

112TH CONGRESS
2^D SESSION

H. R. 4388

To state that nothing in the Authorization for Use of Military Force or the National Defense Authorization Act for Fiscal Year 2012 shall be construed to deny the availability of the writ of habeas corpus for any person who is detained in the United States pursuant to the Authorization for Use of Military Force in a court ordained or established by or under Article III of the Constitution.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2012

Mr. RIGELL (for himself, Mr. LANDRY, Mr. GRIFFIN of Arkansas, Mr. HARRIS, Mr. WALSH of Illinois, Mr. CLEAVER, Mr. ROSS of Florida, Mr. MULVANEY, Mr. THORNBERRY, Mr. LABRADOR, Mr. JOHNSON of Illinois, Mr. SIMPSON, Mr. ROKITA, Mr. MILLER of Florida, Mr. YOUNG of Indiana, Mr. REED, Mr. RIBBLE, Mr. DESJARLAIS, Mr. BUCSHON, Mr. GOWDY, Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. GINGREY of Georgia, Mr. LANKFORD, Mr. CANSECO, Mrs. HARTZLER, and Mr. CONAWAY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To state that nothing in the Authorization for Use of Military Force or the National Defense Authorization Act for Fiscal Year 2012 shall be construed to deny the availability of the writ of habeas corpus for any person who is detained in the United States pursuant to the Authorization for Use of Military Force in a court or-

dained or established by or under Article III of the Constitution.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Right to Habeas Cor-

5 pus Act”.

6 **SEC. 2. FINDINGS REGARDING HABEAS CORPUS RIGHTS.**

7 Congress makes the following findings:

8 (1) Article 1, section 9 of the Constitution

9 states “The Privilege of the Writ of Habeas Corpus

10 shall not be suspended, unless when in Cases of Re-

11 bellion or Invasion the public Safety may require

12 it.”.

13 (2) Regarding the Great Writ, the Supreme

14 Court has noted “The writ of habeas corpus is the

15 fundamental instrument for safeguarding individual

16 freedom against arbitrary and lawless state action.”.

17 **SEC. 3. HABEAS CORPUS RIGHTS.**

18 Nothing in the Authorization for Use of Military

19 Force (Public Law 107–40; 50 U.S.C. 1541 note) or the

20 National Defense Authorization Act for Fiscal Year 2012

21 (Public Law 112–81) shall be construed to deny the avail-

22 ability of the writ of habeas corpus in a court ordained

23 or established by or under Article III of the Constitution

24 for any person who is detained in the United States pursu-

1 ant to the Authorization for Use of Military Force (Public
2 Law 107–40; 50 U.S.C. 1541 note).

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