

By Andy Worthington

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Just keeping up with everything going on in [“Berkeley Says No to Torture” Week](#) is hard enough, and this is in spite of the fact that my patrons at [the World Can’t Wait](#)

have lined me up for as many of these events as possible on my week-long visit from London. The full schedule is [here](#), which means that this evening (7 pm, Wednesday) I’ll be discussing writing about torture with authors [Barry Eisler](#)

, [Justine Sharrock](#)

and Rita Maran at University Lutheran Church, 2425 College Ave., but in the meantime I’d like to recap on the exciting events of the last two days.

On Monday afternoon, Dennis Bernstein interviewed myself and Stephanie Tang of the World Can’t Wait for his [“Flashpoints”](#) show on Pacifica Radio’s flagship KPFA radio station, and two

particular points arose that I think are worth repeating. While we were chatting beforehand, Dennis quipped that he had extensively covered US torture “before it became legal,” which we used as a springboard for me to point out how apposite it was that this anti-torture week was taking place in Berkeley, where one of the prime architects of that decision to turn torture from something intrinsic to covert operations into something that purported to be legitimate was John Yoo, the former lawyer in the Justice Department’s Office of Legal Counsel, and now a law professor at UC Berkeley, who, in 2002, wrote the [“torture memos”](#) that [pur](#)

[ported to redefine torture](#)
so that it could be used in
[the CIA’s “high-value detainee” program](#)

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The second discussion point was when Dennis congratulated me for my dedication to the story of Guantánamo and torture, but asked me why I hadn’t given up and moved on. This chimed with much of what I’ve been feeling this week, as all those involved in “Berkeley Says No to Torture” Week work to draw people in who either do not realize the full, horrific extent of what has been done in their name, or who would prefer not to think about it. Dennis’s question gave me the opportunity to explain that, just because something is wrong, it doesn’t become any less wrong with the passage of time, and that, with Guantánamo, where men have now been held without charge or trial for nearly nine years, never knowing when, if ever, they will be released, it actually becomes more rather than less important to call for its closure as the years go by, and people are encouraged to forget that President Obama [missed his self-imposed deadline](#) for the prison’s closure nine months ago, and has [not set a new deadline](#)

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The full “Flashpoints” show is [available here](#) (and also features an extensive discussion of the new film version of Allen Ginsberg’s *Howl*), and Dennis has also decided to cover “Berkeley Says No to Torture” Week every day this week. Tuesday’s show, featuring an interview with [Debra Sweet](#), the World Can’t Wait’s National Director, is [here](#), and please feel free to listen in on Thursday, when I’ll be part of an hour-long discussion with peace activist Ray McGovern and Marjorie Cohn, former President of the National Lawyers Guild.

After the show, the evening’s event was a screening of the documentary film “[Outside the Law:](#)

[Stories from Guantánamo](#)

” (co-directed by Polly Nash and myself) at Berkeley Fellowship of Unitarian Universalists Fellowship Hall, where a dedicated and very involved crowd watched former prisoners Omar Deghayes and Moazzam Begg, and lawyers Tom Wilner and Clive Stafford Smith, bring the horrors of Guantánamo — and its human cost — to life. The screening was followed by a very lively Q&A session, in which I fielded questions relating to

[those still held](#)

, including the British resident

[Shaker Aamer](#)

, featured in the film, and discussed the

[many failures](#)

on the part of President Obama to close the prison, and to thoroughly repudiate the brutal innovations of the Bush administration in its “War on Terror.”

Yesterday evening, the organizers of “Berkeley Says No to Torture” Week took the message to the streets of Berkeley — and, in particular, to Boalt Hall, where John Yoo teaches — with a powerful piece of political theater. “The Giant John Yoo Debate” involved a range of passionate and articulate experts, led by Sharon Adams of the [National Lawyers Guild \(San Francisco\)](#) , and including peace activist

[Cindy Sheehan](#)

, Shahid Buttar of the

[Bill of Rights Defense Committee](#)

, Ann Fagan Ginger of the Meiklejohn Civil Liberties Institute, and author and activist Larry Everest dissecting and demolishing John Yoo’s arguments for torture and for the President’s supposedly unfettered powers as Commander-in-Chief in wartime, which, in the absence of Yoo himself, were culled from his rare filmed appearances (before Congress, for example) and projected onto the wall of Boalt Hall.

Although I was looking forward to an evening off, a mention of Guantánamo and the supposed viability of the Military Commissions led Debra and Stephanie to shepherd me towards the mike, where I explained how the Commissions were initially established by [Dick Cheney](#) to launder torture evidence and facilitate the execution of “enemy combatants” without due process, and how the versions approved by Congress in 2006 and 2009, after the Supreme Court ruled the Commissions illegal, are

[no improvement](#)

, as they are still empowered to accept coerced evidence (at the judge’s discretion), and, in any case, have been established to

[try non-existent war crimes](#)

, and should have been

[ditched by the Obama administration](#)

in favor of federal court trials. I also delivered a denunciation of the administration’s plans to try Canadian citizen

[Omar Khadr](#)

— a

[former juvenile prisoner](#)

— for some of these invented war crimes in a trial that is scheduled to resume at Guantánamo next week.

A particular highlight of the debate, during an evening that was notable for the clear reasoning of Yoo’s many opponents, who yoked their passion to sound arguments in pursuit of his prosecution, was Cindy Sheehan’s description of him as “a baby-faced, twisted piece of human excrement,” but for more understated power, it was hard to beat the law student who, after responding to one of Yoo’s many risible arguments, returned to the mike to make a point of saying how many UC Berkeley students privately think that he should be prosecuted, but are afraid to speak out.

It was a brave move, and one that saw this young man cross over from a safety zone to a seemingly more vulnerable place, where those who speak truth to power are aware that someone might notice, but I hope that he is reassured that speaking out openly about injustice is both empowering and necessary, and I also hope that ripples from the debate cause more students to find that they are thinking twice about John Yoo, and, from those small doubts, find themselves unwilling to accept the presence on their campus and in their university of a man who not only butchered the law to deliver illegal advice to his political masters, but who also disgraces the title of “law professor,” when the sign on his door should read “war criminal.”