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February 7, 2012

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The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Re: S. 2003 – Due Process Guarantee Act of 2011 (Feinstein) - Support

Dear Senator Feinstein:

On behalf of the Marin County Board of Supervisors, I write to offer our support for S. 2003, your proposed legislation designed to ensure American citizens apprehended inside the United States cannot be indefinitely detained by the military without due process of law.

We believe it is unfortunate that the National Defense Authorization Act (NDAA) was recently adopted by Congress and signed into law by the President without sufficient amendments to ensure the protection of United States citizens. Indefinite detention without due process leaves citizens without the legal protection of the United States Constitution and serves to diminish some of the most basic protections Americans have relied upon since the founding of our republic.

The Bill of Rights intentionally provides checks on the government's power over its citizens. That is not a weakness in our legal system; it is the very strength of our system. We therefore support your efforts to ensure that a Congressional authorization for the use of military force does not authorize the indefinite detention without trial or charge of American citizens who are apprehended domestically.

Thank you for your efforts to address this important issue. We appreciate your consideration of our input.

Respectfully Submitted,

Steve Kinsey, President
Marin County Board of Supervisors

cc: The Honorable Senator Barbara Boxer
The Honorable Congresswoman Lynn Woolsey

112TH CONGRESS
1ST SESSION

S. 2003

To clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2011

Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. LEE, Mr. UDALL of Colorado, Mr. KIRK, Mrs. GILLIBRAND, Mr. PAUL, Mr. COONS, Mr. DURBIN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mr. UDALL of New Mexico, Mr. FRANKEN, and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Due Process Guar-
5 antee Act of 2011”.

1 **SEC. 2. PROHIBITION ON THE INDEFINITE DETENTION OF**
2 **CITIZENS AND LAWFUL PERMANENT RESI-**
3 **DENTS.**

4 Section 4001 of title 18, United States Code, is
5 amended—

6 (1) by redesignating subsection (b) as sub-
7 section (c); and

8 (2) by inserting after subsection (a) the fol-
9 lowing:

10 “(b)(1) An authorization to use military force, a dec-
11 laration of war, or any similar authority shall not author-
12 ize the detention without charge or trial of a citizen or
13 lawful permanent resident of the United States appre-
14 hended in the United States, unless an Act of Congress
15 expressly authorizes such detention.

16 “(2) Paragraph (1) applies to an authorization to use
17 military force, a declaration of war, or any similar author-
18 ity enacted before, on, or after the date of the enactment
19 of the Due Process Guarantee Act of 2011.”.

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