

By Nadia Prupis

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As the heat rose in Berkeley, California, this week, so did the temperament of the students, faculty and organizations that formed the city's first "[Say No to Torture](#)" week, a seven-day call to action created by World Can't Wait, Progressive Democrats of America, and several other groups. The week was developed in response to the recent surfacing of evidence of torture used abroad by US forces, with Berkeley feeling a particularly personal stake in the effort as the home of law professor and alleged war criminal John Yoo.

While serving as deputy assistant attorney general of the United States under the Bush administration, Yoo drafted a memorandum advising the president, the CIA and the Department of Defense on the use of "enhanced interrogation techniques," stating that acts of torture such as sleep deprivation and waterboarding may be legally permissible through wide interpretation of presidential authority. Yoo's August 1, 2002, Interrogation Opinion, signed by Assistant Attorney General Jay Bybee, has now become widely known as the Torture Memos.

On October 12, Yoo was the theme of the day. A morning protest on the UC Berkeley campus combined organizers of FireJohnYoo.org, Berkeley law students and the Boalt Alliance to Abolish Torture (BAAT) on a march from the law school entrance to Yoo's office, toting signs and orange ribbons. Several protesters dressed in chains with hoods over their faces to reference the images of prisoners at Abu Ghraib. Throughout the student village, posters of Yoo's face framed by the words "Arrest John Yoo" decorated telephone poles, billboards and bus stops.

The demonstration hearkened back to an August 16 rally as students protested against Yoo on the first day of classes. BAAT organizer and Berkeley law student Yanin Senachai spoke at the rally, stating, "International law establishes an absolute prohibition on torture. We shouldn't even be allowed to practice law if you don't understand that."

Stephanie Tang of World Can't Wait said, "The University of California is harboring a war

criminal ... [Yoo] should be prosecuted under international law just as the lawyers and judges who worked for the Third Reich under Hitler were taken to court at the Nuremberg trials."

In the evening, members of the Meiklejohn Civil Liberties Institute, the Bill of Rights Defense Committee, the SF Bay Area chapter of the National Lawyers Guild, and several other groups gathered outside of Boalt Hall once again for the Giant John Yoo Debate. They argued against Yoo's controversial legal interpretation of presidential authority, as well as the controversial military commissions used to prosecute suspects of terrorism, including Canadian citizen Omar Khadr, who was arrested at the age of 15 and has spent the past seven years in Guantanamo Bay.

A massive projection on the face of Boalt Hall played video of Yoo in testimony before Congress and in presentations on CSPAN, reiterating his theories on presidential authority and whether waterboarding constitutes torture. As Rep. Bill Delahunt (D-Massachusetts) asked whether the technique violated the convention against torture, Yoo responded, "One of the problems is that the convention against torture is interpreted different ways by different countries."

Delahunt then asked, "If it was used by an enemy, because we consider that it did not constitute torture, then the enemy that utilized that on American military personnel would not be in violation of the convention against torture?" Yoo answered, "It would depend on the circumstances."

Larry Everest, author of "Oil, Power & Empire: Iraq and the U.S. Global Agenda," responded passionately to Yoo's statement. "What does the United Nations say constitutes torture?" asked Everest. "Any intentional infliction of physical or mental pain. Is there anything one can imagine more cruel and medieval and barbaric than waterboarding? One has to ask, what kind of governing authority would accept this ludicrous, transparent justification for extreme brutality and violence? It's a system that's based in global exploitation, that's based on violence, that's carried out through violence."

The demonstration covered a number of Yoo's most reviled arguments on presidential authority, including the statement that Bush could legally torture children. During a 2005 debate with University of Notre Dame law professor Doug Cassel, Yoo confirmed that there was no treaty to stop the president if he "deems that he's got to torture somebody, including by crushing the testicles of a person's child."

Anti-war activist Cindy Sheehan, whose son was killed during the Iraq war, spoke out as well, saying, "We're gathered here tonight to have a debate with the image of human slime. John Yoo bragged about the 183 times that Khaled Sheik Mohammed was waterboarded, but admitted he would give up his own grandmother - as would we all. John Yoo's defenders are the Obama administration, the media and the apathy and ignorance of the American people."

Andy Worthington, journalist and filmmaker, argued against Yoo's endorsement of military commissions. "Terrorism is a crime, not a war," Worthington said, responding to Yoo's statement that the United States' fight against al-Qaeda means that "we can't rely on the judicial system."

"Guantanamo Bay was set up so that we could do away with due process," Worthington said. "The only place to prosecute people accused of terrorism is in federal court."

Everest also recalled Yoo's argument that the War Powers Act of 1973, a joint resolution that prohibited the president from sending armed forces into action abroad without authorization of the Congress, was flexible in interpretation. In his book, "The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11," Yoo even concludes that the resolution is unconstitutional.

Yoo shows us that "the law is a tool of the establishment," Everest said. "And when tyranny is law, revolution is order."