

BLOGGING GUANTÁNAMO ... GETTING THE WORD OUT

Education is a funny thing, and the more I learned about the men being held at Guantánamo the more I knew I had to get involved. Now I represent two of the hundreds of men being held at Guantánamo. I am not from a big law firm; although, there are many big law firms that have taken on these cases, for which we should all be very appreciative because they have the resources to take on the federal government. I am an attorney with almost twenty-five years of experience, but working with me is only one young associate, a law clerk, and a paralegal. However, I am spending my time and money on this because, to me, this is about as important as it gets. Our government has turned its back on the rule of law (not to mention the rest of the world); our Congress has locked the door to the courthouse and our judiciary has acquiesced and looked the other way. It is up to the rest of us to try to set things right.

Unfortunately, I can only tell you about one of my clients, Mr. Al-Ghizzawi. I know virtually nothing about my other client Mr. Razak Ali although I have represented him for more than nine months now. The government has refused to provide any information about him, and my meetings have been interfered with so I have only met with him twice. Mr. Al-Ghizzawi, a Libyan, had been living in Afghanistan since shortly after the Russian withdrawal from that troubled country. He was married to an Afghan woman, had a daughter who was just six months old at the time of his capture five years ago and earned a living selling bread and honey out of a small shop in Jalalabad. His daughter was almost six months old when he last saw her; that was more than five years ago. When the American-led bombing campaign began in late 2001, Mr. Al-Ghizzawi fled Jalalabad and took his wife and infant daughter to his wife's parent's home to escape the bombs.

During the “Operation Enduring Freedom,” leaflets were dropped over Afghanistan, promising fabulous bounties to whoever turned in Taliban and al Qaeda fighters. As a foreigner and a Arab, Al-Ghizzawi was an easy and conspicuous target for impoverished or unscrupulous bounty hunters. In late 2001, he was seized by armed men at the home of his in-laws and delivered to the Americans via the Northern Alliance.

Mr. Al-Ghizzawi has never been charged with anything, nor has he ever been told what he is accused of doing, nor has he been given the opportunity to prove his innocence. In his *first* Combat Status Review Tribunal (CSRT) Mr. Al-Ghizzawi was found to *not be* an enemy combatant. This finding was apparently unacceptable to the higher-ups, and the military did a “do over” CSRT six weeks later. The government claimed that after almost four years of captivity they suddenly found new information during that six week period. This was, as my mother would say, a bold face lie. I have seen the classified transcripts of the CSRT proceedings and I know that no new information surfaced. The only new factor in the do-over tribunal was a new (and more compliant) panel of military judges. The new panel took the same information as the first panel, classified it as secret and claimed it was new evidence.

While this kangaroo process is an outrage, my most pressing concern has always been my client’s health. He suffers from acute and debilitating abdominal pains and I fear that he may be dying of liver cancer. The Pentagon’s public relations machine has touted Guantánamo’s medical facilities as “first class,” evidence of the prison camp’s humanity. But in Al-Ghizzawi’s experience, Guantánamo’s medical staff have been cruelly negligent. My client was diagnosed with tuberculosis and hepatitis B shortly after arriving in Cuba. However, he was not informed of these diagnoses until I read about them in a government brief and gave him the news myself.

Furthermore, the authorities at Guantánamo seem completely unconcerned by his crippling pains, vomiting and nausea. He has been given no treatment whatsoever.

The powers that be have largely closed the established avenues for securing justice for our clients. The administration appears hell-bent on doing as it pleases with enemy combatants, (Constitution be damned); the former do-nothing Congress did something awful when it passed the 2006 Military Commissions Act, and a slow and cowardly judiciary has done little to help the hundreds of men and boys languishing in our leasehold on the island of Cuba. So what does a lawyer do when the rule of law is abandoned and the courts refuse to do their job? When I am not filing court papers or taking the long trip down to the base, I blog.

