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**STATEMENT OF [CAROLYN B. LAMM](#), PRESIDENT, AMERICAN BAR ASSOCIATION
RE: TRYING DETAINEES ACCUSED OF 9/11 ATTACKS**

WASHINGTON, D.C., March 8, 2010 — The [American Bar Association](#) believes that Article III courts are the preferred forum for trying detainees accused of criminal responsibility for the 9/11 attacks on the United States. We acknowledge that the president, the attorney general and the Department of Justice have discretion to determine whether to prosecute these alleged terrorists in federal court or before a military commission. The administration's decision to prosecute Khalid Sheikh Mohammed and other alleged terrorists in federal court is a sound one that the ABA fully supports. Whichever forum is ultimately selected, however, must provide due process so that its verdict will be respected and accepted around the world.

The public should understand that this important decision to try terrorists accused of criminal conduct in federal court is separate from any decision regarding the physical location for the trial. A federal court trial is defined by the substantive and procedural rules that guide the proceedings, not by the location of the court house. An Article III prosecution of these alleged terrorists can be conducted in any secure location that will provide for the safety of all participants without requiring a vast expenditure of new resources.

Nine years have passed since the attacks, and none of the individuals alleged to be responsible has been prosecuted, in large part because the rules governing military commissions have been in a state of flux. It is still unclear what constitutional provisions might be binding in commission trials. The possibility that a military commission trial ultimately may be held to have violated constitutional principles is real. This uncertainty is avoidable: the rules governing Article III criminal trials are clear, as are the governing constitutional provisions. The American Bar Association believes that a verdict in an Article III court is more likely to inspire confidence among American citizens and be accepted by the international community than any determination by a military commission.

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With nearly 400,000 members, the American Bar Association is the largest voluntary professional membership organization in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law.

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