

WHAT IF THE BIGGEST RISK ISN'T KHALID SHEIKH MOHAMMED GIVING SPEECHES?

The guy who covered up CIA's torture, Jose Rodriguez, worries that Khalid Sheikh Mohammed might give a speech during the course of his military commission.

Although he acted defiantly in court, Rodriguez said KSM would like nothing more than a forum to preach radical Islam.

"This is a process that will continue for a long time," Rodriguez said. "I have heard he may plead not guilty, and if he does, he'll use the [legal] process as his platform . . . to talk about his jihadist beliefs."

[snip]

"It seemed to us that he was looking for a platform from which he could spout his hatred for all things American, and a trial would certainly present that opportunity," Rodriguez writes. "It strikes me as more than a little ironic that several years later, Attorney General Eric Holder almost granted KSM his wish."

Ironically, Rupert's rag decided to plug these Rodriguez fears the day after KSM and his co-defendants tied up the military commission in knots not by speaking, but by remaining silent.

Judge [James] Pohl turns to Mohammed's attorneys and his right to counsel. Mr. Mohammed, he says, pursuant to the Manual for Military Commissions, you are today represented by two military lawyers, Derek Poteet and Jason Wright,

your detailed counsel. Do you understand this?

There's a pause – the first of many, as we'll soon see – as the court and counsel wait for the defendant's responds. KSM doesn't give one, and Judge Pohl notes as much. Very well, he continues, detailed counsel will be provided to you.

No response.

Pohl adds that Mohammed also has the option to request different military counsel; Mohammed has the right to ask the Office of the Chief Defense Counsel to provide any lawyer from its staff, to the extent they are available.

Cricketts again from Mohammed.

If, Judge Pohl goes on, your request for different military attorneys is approved, then Poteet and Wright no longer will be available to represent you. Do you understand this?

Silence.

Pohl next asks if Mohammed wants a different military lawyer than that detailed.

No answer.

The sole comment from the defendants, apparently, came from Ramzi bin al-Shibh.

In this court appearance, the only verbal outburst came from Bin al Shibh, who blurted at one point that the prison camp leadership was just like Moammar Gadhafi, the slain Libyan dictator.

When the judge tried to hush Bin al Shibh, explaining the accused would be given a chance to speak later, the Yemeni replied: "Maybe they are going to kill us and say that we are committing

suicide.”

Bin al-Shibh’s comments may reflect a remarkable access to and analysis of damning news coverage. But they don’t amount to the kind of propagandistic diatribe that was one reason cowards like Chuck Schumer fought having this trial in a civilian court in Manhattan.

I have no idea how the silent treatment on the part of the defendants will affect the legitimacy of the 9/11 military commission. I would think victims’ families might grow impatient with our justice system, with potentially troublesome consequences, while the many international observers might view the whole thing as a bigger clusterfuck than the Slobodan Milošević trial. Repeated efforts to censor the defendants’ lawyers from mentioning the torture we know Jose Rodriguez’ torturers inflicted may focus more attention on that torture.

There was a time when pundits were talking about what a great display of American institutions and rule of law a trial would be for KSM and the other 9/11 plotters. That may still happen. Or, it may be that the silent treatment will serve to focus attention on America’s shame and fear instead of our well-established and laudable civilian judicial system—what was once our pride.

Compare all that to the UndieBomber, who may have none of KSM’s evil guile, but even still had his 15 minutes of fame—the soapbox for radical jihad that Jose Rodriguez cowers in fear of—pass almost unnoticed.

The government could have meted justice to KSM by now, had it shown minimal courage of conviction and belief in our institutions. Instead, the world may well see America’s embarrassing embrace of ad hoc justice instead of the institutions that once made us great. And that may be far more damning than anything KSM might have to say.