

By Susan Harman

From [Andy Worthington](#) | Original Article



Holding Bush administration officials accountable for torture is an unfashionable thought in Obama's America, as was signaled even before Barack Obama took office, when he told the [New York Times](#) about his "belief that we need to look forward as opposed to looking backwards."

After a promising early start for those seeking accountability, when the administration obeyed a court order and [released four “torture memos”](#) issued in 2002 and 2005 by the Justice Department’s Office of Legal Counsel — one particularly notorious example from August 2002, written by John Yoo and signed by Jay S. Bybee, and three others from May 2005 written by Stephen Bradbury — the shutters went down, and ever since obstruction has been the name of the game.

The long-awaited internal report into Yoo and Bybee’s behavior, examining whether they abused the OLC’s responsibility to provide impartial legal advice to the Executive, was fatally watered down last February, when a senior DoJ official, David Margolis, was allowed — or encouraged — to [dismiss the report’s conclusion](#) — that both men were guilty of “professional misconduct” — [concluding instead](#) that they had merely exercised “poor judgment.”

Since then, every attempt to produce evidence of torture in a US court has been blocked by the administration, which has cynically invoked the “state secrets” doctrine, as, for example, in the case of five men subjected to “extraordinary rendition” and torture, who tried to sue Jeppesen Dataplan Inc., a Boeing subsidiary, for its role as the CIA’s travel agent for torture but were [prevented from doing so](#) by the 9th Circuit Court of Appeals (although the case has now been [submitted to the Supreme Court](#)).

In an attempt to keep the issue of accountability for torture in the public eye, I took part in October in a week-long series of events in Berkeley, California, entitled [“Berkeley Says No to Torture” Week](#), in which I joined activists, lawyers, journalists and other experts — including Shahid Buttar, Marjorie Cohn, Barry Eisler, Jeffrey Kaye, Jason Leopold, Ray McGovern, Justine Sharrock, Cindy Sheehan, Debra Sweet, Fr. Louis Vitale and Ann Wright — to raise awareness of the unacceptable presence of John Yoo as a law professor at UC Berkeley School of Law.

One of the organizers was Susan Harman, of [Progressive Democrats of America](#), who has also been involved in a long-standing campaign to highlight another travesty of justice in California — the presence, in the Ninth Circuit Court of Appeals, of [Jay S. Bybee](#), who signed the “torture memos” written by Yoo, and was rewarded by George W. Bush with a

job for life as a judge in the court that covers the whole of the western United States.

In the hope of reminding readers of the importance of maintaining the pressure on Yoo, Bybee and other war criminals, I'm cross-posting below an article by Susan Harman about her pursuit of Jay S. Bybee, which was originally published on David Swanson's website, [War Is A Crime](#) .

Jay Bybee and Me: Our Secret Relationship
By Susan Harman, War Is A Crime, December 23, 2010

It's time the world knew of my secret relationship. It's been going on discreetly now for a year and a half. Although it's unrequited, I'm very loyal, and hold firmly to the belief that some day my fidelity will be rewarded. Who's the recipient of my faithful attentions? None other than Jay Bybee, Judge on the United States Court of Appeals for the Ninth Circuit, appointed by George W. Bush for life, after having done Bush's bidding as Assistant Attorney General in the Justice Department's Office of Legal Council.

Why is he the object of my attentions? It was Jay Bybee who signed off on the memos by the notorious John Yoo "justifying" torture, and Jay Bybee who "justified" aggressive war. Since we tortured — not to get real information, but [to get the lie that Iraq was involved in 9/11](#) — I hold Bybee responsible for the deaths of the 5,000 American servicemen and women who've died there, as well as the million dead Iraqis.

The 9th Circuit covers Washington, Montana, Oregon, Idaho, California, Nevada, Arizona, Alaska, and Hawaii, and is geographically the biggest of the eleven Circuit Courts. These Courts are the last step before a case goes up to the Supremes; that is, they are very important.

The Court meets most often in Seattle, San Francisco, and Pasadena; it meets less often in Portland, Honolulu, and Anchorage. Occasionally it meets in some out-of-the-way place, like in Pocatello, Idaho last August, and we had a small group there because Bybee was sitting.



Original text obscured by heavy black redaction. Visible fragments include "Orin Klodt was on trial" and "this was...".