

**“I Love Cowboys”: The Words of Desperate Men from Distant Places  
Who Know Our Courts Have Abandoned Them**

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Almost every lawyer, no matter what his or her area of practice, is practically addicted to taking notes. There doesn’t really have to be a good reason, in retrospect, to take notes in meetings—you just do, whether there is or not. We accumulate file folders of notes for matters over the years, and most of the time never look back on most of them. But it’s our habit, and we’re not about to stop doing it now.

At Guantánamo, though, our notes actually play a special role because of the farcical rules imposed upon us by our government and our courts. The rule is that everything our imprisoned clients tell us is presumed to be classified—a secret that if revealed would endanger the national security of the United States. A secret that, if we tell anyone else without a security clearance and without a “need to know,” we’ve each agreed will subject us to draconian penalties, including felony imprisonment. At Guantánamo, you’re talking to men whom our government has collectively demonized as the “worst of the worst,” without ever proving any such thing. For over three years until the *Rasul* decision, the government even managed to keep their very identities secret. They did this because it’s hard to feel bad about holding bad men whom you can’t see or you can’t hear.

So notes for lawyers at Guantánamo are our first tool for making our clients into real people. If we want their voices to be heard—in the papers that we write in court, the things we say to reporters, the articles we write and the talks we give—we have to write down what they say. That way, government censors can review the notes and decide whether what was said can be uttered without risking the course of the nation. Otherwise, the horrible, the fascinating, the

mundane, the desperate things the men at Guantánamo have to say that really have nothing to do with our national security, all remain secrets.

On my third trip to Guantánamo, I am a couple hours into my sixth meeting with our client Walid, and our second meeting with him in the past two days. In one and a half meetings in these two days, four or five hours or so—despairingly for my part—I have not written down a single word he’s said. When we first met Walid, he was pretty forthcoming as things go between Muslim men imprisoned for over five years without charge and American lawyers who are accustomed to making things happen in American courts for their clients. We had spoken with his family before we met him. They had given us family photos of Walid before he left home in Gaza and ended up in Guantánamo—after he was seized from a hospital bed in Pakistan. We had a handwritten authorization to represent Walid signed by his elderly father. So Walid started out telling us about many things that happened to him during his unexpected journey from Gaza to Pakistan to Cuba. But in these last two days on this last visit, he wanted nothing to do with “his case,” and I had none of his words to try to bring him out into what we know as the rest of the world.

“I love cowboys.” So begin my notes from the second day of meeting Walid in October 2007. “I love Indians, too.” All of a sudden, the hours of religious rambling and the subtle proselytizing and the refusal to talk about what happened to him in Saudi Arabia and Iran and Afghanistan and Pakistan and Guantánamo, and the lethargic lack of interest gave way, and Walid’s face lit up. Americans had been asking him to talk about those things for years, and he hadn’t gone anywhere, but now he got a chance to talk about something that really gave him some solace: American action movies. Westerns. Rambo. Van Damme. Bruce Lee. Walid had spent his childhood, before his ill-fated first adventure away from home, watching American shoot-’em-up movies.

Suddenly, Walid was transported to his home in Gaza, to a safe place where he was sheltered by his parents and his many older siblings and their large extended family. Cowboys, he said, were like part of his family to him, as were the Indians. He wondered if Indians still wore those short little loin cloths, and sticking his index fingers up on either side of his forehead, whether they still wear those feathers on their heads.

The truth was, I feared, that Walid had become delusional, but all of a sudden at least, he was happy with these memories to entertain him. Walid had left school in the fourth grade. He suffered so very much since he left home at twenty to perform an *umrah*—a religious pilgrimage to Mecca. He had stubbornly dug in his heels with his American jailers and stopped eating in protest until they would stop interrogating him and send him home. Finally, after twenty months, though the Americans hadn't sent him home, he grew tired of his fight and started eating again. Walid now lived in a steel cell by himself for twenty-two hours or more a day, with no human contact and no intellectual stimulation. But he knew enough to know that telling these sincere American lawyers his story wasn't going to get him home. Walid knows, like every Guantánamo prisoner does, that the American courts, even if they are functional in every other way, have washed their hands of him and all his fellow prisoners. On another visit, my notes with Walid end: "I don't deal with Bush. I deal with God." But the mere thought of cowboys and Indians made his day.

The notes from our meetings with our client Bilal are always sparse. We started representing Bilal at the same time we first met Walid. Bilal is from Syria. That by itself will tell you a lot about how he views the world. I can see that he worries that anything he says or does will get back to Syria, to the government there, and he or someone he knows there will pay. He started out professing complete hopelessness and no need for lawyers. In meeting after meeting, hour after hour, by our being plain-spoken and honest, my gut tells me that he really wants to

believe that we his lawyers are good people who are on his side. But his Syrian view of the world colors all of that.

So Bilal now says he appreciates us and our efforts. He wants us to come back and see him. Unlike Walid, he maintains his connection with reality. He's soft spoken, desperate for news of the outside world. He loves to talk about anything that will occupy his mind – our travels, our activities, our families, history, geography. He would love to see a soccer magazine. We once sent him one I bought for him at a newsstand in Chicago, but the censors never let it reach him.

For all the hard-won rapport we have built with Bilal, he measures out facts about himself for us like medicine for a child from an eyedropper. In any set of meetings over two days, we get those few facts he wants to convey, and then it's time to talk sports and travel. Bilal reassures us that when it's time, when he knows something is actually going to happen—when something is going to happen such that even the Syrians will get to leave, all of them together—he will tell us everything there is to know about him. For now, though, nothing more need be said. American lawyers and judges write reams of paper filled with esoteric theories about whether he has any rights in our courts, but never does a court order that a man go free or even order a hearing consistent with that famous concept in the Geneva Conventions of “a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.” Europeans and Saudis and Pakistanis and others from countries with good relations with the United States go home but not Syrians. Other countries chastise the United States for its lawless prison for Muslim men, but none open their doors to those who fear their own governments. So, Bilal figures, what's the rush? See you in three months. Where else will I be?

