

Reality Asserts Itself

Michael Ratner TRNN

1/7 The Vietnam War was a Seminal Event for Me - Michael Ratner on Reality Asserts Itself

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I've been wanting to do this series for a long time. Michael Ratner is one of our regular guests. He's also one of my favorite guests. He's also a board member of The Real News Network.

And as you know, those of you who watch *Reality Asserts Itself*, part one is usually kind of biographical, and then we get into some of the issues. But we're going to do it a little differently with Michael, because, one, we've interviewed Michael on the issues many times. In fact, Michael does a weekly gig with us. But Michael has also lived so much of the important history since the 1960s to today; and through the story of his life, it will be a great and important, I think, exploration of those events. So more or less this whole series is going to be biographical.

So, without further ado, joining us now in the studio is Michael Ratner.

Thanks for joining us, Michael.

MICHAEL RATNER, PRESIDENT EMERITUS, CENTER FOR CONSTITUTIONAL RIGHTS: Wonderful to be with you, Paul.

JAY: Michael Ratner is president emeritus of the Center for Constitutional Rights in New York. He's chair of the European Center for Constitutional and Human Rights in Berlin. He's currently the American legal representative for WikiLeaks and Julian Assange. Michael and CCR brought the first case challenging Guantanamo detentions and continue their efforts to close Guantanamo. He's the host of the radio show *Law and Disorder*. He is--well, he was president of the National Lawyers Guild. He's written several books, some of them legal theory, others more popular--most recent, his book *Hell No: Your Right to Dissent in 21st-Century America*. And, as I said, he's a board member of Real News.

So, as I said, we start from the beginning.

RATNER: Well, the beginning, Paul, is that I started as your earliest board member of The Real News, right?

JAY: That's right. You were, like, I think, number one.

RATNER: And now I'm sitting in this unbelievable studio in Baltimore. And congratulations, 'cause everybody ought to get here. It's fabulous.

JAY: Well, thank you. And we are inviting just about everyone to come, and we'll let you know when. It won't be long.

So let's start at your beginning. Tell us about where you're born, the house you grow up in, and more about what shapes you in terms of you as a socially conscious, politically conscious person.

RATNER: You know, it was a long time ago. I was born in the middle of the Second World War, 1943. So it was a Jewish family. As I was being born, of course, millions were being killed, Jews and others, in Europe. And, of course, that was always something that I was very conscious of in my family.

My family was an immigrant family. My father came from--1921 from Poland. He had no money. He came when he was 16. He had no education. He was raised during the First World War, and he would tell me stories about the First World War.

JAY: Now, coming in 1921--there's different waves of Jewish immigration from Eastern Europe, and the '21 wave is different than my family's, which is the 1904 wave, where you're usually trying to escape pogroms. But coming in '21 sounds like escaping the Bolshevik Revolution.

RATNER: I think that's important. His older brother came in 1905, which was, again, a pogrom in the part of Poland they were in. And he came in 1905. He went back in 1920 to get my father, all his brothers and sisters, of which there were many--eight--and brought them here. And that is true: it was about the Bolshevik Revolution, at least in large part, I think.

They had a very small textile loom or something, three or four looms. And then I think the story is one day the Bolsheviks came into Bialystok, which is where they were from, and they told my grandfather, well, now you're the manager and you're not the owner anymore. And for a variety of reasons, they decided that wasn't a good idea, and they left. I think one of my uncles remembers, actually, Lenin's troops coming into that part of Poland. So it's an amazing set of memories around that.

JAY: So is that part of the milieu is sort of an anger against the Bolsheviks? And as you grew up and the Cold War propaganda against the Soviet Union heats up, is that in your household, given the history of the business being taken over and such?

RATNER: It wasn't--I don't think it was in the household. What was in the household for sure was that everything can change in a moment, that security, country, livelihood, all of that could shift. And so there wasn't any real feeling of permanence in that sense.

When my father came, as I said, he was 16. He had no education, really, because during the war he couldn't get one, during the First World War. And he started off as a water boy on a construction job--a water man, I guess, but he called himself a water boy--and he would carry the water for mixing the concrete by hand. He then had what was typical for, I guess, that sector of immigrants, which is to open a little--they called it a creamery, but it's essentially a little place that sells canned goods, much like we see people doing today. And then my family eventually went into a trucking/building business, really, business. But he never had an education. It was very important to him that his three children had an education.

My mother was one of 12. Of the twelve, she was the--there were only two born in this country. Again, her family all came from Poland. Again, she was very poor. She told me stories of having to trap pigeons on the roof and eat them for their meals.

They both came out of families that had very, very little. But eventually, as my father got into business, he did decently well. As I said, it was a concrete business.

But what was interesting to me about it--and it was one of the shaping things of my career, for sure--were two aspects of it, I would say. One is there are two types of trucks. One is a cement mixer. One is a dump truck. And the cement mixers were controlled by the Teamsters union, and you could only be white to drive a cement mixer. And it was higher pay than those people who drove the dump trucks, which were primarily, in Cleveland at that time, African-American. And my father hated it.

JAY: This is all in Cleveland.

RATNER: All in Cleveland. And my father hated it. He was non--he didn't ever believe in discrimination. Back at our household oftentimes we'd have people who were just out of prison, and it was a big thing for him to support people getting jobs who were prisoners, etc., former prisoners, etc. He was not into any kind of discrimination at all, and very much, because he was

working class himself--originally, at least, when he came to the country, very. That was his sympathies.

And so at one point he tried to cross that what we'd have to call a color line, to put an African American into a white cement mixer. And the truck was blown up. This was 1950s Cleveland. It was a very, very segregated city, including the labor force.

So that was an early, very early lesson for me on, really, discrimination, I mean, the hardest kind.

JAY: So you're about ten years old when this happened.

RATNER: Ten years old. Not just in the workplace, I mean, not just in living and housing patterns, which--Cleveland was completely segregated housing laws.

JAY: Like Baltimore, where we are.

RATNER: Yes, very much so. I mean, my community had very few African Americans in it, but in the workplace, in the workplace as well.

I think the second thing that was interesting and important for me is, here I was the son, really, of the owner of a business, and I would walk out in the yard, and everybody would give me this extra respect, as if I had done something in my life, and I'm nine years old. And I look, and it just felt completely uncomfortable. Completely. So it's a situation I--business--.

JAY: You're the owner's kid.

RATNER: Right. So it's a situation that obviously in my life I just tried to avoid. I never wanted to be in that situation.

And I think a third thing is not just being Jewish, but having a father who had a very heavy accent, so heavy that, you know, he wouldn't do a lot of public speaking or anything like that. And therefore we were sort of--I mean, Jews were also isolated, certainly from the upper middle class--.

JAY: Was it the same thing in Cleveland? In Baltimore there used to be signs up: "No niggers, no Jews, no dogs". And even in the newspaper here, as late as 1969, there was a section of real estate for whites, a section for Jews, and no section for blacks.

RATNER: Yeah, I think Baltimore, you know, partakes of its southern history in that sense. I mean, it wouldn't have been that overt in Cleveland. But, you know, it wasn't like if a African-American wanted to move nextdoor to my house in Shaker Heights, which was a upper middle class suburb. You know, I don't think that the real estate people wouldn't have shown--.

JAY: But I guess what I'm asking is: were Jews as segregated as they were in Baltimore?

RATNER: We were one of the first Jewish families to buy in Shaker Heights. There were covenants in all the deeds that you couldn't sell to African Americans or Jews, and perhaps others. But those two I remember was held unconstitutional by the Supreme Court. So by the time I'm born, those covenants are knocked out. There are still not a lot of Jews where I'm living. So, in a sense, we were--.

JAY: Just to make sure everybody gets that, 'cause I don't think a lot of people know this history, there's actually laws in Cleveland--there was in Baltimore, I assume in some other cities--it was actually in your deed: you are not allowed to sell the house to a black family or a Jewish family.

RATNER: That's correct. And it went to the Supreme Court, and it was a case called *Shelley v. Kraemer*. But it's not important, the name. But they held that unconstitutional discrimination. And it was one of the earliest. That took place in the '40s.

So we moved to Shaker after the war, '48 or '49, so it was really shortly after those covenants were held unconstitutional. So I felt--so the third influence would have been this feeling of being a discriminated minority, partly because of being Jewish, but also partly 'cause my father was probably the only father in my entire elementary school who had a heavy accent. I was the only immigrant kid, I mean, as far as I knew that it was--.

So all of those influences really made me both--you know, obviously, the issue of race and discrimination was huge for me; the issue of a business and having--what have I accomplished that--did I deserve extra respect for that; and the third one being essentially an outsider. And I think those were all influence.

At the same time, of course, it was a Jewish family, and Israel was founded in 1948. So I'm five years old. Do I remember the founding? No. But do I remember meetings at my house, like there were in probably many, you know, affluent Jewish homes about supporting Israel? Of course,

lots of that. And ultimately I went when I was, you know, 13 years old. I spent two months in Israel.

JAY: So support for Israel, feeling Israel as a kind of a homeland, it's--becomes part of your identity?

RATNER: You know, did we feel it as kind of a homeland? I can't say. It's post-Holocaust. You know, it's partly about--.

JAY: A place of safety?

RATNER: Yeah, I think it's partly about that. But I certainly felt, you know, that it was part of me. I mean, when I went when I was 13, I thought I was walking where, you know, my relatives walked, and I was completely engaged in Israel. I played, you know, the songs of the kibbutzes, which are the sort of socialist places where people would live in the early days. I had a map of Israel painted on my wall. I mean, it--I was very--but when I was 13, it was a very important--very important that you go to--.

JAY: Did you go to, like, Zionist summer camps?

RATNER: No, no. I went to whatever schools you went to, you know, during the week, but I never went to a Zionist camp.

JAY: What were the politics of your father? He comes of age or maturity during the Depression, the Roosevelt years.

RATNER: Liberal Democrat, really sharply liberal Democrat, I would say, particularly on issues having to do with discrimination, you know, a fair shake for everybody. You know, he really believed strongly in that, and was a very charitable man, but not in a public way. It was all done anonymously. And it was things like if a person was burned out of their home in downtown Cleveland, there was a fund that he didn't even administer that they could just come to them, and he would give them--they would get a check for that refrigerator, new refrigerator or whatever.

And that really--that was a huge--that's been a huge influence on my whole family, the three siblings looking at helping others, and in an anonymous way, to a large extent. ...

JAY: The '50s is a weird decade. It's--McCarthyism ushers it in, the House Un-American Activities Committee. It's *Leave It to Beaver* kind of television. It's this kind of--I always have

seen it as a decade where the American elites are trying to undo the kind of awakening that took place during the Second World War in the 1930s, particularly this anti-fascist consciousness. You know, a lot of soldiers came back from Europe saying, we went to fight for democracy, now let's have some. Nineteen forty-six, there's more strikes than the whole history in the United States, I think, before or after. The late '40s, it's a very militant period. And then you have this culture of the '50s that tried to kind of almost stamp down the intellectual fervor of the '30s and '40s.

What's your experience of the '50s? You're old enough to kind of get a sense of it.

RATNER: Well, my experience growing up was, you know, pretty insulated--I mean, other than the issues I've just raised, quite insulated.

I mean, you know, Cleveland had, actually, a number of auto plants and steel mills, and to that extent there was some opportunity for African Americans to actually get work in union jobs (which has been destroyed, of course). And so there was some positive part of that.

In terms of the McCarthy part, it was--I would say I was utterly unaware of it, other than a--I have a strong image of the Rosenberg children, you know, now the Meeropol children, but taking their parents, or at least their father and mother, some gifts on, you know, some birthday or something when they were in prison and, of course, later executed.

JAY: And just quickly for people that don't know, the Rosenbergs were a couple. They were members of the American Communist Party, I believe,--

RATNER: Yes.

JAY: --were they not? They were accused of espionage on behalf of the Soviet Union and eventually executed--and still--I think still a great debate whether they actually were involved in anything other than politics.

RATNER: Yeah, I mean, the much more difficult issues, for us, at least, 'cause my father in business was around, really, the mafia and the trucking business and things like that, those were much more--those were closer to us than the McCarthy stuff just didn't really seem to have any influence at all.

JAY: Well, in 1963, first of all, there's the Cuban Missile Crisis. And I know for me personally it was a very transformative moment for me, because I thought the world was going to blow up.

The world in fact, apparently, was on the edge of nuclear war. And it had a big impact on me. What about you?

RATNER: By 1963 I'm in college. I'm at Brandeis in Boston. And, of course, that was for--you know, as a sort of upper middle class kid from Cleveland, it was a very liberating experience. It was a Jewish-origin school. It was a very liberal-to-left school at the time. It had Angela Davis in my class, the Foners, whose family--Laura Foner--was a family as, you know, famous left progressives, intellectuals. It had a class--it was a remarkable place.

And so it was about banning the bomb at that point. The main activity was going out and banning the bomb. And to some extent--and I had some involvement in SNCC (Student Nonviolent Coordinating Committee), helped run an office in Boston. That was during the Freedom Summer.

