

# NDAА RESOLUTION FOR NORTH CAROLINA REPUBLICAN PARTY

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

The below draft resolutions were 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)). Legislators 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.

We have also prepared a tutorial video which explains, clause by clause, the contents of this resolution, which can be viewed at the Patriot Coalition’s Livestream Channel here: <http://livestream.com/WRCG>. (See: NDAA State Resolution)

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).



*“...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*

*Note: [Patriot Coalition](http://Patriot Coalition) and [Oath Keepers](http://Oath Keepers) are non-partisan. Preparation of a resolution for N.C. Democrats to consider based on their party platform would require them to have one readily available to the public. As it relates to North Carolina, this researcher can't find one on the official site, and the link to the 2007 version that is on their site is broken. If you are a Democrat in North Carolina, and would like an NDAA resolution, send a link (not a document) to your party's platform to: <mailto:Solutions@TheIntolerableActs.org>*

**RESOLUTION  
OF THE NORTH CAROLINA  
REPUBLICAN PARTY**

**STANDING IN OPPOSITION TO THE PROVISIONS IN THE  
NATIONAL DEFENSE AUTHORIZATION 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 AND DECLARATION OF RIGHTS OF THE STATE  
OF NORTH CAROLINA.**

**WHEREAS**, the North Carolina Republican Party platform, Article III, Clause 1 states:

“We embrace the vision for America established by our Declaration of Independence, the U.S. Constitution, including its Bill of Rights, and the North Carolina Constitution, including its Declaration of Rights.”

**WHEREAS**, the North Carolina Republican Party platform, Article VIII, Clause 1 states:

“The first duty of government is to maintain law and order, while securing to its citizens the freedom to pursue the blessings of liberty and the fruits of their labor.”

**WHEREAS**, the North Carolina Republican Party platform, Article X, Clause 11 states:

“We call on Congress, the President, the courts and the state to abide by Article I, Section 8 of the United States Constitution and the Ninth and Tenth Amendments. We oppose encroachments upon all rights which the Constitution has reserved to the states or to the people.”

**WHEREAS**, on Dec. 15, 2011, on the 220th anniversary of the Bill of Rights, the United States Senate passed the Conference Report to House of Representative bill H.R. 1540, the "NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012 (NDAA),"

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

**WHEREAS**, the NDAA contains numerous provisions repugnant to, and destructive of, the constitutions and Bill of Rights of the United States of America, and this state,

**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**, the support in any way of a law considered unconstitutional is inconsistent with state officials' oath to support the U.S. Constitution.

**WHEREAS**, the citizens of this state are entitled to protection, subject to the Constitution of the United States, anywhere in the world.

**THEREFORE**, it is resolved that the North Carolina Republican Party rejects all unconstitutional parts of the NDAA for Fiscal Year 2012 (NDAA), to wit: sections 1021 and 1022, in contravention of the Rights of the People and sovereignty of this state and exceed the Constitution's limits of authority granted the federal government, and demand the Legislature and governor of this state by resolution direct this state's Congressional delegation to immediately commence efforts to repeal aforementioned sections, which are repugnant to the sovereign rights of the citizens of this state and are usurpations of authority by the federal government,

**BE IT FURTHER RESOLVED**, the Legislature and Governor of this state are directed to enact laws prohibiting any official, employee, agent, or citizen of this state, or of any of its subdivisions, from aiding, abetting, assisting, enforcing, or in any way supporting any official, employee, or agent of the United States Government, including any of its military forces or paramilitary forces under its direction or control, from enforcing or applying sections 1021 and 1022 of the NDAA, or any part thereof, against any person within this state, including citizens and lawful resident aliens, including by capturing or arresting such individuals, and establishing that all who violate such law be subject to criminal penalties,

**BE IT FURTHER RESOLVED**, the Legislature and Governor of this state are directed to enact laws prohibiting any official, employee, or agent of the United States Government, including any of its military forces or paramilitary forces under its direction or control, or that of any foreign military or foreign entity from enforcing or applying sections 1021 and 1022 of the NDAA, or any part thereof, against any person within this state including citizens and lawful resident aliens, including by capturing or arresting such individuals, and establishing that all who violate such laws be subject to criminal penalties.

## REFERENCES AND SOURCE DOCUMENTS

North Carolina Republican Party Platform

<http://03481cf.netsolhost.com/WordPress/wp-content/uploads/2011/10/2011-NCGOP-Platform-As-Adopted.pdf>

P.C.O.K. NDAA RESOLUTION FOR NORTH CAROLINA LEGISLATORS

<http://patriotcoalition.com/docs/NDAA-NC-RES.pdf>

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>

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)

Constitution of the Great State of North Carolina

<http://patriotcoalition.com/docs/NC-Constitution.pdf>

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/WRCG> (See: NDAA State Resolution)