



Written by [Joe Wolverton, II, J.D.](#) on May 22, 2012

Pennsylvania State Constable Proposes Anti-NDAA Resolution

Despite the attempts by many to portray the opposition to the National Defense Authorization Act (NDAA) as “[absurd](#),” the ranks of the resistance to this tyrannical act grow larger day by day.

On May 26 at 10 a.m. at a park across the street from the Northumberland County Courthouse in [Sunbury, Pennsylvania](#) (pictured at left, along with the county jail), State Constable [Ed Quiggle, Jr.](#) will add his name to that noble roster by signing an [anti-NDAA resolution](#).



While the broad strokes of the NDAA are by now likely familiar to readers, a brief overview is in order.

Most of what is contained in the over-500-page 2012 version of the NDAA ([the 2013 version is working its way through Congress as we speak](#)) is anathema to constitutional liberty. For example, under the provisions of Section 1021, the President is granted the extraordinary 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.

Moreover, in order to execute this immense power, the NDAA unlawfully grants 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.”

Regardless of Republican promises to the contrary, the language of the NDAA places every citizen of the United States within the universe of potential “covered persons.”

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.

Since its inception, concerned citizens and citizen statesmen around the country have offered bills, resolutions, and amendments decrying the despotism perpetuated by the NDAA.

The New American has faithfully chronicled the spread of this patriotic zeal for liberty.

For example, [last week we reported](#) on such a proposal working its way through the North Carolina House of Representatives. In [H.R. 982](#), the legislators who sponsored the resolution recognized the duty of their state House to

interpose itself between unconstitutional usurpations by the federal government or its agents and the people of this State, as well as the duty to defend the unalienable natural rights of the people, both of which are consistent with the Ninth and Tenth Amendments to the Constitution of the



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United States, and with our oaths to defend the Constitution of the United States and the constitution of this State against all enemies, foreign and domestic.

With North Carolina, there are now 13 states whose legislatures are currently considering or have already passed 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.

In addition to the many state lawmakers who are riding to the defense of the Constitution, there are a handful of federal representatives courageous enough to defy the powers behind both major political parties by declaring their opposition to the indefinite detention provisions of the NDAA.

As [The New American recently recounted](#), two praiseworthy Congressmen tried in vain to impede the progress toward a tyranny of the executive as established by the NDAA.

In a laudable effort to prevent such a scenario from continuing as the law of the land, Republican Representative Justin Amash of Michigan joined forces with Representative Adam Smith (D-Wash.), and offered an amendment to the 2013 iteration of the NDAA that would have explicitly repealed the indefinite detention provisions, as well as one that would have permitted the transfer of prisoners from civilian to military custody.

The [Smith-Amash amendment](#) identified and would have closed two very large gaps still present in the NDAA.

First, the Smith-Amash Amendment would have prohibited the indefinite detention of suspects, as well as the conducting of the trials of such suspects before military tribunals. The language in this amendment made it clear that any individual arrested in the United States on charges stemming from the NDAA or the AUMF would be tried in a civilian court and be afforded the complete catalog of constitutional protections.

Second, the Smith-Amash Amendment would have repealed that section of the NDAA that required foreigners suspected of committing terrorist acts be held in military custody, unless they have been granted a specific waiver from the President.

Unfortunately, late last week in a shameful display of disregard for the Constitution, by a vote of 182-238 the House of Representatives rejected the Smith-Amash amendment.

Despite such setbacks, Constable Quiggle is undeterred.

Using language familiar to many other similar resolutions that seek to thwart the enforcement of the NDAA, Quiggle's resolution lays out his position, giving no quarter to those who would participate in the carrying out of the indefinite detention of Americans living in Sunbury County.

The final paragraph mandates that any state or local official found guilty of aiding or supporting the illegal detention of an American citizen or lawful resident shall be subject "to discipline up to and including termination and potential arrest for assault, battery, kidnapping, unlawful detention, and other unconstitutional actions under the color of law."

In a [press release issued concurrent with Quiggle's resolution](#), it is reported that Quiggle was elected in 2011 as a Republican write-in candidate. Quiggle's purpose in offering the anti-NDAA resolution is described as an obligation under the "oath [sic] to the Constitutions of the U.S. and Pennsylvania" he took upon taking office.

The reason behind the choosing of May 26 as the date for making his declaration is also revealed in the



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press release:

On May 26th, 1857 Dred Scott was emancipated. Slaves who were taken to states where slavery was illegal, and could be kidnapped and forced to go back with their masters. There were also kidnappings of fugitive slaves who had escaped to the northern states.

And:

[On that date] in 1938 the House Un-American Activities Committee began its first session. The committee would go on to investigate the internment of Japanese-Americans during World War II. The only committee member to oppose the Japanese internment was Rep. Herman Eberharter (D-PA), the rest of the committee seemed to support the internment.

Finally, in defense of his resolution, Constable Quiggle states, "I believe I must follow my conscience and my oath to the U.S. and Pennsylvania Constitutions. Opposing unconstitutional laws is the duty of all Americans. We are on the right side, we are patriotic Americans standing up for our inalienable rights that the government does not have the authority to take away from us."

"I feel all elected officials need to speak out and do whatever possible to oppose and nullify the NDAA," he added.

Notably, [The John Birch Society](#) is listed in the press release as being one of many groups from across a wide band of the political spectrum "supporting the nullification and repeal of the NDAA."

It should come as no surprise to readers that Constable Quiggle is a member of the [Constitutional Sheriffs and Peace Officers Association](#).

[The New American stated in an earlier version of this article that Ed Quiggle, Jr. is a county constable. He is a state constable.](#)



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