

United States v. Khalid Sheikh Mohammed, et al. / Trial should be held in criminal court

< United States v. Khalid Sheikh Mohammed, et al.

The printable version is no longer supported and may have rendering errors. Please update your browser bookmarks and please use the default browser print function instead.

Position: Trial should be held in criminal court

This position addresses the topic United States v. Khalid Sheikh Mohammed, et al..

For this position

“ In this context, putting KSM and the others on trial in a civilian proceeding on U.S. soil is not just a duty but also an opportunity. It's a way to show that we do not have one system of justice for ourselves and another for Muslims, that we give defendants their day in court, that we insist they be vigorously defended by competent counsel -- that we really do practice what we preach.”

From A battlefield in the courtroom, by Eugene Robinson (*The Washington Post*, November 20, 2009) (view)

“ The 9/11 terrorists should be tried as criminals, not as soldiers. They are not an army, they are a band of fanatics. In any case, the military tribunals were always considered highly flawed as the Supreme Court pointed out. A public trial in New York will forever put on an open record exactly how heinous these crimes were, much like the Nuremberg tribunals did.”

From Obama Gets It Right: A NYC 9/11 Trial, by Stephen Schlesinger (*The Huffington Post*, November 18, 2009) (view)

“ New York City Courts have never acquitted anyone of terrorist charges. According to NYU's center on Law and Security, New York City courts have a zero acquittal rate for terrorism cases.”

From Conservatives Terrified of Bringing Terrorists to Justice, by Adam Blickstein (*The Huffington Post*, November 18, 2009) (view)

“ The real propaganda event is likely to unfold very differently. Instead of Khalid Shaikh Mohammed making his case, we will see the full measure of the horror of 9/11 outlined to the world in a way that only methodical trials can accomplish. Historically, the public exposure of state-sponsored mass murder or terrorism through a transparent judicial process has strengthened the forces of good and undercut the extremists. The Nuremberg trials were a classic case. And nothing more effectively alerted the world to the danger of genocide than Israel's prosecution in 1961 of Adolf Eichmann, the bureaucrat who engineered the Holocaust.”

From Why We Should Put Jihad on Trial, by Steve Simon (*The New York Times*, November 17, 2009) (view)

“ "Would Al-Qaeda be any less likely to attempt another domestic strike if Mr. Mohammed's trial were held at Guantanamo rather than in New York? Hardly; they will attack us whenever and wherever they can until they are finally defeated. But if the terrorists can make us so fearful of retribution that we lose faith in our own most cherished institutions and beliefs, then they've already won half the battle. Mr. Holder's decision to try the suspects here is a bold statement to the world that the U.S. will not and should not ever allow itself to be intimidated by terrorist threats." ”

From Prosecuting terror, by The Baltimore Sun editorial board (*The Baltimore Sun*, November 17, 2009) (view)

Against this position

“ "Our enemies must be thrilled. We are willingly handing them an opportunity to inflict economic harm on New York City, keep their cause in the headlines, gather new intelligence, create new terror strategies, stimulate recruiting, celebrate new-found rights, and foist a fresh round of pain and suffering upon their victims. This decision is September 11, the sequel." ”

From Eric Holder's Baffling KSM Decision, by David Beamer (*The Wall Street Journal*, November 20, 2009) (view)

“ "What happens if KSM (and his co-defendants) "do not get convicted," asked Senate Judiciary Committee member Herb Kohl. "Failure is not an option," replied Holder. Not an option? Doesn't the presumption of innocence, er, presume that prosecutorial failure -- acquittal, hung jury -- is an option? By undermining that presumption, Holder is undermining the fairness of the trial, the demonstration of which is the alleged rationale for putting on this show in the first place." ”

From Travesty in New York, by Charles Krauthammer (*The Washington Post*, November 20, 2009) (view)

“ "Osama bin Laden, Mohammed and their al-Qaeda cohorts do not have the civilian constitutional right to remain silent, to have an attorney, to a speedy trial, to be judged by a jury of their peers and so on. By categorizing these men as mere criminals, we have incongruently tried to merge war-fighting tactics with the Federal Rules of Criminal Procedure and the Federal Rules of Evidence. On the one hand, we drop bombs on al-Qaeda using Predator drones and, on the other, we have to "Mirandize" them if captured. This is nonsensical." ”

From Justice seems to have forgotten one crucial point: We're at war, by Joshua Filler (*USA Today*, November 19, 2009) (view)

“ "Perhaps a federal judge will rule that the constitutional guarantees didn't apply until the decision was made to try the men in civilian court. If so, what message are we sending to the world about our judicial system? That we make up the rules on a whim? That the real purpose here is to put on show trials complete with pre-ordained verdicts?" ”

