

Lawyer On The Defense At Guantanamo

Chicago Attorney Works To Defend Suspect In Sept. 11, 2001, Attacks

BY STEVE MILLS
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never thought in my wildest dreams that this would become an issue."

Bormann's actions at Guantanamo Bay are especially interesting because the crimes bin Attash and his co-defendants are accused of have stoked hatred of their religion among some Americans. Expecting others to show the same respect she displayed seems bold to some. But for the 52-year-old attorney from Chicago, buying the abayas in preparation for meetings with her client and then donning them in court over a suit was the right thing to do.

"There is nothing provocative about what I did. This is a religious issue and a cultural issue for (some of these defendants)," Bormann said in the interview. "I want him to be able to fully concentrate on the proceedings at hand without any kind of interference or loss of focus."

Joseph Margulies, an attorney at the MacArthur Justice Center at Northwestern University law school who has represented prisoners at Guantanamo Bay, said some women attorneys dress conservatively out of respect for their clients, donning a shawl and a long skirt, for instance. Others, he said, do not, in part because some of the men being held at Guantanamo Bay do not find typical Western dress offensive.

"For some of these guys, it really doesn't matter. But it would facilitate a relationship that's fragile to begin with," said Margulies, who has argued detentions at the U.S. Supreme Court and is currently the lawyer for Abu Zubaydah, whose interrogation prompted the Bush administration to draft the so-called torture memos.

Amina Saeed, the president of the Muslim Bar Association of Chicago, said she could appreciate Bormann's decision if it were part

CHICAGO—Attorney Cheryl Bormann is no stranger to defending unpopular clients. She spent several years with the Cook County Public Defender's Office supervising lawyers handling death penalty trials. Then she joined a state office that provided assistance to attorneys in death penalty cases across Illinois.

Now Bormann is defending Walid bin Attash, one of five top al-Qaida operatives on trial in Guantanamo Bay for allegedly conspiring in the Sept. 11, 2001, terrorist attacks. The five men, who have come to be known collectively as the Gitmo 5, were arraigned there last Saturday.

It was then that Bormann gained national notice, and a measure of criticism, for appearing in court in traditional Muslim clothing that left only her face showing and for asking one woman on the government team to consider dressing more modestly so her client could focus on the proceedings.

Bormann would not discuss reports of threats against her.

For her, the issue is a simple one of respecting the religious and cultural beliefs of a client. She said that since she was appointed to bin Attash's case last year, she has always dressed conservatively out of deference to a client who believes he will violate a religious tenet if he looks at a woman who is immodestly dressed.

"My client has never seen my hair, has never seen my arms, has never seen my legs," Bormann said in an interview. "All of the defense counsel, all of the guards, and everybody who works in Guantanamo Bay camp has seen me dressed like this. ... I



SCOTT STRAZZANTE/CHICAGO TRIBUNE/MCT

Attorneys Cheryl Bormann, right, and Charles M. Schiedel, pose for a portrait in Chicago in 2011. Now Bormann is defending Walid bin Attash, one of five top al-Qaida operatives on trial in Guantanamo Bay for allegedly conspiring in the Sept. 11, 2001, terrorist attacks.

of an effort to respect the wishes of a client or to connect with him, calling it "thinking out of the box" and reflecting a large measure of understanding and religious tolerance.

Saeed said she would never expect an attorney to do that in response to a demand from any client, however.

"He should respect her for who she is and the services she provides. It has absolutely nothing to do with what she wears on her head and on her body," Saeed said. "I would never expect anyone to conform themselves like that in public to my beliefs."

Bormann, citing national security rules that make what bin Attash says classified, would not say if he had requested she dress modestly. But she said her co-counsel, Capt. Mike Schwartz, a military attorney from the U.S. Air Force, had suggested she wear the abaya in court.

Bormann's career has been spent representing clients who do not engender sympathy. Those who know her say that she believes fervently in protecting everyone's civil liberties no matter what they are accused of doing.

She graduated from Loyola University

and its law school, then went to work in 1989 at the public defender's office. She was there for a decade before she left to start her own practice. But she returned in 2003 as a supervisor, directing attorneys in death penalty and other cases and trying capital cases herself. She directed the state appellate defender's office's Capital Trial Assistance Unit in 2008. She is a staunch opponent of capital punishment and spent much of her career fighting it. She cheered its end in Illinois, even though its abolition ended up costing Bormann her job.

She now is a civilian defense counsel in the Office of Chief Defense Counsel at the Department of Defense.

"She's a first-rate lawyer, highly committed to her clients. She's a fierce advocate," said Jeffrey Urdang, the director of the Center for Criminal Defense at Northwestern University law school. "She's not afraid to take on a tough case with a difficult client or a difficult situation."

Michael Pelletier, the state appellate defender, said he hired Bormann for her administrative experience and her trial skills. He said that she was adept at getting along with both prosecutors and judges, keeping

her passion in check so that she would not burn any legal bridges.

"She had a good reputation for being a zealous advocate, but a reasonable advocate. She was assertive and aggressive in representing her clients," said Pelletier.

Attorney Allan Sincox, who worked with Bormann, said she always had ideas for lawyers going to trial and itched to try cases herself.

"She knew what she was doing and could easily understand the issues around a trial and help with planning a trial," Sincox said.

Bormann has taught at Loyola's law school and at Chicago-Kent law school. She lectures frequently on issues in criminal law. She also had been active in the Constitutional Rights Foundation of Chicago, teaching public school students.

She said the dust-up over her request has been blown out of proportion. She plans to dress in the same fashion when she returns to court June 12.

"I will be wearing abaya every time I meet with my client and every time I appear in court if my client or others of the accused are present in the room."

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