

DENALI BOROUGH

RESOLUTION NO. 12-14

A RESOLUTION PROHIBITING USE OF ANY BOROUGH RESOURCE TO ASSIST ANY ALASKA OR UNITED STATES AGENCY, TRANSPORTATION SECURITY ADMINISTRATION (TSA), OR MILITARY ARMED FORCE IN IMPLEMENTING SECTIONS 1021 AND 1022 OF THE NATIONAL DEFENSE AUTHORIZATION ACT OF 2012 AGAINST ANY UNITED STATES CITIZEN AND REQUIRING THE ALASKA STATE LEGISLATURE, GOVERNOR OF ALASKA AND CONGRESSIONAL DELEGATION TO PRESERVE HABEAS CORPUS

WHEREAS, Sections 1021 and 1022 of the National Defense Authorization Act (NDAA) provide that American citizens may be detained indefinitely by our own United States government and/or by our Armed Forces without trial; and

WHEREAS, said sections violate Article 1, Section 9, Clause 2 and Article 111, Section 2, Clause 3 of the United States Constitution as well as its Fourth, Fifth, Sixth, and Tenth Amendments that recognize fundamental right to habeas corpus, rights of American citizens to remain free from detention without due process, and ensures autonomy of the State of Alaska and the people from federal government over-reach; and

WHEREAS, the detention provisions inappropriately require US military to serve as domestic jailers, a role for which they should neither be trained nor equipped; and

WHEREAS, in accordance with the Alaska State Constitution, Article 12, Section 5, "All public officers, before entering upon the duties of their offices, shall take and subscribe oaths to "support and defend" the Constitutions of the United States and the State of Alaska.

THEREFORE, BE IT RESOLVED, the Denali Borough Assembly, Alaska declares sections 1021 and 1022 of the United States National Defense Authorization Act null and void, so that it will not be implemented, enforced, or otherwise supported within the boundaries of the Denali Borough.

THEREFORE, BE IT ALSO RESOLVED, the Denali Borough Assembly urges the Alaska State Legislature, Congressional Delegation and the Governor of the State of Alaska to support the proposed legislation, H.R. 3785, to repeal said sections of the NDAA and to declare it null and void from its inception.

THEREFORE, BE IT ALSO RESOLVED, The Denali Borough Assembly recognizes and declares that the state of Alaska is obligated to prohibit any agency, political subdivision, employee, or member of the military within the State of Alaska from participating in or assisting the armed forces of the United States, Homeland Security, TSA, FBI, BATF, or any other agency of either federal or state government in the investigation, prosecution, or detention of a citizen in violation of the United States Constitution, the Constitution of Alaska, or any Alaska law or regulation, and the Denali Borough SHALL PROHIBIT and shall not provide material support or participate in the implementation of Sections 1021 and 1022 of the NDAA.

THEREFORE, BE IT FURTHER RESOLVED; all employees and emergency services personnel working within the boundaries of, or which are either partly or fully funded by the Denali Borough,

are hereby directed to report to the Borough Mayor and the Denali Borough Assembly any attempt to implement sections 1021 or 1022 of the NDAA by agencies or agents of either the State of Alaska or the United States government.

PASSED and APPROVED by the DENALI BOROUGH ASSEMBLY this \_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR DAVID M TALERICO

ATTEST: \_\_\_\_\_  
GAIL PIEKNIK, BOROUGH CLERK