JAY: Okay. So you're already into activism by '63. So what turns the corner for you to even get your foot into that?

RATNER: Am I heavily into activism? I wouldn't say that.

JAY: I didn't say *heavily*, but you're in.

RATNER: Well, I think I just--I think what happened to me: the atmosphere at my college was so extraordinary--. Well, two things. The atmosphere at the college was extraordinary. I mean, Herbert Marcuse, the famous Marxist, was a professor at the college. There were professors who were involved in the civil rights movement. There were also some people, like, who had to teach there because they'd lost their jobs because they were communist. I can't remember their names right now, but there were three or four, at least, very prominent people who were teaching at Brandeis who took them in after they lost their jobs. So there was a lot of influence, progressive influence at the university and among the students who went there. So my roommate had gone in the South and was a folk singer, I mean, and it had all of that going on, from Pete Seeger to the Clancy Brothers to all these groups. So that was one influence.

And the other was the times. You know, we had this--that was, like, you know, the heart of the civil rights movement, in a certain way.

JAY: Well, had any of this touched you in high school? Or this is like, you get to university, and all this new world you were now part of?

RATNER: Other than my background as being from the family was in, none of it touched me, no, and it didn't happen till college.

And I wouldn't say I was by any means left at that point. I was a liberal kid. I didn't want to see a bomb. You know, I didn't believe in discrimination. So I thought about the Southern civil rights struggle. But I was a good, decent liberal kid.

JAY: And the Democratic Party you feel connected to?

RATNER: I'm trying to remember who ran for office then. When was Johnson elected?

JAY: Well, Johnson takes over after Kennedy, so it was--.

RATNER: So it's '63. Okay. So the killing of Kennedy is very important to all of us during that period. I remember it completely when it happened. And Johnson takes over after that.

JAY: What did that feel like, do to you, that [crosstalk] Kennedy is killed?

RATNER: Well, my father had died when I was 18. So I went off to college a week after my father died. It was very, very hard.

So this was by the time of my third year at college, and Kennedy's shot in November. And at that point I think it just all came back to me, my father's death and dealing with it, and I just--I took that year off from college, and I lived in Cambridge, and I worked in a bookstore. And that's what I did. I just sort of--that was it. It just caused tremendous emotional issues for me during that particular period.

The reason I mentioned Johnson is, when Johnson ran, then he would have ran about '66 or so, I think. I don't remember. I think I was still in school then, in college. And I remembered, when you asked me about whether I was a Democrat, I voted for Johnson 'cause he said he would not use nuclear weapons against the Vietnamese in the war, whereas Barry Goldwater left open the option of using nuclear weapons. So I figured, okay, this guy, he's not going to use nuclear weapons.

And that was probably the last election I voted in--I won't say ever, but I may have voted for McGovern, I think, at some point, about stopping the war. But I essentially don't really engage in national politics. And part of that was because what Johnson did--yeah, he didn't drop the bomb,

but he escalated the war to 550,000 American troops and kept the thing going, basically for years, killing probably a couple of million Vietnamese.

JAY: Now, when you say you're a good liberal kid, part of that liberal Democratic vision of the world, which, you know, incorporates the Truman vision of the world and the Kennedy vision of the world, is America as the white knight, America as, you know, bringing democracy and enlightenment to the world. And, you know, Kennedy starts the Vietnam War. Is that part of your outlook at that time?

RATNER: You know, I think it's important what you're saying. I think growing up in that period in the '50s, I think we were inculcated with the idea that the United States was the savior of the world and is the best and we could only say to ourselves how lucky we are to be born in America. You know. And, of course, you know, of course, the '50s is the year--and I do remember that--where they put the word *God* in the Pledge of Allegiance. When they put it on the back of the dollar bill I don't remember. It was all about anticommunism, of course.

But I think the Vietnam War was a seminal event for me, yes, in terms of saying the United States is not doing good here. And I had arguments all the time with people about it, because people believed in the United States. They were taught that the United States did good in the world. They were taught that without the United States, of course, looking at the Second World War--but, of course, they left out Russia from that little equation. But they were taught that you didn't question the United States about what it was doing. And the fights were--I had big fights at college in the '60s, or late '60s and early '70s, once I got to law school, but, really, late '60s, when I was at--I guess I was at law school in the late '60s. Yeah. Big fights with people about the United States doing the right thing. And so that would have been a seminal event for me.

Now why I took that position early on. I think I--. I know what it is. At college, okay, at Brandeis (I just--this is fascinating; I forgot this), I did one of my final papers on the Vietnam War. And I just wanted to know about it, and I read there weren't many English books about it. There was Bernard Fall. I remember about six books you could read. I read the six books. I wrote this paper about this is not really a war about bringing communism to all of Vietnam. That's not what--yeah, Ho Chi Minh may do that, but in fact this is a war about nationalism and putting the country back together, and they'd been really screwed out of their elections they were going to have to keep it together. And the U.S. wanted to make sure that Ho Chi Minh didn't rule the whole country and that it didn't become communist. But in fact it was a national struggle.

So I wrote this paper, and I gave it to a professor who happened to be from Australia, and I didn't get a great grade on it. I probably got a B+. But he wrote on it and he said, you just underestimate what the communists are going to do, and this is about the communists.

JAY: And that didn't resonate with you, given your father had run from the communists in Poland.

RATNER: You know, it didn't really. I don't know if they ever really--they never talked about running from the communists that much other than that one story I said about their factory.

The communists never--it just--it was obvious to me in reading about Vietnam that this was a national struggle, it should be one country, whatever their government was, and that we were in there for reasons having nothing to do with the people of Vietnam.

JAY: So this is the, really, beginnings of your anti-imperialism?

RATNER: I think that's right. I still have that paper. I have to go back and look at it. I don't think it's probably very good, 'cause there were only half a dozen books. Yeah, that paper was, I guess, a big deal for me.

JAY: Okay. Well, we're going to pick this story up in part two.

So please join us for part two of *Reality Asserts Itself* with Michael Ratner on The Real News Network.

2/7 From a Zionist Youth to Outspoken Critic of a Jewish State - Michael Ratner on RAI

http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=11546

PAUL JAY, SENIOR EDITOR, TRNN: Welcome to The Real News Network. I'm Paul Jay in Baltimore.

Welcome to part two of our series of interviews with Michael Ratner on *Reality Asserts Itself*. And Michael joins us again in the studio.

How are you doing, Michael?

MICHAEL RATNER, PRESIDENT EMERITUS, CENTER FOR CONSTITUTIONAL RIGHTS: Good to be back with you, Paul.

JAY: So, one more time, Michael is the president emeritus of the Center for Constitutional Rights in New York. He's chair of the European Center for Constitutional and Human Rights in Berlin. He's currently the American legal representative for WikiLeaks and Julian Assange. And he's also author of the book *Hell No: Your Right to Dissent in 21st-Century America*. And the whole biography of Michael will be down below the video player, at least a part of it. He's lived way too much life to put it all there.

So we're going to pick up our discussion, Michael. I want to pick up a thread of something that came from part one, the extent to which Israel, your Jewish identity, was part of your identity. Your--it was a piece of your psychology. Talk about just how much it meant to you growing up. And then we're going to kind of go to how that started to change.

RATNER: I mean, my identity growing up was in part family. It was a immigrant family, so the eight brothers and sisters. Most of them lived in Cleveland. We ate dinner together every Saturday night, actually. And it was partly a security against being different than the other people around us, an immigrant family. Part of it was a heavy Jewish identity, for sure. We all went to temple. It was all part of our lives. It wasn't orthodox, but it was a Jewish identity for sure.

JAY: Did your parents speak Yiddish at home?

RATNER: They spoke Yiddish till I was about four or five. And they spoke Yiddish always when they didn't want us to understand. But they didn't really--it's one of my great regrets that I don't speak Yiddish. I mean, of course, as most immigrant kids--. My wife is Italian. One of her great regrets is her parents didn't teach her Italian. But that was the way it was. But they did. And, in fact, my mother, she used to tell me, when she first went to school she called a fork, I think, a / mAz'lel/, which is, I think, the Yiddish word for *fork*. She didn't know any English when she went to school, I don't think. So the Jewish identity was quite important.

And, of course, Israel became a state in '48, and, you know, it was after the Holocaust, and that was something that at least a certain--not all Jews were involved in it. Some Jews didn't think it was a good idea, even in Cleveland. But my family, we never had a discussion. It was just assumed Israel's a good thing, we have to support it, we have to help it with, you know, its

affairs, whether it's business or giving money or putting money in that little blue box and planting trees and forests and all this.

And you never heard a word about Palestinians. I mean, not a word. I mean, you know, I had movies, black and white movies when I was a kid, 'cause we had a projector, and there were pictures that I remember of at least some tents that some Palestinians lived in that were in a refugee camp, probably in Gaza. But that's the most that I recall.

And then the books we read--you know, at that point there was huge propaganda about Israel, I mean, what I now call propaganda. So I read *Exodus*, which is a Leon Uris book, which I stayed home from school to finish 'cause it was such a good book, in my view, then. But, of course, it's about Palestinians, as I recall, you know, raping or abusing--I think raping, you know, a Jewish-Israeli woman. And it's part of the whole propaganda narrative of that.

JAY: And that becomes a movie with Paul Newman.

RATNER: Right, and then becomes a movie, and etc. So this is a period when the state of Israel was pushed and pushed, and not just by Israelis, I think, I mean, not just by the Jewish people in the U.S., but by others as well.

JAY: It's an important point. And you say you weren't aware of it, and probably most Jewish families weren't aware, but it was a real debate, the idea there was a big movement to allow Jewish refugees that were sitting in refugee camps in Europe to come to the United States. And there was a lot of anti-Semitic racist opposition to letting them in. But the Zionist organizations were against allowing Jewish refugees to come to the United States. And, in fact, there's a quote from Truman where he says, I don't understand it, I'm willing to stick my neck out--'cause he himself, I think, was fairly anti-Semitic, but surrounded by anti-Semites--and he says, I'm willing to stick my neck out and let the Jewish refugees in, and I'm meeting with the Zionist organizations and they're telling me not to do it.

RATNER: And there's a new book, apparently, about Truman's relationship to how he was willing to recognize Israel, and it's, again, a huge push by Jewish community people. He himself was probably not in favor of it.

And within the Jewish community there was some debate not just about the refugees, but there were Jews who felt this is not a good idea--why are we doing this, there's another people there, this is going to hurt Jews in the whole world to do something like this. So there was debate. But

we were not aware of it. Even in Cleveland there was debate, but not something that came into my family.

In 1956, I went to Israel for two months. I was 13 years old. It was obviously a bar mitzvah present of some sort. And I have nothing but incredibly wonderful memories of it. You know, it was a new country. You didn't really see Palestinians. You just saw beautiful desert and ruins and big beaches. And, you know, I--and, you know, just it was--and there was all the places that I thought that my actual ancestors walked on. And it was--I was a 13-year-old kid.

JAY: So there's a real sense of identity, continuity.

RATNER: I came back, really, romantically, you know, in love with the place. And anyway. So it was really important. I came back. I even painted a picture of a map of Israel on my room and I had all the songs and all of that. And that was not completely unusual for people of my generation who were Jewish.

JAY: You go again in '61.

RATNER: I go again in '61 with my family. I'm still pretty--I'm still quite involved in Israel--not in any sense thinking about it all the time, but I'm--still don't have any politics around the issue. And I went with probably some cousins and some others. And that's the one thing I do remember on that, and it's still what Israel would say today. We went into the prime minister's office, and just as a visit, I think. Just they took tourists or people in there. And there's a map, really, that's got to be 40 feet across and 25 feet high of the Middle East. It's the Mediterranean and the Middle East. All the countries are a certain color, I think brown. Israel is, like, a dot in the middle and is blue. And, of course, what Israel--what that map is trying to say is, we are a beleaguered country, and everybody around us is trying to kill us, and that's why we need support. Another way [incompr.] look at [incompr.] look at it today is this was an outpost of, you know, a Western settler colony in the Middle East that's only going to face toward Europe. But that's not what that map was about. This was something else. So that was '61.

JAY: Okay. So how do you get from that kid to an adult sitting here who will say a sentence like that?

RATNER: With great difficulty, but not anymore at all, but with great difficulty during that period, because at the '67 War, which was the war in which Israel took the occupied territories, took also Sinai, as well as the Golan Heights, I think, that's the war that began to change my

opinion. I didn't really understand what that war was about, and I really didn't understand the taking of Palestinian territory. I mean, they already took a lot in '48, but that wasn't something that I was conscious of. But in '67 I was conscious that there were millions of Palestinians living in what we call the West Bank and now the occupied territories, and that Israel had just captured it and had captured Sinai; and that because I had an emerging sense, I think, that people have a right to self-determination.

JAY: Yeah, why didn't you buy the--the argument was: this war was forced on Israel, and these occupation was necessary for defensive measures. Why didn't you buy that?

