BOCC

11-428

Resolution to Preserve Habeas Corpus and Civil Liberties

WHEREAS, pursuant to C.R.S. §§ 30-10-101(1), 30-11-103, and 30-11-107, the Board of County Commissioners of El Paso County, Colorado ("County" or "Board"), has the legislative authority to manage the concerns of the County and to exercise such other and further powers as are conferred by law; and

WHEREAS, the Board of County Commissioners of El Paso County, Colorado, opposes any and all rules, laws, regulations, bill language or executive orders, which amount to an overreach of the federal government and which effectively take away civil liberties; and

WHEREAS, in accordance with the Colorado State Constitution, Article 12, Section 8, all elected officials are mandated to "take and subscribe an oath or affirmation to support the Constitution of the United States and of the State of Colorado, and to faithfully perform the duties of the office upon which he shall be about to enter;" and the El Paso County Commissioners subscribe to uphold this oath of office by the adoption of this Resolution, and

WHEREAS, the El Paso County Commissioners resolve that any rules, laws, regulations, bill language or executive order going against Habeas corpus or the civil liberties of El Paso County citizens granted under the United States Constitution and Bill of Rights are hereby declared to be invalid and shall not be recognized and are specifically rejected and shall be considered null and void and of no effect. Therefore, intervention in legislative issues are both appropriate and necessary to ensure that citizens have an opportunity to be heard and represented.

WHEREAS, One of our most fundamental rights as American citizens is to be free from unreasonable detention without due process of law, a right afforded to us by our Founding Fathers and guaranteed to us by over two centuries of sacrifice by our men and women in the Armed Forces whom we daily recognize and honor; and

WHEREAS, Sections 1021 and 1022 (or any other wording as the bill is modified) of the 2011 United States Senate National Defense Authorization Act, Bill Number SB1867, as proposed, provide that in limited circumstances, an American citizen may be detained by our own United States government and by our Armed Forces, which detention could last, without trial until the end of the hostilities currently authorized by the Authorization for Use of Military Force; and

WHEREAS, Sections 1021 and 1022 (or any other wording as the bill is modified) of the National Defense Authorization Bill, SB 1867, jeopardize the fundamental rights of American citizens to remain free from detention without due process and the right to habeas corpus in direct contravention of the guarantees of the Bill of Rights and the United States and Colorado Constitutions; and

WHEREAS, it is indisputable that the threat of homeland and international terrorism is both real and viable, and that the full force of appropriate and constitutional law must be used to defeat this threat so that terror never wins; however, winning the war against terror cannot come at the great expense of mitigating basic, fundamental, constitutional rights using rules, laws, regulations, bill language or executive orders; and

WHEREAS, the Board of County Commissioners of El Paso County, Colorado, wholeheartedly supports the United States military and dutifully recognizes the importance of the National Defense Authorization Act, SB1867, as an appropriations bill and as a bill necessary to support the efforts of our military to both serve and protect the people of this great Nation with the exclusion of sections 1021 and 1022; and

WHEREAS, undermining our own Constitutional rights serves only to concede to the terrorists' demands of changing the fabric of what made the United States of America a country of freedom, liberty and opportunity; and

WHEREAS, the El Paso County Sheriff's Office is in agreement with this resolution and the goals and purposes herein stated and agrees to undertake all appropriate efforts to protect the constitutional rights of all citizens; and

BE IT RESOLVED, the Board of County Commissioners of El Paso County, Colorado, is in opposition to Sections 1021 and 1022 of the United States Senate National Defense Authorization Act, and does hereby support the Colorado Constitution and the Constitution of the United States of America and all the freedoms and guarantees as guaranteed by our Founding Fathers and as provided by the brave efforts of the members of our Armed Forces.

DONE THIS 15th day of December, 2011, at Colorado Springs, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

Amy Lathen, Chair

Sallie Clark, Vice Chair

Dennis Hisey, Member

Darryl Glenn, Member

Peggy Littleton, Member

ATTEST:

Wayne W. Williams
County Clerk and Recorder

WAYNE W. WILLIAMS El Paso County, CO
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