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Professor Wants National Security Courts to Replace Guantanamo

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NEW HAVEN, Conn. -- The United States needs a national security court to try enemy combatants because the tribunal system at military prisons such as Guantanamo Bay isn't working, a U.S. Coast Guard Academy professor said.

Cmdr. Glenn Sulmasy, who supported the legality and practicality of the Guantanamo detentions when they began, said the situation has become so untenable the military risks losing credibility in the international community.

"Certainly if a person at this point was found guilty and executed at the tribunal, there would be problems," said Sulmasy, a law professor who will present a paper on the subject at a ColumbiaLawSchool conference this weekend.

The United States opened the Guantanamo prison in Cuba in 2002 to detain terrorism suspects and people captured during the war in Afghanistan. Today more than 500 people are detained there, nearly all labeled enemy combatants but only a handful of whom have faced formal charges.

Human rights activists have opposed the prison and U.N. Secretary-General Kofi Annan said in February that the United States should close it as soon as possible.

But closing Guantanamo would raise questions over what to do with the prisoners, whom the government does not want to try in public federal courtrooms for national security reasons.

In a draft of his paper, Sulmasy proposes forming national security courts at domestic military bases, overseen by judges with expertise in national security law and armed conflict.

Defendants would have access to military defense attorneys and, if they can afford it, civilian attorneys who receive security clearance. The trials would be secret but watchdog groups and U.N. monitors would be allowed access to ensure fairness, Sulmasy said.

Convicts would be imprisoned in military brigades.

"Having the detainees alongside U.S. service members would go a long way toward reducing international concerns of torture and unfair tribunals," Sulmasy wrote.

Sulmasy, who did not write his paper as a representative of Homeland Security, said Congress should study his and other proposals because the tribunal system for enemy combatants has failed.

"For whatever the reason, they haven't been successful," he said. "We can't continue five years without a successful conviction."