After a year of representing Walid and Bilal, we decide to take on the work of representing a third client. Umar is from Tajikistan, though he hasn't lived there since he was twelve, when his family fled the civil war that began there when the Soviet Union collapsed. Umar doesn't speak Arabic; he speaks Tajik and Russian. For months before our first visit with him, I scour the *New York Times* and *Washington Post* every day for news of Tajikistan, but never is there any. I'm apprehensive, because some months ago he wrote another lawyer a letter and told that lawyer that he'd decided he did not want a lawyer.

We meet Umar in the same little wedge-shaped room with cinder-block walls, a steel door with a window where you can see in but not see out, a small dirty table, and a steel ring in the floor so that your client is chained to the floor. It's the same stuffy room that almost all of our meetings with Walid and Bilal have taken place. Umar is really quite a sight. He's a big bear of a man who speaks so softly that you can barely hear him. He was the oldest child of a family in which his father was shot dead, when Umar was a child, at the Tajik-Afghan border, and he's still a big mama's boy. He has long hair down to his waist, and a beard that reaches almost as far.

Umar greets us politely. I've absorbed many times the lesson that you don't try to get right down to the business of interviewing your client, because it will seem just like so many other occasions where strange Americans known as interrogators have asked him what he was doing before he ended up in Guantánamo. After some opening chit-chat, I start talking about who we are, who I am, why we are there, about case after case concerning the rights of Guantánamo prisoners. I feel like I am giving an opening statement to a jury. It's extra nerve-wracking, since this jury has already decided that an American lawyer is superfluous in his life. I go on, for well over an hour, working up a thirst and apologizing for being so long-winded. I have not touched the pad of paper or the pen on the table in front of me.

I stop, metaphorically retreating back to the safety of my seat at counsel table. Umar pauses. Then he starts talking. The very first thing he tells us is that Tajik agents have come to interrogate him at Guantánamo on many occasions. I ask Umar if I can take notes; “Of course,” he says. The Tajik officials have asked him to become a Tajik secret agent in Afghanistan, because he lived in that country for years. He tells them no. They tell him in that case, they can’t wait to get him back to Tajikistan. They will throw him in jail, they tell him, and torture him, and “maybe even get rid of you.” Umar says the Americans know about these threats because they are always watching and listening. Umar tells us that Tajiks are known as “quiet beasts” because of the terrible things they do. He tells us that two other Tajiks who were recently released from Guantánamo had told him that they received the same threats from the Tajik officials. The Red Cross has told him that those men have been sentenced to lengthy prison terms in Tajikistan.

“I don’t want to go back to Tajikistan. I want asylum. I will go anywhere else. Do anything you have to do to keep them from sending me back to Tajikistan.” The lunch hour has arrived. We ask Umar if he’d like us to bring him some food when we return to meet him after our lunch.

Our experience with food has been different with each of our clients. Walid will stuff his face manically with baklava and dates after he finally stops talking. Bilal will never accept a bit of food or drink from us, though he thanks us for offering. But Umar asks for a pizza, and chocolate, and a Pepsi.

We return with a large chicken and vegetable pizza, and oranges and blackberries and dates, and several gourmet chocolates from the Navy Exchange grocery store. And the Pepsi. We spread the food out on the table and we share a meal with him. Matter-of-factly, he relates how his

mother led him and his younger siblings from Afghanistan to Pakistan in 2001, where they lived in a refugee camp. One day, Umar was in the market in the camp, and the Pakistani police picked him up and handed him over to the Pakistani intelligence service. Umar found himself in a cell in the basement of a building.

“Do what we tell you and we will let you go,” they tell him. “We will take you back to your mother. Just copy what we give you into these notebooks, and you can go home.” Umar has already told us that he has not seen or heard from his mother or the rest of his family since the Pakistani cops grabbed him out of the market six years ago.

“‘No,’ I told them.”

“So then they tortured me a little. And finally I did what they said. I wrote day and night for a month.”

I too have been scribbling furiously, filling almost an entire legal pad. The Army guards yell in through the steel door with the one-way glass that it is time for us to go.

“They took me from my cell and put a blindfold on me,” Umar continued. They said, ‘Come on; we are going to take you back to your mother.’ And we drove for a while, and then they took me out of the car. Then they took off my blindfold, and I was standing in front of the gates of a prison.”

This is where my notes end. It is time to go, to take a van to the ferry to the leeward side of the bay, to then take the bus driven by the ever-pleasant Jamaican gentleman who always drives a school bus, day after day, with military precision in the same circuitous route, to then go to the

airstrip, and to fly out of Cuba as the sun sets. We walk outside the wire into the bright tropical sun. I say to my colleague and our interpreter, “that guy needs a lawyer.”

Not too long after, we are in Fort Lauderdale, on the main strip between the ocean and the intercoastal. It is a lovely, warm January evening. The bars are hopping, the music is loud, the cars are cruising. My notes are on their way to Washington, D.C. to be reviewed by government censors to see if anything dangerous to our nation’s security is lurking there. Walid still loves cowboys; Bilal will get down to business with us when even the Syrians are going to get out of Guantánamo; and Umar wants the world to know what the Americans let the Tajik agents say to him when they came to see him at the U.S. navy base in Cuba.

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