Sarah Lorr

Guantánamo Visit

As a second year law student, I did not anticipate that I would be visiting the United States Naval Base at Guantánamo Bay, Cuba. When I was offered a spot in the International Justice Clinic at Fordham Law School, I eagerly accepted, but I did so knowing that there would be no opportunity for client contact. Instead, I considered the clinic an opportunity to confront the intersection of two long-standing legal interests: indigent defense and national security. Both areas can involve grave threats to public welfare, and, as a result, are frequently used to justify the state's most severe exercise of power. I looked at the clinic as an opportunity to combine my nascent legal skills with my longstanding belief in the need for a just and fair judicial system. During my two years as a paralegal with the Federal Defenders of New York, my work was driven as much by my belief in every client's right to a competent defense as it was by a connection to the individuals I assisted. I viewed the Clinic as an extension of my philosophical commitment to the work rather than help for a particular individual.

Perhaps it was this attitude—this somewhat distanced vision of the work—that left me so unprepared to visit my client when the opportunity arose. In September of 2008, my professor, the director of the International Justice Clinic, Martha Rayner, told me there was a possibility that I could accompany her on her October visit. I already had a clearance because of work on a case at the Federal Defenders, but there were many other bureaucratic concerns. Whether or not I would actually be able to go came down to logistics: purchasing a ticket from New York to Fort Lauderdale, angling for a seat on the small, already-full, Lynx Air propeller plane that carries counsel the three hours around Cuban airspace and onto Guantánamo, and receiving a theatre clearance from the Department of Defense so that I would be allowed to leave the airport and enter the base once we arrived. Just two weeks before the trip, we received word from the Department of Defense that my theatre clearance had come through. I was stunned.

The week prior to my trip to Guantánamo was characterized by an obsession with detail. The clearance process and my careful and compulsive reading of the protective order had left me fixated on the minutiae. The litany of rules governing not only what I could say to the public about my case but also what I would be allowed to say to my client seemed endless and purposely designed to trip up well-meaning law students who had no real business working on cases of such import.

I prepared for my visit as though I was preparing for my contracts final or an on-call day in torts: I read and reread books and essays written by lawyers who had visited the base, focusing especially on their first client meetings; I scoured the few documents we had squeezed from the government over the years through our on-going Detainee Treatment Act case; I annotated the catalogue of notes from previous visits with our client, searching for new details; I studied the records of phone conversations the clinic has had with his family members. It seemed imperative that I know each fact, each piece of information associated with the case.

I lost focus of the client we were preparing to visit. In the seminar, we did a role-playing activity where I needed to explain to my client why it was that even though the judge had ordered the government to produce factual returns justifying the detention of our client, our client was not likely to receive any documents until December or January. I botched the role play, getting caught up in a long and complicated explanation of the procedural mechanisms that caused the delay. I was very aware of how short our visit would be, how two full days would turn into four short

meetings with much time lost to translation, both cultural and linguistic. Instead of simplifying the facts and focusing on communicating, I could see only legal complications, barriers to communication, the potential for creating a national security panic by letting the wrong piece of "sensitive" information slip or, far more likely, getting myself in trouble for breaking one of the myriad bureaucratic rules governing my behavior on the base or in relation to the case.

Arriving at the camp, after going through several sets of identification checks, we were met by several guards. They went through the papers we brought, sheet by sheet, checking for contraband paperclips and staples. In addition, they kept catalogued lists of the food attorneys brought their clients. We came with a load of Yemeni groceries purchased by a clinic teammate for the trip: fresh dates, a pomegranate, nuts, dried figs and raisins, flatbread with spices, a box of baklava and other pastries. We also had two extra-large McDonald's coffees and a steak and egg breakfast sandwich. I watched with some confusion, and great interest, as the guards kept a careful list of exactly what food we brought into the camp for our clients. I still haven't been able to understand the military interest in monitoring the food we brought, but such meticulousness (which we confronted at every turn) was exactly what I had expected.

What I did not expect, however, was the distinct individual that I found on the other side of the barbed wire fence, awaiting our visit. It was the knowledge of my client's humanity that propelled my interest in the case in the first place, but until meeting him his individuality had become almost theoretical—lost in the spider's web of rules and the slow squabbling that characterized his legal case.

Predictably, our client seemed to meet our legal advice, indeed our very presence, with a mix of cautious optimism and deep distrust based on five years of captivity without judicial review. As we wound our way through a lengthy agenda prepared by the clinic, I got a glimpse at the individual we were representing. For stretches, he would talk a mile a minute, his voice racing so quickly I was confident I would have trouble following even in English. At other moments, he would meet an earnest question with a sarcastic quip and break into a large grin, revealing a taste of his cynical and straightforward sense of humor.

As we discussed the intricacies of his case, trying to fill gaps in our own understanding of the facts and to explain some of the complexities of his legal situation, our client participated and ate. Over the course of the first day he ate almost ceaselessly throughout both meetings. He not only drank four extra-large coffees but he also ate a McDonald's breakfast sandwich, an entire box of baklava, two candy bars, and snacks of pumpkin seeds, nuts and fresh figs. After he had polished off the entire box of baklava and two candy bars, Martha offered him a cookie. He protested, explaining that he was on a diet and watching his calories. He laughed, not cynically, but in good humor. And then, after a break, he continued eating.

Back at the Civilian Bachelor Quarters where habeas counsel stay, other attorneys reflected on their day. Attorneys shared stories of frustrating encounters, difficulties gaining trust, or minor breakthroughs that had occurred. The subject of food came up again and again. One attorney told a story about a detainee from Yemen who consumed an entire bottle of honey during a three hour afternoon session. He began by pouring the honey into his tea, graduated to spreading onto pita bread and ended by pouring the remainder of the honey directly, and unceremoniously, into his mouth.

This story, like my own client's capacity to consume, is telling because of its simplicity. Beyond hunger, the desire for comfort foods is such a basic human desire. The fulfillment of such a simple craving in the face of so many human needs and rights denied, reveals both the depth of the problem at Guantánamo and the value of maintaining the principled legal battle to free these

men. Guantánamo was founded in complete contradiction to the principles that govern our country and guide my education as a law student. The vast majority of the men are held in super-max conditions, and many, like my client, were tortured for years. The conditions are terrible and clients regularly voice frustration with lawyers for their inability to provide clean socks, underwear and toothpaste. None have regular contact with the outside world. Witnessing the fulfillment of such a simple need revealed to me that notwithstanding all of those true challenges to humanity, and the need for legal principle to guide my work, something important and human has survived within my client and all the men at Guantánamo. It is this humanity, as much as the legal preparation and idealism, which must truly be at the center of our work.