

TUESDAY, SEPTEMBER 6, 2011  
FIVE SECTIONS | \$2.00

# DAILY REPORT

A SMART READ FOR SMART READERS



REFLECTIONS ON

9/11 

## SEPTEMBER 11

We asked Georgia lawyers to share their stories and thoughts about that day and the subsequent 10 years.

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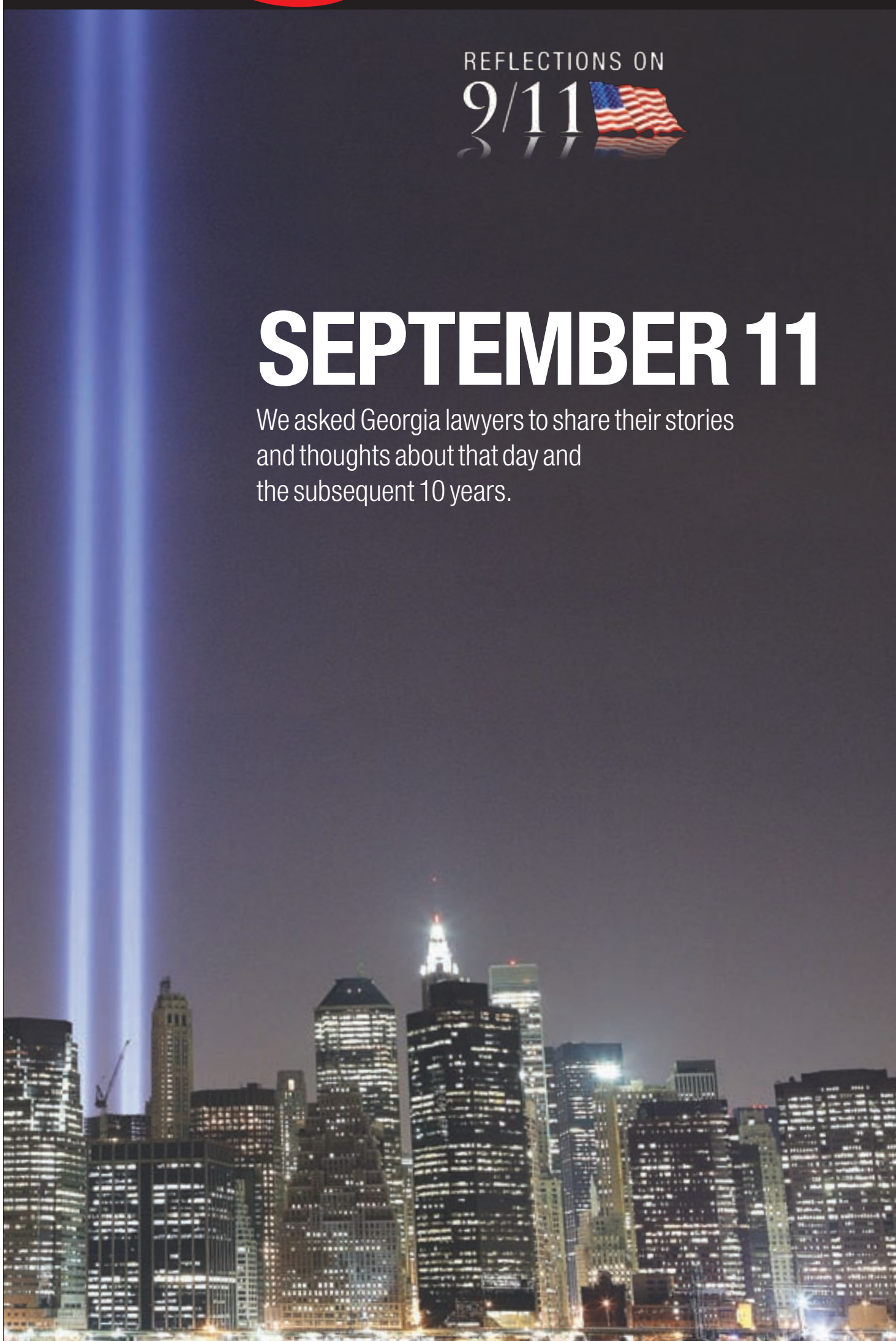
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## REFLECTIONS ON

9/11 

JOE WOOLHEAD

A worker observes one of the pools built in the footprints of the Twin Towers. Names of the nearly 3,000 victims of the attacks on Sept. 11, 2001—and a 1993 attack in New York—are etched on the outside of the pools. They are part of the National September 11 Memorial, which will be dedicated on the 10th anniversary and open on Sept. 12. For more information, go to [911memorial.org](http://911memorial.org).

EVERYONE HAS a 9/11 story. We remember where we were and what we were doing just before the planes crashed, the buildings collapsed and the world changed.

Looking back nearly 10 years later, we wanted to hear these stories from Georgia lawyers, many of whom have compelling connections to 9/11 and its aftermath.

Two were just a few yards from the World Trade Center. Some served in important posts in the gov-

ernment and helped develop the country's response to terrorism. Others have spent much of the past decade challenging those policies as unconstitutional.

Still others saw their lives changed by the events—either voluntarily, such as a lawyer who closed his law practice and served in Afghanistan, or involuntarily, like a lawyer who lost a New York-based colleague.

Here are 12 stories, written by the lawyers them-

selves or told to Managing Editor Jonathan Ringel, who edited this project.

