



Written by [Jack Kenny](#) on November 28, 2011

Senate Bill to OK Indefinite Detention of U.S. Citizens Without Charge, Trial

The bill could come to a vote as early as today, according to a [bulletin issued by the American Civil Liberties Union](#). The legislation “goes to the very heart of who we are as Americans,” the ACLU statement said, describing the bill as having moved toward passage while most Americans were celebrating Thanksgiving and a long holiday weekend for millions of U.S. workers. “The Senate will be voting on a bill that will direct American military resources not at an enemy shooting at our military in a war zone, but at American citizens and other civilians far from any battlefield — even people in the United States itself,” the ACLU warned.



Labeled the National Defense Authorization Act, S. 1867 was drafted in secret by Senators Carl Levin (D-Mich.) and John McCain (R-Ariz.) and approved in a closed-door committee meeting, according to the ACLU statement.

“I know it sounds incredible,” wrote Chris Anders of the ACLU's Washington legislative office. “New powers to use the military worldwide, even within the United States? Hasn't anyone told the Senate that Osama bin Laden is dead, that the president is pulling all of the combat troops out of Iraq and trying to figure out how to get combat troops out of Afghanistan too? And American citizens and people picked up on American or Canadian or British streets being sent to military prisons indefinitely without even being charged with a crime. Really? Does anyone think this is a good idea? And why now?”

If passed in its present form, the bill would give the President the power to order the military to pick up and imprison without charge or trial civilians anywhere in the world. “The power is so broad that even U.S. citizens could be swept up by the military and the military could be used far from any battlefield, even within the United States itself,” Anders warned. Anders also noted that presidential candidate Rep. Ron Paul (R-Texas) voiced his concerns about the detention provisions in the legislation in a Republican candidates' debate. Ironically, President Obama, who has frequently been criticized by libertarians of both the left and right for exceeding his powers as Commander-in-Chief, is opposed to the legislation and has threatened to veto it if it passes both houses of Congress. Both the Secretary of Defense and the Attorney General of the United States have called the indefinite detention provisions of the bill harmful and counterproductive. But Senator Lindsey Graham has praised those same provisions for saying “for the first time that the homeland is part of the battlefield” and that people can be arrested without charge or trial, “American citizen or not.” Freshman Senator Kelly Ayotte, a New Hampshire Republican, declared that the provisions are necessary because “America is part of the battlefield.”

Sen. Mark Udall (D-Colo.) has offered an amendment to delete the indefinite detention provisions and “[set] up an orderly review of detention power,” Anders said. “It tries to take the politics out and put



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American values back in.” The provisions raise a great many political, sociological, and constitutional questions, including whether all of the “homeland,” formerly known as “the land of the free,” should be designated a battlefield and whether people arrested anywhere in the world, including here in the United States, should be considered “enemy combatants” even if they were captured nowhere near a scene of actual battle.

The ACLU is pressing Americans to contact their Senators and urge them to support the Udall amendment. “Senators need to hear from you, on whether you think your front yard is part of a 'battlefield' and if any president can send the military anywhere in the world to imprison civilians without charge or trial,” Anders wrote.

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