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President

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Honorable Eric H. Holder, Jr.
Attorney General of the United States
Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530

Dear Attorney General Holder:

I am writing on behalf of the American Bar Association to express our support for the recent decision of the Department of Justice to pursue prosecution in federal court of the five Guantanamo detainees accused of conspiring to commit the 9/11 terrorist attacks. The transfer of these high-profile cases to federal court affirms this nation's adherence to due process and the rule of law, and clearly establishes that these men are being tried as criminals, not as soldiers in armed conflict.

Those who plotted the terrorist attacks against the United States must be brought to justice and held fully accountable for their horrific crimes. However, no matter how heinous the charges, the long-awaited trials of these alleged terrorists must be both fair and perceived as fair, or the resulting verdicts will not be recognized as legitimate. The accused must receive the competent assistance of counsel, be afforded due process, and treated as innocent until proven guilty. Americans would not want our citizens who might be arrested and charged in a foreign state to receive anything less.

The military commissions under which these high-profile detainees were first charged were constitutionally flawed and scorned by the international community. Despite procedural improvements enacted in the Military Commissions Act of 2009, we believe that a decision to resume their prosecution in military commissions would have failed to provide the credibility that is essential to acceptance of any final verdict.

Our federal courts, respected around the world, are well-equipped to handle trials of this magnitude. They will provide a fair and impartial forum for bringing these accused criminals to justice and will assure transparency and accountability to victims and the international community.

Sincerely,



Carolyn B. Lamm