

By David Swanson

From AfterDowningStreet.org | Original Article

Everything you're reading about torture lawyers John Yoo and Jay Bybee getting off the hook is wrong. They are not torture lawyers, they are not off the hook, there never was any hook, they may not be lawyers for long, impeachment and indictment are on the agenda, and you have a role to play.

Calling these men "torture lawyers" is dramatically dumber than labeling Al Capone a tax cheat. These are people who provided "legal" cover for aggressive wars, who put down in documents treated as secret "laws" that any president can launch any aggressive war at his whim, without regard to domestic or international law, Congress, the Supreme Court, you, me, or morality. The very report that is the subject of the latest "news" flurry quotes Yoo declaring that, "Sure!", a president can order a village massacred. Yoo's previous declaration that a president can crush a child's testicles is soooooo much more shocking, I realize, but the villagers' testicles WOULD die with the rest of them upon being massacred. Over a million Iraqis lie dead. So stop obsessing on the torture for godsake and try to focus on the fact that these people are conspirators in the supreme crime of war. Read the memos of September 25, 2001, and October 23, 2002, if this is all new to you.

How many villages could a president "legally" massacre? You're missing the point. John Yoo's president cannot be limited in any way when it's war time, and it's always war time. And can other nations' presidents potentially "legally" massacre our villages? Again, you're missing the point. The ONLY way to prevent them from doing so is to massacre enough of their villages first. And the only way to do that is to empower presidents. Thus think these psychopaths, and so will our children think like this if we do not put a stop to it now.

Yoo and Bybee are openly guilty of conspiracy to engage in aggressive war, banned by the U.N. Charter and Article VI of the U.S. Constitution, and of conspiracy to torture, a felony under 18 U.S.C. § 2340A-c and § 2441, and to spy without warrants, banned by the Fourth Amendment. Their memos are public. The fact that everyone waited for years to do anything about it, until they could see the Justice Department's own report on the matter doesn't change the absolute irrelevance of such nonsense. Yoo's and Bybee's actions, no matter what you

make of them, consist entirely in authorship of a series of written documents available for all to read. And those documents constitute overwhelming grounds for impeachment and indictment.

That being said, the report that everyone waited years for was finally snuck out the door last Friday night. Of course, we already knew what it would say, what the original version had concluded, and what was later done to that conclusion. But nobody has hidden any of that. They've released the first, second, and third versions of the report, plus documentation of the fact that they edited their conclusions at the bidding of the men who are the very subjects of the report. The report concludes that these war lawyers "committed intentional professional misconduct". The fact that some schmuck in the DOJ adds a note saying that they don't really mean it, doesn't change the fact that any institution in which Yoo's and Bybee's behavior did not constitute misconduct would need to be destroyed in its entirety beginning with actions to newly identify as unacceptable Yoo's and Bybee's crimes. And that they are crimes is not really impacted by whether or not they are "misconduct".

The DOJ's designated hack does not recommend disbarment, but says that the bars can make that decision themselves. Of course they can, whether or not they're given a blessing by the DOJ. Everyone reporting and lamenting that these criminals cannot now be disbarred or impeached is trying to give the very department that oversaw the crimes the power to determine how independent institutions, like Congress and bar associations, respond. Do you think Congress would not have impeached Nixon if he'd just put out a report recommending against it?

Of course the war lawyers can and must be disbarred, and you can help at <http://disbartorturelawyers.com>

Senator Patrick Leahy and Congressman John Conyers understand the need to at least pretend that they are not taking their orders from an agency conducting a transparent fraud. At <http://lawsnotmen.org> we filed a freedom of information act request for the various versions of the report, hoping to expose how the original conclusions were modified. Whether that request was an influence or not, the reports are now public and the fraud out in the open. But Leahy is asking Bybee to resign, Conyers is avoiding the word "impeachment," and neither one of these gentlemen -- stand-out frauds in their own rights -- is talking about subpoenas.

Two things are needed here. First, we need to deter ongoing crime through punishment.

Aggressive wars, torture, lawless imprisonment, and warrantless spying are continuing because Yoo and Bybee and their co-conspirators have not yet been prosecuted. And they are not being prosecuted because the new president is continuing the crimes. We must raise our voices for the rule of law. Spain is seeking to indict these killers but is facing strong resistance from the White House.

Second we need to find a way for the public to re-enter our government and gain some modicum of control over what it does. That is going to require restoring powers to Congress, and that is going to require at least one committee at the very least enforcing its own subpoenas through the Capitol Police force, if not the Congress impeaching and removing from office someone who used to work in the so-called executive branch. There is a campaign building pressure to demand Bybee's impeachment at <http://impeachbybee.org>

The Justice Department has been publicly and lawlessly ordered by the president not to enforce laws against the war lawyers. The threat of the DOJ issuing an official recommendation of disbarment does not exactly qualify as a hook (to be let off of). Nor does impeachment, although it serves the critical purpose of shifting power back to Congress, sufficiently deter ongoing crimes. What's going to be needed in the end is prosecution. But that's going to have to come through massive public pressure and intense pressure from Congress, from abroad, and from a strengthened independent communications system.

On March 19th the eighth year of this war will begin in Iraq, Afghanistan will still be escalating, and John Yoo will be coming to speak here in Charlottesville, Va. We're putting up WANTED posters and planning a "Funk the War" musical march and a [protest rally](#) . No one will be left with any doubt that this man is not welcome in this part of the country or why. Most other parts of the country are delivering the same message. This is how we begin to change the culture, not by repeating as fact meaningless statements about getting off the hook, not by calling mass murderers torturers, and not by imagining that what John Yoo wants for this country cannot fully happen here.