

Federal Court Sentences Underwear Bomber Critics' Claims That Due Process Threatens Security Fall Flat Again

What They Said on December 25, 2009	Reality: The Constitution Works
<p>Senator Susan Collins (R-ME): "Abdulmutallab was questioned for less than one hour before the Justice Department advised him that he could remain silent and offered him an attorney at our expense. Once afforded the protection our Constitution guarantees American citizens, this foreign terrorist 'lawyered up' and stopped talking."</p>	<p>The Miranda warning was given after Abdulmutallab had stopped talking to authorities, and after consultations with the FBI, CIA, Justice Department and State Department.¹ Abdulmutallab even continued to talk after he was mirandized.²</p>
<p>Senator John Barrasso (R-WY): "Terrorists must never be allowed to lawyer up, shut up, and study up on how to manipulate our justice system. We need to apply the rules of war to those trying to harm us."</p>	<p>Abdulmutallab provided valuable intelligence to law enforcement, including information on al-Awlaki.³ Due process provides strong incentives to cooperate.</p>
<p>Senator John Cornyn (R-TX): "Mirandizing the Christmas Day terrorist mere hours after he was taken into custody was profoundly irresponsible...and it shows a complete failure to comprehend the role that valuable intelligence can play in saving innocent American lives."</p>	<p>The Supreme Court has upheld Miranda because it ensures due process, mitigates false confessions, and sets into place strong incentives for cooperation. In the Court's decision in <i>Quarles</i>,⁴ law enforcement may delay reading Miranda for public safety.</p>
<p>Senator Lamar Alexander (R-TN): "The Christmas Day bomber should have been treated like the foreign terrorist he is instead of like an American citizen who broke into a sandwich shop."</p>	<p>Abdulmutallab was treated like a terrorist criminal, not a warrior. The system works and he now faces life in prison.</p>
<p>Senator Lindsey Graham (R-SC): "It's a strategic and tactical mistake in the War on Terror to try Abdulmutallab in civilian court. He's not a Nigerian student, he's an enemy combatant. He tried to kill innocent Americans -- civilians -- which is and should be treated as an act of war. He should have been interrogated by the military and tried by military commission. He has no place in civilian court."</p>	<p>Guantanamo is a stain on America's honor where men have been held for up to ten years without trial or release. Military commissions have convicted only six men since 9/11, and have been plagued by a make-it-up-as-you-go-along process because there is no precedent. Federal courts by contrast, have convicted more than 400 persons of terror crimes since 9/11 because courts have more laws to invoke, and precedent upon which to rely.</p>
<p>Senator Orrin Hatch (R-UT): "The President has repeatedly made decisions that fail to recognize that terrorism is a national security issue ... We should not treat terrorists as common criminals."</p>	<p>Osama bin Laden is dead. Al Qaeda is decimated. The U.S. is successfully stopping and prosecuting would-be terrorists (both foreign and domestic) in federal courts every day.</p>

¹ <http://articles.latimes.com/2010/feb/01/nation/la-na-terror-miranda1-2010feb01>

² <http://prospect.org/article/abdulmutallab-interrogation-explodes-six-central-torture-myths>

³ <https://www.documentcloud.org/documents/291667-abdulmutallab-sentencing-memorandum.html>

⁴ 467 U.S. 649 (1984)