Since I have not been allowed to meaningfully represent my clients in the courts, I have had to turn to different kinds of advocacy. As I see it, my role is to get the word out, to educate and agitate my fellow citizens. I can only hope that the decency of the American people holds the day and that public outrage will pressure our government to reinstate habeas corpus and restore the rule of law. You see, I am trying to bring to the attention of anybody that will listen (or read) about the injustices that are occurring in our name under the guise of so-called national security. As I said earlier, the more I learned about Guantánamo the more I knew I had to get involved and I figured others would feel the same the more they learned.

Before I started my new found blogging career ,I started giving talks about Guantánamo. I knew the media was giving Guantánamo little coverage, and what I learned was that people really wanted to know more. They wanted to know what the base was like, what my clients were like, and what was really going on in the courts. When I gave talks, people were always coming to me afterwards and telling me how ashamed they were about what our country is doing and they wanted to know what they could do help put an end to our country's lawlessness. I would always

tell them the same thing, to donate to the Center for Constitutional Rights in New York (the umbrella organization that trained lawyers representing detainees), tell everyone you know to pay attention to this issue, and contact Congress and tell them to close the place, every day if you can.

In addition to giving speeches to community and church groups, I turned to the internet and, like many activists in recent years, I discovered the blogosphere. In September of 2006 I submitted an article to Huffington Post, Arianna Huffington's response to the right-leaning Drudge Report. In my first piece I explained why I was representing a Guantánamo "detainee" and tried to shed some light on a little-reported aspect of the U.S. campaign in Afghanistan: the bounty leaflets our military scattered over the Afghan countryside. I asked the readers of Huffington Post,

Imagine if someone dropped a thousand leaflets over your city that said, "We will pay you enough money to support you, your immediate family and your extended family for the rest of your life if you turn over individuals who are 'murderers and terrorists.'" Imagine—your immediate family and your extended family taken care of for the rest of your life and all you have to do is turn over "murderers and terrorists."

This debut post was followed by other pieces about Mr. Al-Ghizzawi and the injustices at Guantánamo. As interest in the prison camp increased, other blogs began picking up my articles. It is safe to say that Internet media have followed Guantánamo more diligently than the "old media." One of the brighter lights has been *The Talking Dog*, a blog run by a New York based progressive attorney. The blog describes itself as "without doubt the most important fount of wisdom currently available on the planet," and it lives up to this claim. TD covers all kinds of legal news but it has

paid special attention to Guantánamo and has featured wonderful interviews with Moazzam Begg, Guantánamo chaplain, James Yee, and many of the Guantánamo attorneys, including yours truly.

Another form of internet advocacy has been Project Hamad, an internet campaign organized by the attorneys of Guantánamo inmate, Adel Hamad. Mr. Hamad's counsel traveled across the world to verify that their client was indeed a mild-mannered humanitarian worker (and ping pong enthusiast) and not, as the government alleged, a terrorist operative. The project included a widely disseminated YouTube video featuring interviews with Mr. Hamad's co-workers and associates.

Amnesty International has organized several on-line campaigns including the *Make Some Noise* YouTube challenge, which asked participants to post short videos telling George W. Bush to close Guantánamo. Many responded, and today a quick search on YouTube will reveal any number of angry activists speaking in many languages, often in orange jumpsuits, demanding an end to the injustice. Amnesty has also organized an animated on-line "flotilla" in which participants chose from a series of cartoon figures riding improbable (and sometimes un-seaworthy) vessels. The participants, represented by computer-generated characters, would sail the seven seas on a digital map and converge at Guantánamo Bay, on the southeastern shore of Cuba.

In December of 2006 my law clerk decided to set up our own blog. We have regularly posted on all kinds of developments related to Guantánamo, not just on my own activities. Although not many people leave comments on the blog, we keep track of the traffic and regularly get visitors from such far-flung lands as Guinea Bissau and Brunei. My posts have run the gamut from indictments of the odious Military Commissions Act, to ruminations on what the FBI's surveillance of singer John Lennon tells us about the government's abuse of so-called state secrets.

