



Written by [Joe Wolverton, II, J.D.](#) on December 30, 2011

Ron Paul Calls National Defense Authorization Act “Slip Into Tyranny”

The tyrannical assumption of power by the President and the cession of unheralded power to him by the Congress has taken place precisely as Dr. Paul warned.

The [National Defense Authorization Act \(NDAA\)](#) is an unprecedented, unconstitutional, and unchecked grant of dictatorial power to the President in the name of protecting the security of “the homeland.” Ron Paul described the bill (soon to be signed into law by the President) as a “slip into tyranny,” one that will almost certainly accelerate “our descent into totalitarianism.”



What of the NDAA? Are there indeed provisions contained therein that so ferociously tear at the constitutional fabric of our Republic?

In a word — yes.

This liberty-extinguishing legislation converts America into a war zone and turns Americans into potential suspected terrorists, complete with the full roster of rights typically afforded to terrorists — none.

A key component of this reconciled bill 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.

Further, 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.

In his assessment of the danger inherent in such acts, Paul is in good company. This suspension of habeas corpus, a right central to Anglo-American freedom from despotism for over 500 years, was described by Alexander Hamilton as one of “the favorite and most formidable instruments of tyranny.”

Congressman Paul eloquently expressed his assessment of such an assault on liberty:



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The president's widely expanded view of his own authority to detain Americans indefinitely even on American soil is for the first time in this legislation codified in law. That should chill all of us to our cores.

[As reported by *The Hill*](#), in a phone message to supporters, Paul cited the Founders and their intent to bequeath to their descendants a government fettered in such a way as to threaten as little as possible man's innate freedom:

The founders wanted to set a high bar for the government to overcome in order to deprive an individual of life or liberty. To lower that bar is to endanger everyone. When the bar is low enough to include political enemies, our descent into totalitarianism is virtually assured. The Patriot Act, as bad as its violation against the Fourth Amendment was, was just one step down the slippery slope. The recently passed National Defense Authorization Act continues that slip into tyranny, and in fact, accelerates it significantly.

Adding insult to injury, Congress has stuffed the bill full of funding for illegal and unconstitutional foreign wars so that the American people will pay over \$670 billion dollars for the privilege of being deprived of their God-given rights and for the building of the American empire.

This appalling story doesn't end there, however. The NDAA's rap sheet of crimes against the Constitution is long. As Congressman Paul explained:

The Fifth Amendment is about much more than the right to remain silent in the face of government questioning. It contains very basic and very critical stipulations about the due process of law. The government cannot imprison a person for no reason and with no evidence presented and without access to legal counsel. The danger of the NDAA is its alarmingly vague, undefined criteria for who can be indefinitely detained by the U.S. government without trial.

While all the foregoing is harrowing and enough to make any reasonable man fear for the future of this Republic, there is another aspect of the law that is perhaps more frightening still. That is the vagueness of the terms. Terms so ill-defined are ripe for the wresting and within the penumbras of these provisions could be found lurking the tools of tyranny. Wrenches that could force anyone into a predetermined "terrorist" hole.

Ron Paul sets forth the source of such chilling concern as contained in the NDAA:

It is no longer limited to members of al Qaeda or the Taliban, but anyone accused of substantially supporting such groups or associated forces. How closely associated, and what constitutes substantial support? What if it was discovered that someone who committed a terrorist act was once involved with a charity? Or suppose a political candidate? Are all donors of that candidate or supporters of that candidate now suspects and subject to indefinite detainment? Is that charity now an associated force?

Despite the bipartisan and bicameral support for the defense budget bill, President Obama originally vowed to veto the measure over his disagreement with the delegation of power over the cases of detainees.

He has since withdrawn his objection and has signaled his intent to sign the bill into law.

The crux of the White House's opposition to the NDAA was President Obama's desire that the Federal Bureau of Investigation (FBI) should have plenary power over the disposition of issues related to the custody and prosecution of all terror suspects detained domestically.



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The Obama administration insisted that cutting out the FBI would reduce the overall effectiveness of investigations, as well as hamstring the efforts of intelligence officers from gathering reliable intelligence from those believed to be fighting against the United States in Afghanistan or Iraq.

Specifically, the White House promised to veto the legislation if it “challenges or constrains the President’s critical authorities to collect intelligence, incapacitate dangerous terrorists, [or] protect the nation.”

Such swords disguised as shields are reminiscent of the words of James Madison. The Father of the Constitution warned, “The means of defense against foreign danger historically have become instruments of tyranny at home.”

Again, Ron Paul finds himself in the company of the Founders. In his closing remarks, Congressman Paul cited very succinctly the indictment that should be handed down by the American people against the NDAA:

The Bill of Rights has no exceptions for really bad people or terrorists or even non-citizens. It is a key check on government power against any person. That is not a weakness in our legal system; it is the very strength of our legal system. The NDAA attempts to justify abridging the Bill of Rights on the theory that rights are suspended in a time of war, and the entire United States is a battlefield in the war on terror. This is a very dangerous development, indeed. Beware.

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