

Human Rights First

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Public Facing Advocacy Writing

Buck McKeon has warned of the perils of bringing terrorists onto U.S. soil, the author writes.

By Maj. Gen. (ret.) Paul Eaton

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The Obama administration last week quietly [announced](#) the capture, interrogation and arraignment of Ahmed Abdulkadir Warsame, a terrorism suspect believed to be affiliated with groups in Yemen and Somalia.

He faces a variety of charges including conspiracy to provide material support to terrorist organizations; actually providing such support, and planning and receiving military type training from a designated terrorist organization. Specifically identified were the groups Al Shabab and Al Qaeda Arabian Peninsula.

As a soldier, I am comforted by President Barack Obamas measured [decision](#) to use the Southern District of New York federal court instead of a military venue.

Unfortunately, this approach is contrasted with an irrational response from those who would militarize the U.S. judicial system and confer warrior status on a criminal. Rep. Buck McKeon (R-Calif.), the chairman of the House Armed Services Committee, said, The transfer of this terrorist detainee directly contradicts congressional intent and the will of the American people. He warned of the perils of bringing terrorists onto U.S. soil.

Senate Minority Leader Mitch McConnell (R-Ky.), agreed with this. This ideological rigidity being displayed by the administration, McConnell said, is harming the national security of the United States of America. He insisted that the administrations actions are inexplicable, create unnecessary risks here at home, and do nothing to increase the security of the United States.

Fear does not make for good judicial policy. Nor does it make for good foreign or military policy. It does, however, serve politicians very well as they try to convince Americans to be afraid. Very afraid.

What are the real concerns about the administrations decisions to capture a suspected terrorist, collect valuable intelligence and place him in the venue most likely to bring him to justice? The U.S. criminal justice system has performed brilliantly trying [hundreds](#) of terrorists and sending better than 90 percent of those tried to significant prison sentences in high and maximum security prisons.

McConnell cites unnecessary risks here at home, yet there has been no violence associated with past trials, transfers or imprisonment. Our incarceration professionals have come on line to declare that they are more than prepared to handle the load, while our law enforcement officials and the supporting courts have displayed the resolute courage and professionalism that is, frankly, the envy of many countries. By contrast, military commissions have produced six convictions, without particularly onerous sentences. Two of those convicted are now free.

The argument to militarize the judicial process is a backhanded insult to a professional law enforcement system and an inference that the military commission process would be somehow tougher.

It is important to remember that the military commission venue is a tool that should be available for use under [certain](#) narrowly defined situations. Warsame is suspected of criminal actions, not military actions. He is no warrior, and should not receive the honor of being [treated](#) as one.

Those who would conspire to create a black and white world along military lines lack the subtlety of intellect that the post 9/11 world demands. It is no longer the case where the U.S. and the North Atlantic Treaty Organization are facing down the Warsaw Pact and the Soviet Union in the Cold War.

While America does have enemies of several persuasions, many are criminal in nature, involving crimes against humanity that include piracy, drugs, slavery and yes, terrorism.

The White Houses new national counterterrorism strategy reflects a better understanding of these new realities. And, as John Brennan, the presidents terrorism adviser [said in the presentation](#) of the new strategy: We are not going to elevate these thugs and their murderous aspirations into something larger than they are.

As someone proud to be a soldier, I agree. We should not give these adversaries combatant status. Nor should we attempt to make them appear grander than they are.

They are criminals, not warriors. Leave justice to those who can deliver it best.

Maj. Gen. Paul D. Eaton (ret.) served more than 30 years in the U.S. Army. He developed, designed and led the training of the Iraqi military from 2003-04. He is now a senior adviser at the [National Security Network](#).

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