

THE RULE OF LAW ORAL HISTORY PROJECT

The Reminiscences of

Michael Ratner

Columbia Center for Oral History

Columbia University

2013

## PREFACE

The following oral history is the result of a recorded interview with Michael Ratner conducted by Ronald J. Grele on September 12, 2013. This interview is part of the Rule of Law Oral History Project.

The reader is asked to bear in mind that s/he is reading a verbatim transcript of the spoken word, rather than written prose.

VJD

Session One

Interviewee: Michael Ratner

Location: New York, NY

Interviewer: Ronald J. Grele

Date: September 12, 2013

Q: This is an interview for the Columbia University Center for Oral History, Guantánamo project, with Michael Ratner. Today's date is September 12, 2013. The interview is being conducted in New York City. The interviewer is Ronald J. Grele. This is an interview for the Columbia Center for Oral History.

Today is September 12.

Ratner: Oh, wow, it is. The day after the anniversary of the Chile coup.

Q: I wanted to ask you about that, and we'll get to that in a moment. But first I want to ask you about being at Columbia. What kinds of memories do you have of being at Columbia? What do you think is the long-term—I don't want to say effect—but the long-term kinds of relationships you've had, intellectually, spiritually, with what you were at Columbia when you were here in the sixties, I believe?

Ratner: I came to Columbia in 1966 to go to law school. By the end of law school, I took an extra year—1970—it was a completely transformed place—not completely, but certainly on its way, partly as a result of what happened here in 1968 when the buildings were taken over, but partly because of what was sweeping the country. There was the Vietnam War, sort of the

beginning of the tail-end of Jim Crow in the South. That sort of struggle had reached its apex. [Martin Luther] King [Jr.] was actually killed in 1968, [John F.] Kennedy was killed in 1963, so it was sort of book-ended by that. And, of course, Robert [F.] Kennedy was killed in 1968 as well. So you start off at a university—I go to the law school and at that point I think it's still classes six days a week. The year before they had just abolished ties and jackets. It's almost all men—three hundred men and maybe fifteen women. The women's room was a closet; the men's room went the entire width of the building.

So that's what the law school was. There wasn't one female teacher. There wasn't one African-American teacher. It was entirely white and it was really looked at more as a feeding school for law firms that served Wall Street and the business community of New York. By the time I finished, I had actually been appointed to the faculty appointments committee as a way to diversify what the appointments were going to be. Of course, we see by now—we have fifty-percent women at Columbia, as well as other places, so in that way it was a transformative decade. Those few years were just transformative.

There were friends of mine, the Klares, who became somewhat well known—Michael [T.] Klare and his brother Karl [E.] Klare. They, with NACLA—the North American Congress on Latin American—put out a book called *Who Rules Columbia?* and it had one of those pull-out charts with pictures of the board of directors, and each board of directors had lines that went to the various defense industries that they were in some way affiliated with. And, of course, one of the demands of 1968 was that Columbia disassociate from helping out with the defense industries, particularly the School of International Affairs.

So it was a transformative year at Columbia, as well as for the country. For me, I found my education to be incredibly good. The Columbia Law School education was unbelievable.

Q: What parts in particular?

Ratner: It was just so rigorous. There were high expectations. It was extremely rigorous from a legal point of view. In retrospect, of course, it looks very conservative to me. But, actually, in terms of my legal training, it's never let go of me. It's still something that I feel highly skilled at—that I went to Columbia and had that time at Columbia. I always stayed affiliated in some way, although there was a period probably not as close. I clerked for a judge who went to Columbia, for Constance Baker Motley, the only African-American woman on the bench—federal bench—when I went there to clerk for her. That's why I went there. She was, I think, probably the only African-American in her class at Columbia, twenty years before me. The professors—I became close to some of them. Judge [Marvin E.] Frankel—he was my evidence professor at Columbia when I was younger. A number of them I remained at least friends with if not close to.

