

RAHM'S MOUTHPIECE: WHITE HOUSE TO CAVE ON KSM TRIAL

Rahm's mouthpiece is reporting that the White House is all set to cave on civilian trials for Khalid Sheikh Mohammed.

President Obama's advisers are nearing a recommendation that Khalid Sheikh Mohammed, the self-proclaimed mastermind of the Sept. 11, 2001, attacks, be prosecuted in a military tribunal, administration officials said, a step that would reverse Attorney General Eric H. Holder Jr.'s plan to try him in civilian court in New York City.

The president's advisers feel increasingly hemmed in by bipartisan opposition to a federal trial in New York and demands, mainly from Republicans, that Mohammed and his accused co-conspirators remain under military jurisdiction, officials said. While Obama has favored trying some terrorism suspects in civilian courts as a symbol of U.S. commitment to the rule of law, critics have said military tribunals are the appropriate venue for those accused of attacking the United States.

If Obama accepts the likely recommendation of his advisers, the White House may be able to secure from Congress the funding and legal authority it needs to close the U.S. military prison at Guantanamo Bay, Cuba, and replace it with a facility within the United States. The administration has failed to meet a self-imposed one-year deadline to close Guantanamo.

Now, since this is coming from the WaPo, the

newspaper that has been all-Rahm all the time in the last week, I'm curious whether this discussion of Obama's advisors' readiness to recommend that Obama cave on civilian trials is the same thing as Obama himself being prepared to cave on civilian trials. In other words, this might just be Rahm presenting this as a *fait accompli* to make his job of persuading Obama easier. He did it once before with the NYT, after which the claims were quickly walked back.

But for the moment, let's pretend this story reflects actual reality, and not Rahm's reality.

If so, this is a colossal mistake on the White House's part.

That's because the Military Commissions are going to have big problems that civilian trials are not going to have. And if Obama caves on this point without being forced to do so by Lindsey Graham wearing a Speedo and a semi-automatic, then Obama, not Lindsey, will own the shortcomings of the MCs. If MCs fail to give KSM either a quick guilty verdict or a real prison term, then Obama, not Lindsey, will be responsible.

But Obama seems to have given up advocating for the most efficacious solution to any problem, it seems.