



Representative Mario Goico, Chairman
House Veterans, Military and Homeland Security Committee
Kansas Legislature Topeka, Kansas

Re: Support for HR 6021 Opposing the 2012 National Defense Authorization Act (NDAA)

Tuesday, April 24, 2012

Dear Chairman and Committee Members,

Since 9/11 our national security type laws have become more aggressive in destroying the Constitutional rights of our citizenry. Starting with the Patriot Act the government has fought retroactively to expand the authority of the Executive Branch and even expand the definition of "terrorism". They have sought out ways of circumventing the Constitutional protection of citizens and the results have been the creation of a domestic "law of war" to use against our citizens. There has been a subtle paradigm shift from terrorism to focus on the U.S. citizen – demonizing and marginalizing veteran's groups, tea party groups and conservative candidates alike.

This shift in focus is why I fully support opposing the 2012 National Defense Authorization Act as it is only one example of intolerable acts attacking the sanctity of our nation's sovereignty. Here a summary of the acts since 2001:

➤ **2001 Authorization for the Use of Military Force (AUMF) Joint Resolution**

"That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons

➤ **2002 The USA Patriot Act HR 3162**

As a response to the terrorist attacks of September 11th, this act dramatically reduced restrictions on law enforcement agencies' ability to search telephone, e-mail communications, medical, financial, and other records; eased restrictions on foreign intelligence gathering within the United States; expanded the Secretary of the Treasury's authority to regulate financial transactions, particularly those involving foreign individuals and entities; and broadened the discretion of law enforcement and immigration authorities in detaining and deporting immigrants suspected of terrorism-related acts. The act also expanded the definition of terrorism to include domestic terrorism, thus enlarging the number of activities to which the USA PATRIOT Act's expanded law

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enforcement powers can be applied. This was done at the expense of the 1st and 4th amendments allowing warrant-less searches, prohibiting citizens from crying out for help in defense of their 4th amendment rights and making it a crime to disclose that their rights had been violated, even to their spouses!

Update of May 26, 2011, President Barack Obama and Congress passed a bill to extend Patriot Act despite Sen. Rand Paul delay: "The Patriot Act is here to stay. Congress passed a four-year extension Thursday of the controversial legislation, which allows a continuation of post-Sept. 11 powers to conduct roving wiretaps in pursuit of terrorists.

➤ **2004 Hamdi v Rumsfeld**

In this case the Court reversed the dismissal of a habeas corpus petition brought on behalf of Yaser Esam Hamdi, a U.S. citizen being detained indefinitely as an "illegal enemy combatant." The Court recognized the power of the government to detain enemy combatants, but ruled that detainees who are U.S. citizens must have the ability to challenge their enemy combatant status before an impartial judge. Hamdi was detained without charge or trial for approximately two years – the first year at Guantanamo and the second in a Navy brig in South Carolina. His habeas corpus petition was denied by the lower court and the Supreme Court reversed that decision. Justice Scalia who voted with the majority wrote a dissenting opinion stating the high court itself had acted as "Mr. Fixit" without addressing the legitimacy of the Executive Branch's constitutional authority.

➤ **2006 Military Commissions Act HR 6166**

Senator John Warner negotiated with the White House the language of the Military Commissions Act of 2006, suspending habeas corpus provisions for anyone deemed by the Executive Branch an "unlawful combatant" and barring them from challenging their detentions in court. Warner's vote gave a retroactive, nine-year immunity to U.S. officials who authorized, ordered, or committed acts of torture and abuse, permitting the use of statements obtained through torture to be used in military tribunals without regard to citizen's Constitutional rights. Warner's "compromise" authorized the President to establish permissible interrogation techniques and to "interpret the meaning and application" of international Geneva Convention standards, so long as the coercion falls short of "serious" bodily or psychological injury. This law expanded the types of "covered persons" as either "private belligerent" or "unprivileged enemy belligerent" and expanded the definition of what qualifies as taking a "direct part" in hostilities beyond that recognized by the majority of International Communities and the Geneva Convention AP 1.

➤ **2008 North American Military Agreement**

"This is a military plan that's designed to bypass the Posse Comitatus Act that traditionally prohibited the US military from operating within the borders of the United States. Not only will American soldiers be deployed at the discretion of whoever is sitting in the Oval Office, but foreign soldiers will also be deployed in American cities. This showed Executive Branch expansion of military power by bringing foreign troops into the US for active duty assignment. This agreement was signed

by U.S. Air Force General Gene Renuart, commander of USNORTHCOM and Canadian Air Force Lt. General Marc Dumais, commander of Canada Command.

