

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

The Constitution Project Urges Veto of Defense Bill *Sloan calls Senate passage of NDAA 'regrettable' and 'wrong'*

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Washington, DC - Virginia Sloan, president of The Constitution Project, offered the following comment on the Senate's passage of the National Defense Authorization Act of 2012 (NDAA):

"It is highly regrettable that the Senate passed this important legislation without first stripping harmful provisions regarding the treatment of detainees suspected of terrorism. The bill adopted by the Senate would permit, or perhaps even require-over-militarization of our detainee policy, including authorizing the military to capture and detain civilians without charge or trial simply on the suspicion of terrorist activity, including arresting American citizens on American soil.

"The Senate took this wrong action despite warnings from the secretary of defense, the attorney general, the director of national intelligence, the director of the FBI and the director of the CIA that the legislation unnecessarily limits the tools available to the executive branch in our counter-terrorism efforts.

"Congress should let the executive branch use every resource available to keep Americans safe, including reliance on our traditional justice system and the unparalleled experience and talent of the FBI and other domestic law enforcement officers. If Congress does not fix these provisions in conference, President Obama should veto the NDAA."

In the last 10 years, more than 400 people have been prosecuted in U.S. federal courts for terrorism-related offenses, while Guantanamo military commissions have prosecuted only six cases during that same period.

Several amendments to the NDAA to remove or soften the detainee provisions, including those offered by Senators Mark Udall (D-CO) and Dianne Feinstein (D-CA), failed to pass but garnered sufficient votes to sustain a presidential veto.

While the NDAA authorizes most Department of Defense operations, the actual funding for military personnel, activities and weapon systems comes through separate appropriating legislation. The measure still needs to go to a conference committee for reconciliation with the House version of the bill.

[About The Constitution Project](#)

Established in 1997, The Constitution Project (TCP) is known for its ability to bring together unlikely allies-experts and practitioners from across the political spectrum-in order to promote and safeguard America's founding charter. TCP is working to reform the nation's broken criminal justice system and to strengthen the rule of law by undertaking scholarship, consensus policy reforms, advocacy and public education. TCP was born out of the belief that we must cast aside the labels that divide us, in order to keep our Constitution and our democracy strong.



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