



Written by [Joe Wolverton, II, J.D.](#) on February 25, 2012

Bill of Rights Defense Committee Director Warns Public of NDAA

On December 31, 2011, with the [President's signing of the NDAA](#), the writ of habeas corpus — a civil right so fundamental to Anglo-American common law history that it predates the Magna Carta — is voidable upon the command of the President of the United States. The Sixth Amendment right to counsel is also revocable at his will.

A key component of [this legislation](#) 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 protected by the Constitution of the United States.



One of the citizen activists who addressed the meeting was Shahid Buttar, executive director of the Bill of Rights Defense Committee (BORDC). Buttar laid out chapter and verse of the NDAA and the unconstitutional attack on the civil liberties of all Americans, any one of whom may one day be labeled a “covered person” and hauled away by the military to a detention facility without being apprised of the charges against him and without the right to an attorney. (As U.S. Senator Lindsey Graham declared during floor debate on the measure in the Senate, the United States is now a theatre in the War on Terror and Americans “can be detained indefinitely ... and when you say to the interrogator, ‘I want my lawyer,’ the interrogator will say, ‘You don't have a right to a lawyer because you're a military threat.’”).

According to [its website](#), the BORDC is:

is a national non-profit grassroots organization. We defend the rule of law and rights and liberties challenged by overbroad national security and counter-terrorism policies. We support an ideologically, ethnically, geographically, and generationally diverse grassroots movement to protect and restore these principles by encouraging widespread civic participation; educating people about the significance of our rights; and cultivating grassroots networks to convert concern, outrage, and fear into debate and action.

Every person under U.S. jurisdiction or control is entitled to Bill of Rights protections. At all times and especially when federal, state, or local governments propose or enact laws or policies that threaten or deny those rights, the people organize, exercising those same rights in the service of



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protecting them. Most people understand that the country cannot be made safer by sacrificing some rights for all or part of its population. When the people know and exercise their rights, the liberties guaranteed by the Bill of Rights hold firm and remain self-sustaining.

In an [interview with the radio program, "Between the Lines"](#) given after his appearance at the Berlin event, Buttar explained the content of two of the most frightening and constitutionally violative section of the NDAA.

The NDAA contains two provisions, Sections 1021 and 1022, that relate to indefinite military detention. They are intentionally ambiguous, and if you read the law without having a great deal of context, it might seem that they allow for due process to continue for some people. Even under the most charitable reading of the bill, the NDAA abrogates the right to trial and due process for non-citizens and for citizens apprehended outside the U.S. The fact of the matter is that even for U.S. citizens within the U.S., the NDAA does in fact authorize detention without trial, particularly because the existing authorities - particularly the Authorization of Use of Military Force (AUMF) in Afghanistan - has already been used to assert that power. What the NDAA does is codify what used to be a unilateral executive assertion applied to two Americans over the last ten years and then creates a statutory framework that can now be applied to anyone. You might think of the NDAA as the bill that extends Guantanamo beyond Guantanamo into the domestic U.S. and across our country, giving any future president the authority, essentially, to round up political opposition without allowing people a day in court to prove their innocence.

When asked by the host why it seems that the media has maintained a blackout in its coverage of the NDAA and the grassroots resistance thereto, Buttar remarked:

I think part of the reason is that neither the press nor even the members of Congress who voted for this law quite understand what it means. And that obfuscation, the ambiguity - it's a disincentive for media to cover it because it is very complicated and it takes some familiarity with issues that are not easily accessible, and I think that's a real shame. I know all the big advocacy organizations - the Center for Constitutional Rights, the ACLU - have been speaking publicly about it, but the fact of the matter is that's not enough. It has to be an echo chamber that includes the tens - I would even say hundred - of millions of Americans, we the people of the U.S. who have an interest in guarding and restoring our own rights.

Later in the interview, Buttar mentioned [a resolution recently enacted by the city council of Northampton, Massachusetts](#), calling for the restoration of due process and mandating that local law enforcement and other public officials not participate with any attempt by the federal government to abrogate these fundamental civil rights.

The resolution was proposed by Northampton City Council President Bill Dwight, who [during a press conference held Thursday](#) featuring several state and local leaders opposing the NDAA, Dwight told *The New American*, "We're witnessing the frequent accommodation of the death by a thousand cuts of the Bill of Rights," and "this is unacceptable."

Dwight, whose town was the first to pass legislation against the Patriot Act, continued, saying, "We have no higher calling than to protect the Constitution which is clearly in jeopardy. We [the Northampton City Council] have made it known that this will not stand."

Buttar later praised the county commission of El Paso, Colorado, which was the county in the United States to pass [a measure opposing the enforcement of the NDAA](#).



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Said Buttar: "The first of the resolutions rejecting the NDAA came from a county in Colorado that encompasses the Air Force Academy, and it's red, white and blue patriotism straight through and through. It says these are not the principles that our armed services fought and died to defend."

The lady responsible for proposing that resolution was [El Paso County Commissioner, Peggy Littleton](#). Littleton also addressed the media at the press conference held Thursday.

When asked why she felt compelled to stand up to the federal government, Littleton declared, "I felt it incumbent to be proactive to protect our counties and Tenth Amendment rights."

Littleton concluded her remarks with a frightening question: "Who is to say that those who carry Bibles or have personal firearms will not one day be considered as someone committing a 'belligerent act'?"

Wise words of warning from a patriot. While there certainly will be instances where the agenda of the BORDC will not reflect the goals of most constitutionalists, there is nevertheless great power in uniting with those of all ideological stripes in opposing the efforts by the federal government to deprive citizens of the civil liberties protected by the Constitution, our most sacred document.

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