

Roble Dinner Speech

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On 27 April, 2009, Condoleezza Rice dined with students at Roble Hall, a Stanford undergraduate dormitory. In response, Stanford Says No to War organised a separate “Dinner for Human Rights and International Law” on the lawn outside the dormitory. As pizza was served, I delivered the following speech.

Some students who attended the Dinner for Human Rights and International Law and heard this speech subsequently re-entered Roble Hall and confronted Condoleezza Rice about torture. This confrontation was filmed and received widespread press coverage in the national media. The larger context of student protest, however, was not.

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Hi, I’m Dan. I’m a grad student here in the mathematics department. Thanks for coming.

We are here today because we’re concerned.

We’re here today to make a peaceful and nonviolent statement that we are deeply concerned about what’s going on at this university, and more broadly what’s going on in this country and the world.

I would ask everybody here to treat everybody else, including people who disagree with us, with the respect they are entitled to.

But our concern today is not any ordinary concern. It’s a concern that goes to the heart of what it means to live in a humane society.

Some things are so morally abhorrent that no society can condone them and call itself civilized.

Some actions amount to crimes. But some actions go beyond mere crimes.

Such as torture. Such as the waging of aggressive war.

Some actions so shock the conscience, they so strike at the heart of what it means to be human, that we consider them crimes not just against the victim, not just against the law, but against every human being. Torture, war, they ruin the human soul, they break lives, they lessen us all.

And I think what brings us here today is our concern that there is substantial evidence — growing by the day, with every newly released report and memo — that a tenured faculty member here at Stanford has been:

firstly, a principal participant in the planning and propaganda efforts of an aggressive war waged in supreme violation of international law;

and secondly, an explicit authorizer of brutalities which have long been widely understood as torture.

War and torture. Hundreds of thousands, millions of ruined lives. A tenured faculty member. That is the situation which confronts us here today.

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Let me tell you what this is not about.

This is not personal. Maybe, if you live here at Roble, you might take this personally. But I have nothing personal against anybody, here at Stanford, or anywhere; and I hope that you don't either. We are not attacking anyone on a personal basis, but we do want to see accountability where there is evidence of involvement in extremely serious crimes.

Second, this is not about beliefs; this is about actions. If there's a faculty member who makes a statement I disagree with, well, we can respectfully and politely disagree. If there's a faculty member who makes a statement that is shocking and offensive — we might respectfully but not politely disagree. Maybe we might even be moved to protest. Freedom of speech protects unpopular views, as it protects protest; academic freedom protects intellectual inquiry.

But here, today, we are in a different category. We have a professor who did not merely advocate for brutalities like waterboarding — but authorised them. A professor who did not merely cheerlead for war, but was involved in official planning and propaganda efforts of that war, at the highest levels. These are not things to respectfully disagree about. These are not experiences to learn from. These are crimes to be prosecuted.

What do we do, if the authorities are not prosecuting — whether in US courts, overseas, or internationally?

What does it say about us, about our campus, if we let this pass?

What does it say about us, about our campus, if we ignore the evidence of these monstrous crimes and have a dinner party instead?

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Let's just briefly review some of the evidence.

You probably all know that our professor was National Security Adviser and chair of the National Security Council's Principals Committee. We now know that this committee authorised specific instances of waterboarding — and the discussions there were so detailed they were “almost choreographed”. Moreover, our professor was not a passive participant; according to the report, she was “decisive”. She told the CIA: “This is your baby. Go do it.”

Now, in the last week, a declassified narrative from the Senate Intelligence Committee reveals that our professor became on July 17, 2002, so far as we know, the first high-ranking US official explicitly to authorize the brutal drowning technique known as waterboarding.

Now, torture is a crime under international law, under US law, there's an international treaty about it. It's very clear. There's no defence of protecting national security. There's no defence of intelligence chatter. Read the convention. Article 2 says that “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture”. There are some things

that, if you are minimally civilized, if you respect minimal human rights, you just don't do. The evidence suggests that it also doesn't work very well, but that's not the point; it's just wrong, and it's a crime.

However, there are these "torture memos". More of these have come out last week. Our professor assures us that everything she authorized was legal, and these memos provide the legal argument. Well, just go and read these memos and see what you think about the reasoning. Don't be afraid of legalese, this stuff speaks for itself.

Take the memo of August 1, 2002, which was released last week. August 2002, just after our professor authorized waterboarding. The conclusion: waterboarding, and all other desired techniques, not torture.

So, how is waterboarding not torture? Well, there might be a bunch of legal precedents that it is, going right back to the Spanish-American war, 1898, but somehow the lawyers didn't find them.

Anyway, the reasoning is pretty good. The statute says that to be torture, waterboarding must "inflict severe physical or mental pain or suffering". But you see, waterboarding only — only! — involves the panic of imminent death from drowning! That's not actual physical pain, you see. Okay, but what about actual physical suffering? The physiological response of drowning seems like physical suffering to me! But no, you see, we are informed, that's not how it works. The phrase "pain and suffering" in the definition of torture must be understood as a single concept, not "pain", not "suffering", but "pain-and-suffering". So, there's no pain, might be suffering, but there's no "pain-and-suffering". Get it?

