

RES. 297, 04-05

REAFFIRMING LOCAL OPPOSITION TO GOVERNMENT-APPROVED TORTURE

The Geneva Conventions, signed by the United States, specifically prohibit the use of torture in five separate articles. The first Geneva Convention, created by the founder of the Red Cross, was signed in 1864; additional provisions were signed in 1899, 1907, 1925, 1929 and 1949.

According to current and former Bush Administration officials, Alberto R. Gonzales, the former White House counsel and U.S. Attorney General, intervened directly with U.S. Justice Department lawyers in 2002 to obtain a legal ruling on the extent of the president's authority to permit extreme interrogation practices in the name of national security. The request by Mr. Gonzales produced the much-debated Justice Department memorandum of Aug. 1, 2002, which defined torture narrowly and said that the President of the United States could circumvent domestic and international prohibitions against torture in the name of national security.

UN General Assembly Resolution 39/46 of December 10, 1984 defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind ..."

The UN Resolution further states, "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture. An order from a superior officer or a public authority may not be invoked as a justification of torture."

U.S. Major General Antonio M. Taguba found that between October and December of 2003 there were numerous instances of "sadistic, blatant, and wanton criminal abuses" at Abu Ghraib Prison in Iraq. These included breaking chemical lights and pouring the phosphoric liquid on detainees, a male MP guard having sex with a female detainee, and sodomizing a detainee with a chemical light and perhaps a broom stick.

On January 14, 2005, a jury found Charles A. Graner Jr. guilty of nine out of ten counts stemming from his abuse of prisoners at Abu Ghraib prison. Graner was sentenced to 10 years in a military stockade. The 36-year-old reservist identified by the Army as the ringleader of the rogue guards at Abu Ghraib reiterated what other witnesses had said during his week-long trial: That numerous senior officers condoned the beatings and humiliation of prisoners at Abu Ghraib prison.

On January 31, 2005, U.S. District Court Judge Joyce Green ruled on January 31, 2005, that special military tribunals used by the Pentagon to determine the alleged guilt and continued detention of almost 550 men held at Guantánamo Bay are illegal. FBI documents have described suspects at Guantánamo Bay being shackled hand and foot in a fetal position on a floor for 18 to 24 hours, and left to urinate and defecate on themselves. Other documents stated that Pentagon interrogators impersonated FBI agents at the base and used "torture techniques" on a prisoner.

An FBI document obtained by the American Civil Liberties Union suggests President George W. Bush authorized inhumane interrogation methods against Iraqi detainees. A two-page FBI e-mail refers to "a presidential executive order," and contends the President directly authorized interrogation techniques that included sleep deprivation, stress positions, the use of military dogs and "sensory deprivation through the use of hoods, etc."

It is in the direct interest of the citizens of Dane County, Wisconsin to oppose any federal government actions that actively or tacitly approve of the use of torture. Not only do Dane County residents serve in the U.S. armed forces, but any policy designed to dismantle long-standing moral and practical opposition to torture could soon reasonably be expected to make U.S. civilians, including Dane County residents, subjects of torture. A United States foreign and/or military policy that seeks to legitimize torture is a perilous erosion of American moral standing in the world, and an attack on human dignity.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors does hereby condemn the use of torture in any form, and

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors urges the prosecution of all parties, foreign or domestic, confirmed to be involved in torture, and

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors urges U.S. Attorney General Alberto Gonzales to clearly and publicly reject the use of torture, and

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors urges Dane County's representatives in Congress to take an active role in monitoring and overseeing any programs or personnel of the U.S. Department of Justice, U.S. Department of Defense, Central Intelligence Agency, White House, Bush Administration or any other U.S. government-sponsored entity that may be involved in interrogation or detention of suspects, and

BE IT FINALLY RESOLVED that a copy of this resolution be sent to Representative Tammy Baldwin, Senator Russell Feingold, Senator Herbert Kohl, the rest of the Wisconsin Congressional Delegation, Attorney General Alberto R. Gonzales, and President George W. Bush.

Submitted by Supervisors Vedder, Richmond, Pertzborn, de Felice, DeSmidt, Hanson, Salov, Erickson, Hendrick, Hulsey, Olsen, Eggert, Wheeler, Opitz, McDonell, Worzala, Kesterson, and Brown, February 3, 2005