Berkeley Law Dean Has a Duty to Hold John Yoo Accountable

John Yoo was a UC Berkeley Law professor when he took a leave of absence to accept a position in the Bush Department of Justice. He was the principal author of justification for the torture program exposed to the world through Abu Ghraib and Guantanamo. Employing a dangerous philosophy of exceptionalism — that American lives are worth more than other peoples’ lives — Yoo provided cover for illegal policies retained by President Obama.

UC and Berkeley Law have not only harbored and protected this war criminal, refusing to investigate charges of misconduct against him, but are actively advancing the illegal usurpation of constitutional powers prescribed by John Yoo’s “Unitary Executive” theory, that anything the President does is legal. Last year Yoo was honored with the Emanuel S. Heller Professorship, the oldest endowed chair at Berkeley Law.

The National Lawyers Guild San Francisco Bay Area Chapter has collected over 3,000 signatures to demand that Berkeley Law Dean Sujit Choudhry rescind the appointment, saying we refuse to support the law school or UC Berkeley, financially or otherwise, until this is done. We further demand that the University conduct a transparent, independent investigation of Yoo’s conduct to determine if other actions are necessary.

John Yoo should be fired, disbarred, and prosecuted for war crimes. Years of determined protest have raised this demand with waves of demonstrations, orange ribbon protests at graduation, direct action and arrests, a City Council-supported “NO to Torture” Week, and more.

Sign up to stay informed about, and take part in, this ongoing campaign.

worldcantwait.net firejohnyoo.net warcriminalswatch.org

Boalt Hall Shelters a War Criminal

Fire, Disbar, and Prosecute John Yoo

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John Yoo's incredibly long, detailed and incorrect memos purported to give legal justification for suspension of the Geneva Conventions and implementation of illegal military commissions. For example, Yoo stated unequivocally that the Geneva Conventions do not apply to the Taliban or al Qaeda in Afghanistan. Yoo’s other memos were the basis for the torture that occurred at Guantanamo and Abu Ghraib.

— Sharon Adams, National Lawyers Guild SF Bay Committee Against Torture

In considering what happened to Khadr in Guantanamo, the Canadian Supreme Court, in Minister of Justice et al. v. Omar Ahmed Khadr, 2008 SCC 28, unanimously agreed that "the conditions under which Mr. Khadr was held and was liable for prosecution were illegal under both U.S. and international law."

The particular issue was the legal validity of U.S. military commissions to try detainees, and use of information gathered by Canadian agents. Choudhry stated that Canada profited from "violation of [Khadr's] rights under international law by the American authorities" that the "proceeding in Guantanamo Bay violate international law" and that the legal proceedings at Guantanamo Bay "do not meet the minimum standards of due process under international law."

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World Can't Wait and other torture protesters have been present outside law school commencements every year since 2006, to denounce the presence of a torturer on the school faculty, and the silence of UC from the top down. We applaud the accomplishment of the graduates, and demand application of ethical standards administrators choose to ignore.

There are a couple of developments at UC to consider this year, not least of which is the appointment of a new law school dean. Dean Choudhry has the opportunity to repudiate the "Unitary Executive" theory, espoused by Yoo, that legitimizes President Obama's worst over-reach: the immoral and illegal practice of targeted assassination. Choudhry could use his new position to promote practice of law in the interests of humanity (see back page of this flyer).

We have witnessed a rising awareness on campus of the systemic nature of domestic torture by police, evidenced across the country in almost daily killings of unarmed black and brown people. Students are connecting the dots between police and prison brutalities, and suppression of dissent against those practices.

This year marks the 70th anniversary of the Nuremberg Trials. In the case U.S. v. Altstoetter, judges, prosecutors, and Ministry of Justice officials who had served the Nazi regime were charged, tried, and convicted of war crimes because their "legal" work enabled the Nazis to carry out the Holocaust under color of law.

Recall the role of Eichmann, sometimes referred to as “the architect of the Holocaust” because he facilitated and managed the logistics of deportations to extermination camps. His bureaucratic role was critical to the death of millions.

The military prison at Guantanamo Bay, Cuba has now been open 13 years. More than 100 men are still held, the majority cleared for release. They suffer the Obama administration’s practice of indefinite detention — holding detainees without charges or trial.

The foundation of Anglo-American law, Habeas Corpus is a 900-year-old right. Without it there are no restraints on government power to detain and punish. In an interview with NPR’s Steve Inskeep John Yoo confirmed that denial of habeas guarantees innocent people will be detained indefinitely, but that granting petitions to prisoners at Guantanamo is just too… costly.

In March 2009 Obama’s Justice Department claimed that Guantanamo prisoners who were detained before June 2008 had no habeas corpus rights. On May 21, 2010 the United States Court of Appeals for the District of Columbia ruled that three prisoners held at Bagram Air Base in Afghanistan cannot challenge their detention in U.S. courts. An unknown number of hunger strikers continue to be force-fed in violation of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Release of the Senate Torture Report and reactions to the American Psychological Association enablement of the CIA torture program have inspired valuable examples of resistance to the crimes of our government.

The Justice Department's Office of Professional Responsibility found that professor Yoo and his boss, now federal district court judge Jay Bybee, were guilty of professional misconduct warranting referral to their state bar associations to face disciplinary action including revocation of their law licenses.

The legal profession now produces an ideology that includes justification of crimes of arbitrary detention, torture, and trials before military commissions bereft of civil due process. Faced with the challenge of moral relativism popularized in today’s schools, will students find the courage to speak out against the crimes of their government?

Yoo’s name is no longer attached only to torture. He plays a key role in supporting illegal government surveillance and use of U.S. troops against people on American soil, advocates for militarization of outer space, and stumps for a lethal strike on Iran. The “Torture Professor” now volunteers support for the killer drone program wreaking havoc in the Middle East.

A university that allows a war criminal to teach constitutional and international law courses to the next generation of lawyers and judges under prejudice of “academic freedom” is protecting war crimes.

Dodging accountability for their actions and public reprobation, torture advocates often find employment in the military/industrial complex or American academic institutions that accommodate war criminals with positions of respectability. Universities face resistance to these appointments from students and parents, alumni and a few faculty members disparage, and communities at large attempt to legislate remedy — as with Berkeley City Council sponsorship of “Berkeley Says NO to Torture” week. It is our responsibility to call out criminals and enablers alike.

Prosecute John Yoo, says University of California Irvine Law School Dean Erwin Chemerinsky: [Yoo’s “torture memo” of 2002] directly led to the torture policy that resulted... All who planned, all who implemented, all who carried out the torture should be criminally prosecuted. How else do we as a society express our outrage? How else do we deter it in the future —except by criminal prosecutions?

Fundamental civil liberties have been eviscerated in the name of safety, fear, or revenge. Actions that utilize de facto torture, that run roughshod over the rule of law and due process, and that rain down terror and murder on peoples and nations, amount to war crimes. The work product of John Yoo has led this country into unchartered depths of iniquity.

End the Silence. Say NO to the Culture of Violence that Enables Torture.

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