

A Review of *Defending Mohammad: Justice on Trial*

By

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Book: *Defending Mohammad: Justice on Trial*

Author: Robert E. Precht

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At 12:18 p.m. on February 26, 1993, temperatures were in the mid-20s and snow was falling in lower Manhattan when a 1300 pound bomb composed of urea pellets, nitroglycerin, sulfuric acid, aluminum azide, magnesium azide, and bottled hydrogen detonated in a yellow Ryder van on the B-2 level of the World Trade Center parking garage. The bomb caused massive structural damage spanning seven levels of the complex, six of those underground. At its maximum, the L-shaped blast crater measured 130 feet wide by 150 feet long. Six people died and 1,042 were injured. Approximately 50,000 people were evacuated from the World Trade Center complex despite the blast shutting down elevators and damaging many of the stairwells.

The bomb cut off the World Trade Center's main electrical power line, and all telephone service for NYC as smoke rose up to the 93rd floor of both towers. The loss of electricity caused most of New York City's radio and television stations to lose their over-the-air broadcast signal for nearly a week. Television stations were only able to broadcast via cable, satellite and microwave hookups between the stations and three of the New York area's largest cable companies.

Despite its relatively low death toll, the 1993 bombing of the World Trade Center shocked the American public. On March 4, 1993, law enforcement authorities announced the capture of an illegal Palestinian immigrant, Mohammad Salameh, and three other Arab men in connection with the bombing. Salameh had made arrangements to flee the country as had his three co-conspirators, but he made the ludicrous mistake of returning to the Ryder truck rental office to get his deposit back.

The arrests triggered the first major "Muslim scare" in New York City history. Six days after the arrest of Salameh, the author, Robert E. Precht, a New York Legal Aid Society staff attorney in a self-admitted midcareer doldrum brought on by constant handling of routine cases as a public defender, was appointed to represent Salameh at trial. Precht confesses great surprise at his appointment as defense attorney for the chief suspect in this very high profile case – an appointment that ultimately ensnared Precht in a media circus to which he was totally unaccustomed.

Mohammad Salameh was identified as the renter of the now infamous van that contained the bomb. Precht's story of the circumstances surrounding Salameh's trial and eventual guilty finding proceeds chronologically from Precht's appointment as counsel through the sentencing phase. During discussion of trial strategies, Precht freely admits and actually calls attention to mistakes that he made. In similar fashion, he points out mistakes made by all involved in the trial process. He questions the notion whether military tribunals should be used to prosecute terrorists and concludes that tribunal is not the proper venue for doing justice in terrorism-related proceedings.

The burning question this book raises is whether a fair trial is possible in the war on terrorism. The answer to be gleaned from this descriptive narrative is that a fair trial may be possible, but in the case of Mohammad Salameh, the key court actors – judge, prosecutors, and defense attorneys – failed to meet the challenge of ensuring a fair trial. Yet, perhaps, in a country shocked by the viciousness of a terroristic event and fueled by emotions demanding retribution and revenge, “fairness,” like beauty, may lie in the eye of the beholder.

Mr. Precht can claim no comfort from his criticism of defense lawyers and criminal justice system actors because he was one of the very actors about whom he writes. The events and personalities involved in and surrounding the trial make for interesting reading. Precht's openness infers that significant thought, soul searching, and retrospection fueled this self-inclusive narrative. Underlying the narrative, however, are very real and compelling questions about whether American criminal justice systems and the people who populate and influence them can make fair trials possible for accused terrorists. Terrorism defendants are not predestined to receive unfair trials. However, external influences, public influence, political pressure, and other stress factors can undermine impartiality during the trial process and consequently transform the potential for injustice into the actuality of an unfair proceeding.

Precht's book is an interesting personal account of the 1993 World Trade Center bombing trial from the perspective of the defense attorney. With extraordinary candor, Precht openly examines his conflicts with the judge, fellow defense counsel, client, and, most interestingly, the conflict within himself. In so doing, Precht depicts the courtroom drama of this intense trial as a personal case study of the administration of justice in contemporary American society.

ENDNOTE

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