

# NDAA RESOLUTION FOR SHERIFFS

**From: Patriot Coalition National Director Jeff Lewis & Oath Keepers founder Stewart Rhodes.**

The below draft resolution was prepared by Mr. Stewart Rhodes, Founder of Oath Keepers ([oathkeepers.org](http://oathkeepers.org)) a Yale Law Graduate who specializes in the application of military law to civilians, and Mr. Richard D. Fry, a constitutional law attorney and General Council for Patriot Coalition ([patriotcoalition.com](http://patriotcoalition.com)). Sheriffs who choose to endorse or adopt this (Patriot Coalition / Oath Keepers) **“P.C./O.K. NDAA RESOLUTION”** are requested to notify Stewart and Richard of your intent, and to identify it as such in any accompanying public statements or press releases.

A more detailed draft resolution can be downloaded here: <http://oathkeepers.org/oath/ndaa/ndaa-docs/NDAA-SHERIFF-RES.PDF> We have also prepared a tutorial video which explains the contents of the [detailed resolution](#), which can be viewed at the Oath Keepers NDAA homepage here: <http://oathkeepers.org/oath/ndaa>.

If you have any questions, Stewart Rhodes can be reached at 702-353-0627 or by email at [stewart.rhodes@oathkeepers.org](mailto:stewart.rhodes@oathkeepers.org), and Richard D. Fry can be reached at 816-853-8718 or by email at [richard@patriotcoalition.com](mailto:richard@patriotcoalition.com). Stewart and/or Richard would be happy to join you by telephone or by Skype. Jeff Lewis can be reached at: 252-876-9489, or by email at: [Jeff@patriotcoalition.com](mailto:Jeff@patriotcoalition.com).



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*“...I am committed against every thing which, in my judgment, may weaken, endanger, or destroy [the Constitution]... and especially against all extension of Executive power; and I am committed against any attempt to rule the free people of this country by the power and the patronage of the Government itself...”*

**-Daniel Webster**

**RESOLUTION OF THE SHERIFF OF (INSERT COUNTY NAME) COUNTY, STATE OF (INSERT STATE NAME)**

**STANDING IN OPPOSITION TO THE PROVISIONS IN THE NATIONAL DEFENSE APPROPRIATIONS ACT FOR FISCAL YEAR 2012 WHICH AUTHORIZE MILITARY DETENTION AND TRIAL OF U.S. CITIZENS AND LAWFUL RESIDENTS IN DIRECT VIOLATION OF THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF THIS STATE.**

**WHEREAS**, on Dec. 31, 2011, President Barack Obama signed the Conference Report to House of Representative Bill H.R. 1540, the National Defense Authorization Act (NDAA), into law,

**WHEREAS**, the NDAA contains provisions repugnant to, and destructive of, the constitutions and Bill of Rights of the United States of America, and this state, directly violating the U.S. Constitution's Article I, Section 9 [Habeas Suspension Clause], Article III, Section 2, Clause 2 [Trial by jury of all crimes except impeachment], Article III, Section 3 [Treason Clause], Article IV, Section 4 [guarantee of a Republican Form of government] the 4<sup>th</sup> Amendment [Protection against unreasonable search and seizure] 5<sup>th</sup> Amendment [Right to grand jury indictment and due process], 6<sup>th</sup> Amendment [Right to speedy and public trial], 8<sup>th</sup> Amendment [Protection against cruel and unusual punishments], and 14<sup>th</sup> Amendment [Equal protection], as well as infringes on the entirety of the Bill of Rights and basic structure of the Constitution, making *We the People* insecure in the exercise of any of our Rights and Powers.