Then I let it go for a few years, and then eventually—at some point I went back and started to teach at Columbia. At first I think there was some opposition on the faculty to me because one professor said, "We shouldn't let Michael Ratner back in here after he tried to burn down a building," which was a complete exaggeration—I mean *complete*. There was a real line drawn about 1968 in that school. Friends of mine were thrown out of law school class.

Q: That's true of Columbia across the board.

Ratner: Right. So it was a huge line and people still remembered that. But eventually they took me back and I had a really terrific time. The place had changed, obviously—half women. I was teaching a human rights class. There was a whole human rights department. I had amazing masters and undergraduate students—not undergraduate—masters and law students in my class. It was quite remarkable. I don't know where Columbia fits today. I think it still has a very solid human rights program and it obviously has women professors and black professors, et cetera. Maybe it doesn't have what it needs to have or should have, but it certainly crossed a big line from the year I went here—1966—which was as straight a year as you could get there—to 1970, which was not. In fact, we had no exams when I graduated. We had a choice of taking exams. We could take exams or not and we just didn't.

And think about this—I graduated with my wife at the time, Margie Ratner, now Margie Ratner Kunstler, and my brother, Bruce [C. Ratner]. The three of us graduated the same year from Columbia, in 1970, and here we are—at least two of us, my brother and I, children of immigrants—and we wouldn't go to our graduation. My mother, sitting here in New York—my father is dead—couldn't believe it. Here are these two kids from an immigrant family, they graduate Columbia Law School, and we didn't go to the graduation. If my kids ever did that to me today, I would kill them. [Laughter]

But anyway, it was a dramatic period. When you walk by the campus now—I walk by it, usually in the spring, when the Columbia takeover happened in 1968, and you see it's very different. Occasionally, there's a protest and some tents out and things, but essentially it's a sunny, spring day at Columbia.

Q: Did you make career choices at Columbia?

Ratner: Did I make what?

Q: Did you make career choices at the law school of what you would do with your life?

Ratner: Yes, absolutely. What happened is I started off at Columbia Law School. I didn't know what I was going to do. I just knew I wanted to go to school after college and my college couldn't believe I was going to a professional school. I was a medieval English major or something like that and they couldn't believe I wouldn't go to graduate school. At that time I was at Brandeis, which was quite an intellectual place, particularly then. No one went to professional school. Maybe one or two medical and one or two lawyers; the rest went to graduate schools or work—so they couldn't believe it.

So I go to Columbia, in here, I didn't know what to expect, and I always describe the law school, or law, as entering an atom of the world's knowledge but being very complicated once you're in the atom, or at least complex. I got onto Law Review and I was interviewing at big law firms, but the liberal firms—because I was already liberal. This was before 1968; this was 1967—like

Arnold & Porter, some that had so-called liberal reputations. Then I decided to take a year off and I worked for the Legal Defense Fund, the NAACP Legal Defense Fund. They sent me into the South. It's the year that King is killed. I'm in the South during the riots. I come back to the law school. They've taken over all the buildings. I'm here the day, actually, that the bust of the buildings happens. I stand in front of Low Library with a group of fifteen people when the cops are coming in at midnight, or whatever it was, singing "We Shall Overcome." They bust us, arrest us, et cetera, and the whole campus was just a bloody mess.

And, of course, people were shocked. Cops going onto a northern, white campus was just unheard of. Unheard of. Yes, it happened in the South, particularly on African-American campuses, but a northern, white, Ivy League campus—and then the cops were brutal. They were like these huge, giant guys who could pick you up like a twig—and they did. Really, I think my friends and I never looked back after that, and from a career point of view, that finished me. I was never going to go to a big firm after that even though I had all kinds of good offers. I purposely chose to clerk for an African-American judge. Then my choices after that were either the Center for Constitutional Rights [CCR]—which was, at that point, defending the Chicago Seven—Bill Kunstler, the most famous lawyer in the country then—or to go teach. Actually, Ruth Ginsberg, who was at Rutgers at the time, offered me a teaching job at Rutgers. I said, "No, I don't know enough to teach." I want to be out there in the world, doing what we called radical law at the time. We called ourselves radical lawyers.

