

## No Man's Land; Report from Guantanamo

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"Bet when you were back in law school you never imagined that one day you would be flying a crop duster to Cuba." I smiled in return at my new friend, a Department of Defense prison contractor. He and I occupied two of the nine seats of a badly weathered prop plane that flies civilians once a day between Fort Lauderdale and the leeward side of the U.S. Naval Air Station at Guantánamo Bay (Gitmo). The engine noise made conversation impossible, but as I settled in for the three-hour flight into a menacing sky I thought to myself, "Well, yes and no."

I graduated from Notre Dame Law School in 1975, a time when our country had suffered through the imperial abuses of Richard Nixon's second term. Thanks largely to good lawyering, Nixon had been driven from office, and his most compliant subordinates went to prison. In *United States v. Nixon*, the Supreme Court reaffirmed the principle that no one, not even the president, is above the law. It was an exciting time to be a law student, especially for one whose interests did not naturally turn to trusts and estates.

Watergate's legacy reaffirmed for Americans the historic principle of "the rule of law," whose basic tenets are fairness, accountability, and individual rights. I have spent my career first prosecuting, then defending criminal cases, and have represented both plaintiffs and defendants in civil lawsuits. During that time, I have come to know both the sacredness and the fragility of that rule. I have an unshakable belief that in a U.S. courtroom the right thing usually happens when the principle of "the rule of law" is honored. In route to some courtroom, or to some jail, I have flown in even smaller planes in worse weather. Still, nothing prepared me for Gitmo.

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