

Liberty Preservation Act

The people of the State of (STATE) do enact as follows:

SECTION 1. THIS ACT SHALL BE KNOWN AS THE (STATE) LIBERTY PRESERVATION ACT.

(A) The Legislature finds and declares all of the following:

- (1) The Tenth Amendment to the United States Constitution authorizes the United States federal government to exercise only those powers delegated to it in the United States Constitution.
- (2) The guarantee of the constitutional limitations on federal power is a matter of contract between the People of the several states, including the State of (STATE), and the federal government at the time the United States Constitution was ratified and subsequently amended by the Bill of Rights.
- (3) Article VI of United States Constitution, by using the words “in pursuance thereof,” provides that the laws of the United States federal government are the supreme law of the land only if those laws are adopted in accordance with the powers delegated to the federal government in the United States Constitution.
- (4) The President of the United States has asserted that the Authorization for the Use of Military Force (Public Law 107-40), enacted in 2001, authorizes the President to indefinitely detain, without charge, any person, including a citizen of the United States or a lawful resident alien, regardless of whether the person is apprehended inside or outside the borders of the United States.
- (5) Language in Sections 1021 and 1022 of the National Defense Authorization Act (NDAA) for fiscal year 2012 purports to permit indefinite military detention without public trial, military tribunals and the transfer to foreign jurisdictions, of persons, including US citizens, captured on US soil.
- (6) Indefinite detention without trial, military tribunals, and the transfer of to foreign jurisdictions are inimical to the liberty, security, and well-being of the people of the state of (STATE) by violating all of the following, and more:
 - (A) The (STATE) Constitution.
 - (B) The limits of federal power delegated to the federal government in the United States Constitution.
 - (C) The legal doctrine of posse comitatus under Section 1385 of Title 18 of the United States Code by authorizing the Armed Forces of the United States to police the United States.

(7) The State of (STATE) is committed to avoid repeating the tragedies and mistakes of history, including the incarceration and indefinite detention of Japanese Americans during World War II.

SECTION 2. PROHIBITION ON PARTICIPATION IN ACTIVITIES WHICH AID IN FEDERAL INDEFINITE DETENTION

(A) Subject to paragraph (B), notwithstanding any provision of law to the contrary, no agency or employee of the State of (STATE), including all political subdivisions of this state, acting in their official capacity, and no member of the (STATE) National Guard on official state duty shall knowingly aid an agency, agent, or employee of the government of the United States, or any corporation providing services to the government of the United States in any investigation, prosecution, detention or transfer to a foreign jurisdiction of a person within (STATE) pursuant to Sections 1021 and 1022 of the National Defense Authorization Act (NDAA) for fiscal year 2012, or the Authorization for the Use of Military Force (Public Law 107-40), enacted in 2001, or any other provision of federal law which purports to authorize the indefinite detention, military tribunal or transfer to a foreign jurisdiction of a person within the State of (STATE).

(B) Paragraph (A) does not apply to participation by State or local law enforcement or the (STATE) National Guard in a joint task force, partnership, or other similar cooperative agreement with Federal law enforcement if that joint task force, partnership, or similar cooperative agreement is not for the purpose of investigating, prosecuting, detaining or transferring to a foreign jurisdiction any person pursuant to sections 1021 and 1022 of the NDAA for fiscal year 2012, or the Authorization for the Use of Military Force (Public Law 107-40), enacted in 2001, or any other provision of federal law which purports to authorize the indefinite detention, military tribunal or transfer to a foreign jurisdiction of a person within (STATE).

SECTION 3. EFFECTIVE DATE

(A) This act takes effect upon approval by the Governor.