

**Statement of September 11th Advocates  
Regarding Reaction to AG Eric Holder's Announcement on Moving 9/11 Trials to New York City  
November 19, 2009**

We are encouraged by Attorney General Eric Holder's announcement that the trial of alleged 9/11 mastermind, Khalid Sheikh Mohammed, and four additional detainees, Walid Muhammed Salih Mubarak Bin Attash, Ramzi Bin Al Shibh, Ali Abdul-Aziz Ali, and Mustafa Ahmed Al Hawsawi, would be moved to our Federal Court system in New York City.

Unfortunately, this has evoked a knee-jerk reaction that has been brought to an almost feverish pitch by the media pundits and the politicians. This response seems to be agenda driven rhetoric unsupported by facts.

Fear mongering is a tactic that is often used by those in power to hide wrongdoing. Perhaps those responsible for ordering torture have something to hide. Could those people be creating this frenzy?

With the apparent desire to try these suspects in the military commission system, one would think that the success rate of prosecutions would be higher than that of the Federal Courts', but that is not the case. To date, the military commissions system has had a very low success rate and has only brought one 9/11 terrorist case to completion. On the other hand, the American Justice System has been used to try terrorists 214 times since September 2001, with a success rate of 91% - 195 people were convicted.

The one 9/11 related case that was brought to completion in the military commissions system, U.S. v. Hamdan (Bin Laden's driver), brought Hamdan only a 66 month sentence. He was sent back to Yemen in January 2009. Where was the outrage then?

In fact, having accused September 11th alleged terrorists on American soil, in Federal Court, is not precedent setting. The alleged 20th hijacker, Zacharias Moussaoui, was held in a Virginia detention center and was later sentenced in Federal Court, also located in Virginia. Where was the outcry at that time?

During the course of that hearing, we fortunately did not experience a terrorist incident. Admittedly, an attempted attack could occur whether we try these suspects in America or Guantanamo Bay, Cuba. Does that mean we should not try them at all?

It should also be noted that the military commissions system allows for secret proceedings where tainted evidence and hearsay could be used. Thus, any resulting verdict could lack credibility. For those who fear an attack because trials are being held on American soil, isn't it just as likely that a verdict lacking credibility could provoke an attack?

Additionally, we believe the decision to try these men in our Federal Courts is less about giving detainees the same privileges as American citizens and more about America being a nation that conducts itself according to the rule of law. As a matter of practicality, in order to protect our citizens and soldiers around the world, it is best that we not devolve into barbarians seeking revenge. Retaliation then becomes an even greater risk.

It is time that we actually look at the facts and stop reacting from a place of fear.

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