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Justice Dept. appears open to interrogation suit

WASHINGTON (AP) — The Justice Department has signaled that it won't try to block a lawsuit arising from the CIA's harsh interrogation techniques, leaving the door open for a court challenge over tactics that have since been discontinued and widely discredited.

Lawyers call the government's stance unprecedented, but also a recognition that a once-secret program is now largely out in the open. They say it's the first time the Justice Department has not sought, as its first step, to dismiss a lawsuit over the interrogation program by arguing that its mere existence is too secret to discuss in court. Judges have previously accepted that assertion, turning aside cases about a program that was designed to extract intelligence from suspected militants captured overseas.

The lawsuit at issue, pending in federal court in Washington state, accuses the two Air Force psychologists who designed the interrogation program of endorsing and teaching torture tactics under the guise of science.

Although the Justice Department isn't part of the case, it submitted a filing ahead of a

Friday hearing saying that it wanted to ensure that certain classified information — such as identities of interrogators and locations of detention sites — remains private as the suit moves forward. But the lawyers who brought the case were heartened that the government did not immediately invoke the state secrets privilege, which protects the government's right to shield sensitive information in lawsuits. Instead, the Justice Department suggested that it was willing to let the suit proceed through the information-sharing stage known as discovery.

"The government is actually going to show up at the hearing instead of trying to shut it down," said Dror Ladin, a staff attorney at the American Civil Liberties Union, which brought the case. "It's going to be suggesting procedures that might allow the case to go forward."

That's a departure for the Justice Department, which has successfully fended off multiple lawsuits by invoking the state secrets privilege.

A notable example was the case of Khaled El-Masri, a

German citizen who unsuccessfully sued after he said he had been beaten and sodomized in a CIA-run prison in Afghanistan known as "the Salt Pit." Courts sided with the government in holding that the danger that state secrets could be revealed far outweighed the injuries he suffered.

The veil of secrecy surrounding CIA interrogations was pierced by the 2014 release of the executive summary of a scathing Senate report on the program. That report said the interrogation techniques — including sleep deprivation, waterboarding and beatings — had inflicted pain on al-Qaida prisoners far beyond the legal limits and did not yield lifesaving intelligence.

In their filing, Justice Department lawyers acknowledged that the release of the report "had the effect of disclosing a significant amount of information concerning the detention and interrogation program," including specific interrogation techniques and confinement conditions. But they also said other categories of information remain secret and that the two psychologists will

likely be asked to disclose classified information if the case moves forward. They did not rule out the possibility of eventually invoking the state secrets privilege to prevent disclosure of certain information.

The ACLU sued the psychologists, James E. Mitchell and John "Bruce" Jessen, last October on behalf of three former CIA prisoners. One, Gul Rahman, was alleged to have been interrogated at the Salt Pit and subjected to isolation, darkness and extreme cold water, and was later found dead of hypothermia. The other two, Suleiman Abdullah Salim and Mohamed Ahmed Ben Soud, were held in CIA prisons but never charged with crimes and are now free.

It alleges that the psychologists, despite having no expertise on al-Qaida, devised a program for the CIA that drew from 1960s experiments involving dogs and the theory of "learned helplessness." The two spent years training military officials to resist interrogations and had subjected U.S. troops in training sessions to harsh techniques, but had no experience as interrogators them-

selves, the Senate report says.

The pair worked as independent contractors, which the Justice Department has conceded.

A lawyer for the men, Henry Schuelke III, declined to comment. They have sought to dismiss the case, arguing among other things that the court lacks jurisdiction to hear a matter best reserved for the "political branches of the U.S. government."

A hearing Friday will likely include discussion of how to protect the secrecy of certain information if the case proceeds. Those procedures could include having Justice Department lawyers in the room during depositions, or being given the opportunity to review disclosures by the defendants about the interrogation program.

Stephen Vladeck, a national security law professor at American University, said it was too early to know the significance of the government's filing. The lawsuit might eventually be dismissed, or as the matter proceeds through discovery, the Justice Department might yet decide that it involves too many secrets after all and should be dismissed, he said.

Former DA accused of soliciting sex from defendants

NEW ORLEANS (AP) — A former district attorney in south Louisiana repeatedly abused his power to prey on vulnerable women, offering them leniency from his office in exchange for sex, authorities said Wednesday after the veteran prosecutor pleaded guilty to obstructing a federal investigation of the sex abuse allegations.

