



For well over a year, civilian and military defense lawyers representing so-called "high-value detainees" at Guantanamo Bay were caught up in a secret Justice Department investigation. (The agency won't say whether the investigation is still ongoing.)

Can Guantanamo lawyers mount full and fair defenses of the 9/11 conspirators while under the pressures of a past or present DOJ investigation—and the threat of a future probe by the Pentagon itself, as some congressional Republicans have called for? We're about to find out.

The genesis of the DOJ probe dates back at least to the summer of 2009, when guards at Guantanamo found a series of photos in the cell of Mustafa Ahmad al Hawsawi, an accused Al Qaeda financier and one of KSM's four co-defendants. The photos, according to multiple reports, showed CIA employees suspected of involvement in the interrogation of high-value detainees, including al Hawsawi himself.

The CIA, unsurprisingly, was deeply alarmed. John Rizzo, then the agency's top lawyer, demanded an investigation. He later described the incident as "far more serious than Valerie Plame," referring to the Bush-era leak of an operative's covert status. He wasn't alone in his concerns.

"This is an agency that has reasons to be concerned as to whether or not somebody's got their back," another high-ranking former intelligence official told Mother Jones last year. "It's always operating out there on the edge, not unlawfully, but generally at the farthest reaches of executive prerogative."

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