

By Riya Bhattacharjee From [The Berkeley Daily Planet](#) / Original Article

The Alameda County district attorney's office announced Wednesday, Sept. 23 that it would not press criminal charges against four protesters cited for misdemeanors during a rally at UC Berkeley's School of Law.

The Aug. 17 rally called for UC Berkeley law professor John Yoo to be fired, disbarred and prosecuted for war crimes for his role in crafting the Bush administration's torture policies.

UC Police Department officers cited and then released Stephanie Tang, George Cammarota, Elliot Cohen and Donna Norton for trespassing and disturbing the peace on campus when they refused to comply with an order to leave the law school building after exhibiting loud and disruptive behavior.

Tang and Cammarota are members of World Can't Wait, an activist group that organized the protest in collaboration with Code Pink and the National Lawyers Guild on the day Yoo returned to the Berkeley campus after a semester at Chapman University in Orange County.

Cohen is a former member of the Berkeley Peace and Justice Commission and Norton lives in Petaluma.

All four joined the protest on the steps of the law school formerly known as Boalt Hall, and then entered the building, where they talked to students and waited for Yoo, a tenured professor, to show up for class.

The group of 60 or so activists, community members, current and former law school students voiced their desire for a comprehensive criminal investigation into Yoo's role in the writing of interrogation memos while he was serving as legal counsel for the U.S. Department of Justice from 2001 to 2003.

The Obama administration on Aug. 24 released partially declassified CIA documents which criticized the agency's interrogation program in 2002 and 2003 as poor, resulting in the use of "unauthorized, improvised, inhumane and undocumented" techniques.

Tang was one of the protesters who spoke with students inside Yoo's classroom.

"I told them about the problems of having a war criminal on the faculty and the implications of being educated at a law school where you have a professor who is in a position of responsibility in the Justice Department who counseled President Bush on how to break the law," Tang said. "When I saw Yoo I told him he was a war criminal. He turned away and kept walking."

Emails to Yoo for comment were not returned by press time.

Tang said UCPD officers banned the four protesters from entering the campus for seven days.

Tang said she had gone back to the campus after the ban expired to join in the weekly protests at Sproul Plaza devised to draw attention to Yoo's actions.

"It's kind of amazing how many people on campus have not heard the name John Yoo," Tang said. "Then there are those who sympathize with our message but are not sure what they can do. We think there is something the whole UC could do--that is, launch a full investigative process before the Academic Senate. The world is waiting for some accountability."

Seth Chazin, the lawyer representing Tang, Cammarota, Cohen and Norton, said the DA's office had decided to drop the charges because they did not view his clients' actions worthy for prosecution.

Calls to the DA's office for comment were not returned.

Opinions about Yoo's involvement in the Bush torture memos have been divided in both the legal and academic world, with some justifying his actions at the Justice Department as academic freedom.

Responding to the public outcry on Yoo's first day of fall classes, law school Dean Christopher Edley sent an [e-mail](#) to students and faculty outlining why disagreeing with "substantial portions of Professor Yoo's analyses"--which he said was how most, though not all, of his colleagues at Berkeley felt--was not enough "to fire or sanction someone."

If it was, he continued, "then academic freedom would be meaningless."

"Assuming one believes as I do that Professor Yoo offered bad ideas and even worse advice during his government service, that judgment alone would not warrant dismissal or even a potentially chilling inquiry," Edley's letter said, referring to the General University Policy Regarding Academic Appointees adopted for the 10-campus University of California by both the system-wide Academic Senate and the Board of Regents.

Types of unacceptable conduct stated in the policy include " ... Commission of a criminal act which has led to conviction in a court of law and which clearly demonstrates unfitness to continue as a member of the faculty."

"This very restrictive standard is binding on me as dean, and in any case disciplinary authority over faculty is lodged not with deans but with the Provost, Chancellor and Academic Senate," Edley said. "But I will put aside that shield and state my independent and personal view of the matter: I believe the crucial questions in view of our university mission are these: Was there clear professional misconduct--that is, some breach of the professional ethics applicable to a government attorney--material to Professor Yoo's academic performance now? Did writing the memoranda, and any related acts, violate a criminal or comparable statute? Absent very substantial evidence on these questions, no university worthy of distinction should even contemplate dismissing a faculty member. That standard has not been met."

Edley went on to say that when the attorney general released the results of the Department of Justice's internal ethics investigation, he along with others would review it carefully and consider its implications for the campus.

"In all candor, I doubt that there will be," he said.

Stephen Rosenbaum, a lecturer at the UC Berkeley law school, told the Planet that although disrupting classes and shouting slogans may not be the most productive way to debate the issue, it is "clear that law students are eager to discuss the ethical consequences of giving a classroom podium to a professor who has notoriously used his legal skills to justify a public policy that runs counter to all reasonable interpretations of constitutional and international law."

Tang said it was ironic that Colombian artist Fernando Botero's paintings and drawings about abuses at the Abu Ghraib prison in Iraq was being exhibited at the Berkeley Art Museum on Bancroft Avenue when Yoo was teaching across the street.

Botero's art exhibit opened on Sept. 23 and will be on display at the museum until Feb. 7, 2010.

Botero's work was inspired by Seymour Hersh's article in the New Yorker about the abuses on Iraqi prisoners by U.S. soldiers.

The Berkeley Art Museum first unveiled the paintings to the public in 2007.

More information on Botero's exhibit can be found [here](#) .