

SANTA CRUZ CONSTITUTION PROTECTION ZONE



TALKING POINTS for Presentations to Groups/Constituencies in Santa Cruz County when asking them to join the CPZ Coalition and sign the petition. Our brochure is also a very informative handout.

GOALS:

1. Speak to organizations/groups; invite them to **join the Coalition** and send notice to their network
2. Invite individuals to **sign the petition** to make Santa Cruz a Constitution Protection Zone
3. Invite leaders to become endorsers of the Constitution Protection Zone

WHO ARE WE?

Santa Cruz Constitution Protection Zone is a project of the Romero Institute providing a structural solution to the unconstitutional sections 1021 and 1022 of the 2012 National Defense Authorization Act (NDAA).

WHAT IS UNCONSTITUTIONAL ABOUT THE NDAA?

The NDAA allows the federal government to **indefinitely detain** any American citizen without charge, trial, the right to face their accuser, or the right to an attorney.

This violates the:

1st Amendment – Right to freedom of association, Right to free expression, Right to freedom of the press, and the Right to petition the federal government for the redress of grievances

4th Amendment – Prohibits unreasonable searches and seizures

5th Amendment – Protects the right to due process of law

6th Amendment – Right to a speedy and public trial; Right to know the charges levied against you; Right to be charged with a crime; Right to an attorney; Right to confront witnesses

8th Amendment – Prohibits excessive bail and fines and cruel and unusual punishment

14th Amendment – Prohibits deprivation of life, liberty, or property without due process of law

A PROJECT OF THE ROMERO INSTITUTE

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HAS ANYTHING BEEN DONE TO ADDRESS THIS YET?



The City of Santa Cruz **Resolution to Restore Due Process and Right to Trial** passed unanimously on April 10, 2012 – City council supports the repeal of the NDAA's detention provisions.

California **Assembly Bill 351** (2013) – prohibits “an agency in the State of California...from knowingly aiding an agency of the Armed Forces of the United States in any investigation, prosecution, or detention of a person within California pursuant to (1) Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 (NDAA).”

Hedges v. Obama (January 2012) – New York federal court District Judge Katherine B. Forrest issued a permanent injunction blocking the indefinite detention powers of the NDAA. What is most important about this case is that the federal prosecutor refused to say that the law would NOT be used against journalist Chris Hedges, whistleblower Daniel Ellsberg, author/professor Noam Chomsky and author Naomi Wolf. At that point, Judge Forrest declared, “**That’s it, this is un-Constitutional,**” and ruled for the four against the prosecutor.

However, on July 17, 2013, the Second Circuit Court of Appeals overturned the district court’s permanent injunction because the plaintiffs lacked legal standing to challenge the indefinite detention powers of the NDAA – because the plaintiffs could not prove that they would be held under the NDAA, although it is impossible to prove this. The Supreme Court declined to hear the case on April 28, 2014, leaving the Second Circuit decision intact.

WHAT ARE WE ASKING FOR IN OUR COUNTY?

The California law and the Santa Cruz resolution state that they will not participate in the enforcement of Sections 1021 and 1022 of the NDAA.

Santa Cruz CPZ would like to go one step further. We want to pass a local ordinance (with the City and the County), which will create protocols for our law enforcement & elected officials in order to take steps to prevent the enforcement of Sections 1021 and 1022 of the NDAA by the federal agencies.

HOW DO YOU PLAN ON DOING THAT?

Each government official swears an oath to uphold the United States Constitution against all enemies, foreign and domestic.

In upholding this oath, we ask law enforcement officials, as a condition of their continued future employment, to report to the City Council or Board of Supervisors immediately upon learning of the federal government's attempt to enforce these unconstitutional sections of the NDAA here in our county. Government officials can then protect the constitutional rights of the citizen to be targeted by providing them due process hearings in front of a magistrate.

HOW CAN YOU HELP?



Individuals – Please support our efforts by signing our **petition**. We would like to obtain signatures from **10% of the population** to present to the City Council and Board of Supervisors—that is approximately 10,000 signatures.

Groups/Organizations – Join our Coalition. Present and adopt the resolution (separate document) for your organization.

Spread the message to your networks and encourage them to sign the petition.

If we file a ballot initiative for 2016, please help us get signatures, and help us conduct a voter registration drive.

Join us when we present our ordinance to the City Council and Board of Supervisors. There is power in numbers.

IS THIS SOFT ON TERRORISM?

No, this is strong on the Constitution. If probable cause exists for an American to have engaged in providing substantial support to any organization engaged in hostilities against the United States or its allies, that person will be provided with due process with a right to an attorney and a hearing in Santa Cruz County.

WILL OTHER CITIES/COUNTIES JOIN US?

We are confident that they will! There are people all over the county who are concerned about the overreaching of the NDAA. Santa Cruz can offer a concrete city/county solution for them to enact as well!

There are four states that have taken a position against the NDAA, declaring it to be unconstitutional. Nine Counties and eight cities have adopted anti-NDAA resolutions, with one county and one city enacting enforceable penalties. Many more elected bodies are in the process of looking at the issue.

For further information please contact the Romero Institute:

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