before being executed. Summary execution at the discretion of the President is nowhere enumerated in our Constitution; and

Whereas, by enacting the NDAA and thus affirming the power of the President to use military force against any persons, including United States citizens and lawful resident aliens, that "he determines" are part of the enemy or have aided the enemy in the "war on terror," Congress, with the full knowledge that the current President has engaged in assassination of United States citizens, has knowingly authorized the continuation of President Barack Obama's program of extrajudicial killing of Americans whom he has placed on his secret hit list, pursuant to secret evidence that he will not present to any court. Congress has thus given its assent to the President to hold the power of life and death over all persons within the United States as if he were a Roman emperor or a dictator of the modern era in the likeness of Hitler, Mussolini, Stalin, Mao, Pinochet, Pol Pot, or Papa Doc; and

Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section 19, Law of the land; equal protection of the laws, states: "No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin"; and

Whereas, the United States Constitution, Sixth Amendment, states: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense"; and

Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section 18, Court shall be open, states: "All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay"; and

Whereas, Section 1021(c)(2) of the NDAA directly violates the clear mandates of the Sixth Amendment by authorizing that United States citizens and lawful residents be tried before a military commission "under Chapter 47A of title 10, United States Code (as amended by the Military Commissions Act of 2009)" for supposed crimes against the "law of war" rather than before a jury of their peers, and further violates the Sixth Amendment by authorizing such trial outside of "the state and district wherein the crime shall have been committed," to include transporting them beyond seas for fabricated offenses against the "law of war" (such as not bearing arms openly, not wearing a uniform or an insignia recognizable at a distance, or not serving under an established chain of command—each of which would be absurd when applied to an American civilian in civilian life), and without the Sixth Amendment guarantee of the right to be confronted with the witnesses against them, and to have compulsory process for obtaining witnesses in their favor; and

1 Whereas, the United States Constitution, Eighth Amendment, states: "Excessive bail
2 shall not be required, nor excessive fines imposed, nor cruel and unusual punishments
3 inflicted"; and

4 Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section
5 27, states: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel or
6 unusual punishments inflicted"; and

7 Whereas, the NDAA, in direct violation of the Eighth Amendment of the Bill of
8 Rights, authorizes "cruel and unusual punishments" in the form of "indefinite detentions" and
9 the transfer of American citizens and lawful residents to "foreign nations" and/or unnamed
10 foreign "entities" for unspecified purposes and for trial and punishment for pretend offenses
11 against the "law of war," which can result in the absurdity of Americans suffering the
12 punishment of being executed because they do not wear an insignia recognizable at a distance
13 in their daily lives as civilians, or because they carry a concealed handgun as millions of
14 Americans legally do in daily life, or because they are not subject to an established chain of
15 command, all of which are perfectly legal under the laws of the United States and are only
16 "crimes" under the international "law of war" as applied to a foreign enemy, which has no
17 jurisdiction over Americans who are not in the Armed Forces of the United States; and

18 Whereas, the punishment of being arbitrarily killed by a Hellfire missile fired from a
19 Predator drone, after the President "determines," based on secret evidence and secret criteria,
20 that a United States citizen or lawful resident alien is guilty of levying war against the United
21 States or aiding its enemies, or is guilty of fabricated violations of the "law of war," is truly
22 cruel and unusual (at least for now), and thus violates the Eighth Amendment; and

23 Whereas, the United States Constitution, Fourteenth Amendment, Section 1, states:
24 "No state shall make or enforce any law which shall abridge the privileges or immunities of
25 citizens of the United States; nor shall any state deprive any person of life, liberty, or property
26 without due process of law, nor deny to any person within its jurisdiction the equal protection
27 of the laws"; and

28 Whereas, the oath of office creates an active duty, not a passive duty; and

29 Whereas, the United States Constitution, Article VI, Clause 3, states: "The Senators
30 and Representatives before mentioned, and the members of the several State Legislatures, and
31 all executive and judicial officers, both of the United States and of the several States, shall be
32 bound by oath or affirmation, to support this Constitution; but no religious Test shall ever be
33 required as a qualification to any office or public trust under the United States"; and

