

# RULE OF LAW

As the showdown between Republicans and Democrats unfolded on an international stage in September, Austin attorney **Dicky Grigg** watched closely.

It wasn't the politics that interested him. What caught his attention was the debate involving Common Article 3 of the Geneva Convention, which regulates the treatment of prisoners of war. While

custody for at least another two years.

Though Grigg's representation of 56-year-old Mohammad Akhtiar has been difficult — security clearances, frequent travel, upward of \$10,000 in out-of-pocket expenses, notes redacted by the federal government — he refuses to quit. Grigg is one of about 500 lawyers from around the country who are members of

and because he has been practicing personal injury for the past 34 years, he knew there would be a lot to learn.

"I'm not sure I really knew what I was getting into," he says of the case.

Grigg's first step in defending his client — an Afghan with nine children who was a military commander in the war against the Soviet Union — was to take a two-day training course given by the CCR, which included Constitutional Law 101.

Besides learning about a different area of law in a short amount of time, there have been many other hurdles Grigg has faced in the case. Even gaining his client's trust proved difficult.

Meeting Akhtiar — who sat with his legs chained to the floor — for the first time in a white, sterile room with only a coffee table, Grigg knew it would be tough. Grigg showed his client a photo of his client's family in hopes of breaking the ice with him. Akhtiar, Grigg says, stared at the photo for a long time, his face as hard as stone.

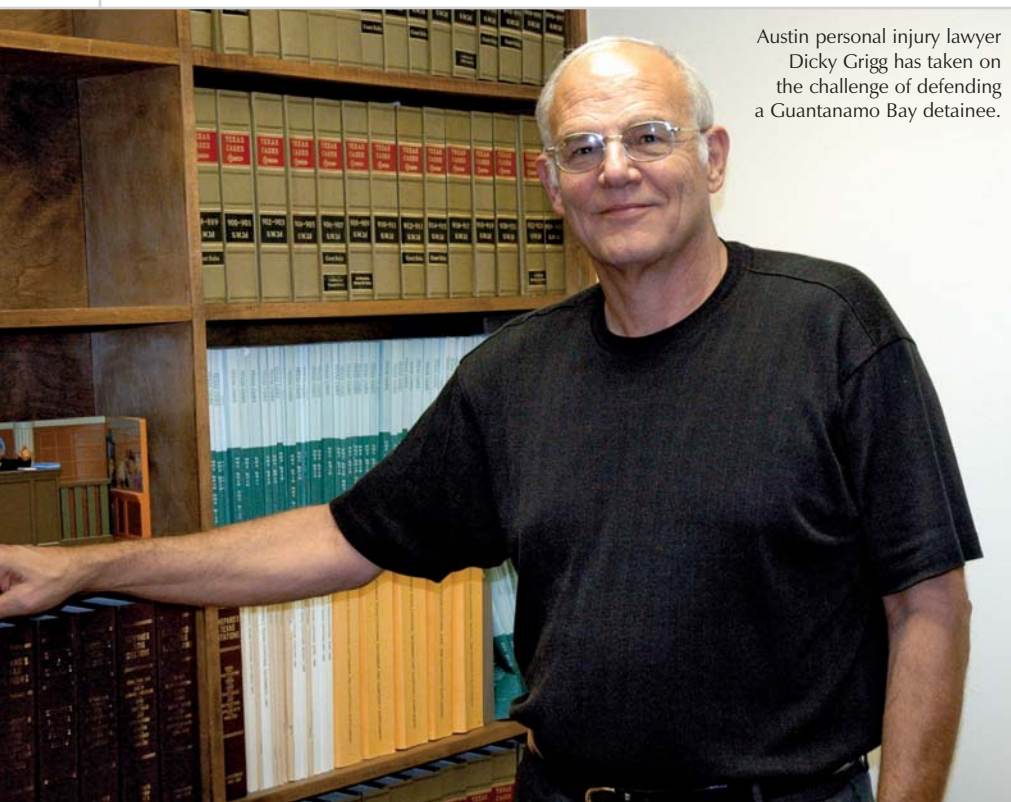
"He said, 'I've never seen these people in my life,'" Grigg says. Grigg explained the reaction: his client thought he was being duped.

Getting to interview Akhtiar last spring came after a series of trips to Washington, D.C., to look at classified information pertaining to the case, followed by trips to Virginia to gain security clearance, a flight to Fort Lauderdale, and finally a three-hour trip from Florida to Cuba.

He says all that pales in comparison to the restrictions he faces in dealing with his client, such as not being allowed to talk to him about anything deemed classified information.

Without the help of the CCR, the case would be nearly impossible to handle, he says. But because the CCR's members believe strongly in their cases and have banded together, Grigg feels he is in good company.

The CCR includes Republicans and Democrats among its ranks. What they share, Grigg says, is the conviction that "what's at stake here is the rule of law."



Austin personal injury lawyer Dicky Grigg has taken on the challenge of defending a Guantanamo Bay detainee.

waiting for politicians to resolve their debate about the vagueness of the article, Grigg grew increasingly frustrated. The life of one of his clients — a Guantanamo Bay detainee — depended on the outcome.

Now that the Military Commissions Act of 2006 has been approved by Congress, Grigg worries even more: the president now has the broad authority to determine how enemy combatants in U.S. custody can be treated. In addition, the act strips Grigg's client of the right to habeas corpus. Grigg fears, because of the passage of the act, his client will be in

the so-called Guantanamo Bay Bar Association associated with the Center for Constitutional Rights (CCR). The lawyers represent detainees in a bid to protect constitutional rights and maintain the rule of law.

"I don't regret getting involved," he says. "The longer I've been in this and involved with this, the more I see the injustice in it. The more I've been in it, the more committed I've become to doing this."

Grigg says he knew defending such a person would be "an unpopular cause,"