

## Summary -- Careers in National Security Law – March 30, 2009

The ABA Standing Committee on Law and National Security and the GW Law School National Security Law Association held a program on Careers in National Security Law on March 30, 2009. **Professor Peter Raven Hansen** of GW Law School acted as moderator for a talented group of four panelists who spoke to students about their career trajectories in National Security Law, and who also answered questions about the field. The four panelists illustrated the diverse faces of National Security law practice, and the many paths one can take to get involved in the field.

**Ms. Athena Rudolph Arguello**, Senior Associate General Counsel, Office of the Director of National Intelligence, CIA, told the group that, although she did not have National Security classes when she was in school, she knew she wanted a career in National Security from the time she was an undergraduate. Originally from Cleveland, Ohio, Ms. Arguello went to Case Western Reserve for her bachelor's degree and for her master's degree in political science. Her advisor happened to be a former counterintelligence officer with the Army who encouraged her passion for National Security. He advised her to attend law school as a pathway to an intelligence career, and she took his advice. Ms. Arguello ended up working for the CIA during the summer of 2000. Her work at the CIA was exciting and stimulating like nothing she had ever known. After her third year in law school, the CIA offered her a job. Ms. Arguello maintains that intelligence work has been "inside her" ever since.

Ms. Arguello advised students who want to make National Security their field to make use of every resource they find available, i.e., professors, mentors, advisors, alumni societies, and especially Honors Programs in the intelligence community.

The second panelist was **Mr. Andrew Levy**, currently an attorney with Paul, Weiss, Rifkind, Wharton & Garrison LLP, a firm he returned to about three weeks ago. He confessed that during his undergraduate and law school years, he was not focused on National Security at all. When he graduated he did a couple of federal clerkships. After his clerkships, Mr. Levy worked at the law firm where he returned to work 3 weeks ago. In between

his stints at his Paul, Weiss, Mr. Levy worked at the Department of Homeland Security (DHS).

Mr. Levy's time at DHS meant a great deal to him. There is something unique about working in government that he misses every day, he said, and every day he enjoyed it, because he knew his work really mattered. DHS, Mr. Levy cautioned, is not the typical National Security employment venue students might be thinking of—it is not intelligence, it is not the military and it is not international law. Rather, DHS is a huge umbrella, which brings together under it innumerable critical security functions that were separate before 9/11, such as disaster response, FEMA, coast guard, immigration law, secret service, Border security, TSA, Import/Export Controls, safeguarding chemical plants, financial transactions and trade issues and terrorism, and all aspects of public health and safety, to name only a few. At DHS there is no limit to the issues lawyers may be called to work on. Lawyers may work on search and seizure, actual intelligence work, and everything in between. In fact, Mr. Levy noted, DHS covers such a wide range of legal areas that students who want a National Security law career there should envision the broadest definition of National Security law that they can possibly think of.

Like the CIA, Mr. Levy mentioned, DHS has started an Honors Program, which is one way to get into the Agency. DHS rotates its Honors Program personnel through every one of the DHS'S subparts.

Panelist **Andrew Borene**, Associate Deputy General Counsel, Office of the General Counsel (Legal Counsel) Department of Defense, is currently on a limited appointment handling *habeas corpus* proceedings at Guantanamo Bay. He radiated tremendous enthusiasm for his work in National Security.

Mr. Borene depicted his work as follows: he lives in a "weird universe" where he has his *habeas* cases. There, he and a number of other attorneys try to work through a "highly complex wrinkle" in National Security law that is unprecedented. He is excited to be where he is, but he spends a great deal of time sitting with other attorneys, arguing issues that reach very far back in history—about as far back as *habeas corpus* goes. He and the other attorneys are counsel for the defense, i.e., the government, because the Petitioners are the Guantanamo detainees. They argue about such archaic *habeas* issues such as what happened to Nathan Hale, who was caught as an enemy combatant. In a more serious light, Mr. Borene said, they "play with big issues", issues that affect real people living inside Guantanamo. That

means that for Mr. Borene, the issues become personal. He keeps a quote on his wall about trial lawyers that says, "If you are not emotionally invested, you aren't giving your client your all." He told the audience, "I am emotionally invested [in his current mission]".

Mr. Borene was an economics major undergraduate, and he spent a couple years as an investment banker. He joined the Marine Corps, where he did intelligence work in Iraq for four years. After Iraq, he came home and went to law school. Today, he feels that he wants to be of service to this country, to keep it safe, and to have a career in National Security. Mr. Borene is also an adjunct professor at University of Minnesota.

To prepare for a National Security career, Mr. Borene advised students to go the ABA National Conference, to meet people on the Standing Committee, to get involved, and make as many contacts as possible.

