

THANK YOU BEN DAVIS, WARRIOR ADVOCATE

*Dave Beckwith**

Ben Davis has been a friend and fellow activist, and I have valued his work and his wit for many years. This will describe two times when we collaborated.

First, on *Refluat Stercus*, a legal concept I helped to name. As an international law specialist, Ben's practice, his scholarship, and his conscience led him to speak out against the US government's use of torture in the Iraq and Afghanistan wars. He wrote, he spoke, he taught, and he took action, filing cases and assisting in litigation to hold the decision makers accountable. Occasionally, Ben would report to us at church. We both attended St. Mark's Episcopal Church here in Toledo, Ohio. He spoke of the inspiration he took from a stained glass window in that building, dedicated to a Korean War veteran and the Marine Corps. Its motto, "Keep Our Honor Clean" reminded us all that military might and the passions of the moment must always be tempered by powerful core values, applied with consistency at all levels. Ben explained, over coffee, that his work was focused on holding the highest decision makers accountable, all the way up the chain of command, all the way to the President. He explained that, as we saw in the shameful excesses of Abu Ghraib, the lowest level perpetrators were shamed and disciplined, when it was meted out, yet it generally stopped at that lowest level. His operating title for his concept of real accountability was the inverse of the soldiers' lament in these situations: "shit flows downhill". Ben said, "Let shit flow back Uphill!"

I felt that this could be rendered into Latin, elevating the discourse, making it feel more like a new Legal Concept. Ben agreed, and we set out to translate the idea. I called catholic scholars and classicists I knew. They consulted colleagues. The options were many—the term "shit" could be translated into words connoting manure, or general refuse, or human waste; "flow back" could be by force or gravity. The final term, *Refluat Stercus* had the ring of classicism—two words, easily pronounced, sounding active and serious. It could be inverted as well to restate the soldiers' lament. I was honored to be thanked in the introduction to Professor Davis' major work published in 2008, by the UT College of Law. T-shirts followed, and we celebrated the first time the concept was cited in a legal decision later that year.

The second was also related to accountability, in this case for the Roman Catholic Church over their practices enabling and covering for sexual abuse. Barbara Blaine was born and brought up in Toledo. Her priest sexually abused her here. Twenty years later, now a Catholic Worker in Chicago, she founded the

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Survivors Network of those Abused by Priests—SNAP. They built a support group that advocated for accountability and grew to an important voice in the US, with a few international connections. As a community organizer, I knew Barbara and others in the movement who had organizing roots, and acted as an advisor and supporter. In 2015, Barbara, who had advanced degrees in theology, social work, and law, approached me with an idea—using the International Criminal Court to hold the leadership of the Vatican accountable for their crimes that covered for and enabled sexual abuse of children around the world.

I reached out to Professor Davis immediately. He read the concept paper, gave ideas on who to talk to, and helped parse the applicable legal issues. SNAP engaged the Center for Constitutional Rights, CCR, the nation's leading practitioners in human rights law, and pressed the case. Ben Davis brought together a Panel at UT Law School in September of 2017 that allowed the leaders and attorneys to present the concept and perfect their thinking.

Although in the end the ICC rejected the case, the international attention and advocacy around the process helped SNAP reach around the world. It has been estimated that victims have come forward from 65 countries and the profile of the work for accountability has been raised powerfully. The voice of victims is being heard.

Erudite and funny, energetic and laid back, historically minded and open to new ideas, respectful of grassroots leaders and unimpressed by the powerful; Ben Davis is a hero and a teacher to me, as he is to countless others. It is an honor to know him, and to have had the opportunity to collaborate on these two occasions.