

# Death Penalty Trial Of 9/11 Suspects To Resume

BY CAROL ROSENBERG  
McClatchy Newspapers

MIAMI — The Pentagon on Wednesday cleared the way for a death penalty trial against five Guantanamo Bay captives charged with engineering the Sept. 11, 2001, terrorist attacks.

Retired Navy Vice Adm. Bruce MacDonald, who is in charge of military commissions, signed off on the capital trial against alleged mastermind Khalid Sheikh Mohammed, 46, and four accused co-conspirators.

The men face charges of terrorism, hijacking aircraft, conspiracy and murder in violation of the law of war, among other charges, in the system set up by President George W. Bush within months of the attack, and then modified by President Barack Obama in 2009.

If convicted, they could be sentenced to death using a method to be decided by Defense Secretary Leon Panetta or his successor.

The charges accuse the five of organizing the attacks — including funding and training the 19 men who hijacked four commercial airliners on Sept. 11, 2001, and crashed them into the World Trade Center, the Pentagon and a field in Shanksville, Pa., killing 2,976 people.

The lead trial attorneys are retired Army Col. Robert Swann and federal prosecutor Edward Ryan — the same two men designated by the Bush administration to prosecute the case.

Obama halted the previous trial and Attorney General Eric Holder was initially determined to prosecute the five in Manhattan, not far from the site of the World Trade Center.

But Holder reversed course a year ago after members of Congress raised a variety of protests — arguing that a federal prosecution would put an even larger al-Qaida bull's-eye on New York, would snarl traffic or would risk acquittal if a civilian judge or jury concluded that the evidence against them was obtained through torture.

Pentagon prosecutors have been preparing their case since then.

White House spokesman Jay Carney said the decision to go forward with the trial at Guantanamo did not diminish Obama's desire to close the detention center there.

"There have obviously been obstacles in achieving that. But he remains committed to doing that," said Carney. "In the meantime, we have to ensure that Khalid Sheikh Mohammed and others who are accused of these heinous crimes are brought to justice. And a procedure is now under way to ensure that that happens."

The decision drew a rebuke from the American Civil Liberties Union, which has funded some of the 9/11 defense lawyers.

The Obama administration "is making a terrible mistake by prosecuting the most important terrorism trials of our time in a second-tier system of justice," said Anthony Romero, the group's executive director. He said the war court was "set up to achieve easy convictions and hide the reality of torture, not to provide a fair trial."

"Whatever verdict comes out of the Guantanamo military commissions will be tainted by an unfair process and the politics that wrongly pulled these cases from federal courts, which have safely and successfully handled hundreds of terrorism trials," he said.

All five were interrogated by the CIA in secret overseas prisons — Mohammed was water-boarded 183 times, according to declassified CIA documents — before their 2006 transfer to Guantanamo. Once in Cuba, he bragged to a panel of U.S. military officers that he was responsible for the Sept. 11 attacks "from A to Z."

The chief prosecutor, Army Brig. Gen. Mark Martins, has said that by law no evidence derived through torture can be used at a Guantanamo trial.

MacDonald signed the 123-page charge sheet alleging the five men engaged in a years-long conspiracy that trained the 9/11 hijackers in Afghanistan and Pakistan, funded them in wire transfers from Persian Gulf nations and dispatched some of them to the United States from Germany. It will be up to an 11-member team of U.S. prosecutors to prove it to a military jury of a dozen or more members.

But first, the military has to present the charges at the remote prison at the U.S. base in southeast Cuba, assign a judge to the case and give the defendants a formal appearance at the war court compound, Camp Justice, probably in May. Months of pretrial challenges, including wrangling over defense resources and whether the men are competent to defend themselves, are likely to follow.

The other four men facing the death penalty charges in the joint trial are Waleed bin Attash, 33, a Yemeni; Ramzi Binalshibh, 39, a Yemeni; Mustafa Ahmad al-Hawsawi, 43, a Saudi; and Ali Abd al-Aziz Ali, 34, a Pakistani who is Mohammed's nephew and also known as Ammar al Baluchi.

## Holder: J.D. Will Respond To Upset Judge

CHICAGO (AP) — U.S. Attorney General Eric Holder said Wednesday that the Justice Department will demand "appropriately" to a federal appellate judge in Texas who demanded a letter recognizing the authority of the federal courts to strike down laws passed by Congress.

Holder spoke a day after 5th U.S. Circuit Court of Appeals Judge Jerry Smith questioned President Barack Obama's remarks earlier in the week about an "unelected" court possibly striking down the president's health care overhaul. Smith, during oral arguments in a separate challenge to the health law, asked the Justice Department for a three-page, single-spaced letter affirming the federal court's authority.

On Wednesday, Holder acknowledged the courts have "the final say" and defended the president's remarks. He shrugged off a reporter's suggestion that reaction to Obama's comments have become a distraction.

When asked what an appropriate response to Smith would be, Holder said, "I think what the president said a couple of days ago was appropriate. He indicated that we obviously respect the decisions that courts make."

"Under our system of government ... courts have the final say on the constitutionality of statutes," Holder said. "The courts are also fairly deferential when it comes to overturning statutes that the duly elected representatives of the people, Congress, pass."

## GOPs Not Interested In V. President Nominee

WASHINGTON (AP) — Tag, I'm not it. Republicans considered to be up-and-comers are scrambling to declare a lack of interest in becoming Mitt Romney's running mate, taking themselves off the still-forming short list of would-be vice presidents. With Romney poised to win the GOP nomination in June, if not earlier, some of the focus has shifted to his pick for the No. 2 spot on the ticket. But no one is rushing forward and many of the top prospects are trying to shut down the conversation before it begins.

