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9/11 terrorists must be tried, but not in U.S. courts

U.S. Rep. Lincoln Davis

Tennessee Voices

The issue of trying 9/11 terrorists, currently housed in Guantanamo Bay, in our federal court system, or Article III courts, has recently raised the ire of some. I am not in favor of bringing them to the United States so they can be given rights afforded to American citizens. Rather, I want them tried and punished to the fullest extent by either spending the rest of their life in solitary confinement or through capital punishment.

Let me be very clear — I want action.

A few weeks ago a decision was announced by the attorney general to try these terrorists in New York City rather than by a military commission. I checked the pertinent facts to determine if this was a prudent decision. What I learned was very interesting.

Since 2001 there have been 119 terrorism cases with 289 defendants filed in Article III U.S. federal courts. There were 195 defendants convicted either by verdict or guilty plea of the 214 defendants whose cases were resolved as of June 2, 2009. At the same time the military commissions have tried and convicted three of the Guantanamo Bay terrorists.

The three: David Hicks, who converted to Islam in 1999, served less than one year, released to Australia; Salim Hamdam, after serving less than one year, returned to Yemen; and, Ali Hamza al Bahlul, received a life sentence.

While our military commissions have only convicted three foreign-born international terrorists, in the last eight years, they have tried tens of thousands of cases against members of our own military for various infractions under the Uniform Code of Military Justice (UCMJ). These are members of our military that volunteered to defend our country and were tried by the same military court system that should have tried the terrorists at Guantanamo. However, we spent time prosecuting our own defenders of liberty over the last eight years instead of trying the terrorists. They sought to undermine and destroy our way of life. This is completely unacceptable.

Prior to Sept. 11, 2001, the government successfully prosecuted the mastermind of the first World Trade Center bombing in federal court, resulting in a sentence of life in prison. In 2006, Zacarias Moussaoui, the so-called 20th hijacker, was tried and convicted without incident in a court less than 10 miles from the White House. Moussaoui was sentenced to life in prison.

Not wanting classified information to be publicly divulged during court proceedings is a concern. I learned the Classified Information Procedures Act allows portions of the trial dealing with classified information to be withheld from the public.

This difficult decision transcends the typical ideological factions. In fact, many political conservatives support bringing these terrorists to trial in the federal court system. For instance, Doug Bandow, former special assistant to President Ronald Reagan; Grover Norquist, president, Americans for Tax Reform; David Keene, chairman, American Conservative Union and National Rifle Association board of directors member; and Michael Ostrolenk, national director of the Liberty Coalition and president and co-founder of the American Conservative Defense Alliance all favor bringing them to trial in our courts.

I believe it's imperative that we prosecute and convict these terrorists so they will be dealt with in a manner that reflects the nature of their acts.