I was moving in a certain direction in the world because of the civil rights movement, the Vietnam War movement, but Columbia 1968 finished me in a positive way. When I think about



that evening, or that week, or that month—and we ran a liberation school the next year; and then there was the invasion of Cambodia a year later; and then we had a trial of some of the law students and I was their “lawyer.” They were going to get kicked out. I think administrators, in some way—maybe they did expect to unleash that kind of violence, but there was an incredible amount of violence that night in April. It also, I think, changes the course of not just my life but of almost everybody who was hit by it. I think they could have solved that and it might not have been as dramatic. But I think it transformed me, for sure, as to who I am.

Q: That was then. Let's go to now. Now is, of course, September 12, 2013. When I interviewed you was at a moment in time when [Barack H.] Obama had been elected but not yet inaugurated, and *Boumediene* [v. *Bush*, 2008] had been handed down. There was a certain kind of optimism about that day, as I recall it now. From the look on your face, you don't—

Ratner: No, *Boumediene* hadn't been handed down. *Boumediene* was argued when Obama was president—the final Supreme Court *Boumediene*.

Q: Well, then, he had just been elected and the decision had come—because the decision had come, because I remember afterwards—we were talking, the two of us and Vince—we were talking about the optimism of that moment. But where do you think we are now? How would you look at the long term, from that moment to this moment?

Ratner: I guess in certain ways I'm deeply disappointed in the inability of the politicians, whether it was [George W.] Bush, or Obama, or the people surrounding both of them, to actually get the

camp closed. And now they don't have any excuses. At one time, "Oh, we have the worst of the worst. We have people we can't release. They're terrorists." And, of course, we've released six hundred or so out of almost eight hundred, so we've gotten a lot out. But there are still 166 remaining as you and I speak today, and of those the high majority have actually been cleared for release by our own government, much less the courts. Over eighty, almost ninety. That means they're not there for any reason. That means they've been there ten, eleven, twelve years, and they're not there for any reason that you and I can touch, or the government can touch, so there's no excuse now, and we still can't close the place. All the lawyers, the six hundred lawyers we built up as a team—we still can't close it.

I remember when we went back a few months ago, when the hunger strike started—maybe three months ago. It's a little more now. Three or four months ago. I realized when Obama took office again and he didn't rehire the person who was in charge of closing Guantánamo, the guy at the State Department—it was done, it was off the page, and this was going to be intractable. Then we said to ourselves, "Well, we have to keep fighting, obviously. We have ninety people there who are cleared. The whole place should be closed. Other people should be tried and released. The people who are not guilty should be sent back home."

So we're sitting there with, really, our hands tied. Then the hunger strike happens, and in some way it was exactly what happened with Guantánamo 1 when I represented the Haitians. We were dead in the water. The HIV camp in Guantánamo, early nineties, and we had no court left. They went on a hunger strike. It brought a huge amount of attention to it. Jesse Jackson got to go there. Eventually, through litigation and public support, we closed it.

So when the hunger strike happened—it's horrible to think that that's what people have to do; that they're so desperate that that's the last thing they can do, really punish themselves, to get control of their own situation—which is what they did. But basically you're saying, "Lookit, Obama promised this; the lawyers said this; the courts said this; and now there's nothing left except us." And they did that. And then you saw a spike in interest in Guantánamo. You saw Obama give a speech. I think it was May. It's possible. It was May again, of 2013, and again he said, "Guantánamo has to be closed. I'm lifting the ban on sending people to Yemen and I'll close it." What do we have now? It's June, July, August, September—four months later, let's say. The hunger strike is still going on. Of the eighty-eight cleared, two have been released—forcibly returned to Algeria, where they didn't want to go because of fear of torture, too. The day he gave the speech, he could have released fifty-five people to Yemen who have been cleared for release and could go to Yemen. He could have done that and he didn't.