These stories represent only a fraction of our collective memory. If you'd like to share yours, please send Jonathan an email at [jringel@alm.com](mailto:jringel@alm.com) or a note at 190 Pryor St. S.W., Atlanta, GA 30303. We'll post or print as many as we can.

—Ed Bean,  
editor in chief and associate publisher

## REFLECTIONS ON 9/11

# Trapped in the subway

I WAS LESS THAN 400 FEET from the World Trade Center when the towers fell. That morning, I arrived at the lobby of the Wall Street law firm where I worked, located one block away. By then, the towers were raging in flames, and police began pushing us back. I saw people jumping out of windows, which I will never forget. After about 10 minutes, I could not take any more, and I went down to the subway to go back home.

There was a train waiting, but as it started to move, the first tower collapsed. The train derailed, and we were thrown against each other. The air in the train starting filling up immediately with soot. We were stuck on that train, keeping our shirts over our faces, huddling in the farthest possible cars, not yet even knowing what had happened, for


nearly an hour.

I will never forget the looks on the faces of the firefighters who rescued us because, although we had no idea yet, it was obvious that something massive and terrible had just occurred. Despite being so close, it was not until hours later—after the long walk home—that I learned what happened.

Ten years later, I am concerned that we are at a dangerous moment. The lack of a major follow-up attack, the killing of Bin Laden and others, and the economy—all contribute to complacency about security. But the threat is constantly there.

Indeed, the world is exponentially more interconnected and interdependent that it was 10 years ago. Global economies, financial systems, energy markets and other things

all make us much more vulnerable to threats around the world.

Future terrorists will use computers and the Internet to attack the global economy in ways we did not conceive 10 years ago, and we must adapt, too. I think our priorities need to be pushing for international law enforcement and intelligence cooperation, investing in protecting our computer systems from attack, and making sure that we have the statutes and treaties we need to quickly track down and stop international cyberterrorists. 

Justin S. Anand was an associate in the New York office of Cleary Gottlieb Steen & Hamilton. Since 2003, he has been an assistant U.S. attorney in Atlanta, where he is deputy chief of the Economic Crimes and Cybercrimes section.



Justin Anand

ALISON CHURCH

## REFLECTIONS ON 9/11

# Going to the 'undisclosed location'

ON THAT FATEFUL MORNING, I was preparing for a meeting with the U.S. Attorney for the District of Rhode Island concerning a sensitive investigation. Attorney General John Ashcroft was out of town on a speaking engagement.

The television in my office was turned on because my assistant had told me there was a fire in one of the World Trade Center towers. When I saw the airplane hit the second tower, I immediately knew what had happened and ordered the evacuation of the Justice Department's majestic Main Building.

I then received telephone calls from Richard Clarke, the national counterterrorism coordinator for the National Security Council, and from Condoleezza Rice, then the national security adviser. Shortly after, the U.S. marshals firmly whisked me away to the notorious "undisclosed location."

On the way to the new, temporary seat of the U.S. government, I briefly recalled a meeting that summer with Acting FBI Director Tom Pickard, where he related to those assembled how much "noise" was in our counterintelligence system regarding potential terrorist attacks—although no worst-case scenario even came close to the horrific events that actually occurred on our very own homeland.

Yes, for a moment, there was the fleeting sense of guilt that came from being a senior government official. "Should I have done anything different?" I asked myself. How-



Larry Thompson

ever, I really did not have time for second guessing. Sept. 11 redefined the mission of the Department of Justice. From that day on, the men and women of the department worked tirelessly as the defense of our nation and the safety of its citizens became our overriding priority. Prevention became our watchword.

I did, however, notice something remarkably normal—and quint-

**I did notice something remarkably normal—and quintessentially American—in our reaction to Sept. 11. We all pulled together to support each other, to preserve our way of life, and to rise to the enormous challenges that had been thrust upon us.**

essentially American—in our common reaction to Sept. 11. We all pulled together to support each other, to preserve our way of life, and to rise to the enormous challenges that had been thrust upon us.

Pointedly, I remember a senior attorney, a partner in a respected Atlanta law firm, repeatedly calling me. When we finally connected, he volunteered to come to Washington and do whatever we wanted him to do, including reviewing documents. He was very seri-

ous. He told me that his wife had asked why he wanted to do this. He replied, "If these twisted, demonic men are willing to die for their evil cause, I certainly am not making much of a sacrifice by giving up a couple of bucks to serve my country."

I am very proud of the work the department did in the wake of the Sept. 11 attacks. Everything possible was done to secure the safety of our citizens without changing the essential character of this great nation. For me, both as a citizen and a lawyer, there has never been as righteous of a cause or a case as important.

