



Written by [Joe Wolverton, II, J.D.](#) on April 26, 2012

Arizona Legislature Passes Anti-NDAA Bill

After months of internecine legislative battles, including the threat that the bill as amended by the State House of Representatives would not make it out of committee, the Arizona State Senate approved the revised version of Senate Bill 1182 and the legislation will now go to the desk of Governor Jan Brewer (left) for her signature or veto. As the bill's primary sponsor, State Senator Sylvia Allen told *The New American*, "There were a lot of ups and downs along the way, but ultimately the Senate passed the House's amended version of the bill by a vote of 20-8."



[SB 1182](#) asserts:

This state and any agency of this state shall not provide material support or participate in any way with the implementation of sections 1021 and 1022 of the national defense authorization act of 2012, Public Law 112-81, against any citizen of the United States.

THE DIRECTOR OF THE
DEPARTMENT OF PUBLIC SAFETY
OR A SHERIFF OF THE COUNTY
SHALL REPORT TO THE GOVERNOR
AND THE LEGISLATURE ANY
ATTEMPT BY AGENCIES OR AGENTS
OF THE FEDERAL GOVERNMENT TO
SECURE THE IMPLEMENTATION OF
SECTIONS 1021 AND 1022 OF THE
NATIONAL DEFENSE
AUTHORIZATION ACT, 2011 PUBLIC
LAW 112-81 THROUGH THE
OPERATIONS OF THAT OR ANY
OTHER STATE DEPARTMENT.

ANY PUBLIC OFFICER, EMPLOYEE
OR AGENT OF THIS STATE WHO
ENFORCES OR ATTEMPTS TO
ENFORCE AN ACT, ORDER, LAW,



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STATUTE, RULE OR REGULATION OF
THE UNITED STATES IN VIOLATION
OF THIS SECTION IS GUILTY OF A
CLASS 1 MISDEMEANOR.

Readers will notice that unlike many of the anti-NDAA measures working their way through various state legislatures (including the new law in Virginia), that last quoted section of the Arizona bill makes it a criminal offense (albeit a misdemeanor) for any public officer, employee or agent of the state to make any attempt to assist federal agents in the apprehension or detention of a citizen of the Grand Canyon State.

While the State Legislature's passage of SB 1182 is certainly good news and a source of pride to all citizens of the Grand Canyon State committed to the defense of the Constitution of the United States and the right of states to be self-governing without the permission or interference of Washington, D.C., there is yet a chance that Governor Jan Brewer will veto the bill.

According to Senator Allen, although she is currently in talks with the Governor's staff to address their concerns, Governor Brewer's signature on the bill is not a foregone conclusion.

While it is true that historically Governor Brewer has not shied away from confronting the federal government (she is currently defending her state's anti-illegal immigration bill before the Supreme Court), Jan Brewer is a card-carrying member of the Arizona GOP Establishment and as such she orbits around the center of the universe of Republican Arizona politics — Senator John McCain.

Americans should remember that during debate on the Senate floor, Kentucky Senator Paul confronted John McCain, asking him, "Would it be possible that an



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American citizen can then be declared an enemy combatant and sent to Guantanamo Bay and detained indefinitely?" McCain responded, "As long as that individual, no matter who they are, poses a threat to the security of the United States of America, [they] should not be allowed to continue that threat."

That is hardly the appropriate response one would expect from a man who has sworn a solemn oath to "preserve, protect, and defend the Constitution of the United States from all enemies, foreign and domestic."

When asked by *The New American* if she was troubled by this inconsistency, Senator Allen answered that she didn't "understand why nearly 70 percent of our congressmen would think that the end of protecting our national security would justify the means of destroying due process."

She continued, warning that "if we allow this attitude to carry on, we will lose our constitutional republic."

One of the most constitutionally offensive aspects of the NDAA is that it places the American military at the disposal of the President for the apprehension, arrest, and detention of those suspected of posing a danger to the homeland (whether inside or outside the borders of the United States and whether the suspect be a citizen or foreigner).

Furthermore, a key component of the NDAA mandates a frightening grant of immense and unconstitutional power to the executive branch. Under the provisions of Section 1021, the President is afforded the absolute power to arrest and detain citizens of the United States without their being informed of any criminal charges, without a trial on the merits of those charges, and without a scintilla of the due process safeguards



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protected by the Constitution of the United States.

Beyond that, in order to execute the provisions of Section 1021 described in the previous paragraph, subsequent clauses (Section 1022, for example) unlawfully give the President the absolute and unquestionable authority to deploy the armed forces of the United States to apprehend and to indefinitely detain those suspected of threatening the security of the "homeland." In the language of this legislation, these people are called "covered persons."

The universe of potential "covered persons" includes every citizen of the United States of America. Any American could one day find himself or herself branded a "belligerent" and thus subject to the complete confiscation of his or her constitutional civil liberties and nearly never-ending incarceration in a military prison.

It is partially this very statutory vagueness that prompted Senator Allen to challenge the NDAA. "The law was so vague as passed by Congress. They should have expressly exempted citizens of the United States from the denial of due process," explained Allen.

"There is so much corruption in Washington that a threat that could be made against anybody, used politically, and a federal agent could arrest me because there is a suspicion of my involvement in terrorist activity. I wouldn't have a lawyer, I wouldn't get due process, and the next thing you know I'm in Gitmo," she continued.

Fortunately, Arizonans still have time to contact [Governor Jan Brewer](#) and encourage her to sign SB 1182 and thus take a firm and immovable stand against federal tyranny and against any effort by the President to apprehend and detain her constituents



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without affording them the full panoply of due process rights guaranteed by the Constitution of the United States and the Constitution of the State of Arizona. By so doing, they can add their voices to the chorus of concerned citizens across America calling not only for the repeal of Sections 1021 and 1022 of the NDAA, but the entire gamut of similar federal measures that threaten liberty.

With Arizona, there are 11 other states whose legislatures are currently considering some version of anti-NDAA legislation, a fact that brings joy to all those who value our republican form of government and the freedom enjoyed by all Americans.



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