So at this point now, we're sitting there—how is this place going to close? What's going to make it close? I don't have an answer. The courts have not been generous at all. We got a good Supreme Court decision. As you said, we started out our discussions a while back about *Boumediene*, which basically said, "You have a right to have a hearing and a right to get out if you have that hearing and it goes your way," a very important decision along a string of them that took us in the Supreme Court. Then what you see happening is the D.C. Circuit, which is the court we have to appeal to every time we get somebody possibly getting out, stopping the Supreme Court decision from being implemented. And the Supreme Court won't do anything about it and the D.C. Circuit isn't doing anything about it. So we're just balled up in the courts in

a way that is completely unacceptable. Obama has not shown any leadership on this. He said he would reappoint somebody to the Guantánamo desk. I don't think that person, at this point, has taken the job, so there is, again, nobody responsible for Guantánamo.

So the question now is what do we do? The hunger strike continues. I don't think they want someone to die at Guantánamo because that might actually force the government to do something. It's a very, very big problem and I don't think we've made any inroads on the idea of bringing Guantánamo people to the United States, even in prison. Congress is a non-starter on it. So if you ask me about my mood—look. The embarrassing thing for me—in Guantánamo 1, when [William J. "Bill"] Clinton promised to close Guantánamo 1 and the HIV camp, we put off a trial because we trusted Clinton. Our clients had a party the day he was elected in Guantánamo. We ultimately had to litigate the case against Clinton.

Guantánamo 2—I embarrassingly signed a letter, along with forty-some other habeas corpus counsel, saying, "We think Obama ought to be elected because he has promised to close Guantánamo in one year," and he did make that promise, and signed an executive order, and I signed that letter, and here we are, five years later—it's still open and I don't see any movement. What I don't understand about the current situation is Obama said each person is going to be relooked at again and again. They've already been cleared. Why are they going through any other process for the cleared ones? It makes no sense.

Q: In the meantime—I know we talked earlier in the first audio interview about the war on terror—in the meantime the war on terror has become more and more grandiose, in a way. It's

evolved into this war of presidential privilege, killing anybody anytime we want. That's kind of the background to Guantánamo. It's part of the same problem, but in a complicated kind of way.

Ratner: Well, Guantánamo certainly is part of the war on terror as they implemented it. And even though it's left now with all these cleared people, and some people who I don't know will ever be tried, it was a key part of the initial policy of the war on terror. That's still there. It's still the principle that the president of the United States, on his own, can order the arrest—not the arrest, the capture or kidnapping of any person in the world—is still a prerogative of the president, this one or the last one, or, presumably, the next one thinks they will have. That's how the people got to Guantánamo. They were picked up in Afghanistan, and Sarajevo, Bosnia or wherever, and they're taken to Guantánamo, solely on the president's behest.

Of course, out of that, out of that power that started Guantánamo, on November 13, 2001—think about that. Six weeks after 9/11 is when that presidential executive order came out. It said that the president had that authority. It's that authority—combined now with the authorization to use military force for Afghanistan and 9/11—that allows the droning to death of people all over the world right now. It's the same authority. If we're not going to capture-kidnap them, render them, take them to Guantánamo or Bagram or somewhere, we're going to kill them. It's the absolute same authority and we've made very little progress on actually chipping away at it. And, of course, it does have parallels in the fifties when presidents asserted huge amounts of authority because there was an atomic bomb, a nuclear bomb, and they felt that it was so dangerous that you had to be able to act unilaterally, without Congress, and, really, without the consent of the American people. And that's the way they've used terrorism.

We're in the second decade of what I would call an overwhelming and massive war on terror.

We've seen it recently, of course, with the national security surveillance from the National Security Agency [NSA]. You see it with the continuation of Guantánamo. You see it with drones. The first setback to this “war” I think just happened this week, as we speak, which is the first time I've actually seen resistance to going to war in this country since 9/11, and that's Syria. It's the one thing that gives me some belief that maybe—maybe—there's a pushback going on.

Q: I wanted to ask you—this is kind of going all over the place—but you're Julian Assange's lawyer?