34 Whereas, the North Carolina Constitution, Article II, Section 12, Oaths of members,
35 states: "Each member of the General Assembly, before taking his seat, shall take an oath or
36 affirmation that he will support the Constitution and laws of the United States and the
37 Constitution of the State of North Carolina, and will faithfully discharge his duty as a member
38 of the Senate or House of Representatives;" and

39 Whereas, the United States Constitution, Article II, Section I, Clause 8, states:
40 "Before he enter on the execution of his office, he shall take the following oath or affirmation:
41 "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the
42 United States, and will, to the best of my ability, preserve, protect, and defend the Constitution
43 of the United States"; and

44 Whereas, the North Carolina Constitution, Article III, Section 4, Oath of office for
45 Governor, states: "The Governor, before entering upon the duties of his office, shall, before any
46 Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution
47 and laws of the United States and of the State of North Carolina, and that he will faithfully
48 perform the duties pertaining to the office of Governor"; and

49 Whereas, enlisted members of the Armed Forces of the United States are bound by
50 the following oath: "I, [name], do solemnly swear (or affirm) that I will support and defend the
51 Constitution of the United States against all enemies, foreign and domestic; that I will bear true

1 faith and allegiance to the same; and that I will obey the orders of the President of the United
2 States and the orders of the officers appointed over me, according to regulations and the
3 Uniform Code of Military Justice. So help me God"; and

4 Whereas, commissioned officers of the Armed Forces of the United States are
5 bound by the following oath: "I, [name], do solemnly swear (or affirm) that I will support and
6 defend the Constitution of the United States against all enemies, foreign and domestic; that I
7 will bear true faith and allegiance to the same; that I take this obligation freely, without any
8 mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties
9 of the office on which I am about to enter. So help me God"; and

10 Whereas, the execution of parts of the NDAA may require members of the Armed
11 Forces of the United States to violate their oath to support and defend the Constitution of the
12 United States; and

13 Whereas, we believe the NDAA unconstitutionally infringes upon the fundamental
14 rights of all persons, including United States citizens and lawful resident aliens of our
15 constitutional republic, as noted above, and has other flaws, as noted below:

- 16 (1) Section 1021 of subtitle D, Counterterrorism, of title X of the NDAA is
17 deceptive in that it purports merely to "affirm" the authority granted the
18 President under AUMF as signed into law on September 18, 2001, when in
19 fact, it does expand the temporal scope and the entities to whom that act
20 applies and that can be targeted under the AUMF.
- 21 (2) The NDAA for Fiscal Year 2012 is deceptive in that, while it purports not to
22 expand or limit the authority given the President under the subject AUMF,
23 or the scope of the subject AUMF, it does, in fact, expand both in the
24 following ways:
- 25 a. It expands the entities that could be targeted beyond those noted in
26 AUMF, and for a different time period. (See Section 1021(b)(2) "A
27 person who was a part of or substantially supported al-Qaeda, the
28 Taliban, or associated forces that are engaged in hostilities against
29 the United States or its coalition partners, including any person who
30 has committed a belligerent act or has directly supported such
31 hostilities in aid of such enemy forces.")
- 32 b. It expands the powers of the President that can be applied to "covered
33 persons" by enumerating for the first time the power of indefinite
34 military detention under the "law of war" without trial, trial by
35 military commission, and extraordinary rendition to "any other
36 foreign country, or any other foreign entity."
- 37 (3) The NDAA is deceptive in that it purports that it does not affect existing law
38 or authorities relating to the detention of United States citizens and others,
39 despite the following:
- 40 a. Congress could not agree on what the existing "law or authorities"
41 were.
- 42 b. The NDAA does expand the entities and actions to which the AUMF
43 applies.
- 44 c. The provision of the NDAA will result in a different law being
45 applied to "United States citizens, lawful resident aliens of the United
46 States, or any other persons who are captured or arrested in the
47 United States," i.e., the "law of war." (See Section 1021(e).)
- 48 d. There are general provisions in the NDAA that purport to limit its
49 application but are inconsistent with specific provisions in the
50 NDAA that expand the AUMF. A court, in interpreting the NDAA,
51 will most likely interpret the subject-limiting provision to read

"Nothing in this section shall be construed to affect existing law or authorities... [except as otherwise provide in this section]."

e. The intent and purpose of the NDAA, as expressed by Senator Lindsey Graham on the Senate floor, is to create the legal fiction that the United States of America is a "battlefield," thus providing justification for the unconstitutional application of the "law of war" to United States citizens and lawful resident aliens who are not serving in the United States armed forces."