RATNER: You know, it didn't make any sense to me, because I just thought Israel was so powerful and that it didn't seem right to me that they needed the entire West Bank for their defense. And I can't say it was very well formulated. It was an intellectual feeling that this is wrong that they're taking all these Palestinians and they're making them into--and they're occupiers, essentially. But that was an intellectual feeling. Emotionally, I couldn't break with my attachment. It was very hard. And so--and I think what I would say--and it's probably true of more Jews than we think: I was probably disabled from really speaking out because of that conflict, because I understood that what was going on in the Middle East and with Israel was wrong, that it was acting as a settler imperialist country. I may not have had the language at that point in '67 to say that, but that's what I understood. And my emotions were still so strongly tied to *this is the land of my people*--and probably the Holocaust, but particularly *the land of my people*--and I--we all have tons of relatives in Israel.

JAY: So how does that start to change for you?

RATNER: I mean, I think it starts to change when I put the U.S., and Israel in particular, into a broader movement, a broader politics that I began to develop, particularly, I think, around Vietnam, most likely, because Vietnam, as we talked about, starts--you know, it starts early in my career at college, it goes through law school and, you know, through mid '60s and '70s, and there was the first--my real awakening that the U.S. is just an immoral country. And perhaps--and the U.S. is at that point still a very big supporter of Israel. And I started now to examine some of the assumptions I had growing up, main one being that the U.S. is a moral country that's going to do good for all people in the world.

JAY: The Kennedyesque vision.

RATNER: I guess I would call it the Kennedyesque vision. And there's still much conflict about how accurate that view of his vision is. And I think that Israel then got filled in into that.

And as they developed over the next years, through the '70s and into the '80s, I really began to see Israel--I mean, I looked at what Israel had been doing. It was, you know, supporting apartheid in South Africa. As I worked in the '80s in Central America, it was, you know, training, sending trainers into Argentina and other places to train people like the Contras who were fighting against, you know, the liberation movements in Nicaragua and then in other places. So I began to see that Israel's role was one which I just found completely unacceptable from my broader anti-imperialist politics.

JAY: Speaking out as a Jew openly critiquing Israel, especially--. When do you get to New York?

RATNER: Oh, by 1966, I'm in New York, '67.

JAY: Yeah. So, I mean, particularly in New York, to be a Jew going through law school, to speak openly and critically of Israel, it's not an easy thing to do, even now, but especially then. At first you describe being kind of confused yourself or a little ambivalent or trying to make sense of it. But when it starts to get clear for you, when do you start to speak out, and how big a deal is that?

RATNER: Well, you know, even today, as you said, it's still--New York can be very difficult, and people get harassed for it or they get their speaking engagements canceled. I've just seen two or three this week, but in New York, where they just say, we're not going to have this speaker, you know, we're going to have to wrap it in this or that and with another speaker. So it's still very difficult.

When I started really speaking out with knowledge, I would say probably not till quite late, probably till the '80s, where I felt I was, you know, smart enough to really--knew enough to really be able to speak out. Getting to know Palestinians was probably very important on that, you know, on that adventure, and also because I was in such a progressive community by that time of anti [incompr.] call them anti-imperialists, and, you know, particularly around the Central America wars, that I think that that allowed me a certain sense of freedom, because I had a community that would protect me. It wasn't just me going out there and speaking. It was a community of people [crosstalk]

JAY: Is there a moment where you can remember or a period where you kind of really let go of that part of you?

RATNER: [incompr.] that I really let go of it. I really--I mean, I mean, this is a strong issue for me. I mean, you know, I think the final--I mean, it was way before, because I had tried to go on a trip to Gaza, maybe ten, seven, eight years ago, and we couldn't get into Gaza. I was with Code Pink, one of your former people here. Actually, Medea led the trip, Medea Benjamin. And we couldn't get in. And so I was with my children, who always were raised very progressive on Israel. So by that time it was obvious from the beginning my kids were 25 and 24. So that means at least 25 years ago, when they were born, they never heard, really, anything good about Israel or about what it was doing or what the U.S. was doing to Israel. But we took them. They wanted to go to Gaza. We couldn't get in. We flew to--it was the first time I'd been--we flew to Tel Aviv and then went to the West Bank, went to Jerusalem and went to the West Bank. And they were--I never spent any time in Israel itself. And that was astonishing. I mean, if there's--if you ever want to talk to anybody about Palestine and Israel, just send them to Hebron and see one of the most discriminatory, outrageous treatment of human beings you will ever see, with small little pockets of Israeli Jews in the middle of a huge, thriving Palestinian community and what it has done to that Palestinian community. People threw rocks at us. We were there with a Palestinian, and they threw rocks at my children. And my children talked to other young kids who had the heck beaten out of them by the few Jewish settlers that were in Hebron. And from that point on--I mean, before then, obviously, I was quite incredibly progressive, but now, I mean, I don't think there's any rational argument to make about what Israel has done, not just in the occupied territories, but of course in Israel itself.

JAY: And we interviewed Michael when he came back from that trip, and we'll put a link to that interview somewhere around this video box.

RATNER: I forgot that, Paul.

JAY: Yeah, we--I think it was just within a few weeks we had--and we had all your photographs and such.

RATNER: Right.

JAY: So that was the final moment for you?

RATNER: I think going to Hebron was the final moment where I felt really confident enough having seen it to write about it and to really talk about it.

JAY: How did it sit with your siblings (you have a brother, a sister who grew up in the same household with the same kind of influences) and other parts of your family?

RATNER: I mean, it--you know, my family is very varied. It has everybody from--you know, I have a huge family. I'd say probably 100--you know, I had eight brothers and my father had eight brothers and sisters, so there's 25 first cousins just on my father's side. There's probably--you know, there's 100. And so it varies like any community varies, I think, and you have people who, you know, have a heavy belief in the state of Israel and the Jewish state of Israel, and then you have people in the middle who believe in--you know, that it's completely--the occupation being--is just outrageous, but Israel itself should be able to be there and it's not so bad and it is a democracy there. And then you have people, fewer, like me, that are--you know, that just believe--ultimately believe that [incompr.] one-state solution, that this should be an equal--equal citizenship for every single person there and it will go back to '48 and what happened in '48 when 700 villages were cleansed and all that. So I'd say like any family it varies--particularly Jewish families--it varies along a wide spectrum. And I would be, certainly, on the far end of that spectrum. Within my immediate family, I'm quite liberal about the issue.

JAY: Okay. Alright. Please join us for the next part of our interview with Michael Ratner on *Reality Asserts Itself* on The Real News Network.

3/7 MLK and a Radicalizing Moment in American History - Michael Ratner on Reality Asserts Itself

http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=11560

PAUL JAY, SENIOR EDITOR, TRNN: Welcome back to The Real News Network. I'm Paul Jay in Baltimore. And this is *Reality Asserts Itself* with Michael Ratner.

Now joining us in the studio is Michael, who's president emeritus of the Center for Constitutional Rights in New York, chair of the European Center for Constitutional and Human Rights in Berlin. He's the WikiLeaks'/Julian Assange's American lawyer and, I think it's probably safe to say, one of the leading if not the leading radical human rights lawyers in the country. Thanks for joining us again.

MICHAEL RATNER, PRESIDENT EMERITUS, CENTER FOR CONSTITUTIONAL RIGHTS: Thank you for that nice compliment, Paul.

JAY: Oh, more--I think it will be clear from this series and everything else, more than deserved. So we're going to pick up the story in 1966. You go to Columbia. So pick things up from there.

RATNER: I go to Columbia Law School. My father's dead already. There's still a business in Cleveland. I don't want to go back to Cleveland and I don't want to go into business. I go into law school. I didn't know what I wanted to do.

I worked like a dog the first year of Columbia Law School, you know, upper--really, upper middle class law school, you'd have to say. It had 300 people. Two hundred and ninety--270 had to be white males. It had ten women, probably six African Americans. I mean, just maybe ten. I mean, it was--these were incredible institutions.

JAY: And are Jewish students just starting to break in around that time?

RATNER: At that time I don't think at Columbia, at least, it was a problem. I don't know, but I think--. Before then it was a problem. At colleges it was still a problem, like Yale and stuff like that in the '60s. But by the graduate level of at least Columbia Law School, it seemed to be pretty open. I don't know, but I think so.

JAY: Give us a feel for 1966-67, that year at Columbia.

RATNER: It's unimaginable, actually, because it's all male, almost, it's all white, with very few exceptions. You know. And you had Saturday classes. And they had just abolished wearing ties and jackets to class. But you still sort of wore a jacket, and it wasn't anybody but a white professor. Nobody. There was no women professors, no black professors. Nothing. This was an institution that was serving the ruling elites of the country, and particularly in this case

(Columbia), Wall Street and the big firms feeding in. There were no human rights classes, no civil rights classes, nothing. This was, like, I mean, a total blank.

At the same time, for some reason I decided to work hard. I got very involved in just doing all the /'dZAn.kikEt/ work. You know, I did fine.

JAY: And this little white oasis for training new members of the ruling class, around it is a world where there's a Vietnam War, a rising civil rights movement, national liberation movements.

RATNER: Right. And it's on the edge of Harlem. I mean, Columbia is 116th Street. Harlem, you know, was 125th street in Manhattan. But you're making a very good point. So it has, really, a black community--encompassed part of the university. And then the university itself is doing war research to help with the Vietnam War. And it's doing other things.

But that's--you know, you go to law school, you just--it's very hard, law school, in the sense that it's a lot of work, and you just have your nose in the books. I never--I didn't do anything. I just worked all the time. And after a year at Columbia, I decided to take the year off, because I was just exhausted from it, I think.

JAY: 'Kay. Just one thing. In that year when you go to Columbia, if you had to imagine where you would be five or ten years later, would you have thought Wall Street? Or are you already thinking some other kind of law?

RATNER: I was thinking there was a place to--a liberal law firm, whatever that meant. You know. I mean, some law--that was still at times hard for Jewish people to get jobs in certain law firms. I mean, you know, I just--there was a number. But there were--by that time it was opening up. So I thought: liberal law firm--there was such a thing, I thought. And there were, supposedly, but they wouldn't be liberal by any of my standards, or yours today, probably. But that's what I thought through the first year, that I would go to a liberal law firm.

JAY: Alright. So you take a year off and you come to Baltimore, where we are now.

RATNER: Right. I take a year off and I get a job at the Legal Defense Fund, which was the legal arm of the NAACP at the time, and it was separated out. And I did a lot of work at Legal Defense Fund. I knew some of the real heroes of the civil rights movement, I mean, that were represented. You know, Muhammad Ali. They were--you know, it was--I saw Arthur Ashe there. I mean, it was, like, pretty incredible. I mean, you know, Legal Defense Fund wasn't radical, but it was representing, you know, at least in large--you know, some very important African-American cases and figures.

JAY: So this is now '68.

RATNER: This is '67, '68.

JAY: So what does Baltimore look like then?

RATNER: Right. Well, I remember when I got off at the train station today it looked exactly the same. The wooden benches are there. I got off on a cold rainy night. A civil rights lawyer picked me up to work with the Legal Defense Fund. And I don't remember that much. It was a few weeks ago--I mean, it was a few weeks I spent here.

And my job was to get the statistics and have meetings with this civil rights lawyer via his assistant on a desegregation case, because I don't remember the two counties, maybe Prince George's and Arundel--are those two counties? And one was all-white county, and one was a primarily black county. And the schools, of course, reflected the nature of living--of the living. And the Legal Defense Fund wanted to try and integrate those schools so you'd have black kids going to white schools and white kids going to black schools. And that was a big thing of the Legal Defense Fund during that period was legal desegregation. And my job was just getting the statistics, going to the meetings, and getting that done.

So I'm here about three weeks. I'm living, maybe, partly at the civil rights lawyer's house, partly I get a motel room that they give me. And then King is murdered, Martin Luther King is murdered. And at that point, I'm in the room, in my hotel room here, a hotel room, and the whole city of Baltimore explodes. I mean, and I was confined to that hotel room for at least four days, as I recall, eating those little things out of the machine, my favorite little cheese crackers. But it was a serious business. There were tanks, troop carriers going through the streets of Baltimore. It was utterly intense after King's murder. And that was really the end of my adventure, if you want to call it that, in Baltimore.

I got out of here eventually, and I still worked for the Legal Defense Fund. I went back up to New York where their office was, at Columbus Circle.

JAY: Just in terms of those days, what did it mean for you in terms of your understanding of America? I mean, you were going to Columbia, this insulated place. Now, I mean, just, frankly, going from New York to Baltimore is a trip, but going from Columbia to Baltimore on fire is a big trip.

RATNER: Right. But, of course, you know, it's interesting when I think about it now [incompr.] going from Columbia to the Legal Defense Fund, and the Legal Defense Fund was mixed, but it was probably a majority black then. So I started to work with African Americans in a different way than I had, really, in my whole life, as colleagues, that I haven't had growing up. And then I come to Baltimore, and, of course, who am I meeting with? I'm not meeting with the white parents who want to integrate the schools; I'm meeting with black parents. And so that's already a

big shift. And I'm living in, you know, black neighborhoods. It's a very, very big, very big change for me, but one that I didn't--I don't think I was so conscious of it at the time. I'm conscious of it now that we're talking about it, but I wasn't conscious of it now.

