

By James Warren

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Jeffrey Colman, a Chicago lawyer, got a collect call Tuesday from a convicted murderer at Menard Correctional Facility in downstate Chester.

If only his clients at the Guantánamo Bay detention camp could have made similar calls.

Mr. Colman mentioned the call when I broached the latest news in the unseemly history of the camp set up after the Sept. 11 attacks. The Obama administration has flip-flopped, and as a result will wind up prosecuting the man accused of masterminding the attacks before a military commission at Guantánamo, in Cuba, not in a civilian court in the United States.

The commissions may not be nearly as offensive as some critics suggest. But President Obama promised to shut the camp in his campaign and in a declaration a few days after his inauguration in 2009. Political pushback arose, so the prison is still there, and the vast majority of detainees have never been charged with an offense. Recent legislation, pushed by Republicans, further complicates getting them out.

It's frustrating for Chicago lawyers who have labored pro bono for years to defend detainees. Most are from mainstream, corporate firms. All with whom I spoke were 2008 supporters of Mr. Obama; each is annoyed with him over Guantánamo.

Lowell Sachnoff, Thomas Sullivan, Matthew O'Hara, Patricia Bronte, Candace Gorman and Mr. Colman are among those who have regularly hopped a puddle jumper from Fort Lauderdale, Fla., for a three-hour flight to Guantánamo. There, they endure frequent searches and pat-downs, forbidden even to have a paper clip, staple or rubber band affixed to documents in a client's presence.

Very broad security classification means that, even back in the office, the lawyers can't discuss much with any colleague lacking a security clearance. If that colleague does have clearance, the two must go to a room, close the door and shut the blinds.

If lawyers write a brief referencing classified information, they cannot type a single word in Chicago. Instead, they must fly to Washington, go to a secure building — none would identify it for me — and write it on classified government computers.

Each lawyer felt a moral obligation to get involved. Mr. Sachnoff has had an impressive career in antitrust, securities and civil rights litigation. Mr. Sullivan is the former United States attorney in Chicago. Mr. Colman was on track to be a federal judge when nominations fell victim to Clinton-era feuding between the White House and Senate Republicans.

Mr. Sachnoff and Mr. O'Hara, a business litigator with Hinshaw & Culbertson, originally teamed to represent a Palestinian, a Syrian and a Tajik. The Palestinian spent eight years in solitary confinement without being charged, and was released to Spain; the Syrian spent eight and a half years, was never charged and was released to Bulgaria. The Tajik, who has been there nine years and never charged, remains.

Mr. Colman handled four clients: three Saudis and an Iraqi, all now released but not before incarcerations lasting four to seven years without charges.

The lawyers said many of their clients were originally sold to American forces for bounty in our hunt for terrorists.

In all, 775 men have been held at Guantánamo since Jan. 11, 2002; 172 remain today. Of that group, 89 have been cleared for release, with the problem being where to send them. Thirty-six are designated for prosecution. Forty-seven will be held indefinitely with no trials because the government doesn't believe there's actual evidence that can be used against them.

“Guantánamo conflicts with an American ideal that I care about, and that’s respect for human rights and the rule of law,” Mr. Sachnoff said. Like other big-firm lawyers, he gained the approval of his firm’s board for his involvement, and also ran it by one key Wall Street client.

“It was alternately the most depressing, frustrating, sometimes exhilarating, experience of my 37-year career,” said Mr. Colman, who made 10 trips to Guantánamo, including a weekend when three detainees died, by suicide, according to the United States. His firm, Jenner & Block, took on 20 cases as it represented its usual mix of prominent corporations and individuals.

That 600 detainees have been released “without ever saying we are sorry is one of the most appalling things in U.S. history,” Mr. Colman said.

Mr. Sullivan calls it all outrageous, while Mr. O’Hara recounted his Syrian client’s instant doubts about American fairness.

“It shows the limits of your profession when you have to ultimately confess to clients that things you said to them — that they should believe in American justice and courts — are wrong,” Mr. O’Hara said.