The final panelist, **Captain Afsana Ahmed**, Assistant Judge Advocate, enthusiastically spoke about her career with the Air Force Judge Advocate General's Corps (JAG). Captain Ahmed stressed the diversity of practice that the JAG Corps affords lawyers. Every two or three years JAG lawyers can do something different; one never knows what challenges they will face. The JAG Corps is quite an adventure, she exclaimed.

For students just out of school, Captain Ahmed thought the JAG corps can be ideal. One of the best things about JAG is that, even if a student has no idea what type of law they want to practice, they will get a chance get try their hand at all types of law, and they will have support and mentoring every step of the way. Thus, students will litigate right out of school; they will develop the skills needed to be successful in many areas of law, including, for example, National Security, cyber space law, and aerospace law. Captain Ahmed believes that there is no place like JAG for getting experience in so many areas of law, and for testing one's capabilities and strengths.

Professor Raven Hansen asked the panel to address quality of life in a National Security law career, i.e., do the lawyers have time for an ordinary life; is it better or worse than private practice in terms of hourly demands?

Ms. Arguello opined that work as an Intelligence Counsel can be equally as demanding as private practice. Counsel may have to work a 10, 12, 14 hour day. While she does have a married life, she has to work hard

to take time for herself and to take a vacation. She believes the idea that government work is 9 a.m. to 5:00 p.m. is a misconception.

Mr. Levy's view was that among government lawyers, National Security lawyers and litigators work the hardest. At DHS, for example, if there was an emergency, a lawyer might work all night and all weekend. But the upside is that if that happened, the lawyers were very highly invested in the issue and it was very serious, so the hours were not such a concern because they loved what they were doing.

Captain Ahmed provided that in the JAG Corps there are no billable hours, but there are requirements to fulfill, and it is up to each attorney to take care of their duties. But one such duty is keeping in good physical condition. If the lawyer has finished his or her major assignments early in the day, they can go to the gym for a workout; no one will ever say anything about it. Captain Ahmed also echoed the other panelists, saying that in trial lawyers work longer hours. But she agreed with Mr. Levy that when lawyers love what they do, they do not mind putting in the longer hours. At the end of the day, they gain the sense that they have contributed to something bigger larger than themselves, and what could be better than that?

Professor Raven Hansen asked the panel for comment on whether it matters whether students have taken certain courses, foreign languages; whether they are from the military, whether students have no practical experience; what are the odds and how can students improve?

Captain Ahmed answered that it is fine if people come with experience, but if not, the JAG corps gives them the mentoring and experience they will need. They do an initial tour of 4 years, and get to advise the Commander on base on every type of legal issue they can imagine. She could not think of a place where one could get a better, hands-on experience from day one.

Andrew Borene and Andrew Levy added that in their experience people from Marine Corps or Coast Guard JAGs had great experiences.

Mr. Levy stressed that to prepare for a career in National Security, the most important thing to do is to do well in law school. Nonetheless, he added, nothing in school will prepare a student for a National Security career. Students should be prepared to learn new skills quickly. If students practice for a while after law school, the training they get as a young lawyer will only strengthen their resume.

Ms. Arguello advised that going straight from law school to an intelligence career is fine. She thought it best to do well in law school, show interest in National Security, take classes if they are available, look at every opportunity, including Honors Programs, and work hard and be a great student.

Students had questions about how to prepare for a National Security Law career, and what might be the right moves to become more effective.

There was consensus that, if a student gets a chance to get a security clearance, they should do that, although they need not take a job that they hate just to get a security clearance. Security clearances are required however, for Honors Programs and to become a JAG.

Captain Ahmed indicated the best way to prepare to be a JAG is to take classes that involve lawyering skills, e.g., trial practice, evidence, moot court, constitutional law, interviewing skills, and advocacy classes or clinics.

Andrew Borene suggested it is great to be involved in the ABA Standing Committee. He recommended that students attend the ABA meeting in May, not only to network, but also to help figure out where their personal interests are in this vast and multifaceted field.

Panelists agreed that National Security law is a growing area that will likely stay that way. They felt that getting a master's degree in foreign policy along with a law degree, for example, might be helpful if the student wants to work on national security policy at a think tank. On the other hand, an LLM in National Security might be of interest if one wants to be a lawyer in the National Security arena. Panelists had some disagreement about the extent to which National Security lawyers influence policy, but all agreed that it depends on the work that the lawyer does and the client.

As this lively meeting closed, students took away excellent information about preparing for a career in National Security law. Probably the main lesson learned was to get immersed in the culture early—take substantive classes, attend speeches and panels, join the Standing Committee, go to ABA meetings, check out Honors Programs, and meet as many people in the field as possible.

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