Trial through federal courts risks exposing the US’s methods of obtaining information to accuse terrorists. Federal courts are required to disclose all evidence used by the prosecution. McCarthy:  
Andrew C. McCarthy, 2009, Director of the Center for Law & Counterterrorism at the Foundation for the Defense of Democracies, lead prosecutor in the seditious conspiracy trial against Sheikh Omar Abdel Rahman and eleven others, and Alykhan Velshi, Staff Attorney at the Center for Law & Counterterrorism, “We Need a National Security Court”

Prosecutions in **the criminal justice system** **arm[s]** international **terrorist organizations with** a trove of **intelligence that** both **identifies** methods and **sources of information and improves their ability to harm Americans.** Equally perilous to national security as the general philosophy of combating terror by trials are the nuts-and-bolts of trial practice itself. Under discovery rules, **the government is required to provide to accused persons**, among many other things, **any information** in its possession **that can be deemed “material to preparing the defense.”** 11 Moreover, under current construction of the Brady doctrine, the prosecution must disclose any information that is even arguably material and exculpatory, 12 and, in capital cases, any information that might induce the jury to vote against a death sentence, whether it is exculpatory or not (imagine, for example, the government is in possession of reports by vital, deep-cover informants explaining that a defendant committed a terrorist act but was a hapless pawn in the chain-of-command). 13 The more broadly indictments are drawn, the more revelation of precious intelligence due process demands – and, for obvious reasons, terrorism indictments tend to be among the broadest. 14 The government must also disclose all prior statements made by witnesses it calls, 15 and, often, statements of even witnesses it does not call. 16 **This** is a staggering quantum of **information**, certain to **illuminate[s]** not only what the government knows about terrorist organizations but **the intelligence community’s methods and sources for obtaining that information.** When, moreover, there is any dispute about whether a sensitive piece of information needs to be disclosed, the decision ends up being made by a judge on the basis of what a fair trial dictates, rather than by the executive branch on the basis of what public safety demands. Finally, the dynamic nature of the criminal trial process must be accounted for. **The discovery** typically ordered, virtually of necessity, **will far exceed what is** technically **required by the rules.** As already noted, terrorism trials are lengthy and expensive. The longer they go on, the greater is the public interest in their being concluded with finality. **The Justice Department does not want to risk reversal and retrial, so** it tends to bring close questions of disclosure to the presiding judge for resolution. The judge, in turn, does not wish to risk reversal and, of course, can never be reversed in our system for ruling against the government on a discovery issue. Thus, the **incentives in the system press on participants to disclose far more information** to defendants **than what is mandated by the** (already broad) **rules.** These incentives, furthermore, become more powerful as the trials proceed, the government’s proof is admitted, it becomes increasingly clear that the defendants are probably guilty, and the participants become even less inclined to put a much-deserved conviction at risk due to withheld discovery – even if making legally unnecessary disclosure runs the risk of edifying our enemies. 17 It is freely conceded that this trove of government intelligence is routinely surrendered along with appropriate judicial warnings: defendants may use it only in preparing for trial, and may not disseminate it for other purposes. To the extent classified information is implicated, it is also theoretically subject to the constraints of the Classified Information Procedures Act. 18 Nevertheless, and palpably, **people who commit mass murder**, who face the death penalty or life imprisonment, and who are devoted members of a movement whose animating purpose is to damage[ing] the United States, **are** certain to be relatively **unconcerned about violating court orders** (or, for that matter, about being hauled into court at all). Our congenial rules of **access to attorneys,** paralegals, **investigators and visitors make it** a very **simple** matter **for accused terrorists to transmit what they learn** in discovery **to their confederates** – and we know that they do so**.**

This is empirically verified—the author’s own intel was used against him in court during prosecution of terrorists. McCarthy 2:  
McCarthy, Andrew (2004). "Terrorism on trial." Case W. Res. J. Int'l L. 36.513: 519-520

In that context, the mountain of information we are discussing here is being surrendered to an enemy, not a defendant. **If al Qaeda had expended millions of** its finite **resources, it** **could never have hoped to amass the** trove of **intelligence it has garnered, for free, as a result of our prosecutions** and their attendant, generous discovery rules. Concededly, this information has routinely been disclosed subject to judicial admonitions: defendants may use it only in preparing for trial, and may not disseminate it for other. Let me provide just one concrete example. **In 1995,** just before trying Sheikh Abdel Rahman and his co-defendants, **I** duly **complied with discovery law by writing a letter to the defense counsel listing 200 names** of people and entities **the government was reserving the right to identify at trial** as unindicted co-conspirators-i.e., people who were on the government's radar screen but whom there was insufficient evidence to charge. **Six years later, my letter turned up as evidence in the trial of those who bombed the U.S. embassies in east Africa**. It seems that, within a short time of my having provided it to the defense, **the letter** hadfound its way to Sudan and **was in the hands of bin Laden** (who was on the list), having been fetched for him by an al-Qaeda operative **who had procured it from one of his associates.** Intelligence is dynamic. Over time, **foreign terrorists and spies inevitably learn our tactics and adapt:** consequently, we must refine and change those tactics. **When we purposely tell them what we know**-for what is presumed to be the greater good of ensuring they get the same kind of fair trials as insider traders and tax cheats-**we enable them** not only to close the knowledge gap but **to gain immense insight into** our technological capacities, how our agencies think, and **what our future tactics are likely to be.**

This spills over to international intel gathering. Foreign intel sources will refuse to work with the US to protect their own methods for identifying terrorists. McCarthy 3:

The discovery requirements endanger national security by discouraging cooperation from our allies. As illustrated by the recent investigations conducted by Congress, the Silberman/Robb Commission, and the 9/11 Commission regarding pre-9/11 intelligence failures, **the U**nited **S**tates **relies heavily on** **cooperation from** **foreign intelligence services**, particularly in areas of the world from which threats to American interests are known to stem and **where our own** human **intel**ligence **resources have been inadequate.** It is vital that we keep that pipeline flowing. Clearly, however, **foreign intel**ligence **services** (understandably, much like our own CIA) **will** necessarily **be reluctant to share information with our country if** they have good reason to believe that **information will be revealed** under the generous discovery laws that apply **in U.S. criminal proceedings.**

Intel cooperation is key to prosecuting terrorists and preventing future attacks. Thiessen:  
Marc Thiessen, Foreign Policy, 2/8/10, http://www.foreignpolicy.com/articles/2010/02/08/dead\_terrorists\_tell\_no\_tales?page=0,1

In the years **after** the **9/11** attacks, **the CIA worked** **with Pakistani and other** **intelligence services to hunt down senior terrorist leaders and take them in for interrogation.** Among those captured were men like Abu Zubaydah, Khalid Sheikh Mohammed, Ramzi bin al-Shibh, Ammar al-Baluchi, Walid bin Attash, Riduan Isamuddin (aka "Hambali"), Bashir bin Lap, Abd al-Rahim al-Nashiri, Abu Faraj al-Libbi, Abd al-Hadi al-Iraqi, and others. In all, **about 100 terrorists were detained and questioned** **by the CIA.** And **[and] the information they provided helped break up terrorist cells** that were **planning to** **blow up the U.S. Consulate in Karachi** **and the U.S. Marine camp** in Djibouti; **[and]** **explode seven airplanes flying across the Atlantic from London to cities in North America**; and fly hijacked airplanes into Heathrow Airport, London's financial district, and the Library Tower in Los Angeles.