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## **Due Process**

Editorial  
New York Times  
May 4, 2006

The jury in the trial of Zacarias Moussaoui has determined that he should spend his life in jail rather than be executed for his role in the Sept. 11 terror attacks. This seems like the best possible outcome. For all his bombast, Mr. Moussaoui had no direct role in the 9/11 attacks. And it is good to know that he will not achieve a fanatic's martyrdom.

The most important thing about the Moussaoui trial, however, was that it happened. The proceedings -- including the jury deliberations -- were long and difficult, but they were also fair and in accordance with the rules of American justice.

That is not the story for hundreds of other people, many far less complicit than Mr. Moussaoui, who are languishing in the prison at Guantanamo because the United States rounded them up haphazardly during the Afghan war and plunked them down in Cuba without any clear plan on what to do with them over the long run.

So far only 10 of the 490 people still stashed away in Guantanamo have ever been charged with anything. The rest were hauled up before military proceedings that were a joke, if the available transcripts are any indication, to determine whether they should continue to be held without any rights or process under the phony label of "unlawful enemy combatant" that the Bush administration concocted after 9/11 for just this purpose. This is not even a half-hearted stab at a day in court, and it leaves hundreds of people under indefinite, illegal detention.

Among them are about 150 prisoners whom the government says it would like to send home because they pose no threat to the United States, but feels it can't. Some, like the Uighurs -- Chinese Muslims -- would face possible prison or torture if sent back to countries without basic regard for human rights. The Bush administration has put itself in a bizarre situation when it is forced to worry about the humane treatment of people it whisked off to Guantanamo without any serious attempt to determine who they were, much less what crime they may have committed. They were then held without charges, many under abusive conditions that sometimes amounted to torture, for more than three years.

The Moussaoui trial was a messy process, marked by embarrassing lapses on the part of the prosecution, court fights about what information the defense could have access to and the weird demeanor of the defendant himself, which threatened at times to make the whole exercise seem ridiculous. It summarized, in the end, almost all the things about playing by the rules that the hard men who surround the president dislike.

But it worked. The whole world was able to watch this country's judicial system struggling gamely and fairly toward a proper conclusion, upholding the principle that even semideranged outsiders who claim to rejoice in the deaths of more than 2,000 innocent civilians deserve their day in court.

Meanwhile, the bitter fruits of the fast, easy, tough route are hidden away on a military base. It seems apparent now that many of them are simply luckless men who were in the most utterly wrong place in the world at the worst possible time. Those who may be something more sinister cannot be tried because their rights have been so compromised during their imprisonment. They are damaged goods, their very presence staining the honor of the country that imprisoned them, willy-nilly, because it seemed the easiest thing to do at the time.

