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[Sign Out](#)

[Front Page](#)

[Trial Notebook](#)

[Case Summaries](#)

[In the News](#)

[Calendar](#)

[Photo of the Day](#)

[Courts](#)

[New Suits](#)

[Public Notices](#)

[Classifieds](#)

[Search](#)

Case No

News

[Advanced Search](#)

[Site Map](#)

[Customer Care](#)

[Contact Us](#)

[LB Company](#)

[AccessPlus](#)

[Sullivan's](#)

[CourtBriefs](#)

[Jury Verdict](#)

[LB Seminars](#)

[FeedBack](#)

Ex-official rips Gitmo, death penalty

By *Pat Milhizer*
Law Bulletin staff writer

Calling Guantanamo Bay a "national disgrace," a former U.S. attorney said Tuesday that holding detainees at the Cuba facility could fuel terrorist recruiting efforts in other countries.

"They've been sitting there for five years ... not a single one has had a hearing at which the government has produced any evidence to demonstrate why he is there," said [Thomas P. Sullivan](#), a partner in Jenner & Block LLP, which has represented about two dozen men at the facility.

"I think to the extent to which we were trying to stop terrorism, we probably created it," Sullivan said, referring to the practices at Guantanamo Bay and the war in Iraq.

Sullivan shared his experiences at the facility with attorneys and law students at The John Marshall Law School who attended a luncheon sponsored by the faculty and the Chicago Lawyer Chapter of the American Constitution Society.

Sullivan has made five trips to Guantanamo Bay since 2006, a voyage that includes a three-hour flight from southern Florida on a plane that has no toilet and that avoids Cuban airspace.



By: Chris Bernacchi

Thomas P. Sullivan told lawyers and law students on Tuesday that it would be best to get rid of the death penalty in Illinois and the detainee facility at Guantanamo Bay, Cuba. The former is a "dumb, wasteful system," and the latter a "disgrace," he said.


January 23, 2008

Vol.154, Issue 017

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About a dozen lawyers visit the facility each week, and Sullivan works with Arabic interpreters who charge \$1,000 per day. After meetings with clients, the lawyers must hand over their notes for review.

One of Sullivan's clients was 31 years old in 2001 when he was granted a two-month leave of absence from a police department in Saudi Arabia to travel to Afghanistan to help build a school in accordance with his Muslim faith. That was just before the terrorist attacks of Sept. 11 that year.

When U.S. forces invaded Afghanistan after the attacks on New York and Washington, D.C., the man fled to Pakistan. There, Pakistan officials detained him and turned him over to U.S. armed forces.

The man left behind a wife and four children, and Sullivan said that there is no evidence that he had any direct connection to terrorist agencies.

While at the Cuban facility, the detainees are held in small cages, and most are allowed to read only the Koran.

"So I say to people, if you could go into your bathroom and leave all reading material and the TV, and close the door and stay in there for five hours. Five days. Five weeks. Five months. Five years," Sullivan said.

"When you talk to these men, you ask yourself, how can they possibly get through this without going crazy? I can tell you this, some of them have gone crazy," Sullivan said.

The men's religious beliefs most likely help them cope with their detention, Sullivan said. Many of them don't trust the American justice system.

They also don't want a lawyer.

"So I figured out my retort to that. 'Well, how do you explain my presence here? Didn't Allah send me?' And that works for about three minutes," Sullivan said.

"It is a disgraceful situation that we should be ashamed of," Sullivan said. "It's a national disgrace."

After talking about Guantanamo Bay, Sullivan turned the discussion to the Illinois death penalty.

"I think it's a lousy system, and we should get rid of it," said Sullivan, adding that he doesn't have any sympathy for "people

who go around killing little children or wiping out families."

"I'm opposed to capital punishment because it's a dumb, wasteful system," said Sullivan, referring to the potential for trial errors and the money and time spent on appeals.

Sullivan serves as chairman of the Illinois Capital Punishment Reform Study Committee, a group that's reviewing the impact of changes that state lawmakers have made concerning potential capital cases. He said he doesn't believe that the death penalty serves as a deterrent.

"It doesn't make any sense when you look at how it really works. If it's a deterrent, there should never be another murder in Harris County, Texas," said Sullivan, pointing to a Texas county that a Houston newspaper has called the "most productive death row pipeline in the Western world."

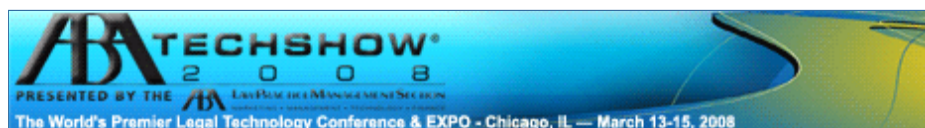
When then-Gov. George H. Ryan imposed a moratorium on executions in 2000, Sullivan was part of a committee formed to review the system and suggest reforms.

On that panel, Sullivan said, "there were those who were concerned that by reforming the system, you were making it more difficult to get it abolished. And I think that is true."

"Because if you make the system — as we were told to do — more fair, accurate and just, then the complaints about the system are reduced," Sullivan said.

Sullivan also said that most of the committee members eventually concluded that they were opposed to the death penalty.

"When we told that to Gov. Ryan, he said, 'If you guys thought we should abolish it, you should have told me that,'" Sullivan said. "We said, 'if you wanted to say that, you should have told us that. We were only told [to determine] how to make it better.' "



[Home](#) [Trial Notebook](#) [Case Summaries](#) [In the News](#) [Courts](#) [Classifieds](#) [Public Notices](#) [Calendar](#)

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