Ratner: That's true. I'm a lawyer in the U.S. for Julian Assange and WikiLeaks. In my view it all starts from the same premise. The premise is that what the U.S. is doing, whether by drones or torture centers in Iraq, or torture centers at Guantánamo, ought to be known to the American people, and we ought to be able to debate it, and discuss it, and decide what our government has done. What's happened since 9/11 is two things. One is the war on terror, which we've described; the second thing is the level of secrecy that they've done to hide what they're doing. And, of course, Guantánamo is the prime example. You've interviewed people who go to Guantánamo—lawyers—and they can't discuss whether or not their clients were tortured. They can't say to you, "I just went to my client and he says he was tortured." That's crazy. This is a crime. Why can't that be said? How does it hurt the national security of the United States, other than embarrass it, and say it's an outlaw, to say that your client is tortured?

So what you have going on is you have all of our work on Guantánamo and drones and then all of our efforts to try and get to it, or hold people accountable in lawsuits—and every lawsuit, whether the Center's lawsuit, or the ACLU's lawsuits, or whoever's lawsuits, are all held up by the government doctrine of state secrets—secrecy. They go into court and say, "You can't litigate this. Toss it." Then, all of a sudden, comes something like Chelsea Manning and Julian Assange and WikiLeaks—and, of course, now, Ed [Edward J.] Snowden—and they reveal to the country first and then to the world what this country is actually doing.

When I ask myself, why are these people so important to me?, they're important to me because we had reached a dead end. Every lawsuit was dismissed. We didn't win one lawsuit. There must have been twenty filed—against [Donald H.] Rumsfeld, for the torture—all of this. Nothing. Rendition. Nothing. Even Maher Arar, the man who was taken from Canada—taken off the plane at Kennedy Airport, a Canadian citizen, tortured in Syria. Even his case—they knowingly sent him to torture and we had them dead-to-rights—we didn't get past the circuit court. So when you ask me about Julian Assange, I say to you, right now, what we need—we need more people who can reveal what our government is doing to deprive people of fundamental rights.

Q: Do you think he'll get out to Ecuador?

Ratner: I think on this whole issue—I don't think the government is winning, which is to say that there is actually, between Snowden, and Julian, and Chelsea, there's a lot of support and there's a real struggle going on over who is going to be able to reveal the truth, or control the truth—whether it's going to be a central power or they're going to have a democratic internet or

democratic information. I don't think it's in yet on that. I think we're in the middle of that struggle. But I think it's certainly one of the most important we're going through in the next decade.

Q: You were able to observe Bradley Manning's guilty pleas on these lesser charges?

Ratner: I was at the trial. I was at Fort Meade for a number of days.

Q: Tell me what happened there.

Ratner: First, getting into Fort Meade is a whole trip, but we won't spend all our time on that. It's a pain in the neck to get to. You have to be there at 7:00 because there are twenty seats in the courtroom and you want to get in. You have to go to Fort Meade, which is at Fort Meade, but you've got to get to BWI [Baltimore-Washington International Airport] in Maryland. Then you drive there. You take your car; they open the trunk; they open the hood—the whole business. You can't take a phone or anything in—no computer, nothing. You have a notepad, and you have twenty people in a room that's twenty percent the size of a courtroom you're used to, and you're the equivalent of the distance you and I are, which is seven, eight feet away from Chelsea Manning. She's sitting on a wooden bench in front of you. There are the usual flags and all that, and the judge. There's no jury; she didn't ask for a jury.

I think for me, personally, two things were shockingly surprising—that the media that had painted Chelsea Manning as this psychologically damaged, weak person who did this out of



psychological problems and released 750,000 secret documents, was just completely off-base. The first time she spoke, she spoke about her nine or ten months of torture. I'm sitting in the courtroom, she's walking around, and she has his dress blue uniform on. Of course, she's small—she's 5'2"—slight, but with incredibly dignity she talked about how she was tortured; how her clothes were taken away. It was really dramatic to watch, and her voice did not waver at all, as strong as I've seen. Of course, I sat there, and it was what they did to the Guantánamo people. That's the other thing about Chelsea Manning—the torture part had such a similarity to what we call Rumsfeld techniques. They actually had video of some of it and the lawyer had her enact it out. They built a little mock cell. She's laying on this hard bed, naked, and they have a bright light on her, right across, through the bars, so she can't sleep. And she's not allowed to turn away because they want to see her eyes and face all the time.

