



One recent afternoon in Arlington, Virginia, I found myself doing pushups alongside a host of military and civilian attorneys, paralegals and other employees of the Office of the Chief Defense Counsel. It is part of the Defense Department's Office of Military Commissions, which oversees war court proceedings for detainees at Guantánamo Bay, and I was visiting at 1 p.m. — designated pushup time.

That wasn't my original plan: I'd been scheduled to attend April pretrial hearings in Guantánamo for five high-value detainees (HVDs) accused of involvement in 9/11, but when the hearings were canceled by the case's military judge, Arlington seemed to be the next best destination.

The official reason for the cancellation had to do with complications owing to the government's infiltration last year of Ramzi bin al-Shibh's defense team. Bin al-Shibh is one of the detainees linked to the Sept. 11 attacks; he's accused of helping coordinate and finance them. The episode complicating the hearing involved two agents from the Federal Bureau of Investigation who went to the home of the team's defense security officer, a civilian contractor then employed by a company called SRA International, and reportedly interrogated him about defense team activities. The officer was made to sign a nondisclosure agreement, hinting that the FBI sought to retain him as an informant.

The judge did his best to help dismiss the notion that such machinations might obstruct the pursuit of justice, ruling in July that the FBI's actions created no conflict of interest for bin al-Shibh's four co-defendants in the 9/11 case, but the latest hearing cancellation confirms the trial isn't exactly back to business as usual.

Then again, maybe this is business as usual, in a facility that defense lawyer Ramzi Kassem has described as "constructed to produce intelligence and perhaps to exact retribution but not to yield formal justice."

TVNL Comment: Another example of American 'exceptionalism' at its best.

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