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Lawyer of the Lost

The US won't release the Chinese Muslims being held illegally at Guantanamo Bay. Sabin Willett can't let them go either.

Bella English
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Most weekday mornings find Sabin Willett on the commuter train, headed in from Natick to his job as a partner and bankruptcy lawyer at the white-shoe firm Bingham McCutchen. He often wears the corporate uniform: tailored suit, white shirt, power tie, and he frequently has his Sony Vaio laptop open, jabbing at the keys -- he's had three novels published, to good reviews, and a fourth ready to go.

There's another Sabin Willett, the one who wears khakis, sleeps in 12-buck-a-night digs, eats military mush in the chow hall, and dodges banana rats and turkey buzzards in the steamy heat of Guantanamo Bay. He is representing indigent clients being held there by the US government, volunteering his time after reading newspaper accounts of the men's detention. "Gitmo," he says, using the base's nickname, "was not only revolting, it was illegal." He found his way to the Center for Constitutional Rights in New York, which steered him to the Uighur cases.

Like most Americans, Willett had never heard the word "Uighurs" -- he certainly couldn't spell it -- until he agreed to represent two of them. But he has quickly become an expert on the Chinese Muslims who "live in the part of the world that's always in the crease of the atlas when you open it up," as he puts it. He spent a recent week bunking in the Combined Bachelors' Quarters, visiting his clients on the base at the southern tip of Cuba. It was his fourth trip; during his first, in July, he found them in leg shackles chained to a bolt in the floor.

A tiny minority, the Uighurs (pronounced "WEE-gurs") have been oppressed by the Chinese government for decades. At least 15 of them are being held at Guantanamo. They're not terrorists; even the government agrees with that. They were simply in the wrong place at the wrong time -- Afghanistan and Pakistan in the weeks following Sept. 11, 2001, when American troops rounded up suspected terrorists and shipped them to the naval station. Willett's clients, he says, were waiting for visas en route to jobs in Turkey when the bombs began to fall.

The Uighurs are now in their fifth year of confinement, even though the US military has concluded that they are not "enemy combatants." In fact, a federal court in December found their imprisonment illegal. But US District Judge James Robertson in Washington, D.C., also said that he had no authority to release them, as they have nowhere to go.

"This indefinite imprisonment at Guantanamo Bay is unlawful," Robertson wrote. But he added: "The question in this case is whether the law gives me the power to do what I believe justice requires. The answer, I believe, is no." The judge said he could not order the men released into the United States because that would interfere with the immigration powers of the executive branch of government.

Which leaves them in geographical and legal limbo. They'd be persecuted if sent back to China, the Bush administration has refused to grant them asylum, and several countries have declined to accept them. Willett had asked for his clients to be sent to a small Uighur community outside of Washington, D.C., to no avail.

"It's heartbreaking from a legal perspective," says Willett, 48, who is appealing the decision. "It's a bizarre conclusion, to have a judge say the executive branch is acting illegally, but he can't do anything about it."

The sheer logistics of the case are frustrating, too. It took months for Willett to gain FBI clearance. Then he had to find an interpreter who speaks both English and Uighur. "There are like four of them in the world, and two of them are our translators," he says. And only one of the two has been fully cleared by the FBI to go to Guantanamo, which Willett's firm -- handling the cases pro bono -- pays for. Willett also had to convince the suspicious Uighurs that he was indeed their attorney and not a government interrogator. Although his law firm is representing 12 Uighurs, attorneys have been allowed to see only two of them, because of red tape. Willett says the government keeps finding ways to delay, and a court has yet to rule on motions made by his law firm that would clarify the process of legal representation.

A sharp contrast

Willett's experience in Guantanamo stands in stark contrast to his Boston practice. On Guantanamo, it took nine months to get a ruling from a judge. In bankruptcy court, he says, he can get a hearing on a day's notice and a decision shortly after. "People are well prepared, judges are smart, things go quickly. And it's just financial matters."

Dan Glosband, a partner at Goodwin Procter, has opposed Willett on several cases. On one such case, Willett came up with what Glosband calls a "creative" theory for a particular business transaction and convinced the jury he was right. "He is very capable and very well prepared," Glosband says.

Robin Phelan, a partner in Haynes and Boone of Dallas, has been on the other side of the courtroom from Willett, too. "He's good, a smart guy, he knows what he's doing." But Phelan says he's most jealous of Willett's sonorous voice: "It's like he went to central casting and said, 'Make me a litigator.' Even when he's talking total BS, it sounds good."

After graduating magna cum laude from Harvard, Willett worked as a reporter for a year, covering crime at The Greenville News, a daily paper in South Carolina. He returned to Harvard Law School, graduating cum laude, and then moved to Concord, N.H., to practice law. Like Greenville, that didn't last, either.