But King's death, I think that was, you know, like--it was one of the most depressing moments of my--personally, that I felt. I mean, I was just destroyed by it. Just destroyed. I mean, you know, I didn't want to leave the hotel room. You know, we just wanted to cry. We didn't want to leave the hotel room. And it was shattering. It was just shattering. I mean, I don't know how to express it. I just remember it was just--and it was bad weather in Baltimore then, I think for some reason. It was a rainy, bad couple of days with these troop carriers going through the streets. And here I was there to try and, you know, desegregate a little bit. So it was pretty devastating.

And then I went up to New York after that. I went back to the Legal Defense Fund. And then I went up to Columbia. And, again, I was--you have to understand I was probably--I probably stayed friends with some of my friends up at Columbia, but when I went up to Columbia, all hell had erupted at Columbia. I mean, there had been a series of demonstrations while I was--not while I was there, but that year of '67-68 around the Vietnam War and around--. And it was the Vietnam War. There was the university doing research on the Vietnam War.

And then there was the university plan to build a gym, a big new gym on the edge of the university in Morningside Heights. If you go to Morningside Heights and you go down the hill, it's an African-American community at the base, and up at the top it's Columbia and, you know, a more integrated or white community, almost, really. And the gym was going to be opened with a black door for the entrance--not a black--yeah, a black door, a door for African Americans to go through who are coming from Morningside Heights. But the Columbia kids would go through a door from their campus--a white door, essentially. So, I mean, I wish you could make this stuff up, but that's what the university actually planned. So that became another big bone of contention at Columbia along with the war.

And, of course, all these kids are subject to the draft one way or another, all of us in some way. I'm in school and I got a year off, I got a deferment for a year to work. But basically we're all subject to the draft. So this is also raising all of the issues on Vietnam. And it's a civil rights movement, and King has been shot three weeks before--or two weeks before. And so what happens is there's a--. Yeah.

JAY: Just one sec. How meaningful was King and King's message, King's speeches? I mean, how much did that shape your view of the world?

RATNER: You know, I was--it was very important to me, extremely important. I mean, the pictures of what was happening in the South of Bull Connor was very important, certainly by '68. Sixty-seven, I was so immersed in my books--and this is a terrible story--'67 I'm working so hard that I actually don't--I'm not even aware that King is giving my favorite single speech that he's ever given, the Riverside speech, when he says--when he comes out against the Vietnam War, we cannot be silent, we will not be silent. And, you know, I reread it every year. And that's given across the street from Columbia Law School or Columbia, and I wasn't even aware of it, I was so immersed in law school.

But certainly by--as I worked at Legal Defense Fund, then I'm completely involved--they represented King--I'm completely involved in the black civil rights movement, moving to black liberation movement at that point [incompr.] least with people who were deeply involved. And those are the cases that I'm working on. And King was crucial.

In fact, when King was--I remember the day. I was in my office at the Legal Defense Fund, and they were working on the Poor People's March on Washington, which was a King-initiated effort, which was going to be a tent city built on the Mall of both whites and blacks demanding, you know, the war against poverty, demanding that things be done about the impoverishment of people. And I had a big button, you know, that said, you know, March on Washington, Poor People's march. And then I remember they just made a decision to continue the march even after King was murdered. So it was a--King was by this point quite important to me.

You know, even Malcolm I was aware of during this--you know, I went--as I said, I went to Brandeis before, and they had Malcolm X as a speaker. And it was extraordinary. I mean, I'd never heard anything like that in my entire life, you know, that--about, you know, black history and what it meant in Africa and what had done with--what blacks had done in Africa and the culture and the society. I was just completely amazed by it.

And when I look at that speech--this is Brandeis having Malcolm X--and I look at what goes on today when you want to put on an anti-Zionist speaker at a university and they say that speaker has to be coupled with a Zionist--and I say to myself, what are they talking about? They put Malcolm X on at Brandeis, and there was nobody saying, oh, he's dead wrong about African Americans, he's dead wrong about African history. Nothing like that.

So these are all influences that--obviously, that Malcolm X speech, I still remember it. So it obviously was something so striking to me that that was the case.

JAY: So you go back to New York, you're back at Columbia, and you were saying things were exploding.

RATNER: There had been a series while I was in the South--or Baltimore I consider the South, for me, coming from New York. But they were exploding, and there had been demonstrations and marches and all--lots of--. But the big issues were the gym, Vietnam War, civil rights movement, really. And they've taken over--and students have taken over the buildings. And I got there right toward the tail end of it, and there was--it was thousands of students on the campuses. There were no classes or anything. Everybody was out there.

And then a group had formed what they call a Majority Coalition, which was against the people who'd taken over the buildings or against the supporters of the people. And they called themselves the Majority Coalition. In my class--and this shows you what Columbia was like--my class, Governor George Pataki was in that. I knew him then. He was in the Majority Coalition, a very conservative Republican governor of New York. He was in that.

I was just there the last couple of days. And my--some of my--very few law students were in the buildings, because that was high-risk, because you have to go through a character committee as a lawyer. And if you have--they check. If you have bad things in your record, you know, you don't become a lawyer. But there were maybe half a dozen law students who went into the buildings. And I was there the night that they actually said they were going to evacuate the buildings--not evacuate; bust the buildings, that the cops were going to come on campus. And we heard the cops were going to come on campus. And what I did then is I formed a group with about 20 people, and we stood in front of the door to Low Library, which is where a lot of the people were in, and I just stood there with our arms locked, singing "We Shall Overcome". And these cops that were the size of giants, like, you know, longshoremen cops, just charged our line--it's midnight--well, one, two--charged our line, billy clubs flying, and just picked us up, threw us on the ground, and beat us, blood everywhere, me, everybody. I mean, this was--you got out of that, and they were going--and the buildings were barricaded, a lot of them, etc. There was blood everywhere on the campus at three or four in the morning, everywhere, thousands of cops, or at least hundreds of cops. It was one of the most dramatic nights I've ever lived through.

And what you realize from a night like that is here are these--first, in some ways there was a certain privilege, although [incompr.] I don't recall it well enough, but the black students had a separate building. I'm not sure they were busted in that way, understanding maybe better than the whites what happens when cops come in with their clubs flying. I don't want to [incompr.] there's been a lot of writing [incompr.] this. I just don't recall this whole thing perfectly.

JAY: But you thought white, privileged Columbia students would be somewhat immune from this kind of attack.

RATNER: We said to ourselves, these are the kind of things that happen in the South. These don't happen to white upper middle class universities. I mean, that was--you know, and it happened. And you recognize at that point a lot. But you recognize first of all an administrator (who then got forced out, the president of the university) who makes the decision to put cops onto a campus. It's changing the dynamics forever, and in a negative way. He's, first, radicalizing a huge number of people. My generation at that university was radicalized by that period, but by that night in particular. And a lot of us who came out of that just never, never looked back on going to law firms or capitalism or anything like that. And some people, obviously, shifted, and you have to make a living and a family and all that.

JAY: But it was that for you.

RATNER: It was that for me. At that point I had been--I had actually interviewed for a liberal law firm in Washington who wanted me very much. And after this, it was done, just done. And so that was really a seminal event [crosstalk] life.

JAY: By "done", you needed to be involved in something transformative.

RATNER: Yes. I was no longer going to be a lawyer working for a big law firm. And what it did to the law school was extraordinary. I mean, then we had--you know, the law school at that point had no classes. There was a liberation school set up there in the summer. It's hard to imagine all of this. In 1970, there was what they call the sideshow, the bombing of Cambodia in part of the Vietnam War and Nixon bombing Cambodia. At that point there's another huge demonstration goes out. Again, the law--the school was closed. So, basically, from after '68, you could actually go through law school without having to go to classes, essentially, with no grades for lots of it, and they actually put me on the appointments committee because I had good grades and they figured, okay, that I wasn't in a building, 'cause I happened to be away, and boom, they put me on the appointments committee. And all of a sudden there's a shift. There's shift around women starting, shift around African Americans, at least at Columbia, beginning. And of course it's still--it's a long story about what it's become and what it is now, not so good, but--.

JAY: No, but you can see the ripple effect when a mass movement is at such a height.

RATNER: It's amazing.

JAY: The ripple effect of the power of that movement.

RATNER: It's incredible. I mean, it was something like--. My children used to say to me they're so envious of me because I got to live through this movement, this radicalizing moment in American history for a lot of us. And it was quite extraordinary.

And from then on I went to clerk for the only black woman federal judge in the United States, Constance Baker Motley. An amazing story. And I'll just give one vignette about her. I mean, lots of great stories about her. But I finally, after she died--and I was stupid for not staying close to her as she went on with her life. She liked me a lot and always wanted to see me. She would just always give me cases I had to do for, you know, losing habeas corpus cases that I just [incompr.] I didn't see her that much.

But when I read her autobiography, she was born in New Haven, and her father was born in, I guess, Nevis or Saint Kitts--Nevis in the Caribbean, and her father had been a shoeshine boy at the Yale Club. She had no money to go to college. Some well-off man saw that she was smart and paid for her to go to college. When I opened her book and I read it, I was so moved. Her opening chapter is: there's always going to be racism in this country; I understand that. But the bigger problem is going to be class. I almost dropped, because despite our closeness at certain periods, we'd never had that political discussion. And, of course, I kick myself. What the heck was I thinking? Anyway.

JAY: And she was a federal judge.

RATNER: Oh, she was a federal judge. She was, you know, really, really a remarkable woman. She was supposed to go to the circuit court, the next court up. It was nine white men on the circuit court. I mean, Thurgood Marshall had been there shortly before he went to the Supreme Court. And basically they said, we're not taking her. And whoever was going to nominate her, Johnson or whatever president, wasn't able to do it. And she argued ten cases in the Supreme Court. She won nine of them. And yet people in that court considered her not smart. And, you know, sometimes I had to bring her her lunch, go to the cafeteria and get it for her. And the reason for that is no one would sit with her. People wouldn't sit with her when she was--it's--I mean, it brings tears to my eyes. She was extraordinary.

JAY: Okay. We're going to continue this in the next part of our interview on *Reality Asserts Itself* with Michael Ratner.

4/7 The Butcher of Attica - Michael Ratner on Reality Asserts Itself

http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=11562

PAUL JAY, SENIOR EDITOR, TRNN: Welcome back to The Real News Network. I'm Paul Jay in Baltimore, and we're continuing our series of *Reality Asserts Itself* interviews with lawyer--I should say, radical human rights lawyer Michael Ratner, who now joins us in the studio. Thanks for joining us again, Michael.

MICHAEL RATNER, PRESIDENT EMERITUS, CENTER FOR CONSTITUTIONAL RIGHTS: Nice to be back with you, Paul.

JAY: And just another--one more time, Michael is president emeritus at the Center for Constitutional Rights in New York. He's chair of the European Center for Constitutional and Human Rights in Berlin. He's also a member of the board of The Real News Network. And all kinds of other stuff.

Let's pick up the story in 1971. You've just gone through this decade which is--revolutionary is the only way to describe the 1960s all over the world, and nobody knew where this was all going to lead. But in 1971, one of the seminal events, I think, was prison uprisings. There were several, actually, including one in Quebec around the same time. But the best-known was Attica, and you became involved in that.

RATNER: You know, after I clerked for Constance Baker Motley, the only woman black federal judge, I took a job at the Center for Constitutional Rights--newly formed, came out of the southern civil rights movement, giants of the civil rights movement--William Kunstler, Arthur Kinoy, Morton Stavis. Giants. And they were the front lines, really, of the civil rights movement and of defending--really, defending what we're calling the revolution that happened in the '60s. And part of that included the Chicago Seven or Eight case, the one about the protests at the Democratic convention. They had a whole section defending Vietnam War resisters, soldiers, and others.

So it was an incredibly amazing place to be. Tiny. You know, a dozen of us there, maybe that, in a loft off, like, the worst porn district in New York, 42nd Street. Very--not a lot of money. But an exhilarating place to go. And despite where one could go at that point coming off a clerkship and all that, I decided to go to the Center, because this is the kind of work I wanted to do.

So I walk into the office, which isn't really--no one has separate offices. It's little dividers. It's linoleum floor. It's up a loft. And I'm there really literally three or four days. It's September 1971. And during that period, Bill Kunstler is up at Attica, where there has been a takeover of what's called D Yard in the prison, and there's hundreds of prisoners who've taken over D Yard. And Bill Kunstler is part of the negotiating committee to try and figure out with the state to negotiate how this is going to come to an end. Tom Wicker was there, the *New York Times* reporter; Herman Badillo, a politician from New York. A prominent set of negotiators.

