



Written by [Rebecca Terrell](#) on November 20, 2009

Obama Predicts 9/11 Trial Outcome

In an interview aired on NBC's Today show, President Obama predicted that one of the alleged September 11th terrorists will be convicted and executed. He quickly backpedaled saying he did not intend to pass judgment before the trial. The accused is Khalid Sheikh Mohammed. He is suspected of being the mastermind behind the terrorist attacks on the U.S. on September 11, 2001. Mohammed and four others accused of conspiracy in the attacks are being held at the U.S. military prison at Guantanamo Bay in Cuba where they await trial as civilians in New York City.



NBC News Correspondent Chuck Todd interviewed the President in Beijing during Obama's [Asian tour](#).

Todd: Khalid Sheikh Mohammed — Can you understand why it is offensive to some for this terrorist to get all the legal privileges of an American citizen?

Obama: I don't think it will be offensive at all when he is convicted, and when the death penalty is applied to him.

Todd (aside): Pressed on whether he was prejudging a verdict, the former constitutional law professor expressed confidence in the government's case.

Obama: What I said was that people will not be offended if that's the outcome. I'm not prejudging, and I'm not going to be in that courtroom. That's the job of the prosecutors, the judge and the jury.

The president uttered the retort with a bit of impatient defensiveness in his voice. Yet "if" was not the word he used. He said "when" not once, but twice. Todd questioned Obama further regarding Republicans' concerns, to which the president responded, "[What] I think we have to break is this fearful notion that somehow our justice system can't handle these guys."

U.S. Attorney General Eric Holder, who made the [decision](#) to try the suspects in civil court, echoed this sentiment in testimony before the Senate Judiciary Committee on Wednesday. Holder endured intensive grilling from Republican members in [morning](#) and [afternoon](#) sessions. He refuted fears that federal court will provide Mohammed a "platform to spew his hateful ideology," and he claimed the case is not unprecedented because the federal courts have been prosecuting terrorists safely and securely for years.

However, Holder balked when Senator Lindsey Graham (R-S.C.) asked, "Can you give me a case in United States history where an enemy combatant caught on a battlefield was tried in civilian court?" After a long pause, Holder stumbled over himself saying, "I don't know. I'd have to look at that. I think that, you know, the determination I've made —" At that point, Senator Graham interrupted him to say, "We're making history, here, Mr. Attorney General. I'll answer it for you. The answer is 'no.'"

The committee chamber erupted in applause when Senator Jon Kyl (R - Ariz.) asked incredulously,



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"How could you be more likely to get a conviction in federal court when Khalid Sheikh Mohammed has already asked to plead guilty before a military commission and be executed?" Holder dodged the question by saying he would not base a determination of prosecution venue on the word of a terrorist. Senator Kyl pressed him further, and Holder said he based his decision on military and civilian court protocols. When Holder was asked about the possibility of acquittal, the attorney general assured the senators of conviction, despite constitutional safeguards against foregone conclusions in civilian trials. Holder said acquittal would not "mean that person would be released into our country."



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