KSM TO BE TRIED IN NYC, AL-NASHIRI TO BE TRIED IN MILITARY COMMISSION, ABU ZUBAYDAH TO ?

The AP is previewing what Eric Holder will announce later today regarding where various Gitmo detainees will be tried. It reports that KSM—and the other four people charged with him as 9/11 conspirators—will be tried in civilian court in NY.

Rahim al-Nashiri will be tried in a military commission—though it's not clear where he'll be tried.

The AP makes no mention of where Abu Zubaydah will be tried. The AP also made no mention of Mohammed al-Qahtani, who is alleged to be the 20th 9/11 hijacker.

While I'm glad a trial of KSM will demonstrate that our criminal system can deal with the worst of the worst, it's the treatment of the others—al-Nashiri, Abu Zubaydah, and al-Qahtani—that will truly demonstrate the strength or failures of our legal system. KSM, after all, has said he wants to be executed; KSM freely boasts of his role in 9/11. That'll make it easier to avoid discussing his brutal torture.

But what do you do with someone like Abu Zubaydah, who is probably not fit for trial, whose diaries (which the government still won't give him) would prove he was tortured, and who wasn't who they said he was when they waterboarded him 83 times?

Update: In what is surely directly related news, Greg Craig will announce his resignation today. This suggests Craig disagrees substantially with some part of this plan. Given that Craig was one of those who wanted accountability for torture,

that suggests he may see some of these choices
as designed to hide the evidence of torture.