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Is George W. Bush still president? It almost seems so with President [Obama's](#) decision to try the professed mastermind of the Sept. 11, 2001, attacks via military tribunal in Guantanamo prison instead of the civilian courts.

Obama came to office pledging to shutter the half-hidden Guantanamo lockup and try the major suspects in open court. He wanted to present the evidence in open court to both add to the credibility of the verdict and to demonstrate this nation's dedication to the rule of law.

Khalid Shaikh Mohammed was captured in 2003 in Pakistan and has remained in Guantanamo since. He's the self-proclaimed chief planner behind the Sept. 11 attacks that killed 3,000 people. He gets no sympathy here.

But he should go on trial in a courtroom on U.S. soil, a legal process he won't receive now that Obama is in full retreat from his promise to dismantle the detain-and-deny legal dark side fabricated by the Bush team.

Two years ago, the White House announced it would try Mohammed in New York within blocks of the World Trade Center attacks. But opposition soon built over estimated costs of \$400 million for security plus arguments that the suspect was a war prisoner, not a civilian suspect to be accorded a conventional trial.

In January, Obama signed a defense bill that barred any money to fly Guantanamo prisoners to the United States for trial. Last month, he backtracked further, saying that he wouldn't be closing the brig. Images of waterboarding and coerced testimony will linger.

The result is a repudiation of his promises, a result forced by members on both sides of the aisle in Congress.

As the United States refashions its image in the Mideast, it's the wrong message to send - and a major policy defeat for Obama.