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Thank you, Chairman Rogers and Ranking Member Smith, for holding this hearing today to allow Members to provide our input as you work on writing this year's National Defense Authorization Act (NDAA). I want to thank this Committee for working with me last year to include language in the underlying bill addressing my deep-rooted concerns with an indefinite detention statute. Under Chairman Rogers, I was able to vote for the NDAA for only the second time in my 13 years in Congress. While the provision was not included in the final Conference Report, I am hopeful it will be passed into law this year.

My enduring objection to NDAA bills is based on what I believe is an unconstitutional provision. Further, the Fiscal Year (FY) 2012 National Defense Authorization Act (NDAA) included a provision in Section 1021(b) that greatly expanded the military's power under the 2001 Authorization for the Use of Military Force (AUMF) to indefinitely detain any member of al-Qaeda, the Taliban, or anyone who assists them. This provision does not require a detainee to knowingly assist our enemies.

While our troops have withdrawn from Afghanistan after 20 long years of war, we are still engaged in hostilities with these groups and their so-called "associated forces" all around the world.

In my view, the statute essentially allows the military to detain any such person until the end of hostilities, regardless of citizenship, location, or intent. I believe that this provision is incompatible with the due process afforded to all American citizens under the Constitution.

My particular concern with this statute is that it makes no exception for the intent of the detained or any legal mechanism to challenge the detainment. This could become problematic for any American, including those on American soil. I do not believe the military should be able to exercise the power of indefinite detention at home against U.S. citizens without due process.

Being associated with a member of al-Qaeda or certain other groups could be as simple as unknowingly driving an acquaintance to a federal courthouse where you assume he works, only to find out later that the person committed a terrorist act. Unknowingly doing a favor for a neighbor could conceivably make you eligible for indefinite detention.

I am still deeply troubled by this ambiguity and believe that our armed forces will still be able to fight terrorism effectively even with this slight change in law. Last year, I was pleased to see this Committee favorably report H.R. 2670 with a prohibition on the indefinite detention of U.S. citizens as part of Section 1035. I urge this Committee to include that prohibition language again in this year's underlying NDAA text.

I hope to continue discussions with the Committee on this issue and appreciate your consideration. Thank you.