And [incompr.] remember Attica. I don't remember the numbers, but thousands of prisoners, 90-some percent black and Latino. I think zero is the number of black or Latino guards--all white. So you're talking about, I mean, just deep, deep discrimination, both in the population as well as how it's being guarded. And there were huge, legitimate complaints. I mean, Attica looks like a medieval fortress, and it probably was like that inside. So there's the Attica prison has had this

takeover, and as you said, there were many prison riots or rebellions is what we call Attica, Attica rebellion, going on across the country, and even in Canada and other places. And Bill is the negotiator.

And then finally the negotiations really break down, most likely over the amnesty issue, but perhaps some other issues. One prison guard, as I recall, had been killed. I don't know the circumstances. In fact, no one was ever convicted of his murder in the end. But one prison guard was killed. And the state was run by Nelson Rockefeller--was the governor. We now call him "the Butcher of Attica"--and then he's dead, but I still call him that. And then on, I guess, it's September 11, actually, I think, is the day--the same day as the coup in Chile two years later--and September 11, could it be 9/11 also? It's conceivable. I think they were all then--I don't remember the exact day for Attica, but I think September 11. They say that the negotiations can't go in any longer to negotiate with the prisoners and talk to them, and there's a picture of Bill walking out saying, I just fear the absolute worst.

JAY: Bill Kunstler.

RATNER: Bill Kunstler coming out, I--say, I fear the absolute worst. And what happens: you see in film shot of the National Guard who have been called with their big guns to line the walls, you see them raising their fists and their guns, "white power, white power". This is the people who were going to supposedly put down--.

JAY: They actually start chanting "white power".

RATNER: Yeah. We're going to put down the Attica Prison rebellion. And what happens is a massacre. They fire into--mostly arbitrarily just into the yard, killing--I think it's 32 people and nine guards or--I don't remember the exact numbers. But they also target some of the more politically active people and kill them. So it's murder, straight, straight murder.

And then the report that's put out in the press is they had to do it because the guards--I mean, the prisoners were killing people and they were killing the guards and were castrating the guards.

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NEWS PRESENTER: Good evening. Before the four day insurrection of New York's Attica State Prison came to a tragic end this morning. Negotiations gave way to force, making this the bloodiest prison incident the country has seen in four decades.

NEWS PRESENTER: In the final hours of the revolt, led primarily by blacks, the inmates murdered nine of their white hostages. Twenty-eight convicts were killed by state troopers and sheriffs' deputies, who regained control of the prison.

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RATNER: I'm sitting with my partner at the time, Margie Ratner, who's later Margie Ratner-Kunstler, but she's a lawyer I work with, and we say to each other, this is complete BS. I don't believe anything we're reading. But that was the dominant narrative for over a month, that guards were castrated by the prisoners.

JAY: And it turned out not to be true.

RATNER: Completely false. Nothing to do with it at all. No guards were killed in that except-- the only guards that were killed by that were by the bullets of the National Guard and Rockefeller ordering it. There's a great--it's a Tom Paxton song, Judy Collins sang it, and it's from the point of view of a prison guard who's taken hostage, and they're being shot. And he says--and they're talking to each other, and he says, you know, first they say, don't worry, they're going to free us, and then he says the shots start coming, and they sing, had they only taken Rockefeller hostage, then they actually might have done something to solve this thing. But working-class guards are essentially dispensable, like the prisoners.

So I'm there, I'm at the Center. We're monitoring the situation 'cause Bill is our--you know, one of our leaders at the Center, Bill Kunstler is. And they immediately send a group of us up to Attica right after the rebellion is put down. And my job is to go into the prison hospital and interview people who've been tortured and beaten, because after they retook the prison, they forced all the prisoners to run through a gauntlet of guards naked--the guards weren't naked; I mean the prisoners were naked--and they were just beaten. They had to do it on glass. All kinds of really bad stuff. And, you know, I don't actually have a lot of memory of being in that hospital room, but it was a large room, you know, maybe, you know, 100 feet by 50 feet, and it was very large, with scores of people in their beds in all kinds of terrible shape, having been tortured and brutalized by the guards. And my job was to interview them to get evidence about what happened to them.

JAY: And what had been their demands?

RATNER: Everything from better food, exercise, demands that are--.

JAY: They were simple reforms.

RATNER: Right, that would be similar to most prisoners' requests and demands today, because very little has changed. So, exactly right. Simple, very simple reforms.

JAY: And it was put down with such violence because--?

RATNER: You know, I think--I don't know what was in Rockefeller's mind, but I think they didn't consider prisoners to be human, and so they figured they're just dispensable, they're all criminals; and secondly, probably 'cause they wanted to send a lesson. You know, New York had

a lot of prisoners. I mean, I thought it was a lot of prisoners then. Of course, the country now has, like, six times the number of prisoners we had in 1970. I think there were 600,000 in the country. Now there's two and a half million. So--or five times the number, but whatever. There were a lot of prisoners. And so they wanted to send a message: you rebel, you will be murdered. I think that's just clear.

And what's interesting is they then--. Anyway, we were told to interview the prisoners, and we brought--there were various lawsuits for conditions and what happened to them. And my instructions were--I was a new lawyer--was do not ask them anything about what happened before the massacres, because [incompr.] going to be criminal cases. And ultimately there were a huge number of criminal cases brought by the state against the prisoners. Huge. I mean, for murder, everything. Hundreds of cases. And there was a big defense team--I was not part of that, but that was the National Lawyers Guild and the Center and others to defend those people. And we brought--I brought a suit to say, this is unfair. You have to--to be justice here, you have to go after the National Guard. They threw me out on that basis, but ultimately that's what prevailed; ultimately it became so obvious that the National Guard had just caused massive death and there was no looking at what they were doing--and some of the prosecutors started to resign, actually--that the entire cases fell.

JAY: Against the prisoners.

RATNER: Against the prisoners. None. Zero. And eventually, after many years of litigation by a woman named Liz Fink and others, there was compensation paid to a number of the prisoners. It took 25 years.

JAY: Any National Guard or, more importantly, people that gave orders to the National Guard ever held accountable?

RATNER: No, never. That's not something that would ever happen. And, of course, now we have a park by my house called Rockefeller Park, and it's [incompr.] I want them to get stickers made that say, you know, "Butcher of Attica", but for me personally, of course, because for me personally, you know, it was devastating to see it. I mean, Bill was shaken, Bill Kunstler was shaken more than probably anyone because he was in there with negotiations, but all of us who went up and became personal friends with prisoners were just shaken by the thing, by the death, by the cruelty of it, by the inhumanity of it, and by prisons in general.

In one instance from it, we once took one of the prisoners who'd gotten out upstate with us and to a farm or something, and we were using a chainsaw to cut wood. And he said, oh, can I try that? He's probably a 35-year-old prisoner. And we give him the chainsaw, and he pulls the trigger

back all the way, and the chainsaw jumps out of his hand because the person--he's 35, he had never in his life used a power tool. He'd been in juvenile detention and prisons his whole life and never been trained even to use a power tool. And those kind of stories. I mean, it just wants to--it makes you want to just cry. I mean, that's all I can say about it.

JAY: By this time you're fairly radicalized, but this must have taken you another step.

RATNER: Oh, yeah. I mean, this was really--I mean, this you saw--I mean, look it, I'd seen the South, I'd seen segregated schools, I'd seen all that. But to be in a prison where that kind of massacre and slaughter and abuse and torture had happened, and to happen right in New York, and a, quote, northern state, it was astounding to see that.

But at that time in the office, everything's happening. There's--Vietnam is still going on, so there's all the people resisting going into Vietnam. I represented people who were doing fragging, you know, rolling their grenades into the second lieutenant's tent. And, you know, we did pretty well in those cases. I mean, you know, there was a huge amount going on. There was warrantless--.

JAY: Yeah, for people who don't know, this fragging became a fairly common thing in Vietnam, where privates would throw grenades into their officers' tents.

RATNER: And, you know, you--and they didn't--they oftentimes didn't get accused, convicted of murder or life sentences.

JAY: Because?

RATNER: I just think it was so brutal, the whole war, and they said people just lost it, and they just--they were given ten years or five years or something, but often--. And then there was--of course, the National Lawyers Guild and others were running coffee shops all over the country, at military bases, to recruit people. So Vietnam was still very heavy in 1971 and 1972, very heavy, as well as the remnants of the civil rights movement.

It was also the beginning, in New York--which was a big part of my activism--of the Puerto Rican liberation movement--not the beginning. For me it was the beginning. It had been going on forever. But to get Puerto Rico free from, you know, the U.S. And I got very involved in the Puerto Rican movement, starting in the early '70s. I was--although I never joined a political party, I was very close to the Puerto Rican Socialist Party at that point, represented everybody from Vieques demonstrators to Puerto Rican draft resisters who refused to go in because, they said, we're Puerto Rican, we're independent, we don't even have a right to vote. And it became--in New York, at least, a thrust of a radical part of our movement was led by the Puerto Rican independence movement.

JAY: Okay. We're going to continue our series of interviews with Michael Ratner on *Reality Asserts Itself* on The Real News Network.

5/7 Puerto Rican Independence Movement and Cuba Further Radicalized Me - Michael Ratner on RAI

http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=11576

PAUL JAY, SENIOR EDITOR, TRNN: Welcome back to The Real News Network. I'm Paul Jay in Baltimore, and we're continuing our series of *Reality Asserts Itself* interviews with lawyer--I should say, radical human rights lawyer Michael Ratner, who now joins us in the studio.

Thanks for joining us again, Michael.

MICHAEL RATNER, PRESIDENT EMERITUS, CENTER FOR CONSTITUTIONAL RIGHTS: Nice to be back with you, Paul.

JAY: And just another--one more time, Michael is president emeritus at the Center for Constitutional Rights in New York. He's chair of the European Center for Constitutional and Human Rights in Berlin. He's also a member of the board of The Real News Network. And all kinds of other stuff.

If there's one important story that gets almost zero coverage today, it is the Puerto Rican independence movement, the whole Puerto Rican politics. Perhaps maybe in New York there's more, but across the country and nationally there's virtually no consciousness of Puerto Rico, period. Tell us more about your involvement.

RATNER: And that's ebbed and flowed, of course. In the '50s, when I was a kid, some Puerto Rican nationalists shot up the U.S. Congress. They didn't kill anybody, but that was front page everywhere. So you got some consciousness then of Puerto Rican independence. Of course, Puerto Rico was made a colony in 1898. It was originally a Spanish colony. The U.S., claiming it was helping push Spain out, just decided to stay and occupy it as a territory of the United States. And so it has a history of incredible colonialism--and still continuing. And we can tell stories about everything from sterilization to finishing off the farming, you know, to having a military base on Vieques, an island off Puerto Rico, that did bombing runs. It's just an incredibly exploited piece of land, exploited so badly that essentially Puerto Ricans were better off (at least in their view) economically by moving to the United States.

It became heightened again in the '70s, I think, when I was a young lawyer--I think in part in New York because there were a million Puerto Ricans in New York, a million. They're dispersed now, as, you know, it's changed suburban more and all that. And there was a liberation movement that was very strong, varying from a very strong nationalist movement, which would have been the most radical movement, to a Puerto Rican Socialist Party movement, which was [incompr.] would fit in that whole spectrum, to then there being, you know, the statehooders on the far right of it.

But it really in some way--I didn't come at it on my own. I came at it because it was such a huge issue in New York at the time and because I was representing the draft. I got there through the draft, by representing Puerto Ricans who weren't going to serve in Vietnam and who said, we're independent. And I came up with 30 different legal reasons why they shouldn't serve--you know, false treaties, occupation, they don't vote, all these things. We lost almost every case, but in some

ways we won them all: none of them, I think, wound up going to jail, because by the time I litigated them and got them sympathetic and--it's a longer story.

But I then went from that to representing the Vieques protesters. They were doing--and that became a big issue later on, even, but in the '70s, the U.S. military base on Vieques was doing regular bombing runs to drop bombs in the Atlantic, and it was a big fishing place for the fishermen off of Puerto Rico, but in Vieques in particular, and I wound up representing Vieques fishermen and the protesters.

JAY: Why are they dropping bombs in the Atlantic?

RATNER: They're testing it. They're testing ordinance and how they fly it and all this. The big military base was probably a third of the island. So that becomes a big issue. And I wound up doing a lot of the work in going to Puerto Rico a lot.

Then, of course, there were lots of bombings going on.

JAY: And this is all through the Center for Constitutional Rights.

RATNER: This is all through the Center. But it was a lot of work going on--not just at the Center, but the Center was really doing a lot of the legal work around Puerto Rico, and others on their own. A lot of the--there were grand juries that were--to try and destroy the Puerto Rican movement, that tried to call people in to be questioned, and all these kind of things. So it became--in the '70s it was a very big issue.

JAY: And then there's another place where the United States, in the name of getting Spain out, colonized, and that was Cuba. And you go there in '73. How does that come about?

RATNER: Yeah. Yeah. You know, we always called--or maybe Fidel or one of--maybe the poet, José Martí, from Puerto Rico called--they used to call Puerto Rico and Cuba two wings of the same bird. Really, they're sisters in a way and two wings of the same imperialist bird, I think, is what is meant. Cuba ostensibly got its independence, but it was dominated and controlled by the United States, and also a military base, which is still there, which represents my work over the years with Haitians and now Guantanamo. Guantanamo is Cuban. U.S. has a forever lease there, essentially.