"I wanted to be a country gentleman," he says. "It didn't work out, so I came back to Boston."

Willett has always had one cause or another. In 1979, he gave the senior Latin dissertation at Harvard, lambasting the raising of the legal drinking age from 18 to 21. Happy hour for students, he complained, had been reduced to "milk and cookies," and the "Conscript Fathers of the Commonwealth of Massachusetts . . . have worked to banish Bacchus from our shady yard" while their own cups "runneth over."

He and his wife, Marta, have six children: his four and her two. When he's not working or writing his novels, he spends a lot of time at swim meets, where, his daughter Claire says, he also lugs his laptop. Though he writes arcane law journal articles such as "Bankruptcy Trial Tactics" and "The Shallows of Deepening Insolvency," fiction is his passion. Sometimes on the train he is so engrossed in writing that he'll miss his stop.

The first book, "The Deal," he calls a "shameless Grisham knockoff." The second, "The Betrayal," was a political thriller. His third, published in 2003, was a departure. "Present Value" is a devastatingly funny satire about the rich and powerful, about misplaced values and a society almost umbilically tethered to BlackBerries.

"Plastic dopeheads. Always ready for a fix -- reaching for an electronic mainline the moment an aircraft door opened or a conference flagged. . . . The Berry must be read, always and

everywhere. In a restaurant, for example. On the train. In the Little League dugout while Johnny was leaning in for the sign. During dinner at home. In the FastLane approaching the Newton tolls. In a theater. . . . The prospect of an electronic message was more immediate, more vital, more interesting than whatever the poor human being in the room was saying."

No, Willett does not own a BlackBerry.

A financial bankruptcy is the device he uses in "Present Value" to plumb the moral bankruptcy of overpriced attorneys, greedy businessmen, incompetent politicians, uncaring shrinks, snooty suburbs, and pretentious private schools, a world where people are measured by their paycheck, their car, and their accessories. "Even the kids have to have the \$109 Patagonia backpack . . . while the \$79.99 JanSport would do in a pinch."

Claire Willett, 18, served as an adviser on the name brands that pepper the novel. "He's kind of clueless in the fashion world," she says. "He wears clogs like chefs wear, and the bag he carries is kind of a mess."

No wimpy wingtips for Willett -- he even wears the clogs to court. "I get a lot of heat for them, but they are comfortable," he says.

The law of war

In October, Willett gave a speech on Guantanamo at the Boston University School of Law. His opening remarks could have been plucked from one of his novels: "The boots crunch across the gravel, and you hurry behind a young sailor. It is hot and so silent as to be a little eerie in this small, sterile camp, ringed by boxes with men in them. Nothing grows in here: no grass or flower or tree or even weed. You pass a cage, open to the sun, about 8 foot square, that contains a soccer ball, and which can't be someone's idea of an exercise yard -- can it?"

Though his normal daily bread is debtors and creditors, convertible debentures and vulture investors, he has taken a crash course in habeas corpus, the law of war, and the Geneva Conventions. He has studied the Army Field Manual and other cases in the war on terror. He has researched the Uighurs and their plight in China.

"I want my flag back," he told the BU students. "If we care about being a civilized people, then it is precisely in times of fear that we have to hold fastest to our rule of law."

At Guantanamo, there are strict rules. Willett can bring papers, without staples. When he leaves the base, he must turn over all his notes to the Navy to be checked for classified information. He brought one of his clients a DVD of his children, but there was no TV to play it on, no newspapers or magazines -- despite the government's promise to supply such items to the Uighurs. Anything Willett takes in, he must leave with, including pictures of his client's children.

After meeting with the two men recently, he reports that they are "frustrated, very lonely, missing their families, trying to be resolute." In an affidavit he filed with the US Court of Appeals on his most recent trip to Guantanamo, he observed "in the demeanor, tone and conversation of the Appellants a more depressed affect than I have seen in earlier meetings."

Willett minces no words when discussing his opinion of the Bush administration's actions regarding Guantanamo detainees. "Knuckleheads" is one. "An administration with confidence would have the guts to say of course mistakes are made during war," he says.

Terry Henry, the lead government attorney on the cases, would not comment on the Guantanamo detainees.

During a recent forum sponsored by the Boston Bar Association, Willett stressed that Americans don't know and don't care about Guantanamo. "It applies to some vague group of people we can't see, far away."

But surely some of the 500 prisoners at Guantanamo are indeed members of Al Qaeda? Willett acknowledges there may be terrorists and criminals there. "But who knows? Where are the prosecutions, four years later?"

As a satirist, Sabin Willett finds irony everywhere. His Uighur clients live in "Camp Iguana" at the base. "There are actually iguanas that go in and out," he says. "If you were to hit an iguana with your jeep, it would cost you \$10,000 under the Endangered Species Act." His point? "The iguanas have rights at Camp Iguana. My clients don't."