Investigators accused former St. Charles Parish District Attorney Harry Morel of soliciting sex from at least 20 women during his 33-year tenure in office. In return, he offered them help with their cases or relatives' cases, they said.

"Harry Morel could make things go away, but he wanted sexual acts in exchange," U.S. Attorney Kenneth Polite said. "We suspect that this pattern of conduct has been ongoing for many decades. In fact, we will never know the full extent of it."

One of Morel's alleged victims, 27-year-old Danelle Keim, became a key witness against him. Keim died of a drug overdose in 2013, but investigators said her cooperation with an FBI investigation was instrumental in securing a guilty plea from the 73-year-old,

who faces a maximum sentence of three years in prison.

A court filing Wednesday says Morel engaged in "inappropriate behavior" with Keim at her home after her arrest in St. Charles Parish on a drunken driving charge in March 2010. The filing, which refers to Keim only as "Individual A," doesn't elaborate on the nature of Morel's behavior but says he discussed the possibility of dropping the charge against her.

Keim called 911 after Morel left her home, the document adds. St. Charles Parish Sheriff Greg Champagne said Keim, in a trembling voice, accused Morel of sexually assaulting her after he showed up unexpectedly at her apartment to "talk about her case."

Keim ultimately agreed to record conversations with Morel for the FBI after he agreed to assist her with new theft and drunken driving charges, according to the court filing.

The FBI also videotaped a July 2012 meeting between Morel and Keim at her home. Morel brought two bottles of wine and again attempted to engage in "inappropriate behavior," the fil-

ing said.

Jeff Sallet, special agent in charge of the FBI office in New Orleans, said Keim "should be singled out for her tremendous bravery and resolve."

"Harry Morel is nothing short of a sexual predator," Sallet said. "His days of victimizing the most defenseless among us are over. He has been brought to justice and will now pay for his crimes."

Keim's mother, Tammy Glover, said her daughter cooperated with the FBI for more than a year.

"She went undercover with the FBI and exposed him," Glover said in a telephone interview. "If it would not have been for my daughter, who is my hero, (Morel) would have never been exposed. I am amazed at what she did and so very proud of her. She will never be forgotten for her bravery in bringing down Mr. Morel."

Wednesday's court filing says Morel solicited sex from other defendants or relatives of defendants between 2007 and 2009, offering them favorable treatment from his office. But the document doesn't provide any details of those allegations.

In the end, pros-

ecutors did not charge Morel with any sexual crimes. He pleaded guilty to a narrowly tailored charge of obstruction of justice for harassing Keim and pressuring her to get rid of evidence in the federal grand jury investigation that targeted him.

In 2011, a boyfriend of Keim took photographs of meetings between her and Morel in a courthouse parking lot and at a satellite office for the district attorney's office. Morel instructed Keim to destroy photographic evidence of the meetings, knowing federal authorities wanted it, the court filing says.

"You shoulda got rid of it a long time ago," Morel told her during a 2012 meeting, according to the filing.

Morel declined to comment after the hearing, but his attorney, Ralph Capitelli, said officials' comments describing Morel as a sexual predator were a smear tactic to influence sentencing.

"That is both unfair and, in my judgment, impermissible," Capitel-li said.

Polite said justice is a slow and "often imperfect process" and cited the statute of limitations as one reason prosecutors did not pursue the

more serious sexual offenses.

"By title, he was the embodiment of justice," Polite said. "However, in the darkness of his heart, he was something else entirely — a man who perverted his position of power to take sexual advantage of desperate women who needed help. And he did this over and over and over again."

Polite said his predecessor had decided against prosecuting Morel because of a number of legal problems, including whether they could prove explicit demands for sex in exchange for help from his office. But he said he decided the case "called for justice" once he heard the facts.

Morel's sentencing is set for Aug. 17. His attorney said there was no agreed-upon sentence.

Morel, who is free on \$50,000 bond pending sentencing, served as district attorney from 1979 to 2012. After opting not to seek re-election, Morel served as an assistant prosecutor under his successor for several months before retiring amid the FBI investigation.

The Mississippi River bisects St. Charles Parish, which is about 20 miles west of New Orleans and has roughly 50,000 residents.

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