

By Liliana Segura, May 12, 2009

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It was jarring enough (and more than a bit bizarre) to see the notorious John Yoo weigh in on the Obama administration's pick for a Supreme Court justice to replace David Souter, in the form of [an op-ed this weekend in the Philadelphia Inquirer](#) titled "Obama needs a neutral justice." A crass offensive on the notion of "judicial empathy," Yoo contrasted Obama's stated belief that "justice isn't about some abstract legal theory or footnote in a case book," but something that affects "the daily realities of people's lives" unfavorably to the judicial philosophies of conservative justices John Roberts or Samuel Alito.

"In his 2005 confirmation hearings, Roberts compared judges to neutral umpires in a baseball game," Yoo wrote. "Sen. Obama did not vote to confirm Roberts or Alito, but now proposes to appoint a Great Empathizer who will call balls and strikes with a strike zone that depends on the sex, race, and social and economic background of the players. Nothing could be more damaging to the fairness of the game, or to the idea of a rule of law that is blind to the identity of the parties before it."

Obnoxious, yes. Yet I kept reading Yoo's op-ed, at least until I reached that inevitable moment, the *Wait, why am I even reading this?* moment. The *This is the scum whose enthusiasm for torture and zeal for unfettered executive power is so extreme, he once responded to the theoretical question "If the president deems that he's got to torture somebody, including by crushing the testicles of the person's child, there is no law that can stop him?" with "I think it depends on why the President thinks he needs to do that"* moment.

I stopped reading.

Now, [this](#) .

It appears the *Philadelphia Inquirer* has decided not just to run the occasional column by John Yoo, but is making him a full fledged columnist.

Needless to say, some people are unhappy. In a scathing piece yesterday, senior *Philadelphia Daily News* writer Will Bunch described his shock at the news that the lawyer whose name has become synonymous with torture is joining the ranks.

He wrote:

By late last year, the world already knew a great deal about John Yoo, the Philadelphia native and conservative legal scholar whose tenure in the Bush administration as a top Justice Department lawyer lies at the root of the period of greatest peril to the U.S. Constitution in modern memory. It was widely known in 2008, for example, that Yoo had argued for presidential powers far beyond anything either real or implied in the Constitution -- that the commander-in-chief could trample the powers of Congress or a free press in an endless undeclared war, or that the 4th Amendment barring unreasonable search and seizure didn't apply in fighting what Yoo called domestic terrorism.

Most famously, Yoo was known as the author of the infamous "torture memos" that in 2002 and 2003 gave the Bush and Cheney the legal cover to violate the human rights of terrorism suspects at Guantanamo Bay and elsewhere, based on the now mostly ridiculed claim that international and U.S. laws against such torture practices did not apply. Working closely with Dick Cheney, Cheney's staff and others, Yoo set into motion the brutal actions that left a deep,

indelible stain on the American soul.

Yet none of that was enough to prevent my colleagues upstairs at the *Philadelphia Inquirer* -- with none of the fanfare that might normally accompany such a move -- to sign a contract with Yoo in late 2008 to give him a regular monthly column. The

Inquirer

thus handed Yoo a loud megaphone on what was once a hallowed piece of real estate in American journalism -- to write on the very subjects that have now led Justice Department investigators to reportedly recommend disbarment proceedings against Yoo and has led international prosecutors as well as millions of politically engaged Americans to consider the Episcopal Academy graduate worthy of charging with war crimes.

Bunch's column is worth [reading in full](#) -- particularly for the part where he shares the response from the *Inquirer's* editorial page editor, Harold Jackson, on why Yoo's thoughts on "a number of subjects" are worth giving a home in the newspaper's pages -- but here's a little more:

Because Yoo's working arrangement with the *Inquirer* was never formally announced, even people who work here at 400 North Broad Street, the home of the *Daily News* and *Inquirer*, weren't immediately aware (myself included) that Yoo was now a regular columnist, joining an increasingly rightward-tilting lineup that also includes the likes of ex-Sen. Rick Santorum (at \$1,750 a pop), Michael Smerconish, a moderate Republican who is also a forceful advocate for torture, Kevin Ferris and others. Indeed, the buzz about Yoo only started growing louder this weekend, after the man who put his John Hancock on the practice of waterboarding now attacked President Barack Obama for seeking "empathy" in a Supreme Court justice (at least Yoo is consistent in his lack of empathy).

Finally, most importantly:

But it's not too late to change things. Last Sunday's column by Yoo should also be his last, period. While Yoo is a free man who is thus free to utter his detestable viewpoints on any public street corner, the Inquirer has no obligation to so loudly promote these ideas that are so far outside of the mainstream. People should write the Inquirer -- inquirer.letters@phillynews.com -- or call the newspaper and tell them that torture advocates are not the kind of human beings who belong regularly on a newspaper editorial page, officially sanctioned. Journalists here in Philadelphia or elsewhere who wish to strategize on where to take this next should email me at bunchw@phillynews.com.

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