

I am outraged that a foreign al-Qaeda terrorist, Ahmed Ghailani, has been found not guilty in a U.S. civilian court for his role in murdering 224 people during the 1998 attacks on U.S. embassies in East Africa. He was convicted of only one charge of conspiring to damage U.S. property. This miscarriage of justice occurred after the civilian judge refused to allow the jury to hear from what prosecutors called a “giant witness” who reportedly would have testified that he sold Ghailani the explosives used in the bombings. The judge ruled that the witness could not testify because U.S. officials became aware of him while using disputed interrogation procedures.

This tragic verdict demonstrates why I believe President Obama and Attorney General Eric Holder [should not try foreign terrorist suspects in civilian courts](#) and afford them U.S. constitutional protections. In addition to posing a safety threat to the American people, trying terrorists in civilian courts requires stricter rules of evidence compared to military commissions where defendants are provided significant but less expansive legal rights. The Administration’s decision to treat terrorism as a crime rather than an act of war will likely result in future miscarriages of justice. I believe the Attorney General should abandon this policy and try any future foreign terrorist defendant before a military commission that is off of U.S. soil. The pursuit of justice for all of the victims of terrorism and their families demands that this mistake never again be repeated.

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