



CLIP TRANSCRIPT

Joseph Margulies—A Political Maneuver

I wrote of this affidavit um, saying, here's what I was just told, in great, great detail. And then I filed a memorandum—or a motion—saying... to block his transfer. And filed that with the court. Saying, you can't send him back. He's been tortured before, they're gonna torture him again. And, um, the way it works at, in the Guantanamo litigation is once you file something, it remains sealed until the court security office says, "okay you can file this publicly." Or, "You can file it publicly, but, here, this much is redacted." Okay?

So, usually, at that time, it didn't take long, it'd usually go through these reviews pretty quickly: 48 hours, 72 hours. This one was taking weeks. And they weren't getting back to me, and weren't getting back to me. And I said, that's no good, because I wanted this stuff to be part of the public record. So finally I sent a note to the court security office, saying, "look, if you don't get this back to me publicly by close of business tomorrow," – or rather— "If you don't make a decision, one way or the other; you know, yes you can file it publicly, no, you gotta litigate. If you don't, if you continue to do nothing, I'm gonna file a motion, and you have till close of business tomorrow."

At one o'clock the next afternoon, they sent me an email saying, "it's all been cleared for public filing... you can clear, you can file it all." And they didn't redact anything. And I didn't wait for them to change their mind. I filed it instantly, publicly, and then, immediately afterwards, and I'm completely unapologetic about this, press send, and sent the material to Dana Priest at the Washington Post. All of it. The description, everything that I had filed. Which was now allowed to be... I was allowed to do that. That night, she sends me a note back or, or maybe calls me, leaves a voicemail, saying, "Joe, we're gonna run a story on this. It's gonna run in tomorrow's Post."

Well, as it happened, the next day is the day that Alberto Gonzales was testifying at the Senate Judiciary Committee about his confirmation from going from White House Council to Attorney General. Ashcroft had left and Gonzales was named to be acting AG. And this was his confirmation hearing. The day of his confirmation hearing, there was a front-page article in the Washington Post about Mamdouh Habib's rendition, describing his torture. And describing the US involvement in it. And Dick Durban, bless his heart, senator from Illinois, holds up the Washington Post, and shows it to Gonzales, who is blindsided, right, cause he doesn't know this is coming. It just appears, so he's not prepped on it. He says, "Did you see this? If this is true, isn't this illegal?" And Gonzales says, "Yes, if that's true, it's illegal. If that's true, a crime was committed."



That's a Tuesday. Uh... Thursday morning, Wednesday night, something like that, I got a phone call from the Australian embassy saying, "Mamdouh is gonna be released, don't tell anybody yet because the Defense Department asked us not to make it public. But when he's released, would you be willing to fly... we're gonna charter a plane and fly him home from Australia—or to Australia. Would you be willing to accompany him on the flight?" I said yes. That was early January of 2005. He flew home January 30th or 31st. And I am the only lawyer who has been allowed to accompany a client home from the base.