(4) The NDAA is deceptive in that Section 1021 expands the authority of the 2001 AUMF while asserting it does not expand the authority granted under the 2001 AUMF. Congress is pretending that it granted all of these newly listed powers in the 2001 AUMF when, in fact, the original authorization makes no mention of the power to use military detention, military trial, or extraordinary rendition. This legalistic, sophistic, "time travelling" deception allows Congress to greatly expand the written scope of its AUMF, including adding, for the first time, written authorization to use military detention without trial, military trial, and even extraordinary rendition to foreign countries and unnamed foreign entities, even with respect to United States citizens and lawful residents, while telling the American people that nothing has changed. Such legalistic "time travel" is the height of deception; and

Whereas, it is deceptive for the NDAA to assert it does not affect existing law or authorities in that:

- (1) There was no agreement within Congress as to what is the existing law on the relevant subject.
- (2) The "authorities" on the subject issue are unclear at best.
- (3) Provisions within Subtitle D of the NDAA do result in a different law, the "law of war," being applied to "United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States..." outside the protections of civilian law pursuant to the United States Constitution, Article III, and the Bill of Rights.
- (4) Due to the fact there are general limiting provisions in the NDAA that are inconsistent with specific expanding provisions in the NDAA, a court, in interpreting the NDAA, will most likely interpret the general-limiting provisions to read "Nothing in this section shall be construed to affect existing law or authorities...[except as otherwise provided in this section]"; and

Whereas, the NDAA would subject United States citizens and lawful resident aliens to "transfer to the custody or control of the person's country of origin, any other foreign country, or any other foreign entity...", which would violate the duty of allegiance owed to such persons by the United States of America as well as certain of their fundamental freedoms; and

Whereas, the supporters of the NDAA have said the NDAA will have the effect, and we believe it will have the effect, of allowing the President to treat the United States of America as if it is a "battlefield," placing it under the "law of war," and its citizens as if they are foreign enemies on a foreign "battlefield," subjecting them to the "law of war" and martial law, exactly like the people of occupied Iraq and Afghanistan are treated; and

Whereas, granting the President, with respect to the American people, the authority he would have over a foreign "battlefield," is unconstitutional and a violation of the federal government's duty of allegiance to protect United States citizens and lawful resident aliens; and

1 Whereas, as the NDAA contains deceptive language in that it misrepresents what it
2 does and it uses vague and ambiguous terms, usurps the Constitution, and sets the stage for the
3 acceleration of a long train of abuses of the American people and their fundamental rights; and

4 Whereas, no law is enforceable, save those which are consistent with the
5 "unalienable rights" given to all men by God, as declared in the Declaration of Independence
6 and acknowledged in the United States Constitution; and

7 Whereas, the above noted injuries and usurpations, all having in direct object the
8 establishment of an absolute tyranny over these states, are nearly identical to many of the long
9 train of abuses and usurpations that compelled our forefathers to take up arms and to separate
10 from Great Britain, as enumerated in The Unanimous Declaration of the Thirteen United States
11 of America, of July 4, 1776, and stated below:

12 (1) "He has affected to render the Military independent of and superior to the
13 civil power:"

14 (2) "He has combined with others to subject us to a jurisdiction foreign to our
15 constitution, and unacknowledged by our laws; giving his assent to their acts
16 of pretended legislation:"

17 (3) "For depriving us in many cases, of the benefits of Trial by Jury:"

18 (4) "For transporting us beyond Seas to be tried for pretended offences:"

19 (5) "For taking away our Charters, abolishing our most valuable Laws, and
20 altering fundamentally the Forms of our Governments:"

21 (6) "He has abdicated Government here, by declaring us out of his Protection
22 and waging War against us"; and

