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**BREAKING: Federal Court Rules NDAA's Indefinite Detention Provision Unconstitutional**

Dear Colleague:

This evening, a federal court in New York struck down the 2012 NDAA's indefinite detention provision as **unconstitutional**.

In a 68-page ruling, the court held the law violates due process and chills free speech. The court urged Congress to reconsider the provision so that "ordinary citizens are able to understand the scope of conduct that could subject them to indefinite military detention."

Tomorrow, we will vote on this year's NDAA. The amendment I'm offering with Rep. Adam Smith is the **ONLY** amendment that ensures that persons arrested on U.S. soil aren't detained indefinitely without charge or trial. Voting against the Smith-Amash amendment allows the government to retain the power to detain persons, picked up in the U.S., for life, on the suspicion that they "substantially supported" forces "associated" with our enemies.

If our constituents haven't sent a clear enough message, tonight's ruling surely does: **Congress must act now to guarantee the constitutional right to a charge and a trial.**



Justin Amash  
Member of Congress

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**US judge blocks indefinite military detention provision**

**NEW YORK** | Wed May 16, 2012 5:47pm EDT

May 16 (Reuters) - A U.S. judge on Wednesday blocked enforcement of a recently enacted law's provision that authorizes indefinite military detention for those deemed to have "substantially supported" al Qaeda, the Taliban or "associated forces."

U.S. District Judge Katherine Forrest in Manhattan ruled in favor of a group of civilian activists and journalists who said they feared being detained under a section of the law, which was signed by U.S. President Barack Obama in December 2011.

"In the face of what could be indeterminate military detention, due process requires more," the judge said.

She added that it was in the public interest to reconsider the law so that "ordinary citizens are able to understand the scope of conduct that could subject them to indefinite military detention."

By issuing a preliminary injunction, the judge prevents the U.S. government from enforcing section 1021 of the National Defense Authorization Act's "Homeland Battlefield" provisions.

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