As a profession, whether we are prosecutors or defense lawyers, we all have played important roles in the nation's justice system, which has had to deal with seemingly competing and intractable interests in the face of terrorism. Of course, we will sometimes differ on these issues, but we should never allow honest and good-faith disagreements to turn into a vitriol that can erode the spirit and sense of common purpose that was manifest in our profession following Sept. 11. ☞

*Larry D. Thompson was deputy U.S. attorney general. Since leaving government in 2003, he has served as senior vice president of government affairs, general counsel and secretary for PepsiCo. A former partner at King & Spalding and U.S. attorney in Atlanta, Thompson is now the John A. Sibley Professor in Corporate and Business Law at the University of Georgia.*

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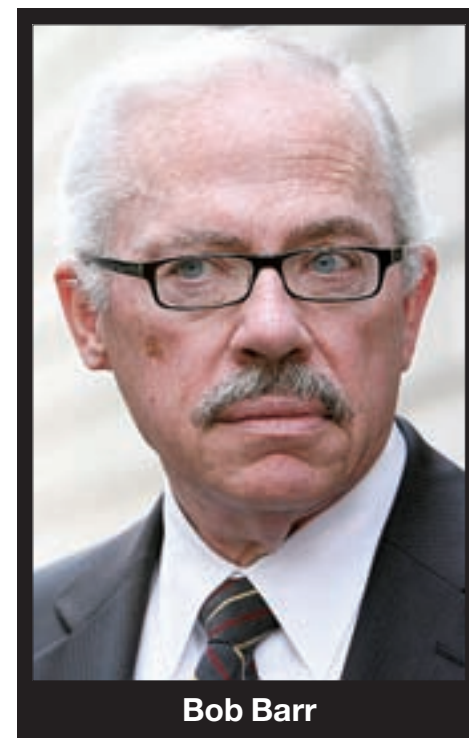
## When fear dictates public policy

THE THIRD PLANE HIJACKED by the terrorists had just struck the Pentagon as I was gaveling to order a hearing I was chairing of the House Judiciary Committee Subcommittee on Commercial and Administrative Law. I quickly thanked everyone for attending, urged them to follow the procedures for evacuation and terminated the hearing. The remainder of that tragic Tuesday I spent in my office on Capitol Hill—talking by phone with family back in Georgia, following the news on TV, and obtaining the occasional briefing from the Capitol Hill Police.

It was quickly apparent these attacks were a true “game changer” in terms of our country’s perception of terrorism—no longer something to view from afar as affecting only “other” countries. What was not so obvious at the moment, however, was the true extent of such change to the fundamental fabric of our society and our government.

In the days and weeks following 9/11, administration witnesses appeared before congressional committees and in private briefings, arguing always for more power and more money. A picture came clearly into focus that was worrisome at the time, but truly frightening as its implementation unfolded. That picture is of a society in which fear has become the common denominator for virtually every public policy. In this post-9/11 America, a president is seen routinely not as the civilian “chief executive,” but first and foremost as the “commander in chief”—a quasi military leader.

In this reality, “protecting the security of the nation”—words not appearing anywhere in the Constitution—have become a talisman, the recitation of which justifies virtually anything government wishes to do or on which to spend money. Constitutional



Bob Barr

“niceties”—such as ours being a “nation of laws and not of men” or a government of “limited and enumerated powers”—now are routinely trumped by presidents ordering “whatever has to be done” to protect the nation, not whatever must be done consistent with the laws and Constitution of the United States.

Despite George W. Bush’s promise that the 9/11 hijackers did not and will not change our way of life, they have indeed done just that—and not for the better. <sup>®</sup>

Bob Barr represented the 7th District of Georgia in the U.S. House of Representatives from 1995 to 2003 and was the 2008 Libertarian Party nominee for president of the United States. He was the U.S. attorney in Atlanta from 1986 to 1990 and now practices law with the Law Offices of Edwin Marger.

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### A NEW BEGINNING



A visitor gazes across the field near Shanksville, Penn., where United Flight 93 crashed on Sept. 11, 2001. A temporary memorial will close Sept. 9 in preparation for the dedication of the permanent Flight 93 National Memorial on Sept. 10, 2011.

CURTIS TATE/MCT

## REFLECTIONS ON 9/11



Gregory Riggs

## A Delta Air Lines security discussion turns real

THE MORNING OF 9/11 was surreal for all of us in the airline industry. For me personally, the crash of United Flight No. 175 into the South Tower gave way to what I later realized was the moment of highest irony in my life as a lawyer.

I had a speaking engagement on the morning of 9/11. My position at Delta at the time was vice president and deputy general counsel. I was the company's senior counsel on operational matters.

That week, Delta's Corporate Security Department was holding its annual departmental conference and had summoned all of its domestic and international security representatives to Atlanta for a two-day conference on airline security issues. Jack Daulton, Delta's chief of security and former head of the FBI's field office in Atlanta, asked me to address the conference on aviation legal issues. My presentation was scheduled for 9 a.m. at the Renaissance Hotel across from Delta's general offices near the airport.

When I arrived at the hotel conference room around 8:45 that morning, Jack Daulton was in the corridor on his cell phone. When he got off the call, he said, "a plane has just crashed into the World Trade Center. Sounds like it was a small private plane."

We went into the conference room, and as I was setting up my PowerPoint presentation, Jack stepped out to take another call. He came back in and announced to the group that aircraft that crashed into the WTC apparently was a commercial 767 but was not Delta's. He then briefly introduced me to the audience and asked me to go ahead with my presentation, even though everyone in the room, myself included, was seriously distracted by the disturbing news.

I began my remarks with a general discussion of airline liability issues and how various courts described the standard of care for common carriers. Then came the moment of irony: I asked these security officials rhetorically how the courts might analyze airline liability in the event of a terrorist attack. As an example, I cited the 1988 bombing of Pan Am 103 over Lockerbie, Scotland.


I was right in the middle of describing the key issues in the Lockerbie litigation when pagers started going off around the room. I paused

to give all of us in the room a chance to check their messages. My pager message was an emergency notification that a second commercial aircraft had crashed into the World Trade Center, that Delta was activating its emergency response system, and that I was requested to report immediately to the Operations Command Center.