So think about it. Stripping. No hooding but stripping, and sensory deprivation, essentially, through light and solitary. Those are fundamental to a certain level of cruel, inhuman, and degrading treatment and torture that was involved in Guantánamo. It was interesting to me that even though we've cured Guantánamo in some ways, from this level of brutality, that they visited it very quickly on Chelsea Manning for no reason. The judge—she's a military judge—did give her a certain amount of credit against her sentence for what she considered inappropriate behavior by the government.

I was also there when she plead guilty to the lesser charges. That was amazing because, again, it was completely unexpected, what she said. She made no excuses about issues of what's called gender identity disorder—nothing. She just went through each set of documents, from the

collateral murder video, to the Afghan war logs, to the diplomatic cables, explaining what she had seen in Iraq, how upset she was at what she'd seen, and she hoped that the American people, by seeing these documents, would enter into a full discussion about counterinsurgencies and how we fought wars. An incredibly firm voice—perfect. Really, the best testimony I've probably seen in a courtroom. Incredibly moving. I was there many different times. So Chelsea Manning did something very, very important, in a government that was getting more and more secret.

Q: Is she going to appeal?

Ratner: Yes. She has a thirty-five year sentence. I don't know how many years she'll do. It's arguable that she'll get paroled after a third of it is off. That would be—she'd have to get out in some twenty, and she could get out earlier with some luck and work. We'll see what happens on the appeal. They tried to hit her with a death penalty charge. They said they wouldn't give her the death penalty, but she faced life imprisonment for aiding the enemy. And, of course, my client, WikiLeaks, was the middleman, supposedly, by publishing Chelsea Manning's stuff. Al Qaeda reads it. Well, Al Qaeda reads the *New York Times*. They probably go to the Guantánamo website and look at what's happening on the oral history project. [Laughter] So that wasn't much of a claim, but they did push it and it was terrifying to both—anybody who's a future whistleblower as well as journalists. So she'll appeal.

As far as Julian Assange—he's in a difficult situation, there's no question. I think difficult for a couple of reasons. One is, I think there's an indictment likely in the United States. There's probably one already. There's been a grand jury sitting. And there's no charges against him in

Sweden yet for the sexual misconduct allegations. But there are allegations and they want to question him, and he'd be glad to do that. The problem is, I think it's a one-way street.

Q: A one-way street to—?

Ratner: A one-way street to the United States.

Q: The Swedes will hand him over to—

Ratner: Very quickly, yes. The British might also, but right now he can't be handed over. So he's in a very difficult situation. Either he needs a safe conduct to Ecuador from somebody—the British—or he needs the Swedish to come and question him in the embassy. And now, of course, he's publicly announced that he is—a WikiLeaks person is with Ed Snowden in Moscow. Someone asked me, they said, "Well, Michael, I understand you can defend him as a publisher, but what do you do now that he is, in some way, giving some kind of legal assistance or otherwise to Ed Snowden?" I think it's a very principled thing that happened there, incredibly principled, what he did. Sure, it helped him in the sense of being a principled person; I don't think it helped his legal case.

But, like all of these people—Chelsea Manning, or Ed Snowden, or Julian Assange—they really believe in what they do. They remind me—that's another parallel—they remind me of the people I got to know at Columbia in the sixties. They were very principled people around the war and many other issues. These young people—Julian's older. Julian's forty—but most of them are

under thirty. Snowden was twenty-nine when he did what he did. The others—Chelsea Manning was twenty-five. These are the people who are really making the changes, and, unfortunately, sacrificing a good part of their lives to see a different world. And I think we're going to see one. I think this country will not be the same after the NSA revelations. I just don't. You just can't go back to it, I mean. Everything you and I do—including your phone call to set up this appointment and my email to you—they knew about probably before we did. [Laughter]

Q: I read the *New York Times* today and it talked about, on the local level, showing up at anti-war demonstrations were people from the Tea Party.

