

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER AND RESOLUTION
NO: 14-06-03-09

IN THE MATTER OF OPPOSING THE
INDEFINITE DETENTION PROVISIONS OF
THE NATIONAL DEFENSE
AUTHORIZATION ACT OF 2012

WHEREAS, the Constitution of the United States and the Oregon Constitution are the basis of our representative republic and reflect protections that no person will be deprived of life, liberty, or property without due process of the law; and

WHEREAS, these founding documents reflect the essential nature of presumed innocence, the right to a speedy public trial before an impartial jury, and other elements of effective due process, and a commitment that no person will be exposed to cruel and unusual punishment; and

WHEREAS, the language of Sections 1021 and 1022 of the National Defense Authorization Act (NDAA) on its face permits indefinite military detention without public trial of any person, including US citizens on US soil; and

WHEREAS, the NDAA could authorize the indefinite military detention of activists, journalists, lawyers, and other Americans for nothing other than exercising their First Amendment rights of free speech, assembly, and association, thus chilling speech and depriving liberty; and

WHEREAS, the indefinite military detention of any person without trial violates the Fifth and Sixth Amendments of the Constitution of the United States, Article III of the Constitution of the United States; and

WHEREAS, the NDAA threatens to eliminate the promise of presumed innocence and the right to a fair trial; 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, in violation of the Posse Comitatus Act, a role for which they are not trained 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 opposed the NDAA's detentions provisions; and

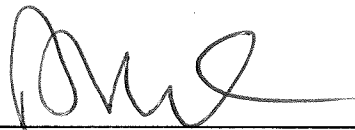
WHEREAS, Lane County citizens have repeatedly come before the Board of Commissioners expressing their displeasure and concern over this federal law.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS and RESOLVES** as follows:

1. Lane County strongly affirms our commitment to the rights and liberties enshrined within the Constitution of the United States, including the Fifth Amendment right to due process, the Sixth Amendment right to trial, the Eighth Amendment prohibition on cruel and unusual punishment, and the Oregon Bill of Rights found at Article 1; and

2. Lane County will not provide public resources to assist federal agencies acting under detention powers granted by the NDAA or any other federal authorization of force that could infringe upon constitutional freedom of speech, religion, assembly, privacy, or rights to counsel; and
3. The Board of Commissioners asks our U.S. senators and members of the Congress to monitor the implementation of the NDAA and actively work for the repeal of the NDAA's detention provisions, to restore fundamental rights and liberties embodied in the Oregon Constitution and the Constitution of the United States. To that end, Lane County shall immediately send copies of this resolution to each of Lane County delegation to Congress, the US Senate Committee on the Judiciary, the US Senate Select Committee on Intelligence, the US House of Representatives Permanent Select Committee on Intelligence, the US Attorney General, and the President of the United States.

ADOPTED this 3rd day of June, 2014.



Pat Farr, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date

LANE COUNTY OFFICE OF LEGAL COUNSEL

