

Note: This ordinance is ready for introduction on a county, city or town level. Any references in the model legislation to COUNTY, CITY or TOWN should be modified for your local circumstance.

AN Ordinance, which shall be known and may be cited as the “Liberty Preservation Ordinance.” To prevent federal infringement on due process; prohibiting participation in all federal acts which purport to authorize indefinite detention.

THE BOARD OF COMMISSIONERS OF _____ COUNTY DO ENACT AS FOLLOWS:

SECTION 1: The _____ County Board of Commissioners finds that:

A. 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.

B. 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.

C. 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 this (CITY, COUNTY, TOWN)

SECTION 2: PROHIBITION ON PARTICIPATION IN ACTIVITIES WHICH AID FEDERAL DETENTION WITHOUT DUE PROCESS

A. The _____ County Board of Commissioners declares that all federal acts, laws, orders, rules, regulations – past, present or future – which purport to authorize the indefinite detention, military tribunal or transfer to a foreign jurisdiction of a person within this (COUNTY CITY TOWN) are not authorized by the Constitution of the United States and violate its true meaning and intent as given by the Founders and Ratifiers; and are hereby declared to be invalid in this (COUNTY CITY TOWN), shall not be recognized by this (COUNTY CITY TOWN), are specifically rejected by this (COUNTY CITY TOWN), and shall be considered null and void and of no effect in this (COUNTY CITY TOWN).

B. No agent, employee, or official of the (COUNTY CITY TOWN), or any corporation providing services to the (COUNTY CITY TOWN) shall provide material support or participate in any with the implementation of federal acts, orders, rules, laws or regulations which purport to authorize the indefinite detention, military tribunal or transfer to a foreign jurisdiction of a person within this (COUNTY CITY TOWN).

SECTION 3. REQUESTED INVOLVEMENT OF NEIGHBORING COMMUNITIES

The (COUNTY CITY TOWN) of (NAME) calls upon others local jurisdictions within the State of (STATE) to join us in this action by passing a similar ordinance.

SECTION 4: URGING ACTION BY THE STATE GOVERNMENT

The (COUNTY CITY TOWN) of (NAME) requests that copies of this ordinance be immediately transmitted to each individual legislator that represents our district in the State government urging each to introduce similar legislation on a state-level during the next legislative session.

SECTION 5 EFFECTIVE DATE

A. This ordinance takes effect upon approval by the _____ County Board of Commissioners.