Ratner: I loved it. I read it as well.

Q: A strange kind of amalgam is happening between the traditional anti-war movement and now the Tea Party. Any thoughts on that?

Ratner: Well, there are two comments. First, showing up at anti-war demonstrations brings me back to Columbia Law School. Because we had a thing called the Red Squad in New York, in the sixties. We still have the surveillance squads, obviously—very bad ones. But they would photograph each of us at an anti-war demonstration, put it in their book, and you could leaf through the book and see every anti-war demonstrator. We eventually put an end to that through a case called the *Handschu* case [*Handschu v. Special Services Division*], but as law school students we were very afraid of that because to get through the bar was not easy. It was all white men at the character and fitness committee, all of them having a foot in Wall Street.

I remember I had a case then—when I worked at the Legal Defense Fund we brought a consumer case called *Ratner v. Chemical Bank*. It had to do with credit card lending. It was the first case ever brought under the Truth and Lending Act, and I was the plaintiff because I got a credit card that was out of compliance. When I went to the bar character committee, a year after the case was filed—it was one of the big law firms who may have even represented Chemical. I don't know—and he said, "Do you think that's the right thing for a law student to be doing?" So between the surveillance at the war demonstrations and activism—there was at one point a big problem.

But to get to your question—one of the interesting aspects of what's happening now is the coming together of the more conservative and the more progressive forces. And that's one reason why I think the NSA will not survive in its present form. This is not a left issue; it's not a right issue. It's an issue that everybody is concerned by the fact that everything we do, from our banks, to my E-ZPass, to my subway card when I come up here—that they can actually chart my life, including, now, my phone calls and my internet use, et cetera, in a way that was unthinkable. I think everybody's concerned about that. Now the particular demonstration was anti-war, and that is interesting to me, because on the surveillance issue, it's understood. We have libertarians, arguably, wherever they fit on the political spectrum. But on the war, we actually have a number of conservatives saying, "We don't want this war." Now are they saying it—I don't know. Is it because—the Tea Party probably tends to be a bit isolationist. That's my guess—that it comes from isolationism. The left comes from an anti-imperialist perspective. They're just fitting together on the anti-war.

Q: I asked that question in particular because CCR was always much more than just a law—a group of lawyers bringing cases. It also had a political edge to it. Is there still a political edge to organizing—?

Ratner: Absolutely. We put out a very strong anti-Syria statement. We just did the stop and frisk case in New York. We're doing more than the early days—more on gay rights, for sure. But absolutely. The war stuff has been perennial. I started at CCR in 1971, the year of Attica. I got there, and three days later I was up at Attica interviewing prisoners who were tortured. I got there in 1972. Yes, 1971, I think. 1971. I don't remember—1972. Whatever the year that Attica was.

Q: 1972.

Ratner: It was 1972 because I clerked in 1971. So 1972, I'm up at Attica. 1973, next September, it was the coup in Chile, in 2011. I mean, 1973. So now we're at the fortieth anniversary of the coup. CCR is very strong on these issues. We represented people suing on the coup. I don't think it's modified its politics at all. And war is interesting. We did bring a case against the bombing of Kosovo under Clinton, when NATO [North Atlantic Treaty Organization] went in with the U.S. And that one—we, interestingly, had people we would never normally walk across the street with—because they were completely anti-abortion people. Remember, again, it was a Clinton war so you've got a number of the Republicans joining us who were against us on things like

abortion, but on the war stuff, they went with us. In fact, our main plaintiff was Congressman [John B.T.] Campbell [III], a liberal Republican from California.

Q: What's tomorrow going to bring?

Ratner: In general?

Q: For you.

Ratner: For me. Literally? [Laughter]

Q: Well, yes—what is a day like?