At that point Jack Daulton halted the meeting and gave instructions to his security team. As we filed out of the room on our way to the Operations Center, I looked up at my next slide on the screen. It was a quote from the 2nd U.S. Circuit Court of Appeals opinion of Sept. 12, 1994, holding Pan Am liable for the Lockerbie terrorist attack.

As I walked into Delta's Operations Center around 9:45, jet engines at Hartsfield-Jackson Airport were shutting down. The FAA had declared a ground stop, shutting down the entire aviation system. Airplanes in flight were instructed to land. Inbound international flights were turned back or diverted to Gander or Halifax. Quickly the background noise of jet engines at Hartsfield-Jackson diminished and then, eerily, fell silent for three days.

To state the obvious, in the days that followed 9/11, the airline industry confronted a host of legal issues with monumental implications. Among the most pressing were questions of legal liability and the related matter of insurance coverage. It was profoundly clear that the losses occasioned by the terrorist attacks exceeded geometrically the limits of aviation insurance coverage.

A sound insurance structure was critical to continued operations. Congress saw the problem and quickly responded with passage of the Air Transportation Safety and System Stabilization Act, capping carrier exposure at the limits of liability coverage. A compensation fund was then established by Congress to provide relief to the victims of 9/11 and their families. 

*Gregory L. Riggs retired from Delta Air Lines in 2005 after 25 years with the company, last serving as senior vice president, general counsel and chief corporate affairs officer. He is associate dean of student services and community engagement at Emory University School of Law.*

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SECURITIES CLAIMS

SURETY

TECHNOLOGY

TRUSTS &amp; ESTATES/PROBATE

WORKERS COMPENSATION

AVIATION

BANKING

BRAIN INJURY

BUSINESS DISPUTES

CIVIL RIGHTS

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CONSTRUCTION

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GOVERNMENT

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PAT JONES

Pat Jones has practiced corporate and tax law for over 30 years, including eight years as the General Counsel of a public technology company. He was also the CFO of that company for four years, a CPA with a Big Eight accounting firm, and the Chair of the Tax Law Section of the Atlanta Bar Association. He has negotiated hundreds of contracts and settled over 20 shareholder lawsuits through mediation.



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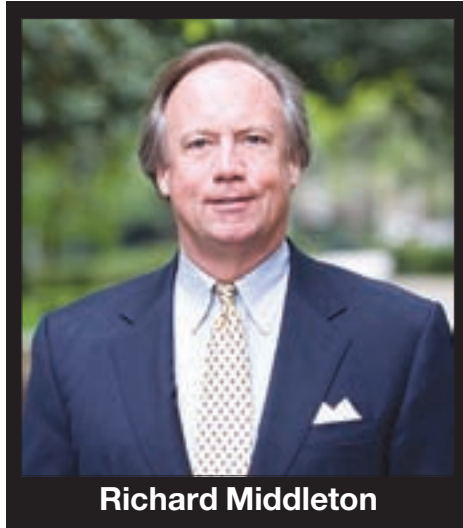
## REFLECTIONS ON 9/11

# Representing a 9/11 victim

INCREDIBLY, I HAD BEEN TRYING to schedule a meeting on a potential class action case in the World Trade Center for Sept. 11 but could never get everyone's schedules aligned, so I was at home in Savannah when the attacks took place.

For me, 9/11 will always represent two important foundational premises concerning the preservation of civil liberties and two of their greatest institutional supporters.

When the American Association for Justice (then the Association of Trial Lawyers of America) created Trial Lawyers Care (TLC) in the immediate aftermath of this national tragedy, it demonstrated the very best side of the trial bar, its philanthropic and compassionate assistance to victims of calamity and disaster. TLC became the largest pro bono project ever undertaken and was an unbridled success and accomplishment for the trial bar.



Richard Middleton

As a TLC volunteer I had the privilege and honor of representing an injured volunteer first responder. He was a union carpenter working on the new post office building

**For me, 9/11 will always represent two important foundational premises concerning the preservation of civil liberties and two of their greatest institutional supporters.**

in Brooklyn, who, upon seeing the disaster unfold, crammed onto a truck crane with approximately 50 other union members to rush to Ground Zero. They worked for several days without sleep or compensation in the monumental rescue and recovery effort to aid their fellow Americans.

Two years later, my client received substantial compensation from the 9/11

Victim Compensation Fund for injuries he received while working on the still-smoldering debris pile.

Both examples of intrepid American resolve and spirit stand in sharp contrast to the popular media bashing of the trial bar and organized labor. They clearly demonstrate that each represent critical constituencies dedicated to the preservation of civil liberties, particularly in the face of domestic catastrophe and immense human suffering, recently compounded by partisan politicians intent on blocking compensation for those heroes suffering from latent medical conditions as a result of exposure to toxic substances during their heroic address of that crisis. <sup>DR</sup>

*Richard H. Middleton Jr., a past president of the American Association for Justice, is the owner and senior trial attorney of The Middleton Firm in Savannah.*

## REFLECTIONS ON 9/11

# Serving in Afghanistan

I WAS JUST STARTING MY SOLO LAW practice when I learned of the Sept. 11 attacks. I knew I had to do something, so I immediately began trying to join the military. It actually took several years to convince them that an old knee surgery would not prohibit me from serving. In 2005, I was finally commissioned as an officer in the Georgia Army National Guard.

