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## Habeas Counsel

I've been profoundly marked by the sixties and still retain all of the hope and ambition for a better America and a better world that I absorbed from that exciting, tumultuous time. The sixties' airwaves were filled with songs confronting the issues of the day: "I heard screaming and bullwhips cracking . . . ." sang Neil Young about the civil rights struggle in the South. And Bob Dylan, predicting a "hard rain's a-gonna fall" unless we speak out against the injustice around us: that we must "tell it and think it and speak it and breathe it."

Through the Nixon years, the Ford years, the Carter years, the Reagan years, the Bush One years and the Clinton years, I tried to tell it and think it and speak it and breathe it. I worked in a bookstore collective specializing in books for armchair revolutionaries; I marched for women's rights, gay rights, and insane liberation. I marched to bring the war home; I took a job as a printer, like Tom Paine; I gave up my car and commuted by bicycle; I spent a year teaching school in a Lebanese village; I went back to the land and I went back to the city; I worked in local government for a decade. I went to law school, and, after laboring long in the vineyards, I left the big firm to start my own niche practice suing polluters and representing intervenors in environmental permit applications.

But nothing, nothing, would intoxicate like the pure energy in the air of the sixties, of the civil rights movement and the anti-Vietnam war movement and the feminist movement—all now past.

Until the Bush Two administration rode into town.

Industry lobbyists from regulated industries gutting environmental laws; rewards for incompetent cronies; tax breaks for the richest; scaring the American people with phantom

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enemies and declining to look for the real ones; cooking up a sham case for a disgraceful war; deploying thousands of soldiers but never attending a soldier's funeral and never allowing a casket to be seen. Black hole detention sites. Abu Ghraib. And Guantánamo Bay.

Destroying the reputation of America in the wider world. Bring 'em on.

Shame. Disgust. What was to be done? There were no opposition and no leaders. And one day I opened the newspaper and read that following a Supreme Court decision declaring that Guantanamo detainees had a right to test the legality of their detention in a federal court, *lawyers had been flocking to Guantánamo*.

*I'm a lawyer. I can do this!* I thought. So I googled "Guantánamo" and that's how I found the Center for Constitutional Rights. A week later I attended a half-day orientation in New York. Two more days in D.C. So much had already been done: the incredible, brilliant briefs already briefed, the stellar arguments already argued. But there was more to do, and I committed to doing my part.

This is not a small commitment, particularly for a sole practitioner: the endless preparation of motions and briefs; travel to D.C. to argue the motions the government files to impede our representation; frequent travel to the base; translator costs; the huge amount of time spent away from paying clients. All of which is made infinitely easier by the collegiality of the lawyers in our Guantánamo Bar Association who freely share their work product and their insights, and by the tremendous staff at CCR. Plus, I have the extreme pleasure and luck to work as part of the dedicated "Team Uighur" led by Sabin Willett and Susan Baker Manning.

Team Uighur is working to get due process and fair hearings for seventeen Uighur men who have been in Guantánamo since the summer of 2002—more than five years. Uighurs are a Turkic-speaking people, natives of a far-western province of China known as "East Turkistan."

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Uighurs from this region are subject to severe political and religious persecution by the communist government. The oppression of the Uighur people has led to ethnic tensions and a Uighur nationalist movement.

My clients, Arkin and Bahtiyar, are brothers. Although I've been down to the prison a number of times now, Bahtiyar still won't see me. Arkin tells me that he only meets with me to be polite, because I have come such a long way to visit him. Neither believes we lawyers are doing any good, although Arkin thanks me sincerely, in English, for my work on his behalf and asks us to work harder. Sadly, he is plagued by voices in his head, which cause trouble for him with other prisoners. Luckily, the Uighurs all live together, albeit trapped in little mesh cages. They are despondent and angry.

My translator, Rushan, is a beautiful, kind Uighur woman, who lives in California with her family. Her brother, Richat, recently obtained his security clearance and is also helping us out. When we go to Guantánamo, Rushan makes food for us to take to the men. Arkin won't eat what we bring: Uighur bread, grapes, nuts, toffee, dates, tea. He asks us to remove the flowers we bring him from the table where we sit. He says he will enjoy those things with us when he is released. He threatens never to see me again if he isn't released soon.

Last Spring, I got a notice that the military had cleared Arkin and Bahtiyar (and the other Uighurs) for release, but that it still considers them enemy combatants. Try finding asylum for enemy combatants. The U.S. government has acknowledged that they will be in danger of torture or death if they are sent back to China. However, every country that has been approached diplomatically has been unwilling to help the United States solve the Uighur problem at the risk of jeopardizing their relations with the Chinese.

So I, and other Uighur counsel, continue to work on legal, legislative, and diplomatic fronts

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to try to find a place for these men and shut down all black hole prison sites maintained in our name. It is frustrating, though exhilarating work. Will we succeed? We have to. Because if we don't, like Bob Dylan said, "It's a hard rain's a-gonna fall."