ERIC HOLDER BETTER QUIT WHILE HE CAN

Right about now Attorney General Eric Holder should be planning his return to private practice, or someone in the White House should be planning it for him.

Last week (11/17), a jury in Manhattan acquitted Ahmed Ghailani of all but one of 285 counts he was charged with for his role in the 1998 bombings of U.S. embassies in Kenya and Tanzania in which 224 people were killed.

The Justice department said it was "pleased" with the verdict. But photos of Mr. Ghailani joyfully hugging his defense team after the verdict was announced sent a different message.

The one count of conspiracy on which Mr. Ghailani was convicted carries a minimum sentence of 20 years, so the verdict is more of an embarrassment for Mr. Obama and Mr. Holder than a national security catastrophe.

But it was a close call. One juror apparently wanted to acquit on all charges. It's unclear whether evidence the judge excluded (which included a confession by Mr. Ghailani) because it had been obtained under interrogation by the CIA would have altered her opinion.

Mr. Ghailani, who was born in Tanzania and was captured in Pakistan, had no business being tried in a U.S. courtroom, afforded the same constitutional protections as are U.S. citizens.

"Yesterday's verdict acquitting international terrorist Ahmed Ghailani of 284 of the counts against him affirms what I and others have said from the beginning: those charged with crimes of war and those who have been determined to be dangerous law of war detainees do not belong in our courts, our prisons, or our country," said Sen. Jim Webb, D-Va.

Mr. Ghailani was the first of the detainees at Guantanamo Bay to be tried in a civilian court. He may be the last. Mr. Holder has said he will decide soon where to try Khalid Sheikh Mohammed, the architect of 9/11. Sen. Charles Schumer, D-NY, said it won't be in New York. After the Ghailani verdict, few doubt that.

In testimony before Congress last year, Mr. Holder said the KSM trial would be "the defining event of my time as attorney general."

Which it certainly has been, wrote Washington Post columnist Michael Gerson.

"Under Holder's influence, American detainee policy is a botched, hypocritical, politicized mess," Mr. Gerson wrote.

Sen. Webb, a Marine hero in Vietnam and President Reagan's Navy secretary (yes, he's now a

Democrat, go figure), recommended that KSM and the others be tried by military commission. But that would be too embarrassing a reversal for Messrs. Obama and Holder to make publicly, so the likelihood is the terror suspects will be held indefinitely at Guantanamo Bay. This means the prison there won't be closing anytime soon.

The hash he has made of trials for Gitmo detainees isn't the only disastrous foray Mr. Holder has made into national security policy. Last Christmas it was he who decided (without consulting the director of National Intelligence, the director of the FBI or the secretary of Homeland Security) that Umar Abdulmutallab, the "underwear bomber," would be treated as a common criminal.

Mr. Abdulmuttalab promptly lawyered up, so interrogators were unable to obtain timely intelligence about his contacts in Yemen, where he had trained for his mission.

Yet, his bumbling of national security policy isn't the most grave of Mr. Holder's missteps.

Two career officials of the voting rights division of the Department of Justice testified before the U.S. Commission on Civil Rights that Obama administration political appointees told them not to prosecute cases of voter intimidation if the victims were white.

The commission was investigating a 2008 case in which two members of the New Black Panther Party, one of them armed, intimidated white voters outside a polling place in Philadelphia. In the waning days of the Bush administration, Justice brought suit against them. But days before a judge was about to rule in Justice's favor, the Obama administration, in essence, dropped the suit.

Mr. Holder's forays into national security policy have been dangerously misguided, but only that. Selective enforcement of voting rights law is not only bad policy, it is a violation of the law.

The outgoing Democrat Congress had little interest in the New Black Panther case. The incoming Republican House does, and it will have subpoena power. If he is wise, Mr. Holder will be back at Covington & Burling before those subpoenas are issued.

Jack Kelly is a former Marine and Green Beret and a former deputy assistant secretary of the Air Force in the Reagan administration. He is national security writer for the Pittsburgh Post-Gazette.