In 2006, I volunteered to serve in Afghanistan, and I closed my practice. I was determined to serve there because that's where the 9/11 terrorists originated. It was my responsibility to train Afghan judges, create a court and help establish the rule of law. I also organized humanitarian missions where we fed and clothed Afghan children.

People often ask me why we've been in Afghanistan for 10 years. What they don't understand is that we're not just waging war. We are trying to build a nation. Until you've been there and seen it with your own eyes—the abject poverty, the utter lack of education and the absence of a functional legal infrastructure—things that we all take for granted—you can't begin to understand the enormity of the task.

I am proud of what our military has accomplished in Afghanistan. My service there was a life-changing experience for me. I know that I made a difference.

My time in Afghanistan made me realize how fortunate we are to have our legal system, so when I came home I looked for different ways to contribute to it. I restarted my solo litigation practice and became a mediator and a part-time magistrate court judge.

My most gratifying work, however, is serving as a member of the Georgia Judicial Nominating Commission. I know all too well the importance of an effective and trustworthy judiciary because I have seen what happens to a nation without it. <sup>DR</sup>

*Scott D. Delius has a solo civil litigation practice, is a part-time Fulton County Magistrate Court Judge and is a mediator with Miles Mediation and Arbitration Services. A captain in the Georgia Army National Guard, he serves as the command judge advocate for the Guard's 648th Maneuver Enhancement Brigade in Columbus. Gov. Nathan Deal appointed him to the Judicial Nominating Commission in January 2011.*



Scott Delius

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## REFLECTIONS ON 9/11

# Establish clear terror policies

SEPT. 11 WAS DAVID NAHMIA'S 37th birthday, and he expected to spend it working as an assistant U.S. attorney on a series of cases tackling corruption in the Atlanta city government.

Instead, he joined others in an FBI office as part of a local crisis response team convened when it was apparent the country was under attack.

Nahmias decided he wanted to help fight terrorism, and he soon landed at the Justice Department in Washington, where he coordinated the investigation and prosecution of terrorist activity and assisted in counterterrorism policymaking.

"I think a lot about how it changed me, my career and the department," says Nahmias. "We do a much better job on defense," he says, referring to coordination between government agencies, "enormously better than pre-9/11."

"The biggest change is we've become aggressive on offense," he adds. He notes that al-Qaida planned the 9/11 attack for years, but "it's much harder to plan if you're

**I think a lot about how it changed me, my career and the department. ... We do a much better job on defense ... enormously better than pre-9/11.**

scared" the SEALs or a drone missile are going to come crashing in.

But despite the successes, Nahmias says he's frustrated that "a lot of the critical issues are not resolved."

Ten years after 9/11, he says, the government has not established clear rules on what to do with a person on an airplane headed to the U.S. who is suspected of being a terrorist. Should he be followed? Arrested? Declared an enemy combatant? Read his Miranda rights?

"It's still to me an ad hoc system," says Nahmias, noting that policy for people being held at Guantanamo Bay is being

decided not by Congress and the executive branch but by individual federal judges in Washington handling habeas cases.

"I feel sorry for the folks who have to do it," he says of his successors in terror policymaking positions. He notes how disconcerting it is for "very smart, very capable people" to work without clear rules, when they "are literally very worried about people being killed."

Regarding the fight over the proper balance between national security and civil liberties, he says, "It's very easy to forget how we felt on Sept. 11."

"You have to understand the risks," adds Nahmias, who used to attend classified security briefings. "Unless you are really in the loop on the classified information, you don't have a sense of what the threat is." ☐

*David E. Nahmias worked as a terrorism prosecutor in the DOJ in Washington following the 9/11 attacks. He was U.S. attorney in Atlanta from 2004 to 2009 and is now a justice of the Supreme Court of Georgia. He spoke to Jonathan Ringel.*



David Nahmias

## REFLECTIONS ON 9/11

# No court relief is 9/11's legacy

I WAS WORKING in my office at Sutherland when somebody—probably Maggie, my secretary of 38 years—told me that a plane had hit one of the Twin Towers. Teresa Wynn Roseborough had worked in the Clinton White House and kept in her office a television connected to cable to keep up with world events. We all crowded into her office and sat watching in horror as the second plane hit, the towers fell and the Pentagon was struck.

As the French press said that day "We are all Americans! We are all New Yorkers, just as surely as John F. Kennedy declared himself to be a Berliner in 1962 when he visited Berlin." At the Y the next morning, my wife Beth and I were transfixed to the monitors showing the devastation, and we were mightily offended at the folks on the treadmills next to us, who were chatting as if nothing had happened. Everyone else in America was worried sick about friends, relatives and strangers in New York, D.C. and Pennsylvania. We contributed to the 9/11 victims fund as soon as it was established.

The president soon made the first of his ill-advised mistakes. Everyone expected him to say that we will bring the folks responsible for this to justice swiftly and surely. Instead he saw a peachy opportunity for two wars—one in a country no occupier has ever pacified, and the other a war of choice, perhaps to show he was a better man than his father. He needed to get Osama bin Laden, not a 10-year war. As a person who was drafted and served in the Army during the Vietnam War (albeit in Germany), I have always been leery of wars of choice.

Mistake begat mistake. Over the opposition of the judge advocate generals of the Army, Navy, Air Force and Marines, he opened Guantanamo in January 2002 as a place to interrogate foot soldiers away from the prying eyes of the judiciary.

