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8 November 2006

Representative John D. Dingell (D-MI 15th)
2328 Rayburn House Office Building
Washington, D.C. 20515-2215
(202) 225-4071

Subject: The John Warner National Defense Authorization Act for Fiscal Year 2007

Dear Congressman Dingell:

It has recently come to my attention that you voted in-favor of the subject Act. To the best of my knowledge you did so without any discussion on the House Floor, without any review with the constituents of the 15th district, and most-importantly without any consultation with Governor Jennifer Granholm. If any of this information is not accurate I would be happy to receive your corrections, etc.

As it relates to the sovereignty of the great State of Michigan, and the responsibilities and authority of Governor Granholm, you failed to inform us/the governor of a provision that makes the subject Act illegal under the United States Constitution. In the words of Senator Patrick Leahy (D-VT):

“(The Act) contains a widely opposed provision to allow the president more control over the National Guard [by adopting] changes to the Insurrection Act, which will make it easier for this or any future president to use the military to restore order without the consent of the nation’s governors.”

Congressman Dingell, as a taxpayer and constituent I never authorized you, or anyone else at any time, to vote in-favor of any such provision in any act or piece of legislation. Senator Leahy continues:

*“(Americans) certainly do not need to make it easier for presidents to declare martial law. Invoking the Insurrection Act and using the military for law enforcement activities goes against some of the central tenets of our democracy. One can easily envision governors and mayors in charge of an emergency having to constantly look over their shoulders while someone who has never visited their communities gives the orders. (The act) subverts solid, long-standing **Posse Comitatus** statutes that limit the military’s involvement in law enforcement, thereby making it easier for the president to declare martial law. This had been slipped in as a rider with little study. Other congressional committees with jurisdiction over these matters had no chance to comment, let alone hold hearings on these proposals.”*

Quoting the Act that you voted in favor of:

*“(The Act allows the president to) “employ the armed forces, including the National Guard in federal service, to restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, **or other condition in any state** or possession of the United States, that the president determines that domestic violence has occurred to such an extent that the constituted authorities of the state or possession are incapable of maintaining public order to suppress in any state, any insurrection, domestic violence, unlawful combination or conspiracy.”*

Senator Leahy is not the only patriot that recognized the phrase "*or other condition*" as suspect (to even a casual observer like me). Representative John Conyers (D-MI 14th) also voted against the subject Act.

It is probable that you were unaware of this "slipped in" phrase, and its sloppiness at-best or its calculation at-worst. In the latter case, you will excuse me if the track record of the Bush/Cheney/Rumsfeld Administration attacks on the United States Constitution are troublesome to my sense of patriotism. My concerns range with everything from the USA PATRIOT act, to the Bureau of Customs and Border Protection recent "permission-to-travel" farce*, to the subject act, and to heaven knows where-next or what-next!

My suggestion is that you take another look at what you voted in favor of, specifically as it relates to its Constitutionality, to the sovereignty of the great State of Michigan, and to the responsibilities and authority of Governor Granholm.

Cordially,

Paul V. Sheridan

Attachment

* NPRM published at 71 Federal Register 40035-40048 (July 14, 2006), docket number USCBP-2005-0003-0003, and the associated "Regulatory Assessment" published July 18, 2006.

Representative John D. Dingell

8 November 2006

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