"I'm not going to be the vice president," Sen. Marco Rubio said Wednesday.

"If offered any position by Gov. Romney, I would say no," South Carolina Gov. Nikki Haley told The Associated Press a day earlier.

"I've taken myself off the list," former Minnesota Gov. Tim Pawlenty said recently.

## Stocks Fall Sharply, Following European Markets

NEW YORK (AP) — European debt flared again as a worry for Wall Street and drove stocks Wednesday to their worst loss in a month. The Dow Jones industrial average lost 125 points, and the price of gold plunged to its lowest level since January.

It was only the second time this year the Dow has recorded a triple-digit decline. The average gained 8 percent from January through March, its best first quarter since 1998, but has lost 1 percent already in April.

The Dow was down as much as 179 points earlier in the day. It recovered to close down 124.80 at 13,074.75. Only four of the 30 stocks that make up the average rose for the day.

A disappointing auction of government debt in Spain signaled that investor confidence in that country's finances is weakening. Spain announced tax increases and budget cuts last week, which could hurt its economy further.

Bond yields in Spain shot higher, making it more expensive for the country to raise money. Benchmark stock indexes fell 2.8 percent in Germany, 2.7 percent in France and 2.3 percent in Britain.

## Nursing Program Director Was Target In Calif.

OAKLAND, Calif. (AP) — Police confirmed Wednesday that the nursing program director of the California college where a former student is suspected of going on a shooting rampage was the suspect's intended target.

Oakland Police Chief Howard Jordan told The Associated Press that investigators believe Ellen Cervellon was the person sought by suspect One Goh.

Police said that when Goh was told Cervellon wasn't there at the time, he began shooting in classrooms.

Goh had been upset after dropping out of the nursing program because school officials would not fully refund his tuition, Cervellon said.

# Romeny: Obama Is Waging 'Hide And Seek' Campaign

BY MICHAEL A. MEMOLI  
Tribune Washington Bureau

WASHINGTON — Before he took his campaign for the Republican nomination to the next primary battleground in Pennsylvania, Mitt Romney used the same Washington stage where President Obama had spoken a day before to accuse his likely general election rival of plans to wage a "hide and seek campaign" in the fall.

The former Massachusetts governor, one day after winning a set of primaries that all but ensured he would be his party's nominee, used a "hot mic" incident involving the president and his Russian counterpart to cast doubt about what Obama would do if he wins a second term.

Referring to Obama telling Dmitry Medvedev last week he'd have more "flexibility" to negotiate on missile defense after his election, Romney asked: "On what other issues will he state his true position only after the election is over?"

"His intent is on hiding. You and I will have to do the seeking," Romney told a gathering of news executives and editors Wednesday.

Obama, speaking to the same group on Tuesday, used the House Republican budget plan authored by Rep. Paul Ryan, R-Wis., a Romney supporter, to frame his own general election case against Romney.

Obama noted that Romney had called the Ryan plan "marvelous," but said it actually would "gut" investments meant to grow the middle class to pay for tax cuts for the affluent. The goal: To define Romney before he has the chance to reintroduce himself to the broader national electorate.

"This isn't a budget supported by some small rump group in the Republican Party," the president said. "This is now the party's governing platform. This is what they're running on."

The White House said Wednesday it wasn't a campaign speech, but a "wonky exposition of his views."

Romney responded as if the two were in campaign mode, however, and used his speech instead to say Obama has lacked the leadership needed in the office to guide the nation's economy onto surer footing.

He said the president lacked focus when he took office, delegating an economic stimulus plan to Democratic leaders in Congress so he could instead pursue a "government takeover of health care and apologizing for America abroad."

On the budget, Romney said Obama "railed against arguments no one is making — and criticized policies no one is proposing."

"I understand some people are amused that I have so many ideas. But I think the American people will prefer it to President Obama's grand total of zero," he said.

Among those ideas: cut all

marginal tax rates, repeal the president's health reform law and cut "programs that we cannot afford." Romney said he also would reform Social Security and Medicare in a way that "strengthens them for future generations," using the issue of entitlement reform to cast Obama as weak.

"Unlike President Obama, I have the courage to stand behind my plan and the leadership to enact it," he said.

"This November, we will face a defining decision. Our choice will not be one of party or personality. This election will be about principle. Freedom and opportunity will be on the ballot."

Much as Romney would like to focus exclusively on Obama at this point, he was set to take his campaign to Pennsylvania after the speech to campaign ahead of the state's April 24 primary. Notably, in his victory speech in Wisconsin a day earlier Romney appealed to primary voters there as well as New York, Connecticut,

Rhode Island and Delaware, not to pivot to the November election.

Asked if he'd contacted rivals Rick Santorum, Newt Gingrich or Ron Paul to drop out of the race, Romney said he hadn't. But, he added, "I hope that we're able to resolve our nomination process as soon as possible, of course."

At the luncheon, hosted by the Newspaper Association of America and American Society of News Editors, Romney also reflected on how quickly the pace of the news cycle has changed just in the four years since his last campaign, as well as the nature of the reporting.

"In 2008, the coverage was all about what I might have said in a speech. Today it's about what brand of jeans I'm wearing or what I had for lunch," he said. "Frankly in some of the new media, I find myself missing the presence of editors to exercise quality control."

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