**WHEREAS**, the United States Constitution and the constitution of this state are infringed and/or usurped by provisions in the NDAA which authorize the application of: military force (including assassination), indefinite military detention without trial, military trial, and rendition to foreign countries and entities of any person, including American citizens and lawful resident aliens, at the discretion of the President or a subordinate within the Department of Defense,

**WHEREAS**, granting the President the authority he would have over a foreign enemy on a "battlefield" for use against the American people is unconstitutional and a violation of the federal government's duty of allegiance to protect U.S. citizens anywhere in the world,

**WHEREAS**, *"Any person having knowledge of any treasonable project is bound to disclose it to the President, or to a United States judge, or to a Governor of a State or a State judge, or he is guilty of misprision of treason, and may be fined one thousand dollars and imprisoned for seven years."*

(Treatise on Law of the American Rebellion, [page 20, Gard. Inst., 326; 1 U.S. St. L. 112, 119.](#))

**WHEREAS**, pursuant to the Oath of Office, all state and federal legislative, judicial and executive officers are sworn to protect and defend the U.S. Constitution from all enemies foreign and domestic,

**WHEREAS**, laws not passed in "pursuance" of the Constitution are null and void from their inception,

**WHEREAS**, the above noted injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states, are nearly identical to many of the long train of abuses and usurpations that compelled our forefathers to take up arms and to separate from Great Britain, as enumerated in *The unanimous Declaration of the thirteen united States of America*, of July 4, 1776.

**THEREFORE, BE IT RESOLVED,**

**For the above and forgoing reasons, I, (INSERT SHERIFF'S NAME), Sheriff of (INSERT COUNTY NAME) County, in the State of (INSERT STATE NAME) express my belief that the NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012 (NDAA) is unconstitutional in authorizing the President to use war powers, and the "law of war," and/or martial law in the United States and its territories over any person, including citizens or lawful resident aliens of the United States not in the military forces, and over citizens or lawful resident aliens of the United States who are not in the military forces, anywhere in the world.**

**FURTHER,** all provisions of the NDAA which are unconstitutional, including as noted herein above, were and are null and void from their inception and will not be implemented, enforced, or otherwise supported in this county, and it is the express policy of the Sheriff that no officer, employee, or agent of the Sheriff's Office may implement, enforce or otherwise support, directly or indirectly, any of the above noted unconstitutional provisions including seizure, detention, or trial by the United States Armed Forces, and/or any other agents of the United States government, both foreign and domestic, of any person, including any United States citizen and/or lawful resident within this county, and that a violation of such policy will be deemed a violation of their oath of office and/or employment, and will subject them 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.

**FURTHER,** in keeping with my oath to defend the Constitution of the United States, and the Constitution of this state, against all enemies, foreign and domestic, I hereby express my commitment to interpose this office and stand in defense all persons including citizens and lawful residents of the United States within this county, against any and all attempts by the United States Armed Forces or any other agents of the United States government to subject the people to military force, military seizure, military detention, military trial, or to subject them to extraordinary rendition to any foreign country or entity. Such actions were among the causes of the necessity for taking up arms in the American Revolution, as is clearly stated in the Declaration of Independence,

**FURTHER,** I urge the Legislature to direct the Congressional delegation of this state to commence immediately efforts to repeal the unconstitutional sections of the NDAA, to-wit, sections 1021 and 1022, and any other section or provision which will have the same or substantially the same effect on the United States, its citizens, and lawful resident aliens.

**FURTHER,** I urge this state's Legislature to direct the Congressional delegation to introduce, support, and secure the passage of legislation to clearly state that Congress not only does not authorize, but in fact prohibits, the use of military force, military detention, military trial, rendition, or any other power of the "law of war" against U.S. citizens and lawful resident aliens.