From A pre-9/11 approach to terror, by Las Vegas Review-Journal editorial board (*Las Vegas*

Review-Journal, November 19, 2009) (view)

“As defendants in federal court, the Al Qaeda prisoners will be entitled to the full panoply of due-process rights, including the right to discovery of all of the government’s information about them, where that information came from, and the methods by which it was obtained. “Nothing results in more disclosures of government intelligence than civilian trials,” writes former federal prosecutor Andrew C. McCarthy. “They are a banquet of information, not just at the discovery stage but in the trial process itself, where witnesses - intelligence sources - must expose themselves and their secrets.””

From In N.Y. trial, a treasure trove for terror, by Jeff Jacoby (*The Boston Globe*, November 18, 2009) (view)

“A civilian trial needlessly - and thus foolhardily - enhances his ability to accomplish his goals. Critically, for example, a military commission would have the power to limit Mohammed's personal access - as opposed to his lawyer's access - to intelligence and investigative files. This is no small matter. Andrew McCarthy, who prosecuted the 1993 World Trade Center bombers, has said sensitive material went within days from the defendants to Bin Laden.”

From Obama's error by trial: Civilian justice for 9/11 plotters is profound, dangerous mistake, by New York Daily News editorial board (*New York Daily News*, November 17, 2009) (view)

“Why fight the Marines and risk getting killed yourself or locked up in Bagram forever when you can blow up American citizens on their own streets and gain the legal protections that give you a chance to go free? With this one step, Mr. Holder is giving al Qaeda a ghastly incentive: to focus more of their attacks on American civilians on American home soil.”

From Holder's al Qaeda Incentive Plan, by William McGurn (*The Wall Street Journal*, November 17, 2009) (view)

“They'll use our liberties to turn the trial into propaganda for their warped cause. Their images and words will fly around the world as fodder for a new generation of jihadists. The federal courthouse and detention center will become a fortress. The judge, prosecutors, witnesses, federal agents and jury will need protection, some for years. It's madness.”

From This trial's an error, by Michael Goodwin (*New York Post*, November 15, 2009) (view)

“Even more harmful to our national security will be the effect a civilian trial of KSM will have on the future conduct of intelligence officers and military personnel. Will they have to read al Qaeda terrorists their Miranda rights? Will they have to secure the "crime scene" under battlefield conditions? Will they have to take statements from nearby "witnesses"? Will they have to gather evidence and secure its chain of custody for transport all the way back to New York? All of this while intelligence officers and soldiers operate in a war zone, trying to stay alive, and working to complete their mission and get out without casualties.”

From The KSM Trial Will Be an Intelligence Bonanza for al Qaeda, by John Yoo (*The Wall Street Journal*, November 15, 2009) (view)

“ KSM had expressed his willingness to plead guilty before a military tribunal. But instead of taking him up on his offer, this administration waited almost 10 months before deciding to move the trial to Manhattan. Press reports indicate that all five soon-to-arrive terrorists will now be pleading not guilty, and a lawyer for two of them has announced he will make their mental health an issue. No wonder these 9/11 family members are so mad.”

From KSM in N.Y.C. is bad for America, by Jeff Sessions (*New York Daily News*, December 2, 2009) (view)

“ The MCA established standards and procedures for balancing the protection of national security interests and providing classified information to defendants as part of discovery. Ordinary rules of criminal procedure in civilian courts do not. They are designed to handle cases which involve criminal conduct committed inside this country, with evidence that is in close proximity to law enforcement. That evidence has a chain of custody and its origins can be disclosed without irreparable damage to national security interests.”

From Lessons unlearned, by Orrin Hatch (*New York Post*, December 19, 2009) (view)

Mixed on this position

“ One reason commissions have not worked well is that changes in constitutional, international and military laws since they were last used, during World War II, have produced great uncertainty about the commissions' validity. This uncertainty has led to many legal challenges that will continue indefinitely -- hardly an ideal situation for the trial of the century. By contrast, there is no question about the legitimacy of U.S. federal courts to incapacitate terrorists.”

From Holder's reasonable decision, by Jim Comey, Jack Goldsmith (*The Washington Post*, November 20, 2009) (view)

Retrieved from

"https://discoursedb.org/w/index.php?title=United_States_v._Khalid_Sheikh_Mohammed,_et_al._/Trial_should_be_held_in_criminal_court&oldid=10574"

This page was last edited on November 23, 2009, at 17:41.

All text is available under the terms of the GNU Free Documentation License.