

Tortured past

Protesters hound federal judge who crafted torture memos for Bush

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US Ninth Circuit Court of Appeals Judge Jay Bybee had just finished hearing oral arguments in the case of Sprint v. Palos Verdes on Monday when Susan Harmon stood up and asked a question.

“We’re here to ask you when you’re going to resign,” said Harmon, a Bay Area member of the group Progressive Democrats of America, as she stared defiantly at the judge. Bybee did not respond while guards dressed in blue blazers removed Harmon and two other women from the courthouse.

“We will follow you,” Harmon vowed before being escorted out of the stately West Pasadena courtroom and rejoining a dozen protesters standing in front of the building.

Joining Harmon Monday were members of her organization and the anti-war groups Code Pink and the World Can’t Wait, all of which have been calling for Bybee’s resignation or impeachment since April, when President Obama declassified documents showing Bybee was an architect of former President George W. Bush’s torture policies.

In 2002, Bybee — then with the US Justice Department — authored a memo in response to a CIA inquiry asking for a definition of torture in the interrogation of suspected terrorists. Bybee wrote that physical interrogation of prisoners would not be considered torture unless it threatens to cause “serious physical injury, such as organ failure, impairment of bodily function, or even death,” or “significant psychological harm of significant duration” lasting for months or even years.” Bybee then approved several “enhanced interrogation techniques,” including extended sleep deprivation and water boarding.

“We were working on impeaching Bush,” said Tobi Dragert of Glendale, former head of the Los Angeles-based Impeachment Center. “Now we are working on accountability, but so far [the Obama administration is] more interested in health care than prosecuting these people.”

At the time of Bybee’s Senate confirmation in 2003, lawmakers did not have access to his memo and others written about torture, which were still classified. Since the memo has become public, US Sen. Patrick Leahy, D-Vermont, head of the Senate Judiciary Committee, has called for Bybee to resign. Pasadena’s Congressman, Adam Schiff, a member of the House Judiciary Committee, has also said that Bybee should consider stepping down.

But after declassifying the documents, the Obama administration has sought to protect another former Justice Department lawyer, John Yoo, author of a second memo. “This administration has made no secret of the fact that it disagrees with the previous administration’s approach to many legal issues in the national security arena,” Matthew Miller, spokesman for the Justice Department, said in a written statement. “Nevertheless, the Department of Justice generally defends employees and former employees in lawsuits that are filed in connection to their official duties.”

“You can’t stay silent in the face of something like this,” said protester and actor David Clennon. “It should disgust all of us.”