The first habeas case was filed soon thereafter, and the Bush and Obama administrations have fought those cases for nearly a decade. The defense of Guantanamo—the indefensible for a civilized country—has had a number of unfortunate results.

First and most important, it has prevented us from prosecuting those responsible for 9/11.

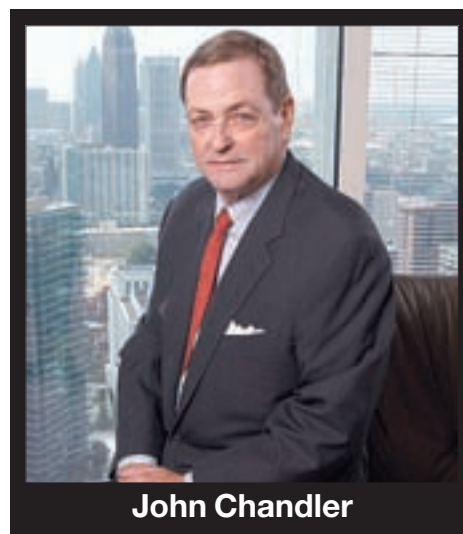
Typically, we prosecute and imprison terrorists in the U.S. quite successfully. Our conviction rate is something like 198 out of 200, in addition to home-grown terrorists like Timothy McVeigh and Eric Robert Rudolph. Even if we prosecute them in Guantanamo, the world will see those convictions as illegitimate.

Keeping Khalid Sheikh Mohammed and the 10 to 12 other key conspirators in Guantanamo (who only arrived there in 2006 to help legitimate the illegitimate) has led to the second problem—making it a recruiting tool for new terrorists, according to no less an authority than Gen. David Petraeus. But I guess we are showing the world how tough we are.

About 700 men have gone through Guantanamo, 500 of them released by the Bush administration. 172 men remain—including our six clients from Yemen.

The government brought our clients to Guantanamo, and they are stuck there for nearly 10 years. Not one of our clients has ever been accused of a crime. Not one ever fought against Americans—several were in the civil war in Afghanistan before 9/11. Two were cleared for release by the Bush administration; two more were cleared by the Obama task force. But because Yemen is such a mess, the government says it can't free them, saying essentially, "Ten years away from family and friends is not too bad, is it?"

Who else would be willing to give up their years from ages 21 to 31, and beyond, to help



John Chandler

Uncle Sam with his mistake?

Despite wins for the Guantanamo prisoners in the Supreme Court, a cabal of four judges in the D.C. Circuit has gutted those decisions. They stand as a road block to the court-ordered release of any man. Two are

openly contemptuous of the Supreme Court *Guantanamo* cases. They have reversed every win by a prisoner, including a decision by a judge in favor of one of our clients after seeing him testify live by video from Guantanamo.

Two of the D.C. Circuit judges have publicly belittled the Supreme Court for what one referred to as the "mess" they made, and what the other described as a "charade," prompted by the court's "defiant—if only theoretical—assertion of judicial supremacy" in *Guantanamo* cases.

The courts thus provide no relief for men held in our prisons without charge for 10 years, and for our legal system, that may be the legacy of 9/11. ☐

*John A. Chandler is a partner at King & Spalding. Through the Center for Constitutional Rights, he and other volunteers were assigned to represent Guantanamo detainees Mohammed Al-Adahi, Mohammed Bawazir, Fahmi Al-Sani, Suleiman Al-Nahdi, Zahir Hamdoun and Sharqawi Ali Al-Hajj.*

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## REFLECTIONS ON 9/11

# The first GC at Homeland Security

JOE D. WHITLEY WOKE UP on Sept. 11 at a hotel near Camp Lejeune, N.C., where he was representing a witness in a court-martial. The phone rang early, and it was his wife, telling him that his father, who'd been suffering from a long illness, had died.

Whitley thought that his father would have wanted him to complete his job before dealing with funeral arrangements, so he did just that, joining his client for a van ride to the military base. As a former Justice Department official who'd worked on the Lockerbie terrorism case, Whitley thought that security was particularly lax at the base, with guards not looking in or under the vehicle as it passed through the gate.

While waiting for the court-martial to convene, he heard that a small plane had crashed into the World Trade Center. Someone moved a TV to the waiting area, and the full extent of the news started to unfold, but the court-martial went on as scheduled and adjourned around lunchtime.

By that point, things had changed, Whitley says. Security became "incredibly tight," and all air traffic had been stopped, so he had to drive his rental car back to Atlanta.

Along the 500-mile route, Whitley called family and friends to talk about his father, and he called colleagues to talk about the

**You should avoid the "I" word. It was such a "we" event.**

terror attacks.

"You should avoid the 'I' word," says Whitley, when discussing the 9/11 attacks. "It was such a 'we' event."

Nonetheless, he remembers comparing the pain of his father's death, which was expected even if it occurred suddenly, to that of families of the terror victims, most of whom simply left the house that day to go to work.

"I'm so glad I had time to get prepared," he says.

Another thought he recalls from that drive, he said, was, "I wish I could do something."

In early 2003, Whitley received his chance when he became the first general counsel of the Department of Homeland Security, serving until 2005. He helped the first secretary, Tom Ridge, combine 22 separate government agencies and departments into one cabinet-level department with a wide




Joe Whitley

disasters and protecting the president and vice president.

