



Written by [Joe Wolverton, II, J.D.](#) on August 11, 2012

Group Plans Protest Against NDAA



Very likely, the Senate will soon follow their colleagues in the House and overwhelmingly (and unforgivably) pass the 2013 version of the National Defense Authorization Act (NDAA).

[As we have reported](#), the NDAA for Fiscal Year 2013 was passed on May 18 by 299 members of the House who voted in favor of HR 4310. The bill was then sent to the Senate, where it is being deliberated by the Armed Services Committee.

[Section 1033 of the House's version](#) of the measure reportedly preserves the “fundamental right to habeas corpus.” Here is the current text of that updated provision purporting to codify that protection:

This section would state that nothing in the Authorization for Use of Military Force (Public Law 107-40) or the [National Defense Authorization Act for Fiscal Year 2012](#) (Public Law 112-81) shall be construed to deny the availability of the writ of habeas corpus in a court ordained or established by or under Article III of the Constitution for any person who is detained in the United States pursuant to the Authorization for Use of Military Force (Public Law 107-40).

The double-speak contained in that paragraph is impressive even for a Capitol Hill lawyer.

Read it very closely: The new bill does nothing to prevent the indefinite detention of Americans under the 2013 NDAA; furthermore, it only reiterates that habeas corpus is a right in courts established under Article III of the Constitution. That such a right exists in the courts of the United States has never been the issue. The concern of millions of Americans from every band in the political spectrum is that Americans detained as “belligerents” under the terms of the NDAA will not be tried in Article III courts, but will be subject to military tribunals such as the one currently considering the case of the so-called “Gitmo Five.”

There is not a single syllable of the 2013 NDAA currently being considered by the [Senate Armed Service Committee](#) on Thursday that will guarantee Americans will be tried in a constitutional court and not a military commission.

Curiously, furthermore, the bill ties the fundamental right of habeas corpus not to the Constitution (or the nearly 900 years of Anglo-American law), but to the Authorization for the Use of Military Force where the protection of that right is severely diminished.

Of course, all this re-writing of centuries of civil liberties has been done in the name of “national security.” [In a recent article](#), one of the plaintiffs in a lawsuit brought by journalists challenging the constitutionality of the indefinite detention provisions of the NDAA accurately chronicles the now decade-long slouch of the United States toward absolutism.

The US public often ignores how, when it comes to the “war on terror”, the US government as a whole has been deceitful, reckless, even murderous. We lost nearly 3,000 people on 9/11. Then we allowed the Bush administration to lie and force us into war with a country that had nothing to do with that terrible day. Presidents Bush and Obama, and the US Congress, appear more interested in enacting misguided “war on terror” policies that distract citizens from investigating the truth about what we’ve done, and what we’ve become, since 9/11.

There is yet hope. For those interested in protesting against our government’s attempt to rob of us our most basic and essential rights and the process that enforces them, there are like-minded groups of



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citizens who have organized just such a demonstration.

Here is the announcement from a press release from the group sponsoring the event:

While the misguided mainstream media uses elements of the Tea Party & Occupy movements to divide us, the time has come to unify. We cannot let the mainstream media divide us through perceived differences and keep us from working together. We cannot stand idle while our constitution and bill of rights are trampled on.

People Against the National Defense Act (PANDA) Indiana has scheduled a march against the National Defense Authorization Act on August 11, 2012 to begin at 1:00pm at Monument Circle in downtown Indianapolis.

PANDA was formed in January 2012 in response to the indefinite detention provisions of the National Defense Authorization Act.

[The group's website](#) declares its intention to unite everyone from across the full spectrum of political philosophy in its mission to prevent our Republic from becoming a full-blown police state devoid of due process where those courageous enough to confront despotism may be apprehended by the military and permanently imprisoned at the will of the president.

We are now in 25 states across the country and counting, and looking at a bright future for the liberty movement. From Oathkeepers to the ACLU, the people we have met during our long fight are truly pushing for liberty. We are excited to be the spearhead that will guarantee a better life for our children than we've had, and we are ready for you to join us.

Americans concerned about the federal government's relentless quest to abolish the Constitution and the liberties protected by it are encouraged to go to PANDA's website and sign up to hold their own local protest on December 31, 2013. Why that date?

That's the day we restore liberty. In every county, every city in the nation, we will repeal the NDAA by that date. No indefinite detention. Guaranteed trials. We can provide you with a network of people that can help you take out the NDAA in your state, legal advice and anything else you would need to take down NDAA.

Beyond participating in such protests, friends of liberty should immediately contact their senators and remind them of the oath they took to "preserve, protect, and defend the Constitution."

Also, Americans interested in protecting our liberty and the Tenth Amendment can contact their state representatives and encourage them to resist such unconstitutional usurpations of power by [passing nullification bills](#) that will stop the enforcement of the NDAA at the state's border.



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