And so it goes on.

The requirement in the War Crimes act is for "specific intent". So, says the memo, you have to actually explicitly specifically intend to inflict severe pain or suffering! If you intend anything else, it can't be torture! You just have to believe in good faith of something other than that you are inflicting severe pain or suffering. Your belief doesn't even have to be reasonable. And — and this is a key point — your good faith belief that you didn't actually specifically intend to inflict severe pain or suffering can be established by reliance on experts. Like legal advice. Like this very memo.

And this is the way to regard these memos. They were regarded as a "Golden Shield". They were written to get torturers out of jail. And producing fallacious legal arguments, reinterpreting the law to justify conduct that was previously clearly torture, has another name: aiding and abetting torture.

And there's plenty more. Go and read it, I'm just scratching the surface. Especially read the bit about putting someone in a box with insects.

So every time our illustrious professor talks about how everything was assuredly legal, that is the reasoning it's based on. It's ridiculous, it's unbelievably bad, it has been rescinded as an embarrassment, and it is aiding and abetting torture

And, our professor can't claim any ignorance about this. We know from the recently released report of the Senate Armed Services Committee, that through 2002-2003, she was present at several meetings in the White House at which Mr.

Yoo, her Berkeley colleague, provided legal advice. So she has heard it. She knows how bad it is. And yet, the evidence is that she was decisive regardless.

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Torture is one thing, and it's terrible. But I'm sorry, my friends, there are worse things in the world than torture. A full-scale war is much, much worse.

War is generally illegal, has been illegal since 1928. It can only be justified, legally, in two circumstances: as self-defence from imminent attack, or with authorisation from the UN Security Council under Chapter VII of the UN Charter. That doesn't necessarily make it moral, or good, but makes it legal. That's international law. Very simple. And neither condition was satisfied in the case of Iraq. So it's illegal. It's aggressive war.

And the waging of aggressive war is not just a crime. It's a crime against the world, a crime against humanity, the same crime for which the Nazis were tried at Nuremberg. Countries don't invade other countries in the 21st century. That belongs to a world long past, that belongs in past ages of barbarism.

So the invasion of Iraq is not to be regarded as a mistake, or a blunder, but, to quote the Nuremberg tribunal, it is "the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole." That is the position at international law, reaffirmed ever since.

Well, what is the role of our illustrious professor?

She was one of the "five Administration officials most responsible for providing public information and shaping public opinion on Iraq", and central to policy formulation and execution. Here I'm quoting a Congressional Committee and leading reports. She was among the top officials promoting, planning, and eventually perpetrating the war.

Smoking guns and mushroom clouds. That's our professor.

The Center for Public Integrity has calculated that, overall, the Bush administration made 935 public false statements about the national security threat posed by Iraq. Of those 935, our illustrious professor made 56 false statements.

Aggressive war, and a breathtaking tragedy. Hundreds of thousands have died as a result of the war — by some estimates, well over a million. Over 4 million refugees. Lives broken across an entire region of the planet. A humanitarian catastrophe, and still ongoing.

That's our professor, who's having dinner parties in dormitories.

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In the end, for us here at Stanford, I think it comes down to asking —
What sort of a world do you want to live in? and
What sort of a campus do you want to study in?

The horrors are not over. Violence in Iraq continues. War in Afghanistan escalates. Bombings in Pakistan escalate. Foreign policy goes on with the new President, as it has gone on for a long time, and it is not pretty. Before Iraq and Afghanistan there were interventions, just to name a few — in Panama, El Salvador, Nicaragua, Libya, Grenada, Angola, Guatemala, Iran; the list goes on, and it's bipartisan.

There is plenty to push the President on. And on the question of prosecuting torture, he is possibly wavering, he's been hedging.

He needs some backbone. But we can help to give him some backbone. Imagine what a message a strong stand by Stanford students on campus could send.

Because for us, this is not an abstract question. For us, this question has come home — today, it has come home for dinner.

I think it's important to realise that, in calling for prosecutions, we are not looking for retribution. The most important thing is to make sure that the horrible episodes we have seen — war, torture, aggression, violations of international law — do not happen again. How do you ensure they do not happen again? By letting anybody who is thinking of doing it again know that if they do it again, they will be prosecuted. And how do you ensure that? By prosecuting those who did it this time. The best way to put the past behind us is for people to face accountability now.

It's also the law — article 12 of the Convention Against Torture requires investigations, whenever there is reasonable ground to believe torture has been committed.

But we have to ask ourselves some questions:

How can we change a culture where such a professor considers herself able to invite herself over to dinner, where dozens will sign up adoringly?

Somehow we have to grow up. We have to realise that not every adult around here, not every authority figure, is someone to look up to.

Somehow we have to get people to think about their place in the world, their place at this university, and the place of this university in the world. Considering the role of this university in the power structures of society, what do we want it to be? And how can we make it so?

So I invite you to join with us, work with the coalition that is coming together to work on this issue, to work for justice, for accountability, and for peace.

After all, we all live here. It is the responsibility of all of us.