

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

## Constitution Project Condemns Administration Policy Reversal on 9/11 Trial

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CONTACT: Dallas Jamison, Senior Communications Director; 202-580-6922;  
cell-720.333.1494; [djamison@constitutionproject.org](mailto:djamison@constitutionproject.org)

WASHINGTON—Today, the Obama administration announced a reversal of its November 2009 decision to try the alleged 9/11 co-conspirators in civilian court. Instead, the five men will now face trial before a military commission on the naval base at Guantanamo Bay, Cuba.

The following can be attributed to Constitution Project Counsel Mason C. Clutter: “We are extremely disappointed by the administration’s decision to try what is arguably the most important criminal case the U.S. has ever seen in an untested and flawed system, instead of in our legitimate criminal justice system. The executive is the branch of government that is best suited to making decisions on where and how to try suspected terrorists, not Congress. Instead of allowing Congress to browbeat it into making such a risky decision, the administration should have worked with Congress to repeal harmful legislation that essentially took civilian trials off of the table.

The facts are simple—our civilian justice system has a proven capacity to handle complex terrorism cases, while the military commissions system has only handled six cases and is subject to numerous challenges. Today’s decision will only continue to delay justice for the victims of 9/11 and their families. We hope that the administration will work with Congress to come to an amicable agreement on the use of our civilian justice system because removing the option of using our traditional criminal justice system from our national security toolbox denies us of one of our most effective counterterrorism tools.”

In November 2009, the Constitution Project and Human Rights First released [Beyond Guantanamo: A Bipartisan Declaration](#) advocating for the use of our traditional federal criminal courts to try Guantanamo detainees and opposing their indefinite detention without charge. Nearly [140 prominent Americans](#) endorsed the *Declaration*, including former federal prosecutors, judges, military leaders, intelligence leaders, Members of Congress, and 9/11 victim family members.

*The Constitution Project (TCP) brings together unlikely allies—experts and practitioners from across the political spectrum—in order to promote and safeguard America’s founding charter. TCP is working to reform the nation’s broken criminal justice system and to strengthen the rule of law through scholarship, consensus policy reforms, advocacy, and public education.*