

LEON'S BOOK OF LAW

Glenn Greenwald and Adam Serwer already hit this part of 60 Minutes interview with Leon Panetta yesterday. But I wanted to tie Panetta's comments about how, "in his book" a citizen who wants to attack our people and kill Americans is first and foremost a terrorist.

If someone is a citizen of the United States and is a terrorist who wants to attack our people and kill Americans **in my book that person is a terrorist. And the reality is that under our laws that person is a terrorist.** And we're required under process of law to be able to justify that despite the fact that this person may be a citizen, **he is first and foremost a terrorist** who threatens our people. [my emphasis]

Now, Panetta suggests that if someone who, in Leon's book, is a terrorist is here in the US, that person will get due process.

But the logic of the Fourth Circuit's Padilla decision the other day defies that. As I read it, the Fourth Circuit argued that once Padilla became an enemy combatant—once Leon's predecessors decided that, in their book, he was a terrorist, then he lost access to the legal means to (for example) seek redress for torture, much less to anything but habeas corpus—on the schedule the government chose, which effectively nullified it.

So while it sounds odd that all it might take is the CIA Director or the Defense Secretary to say, "in my book, he's a terrorist," that is actually how things are functioning.