



Written by [Joe Wolverton, II, J.D.](#) on December 6, 2012

Michigan State Reps Unanimously Pass Bill Nullifying NDAA

Two days after the U.S. Senate unanimously violated their oaths of office and passed the 2013 National Defense Authorization Act (NDAA), members of the [Michigan State House of Representatives unanimously defended the Constitution](#), passing a bill stopping enforcement of the indefinite detention of Americans within the sovereign borders of the state of Michigan.



The courageous state legislator who introduced the bill was ecstatic over his colleagues' decision to support his bill and support the effort to push back against federal consolidation of powers meant to be retained by the states. "My bill opposing NDAA's indefinite detention and taking away due process and prohibiting MI government from participating passed the House today. Onto the State Senate," said Representative Tom McMillin.

McMillin's measure, HB 5768, would prevent the arrest and indefinite detention of citizens of his state under the authority of relevant provisions of the NDAA. According to the [text of the legislation](#):

No agency of this state, no political subdivision of this state, no employee of an agency of this state or a political subdivision of this state acting in his or her official capacity, and no member of the Michigan national guard on official state duty shall aid an agency of the armed forces of the United States in any investigation, prosecution, or detention of any person pursuant to 50 USC 1541, as provided by the federal national defense authorization act for fiscal year 2012.

Led by Tenth Amendment Center state coordinator Shane Trejo, representatives from an impressive coalition of activist grassroots groups devoted to the protection of individual liberty worked tirelessly to convince state lawmakers to back McMillin's bill and the principle of due process. The organizations leading the effort to whip up support included [People Against NDAA](#) (PANDA), the Campaign for Liberty, Downsize D.C., the Bill of Rights Defense Committee, and the ACLU, among others.

Notably, consistent defender of the Constitution Congressman Justin Amash (R-Mich.) appeared before the committee and spoke in support of HB 5768.

As [readers may remember](#), Amash's effort to repeal the indefinite detention provisions of the NDAA for 2013 was blocked in May when by a vote of 238-182, members of the House of Representatives voted to renew the president's power to arrest and indefinitely detain Americans suspected of posing a threat to national security.

In [a statement](#), Representative McMillin recognized Amash for his aid to the cause of liberty. "I



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appreciate the support from Congressman Amash, who has fought against the federal law that enables the executive branch to arrest and indefinitely detain anyone on U.S. soil using the slightest thread of evidence or suspicion,” McMillin said. “Michigan residents should not be party to what most people consider an unconstitutional infringement on the rights of citizens by indefinitely imprisoning someone under the most ambiguous of terms,” he added.

As [The New American](#) has reported, other parts of Michigan are actively engaged in the good cause of fighting for liberty. In Allegan County, County Commissioner Bill Sage is working with his colleagues and encouraging them to get behind a county resolution specifically supporting HB 5768.

Sage’s goal, [according to a press release issued by People Against the NDAA \(PANDA\)](#), is “to get all 83 counties to pass a county resolution in support of HB5768.”

It is primarily thanks to the tireless efforts of County Commissioner Sage that by a vote of 8-3, the Allegan County Commission passed a resolution reaffirming the principles of the McMillin bill.

Allegan County’s resolution explicitly rejects the exercise in that jurisdiction of the NDAA’s indefinite detention provisions. The resolution reads:

THEREFORE BE IT RESOLVED that the Allegan County Board of Commissioners condemns in no uncertain terms Sections 1021 and 1022 of the 2012 NDAA as they purport to:

- 1) Repeal Posse Comitatus and authorize the President of the United States to utilize the Armed Forces of the United States to police the United States of America,
- 2) Indefinitely detain persons captured within the United States of America without charge until the end of hostilities as purportedly authorized by the 2001 Authorization for Use of Military Force,
- 3) Subject persons captured within the United States of America to military tribunals, and
- 4) Transfer persons captured within the United States of America to a foreign country or foreign entity

In [a letter to the editor of the Allegan County News](#), Sage explained to readers the purpose of the resolution:

In order to protect these [constitutional] rights, it is time for Michiganders to speak up against this unconstitutional federal law.

On July 26, I presented the Allegan Liberty Preservation Resolution to the Allegan County Board of Commissioners with the intent of passing support for State Rep. Tom McMillin’s Michigan Liberty Bill, HB 5768, which makes it illegal in the state of Michigan for any official of the state, be they National Guard or any other official, to assist in the investigation or arrest of any citizen of Michigan in connection to sections 1021 and 1022 of the NDAA.

The resolution also states that all agencies of Allegan County up to and including the Allegan County Sheriff Department and all police departments in the jurisdiction of Allegan County are instructed to decline requests from federal agencies acting under detention powers of Sections 1021 and 1022 of the NDAA that could infringe upon county residents’ constitutional rights.

It should be of the first priority of all our elected officials, from the governor, U.S. Senate, Congress, states senate, state representatives, right down the line to the board of commissioners, to aggressively defend our country and constitution in every avenue possible.



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All Americans should be encouraged by the efforts underway in Michigan and elsewhere to enforce the 10th Amendment and to prevent the unchecked growth of the power of the federal government. The [10th Amendment mandates](#): “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

In the statement issued by PANDA, Dennis Marburger of Bloomfield, Michigan, explained the critical role of the 10th Amendment in safeguarding the sovereignty of the states from the constant usurpations of Washington:

Thomas Jefferson called this the cornerstone of the Constitution. When Freedom of Speech was under attack by President Adams in 1798, Jefferson went to Kentucky in order to fight back through his Kentucky resolves where he enunciated the concept of Nullification, which he called the “rightful remedy” to D.C.’s lawlessness and violations of the Constitution. James Madison went to Virginia and wrote the Virginia Resolves calling for state interposition between the people and Feds when the latter unconstitutionally endanger the former. Thus was born “the Spirit of ’98”. The State of Michigan joined other Northern states in employing noncompliance / Nullification to resist the Fugitive Slave Act and government sanctioned kidnapping in the 1850’s.

By passing similar anti-NDAA resolutions, counties and states can proudly join several other state and local authorities in taking a stand against the federal government’s use of the NDAA to abolish centuries old due process and habeas corpus protections, thus restoring the states’ rightful place as bulwarks of liberty.

McMillin’s bill will now be transferred to the state Senate Judiciary Committee for deliberation.



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