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Feb. 01, 2010

### Driving the Conversation:

Arena Ref: [Fred Barbash](#)

## Terror trials: Is it time for the administration to retreat and rethink? Is it generally mishandling the terrorism issue?

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### Roger Pilon

Vice President for Legal Affairs, Cato Institute :

On no issue is President Obama getting acquainted with reality more clearly than terrorism, or so it seems. He blazed into office, guns holstered, as the anti-Bush, putting Eric Holder's Justice Department in charge, not of the War on Terror, a phrase he banished from his administration's lexicon, but of "bringing those who planned and plotted the [9/11] attacks to justice," as Holder put it in November when he announced that Khalid Sheikh Mohammed and four others would be given civilian trials in downtown Manhattan. But as the manifold costs of such a trail became increasingly apparent, and as even New York Democrats have grown increasingly restive, the White House, it seems, has backed down. We await the line of congressmen saying "Bring the trial to my district."

How could it be otherwise? The administration's law-enforcement approach to terrorism has been unserious and folly from the start. In an understated yet devastating piece in yesterday's *Washington Post*, former CIA director Michael V. Hayden catalogued that folly, nowhere more evident than in the FBI's handling of the would-be Christmas Day bomber, who was Mirandized and lawyered up long before he could be seriously interrogated by agents with the background to elicit the intelligence we need -- not to *prosecute* terrorists, but to

*prevent* future terrorist attacks. The most telling revelation in Hayden's piece came at the end, however. In August, the government unveiled its High Value Detainee Interrogation Group (HIG) designed to interrogate people like the Christmas Day bomber, and it announced also that the FBI would begin questioning CIA officers about alleged abuses in the 2004 inspector general's report. Was the HIG called in to interrogate the Christmas Day bomber? No -- it has yet to be formed. But the interrogations of CIA officers are proceeding apace. So much for the administration's priorities. Is it any wonder that Scott Brown's pollsters report that terrorism, and the administration's mishandling of the issue, polled better even than Brown's opposition to ObamaCare?

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