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December 9, 2011

Dear Representative,

On behalf of the National Association of Criminal Defense Lawyers (NACDL), I write out of concern over certain provisions of the 2012 National Defense Authorization Act (NDAA). NACDL opposes the use of indefinite detention without charge or trial, for citizen and non-citizen alike, and supports the use of the traditional criminal justice system to try terrorism suspects. As the Nation's premiere criminal defense bar, NACDL strives to ensure due process and fair justice for all. Several provisions of the NDAA threaten these fundamental American values.

While we support our troops and recognize the important defense programs this bill would support, should the conference report to the NDAA include provisions that would do any of the following, I urge you to vote "no" on the report:

- Allow for the indefinite detention without charge or trial of terrorism suspects, including citizens captured on U.S. soil;
- require mandatory military custody of certain terrorism suspects, to the exclusion of federal, state, and local law enforcement;
- maintain onerous certification requirements for the transfer of detainees from Guantanamo to their home or foreign countries, even for those suspects already cleared for release by both the Bush and Obama administrations; or
- prohibit the use of the traditional criminal justice system to try terrorism suspects

Such provisions are contrary to fundamental constitutional principles and will likely trigger a new flood of legal challenges. Not only are the provisions not necessary to keep America safe, they fly in the face of the advice given by national security experts from across the political spectrum. In the past weeks, the [Director of the FBI](#), [Director of National Intelligence](#), [Secretary of Defense](#), [Director of the CIA](#), and head of the [National Security Division](#) at the Department of Justice have spoken out against the utility of these provisions. Additionally, any such provisions will have been passed in spite of a [veto threat](#) by the Administration.

I encourage you to uphold your oath and protect the constitutional liberties that are the bedrock of our Nation. Should you need any additional information, please contact Mason Clutter, National Security Counsel, at 202-465-7658 or mclutter@nacdl.org.

Sincerely,

Lisa Monet Wayne