



## CLIP TRANSCRIPT

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### Michael Ratner- Coup d'état

They were first denying the writ of Habeas Corpus, then they were setting up, if they picked someone up, a military commission for trying them, and then, of course, it had incredibly Draconian secrecy provisions, and it had a death penalty, and it had execution without a majority of the even hand-picked military jury. So the scenario, which wasn't fanciful, was that people could be picked up, tried secretly in a military commission, sentenced to execution, executed, and tossed off, you know, some aircraft carrier. So essentially, it was a completely secret system of justice that went against everything certainly, not just that we've been taught in American law schools, but everything in international law, everything in the Geneva Conventions, everything in, really, I mean, you could almost say, as time immemorial. I mean it's just, was unheard of.

The provision that was not noticed as much was what I would call the indefinite preventive detention issue. People focused heavily on the trials and heavily on Habeas, as did we at the Center, although we were aware of the other one. And what the order actually said is the President, as Commander in Chief, can direct the Secretary of Defense to pick up any non-citizen, it later applied to citizens, but any non-citizen anywhere in the world, and hold them indefinitely, forever, until the President decided they would either go to trial or just be held. In other words, they never had to be tried.

So even though there's this trial, quote 'trial system,' there's a system in which they're held forever. So it's a long...it's forever detention, without Habeas again. So, you're talking about...I've described it as essentially a coup d'état in America. Which is to say, it was the complete take over of any kind of due process, or judicial system, or protection of a human being's or individual rights by one single person, and that was the President.