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

WHEREAS, the indefinite military detention without trial of any person, including US citizens, could be allowed by the 2001 Authorization for Use of Military Force (AUMF) and/or Sections 1021 and 1022 of the National Defense Authorization Act of 2012 (NDAA); AND

WHEREAS, the indefinite military detention of any person without trial violates the 5th and 6th amendments of the Constitution of the United States, Article III of the Constitution of the United States, and the Posse Comitatus Act; AND

WHEREAS, the NDAA corrodes the ideals of presumed innocence and right to a fair trial on which our nation was founded, and which generations of activists and military servicemen and women have fought to preserve; AND

WHEREAS the [city/town] reaffirms its gratitude for the supreme sacrifice of those in the Armed Forces who have died in battle in the name of those same cherished rights and liberties; AND

WHEREAS, the NDAA's detention provisions could, under Humanitarian Law Project v. Holder, allow the targeted detention of activists, journalists and other Americans exercising their First Amendment rights despite the crucial role of Free Speech in preserving liberty; AND

WHEREAS, the NDAA's detention provisions could allow the recurrence of torture in military detention in violation of the Eighth Amendment; AND

WHEREAS, the detention provisions could force US military service members to serve as domestic jailers, a role for which they are neither trained nor equipped, nor is ever appropriate; AND

WHEREAS, the FBI Director, the Defense Secretary, the Director of National Intelligence, the Department of Defense, and many of our nation’s generals, admirals, and servicemen and women have voiced concerns about the NDAA’s detention provisions; AND

WHEREAS, the [governing body] of [city/town], [state], is committed to avoid repeating the tragedies and mistakes of history, including the internment of Japanese-Americans during the Second World War; AND

WHEREAS, the state of California has named January 30th Fred Korematsu Day of Civil Liberties and the Constitution to remember Mr. Korematsu’s commitment to the constitutional rights to due
process and life, liberty, and property and to resisting the unconstitutional internment of himself and his community;

THEREFORE BE IT RESOLVED that the [governing body] of [city/town], [state], acting in the spirit and history of our community, does hereby declare that we:

Strongly affirm our loyalty to the rights and liberties enshrined within the Constitution of the United States, including the Fifth Amendment right to due process and the Sixth Amendment right to trial;

Hereby designate January 30th as Fred Korematsu Day of Civil Liberties and the Constitution, an annual day to remember the life of Fred Korematsu and recognize the importance of preserving civil liberties, even in times of real or perceived crisis;

Instruct all our public agencies to decline requests by federal agencies acting under detention powers based on the AUMF or the NDAA that could infringe upon residents’ freedom of speech, religion, assembly, privacy, or rights to counsel;

Expect all federal and state law enforcement officials acting within [city/town] to work in accordance with local law, and in cooperation with the [city/town] Police Department, by allowing any detainees among [city/town]’s residents or visitors access to a trial, counsel and due process, as provided by Article III of the Constitution of the United States; and

Request that our [US Congressman/woman and Senators] monitor the implementation of the NDAA and actively work for the repeal of the NDAA’s detention provisions, as they pertain to all persons within the United States, to restore fundamental rights and liberties embodied in the Constitutions of the [State/Commonwealth] and the United States. To that end, the [mayor] shall send copies of this resolution to our [US Congressman/woman and Senators], the US Senate Committee on the Judiciary, the US Senate Select Committee on Intelligence, the US House of Representatives Committee on the Judiciary, the US House of Representatives Permanent Select Committee on Intelligence, the US Attorney General, and the President of the United States.