As the 10th anniversary of 9/11 approaches, Whitley says that homeland security has "become an industry of sorts," with many corporations now running divisions with security products and services to sell.

A wide range of legal issues come up in the Homeland Security arena, he says, including insurance, background-checking businesses, privacy, the sharing of data, laws for first responders and good Samaritans—even HIPAA laws, because first responders may need access to victims' health records after a terrorist event.

For lawyers in the security field, he says they "still feel a sense of urgency about it" that others may not feel.

"It's very much embedded in our day-to-day lives," he adds, adding that it's a challenge to keep people ready "without sounding like Chicken Little." 

*Joe D. Whitley was the general counsel for the Department of Homeland Security from 2003 to 2005. He has served as acting U.S. associate attorney general and as the U.S. attorney in Macon and Atlanta. He is now chairman of the white-collar practice group at Greenberg Traurig's Atlanta office. He spoke to Jonathan Ringel.*

## SACRED GROUND



AFP PHOTO/PAUL J. RICHARDS

**The Pentagon Memorial is composed of 184 benchlike structures**, each one dedicated to a man, woman or child who lost his or her life there in the Sept. 11 attacks. The memorial, located on the grounds of the Pentagon, was dedicated in 2008 and is the first of three memorials remembering the victims of Sept. 11.

## REFLECTIONS ON 9/11

# Treatment of Muslims tarnished America's reputation

ONE OF THE FREEDOMS that was most appealing to me when I came from Iran to the United States at age 16 was the right, free from governmental interference, to practice one's religion, or no religion at all. In my trips back to visit family and friends, I often boasted about the guarantee of religious freedom here.

But this and other fundamental rights have been increasingly denied to Muslim-Americans in the years since Sept. 11, tarnishing America's reputation as a beacon of religious freedom and due process of law.

On Sept. 11, 2001, I was in my second semester of law school at the University of Michigan. The implications for the Muslim-American community soon hit home. I heard about Iranian friends on student visas having to register as part of the notorious National Security Entry-Exit Registration System (NSEERS), a program instituted in fall 2002 that amounted to a discriminatory dragnet.

I learned after the fact about friends being approached by the FBI at their homes for "voluntary" questionings. Of course, my friends, coming from a country where one does not disobey authority figures unless ready to face the repercussions, had obliged, often submitting to the questioning without representation.

This is why, when I finished law school



Azadeh Shahshahani

ZACHARY D. PORTER

"freedom in America is indivisible from the freedom to practice one's religion."

The president acknowledged the right of Muslim women and girls to wear the hijab, but on Dec. 16, 2008, this right was denied to Lisa Miedah Valentine. Instead, she found herself in handcuffs and in jail, with her hijab removed, after Judge Keith Rollins of the Douglasville [Georgia] Municipal Court sentenced her to 10 days in jail for contempt of court. Valentine and other Muslim women were denied access to the Douglasville Municipal Court even after they expressly conveyed to court officials that the wearing of the head scarf is an expression of their faith.

The Judicial Council of Georgia has since—as result of advocacy by the ACLU and other organizations—recognized the right of people of faith to wear headgear of their choosing at the courthouse. However, we continue to hear about Muslim-Americans from across Georgia facing discrimination at the courthouse or other public forums due to their wearing of religious clothing. ☞

*Azadeh N. Shahshahani is the National Security/Immigrants' Rights Project director for the ACLU of Georgia. She also serves as executive vice president for the National Lawyers Guild and co-chair of the ABA Individual Rights and Responsibilities Section Committee on the Rights of Immigrants.*

and moved to North Carolina, I approached the ACLU of North Carolina with an idea for a project to recruit and train a network of attorneys ready to represent community members facing FBI questionings or discrimination, and working with Muslim and Middle Eastern communities to help empower the community through Know Your Rights presentations.

During the presentations in North Carolina, and later in Georgia, I learned about Muslim-Americans facing violations of the fundamental rights and liberties enshrined

in the U.S. Constitution.

In North Carolina, we received multiple letters from Muslim-Americans whose citizenship applications had been put on an indefinite hold due to FBI name checks. Some had been awaiting a decision for five years or more. Thousands of American families are to this day still awaiting an explanation as to why the Administration chose to subject them to such an arbitrary and indefinite hold.

In Georgia, we saw a judge violate the very freedom President Obama spoke of so eloquently in his 2009 speech in Cairo, that

## In Memoriam

The attorneys and staff

of

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remember with deep respect

our partner and friend

**Robert (Bob) C. Lower**

August 28, 2011

Atlanta, Georgia



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## REFLECTIONS ON 9/11

# A friend's loss, an appreciation for life

GLENN WINUK was not just a law partner. He also was a personal friend.

He was someone who I regularly would have lunch with when I was in New York, and whether I was in the city on business or not, I always looked him up.

I knew that Glenn was a volunteer firefighter. He was a volunteer for many things, and he was always someone you could count on. He was one of the most positive-minded people I have ever known. He was friendly and fun, and he was a very good lawyer, too.

