

## Riehl World View



Monday, March 15, 2010

### McCain Lieberman Bill Would Imprison US Citizens Indefinitely?

Via [The CATO Institute](#). If this assertion proves out, tell me it isn't time for John McCain to go home and stay there. I figured maybe he's a touch senile, but this is just nuts. And what's Lieberman's excuse? I want to read more on this before drawing any conclusions.

As I wrote in this post, Senators McCain and Lieberman proposed a broad piece of anti-terrorism legislation. The Enemy Belligerent, Interrogation, Detention, and Prosecution Act of 2010 would use military detention to incapacitate suspected domestic terrorists, including American citizens. This is a sea change in counterterrorism policy and a break from American principles that mandate a day in court.

The kicker is that aliens detained domestically under this system must be tried by a military commission. Citizens cannot be tried by [military commissions](#), and the jurisdictional language in the Military Commissions Act (MCA) reflects this. Basically, the government would collect a bunch of intelligence that is inadmissible in federal courts and then hold American citizens indefinitely. Also, detaining large [numbers](#) of Muslim aliens (who may have strong ties to local Muslim communities) and prosecuting them in military commissions threatens to radicalize citizens who are Muslims. The perceived double standard — commissions for Muslims in America, civilian trials for everyone else — is counterproductive when it comes to defeating terrorist recruiting.

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the CATO guys ASSUMES that civilians wouldn't be tried in civilian court because the intelligence gathered would be ASSUMED to be inadmissible. That's a lot of assumptions needed to get to "indefinite detention" and specifically not what the bill says. Actually for US citizens it's the legal evidence gathered which got them arrested in the first place that is and can be used to try them.

Posted by: [Jeff](#) | [Monday, March 15, 2010 at 02:08 PM](#)

This is a bad bill, and no matter what is done, it will still be a bad bill. This bill is like a turd, there is no amount of polish that can shine it, and there is not a clean end on it.

The bill is also unconstitutional in my opinion, although I'm not a lawyer. But even if it weren't, it is still bad law.

Posted by: [templar knight](#) | [Monday, March 15, 2010 at 02:35 PM](#)

Agree that it is bad law, and reflective of other bad laws that were courts have struck down, including provisions of the patriot act, the law against Acorn, and other crazy laws.

Posted by: [buckjohnson](#) | [Monday, March 15, 2010 at 02:51 PM](#)

That is the final line for which our government cannot be allowed to cross. American Citizens have the full 100% unrestricted rights