

**Resolution Title:** Restore Habeas Corpus  
**Submitted by:** Professional Staff Congress/CUNY

**Whereas**, the U.S. Constitution specifically provides in Article 1, Section 9, Clause 2: “The privilege of the writ of habeas corpus” [which gives an imprisoned person the right to challenge in court the legality of his or her imprisonment] “shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it”; and

**Whereas**, NYSUT is strongly committed to upholding the rights, freedoms and responsibilities of the Constitution; and

**Whereas**, on September 28 and 30, 2006, the House of Representatives and the Senate passed the Military Commissions Act, which denies the writ of habeas corpus to individuals labeled “unlawful enemy combatants,” whether U.S. citizens or citizens of other nations; and

**Whereas**, President George W. Bush, took the lead in urging passage of this Act and immediately signed it into law; and

**Whereas**, for the first time in our history, U.S. citizens can be arrested and detained indefinitely without charge if the President declares them to be “unlawful enemy combatants”; and

**Whereas**, under the Military Commissions Act, virtually anyone can be determined to be an “unlawful enemy combatant” by a “competent tribunal” designated by the President without meeting any objective criteria for this designation; and

**Whereas**, hundreds of people are being held by the U.S. at Guantanamo and at other U.S. installations in Afghanistan, Iraq, and in other countries all over the world without recourse to habeas corpus or any meaningful review of their “enemy combatant” status; and

**Whereas**, under the Military Commissions Act; “enemy combatants” can be tried and executed on the basis of coerced testimony, hearsay and secret classified testimony; and

**Whereas**, an editorial (9/28/06) in *The New York Times* described the Act as “a tyrannical law that will be ranked with the low points in American democracy, our generation’s version of the Alien and Sedition Acts.”

**Whereas**, as Senator Russell Feingold argued on the floor of the U.S. Senate, the United States undermines its proclamations of “democratic government to the rest of the world as the supreme form of government at the very moment we eliminate the most important avenue of relief from arbitrary governmental detention”; and

**Whereas**, by the example it sets for treatment of detainees, the Military Commissions Act threatens the rights and safety of U.S. soldiers held as prisoners of war; and

**Whereas**, as educators, we engage our students in the study and understanding of democratic and constitutional rights and the rule of law; and

**Whereas**, as trade unionists, we have a long and proud history of defending democratic and constitutional rights; therefore be it

**Resolved**, that New York State United Teachers urges all its members to notify their representatives in the U.S. House of Representatives and the U.S. Senate (1) that the prohibition of the use of habeas corpus, as set forth in the Military Commissions Act, is a violation of the U.S. Constitution that undermines democracy and endangers the constitutional rights of all people in the United States and U.S. Territories, and (2) calls on each of them to vote to repeal this law immediately, and be it further

**Resolved**, that New York State United Teachers lobby the New York Congressional and Senate delegation to work for repeal of the Military Commissions Act, and be it further

**Resolved**, that New York State United Teachers will urge its affiliates and members to call on candidates in the 2008 New York State Presidential Primary and for New York State Congressional seats in the 2008 elections to commit themselves to immediate repeal of the Military Commissions Act.

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I hereby certify that the above resolution was approved for submission to the 2007 NYSUT Representative Assembly by the:

Delegate Assembly

at a meeting held on

December 21, 2006

Signed:



(President)

Local 2334

NYSUT Local or Retiree Council #

Professional Staff Congress

Local or Retiree Council Name

Local 2334

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