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Dear Mr. Danilow:

Thank you for contacting me about the National Defense Authorization Act for Fiscal Year 2012. I share your concern about provisions of the bill dealing with detention policy.

I joined 98 other Senators in passing an amendment to the defense bill reaffirming that the government cannot hold U.S. citizens indefinitely without trial. More specifically, the amendment stated that the bill would not affect existing law relating to the detention of U.S. citizens who are captured or arrested in the United States. In other words, the bill provides no new authority to detain U.S. citizens without trial.

To resolve any doubts about how the courts will interpret the law when it comes to the detention of U.S. citizens suspected of supporting terrorist activity, I am also a cosponsor of the Due Process Guarantee Act of 2011. That legislation states that a declaration of war or authorization for the use of military force shall not automatically authorize the indefinite detention of U.S. citizens and lawful residents apprehended in the United States.

Because I believe our national security professionals should decide the best way to detain and prosecute terror suspects, I also opposed provisions of the defense authorization bill that would allow only the military to handle terror suspects captured in the United States. Efforts to change that language were unsuccessful in the Senate. But after negotiations with the House of Representatives, the final legislation preserves the rights of the Federal Bureau of Investigation and allows the President to waive the requirement for military custody when necessary to preserve our national security.

After those changes were made I voted for final passage of the defense authorization bill, which authorizes many important programs and operations of the Department of Defense, including a pay raise for our troops. The legislation passed the Senate 86-13 and now awaits the President's signature.

I will continue to monitor this issue closely in my work on the Senate Intelligence Committee, and I will keep your views in mind.

Sincerely,
Bill Nelson

P.S. From time to time, I compile electronic news briefs highlighting key issues and hot topics of particular importance to Floridians. If you'd like to receive these e-briefs, visit my Web site and sign up for them at <http://billnelson.senate.gov/news/ebriefs.cfm>