The encouragement and goodwill of bloggers has been heartening. After I was interviewed on a NPR program, an anonymous listener left this message on my blog:

I came from a communist ruled country and knew exactly what was going to happen if you are charged by the government. If the government want[s] to make you a criminal, all they need to do is to find the excuse. Many people in my country had fought for democracy and freedom and dreamed that one day we will be as free and democratic as the United States. And most of them ended up in jail with the similar fate of your clients or worse. Maybe the power of corruption exists everywhere? Maybe we as humans, even with noble aspirations and speeches, the fear and hatred will ultimately drive our actions? Everything else is just like window dressing?

While I may not share my anonymous friend's bleak outlook, I certainly agree that power has corrupted the Bush administration and their lackeys in Congress. As I often point out in my articles and on the blogosphere, it was American respect for such safeguards as habeas corpus that distinguished us from the totalitarian regimes in the 20th century. Since the 9/11 attacks, fear-mongers in Washington declared that we must sacrifice these venerable protections for the sake of national security. Sadly, some of our compatriots have drunk the Kool-Aid. One rightwing regular on Huffington Post posted this response to one of my pieces, "I would say to [Mr. Al-Ghizzawi] that it is with deep sorrow that he was caught up in this but that the alternative is too painful for our country to endure again." In other words, habeas corpus, once a safeguard against tyranny, is now a tool of terrorists; those of us defending venerable American legal traditions are merely playing into al Qaeda's hands. For his part, Mr. Al-Ghizzawi should accept that we are a nation in

mourning, and that we have decided to memorialize the tragedy of September 11 by dissolving liberties. In the face of this patently authoritarian logic we should recall those wise words attributed to Ben Franklin: “those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety.”

In early 2007, Charles “Cully” Stimson, Deputy Assistant Secretary for Detainee Affairs, publicly attacked law firms representing Guantánamo’s inmates. Stimson suggested that the corporate clients of these major firms would have second thoughts about their counsel when they heard of the *pro bono* work being done on behalf of “the very terrorists who hit their bottom line back in 2001.” The blogosphere came down fast and hard on Stimson and I am proud to have played my small part in that effort. I posted an “Open letter to Cully Stimson” on Huffington Post.

Cully, I am not even going to bother to ask why you . . . think it is appropriate to try and exert financial pressure against the lawyers who are representing Guantánamo detainees. You obviously skipped ethics in law school (I didn't know you could skip that class but maybe you had connections?) Let me just point out that the big firms that have been involved in this litigation have not tried to hide their involvement from anyone (nor have the teeny tiny firms like mine). You probably don't read newspapers but almost everyday across this wonderful country of ours you will see op-eds and letters to the editor from these very same attorneys, proudly signing their names and the firms that they are with. You see Cully we are proud of what we are doing.

Cully’s remarks were universally repudiated and by early February he had decided to “spend more time with his family.” Score one for the good guys!

When I am not blogging I have other creative things to do to bring attention to Guantánamo. Earlier in the year, in honor of International Human Rights Day, I joined activists around the nation and world and wore an orange jumpsuit to work (the kind worn by some of the Guantánamo detainees). I dressed the jumpsuit up with a belt and turtleneck. (I don't know why, maybe I was thinking it would be more lawyer-like.)

I wore the jumpsuit hoping that people would stop and ask me about it. However it didn't happen quite that way. As you might imagine, people that know me were forced to listen to my explanation, but the "masses" were keeping their distance. Most people turned their heads or averted their eyes when they saw me coming. Some crossed to the other side of the street. It might have had something to do with the headache orange color—or maybe the fact that there is a federal metropolitan correctional center a few short blocks from my office. Anyway, now I am thinking about sporting a giant button that says "ASK ME ABOUT GUANTÁNAMO."

Representing a detainee at Guantánamo is the right thing to do, no matter what the personal price, because our country was founded on the rule of law. Although our current government has turned its back on our proud history, I refuse to do the same. In the courts, on the streets and on the internet, I will stand up for habeas corpus and due process. I will stand up for my clients and for the principles the Bush administration has repudiated.

H. Candace Gorman

With help from my law clerk Adrian Bliefuss