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BOSTON MARATHON BOMBING | ON THE DEFENSE

Russell's lawyer aims to help her navigate the system

By **KAREN LEE ZINER**
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JOURNAL STAFF WRITERS

Joshua L. Dratel, the New York criminal lawyer who has joined the legal team representing Katherine Russell, widow of Boston Marathon bombing suspect Tamerlan Tsarnaev, has earned a national profile for representing people accused of terrorism. He says he's probably had more experience in the terrorism arena than anyone else in the country.

But that's not all. Dratel's 30-year practice spans a spectrum: from organized crime and political corruption cases, to drug trafficking, white-collar crime and civil-liberties matters. From clients including Abbie Hoffman and Donald Trump, to Harry Helmsley and Michael Milken.

Dratel agreed last week to assist lawyers Amato A. DeLuca and Miriam Weizenbaum, of DeLuca & Weizenbaum in Providence. Federal authorities remain interested in what



Dratel

Dzhokhar Tsarnaev.

Russell has not been named a suspect or charged in the investigation.

"That's the way it ought to be, as

Russell, 24, who grew up in North Kingstown, may have known about her dead husband's involvement in the bombings, or the alleged involvement of his brother,

far as I can tell," Dratel said in a phone interview Tuesday from his New York office. Asked why, he said, "Just because of a review of the facts."

For now, Dratel said, [the job] "is just to help her navigate a system that is delicate, because of the nature of the situation."

"It's got a lot of variables to it that you don't find in ordinary cases, that you want to make sure don't have an impact on the ultimate decisions that

are made."

That, he said, includes "the politics of it — that people are highly emotional about it. It's a good opportunity for politicians, regardless of whether they know the facts or not."

Dratel [pronounced Dray-TELL], said he got involved in the case after a mutual friend referred him to Weizenbaum. He first met with Katherine Russell last week in Providence.

SEE **DRATEL, A2**

DRATEL

Legal career spans spectrum

Continued from A1

Those who know him say he's the perfect choice.

"He's been working on cases related to terrorism since the 1990s — he understands the context of terrorism prosecutions and defense strategies as well as anybody in the country," said Karen J. Greenberg, with whom Dratel co-edited "The Torture Papers: The Road to Abu Ghraib," and "The Enemy Combatant Papers: American Justice, the Courts and the War on Terror."

"Joshua is devoted to making sure that criminal defendants get fair representation; he is a strong civil libertarian, and a staunch defender of constitutional rights," Greenberg said. "He's well respected by both prosecutors and defense bar."

Beyond that, Greenberg says, "he's full of energy" and "incredibly smart."

Dratel, 56, founder of Dratel & Mysliwiec, P.C., says he wanted to be a lawyer since his early teens.

Watergate played a role "in the sense that it made it more apparent that lawyers could play a very valuable role in both directions: for good and bad."

So did his reading, at age 14, of "Gideon's Trumpet."

The book describes the story behind *Gideon v. Wainwright*, in which the U.S. Supreme Court ruled that criminal defendants have the right to an attorney even if they cannot afford one.

What struck Dratel was how the book illustrated that lawyers can make a difference. "Not only was society changed for the better, but somebody's life was changed for the better."

Dratel graduated magna cum laude from Columbia University in 1978, where he majored in political science but says he spent more time in college writing sports while working for the school paper.

He wrote his senior thesis on the Black Panthers, and then went on to Harvard Law School.

Why the Black Panthers?

"I was already gravitating towards this area of defense work — defendants where there's some political element to it," Dratel said, and where the accused "is subject to a lot of negative publicity."

His involvement with terrorism cases dates to 1999, when he was brought in as co-counsel on a case involving Wadhi El-Hage, a former close aide to Osama bin Laden, who was prosecuted on terrorism conspiracy charges related to the U.S. Embassy bombings in East Africa in 1998.

Dratel calls that "the granddaddy of all these kinds of cases," one that established a template for the cases to follow, including 9/11.

Dratel was the first private U.S. lawyer to represent a prisoner at Guantanamo: Australian citizen David Hicks.

Dratel has developed an expertise in terrorism and national-security issues that leads others to seek his counsel. He does not pursue such cases, but does not shy away from them "just because they're controversial."

"I think it's very important

in these times, when terrorism is a word with so much weight to it — in terms of people's reactions — it's important to remember that there are certain principles that we're trying to defend."

That includes giving everyone a right to a fair trial, including people charged with terrorist acts.

To abandon that "seems to be contradictory to the purpose of the whole counterterrorism effort," Dratel says. "To me, security in terms of institutions like the criminal justice system, the Constitution, Bill of Rights — those kinds of principles are as essential to security as they are to physical security. Otherwise, the physical security doesn't accomplish very much."

In such cases, "the playing field is already extremely unlevel. To level it a little bit with a lawyer with a better background in the area is a good thing. It reduces ... the number of problems inherent in a high-profile case, with a defendant who's charged with something that people don't even want to look past the allegation. They just want to make a judgment all of a sudden."

Given the demands of his law practice and prolific writings on legal matters, Dratel says he manages to sleep, "but probably not as much as I should." He tells people that want to work in this business, "that the time demands are objectively unreasonable."

But that goes with the territory. He says, "There's a lot at stake for people."

Dratel nonetheless manages to have a life outside of work. That includes rooting for the New York Giants, and his affinity for music and film. He also plays the guitar.

Is he any good?

"It depends on how much I practice," Dratel says. "I've gotten better over the years ..."

Says David A. Ruhnke, who has been co-counsel with Dratel in several cases: "He's laid back, not histrionic. He's not a shouting-and-screaming lawyer. He doesn't speak unless he knows what he's talking about. He's firm and is always very prepared. He will draw out of a witness what's necessary to advance the case."

Sam A. Schmidt, a lawyer who brought Dratel in as co-counsel in the bombing by al-Qaida of the U.S. Embassies

in Kenya and Tanzania, calls Dratel "incredibly thorough." But he says Dratel "is often frustrated because of the fact that he's representing people accused of crimes in the federal system, which very much favors the prosecution."

In an ironic twist, Dratel watched the World Trade Center towers collapse from his apartment, which was so close by that he feared he might lose his life. In fact, he told an interviewer, he was frightened, "I thought about jumping in the river ..."

Asked about that irony, Dratel says, "To me it's ironic also, that the people who are most vocal about it don't necessarily have a personal reference point for it.

"For me, having that personal reference point gives me a sense of comfort in what I'm doing is the right thing to do."