

Civil trial another setback for Obama

[Examiner, The; Washington, D.C., Nov 21, 2010](#) | by [Julie Mason](#)

When a New York jury last week dismissed all but one of the more than 280 charges against Ahmed Ghailani, a suspected terrorist tied to the bombings of two U.S. embassies in Africa, the Obama administration was once again thrown in a politically charged whirlwind of doubts about an anti-terrorism policy that President Obama pledged to implement two years ago on the campaign trail.

Obama campaigned on a pledge to reverse many Bush-era terrorism policies, but he has been repeatedly stymied or decided to back away from some of those promises since taking office.

The trial of Ghailani, the first Guantanamo Bay detainee to face trial in civilian court, was supposed to show that suspected terrorists could be convicted in U.S. courts rather than through the more restrictive and secretive military tribunals President Bush championed.

But when a civilian jury threw out all but one of the more than 280 charges against Ghailani, a Tanzanian charged with the 1998 bombings of U.S. embassies in Kenya and Tanzania that killed 224 people, administration critics once again assailed Obama for poor performance on critical national security matters.

“The decision by this administration to try terrorists in civilian court was wrong from Day One,” said House Speaker-designate John Boehner, R-Ohio. “Ghailani is further proof it has no overarching strategy to prosecute the war on terror.”

In addition to the Ghailani trial, the detention facility at Guantanamo Bay that Obama pledged to close as soon as he took office is still open, in part because of the administration’s inability to find a new place for more than 155 detainees still held there.

He’s also been criticized for his qualified prohibition on the use of torture and his continued use of the state secrets act to derail lawsuits against the government.

“Look, I’m not going to stand up here and say any of its going to be easy,” said White House press secretary Robert Gibbs. “But the goal remains the same.”

The president remains committed to closing Guantanamo Bay, Gibbs said, “to ensure that that is no longer the recruiting poster that it is right now for al Qaeda.”

Still, there is the latest fallout over Ghailani.

Attorney General Eric Holder previously announced that Khalid Sheikh Mohammed and four other accused plotters of the Sept. 11, 2001, terrorist attacks would face trial in New York's federal courts, a plan instantly assailed by city officials and Congress and now furthered shadowed by the Ghailani case.

The White House so far has defended the Ghailani verdict, but given no indication of future trial plans.

David Rittgers, a legal policy analyst at the Cato Institute, said there is no guarantee a military commission, as sought by Boehner and many others, would deliver a different result.

Another alternative would be to keep the so-called 9/11 plotters in indefinite detention without trial but again, that would violate a key principal Obama campaigned on.

Politically it's not what he ran on, Rittgers said, but legally it's not an issue.