And I went to Cuba in '73 the first time. By that time--it was interesting. I forgot this, but I was already representing Venceremos Brigade. The Venceremos Brigade would send progressive Americans to Cuba to do work--sugarcane work or construction work--as a way of breaking the blockade of Cuba. And so my first trip was in '73. Before then, for two years I'd probably been representing the Brigade. They probably weren't that much--in existence that much longer, five

years or something. And eventually I went on a brigade. That was in '76. I did construction for six weeks. A fascinating time, obviously.

But my first trip was '73, and, of course, many stories about it, but the main one that comes to me now about it--I mean, first of all, we thought it was going to be a workers socialist paradise, and in part it felt that way. I mean, this was--look it, Che was only killed in '68, so he was killed, you know, five years before. So you still are with the comrades of Che. You go to Cuba in '73, the Vietnam War is still going on. You go into, like, the bar in Havana Libre, and it's filled with Black Panthers and Vietnamese, revolutionaries from Central America. It was a heady, I mean, incredible feeling. And, of course, you went out to the schools, and the fact that all the school kids had to do work in the farms for six weeks, and, you know, then the rent is 5 percent of your income, you know, etc., there was at least a very positive feeling. I'm not saying there weren't negative things, but certainly for young people like us coming out of, you know, the United States and out of what had been a revolutionary time, even for us, you know, it was a really heady atmosphere in 1973 in Cuba.

But I remember a conversation I had talking about the U.S. and imperialism, and it's June 1973. I'm sitting down with the dean of the law school. And there was very little law in Cuba. They pretty much got rid of capitalist law. It was run by--there were popular tribunals in each community and all these kinds of things. But there was still a law school--not with a lot of people in it, but there was still a law school. And we're sitting down discussing what's happening in South America, and we're being optimistic about it. Seventy-three, we have the--still Allende and the Socialists are still in power in Chile. We have the Tupamaros in Uruguay, who were a real force to be reckoned with, you have a liberal military government in Peru, and probably more that I'm not remembering right now. And we're saying, where really I'm--were being--speaking of--socialism or progressivism is really on the ascendancy.

And what you saw within probably--certainly within Chile was by September 11 the overthrow of Allende. You eventually saw the jailing and torturing and murder of the Tupamoros and, I gather, the overthrow of the Peruvian--in some way, change in the Peruvian military government. So you saw the United States, almost with the back of its hand, just sweep across progressive movements in Central and South America (South America, in this case) and just wipe them out. And that's a real lesson that was learned repeatedly by me and others, of course, when we go into the '80s.

JAY: When you're in Cuba and when you come back from Cuba, you must hear from sort of liberal friends of yours--or you might have, at any rate--that, you know, you're defending the

freedom of speech, the right to organize, the right to protest, civil rights. And then they would say, in Cuba people don't have that, that Cuba's supported by the Soviet Union, where they don't have such rights. What was your own thinking in terms of, you know, your fight for civil rights in the United States and then what you found in Cuba?

RATNER: You know, part the kind of lawyers we're trained to be and the way our constitution works in this country, it would put a very high premium on what we call civil rights--free speech, right to vote, all kinds of civil rights. We put almost no premium--in fact, zero--on what I call fundamental economic rights--the right to health care, the right to shelter, the right to school, the right to work. Really almost none. And lawyers are trained in a certain kind, because that's what our constitution reflects. It doesn't guarantee those rights. It guarantees my right to sit here and talk to you.

JAY: Yeah. You can pursue happiness, but there's no guarantee of a job.

RATNER: So my--and, actually, our legal system isn't one that can get at what I call fundamental economic rights. And without going into an analysis of what, you know, democracy in Cuba and whether the right to vote means democracy or not, you know, particularly when it's manipulated by huge amounts of money and all that, without even having to critique that, my fundamental belief is that I start from economic rights. I start from the guarantees to human beings that their children can be educated, they can get medical care, they can get shelter. And after that, I'm willing to start talking about what other rights they are--are necessitated by it. I'd like to see them go together. But what I can't stand hearing is that, you know, a poor sugarcane worker in Cuba who can work before the revolution four months a year and the rest of the time is homeless because they don't have to plant the crop and pick it for four months, that that person has a right to free speech, and that is somehow more important than that person's economic security or his children's. That's my basic take on it.

JAY: I mean, I agree with that, but do you not think that there was some apologizing going on too much in that direction? What I mean by that is a kind of rationalization on some people on the left that. You saw it, certainly, in the Soviet Union. People would go and come back with that, oh, they have universal health care, they have this, and they have that--and to some extent with Cuba, although I don't think the situation was ever as politically restricted or repressive, if you want, in Cuba as it was in the Soviet Union, but that these things do matter. They both matter is, I guess, what I'm saying. You know, what we have here is a superficial democracy if you don't have economic rights.

RATNER: Right.

JAY: But if you're going to actually be able to defend your economic rights in those kinds of countries, you have to be able to have a right to speak and organize and things.

RATNER: Right. I'm not saying they don't matter. I think they should be coterminous and you should have them.

JAY: No, I'm not suggesting you're saying--.

RATNER: No, but I'm saying when I come back here and your point is about how perhaps being people like me or leftists or others look at those in terms of would I come back and say, well, Cuba does great on this, but it does terrible on this, with the exception of some exceptions, I would say [incompr.] I would not make that talk here. And I don't make it because the dominant--'cause what I'm doing by that is essentially reinforcing the dominant narrative in the United States.

And the question is: how you can--it's a hard question you're asking, because how do you have credibility on what you're saying about Cuba without also embracing, yes, it's not a perfect society? I think you obviously have to say that. But how do you do it in a way that it doesn't enforce the dominant narrative in the United States, which is Cuba is just this repressive country that doesn't have unions, that doesn't have free speech, that doesn't give people a share of their government? I mean, there's ways I can take it on with, you know, popular power and all that, but in a substantive way. But I do think the real issue--and it's a hard issue; I think it's a hard issue of--the problem is the narrative in this country is so bad on these issues, whether it's around Cuba or other countries, that you have to be very careful about how you do that, or else you become essentially--you know, you say, oh, yeah, they're doing this good, but we have to get them on this. Now, as I say, there are some exceptions. Obviously, when Cuba went after, you know, homosexuals the way it did, that was a--I don't think the left held its tongue on that particularly--maybe some, but--.

JAY: Well, there's an interesting debate that's still happening in Cuba, but a few years ago broke out, where one of the scholars there was saying that, you know, if you're going to introduce co-ventures with Spain, you're to start having some forms of private ownership, you're going to have all this tourist dollars coming in, and you start to have a stratification between who gets access to these tourist dollars and who doesn't, that if not before, at least then there needs to be the right to have independent unions, because now you have the state and the Party in kind of a conflict of interest situation.

RATNER: That kind of discussion that people have had a lot of, obviously, on that, that's a big discussion, and it has been for years. When we go to Cuba, you know, my driver sometimes is a

doctor who makes more money because I pay him in \$25 a day--years ago this is, but he would make more money from that than he'd get in Cuban pesos. And, you know, there's--so that discussion of the two-tiered system and what tourism means, that's a very heavy discussion. I mean, the problem is--obviously some of it, you know, is the nature of a revolutionary government that takes power through military means. Part of it is maybe that. But part of it is being a completely isolated country in the center of the Western Hemisphere. And when you see what the U.S. did, whether it's in Chile or in--when we talked about it, or in the Tupamaros, or what it did in the '80s in Nicaragua, was: we're not going to have another Cuba in this hemisphere. So it's a complex--.

JAY: And that was the message. That was the fear of the United States.

RATNER: It's complex about what's happened. And would you say it's ideal the way the society had to be bent because of having to deal with a blockade and because of what it had to deal with? No, it's obviously not ideal. And was it ideal that it had to embrace the Soviet Union? Not ideal. That I think was set internally. It was debated internally. Che would have been against it, Che Guevara. You know, that's when it began, just at the edge of his life. So, you know, complicated discussions. I mean, there's that in Cuba, and then there's the discussion here. So it's--.

JAY: And as your work continues through CCR, you get more involved in the American attempt to make sure there's no more Cubas in Latin America.

RATNER: Yes, I do. I just want to go back to that last thing, which is I do think that for me, despite this discussion, to me the fundamental way I start by judging the society is the way I said: what is the economic well-being of its population?

JAY: Which is why we were talking off-camera ahead of time what I should call you, a civil rights lawyer, a human rights lawyer, and we settled on radical human rights lawyer, 'cause it needs that content that--.

RATNER: That's not denigrating unions or free speech. Obviously, I want them both. But I don't want a narrative that says--which is the narrative of the United States: if you have free speech or opportunity, quote, then you have--that's all you have to give your society. I don't accept that.

JAY: Okay. We're going to continue our series of interviews with Michael Ratner on *Reality Asserts Itself* on The Real News Network.

Fighting Reagan's Secret, Illegal Wars - Michael Ratner on Reality Asserts Itself (6/7)

http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=11590

PAUL JAY, SENIOR EDITOR, TRNN: Welcome back to The Real News Network. I'm Paul Jay in Baltimore.

We're continuing our series on *Reality Asserts Itself* with Michael Ratner, who now joins us in the studio again.

Michael's president emeritus of the Center for Constitutional Rights in New York. He's also a board member of The Real News Network. And you'll see lots more of his bio down below.

Thanks for joining us again.

MICHAEL RATNER, PRESIDENT EMERITUS, CENTER FOR CONSTITUTIONAL RIGHTS: Good to be with you again, Paul.

JAY: So the Vietnam War winds up in 1975. The late '70s is a period of not just exhaustion with the war, but the anti-imperialist questioning, the denunciation of American foreign policy, the role of the CIA--there's a kind of a pushback in public opinion, and even at the political level, of just the kind of activities the United States has been up to. So where are you in all this? 'Cause I would think the CCR is in the middle of a lot of this.

RATNER: Well, it was an interesting period, for sure, because you had Carter elected, and really you saw the claws of U.S. imperialism at least cut back a tiny bit. We had the War Powers Resolution, which required a certain kind of consent from Congress, but where you could go to war, Congress trying to blame the executive, even though Congress deeply supported the war with money and everything else. You had restrictions on the CIA. You had hearings about the massive surveillance carried out by the CIA in the United States, as well as by the FBI and

COINTELPRO and the destruction of the black movement, etc. You had a lot of this stuff come out. And you actually saw what I would say a blunted foreign policy in terms of use of U.S. force overseas, etc.

As you get toward the end of Carter, what you begin to see, though, is the beginning of the furnishing of some military aid into Central America. Central America is beginning to--.

JAY: Just before, we just should add the Carter-Brzezinski and Afghanistan. There's a very important piece there where Carter signs a memo which, in the context of all that, says no lethal force supplies should be given to the Afghan jihadists, the anti-Soviet fighters, but in fact money goes through Pakistan--beneath the cover of this memorandum, they are in fact sending lethal support. So the whole beginning of what we now see in the Middle East, Carter and Brzezinski are kind of in the middle of it all.

RATNER: I think that's really important [crosstalk]

JAY: But it's a bit off the radar in terms of people's understanding that it's what's happening.

RATNER: It's certainly off the radar for me during that period. I mean, I know it now because Brzezinski still brags about the fact that he did that,--

JAY: Brags about it.

RATNER: --even as a way of pushing the Soviet Union out of Afghanistan.

Now, of course, as you said, it is the beginning of the end in Afghanistan, and we're where we are today because of that decision made by this so-called antiwar president, along with Brzezinski, to arm the insurgency in Afghanistan, including jihadists. So it was something that was--as I recall, was not on the radar at all. What was on the radar was that the Soviets were doing bad things in Afghanistan and all of that. That was all over the papers. But in terms of public radar, not a lot. In terms of my own life, I was by that time, after being in Cuba and Puerto Rico and defending a lot of militants in the United States during the late '70s, from the Black Liberation Army to Puerto Rican activists to others--I had looked at it at least in terms of the area of the world that I was really working on, which was Central and South America, as a pushback against the United States in that Carter wasn't doing a lot in those countries at that point to repress change. And, in fact, on his watch, two revolutions happened. In 1979, in July 1979, the Nicaraguan Sandinistas actually had a victory, and it became a Sandinista revolutionary government. In, as I recall, March before that, March '73, you had the New Jewel Movement take over Grenada. And at the same time, you had insurgencies that were quite strong, particularly in El Salvador, with widespread human rights violations by the government, really moving quite along. That was the FMLN, the FSLN in Nicaragua, FMLN in Salvador. And in Guatemala you had at least four or

five guerrilla groups, insurgent groups, coming together to try and overthrow the military dictatorships of Guatemala. So you're talking about the late '70s with the U.S. at least, because it got slapped on the wrists a little bit about Vietnam and the Congress and everybody else being nervous about the money, American soldiers, etc., not intervening so directly in the '70s wars in Central America.