- 2009 The Department of Homeland Security (DHS) releases Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization of Recruitment. This report profiles and suggests that those who do not like the President, those who support our 2nd amendment rights, those oppose to illegal aliens in the country and “disgruntled Military Veterans” as possible rightwing extremist who are “hate-oriented” and “anti-government”.
- 2009 Missouri Information Analysis and Center (a DHS “fusion Center”) releases The Modern Militia Movement. This reported, patterned after the DHS’ Rightwing Extremism report focused on “rightwing extremist and the militia”. It characterizes “constitutionalist” pro 2nd amendment persons, those against the Federal Reserve System and the IRS, those concerned about RFID, state’s rights advocates, pro-life supporters; those associated with “third party political groups” and specifically mentioning supports of “Ron Paul, Chuck Baldwin and Bob Barr” as possible members of such extremist. The revelation of the MICA report in Missouri lead to a legislative investigation. Similar reports were released by other Fusion Centers around the country. These and other efforts reveal an effort by some within the federal government to demonize and marginalize those with conservative views.
- **2012 National Defense Authorization Act**
A standard act signed yearly to fund the military, the 2012 NDAA has hidden language in sections 1021 and 1022 which places Americans under martial law, provides indefinite detention of US citizens and strips them of their right to due process. It establishes “law of war” language, “belligerent” persons and refers to the United States as a “battlefield”. It violates 4 Articles and 7 Amendments of the Constitution and Bill of Rights. .

On February 10, 1936, the Nazi Reichstag passed the 'Gestapo Law' which included the following paragraph: "Neither the instructions nor the affairs of the Gestapo will be open to review by the administrative courts." This meant the Gestapo was now above the law and there could be no legal or civil court appeal regarding anything it did. Indeed, the Gestapo became a law unto itself. It was entirely possible for someone to be arrested, interrogated and sent to a concentration camp for incarceration or summary execution, without any outside legal procedure.

- **2012 National Defense Resource Preparedness Executive Order**
The National Defense Resources Preparedness EO and most of the FEMA EOs before completely eviscerate due process (explicitly stated in the Fifth Amendment with a heritage going back to the Magna Carta). The EOs sprouting from the Defense Production Act of 1950 allowing the government to mobilize national resources in the event of “national emergencies” set the stage for a complete government takeover and the implementation of martial law and confiscation of private property. The National Defense Resources Preparedness EO is part of a larger and increasingly portentous effort by the government to establish the framework of a police state and an excuse to enforce

martial law.

➤ **2012 Federal Protective Building and Grounds Act HR 347**

Now called the “anti-protester” act, this act expands the duties of the Secret Service to people other than our elected officials and foreign dignitaries (those in service to the U.S.) to be whoever the Executive Branch deems necessary via a memo from the President. Any case arising from an incident will not be tried in an Article III Court and the offense is no longer a misdemeanor, but now a felony.

The reworded law effectively does away with intent as a requirement in addition to expanding the meaning of the term ‘restricted buildings or grounds’ to mean virtually any place in proximity to or place where a government function or an “event of national interest” is taking place. This would allow for the arrest of protesters just about anywhere. Outside political rallies, near the hotels of visiting foreign dignitaries, outside sporting or other public events like the Super Bowl.

Upcoming Legislation

➤ **2012 Enemy Expatriation Act HR 3166**

This bill would give the US government the power to strip Americans of their citizenship without being convicted of being “hostile” against the United States. In other words, you can be stripped of your nationality for “engaging in, or purposefully and materially supporting, hostilities against the United States.” Legally, the term “hostilities” means any conflict subject to the laws of war but considering the fact that the War on Terror is a little ambiguous and encompassing, any action could be labeled as supporting terrorism.

➤ **2012 See Something Say Something Act**

A new bill proposed by Representative Peter King (R-NY) called the See Something Say Something Act seeks to encourage Americans to spy and report information on their neighbors by ensuring that those who make such reports would be immune from lawsuits. Even if the reported claims prove to be entirely false, the accused would be unable to take action against the accuser so long as it is believed that the accusations were made in good faith and with reasonable suspicion.

Are these acts our “... long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism...”? It appears the common thread in all these actions is to curtail the rights of “We the People” through artifice, deception, stealth and force if necessary. It appears by the NDAA the government has declared war on the citizens. Are we now to wait until they begin conducting such war before we respond?

In conclusion, our government has painstakingly created the framework to place American citizens in an inferior position. We have been placed under martial law, we can be detained indefinitely, and we can be sent offshore - all without due process. It appears that the 2012 NDAA is a vehicle for our government to declare war upon us, “We the People”.

When you, the members of this committee weigh what has been said today I hope you do so not from a political or military viewpoint, but from that as an American citizen. I'd like to leave you with the well - known words of Edmond Burke:

"All that is necessary for the triumph of evil is that good men do nothing."

For the Sake of Liberty,

Dee Saddler
National Deputy Director
Patriot Coalition