

LETTERS TO THE EDITOR

Military commissions' failings

Sunday, October 25, 2009

Proponents of military commissions often point to their historic use as an instrument of warfare as justification for their continuation ["Detainees on Trial," [editorial](#), Oct. 15].

In fact, the history of military commissions is dismal: One salient example is that of Samuel Mudd, the physician in rural Maryland who set the broken leg of President Abraham Lincoln's assassin, John Wilkes Booth. For this act, a military commission came within a single vote of ordering Mudd executed. Other acts of injustice by military commissions are legion.

Indeed, while the term is often misused and little understood, "ad hoc" is an apt description of the military commissions inaugurated by President George W. Bush because they were designed for a specific purpose -- to secure convictions where prisoner mistreatment, including repeated acts of torture, would otherwise preclude them.

The proposed changes to the military commissions mute the commissions' worst excesses, but they cannot escape, much less mitigate, the commissions' fundamental flaws. They will not provide the level of due process required by international law and, therefore, will not deliver American justice we can rely on.

Lt. Col. Darrel Vandeveld, Erie, Pa.

The writer, a reserve officer in the Judge Advocate General's Corps, is a former prosecutor with the Office of Military Commissions in Guantanamo Bay, Cuba.

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The editorial was right that Congress's new bill improves the 2006 Military Commissions Act, but it missed the mark in asserting that the changes transform the commissions into a proper forum for trying Guantanamo detainees.

So long as regular U.S. federal courts are open and operating, military commissions remain an inappropriate forum for these trials. Federal courts have consistently demonstrated their ability to handle the complexities of international terrorism cases. While the military commissions have yielded only three convictions, a Human Rights First study found that since Sept. 11, 2001, federal civilian courts have convicted 195 suspects in cases arising from "terrorism that is associated -- organizationally, financially, or ideologically -- with self-described 'jihadist' or Islamist extremist groups such as al-Qaeda."

Instead of taking a third try at revamping a system that has consistently failed, the government should be expressing confidence in the system with a proven track record and widespread legitimacy.

Devon Chaffee, Washington

The writer is advocacy counsel for Human Rights First.

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