

By Kevin Johnson

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WASHINGTON — President Obama and Attorney General Eric Holder on Wednesday defended the decision to prosecute the alleged 9/11 conspirators in a New York City federal court. Obama predicted that self-professed mastermind Khalid Sheikh Mohammed will be convicted and executed.

Obama said he was not "pre-judging" the trial's outcome but had "complete confidence" in the U.S. criminal justice system. "I don't think it (the decision) will be offensive at all when he's convicted and when the death penalty is applied to him," Obama said in an interview with NBC.

"Failure is not an option," Holder told the Senate Judiciary Committee. "These are cases that have to be won," he said. "I'm not scared of what Khalid Sheikh Mohammed would say at trial, and no one else needs to be afraid, either. We need not cower in the face of the enemy."

Holder testified before the committee, and lawmakers sparred over his decision last week to send Mohammed and four alleged accomplices from a military detention center at Guantanamo Bay, Cuba, to New York and a civilian court.

Sen. Jeff Sessions of Alabama, the committee's top-ranking Republican, said time has "dulled" administration officials' memory that "we are at war."

About two dozen survivors and relatives of 9/11 victims attended the hearing to show disapproval with prosecuting the accused in the shadow of the deadliest terrorist attacks on U.S. soil. "This is a terrible mistake," said Tim Brown, 47, a retired New York firefighter who survived the World Trade Center's collapse. "It will be like Sept. 11, Part 2. We're going to drag these families back through this?"

Judiciary Chairman Patrick Leahy, D-Vt., backed Holder: "Those who perpetrated the attacks should be tried here." Leahy said, "Many surviving family members of those killed that day have said, after years of frustration, it is time to have justice."

The most heated exchange involved Sen. Jon Kyl, R-Ariz.

"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?" Kyl asked, prompting brief applause from the 9/11 families.

"My decision does not depend on the whims and desires of Khalid Sheikh Mohammed," Holder answered. "He will not select the prosecution venue. I will."

It will cost at least \$75 million to prosecute Mohammed and his alleged accomplices in New York, said Sen. Charles Schumer, D-N.Y. Schumer said New York City Police Commissioner Ray Kelly provided the estimate, which includes additional security measures such as sniper teams.

"I worry about safety first and the burden on the taxpayers of New York," Schumer said. Holder said he would support efforts to get federal aid to defray the costs.

Most of the hearing focused on Mohammed, though Holder also addressed the massacre at Fort Hood in Texas. He said he was troubled by revelations that Army Maj. Nidal Hasan, who is charged with murdering 13 people, contacted a radical cleric in Yemen in the months before the shooting.