

## EDITORIALS

### In Our Midst

#### UNIVERSITY POLICY

The contents of law professor John Yoo's memo on torture are appalling, but would not justify his dismissal.

**B**ig-name UC Berkeley faculty span disciplines and generations. We know them for their Nobel prizes (and parking spots), for research that makes the front pages and teaching that makes us want the front row.

Boalt Hall School of Law professor John Yoo, however, has built his home in the headlines with no such accolades. The former assistant deputy to the U.S. district attorney, Yoo's biggest professional accomplishment is a frightening, 81-page memo that attempts to provide legal justification for the torture of U.S. prisoners.

Since the memo's declassification earlier this month, this paper has received dozens of letters from readers and alumni across the country calling for Yoo's dismissal. There is no place at UC Berkeley, they argue, for a mind that could produce such a document. Yoo is a "total fascist," a "dangerously partisan nutjob" afflicted by "moral turpitude." He is a "stain on Cal's reputation" and must be removed.

We disagree—not because we think Yoo is right, but because we know he's wrong.

Yoo's argument—and his capacity to make it—appalls us, as does the government that sought such an opinion in the first place. Interestingly, we arrived at our revulsion despite Yoo's tenured presence on campus, where his views are supposedly corrupting our collective conscience. Like Boalt law students—in theory some of the brightest in the country—we were fully able to measure the memo's

contents by our own ethics and understanding and conclude that Yoo, if not a war criminal, is an enemy of the Constitution.

Why, then, allow him to teach that very document? In part, because nothing fosters critical engagement with course material like fundamental disagreement with the person teaching it. Those who fear Yoo will turn out a graduating class as ethically stunted as himself insult the intelligence of our law students, who are—or should be—entirely capable of analyzing Yoo's material for themselves.

Yield to the letter-writers' argument now and it will absolutely return to further erode the university's academic foundations in the future. Yoo's defense of torture is inexcusable to us—but our disdain is not dissimilar to that of those who want to remove profes-

sors who work in nuclear engineering, who depend on animal testing or whose reading lists include, say, *The Satanic Verses*.

Those who would dismiss Yoo for his beliefs must remember that the university cannot filter its faculty by politics. Those who would dismiss him as a criminal must remember that the university—and particularly a law school—cannot assume the role of a court.

What it can do, and what it is known for doing, is to foster an environment of critical debate and analysis where all views can be presented and all views can be viciously dismantled. That's an atmosphere that breeds leaders and thinkers with moral courage. That's UC Berkeley.

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