23 Whereas, the similarities to our current circumstances are both shocking and
24 obvious, with Congress and the President presuming to affect the military independent of and
25 superior to the civil power; subjecting us to a jurisdiction—the "law of war"—foreign to our
26 Constitution and unacknowledged by our laws (with the Constitution being the supreme law of
27 the land); depriving us of trial by jury; claiming a power to transport us beyond Seas for
28 indefinite detention without trial, for rendition to foreign countries or entities, or to be tried for
29 fabricated offenses against the international "law of war"; taking away our charters, abolishing
30 our most valuable laws, and altering fundamentally the forms of our government by claiming
31 that the law of war trumps our Constitution and Bill of Rights; and declaring themselves vested
32 with the power to legislate for us in all cases whatsoever; and

33 Whereas, by doing so, Congress and President Obama, just as with Parliament and
34 King George before them, are abdicating government here by declaring us out of the protection
35 of our Constitution and Bill of Rights and waging war against us under the international law of
36 war as if we were a foreign enemy people; and

37 Whereas, according to the Treatise on Law of the American Rebellion, "Any person
38 having knowledge of any treasonable project is bound to disclose it to the President, or to a
39 United States judge, or to a Governor of a State or a State judge, or he is guilty of misprision of
40 treason, and may be fined one thousand dollars and imprisoned for seven years"; Now,
41 therefore,

42 Be it resolved by the House of Representatives:

43 **SECTION 1.** For the above and forgoing reasons, the House of Representatives
44 expresses its belief that the National Defense Authorization Act for Fiscal Year 2012 is
45 unconstitutional in authorizing the President of the United States to use war powers, the "law of
46 war," and martial law in the United States and its territories over any person, including citizens
47 or lawful resident aliens of the United States anywhere in the world who are not in the military
48 forces.

49 **SECTION 2.** The House of Representatives expresses its opinion that all
50 provisions of the National Defense Authorization Act for Fiscal Year 2012 that are
51 unconstitutional, including as noted herein above, were and are null and void from their

1 inception and are not enforceable in this State, and it is the express policy of this State's
2 legislature that no officer, employee, or agent of the State will implement, enforce, or otherwise
3 support, directly or indirectly, any of the unconstitutional provisions noted above, and that a
4 violation of such policy will be deemed a violation of his or her oath of office and employment
5 agreement and will subject him or her to disciplinary action up to, and including, termination.

6 **SECTION 3.** The House of Representatives recognizes its duty to interpose itself
7 between unconstitutional usurpations by the federal government or its agents and the people of
8 this State, as well as the duty to defend the unalienable natural rights of the people, both of
9 which are consistent with the Ninth and Tenth Amendments to the Constitution of the United
10 States, and with our oaths to defend the Constitution of the United States and the constitution of
11 this State against all enemies, foreign and domestic.

12 **SECTION 4.** The House of Representatives supports the repeal of the
13 unconstitutional sections of the National Defense Authorization Act for Fiscal Year 2012,
14 specifically, Sections 1021 and 1022 and any other section or provision that will have the same
15 or substantially the same effect on the United States, its citizens, and lawful resident aliens of
16 the United States.

17 **SECTION 5.** The House of Representatives advocates the introduction, support,
18 and secure passage of legislation that clearly states that Congress not only does not authorize,
19 but, in fact, prohibits the use of military force, military detention, military trial, rendition, or
20 any other power of the "law of war" against United States citizens and lawful resident aliens.

21 **SECTION 6.** The Principal Clerk shall transmit a certified copy of this resolution
22 to each member of North Carolina's Congressional delegation, to the governor, and to the Chief
23 Justice of the Supreme Court to effect notification of a possible "conspiracy against the United
24 States," namely, the attempt by Congress and the President to arbitrarily and indefinitely
25 suspend the Bill of Rights outside the requirement of an invasion or rebellion as required by the
26 United States Constitution, Article I, Section 9, Clause 3, which states: "The Privilege of the
27 Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion
28 the public Safety may require it," and by subjecting the American people to the "law of war,"
29 including military force, detention, and trial, and/or the institution of martial law, rather than
30 the laws of the United States, pursuant to the detention and trial requirements of the United
31 States Constitution, Article III, and of the Fourth, Fifth, Sixth, and Eighth Amendments.

32 **SECTION 7.** This resolution is effective upon adoption.