



**Myth vs. Facts**  
**Smith-Amash Amendment to**  
**Fiscal Year 2013 National Defense Authorization Act**



**Myth:** Smith-Amash Amendment would incentivize terrorists to come to U.S. soil.

**Fact:** This is ridiculous. First, terrorists would have much less freedom to operate in an environment where the federal government's full surveillance and law enforcement powers are at their peak. Additionally, both the Bush Administration and the Obama Administration have done a tremendous job of prosecuting terrorists in the United State. Since September 11th, our Federal courts and domestic law enforcement agencies have successfully prosecuted over four hundred defendants charged with crimes related to international terrorism in the United States since 9/11. As we have seen time and time again, if a terrorist seeks to attack us here at home, they will be detained, prosecuted by the full extent of the law and spend the rest of their life in prison. That is a proven track record of success that we should embrace, not attack or question.

**Myth:** Providing Habeas Corpus prevents the indefinite detention of anyone arrested on US without charge, trial or due process.

**Fact:** Habeas Corpus **does not prevent** the government from detaining Americans based on accusations that they've "substantially supported" forces "associated" with terrorists. It doesn't guarantee Americans that the government will charge them with a crime and try them in a court of law. And it does nothing to stop the government from locking them up for the rest of their lives. In short, habeas is no substitute for Americans' full constitutionally protected rights.

**Myth:** The Constitution only applies to United States citizens.

**Fact:** The Constitution applies to any individual arrested on US soil. The fourteenth amendment to the constitution is not confined to the protection of citizens. It says: 'Nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.'

**Myth:** The Smith-Amash amendment applies to individuals detained at the facility in Guantanamo Bay, Cuba.

**Fact:** The amendment only applies to individual detained or arrested on United States soil or territories.