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More on the Ghailani Trial

by Michael Sean Winters

Distinctly Catholic

Yesterday, I called attention to an article by Benjamin Wittes, the super smart senior fellow at the Brookings Institution who has thought longer and harder and more intelligently about the legal issues raised by the war on terror than anyone I know.

Wittes has another article today, written with Jack Godsmith, that is worth reading on the subject. I am less sanguine than he about the prospect of indefinite detentions, but his piece also destroys some of the simplistic canards of both sides in the current debate, e.g., testimony acquired through torture is not likely to pass muster in a military tribunal any more than it passes muster in a civil trial.

Balancing justice and security is a tough thing. Beware of those who answers undervalue either of the two needs and of any simplistic answers. There are none.

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