**BE IT FURTHER RESOLVED,** within ten (10) days from the execution hereof, a certified copy of this resolution shall be mailed, via certified mail with a return receipt, to the governor, to each and every member of the Legislature of this state, and to each and every member of this state's Congressional delegation by [whomever it's their responsibility to send such documents], and, in compliance with federal law regarding acts of "*misprision of treason*," (page 20, *Gard. Inst.*, 326; 1 U.S. St. L. 112, 119.), to the governor and Supreme Court Chief Justice of this state to effect notification of a possible "conspiracy against the United States," to wit: the attempt by Congress and the President to arbitrarily and indefinitely suspend the Bill of Rights by authorizing detention outside the requirement of an invasion or rebellion as required by U.S. Constitution, Article I, Section 9, Clause 3, which states: "*The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.*," and by subjecting the American people to the "law of war," including

military force, detention, and trial, and/or the institution of martial law, rather than under the laws of the United States, pursuant to the detention and trial requirements of U.S. Constitution, Article III, and of the Fourth, Fifth, Sixth, and Eighth Amendments.

**BE IT FURTHER RESOLVED**, recognizing my oath-bound duty to defend the Constitution of the United States and the constitution of this state, as well as recognizing the duty of “We the People” to protect our unalienable natural rights to “Life, Liberty, and the pursuit of Happiness” as alliterated in the Declaration of Independence, I, Sheriff \_\_\_\_\_ hereby adopt this resolution.

Signed, this \_\_\_\_\_ Day of \_\_\_\_\_, 2012, by: \_\_\_\_\_  
the duly-elected Sheriff of \_\_\_\_\_ County, State of \_\_\_\_\_.

## REFERENCES AND SOURCE DOCUMENTS

P.C.O.K. (ALL) NDAA RESOLUTIONS & OTHER RESOLUTIONS AGAINST INTOLERABLE ACTS

<http://theintolerableacts.org> ***“The Intolerable Acts” ACTION CENTER***

P.C.O.K. (FULL VERSION) NDAA SHERIFF RESOLUTION

<http://oathkeepers.org/oath/ndaa/ndaa-docs/NDAA-SHERIFF-RES.PDF>

P.C.O.K. (SHORT VERSION) NDAA SHERIFF RESOLUTION

<http://oathkeepers.org/oath/ndaa/ndaa-docs/NDAA-SHERIFF-SRES.PDF>

OATH KEEPERS NDAA HOMEPAGE (INCLUDING VIDEO MESSAGE FOR SHERIFFS)

<http://oathkeepers.org/oath/ndaa>

HR1540 Conference Report as Approved by the United States Congress

<http://www.gpo.gov/fdsys/pkg/CREC-2011-12-12/pdf/CREC-2011-12-12-pt1-PgH8356-5.pdf>

Alternate source: <http://patriotcoalition.com/docs/HR1540conf.pdf>

Authorization of Use of Military Force (See bottom of page 6 for final version as signed into law.)

<http://patriotcoalition.com/docs/Authorization-of-Use-of-Military-Force.pdf>

President Obama’s Signing Statement: Dec. 31, 2011

<http://www.whitehouse.gov/the-press-office/2011/12/31/statement-president-hr-1540>

Declaration of Independence: (See Freedom Documents tab)

[http://nccs.net/freedom\\_defined/index.htm?const.html&2](http://nccs.net/freedom_defined/index.htm?const.html&2)

Constitution of the United States of America: (See Freedom Documents tab)

[http://www.nccs.net/freedom\\_defined/index.htm?const.html&2](http://www.nccs.net/freedom_defined/index.htm?const.html&2)

House Voting Record for final version of 2012 NADA

<http://clerk.house.gov/evs/2011/roll932.xml>

Senate Voting Record for final version of 2012 NADA

[http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=112&session=1&vote=00230](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=112&session=1&vote=00230)

2012 NDAA, SECTIONS: 1021, 1022, 1023

[http://patriotcoalition.com/docs/NDAA FOR FISCAL YEAR 2012 \(1021-1022-1023\).doc](http://patriotcoalition.com/docs/NDAA FOR FISCAL YEAR 2012 (1021-1022-1023).doc)

Video explanation of state resolution by Patriot Coalition general counsel Richard D. Fry

<http://livestream.com/WRCC> (See: NDAA State Resolution)