In September 2001, I was working with our New York office on an oil spill class action, so I had handy the cell phone number of one of the



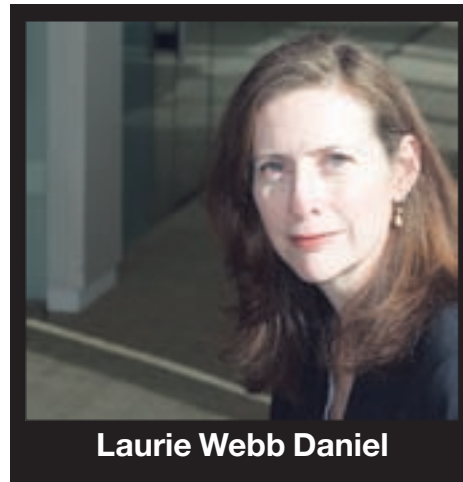
Glenn Winuk

partners on that matter, John Reilly.

I called John on the morning of 9/11 as soon as I heard what had happened. He told me that everyone in our New York office had gotten out of our building, which was right next to the World Trade Center.

I learned that Glenn took an active role in the evacuation and made sure that all the Holland & Knight people were OK before heading off with some passing firefighters to help others. I later learned that Glenn was missing, and eventually found out that he went down with the second building. They found his body about six months later. He was 40 years old.

Since then, I have been in New York often, typically staying in the Hilton Millennium Hotel, which abuts the H&K office at 195 Broadway (our address until last year, when we moved to Midtown). Invariably, my room



Laurie Webb Daniel

And, of course, I always think of Glenn every September, and that is something that has changed my life for the better. You see, I turned 45 on Sept. 18, 2001, and I had been in a funk earlier that month, all depressed about becoming middle-aged.

When the dreaded birthday finally came—a week after 9/11—I realized what an idiot I had been. How could I be down about turning 45, when my good friend Glenn would never have that chance? So, for me, Glenn Winuk's legacy is a positive outlook on aging. I don't think I will ever be grumpy over a birthday again (not even now, 10 years later, as I face another one ending with a 5).

Glenn made the most out of life, and I want to, too. 

*Laurie Webb Daniel of Atlanta chairs the appellate team for Holland & Knight.*

has looked down on the gaping hole at Ground Zero—always a reminder of 9/11, always a reminder of Glenn.

## REFLECTIONS ON 9/11

## A high school at Ground Zero

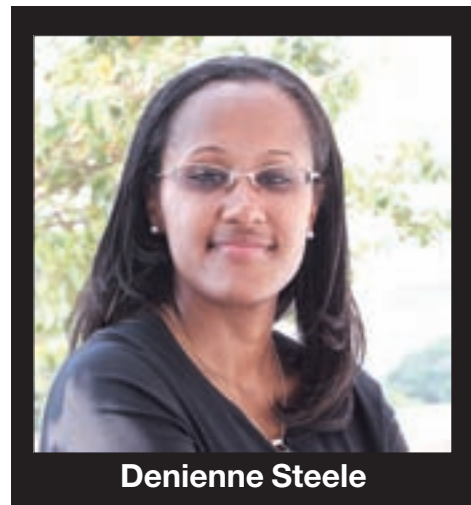
WHEN WE FIRST STEPPED OUTSIDE, all we saw was smoke and ash on the ground. We saw the flames from the fire and people jumping to their deaths to escape the intolerable heat. I felt helpless, scared, and a whole lot of despair.

Sept. 11, 2001, was my 17th birthday, and it was also the most traumatic experience of my life. While others watched on television the devastating events of that day, I was living it. My school, the High School of Economics and Finance, was located 9½ yards away from the World Trade Center.

Students, teachers and staff were soon split up as chaos erupted when the towers began to collapse. Those of us that managed to stay together ran to the ferry that would take us to Staten Island. There was so much ash that we were all having trouble breathing as we waited for the ferry to come.


When we arrived at Staten Island, my friends and I were no longer panicked, but this is when the worrying began. Even though I did not know everyone in my school, I felt a sudden attachment to all of them, and not knowing their whereabouts was causing me to be extremely worried.

All sorts of questions were going through my mind about the rest of the people from my school. Was everyone OK? Had the building fallen on anyone I knew? Where was everyone else? The fact that cell phones were not working heightened our anxiety. No one could get through to his or her parents, who we all knew were worried about us. It was two hours before I got through to my father. None of my other friends had gotten through to their parents, so my father took the names and numbers of everyone I was with, and contacted their parents to let them know their children were safe. That meant a lot to me because I know that he was worried about me, but we knew that it was important for other parents to know that their children were fine.



Denienne Steele

I was stranded on Staten Island until 2:30 the next morning, only knowing that 75 students and six staff members from my school were all right. I did not know about everyone else for another two weeks, when there was a meeting to discuss where we would go to school. Our building was not only in the no-entrance zone, but it had also been severely damaged.

We spent September to March displaced, sharing another school's space, going to school from 1:30 p.m. to 6:30 p.m. Everyone wanted to hear what happened, but I really did not want to talk about it. The world was horrified by the events that occurred on Sept. 11, but seeing it on television and being there are two different things. Only people who were there can truly understand the fear that had been instilled. There was an uneasiness that I felt for a long time. It completely changed my life. 

*This essay was adapted from one Denienne A. Steele submitted as part of her application to the Georgia State University College of Law. She graduated from GSU in May 2010 and passed the Georgia bar exam two months later. She is an admissions coordinator for the law school and also practices part-time.*

## A PLACE FOR REMEMBRANCE



ARI MINTZ/MCT/NEWSCOM

Footprints of the North Tower, foreground, and South Tower, background, of the World Trade Center, have been turned into reflecting pools with cascading water as part of the National September 11 Memorial, which will be dedicated on the 10th anniversary of the attacks.