Ratner: What is a day like? Well, here's what's going to happen in the next few days. Let me just think for a second. Tomorrow is what day? Thursday or Friday? Well, there will be a bunch of interviews around everything from Syria—which I've been talking about and leading a lot of opposition about. We're not doing any more lawsuits about Syria because we just feel we've lost on everything we've tried. There's no way to do lawsuits anymore. Then I have to make a trip to see my client in the embassy in London, which I'll be doing—going to London. Then I have an interesting free internet, or free whatever-they're-called—free software—big conference in India, right after that. Then I go back to London.

Q: What's the company in India?

Ratner: A company called Thought Works that does computer programming around the world, but they're very into open source. So I'll be doing that. But mainly, right now, it involves a fair amount of media stuff, but a lot around internet—the people I've been working with are, first, Chelsea Manning and what we can do now to—she's going to be applying to get hormone treatment in prison, so there's people working on that; around Jeremy Hammond, who's a hacker who's here at Metropolitan Correctional Center. So Jeremy I visit. Jeremy is the one who admitted to breaking into what's called Stratfor Company. Stratfor is a private intelligence company. He took five million emails and allegedly uploaded them to my client, WikiLeaks, so he's facing ten years. So I'm helping out there. In fact, today is the one-year anniversary of a third client I work with, Barrett Brown. Again, he was a spokesperson, supposedly, for Anonymous, the hacking group, and the government has jailed him on a crazy charge and won't give him bail.

Q: And there's the possibility of a hundred-year sentence?

Ratner: A 105-year sentence for pasting a link from one room to another. So there's that. And there's still, of course—I'm still trying to play with and figure out Guantánamo. It just sits there. Because it's such a dead end. Just like with Julian—I think *how* are we going to crack these open? What are we going to do? Are we doing everything we can now, at Guantánamo? Are we doing everything we can for WikiLeaks and Julian Assange? And I've been really disappointed, obviously, in the president. I listened to each speech that he's given, but each speech—for example, the most recent one—he never follows through. It can be very good—he's going to close Guantánamo; he's going to reveal more information about drones—and he never follows



through. And when I talk to people within the government—that's apparently the way he does it. He sends it to the committees, is indecisive, and it's his fault, as I think we've explained here before, that Guantánamo isn't closed.

The president blames Congress, they blame the Republicans, but, in fact, when he took office—there was the situation that we've talked about with the Uighurs. The federal court had ruled the Uighurs should be freed. There are three hundred Uighurs sitting in Washington, D.C., ready to take those three freed Uighurs, or five—and a court had ordered it, and they were innocent—and Obama, in the end, was the one who put his foot down. I heard a recent story that everybody else said, "Let's take them." Everybody in his cabinet. And he said no because he was afraid—whatever—of the Republicans—whatever he was afraid of.

So he's been an incredibly disappointing president. If he wouldn't speak and give people so much hope each time, I would feel better. But he does.

Q: We've just about reached our time limit. Thank you very much.

Ratner: Well, thank you for this. I don't know if this whole project was your idea or not, Ron, but I think you started it with me.

Q: Right. You were the first person we interviewed.

Ratner: I know. And I really appreciate your doing it. It's dear to my heart that you've done this, obviously, and it should really work with a lot of the people who have gone to Guantánamo.

Q: I'm really hopeful—it's going to be put out there; it will be used; people will respond to it.

Ratner: Oh, it's a great thing. It's an amazing, dark chapter. I keep thinking—what if [Augusto] Pinochet had had an island off the coast of Chile where he'd put 100-some—166—political prisoners? That's what remains now. We'd be screaming. It would be impossible to believe! So that's the one thing when [Vladimir V.] Putin picked up—we all did—when Obama actually had the nerve to say, in a serious speech, that we're an "exceptional country."

Q: He said that on television last night, or the other night.

Ratner: It was shocking. Really shocking. But then, of course, Putin and others point out, "Well, look what *you've* done." Anyway. You know all that, Ron.

Q: We meet at a very funny time.

Ratner: It's an interesting point that we're at, actually, I think. Guantánamo just kills me. I just can't believe it's not closed. It will be a surprise.

Q: Well thank you.

Ratner: All right.

[END OF INTERVIEW]

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