

Amal Bouhabib
Legal Intern
Fordham University School of Law

CLEARANCE

From the outset, I knew that the process of applying for security clearance to visit my client at Guantánamo would be grueling. As a thirty-one-year-old law student, my last then years—the required span for investigation—have been anything but perfunctory. Since graduating from college in 1999, I have moved over twenty-two times, twice to a country in the Middle East; I’ve worked as a journalist, researcher for a non-profit, and freelancer; I’ve written Op-eds condemning the Iraq war and criticizing the Bush administration, attended protests and organized peace vigils, all before enrolling in law school at age thirty. Needless to say, the task of tracking down old addresses, domestic and abroad, as well as the names and contact information of former colleagues, associates, friends, neighbors, landlords, etc. was daunting. It’s also profoundly paranoid-inducing—and not just for me. The Special Investigators, after all, have to meet everyone listed in the application in person. Several of my friends expressed concern that that they were now “in the system” and worried that their participation in a demonstration or neglect to pay taxes one year could now somehow come back to haunt them. I for one, agonized for days about whether discussing an ex-boyfriend’s psychological issues with a school therapist counted as “seeing a therapist” as per the application—a question for which a wrong answer could result in either a monetary penalty or time in jail.

But despite my early anxieties, I greatly underestimated the challenge of the one feature I thought would best serve my client: my heritage as an American-Lebanese. By way of description, my mother is American from South Carolina and my father is Lebanese. They met at Vanderbilt University while he was getting his PhD. My twin brother and I were born in Alexandria, Virginia and, along with my little sister, we were raised in the D.C. area all our lives. I chose to move to Lebanon in 1999 to work as a journalist, have some adventure, and get to know some of my father’s family—my brother and sister have never lived abroad. We don’t speak Arabic very well because it’s a difficult language, and we never spoke it at home. My first job was as a hostess in a Georgetown barbeque restaurant, and to this day, in my spare time, I sing in a folk-country band.

If I sound defensive, it is because it is nearly impossible to “prove” how American you are as an American. Yet this is exactly what the U.S. government asked me to do. I was one of two students at Fordham granted permission by the government to apply for clearance. We both sent out our applications within days of each other in mid-July 2008. One day in November the other student received a call saying she’d been cleared. That same day I got a call from a Special Investigator—not the one who had interviewed me the first time around—saying that there was a problem with my foreign passport. (I have a Lebanese passport as a birthright through my father, who is also an American citizen.) The Special Investigator told me that I would have to bring in a copy of both passports and answer some questions. After setting up an appointment, he called me back and warned me that he was going to have to bring me a paper asking me to renounce my dual citizenship.

Just to be clear, the “problem” with my Lebanese passport was the mere existence of it. And the request to renounce it was the remedy. I don’t know if I can accurately express the outrage I felt at this request. Giving up my passport would be akin to disavowing my father and my father’s family—I would legally be a stranger in my father’s home country; I would lose my

inheritance rights; travel to see my family would be considerably harder. The idea that my connection to another country somehow made me less American than every other lawyer applying for clearance appalled me. Not to mention the sheer inanity of the demand. It is purely symbolic to sign a paper for the U.S. renouncing citizenship. And what could it prove that they hadn't already uncovered in their months of investigation into my finances, school records, tenancies, friendships, work life, and romantic relationships?

By the time I met with the Special Investigator, I had already spoken to him a few times, and he was highly sympathetic. He apologized for putting me in this position more than once and said that, as a Muslim, he had been through his own share of racial profiling at the hands of the government. At one point, because he was so apologetic, I assured him that this was probably routine for all persons of dual nationalities. He replied that no, in fact it was not, and that he had other dual citizens—from Australia and other countries—to whom this request was not made. He actually made me laugh when he told me in all seriousness that he had considered refusing to make me sign the pledge but worried that the “higher-ups” might think there was a conspiracy between us because he is Muslim and I am Arab. And he had worked for the government for over twenty years!

I didn't sign the pledge. We went through my passport together, and I answered more questions that were mostly redundant of ones on the application. One new one asked, “Which country do you feel most loyal to?” He handed me the request to renounce my dual citizenship, which gave me two options: give up my former country (which did not apply); or renounce citizenship to the dual country. In the alternative, I could write a statement explaining why I could not do so. In retrospect, I now wonder if I should not have just signed the damn thing and be done with it, but I don't think I could have. There is something so degrading in being presented with such a request, and I don't think I could have looked at my father again with pride, even if it meant nothing.

So I wrote a statement. I started by saying that I was American first and foremost, that I was born and raised in America, that Lebanon was an ally of the U.S., that giving up my Lebanese passport would mean forfeiting my legal rights to inheritance, that my decision not to do so in no way undermined my loyalty to America. My Special Investigator asked me to read it to him and I did. Somewhat oddly, I broke down while reading it. Under the most relaxed of situations, in the least coercive setting possible, under no threat of any real injustice or mistreatment, I found it profoundly painful and insulting to have to defend myself to my own country.

That was over a month ago, and the semester is now coming to an end, with still no clearance. Over the past few months, I've written to my client, drafted media pieces and motions for the court on his behalf, and examined his facts, all without meeting him or seeing what the government has against him. But with a new presidency (the son of a Kenyan man and American woman, no less), it seems equally possible that my client will be sent home before I ever get the chance to meet him.