

Charles Patterson

## Bureaucratic Bullshit

When I first went to GTMO to visit our detainee (Jabran Al Quhtani, #696) it was my second time at GTMO. I first went there in the spring of 1969 as a young Marine Captain to investigate a suspected sabotage/espionage case. It turned out to be nothing, but I had a couple of days there. I had been curious about GTMO because of a bizarre incident in Vietnam in 1968. I was at Khe Sanh and we were being hit heavily by mortar, rocket and artillery fire. I remember being in a bunker with a Marine Lieutenant and Gunnery Sergeant who were arguing about the meaning of one word in the song "Guantanamo." The word was Guajira. While I was fervently praying that I leave in one piece, they were debating whether "Guajira," which means country girl, should be interpreted as a mild insult ("hick") or as a compliment. I found out on my first trip to see the detainee that it could be interpreted either way, but I think Jose Marti, who wrote the song, meant it as a compliment.

When I first started the representation and found that the detention camps at GTMO was a joint project of the DOJ, the DOD, the CIA and the armed services overseen by a micromanaging White House, I suspected that I was entering the perfect storm of bureaucratic bullshit. I was not wrong.

Consider:

1. I first applied for a security clearance in December 2006. I had had both Secret and Top Secret clearances in the Marine Corps. My application was returned several times for minor clarifications (Is your mother's maiden name spelled correctly?) and was not accepted until April 2007. I applied to make my first visit in September 2007 and was told I had no clearance. I applied in November and December, same result. Finally got there in February 2008.

2. I asked for a joint visit in March 2008 together with military defense counsel for our detainee. I then found out that the command had denied a joint visit by habeas and commission counsel on the basis that they were responsible for different things. I had to cancel the March trip because we wanted a joint meeting. I wrote a request to the Staff Judge Advocate of the JTF who had refused the joint meeting and was directed by him to the DOJ. Ten days later they said take this up with the DOD. The DOD said they would get back to me. I received a call from them saying I could not travel to GTMO because I had no security clearance. I pointed out to them that my clearance form from the last visit said that I did. They said, "That was based on what you told us, and that does not appear to be the truth." The next day they emailed back to say that it appeared I did have a clearance but would I mail them a copy of the letter granting the clearance. Of course, I had never received one and asked for a copy. None came. The DOD advised by email as I was about to board my plane to GTMO that the decision would be made by the SJA of the Command and I would probably hear the decision when I got off the ferry. When I did get off the ferry my escort said, "I understand that you have a joint meeting with your client and commission counsel this morning. Is that correct, Sir?" The perfect storm.

3. Coincidentally, about the time I first asked to go to GTMO I was told when checking in for a domestic flight that I was on the Homeland Security watch list. I found a cite on the internet that had the forms to contest being placed on the watch list I complied with the requirements and a month later got a letter from DHS saying that they had checked records with the appropriate agencies, and if there was a correction warranted, they had made it. I

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had no further problems until I returned to the U.S. after I had that disputed joint meeting with client and commission counsel. The INS officer looked at my passport, told me to wait a minute, left and came back with a supervisor. They advised me I was on the DHS watch list. At least I now know how to get off of it.

4. Before going down on my last trip this week the DOD again said I had no clearance. I referred them to their email in which they had said I did have one. I again asked for a document showing I had a clearance. I heard nothing from them and went ahead for the visit (again a joint visit). When I arrived back in Florida, I found an email dated that day saying that I had been issued a clearance and that my trip (which I had just returned from) was approved and I could go. I asked them last night to give me the date my clearance was granted. They replied "6 August 2007". See #1 above.

I spend more time dealing with "them" than I do with my client.