



DATE: 2-22-12

FROM: PATRIOT COALITION & OATH KEEPERS

OPEN LETTER TO:

CONGRESSMAN GARRETT, FOUNDER & CHAIRMAN OF THE [CONGRESSIONAL CONSTITUTION CAUCUS](#), AND ITS MEMBERS, ALL MEMBERS OF CONGRESS & LEGISLATORS OF THE 50 SOVEREIGN STATES IN THE UNION, MY FELLOW CITIZENS,

REGARDING:

PROVISIONS OF THE 2012 NDAA THAT ARE GENERALLY REPUGNANT TO THE BILL OF RIGHTS AND U.S. CONSTITUTION AND TO THE RESPECTIVE STATE CONSTITUTIONS OF ALL 50 STATES, SPECIFICALLY.

Rep. Garrett, (et al),

Despite your “no” vote, a supermajority ([72%](#)) of the Congressional Constitution Caucus voted for the [Congressional nullification of over half of the Bill of Rights](#). 56 members of the Congressional Constitution Caucus voted for the unconstitutional sections 1021 and 1022 in the 2012 NDAA. Only 18 caucus members voted no. [86% of the U.S. Senate failed](#) to give due diligence to their oaths.

A legislator's oath-sworn duty to support and defend the Constitution is job one. Everything else comes second. Doctors take the Hippocratic Oath to: “first, do no harm.” Public servants should consider treating their oath of office similarly, and “first, do no harm” to our Constitution and Bill of Rights.

These actions and inactions constitute, in the words of U.S. Supreme Court Chief Justice John Marshall, “treason to the Constitution.”

Sections 1021 and 1022 of H.R. 1540 conference report violate provisions of the following Articles and Amendments to the United States Constitution:

Article I, Section 9
Article III, Section 2
Article III, Section 3
Article IV, Section 4
4th Amendment
5th Amendment

6th Amendment
8th Amendment
9th Amendment
10th Amendment
14th Amendment, Section 1

Inaction by the President, Members of Congress, and the legislatures of the several States constitutes an additional violation of the following:

Article VI, Clause 3
14th Amendment, Section 3
14th Amendment, Section 4

Visit The Intolerable Acts ACTION CENTER for resolutions: <http://TheIntolerableActs.org>

“Defending Life and Liberty is the Pursuit of Happiness!”



Thomas Jefferson, (June 11, 1815), in a letter to Mr. W. H. Torrance, said:

"...whether the judges are invested with exclusive authority to decide on the constitutionality of a law, has been heretofore a subject of consideration with me in the exercise of official duties. Certainly, there is not a word in the Constitution which has given that power to them, more than to the executive or legislative branches."

"In the seventh volume of Jefferson's works, page 134, in a letter to Judge Roane, he says, "In denying the right they usurp of exclusively explaining the Constitution, I go further than you do, if I understand rightly your quotations from the Federalist, of an opinion 'that the judiciary is the last resort in relation to the other departments of the Government, but not in relation to the rights of the parties to the compact [Constitution] under which the judiciary is derived.'" (Emphasis added)

Perhaps, had you accepted the offer of the [Patriot Coalition](#) & [National Center for Constitutional Studies \(NCCS\)](#) to provide your caucus with instructors to teach classes on the Constitution each month that Congress is in session for Members and their staffs, this might not have happened. What exactly does the Congressional Constitution Caucus do, since they don't support the Constitution? Both sides of the Senate debate referred to "[Hamdi v. Rumsfeld](#)" to justify their position. How do you support yours?

U.S. Supreme Court [Justice Scalia, in his dissenting opinion](#), railed on the Court for having traveled down such a dangerous path, including the following:

"There is a certain harmony of approach in the plurality's making up for Congress's failure to invoke the Suspension Clause and its making up for the Executive's failure to apply what it says are needed procedures

—an approach that reflects what might be called a Mr. Fix-it Mentality.

The plurality seems to view it as its mission to Make Everything Come Out Right, rather than merely to decree the consequences, as far as individual rights are concerned, of the other two branches' actions and omissions. Has the Legislature failed to suspend the writ in the current dire emergency? Well, we will remedy that failure by prescribing the reasonable conditions that a suspension should have included. And has the Executive failed to live up to those reasonable conditions? Well, we will ourselves make that failure good, so that this dangerous fellow (if he is dangerous) need not be set free. The problem with this approach is not only that it steps out of the courts' modest and limited role in a democratic society; but that by repeatedly doing what it thinks the political branches ought to do it encourages their lassitude and saps the vitality of government by the people." (Emphasis added)

— Associate Justice Antonin Scalia, Supreme Court of the United States, June 28, 2004

Most federal and state legislators continue to ignore the repugnant sections 1021 and 1022 and the associated documents, such as the Authorization for the Use of Military Force (AUMF), even after it's brought to their attention that parts of this bill violate numerous provisions of the Constitution and Bill of Rights.

The 2012 National Defense Authorization Act (NDAA) is just the latest in a long series of "intolerable acts" by Congress and the Office of the President since 9/11/2001.

Visit *The Intolerable Acts ACTION CENTER* for resolutions: <http://TheIntolerableActs.org>

"Defending Life and Liberty is the Pursuit of Happiness!"



Laws against "[misprision of treason](#)" (as noted and sourced in the [Patriot Coalition/Oath Keepers NDA resolutions](#)) require action to preserve the Republic. Although federal judges are appointed, state judges and governors are elected. Any governor or state judge presented with evidence of "misprision of treason" that fails to take immediate lawful steps to address such behavior should be removed from office themselves at the first electoral opportunity.

President Obama, in his Dec. 31, 2011 [signing statement](#), did not say he could not "indefinitely detain" American citizens and lawful resident aliens, but rather, the President said,

"...my Administration will not authorize the indefinite military detention without trial of American citizens." (Emphasis added)

The questions that beg to be answered by our oath-sworn elected officials are these:

1. What could you possibly be working on as a legislator that is more important than directly addressing a federal usurpation of the Constitution you swore an oath to defend that violates no fewer than 14 specific provisions of the Articles and Amendments to the Constitution?
2. What will you do to remove ALL of the usurpations against the Constitution and our God-given unalienable Rights from within the NDA?

The question that begs to be answered by the citizenry is this:

1. What Happiness could you possibly be pursuing that is more important than Life and Liberty?

Visit The *Intolerable Acts* ACTION CENTER to download the *Patriot Coalition / Oath Keepers NDA Resolutions for state legislators, county commissioners, & sheriffs* here: TheIntolerableActs.org

For God & Country,

Jeff Lewis
 National Director, [Patriot Coalition](#)
 National Director, [FIRE Coalition](#)
<http://blog.patriotcoalition.com>
<http://livestream.com/WRCG>
 Email: Jeff@PatriotCoalition.com
 Phone: 252-876-9489

David Helms
 Board of Directors
[Oath Keepers](#)
<http://oathkeepers.org>
<http://oathkeepers.net>
 Email: DTHelms@cox.net
 Phone: 479-236-8594



Visit The *Intolerable Acts* ACTION CENTER for resolutions: <http://TheIntolerableActs.org>

"Defending Life and Liberty is the Pursuit of Happiness!"