# Justice, the right way

*by The Milwaukee Journal Sentinel*

Suppose that their trial under military tribunals exceeds expectations for fairness and openness.

Does anyone think that even U.S. friends in the world will believe that the six charged by the Pentagon last week with murder and war crimes for their alleged roles in the Sept. 11 attacks were justly tried?

Consider:

- The prosecution is seeking the death penalty, a punishment that most countries prohibit. Joining the United States in not doing so are such beacons of freedom as China, Iraq, Iran, Pakistan and Sudan.

- The accused are detainees at a prison in Guantanamo Bay, Cuba, a site widely reviled around the world as epitomizing U.S. unfairness and hypocrisy.

- Officials already have disclosed that one of the accused was subjected to waterboarding.

- In the unlikely event the six are found not guilty, they probably won't be set free.

This incarnation of military tribunals is better than the original, following a U.S. Supreme Court decision. But that is not nearly good enough.

Prosecutors still will be able to use evidence obtained perhaps by questionable means. Hearsay and classified evidence? They still might be OK. To the world, these proceedings will have all the earmarks of preferring expediency over deliberate justice and employing a scale that tilts in favor of the prosecution. Other terror suspects have been tried successfully in federal civilian courts. If these six are guilty (and there is ample evidence that they are pretty bad characters), they can be convicted, just as Jose Padilla and Zacarias Moussaoui were, in federal courts. If found guilty, life imprisonment is ample punishment. So, by all means, try them. The nearly 3,000 people killed in the craven attacks on Sept. 11 deserve justice. But they deserve a justice that the world can fairly assess is based on U.S. law and ideals.

The military tribunals aren't up to those standards.

Not when the accused can be waterboarded, as was Khalid Sheikh Mohammed, the suspected mastermind of the attacks, according to recent Senate testimony. Due process? Not when detainees are held for lengthy periods in secret CIA prisons before being transferred to the Navy prison at Guantanamo.

Justice, yes. But not this way.

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