

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

## **Proposed Ban on Civilian Trials for Terrorism Cases Prompts Outrage**

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WASHINGTON – The Constitution Project (TCP) expressed outrage over a bill passed by the U.S House of Representatives on December 8, 2010, that would prohibit any spending to transfer Guantanamo detainees to the United States, even for prosecution.

According to TCP Policy Counsel Mason Clutter, “The House bill that would effectively take civilian trials off the table as a forum for trying terrorism cases is disturbing on a number of levels. President Obama has long viewed prosecutions in our civilian courts as an important component of the Administration’s tool box to be used in the fight against terrorism. Throwing out this crucial tool—despite its successful use in trying and convicting the first “high value” Guantanamo detainee—simply makes no sense. The Ghailani case demonstrated that our federal criminal courts are more than up to the task of handling these cases. In fact, our civilian courts have a strong track record of handling terrorism-related trials having overseen over 400 such cases, compared with only 5 cases handled by military commissions.”

Ms. Clutter also noted, “We hope that the Senate does the right thing and refuses to tie the President’s hands. We believe that the decision on where to bring prosecutions should not reside with Congress, but rather with the Justice Department and the Attorney General. This bill essentially strips them of their rightful authority and power.”

*Established in 1997, TCP is renowned for its ability to bring 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 by undertaking scholarship, policy reform and public education initiatives. TCP was born out of the belief that we must cast aside the labels that divide us, in order to keep our Constitution and our democracy strong.*