

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

H

1

HOUSE RESOLUTION 982

Sponsors: Representatives Bradley and Pittman (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Rules, Calendar, and Operations of the House.

May 17, 2012

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



1 Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section
2 21, Inquiry into restraints on liberty, states: "Every person restrained of his liberty is entitled to
3 a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that
4 remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be
5 suspended"; and

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

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

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

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

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

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

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

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

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

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

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

1 Whereas, Section 1021 of the NDAA directly violates Article III, Section 2, Clause
2 3, and Article III, Section 3, of the United States Constitution by authorizing, before a military
3 commission, military trial of American citizens and lawful residents accused of levying war
4 against the United States or adhering to their enemies, giving them aid and comfort, which are
5 the elements of the crime of treason as defined in Article III, Section 3, "...levying war against
6 [the United States] or in adhering to their enemies, giving them aid and comfort...", thus
7 denying United States citizens and lawful resident aliens their right to a trial by jury and also
8 denying them the additional evidentiary protections of Article III, Section 3, the requirement of
9 two witnesses to the same overt act or confession in open court, before they can be found guilty
10 by a jury of their peers of having levied war against the United States or adhering to their
11 enemies, giving them aid and comfort, which constitute the crime of treason; and

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

17 Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section
18 20, General warrants, states: "General warrants, whereby any officer or other person may be
19 commanded to search suspected places without evidence of the act committed, or to seize any
20 person or persons not named, whose offense is not particularly described and supported by
21 evidence, are dangerous to liberty and shall not be granted"; and

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

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

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

1 Whereas, claiming authority under the laws of war and the Authorization for the
2 Use of Military Force (AUMF), President Barack Obama has, on his direction alone, targeted
3 United States citizens for killing by the United States military and has, in fact, based on secret
4 evidence, ordered the successful killing of several United States citizens, pursuant to secret
5 criteria for deciding such targeting, depriving them of their lives without due process of law,
6 while refusing to present any evidence whatsoever and while proclaiming the intent to target
7 other United States citizens for such extrajudicial, extraconstitutional killing with no due
8 process whatsoever before placing United States citizens on a secret assassination list, and
9 directly in violation of the Fifth Amendment, all under the fiction that he can treat Americans
10 like foreign enemy soldiers during war and simply kill them on sight. Such an assumption of
11 power by the "leader" of a nation to arbitrarily kill citizens on the sole authority of their nation's
12 leader is the hallmark of every despotic and totalitarian regime in world history. Under our
13 Constitution, a citizen or lawful resident must be tried for treason and found guilty by a jury of
14 his peers before being executed. Summary execution at the discretion of the President is
15 nowhere enumerated in our Constitution; and

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

26 Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section
27 19, Law of the land; equal protection of the laws, states: "No person shall be taken, imprisoned,
28 or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner
29 deprived of his life, liberty, or property, but by the law of the land. No person shall be denied
30 the equal protection of the laws; nor shall any person be subjected to discrimination by the
31 State because of race, color, religion, or national origin"; and

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

38 Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section
39 18, Court shall be open, states: "All courts shall be open; every person for an injury done him
40 in his lands, goods, person, or reputation shall have remedy by due course of law; and right and
41 justice shall be administered without favor, denial, or delay"; and

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

1 right to be confronted with the witnesses against them, and to have compulsory process for
2 obtaining witnesses in their favor; and

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

6 Whereas, the North Carolina Constitution, Article I, Declaration of Rights, Section
7 27, states: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel or
8 unusual punishments inflicted"; and

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

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

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

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

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

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

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

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

1 Whereas, enlisted members of the Armed Forces of the United States are bound by
2 the following oath: "I, [name], do solemnly swear (or affirm) that I will support and defend the
3 Constitution of the United States against all enemies, foreign and domestic; that I will bear true
4 faith and allegiance to the same; and that I will obey the orders of the President of the United
5 States and the orders of the officers appointed over me, according to regulations and the
6 Uniform Code of Military Justice. So help me God"; and

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

13 Whereas, the execution of parts of the NDAA may require members of the Armed
14 Forces of the United States to violate their oath to support and defend the Constitution of the
15 United States; and

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

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

1 d. There are general provisions in the NDAA that purport to limit its
2 application but are inconsistent with specific provisions in the
3 NDAA that expand the AUMF. A court, in interpreting the NDAA,
4 will most likely interpret the subject-limiting provision to read
5 "Nothing in this section shall be construed to affect existing law or
6 authorities... [except as otherwise provide in this section]."

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

13 (4) The NDAA is deceptive in that Section 1021 expands the authority of the
14 2001 AUMF while asserting it does not expand the authority granted under
15 the 2001 AUMF. Congress is pretending that it granted all of these newly
16 listed powers in the 2001 AUMF when, in fact, the original authorization
17 makes no mention of the power to use military detention, military trial, or
18 extraordinary rendition. This legalistic, sophistic, "time travelling" deception
19 allows Congress to greatly expand the written scope of its AUMF, including
20 adding, for the first time, written authorization to use military detention
21 without trial, military trial, and even extraordinary rendition to foreign
22 countries and unnamed foreign entities, even with respect to United States
23 citizens and lawful residents, while telling the American people that nothing
24 has changed. Such legalistic "time travel" is the height of deception; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 Be it resolved by the House of Representatives:

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

1 **SECTION 2.** The House of Representatives expresses its opinion that all
2 provisions of the National Defense Authorization Act for Fiscal Year 2012 that are
3 unconstitutional, including as noted herein above, were and are null and void from their
4 inception and are not enforceable in this State, and it is the express policy of this State's
5 legislature that no officer, employee, or agent of the State will implement, enforce, or otherwise
6 support, directly or indirectly, any of the unconstitutional provisions noted above, and that a
7 violation of such policy will be deemed a violation of his or her oath of office and employment
8 agreement and will subject him or her to disciplinary action up to, and including, termination.

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

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

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

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

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