

By Bill Silverfarb

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John Yoo enjoys a good argument. In fact, debate is the foundation of a strong democracy, he told the Daily Journal yesterday.

Yoo gave a half hour presentation to the San Mateo Rotary Club yesterday afternoon on the power of the presidency to a crowd of about 100 as a small group of protesters rallied outside the Poplar Creek Golf Course calling for his arrest.

“Torture is a war crime. Prosecute John Yoo,” protesters sang out.

The protesters want Yoo arrested because he is the lawyer who famously wrote the so-called “torture memos” while working for the Department of Justice under the Bush administration.

His legal opinions were the foundation for sidestepping the Geneva Conventions, allowing for warrantless wiretaps and asserting the president’s power to undertake waterboarding to interrogate war criminals related to the wars in Iraq and Afghanistan.

The University of California at Berkeley professor wasn’t too worried about the protesters though, as they were outnumbered by San Mateo police officers by a wide margin.

Police did arrest one person yesterday for trespassing and turned away a few others who tried to crash the event.

Yesterday was the first time Yoo was escorted to an event by a SWAT team, he said.

Yoo, 42, has lifted his profile in recent weeks as he has taken to the road in support of his book, "Crisis in Command: A History of Executive Power from George Washington to George W. Bush."

Sunday morning, Yoo sat down with CNN's Fareed Zakaria to discuss his role in expanding presidential powers in a spirited debate; he debated former congressman and Libertarian presidential candidate Bob Barr in Chicago last week; and famously sparred with Jon Stewart on the Daily Show last month.

"I have no problem debating people who disagree with me. That's how you determine what is right, ultimately," Yoo told the Daily Journal yesterday.

Yoo spoke to the Rotary as Iran celebrated the fact it is a nuclear state.

Iran, North Korea, Saudi Arabia, Syria and other countries, particularly in the Middle East, should not be allowed to possess weapons of mass destruction, he said.

"The United States is the guarantor of peace," Yoo said. "It is in our best interest for there to be less nuclear weapons in the world, especially in the hands of authoritarian dictatorships."

President Barack Obama and his administration is not taking a tough enough line against North Korea and Iran, he said.

He also thinks Umar Farouk Abdulmutallab, the 23-year-old Nigerian man who tried to blow up an airplane Christmas Day in Detroit, should not have been read his Miranda rights nor appointed a lawyer.

“Trying terrorists in criminal courts is a big mistake,” he said. “He should be sent to military court. I think Obama has the ACLU in his DNA. Terrorism is not a criminal justice problem.”

Yoo, who has authored three books so far, is thinking his next book will be on America’s wars, the use of force and whether the rules the country has now make sense in light of history.

“People think Iraq was the first time in history the United States waged an offensive war. That is simply not true,” he said.

Yesterday’s presentation to Rotary discussed how George Washington used his executive power and how other presidents such as James Madison deferred to Congress when making decisions on war.

While Yoo is a registered Republican, he considers himself to be a conservative first.

He has no interest in politics himself and is not sure he would ever return to Washington to work for another president, although Sarah Palin does intrigue him.

Yoo joined the staff of Boalt Hall at UC Berkeley in 1993 when he was barely 25 years old.

He intends to stay at Berkeley, where he also lives, and continue teaching law.

He does recognize the irony that such a conservative figure could come out of one of America’s most liberal universities.

“I’m like West Berlin during the Cold War. I’m a small beacon of hope, freedom and capitalism surrounded by a sea of communism,” he joked.

A group called “World Can’t Wait” protested Yoo’s presence in San Mateo yesterday.

“We are here to protest the war criminal inside,” said Curt Wechsler, who showed up to the event in an orange jumpsuit. “He wrote the torture memos. He wrote illegal opinions that have since been discredited that allowed torture to take place.”

The protesters didn’t faze the man, though.

“I see they came dressed ready for jail,” he joked.