



Written by [Alex Newman](#) on February 2, 2012

Washington State Lawmakers Join War on NDAA Indefinite Detention

Lawmakers in Washington State joined a growing nationwide rebellion this week against the federal government's purported new power to indefinitely detain Americans suspected of certain crimes under the 2012 National Defense Authorization Act (NDAA). Legislators in Virginia, Rhode Island, Tennessee, and other states — as well as a broad coalition of activists spanning the entire political spectrum — are also working to kill what critics call the “treasonous” usurpation.



Dubbed the “[Liberty Preservation Act](#),” HB 2759 seeks to protect the people of Washington State from the unconstitutional provisions of the NDAA — most notably the astounding and unprecedented federal claim that the U.S. government may now legally detain an American citizen indefinitely with no access to a lawyer or a trial, let alone a jury.

“Washingtonians are guaranteed the right of due process in both the U.S. and Washington State Constitutions,” said Rep. Jason Overstreet (above left), the Republican who introduced the bill this week. “The U.S. Congress and President have overstepped their constitutional authority. The Washington State Preservation of Liberty Act seeks to preserve the rights of Washingtonians so brazenly tossed aside by Washington, D.C.”

Other troubling sections of the NDAA targeted by the bill include the purported ability of the President to transfer Americans abroad, presumably for torture or other nefarious purposes. The unconstitutional authority to use military tribunals instead of civilian courts to prosecute U.S. citizens is attacked in the legislation, too.

“Policing the citizenry of the United States of America by the armed forces of the United States, as purportedly authorized by the 2012 NDAA, is contrary to the fundamental principles of our republic, and is generally repugnant to a free society,” notes the [text of the legislation](#), which has already attracted five co-sponsors. The bill also condemns the federal overreach in “no uncertain terms” as a direct violation of the U.S. and Washington Constitutions.

To help protect Washingtonians against the usurpations, state and local officials — including members of the Washington National Guard — would be prohibited from participating in or assisting the federal government in the unlawful activities purportedly authorized by the NDAA. The bill would also outlaw any of those actions by the U.S. armed forces within the state.



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The text of the legislation highlights several provisions of the U.S. Constitution that the NDAA violates. The unconstitutional powers include, among others, the federal government's presumed authority to deny a citizen's right to seek a writ of [habeas corpus](#) — a liberty held dear even by British subjects over 500 years ago.

Other constitutional guarantees cited in the Liberty Preservation Act which are violated by the NDAA include the right to petition the government for redress of grievances; the right to be free from unreasonable searches and seizures; the right to be free from serious charges without a grand jury indictment; the right to be free from deprivations of life, liberty, or property without due process; the right to a speedy trial by an impartial jury; the rights to confront witnesses, be informed of the allegations, and have the assistance of counsel; and several others.

The NDAA violates a broad array of rights enshrined in the Washington State Constitution as well, the legislation notes, citing multiple examples. And because state lawmakers are required to take an oath to uphold and defend the Washington Constitution, they have a duty to do so.

"The bill affirms that it is indisputable that the threat of terrorism is real and that the full force of appropriate and constitutional law must be used to defeat this threat," noted Rep. Overstreet. "However, winning the war against terror cannot come at the great expense of eviscerating the unalienable rights recognized by and protected in the United States Constitution and the Washington State Constitution."

If America gives up its freedom in order to fight the terror war, the terrorists will have won, Overstreet pointed out. "Undermining these constitutional rights serves only to concede to the terrorists' demands of changing the fabric of what has made the United States a republic, granting the greatest number of people the greatest amount of freedom," he concluded.

The controversial NDAA was [signed](#) by President Obama on December 31, along with an accompanying "signing statement" promising [not to abuse](#) the new pretended authority. But even before the legislation became official, critics across the country vowed to fight it for as long as needed. Opponents of the legislation even branded as "traitors" various U.S. Senators who backed the bill.

Since its passage, a [broad coalition](#) of Democrats, Republicans, libertarians, constitutionalists, and others has joined forces to undo the damage. Counties and [states](#) across America have drafted resolutions to nullify the NDAA, with Virginia entering the fray this week.

Activists in Montana are taking [other measures](#) — several prominent patriots are now working to recall the state's U.S. Senators, Democrats Max Baucus and Jonathan Tester, for disobeying their oath of office. Republican Rep. Denny Rehberg is also being targeted for violating his oath and voting in favor of the NDAA.

"These politicians from both parties betrayed our trust, and violated the oath they took to defend the Constitution," [said](#) recall campaign leader Stewart Rhodes, the president of the national group [Oath Keepers](#), composed of law enforcement and military personnel who pledge to defy unconstitutional orders. "It's not about the left or right; it's about our Bill of Rights. Without the Bill of Rights, there is no America. It is the Crown Jewel of our Constitution, and the high-water mark of Western Civilization."

More state legislatures are also expected to join the battle soon, according to the Tenth Amendment Center. The national organization, which works with state governments to nullify unconstitutional federal usurpations such as the NDAA, blasted the idea of indefinite detention and praised Washington State legislators for their efforts to protect the Constitution.



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“Washington lawmakers have the opportunity to stand in the gap and ensure their citizens will not find themselves subject to the capricious whims of federal agents,” [wrote](#) Mike Maharrey, communications director for the Tenth Amendment Center. “By taking a stand, Washington can join those heroic state officials who stood up against federal power to protect black citizens in the waning years of slavery.”

As states take action to protect citizens, U.S. Rep. Ron Paul, a GOP presidential contender who [called](#) the NDAA a “slip into tyranny,” [introduced a bill in Congress to repeal the indefinite-detention provisions](#). “This is precisely the kind of egregious distortion of justice that Americans have always ridiculed in so many dictatorships overseas,” the liberty-minded Congressman said while introducing the legislation.

In the courts, NDAA opponents are taking action as well. Pulitzer Prize-winning *New York Times* journalist Chris Hedges, for example, is [suing President Obama in federal court](#) for signing the bill. “The executive branch is now functioning as judge, jury, and executioner,” Hedges told radio talk-show host Alex Jones.

Indeed, the Obama administration, going even further than George W. Bush, has taken to [publicly assassinating American citizens](#) without charges or trial. Most recently a 16-year-old U.S. citizen was [murdered](#) by the administration using a drone strike over Yemen.

Washington’s “Liberty Preservation Act” has been referred to the House Judiciary Committee. If approved, it will take effect immediately.

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