And so, as Reagan runs for office--and remember, Carter is a one-term president, perhaps in part because of Reagan's salesmanship on this issue. Look what's happened under his watch.

Nicaragua had a revolution. You know, Grenada, this tiny little 90,000 person island in the Caribbean, they're controlling our oil and shipping lanes all over the world, essentially, from this little island. And that's--Reagan's running on that policy. Carter loses the election.

I can tell you that despite having had Nixon and Vietnam, that we were utterly shocked as progressives that Reagan had won and what that would mean for us as progressives and what it would mean for others in the world, because accompanying Reagan's victory was a big, thick book called *Mandate for Change*, written by a right-wing foundation called the Heritage Foundation. And this was really the culmination of probably what the right wing had been doing, which was funding foundations and other think tanks to begin to set the agenda, which became the agenda, let's be honest. But it became the agenda through today. What really happened from Reagan forward is more or less, even with Clinton, adopted a number of the suggestions of these right-wing think tanks from welfare and work to various restrictions on the death--on challenging the death penalty, to the right of habeas corpus, to wiretapping, to all of these things. This really-- I would put it from Reagan's election forward.

But what it meant for my work was very, very important, because by that period I'm already working a lot. I've been working in Puerto Rico and Cuba. And we'd done work in Chile in the '70s, after the Allende coup. And I was starting to work with a group of people who were--they ran a magazine called *CovertAction Information Bulletin*, Bill Schaap, Ellen Ray, Lou Wolf, and Philip Agee.

Philip Agee wrote *Inside the Company*. He was a CIA agent, exposed the names of 200 and some agents doing nothing but dirty tricks in Latin America and Central America, I mean, forming their own unions, killing union leaders, etc., all kinds of really bad, bad stuff. Phil turns renegade agent, exposes the names of the agents. This magazine is out there to publish the names, not just that these exposed, but new names.

I become the lawyer for the magazine, and that begins sort of my real work on the ground in Central America with that magazine and with Phil and with others.

At that point, they eventually pass a law that maybe our viewers are familiar with, the Agent Identities Protection Act, which prohibits people from naming CIA agents if it's part of their business to do, aimed particularly at my client at that time, *CovertAction Information Bulletin*. But because of that, I've gotten more and more involved in the revolutionary struggles in Central America. And I did a lot of that work both in Cuba and in Central America. Cuba--and you have to be frank about it--was very supportive of revolutionary struggles in Central America for many years before that, from Che going forward. And while they had to have all kinds of relationships with governments on one level and--but they were very supportive of the Sandinistas. In fact, Daniel Ortega in the '70s, before the revolution, had lived in Cuba. I mean, this was not small. And so my work during that period--and I can just talk about a little bit of it--it was in part solidarity work, but in part it was using legal means to try and bring the war to people's attention in a legal way, in a cultural way, and to try and get some changes in it. It involved across-the-board work.

But in Nicaragua--I can just give you one instance--no one knew--you know, it was a secret--the Contras were secret. It wasn't publicly announced that Reagan was supporting and arming the former people who ran Nicaragua to go into the country from both Honduras in the north and Costa Rica in the south and to squeeze the Sandinistas and kill them.

JAY: And doing so illegally.

RATNER: Right, completely illegally, outside of Congress authorization, and doing it in a way that killed not just militants and soldiers but killed, you know, aid workers, killed farmers, raped people. One of my first clients was a woman, a Miskito woman from the Atlantic coast, one of the indigenous leaders who'd been raped, you know, scores of times by the Contras. And so I wound up doing a great deal of work in many of those countries, but particularly Nicaragua, to try and stop the onslaught of what the U.S. was doing.

JAY: Is it this point where you establish a precedent that there can be a lawsuit waged in an American court for a violation of rights outside the United States?

RATNER: It was--that lawsuit happened in 1980. That's correct. It wasn't me personally, it was the Center, but that's one I certainly used. The idea of that lawsuit (that's called the *Filártiga* case) was based on a Paraguayan man whose son was tortured in Paraguay. The torturer then came to the United States, a government official torturer. And we successfully sued that torturer in the United States on behalf of a Paraguayan father and sister and the son, who was tortured, for an incident that took place entirely in Paraguay. And yes, that has led to my first really big

case on behalf of people killed and tortured by the Contras in Nicaragua, and that was this Miskito Indian.

It was other people who'd been tortured. And what we did was I went through Nicaragua. I went into the highlands, I went to different places, interviewing people who'd been tortured or their families killed. And we eventually brought a lawsuit against Reagan, members of the National Security Council, and others for illegally arming the Contras and fighting an illegal war. And part of the purpose of the lawsuit, not that I expected to win, but was to expose to the American people that there's this entire secret war going on and you ought to be aware of it. And we brought up the people who'd been tortured, we put on theater plays with them, we did a whole bunch of ways of trying to bring public attention to that illegal war. I probably, with other people at my office, some of the lawyers, and activists, brought a dozen lawsuits on various aspects of Nicaragua, El Salvador, the Contras. It was a very active period of my life, really not just supporting *U.S., get your hands off Central America*, but really wanting to support revolutionary movements for change in those countries.

And, of course, the mass slaughter was incredible, and the things I saw on the ground were horrible.

JAY: For example?

RATNER: Well, horrible. I went up to one village in northern Nicaragua, and there were, you know, little girls laid out in their coffins with flowers around where Contras had attacked them and killed the little girls. I represented a man named--an American named Benjamin Linder. Ben Linder was there as an aid worker, was building a dam in a place called Jinotega in Nicaragua that would give electricity. It was a little, you know, small dam for the little village, and the Contras shot at the dam, and then, when he was laying on the ground, they execute him point-blank, 26-year-old U.S. engineers. I mean, the atrocities done by the Contras were just--were numbing, were just numbing.

JAY: And considered by Reagan to be heroes.

RATNER: Yes. The Contras were considered to be heroes. They were armed. When Congress finally said affirmatively, you can't fund them anymore, that's when the Iran-Contra scandal happened, that's when the U.S. essentially traded arms with Iran, traded--what was it again? It was--they had a deal with Iran that Iran would supply arms to the Contras because the U.S. Congress couldn't. I guess they paid Iran, you know, a certain amount of money, all probably related to the hostage crisis that--at the end of the Carter administration, that the deal was all in the works.

JAY: You know, when you look back on that period, the level of brutality that Reagan was responsible for, the number of lives he's responsible for internationally, never mind what he did in terms of domestic policy, and now he's this loved president--if you ask people their best presidents, Reagan's often on the list. I once saw an interview with President Obama about the roots of his foreign policy, and he started with Truman but included Reagan in the legacy of a foreign policy he could embrace.

RATNER: I saw that interview. And the School of the Americas during that period was giving out books of how to torture people in interrogation. Two hundred thousand people were killed in the highlands in Guatemala. U.S. was supplying the Guatemalan military with arms. Tens of thousands were killed in El Salvador.

The U.S. finally put in--the Congress put in some human rights obligations in their law that said, El Salvador, we're going to cut off the aid unless, you know, the human rights situation is better. The president has to certify (Reagan, in this point) every six months that it's getting better. And, of course, Reagan certified every six months that it's getting better.

I represented, actually--she's a senator from here now, from Maryland--I represented--she was a representative then, Barbara Mikulski then. And Barbara Mikulski was very good on the war, against the war, incredibly good. And she was one of the plaintiffs in one of my lawsuits to try and stop some aspect of the El Salvador war, as I recall. And after the president certified, president certifies, according to congressional law, aid can continue, human rights are getting better, he says, [incompr.] continue, I got on the phone with--I think it was Barbara--and she said, you know, can the president call a duck an eagle? And I said, I'm afraid he can. Of course, we litigated it and lost.

But there were a number of heroic people during that period. But, you know--and the Catholic Church played--it was the liberation theology church--it played a very strong role in a positive way in Salvador in particular, and they killed Archbishop Romero early on in that war.

But it was an--I think your point is right, Paul, and it's an important one. It was one of the most brutal excesses, you know, that I had certainly experienced in my life in Central America in that period. You know, and those countries are still--Guatemala is still a decimated, decimated country.

And then, of course, we invaded Grenada in 1983 under Reagan; we invade Grenada. There's an internal conflict. Who knows what role our country had in it. Maurice Bishop, the head of Grenada, who I was acquainted with, was murdered. And then the U.S., on an excuse of having to save Americans at a medical school there, invades.

And it was an illegal war, of course, completely illegal war. I went to court on behalf of Congressman Dellums at the time and some others. And, of course, by the time I got to court and got the judges to rule clear illegal war, the war was over. It was a four-day invasion.

So this was a incredible--it was propaganda all the time about it, about oil lanes and shipping and communism. There were false reports, you know, about, you know, arms coming in. It was just a complete propaganda effort to get the American people on the side of destroying these progressive and revolutionary changes.

We actually thought--and this is, of course--I would look back, not naive, but you never know at what moment, of course, you're going to bring down at least part of the imperial structure, and maybe each part of these--each of these maybe puts a chink in it. You don't know. But we actually thought because it was so hot in Central America at that point, we actually thought that we were going to win and that it was a really serious moment. And then again we saw the United States come in.

And, you know, in 1988, that was the last--that was really the end of my work, in a way, in that--in my concrete work there, 'cause that's the year the Sandinistas lost the election. And what you could say happened--sure, the Sandinistas made errors, mistakes, and all this, but what happened is the people were sick and tired of being at war with this behemoth to the north, and they could never, never win, and they were being killed, the place was economically destroyed, and they voted the Sandinistas out of office. And so you just see the power of this country.

And so I don't know how I look back at the period. Sure, I think it was an important struggle, it was the right struggle. But on the other hand, you just see the power of this country.

JAY: But did it leave you feeling a little pessimistic?

RATNER: Well, I was--actually, '88, I think it's at that moment. After '88, I actually changed my life for a period of time. I decided that I would take off a few years and go teach law school, teach human rights, you know, at various law schools. And that's what I did. And it was--sure, I stayed active in various countries and other places--Cuba I still work with; I still work with, you know, whatever remains of covert action.

JAY: But it took some steam out of you.

RATNER: It definitely did. It was a period that we really thought we were winning. But the cost was incredibly high. And, sure, you could look back on it today and say, well, yes, I mean, obviously it's changed in Latin America, it's changed in Central America to a certain extent. You have--you know, whatever people's opinion are of Daniel Ortega, it's still Daniel Ortega leading that country.

JAY: And big changes in Venezuela and Bolivia and Ecuador and--.

RATNER: Right. Right. In South America it's a real shift.

JAY: But in that period for you, it took some steam out of you.

RATNER: Right, in that period for sure, and I went off and I taught.

And then I didn't--and, sure, we still took on whatever wars the U.S. was involved in. I can't remember which one was next.

My whole life--and that's [incompr.] I've been--really, in that sense, my antiwar stuff goes back to being a child. I wrote a poem when I was in eighth or ninth grade saying I would never go to war. And I've been consistent. And it's been--of all the issues, I think, of the United States that's been the hardest to make a dent on, it's war. And they have been at war, I mean, since your age or my age, since I've been--not just the Second World War, but then the Korean War, and every year of my life the U.S. has been at war, essentially.

JAY: And, importantly, both parties.

RATNER: Right, both parties. This is not a one-party war, no, not at all. And that, I would say, of all the issues I've had to try and tackle--and, of course, I'm only one person, but, I mean, all of us have had to tackle, it's been--it's imperialism, hegemony, but it's the use of war to finally say to people, you go against us and we'll kill you.

JAY: Okay. We're going to continue this series of interviews with Michael Ratner on *Reality Asserts Itself* on The Real News Network.

7/7 Moving Towards a Police State - Michael Ratner on Reality Asserts Itself

http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&jumival=11589

PAUL JAY, SENIOR EDITOR, TRNN: Welcome back to The Real News Network. I'm Paul Jay in Baltimore. And this is *Reality Asserts Itself* with our guest Michael Ratner, who joins us again in the studio.

Thanks for joining us again, Michael.

MICHAEL RATNER, PRESIDENT EMERITUS, CENTER FOR CONSTITUTIONAL RIGHTS: Always good to be with you, Paul.

JAY: So, Michael, one more time, is president emeritus of the Center for Constitutional Rights in New York. He's a board member of The Real News Network. And he's the American lawyer for WikiLeaks and Julian Assange. And if you want to know more about Michael, there's lots of biography down below, but most importantly, this whole series of interviews is about Michael's life, so just watch it.

So we're going to pick up--we're going to kind of jump ahead. We were in the '80s, and we're kind of running out of time, so we're going to kind of do the '90s another time, more or less, and we're going to pick up in 2001, because since the attack on the World Trade Center, this has defined a lot of your life over the last more than decade.

You actually saw it happen.

RATNER: I was in my house in downtown and I was going out for a run, and I'm going down, running past the World Trade Center. A beautiful eggshell blue day, sunny. I'm running past the World Trade Center, and I hear this huge explosion. And I look up, and I see one of the World Trade Centers just enveloped in flames almost immediately. I stop, I walk over to a construction site, and we see the outline of a plane right in the building. It looks like a plane just flew right directly into it. And we had no idea it was terrorism, none at all, zero, standing there with the other construction workers. Our cell phones are still working, as I recall, then, and we call people and say, what's going on, and they say, well, it looks like a plane flew in.

And then I'm just standing down there watching, and about--maybe it was 20 minutes later, I see a plane. It looks like coming up the Hudson, from the south. I'm not sure, but I think south. And I'm thinking, well, that plane is there to inspect the damage on the building and maybe drop water on top of it. That's how--we did not expect this. And instead, that plane turns around, comes around to the back side, and flies right into the other World Trade Center building. At that point I say, well, this is really bad. This is intentional. It's terrorism--or, I mean, I didn't use that word. I'm not sure.

But then I got actually really scared. And then I have two kids in schools that are right in that neighborhood. And then I just run home as fast as I can, thinking, what's going to happen next, what's going to blow up next. At that point there's no cell service. Everything's gone.

At that point I'm--I just run home. I go to my apartment. And we make sure our kids are safe. In fact, one of the planes had flown within a few hundred feet over my daughter's school. We go get our kids at the schools.

And at that point what do you do? Well, first we stand on the street. And you can see down 7th Avenue, and you can see the buildings just in flames, and you just actually saw them pancake to the bottom. I mean, we saw the whole thing.

And with our kids, we picked them up. And we want to do something constructive. So we get all the kids from the school, a dozen kids at our house, and we make sandwiches together to bring to the hospital or to bring somewhere where we think there are going to be survivors. In fact, of course, there weren't people who really needed our sandwiches.

And, you know, it's obviously an incredible thing we saw. My kids were ten and 12.

For the next two weeks the city--more than that--the city's just in mourning. And because I live downtown, there's ash everywhere, there's the smell everywhere for weeks, just weeks of it. And friends are living in my house--the ones who lived right nearby had to abandon their houses completely.

And then you go to these vigils, and there's just, like, boards, like, 20, 30 feet, with tags on them: Have you seen my father? Have you seen my mother? You know, people wondering what's happened to their parents.

And then you knew people, obviously, 'cause we were living downtown in New York, you know, you know, my kid's soccer coach or something. You know, just you knew people.

JAY: Within a month, or just a little over a month of that day, you write a piece called "We're Moving towards a Police State".

RATNER: You know, my reaction to it was that it was so horrendous, what I saw and felt then. And there was such talk of war in the country, and Bush gives his, you know, crusade speech, that we're going to go on a crusade--great choice of words. On September 18, Congress passes the Authorization to Use Military Force very close to that time. The Patriot Act is passed six weeks afterwards. You're getting a whole set of both laws that are going to allow massive surveillance and, you know, all kinds of other things to people all over the world, and you're getting the authorization to use war whenever you want, the president wants to, anywhere in the

world, that he can go after, even in the United States, the authorization to use military force. And you're getting this bellicose speech.

And I'm sitting there saying to myself, look what I've just seen. The last thing I want to do is visit war on another population. That's the last thing. I mean, what a horrible thing to do. Look what I've just seen, and war is much worse. War is--I mean, 3,000 people is horrible, but a million people in Iraq, which is what we have now, probably, is--I mean, you can't--it's unfathomable. So I'm sitting there saying, I don't want a war. This should be treated as a crime, and we should find out who the perpetrators are, get them arrested, and get them tried.

And then, of course, there's no context as to why it happened. You couldn't even ask. You know. And I think I remember Susan Sontag wrote something about why, and she basically was drummed out of the world, practically. I mean, so you couldn't even speak up.

But I'm looking at it, and here I am. I have this long history, obviously, of protecting civil rights and civil liberties, and I understand something about context, although people knew nothing about being a Muslim then, anybody, even sophisticated people. Just nothing. Nothing. This is a blank. [incompr.] the FBI, I think, had two Arabic translators. The whole thing is, like, you know--it was just this, like--whatever.

So I'm looking at it and saying, look at this repression that's coming down on us. We're basically building a police state here. We're going to be allowing, basically, unauthorized wiretapping, which we didn't even know about, the warrantless wiretapping. What they already had done was so bad that we came out against it.

Immigration--we had clients picked up all over the city, Muslims. Because you were between a certain age, from certain countries, they would just be jailing you. And then they checkerboard you around various jails, and you couldn't find your clients. We got calls from mothers, fathers, sisters, brothers: Where's my son? Where's my son? Hundreds of those people picked up all over, and beaten, and put in those three-piece chained suits, beaten, done nothing, zero, nothing wrong. They were Muslim of a certain age and the wrong country. Then a program to fingerprint and question every single Muslim between 18 and 35 in the country who was here on an immigrant visa. Every single one. I mean, so it was really strong.

And then the wars. You know, first, obviously, the bombing of Afghanistan. And that was interestingly tricky, because I opposed the war, completely opposed the war. Apart from there being some negotiations about [incompr.] the Taliban and turning over bin Laden at an international court, I just thought it was going to be hundreds of thousands killed or tens of thousands killed.

And interestingly, some people who were normally antiwar didn't oppose it. They were so appalled by 9/11 that they actually left their reason and their understanding of who this country is, they left it in a ditch somewhere. And I actually had some debates with people who, by the end, they realized that I was right, even before the war. But it was a serious moment to come out against that war. And a lot of good people, unfortunately, supported that war. So there was first the Afghan War, which we're still seeing today, a country that's destroyed that now has, you know, the highest opium production in the world.

So I'm sitting there. I write these articles. I start doing that. Very little is picked up on it, very few allies.

And then, on November 14, 2001, President Bush issues what's called Military Order No. 1. That's the Guantanamo order. That's the one that says, I'm the president, we can pick up people anywhere in the world at that point, non-citizens [incompr.] citizens, anywhere in the world, and we can hold them forever. And if we try them, they're going to be tried in special military commissions.

And I--sitting at the office, and I'm saying to my colleagues, we have to--and they--we have to challenge this. They abolished the writ of habeas corpus, etc. And no one would go with us, literally no one. No other human rights organization. A couple of other lawyers went with us, but no other human rights organization. And so we're out there alone saying, we're going to represent the first people. I have stacks of hate mail 500-high saying, you know, let--you go see the Taliban, let them go eat your children, all that kind of stuff.

And then it turns out to be Guantanamo where they're going to send the people. That's January 11, 2002. [incompr.] you know, they're incognito, etc. We wind up deciding to represent the first people at Guantanamo. I had earlier represented Guantanamo people, Haitians who had been at Guantanamo in the early '90s, the HIV Camp, which I was successful with others in closing. This is the second reiteration of Guantanamo and Cuba, and we're the first people out there.

For the first two years, nothing. I mean, we couldn't get any allies. We couldn't even get our lawyer to file the case initially in Washington for us, 'cause we needed a local counsel.

JAY: We have talked about this period quite a bit in other interviews. And you can--we're going to have a whole page you can get to to see all of Michael's interviews. So we've done a lot of detail on post-9/11--Patriot Act, Guantanamo.

RATNER: Drones. Everything.

JAY: Drones.

RATNER: We've done all that stuff. Torture. We've done millions [crosstalk]

JAY: We're kind of running out of time, so I kind of want to ask you a big-picture question.

RATNER: Okay.

JAY: You have been fighting in many fronts, but your primary front has been fighting on a legal front in courts. You work for something--or you did--for something called the Center for Constitutional Rights,--

RATNER: Still do.

JAY: --which presupposes that there is a Constitution and there is a rule of law. So, you know, "Moving towards a Police State", the title of what you wrote--I mean, in a police state, you don't have a rule of law, you have straight arbitrary power. I mean, there may be some laws, but they don't have much to do with any constitutional rights. To what extent is this still a country where there is a rule of law based on a constitution with rights? I know we're--you know, there's--somewhere, I guess, you have, you know, a pole, which is, like, some kind of Hitlerite police state, where there are no rights; at some point you have, you know, some people would call a democracy--some people might call it a bourgeois democracy, but still there is constitutional rights, and you can go to court and win some cases. Where are we on this?

RATNER: Let me just say, you know, underlying the philosophy of the Center for Constitutional Rights and my own is that social change happens through activism, and that the role of lawyers like me, in general--there are some exceptions--in general, is to support social movements. So it's supporting the antiwar movement in Central America. In the Guantanamo case it was a little different, because we didn't have a social movement. There we had to do something that I don't often do: go into a court, trying to actually win any kind of legal right, so that we can even visit the people and stop what became torture. So the Center was founded out of representing movements. So I look at courts as an adjunct to that, sometimes used and sometimes not. To answer your question, I would say to some extent it depends. So, for example, the Center for Constitutional Rights recently won the stop-and-frisk case in New York. Yes, we had a terrible mayor, Bloomberg, who wasn't going to enforce it, who appealed it. Now we have a mayor who at least didn't appeal it, and now we're going to have a change on that. But even that, there were 40 organizations from across all walks of life, all races, all religions, with us in that case, grassroots organizations doing the work. The lawsuit became the way in which we could translate that into a victory, ultimately.

But to answer your question, on that kind of constitutional right we're not at the end of the road yet. We [incompr.] similar case we won against the New York City Fire Department for

discrimination. You know, it had 3 percent blacks in a city that's 30 percent, 25 percent black--I mean, incredible, in New York. This is, like, racist to the core. So that kind of stuff, I think, is still there to litigate. Although people say, oh, we have a black, you know, president, we have--all this stuff is over, you still have problems on that.

On the other fundamental rights I'm talking about, the way--the rights to free speech, the right to be free from a search, the right to be free from arbitrary imprisonment, those are evaporating in the name of national security. There's just no question about it. Those we don't win anymore. We won a theoretical right to get people out of Guantanamo, for example, by testing their detentions in court, but the courts have never actually--or one exception--ever ordered the release of anybody from Guantanamo, because they'll give us the theoretical *oh, yeah, you have a right to go to court, but we're not going to give it to you.*

Recently, the court just held we have a right to challenge people's conditions at Guantanamo that they live under. For 12 years we haven't had that right. All of a sudden they gave us that right, 12 years later. The first condition we challenged was the forced feeding of people at Guantanamo on a hunger strike, strapped into a chair, tubes down the nose, the whole business, and the court said, well, that's okay. So you're--the answer is that I think, on the fundamental rights of our security, I mean, of our constitutional security, I think those have evaporated to a large extent.

JAY: And they seem to be creating the legal framework, which they're not, as far as I know, really using yet, but a legal framework for a full-fledged police state, the NDAA amendment, which allows the army to actually arrest people, you know, for having some kind of association with terrorism. It seems pretty vague, you know, what they have to prove to do that.

RATNER: Well, that, coupled with the national surveillance state. I mean, everything we say and do, every association I have, if and when there's ever another Occupy Wall Street or Occupy this or a revolution in the streets, you know, [incompr.] cold, they'd pick people up cold. No, we have the--certainly the framework is there for imposing, you know, very heavy measures against citizens and people in this country.

JAY: The media, which--like, if you follow *The New York Times* and some of the other conventional media, they will do a story on the NSA spying. They will pick pieces of the surveillance state. But in terms of the media--you know, people understanding the extent to which this legal framework has been created, the shift away from constitutional rights, the media seems to just either blindly go along with this, is afraid to stick your neck out and say anything. The debate over that NDAA amendment was mostly in the independent alternative press. The

mainstream media barely talked about what to me is one of the more dramatic pieces of legislation that's been passed in a long time.

RATNER: Yeah, no, the media has been terrible on this issue and not taking on what I consider to be the big issues.

You know, so right now, as you said, I'm representing WikiLeaks and Julian Assange, and I've done a lot of interviews for you about that. But on this whole issue of surveillance, on what the state can do to pick people up on arbitrary detention, I think we're at a real crucial turning point. I mean, I look at Snowden or Julian or Jeremy Hammond, who's in for the Stratfor hacks, or Barrett Brown or other of--or Sarah Harrison, who's sitting in Berlin, who took Snowden from Berlin to Moscow--I mean, from Hong Kong to Moscow. We're at the verge of deciding how--what's going to happen in the future. Is it going to be a state in which the government, from a vertical point of view, controls the internet completely, controls our information completely, and knows everything about our lives? Or are we going to be able to make it more horizontal, where we can actually have some kind of democracy? And I think these people, in my view, are heroes, because they're taking on the state much like people took on the state in the '60s. And I do a comparison with that. And the state is repressing them much like they did in the '60s and passing laws to make sure that they can't do that.

But the press has just been, as you said, I think, piecemeal in a terrible way. I mean, even I follow this stuff very closely. You know, do I have a really big picture of what's happening? Absolutely not.

JAY: Thanks for joining us. We're going to continue this, I'm sure, many times.

RATNER: Thanks for having me, Paul. And thanks for this wonderful new studio. I love it here.

JAY: Well, thank you.

And thank you for joining us on *Reality Asserts Itself* on The Real News.