



**NATIONAL LEADERS COUNCIL PAPER IN SUPPORT OF THE  
AMERICAN ETHICAL UNION RESOLUTION IN OPPOSITION TO TORTURE  
ADOPTED APRIL 2008**

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**Ethical Culture and Torture**

The use of torture is the most extreme violation of the principles to which Ethical Culture is dedicated. Among these principles, respect and reverence for the dignity of the human being is foremost. With the emergence of torture as a component of American policy in the "War on Terror," Ethical Culture calls for the absolute and total ban on the use of torture, whether by the military, law enforcement, intelligence services or private actors.

American government and society are currently engaged in a "torture debate," which entails disputes over the definition of what constitutes torture, and under what conditions it is allegedly permissible. Ethical Culture assesses these debates as substantively spurious, morally odious, and politically diversionary and dangerous.

A comprehensive definition of torture is given in the Convention Against Torture, which the United States has ratified and to which it is legally beholden as a treaty obligation under the international law of human rights. Moreover, customary international law forbids the use of torture. Article 1 of the Convention defines torture as follows:

For the purposes of this Convention, the term "torture" means 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, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain and suffering arising only from, inherent in or incidental to lawful sanctions. (Martin: 71)

The absolute impermissibility of torture is underscored in Article 2.3 of the Convention, a standard that has no equal in the canon of human rights law:

No exceptional circumstances whatsoever, whether a state of war, or threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. (Martin: 71)

Relevant to the Bush administration's policy of "extraordinary rendition," Article 3.1 states:

No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. (Martin: 71-2)

Furthermore, the U.S. Army Counterinsurgency Manual adopted in 2006 states:

Abuse of detained persons is immoral, illegal, and unprofessional. Those who engage in cruel or inhumane treatment of prisoners betray the standards of the profession of arms and the laws of the United States . . . Torture and cruel, inhumane, and degrading treatment is never a morally permissible option, even in situations where lives depend on gaining information. No exceptional circumstances permit the use of torture and other cruel, inhumane or degrading treatment.

Human dignity, in the Western philosophical tradition, is conventionally grounded in the concepts of freedom, autonomy and agency. The interdependence of these values finds explicit expression in the thought of Immanuel Kant and in the philosophy of Ethical Culture's founder, Felix Adler, who, in great measure based his formulation of Ethical Culture on Kantian principles. In his technical philosophy, Adler like Kant, posited a transcendental derivation for freedom. In a more popular idiom, he identified Ethical Culture as a "free religion," which meant that the adherent to Ethical Culture retains total intellectual autonomy in regard to ultimate beliefs, and the philosophical foundations of his or her ethical commitments.

From the ethical standpoint, torture is the most extreme violation of human dignity because it totally annihilates the freedom and agency of its victims while totalizing the power of the perpetrators of torture. In addition, the relationship of the torturer to his or her victim adds a dimension to torture that is distinctively violative and horrific. For Ethical Culture, human relations are the matrix from which ethical experience is derived, through which it is exercised, and reinforced. Consequently, the perversion of human relations in the act of torture is of

pressing moment to Ethical Culture and the values for which it stands.

In this sense, and because torture employs the studied, protracted application of severe pain, it is arguably a greater violation of dignity than even homicide or murder. The purpose of torture is often dedicated to the "breaking" of its victims, resulting in their utter humiliation and debasement. It is the ultimate expression of sadism, cruelty and depravity. A brief description of the consequences of torture rendered by David Luban underscores its physical, psychological and moral effects:

The self-conscious aim of torture is to turn its victim into someone who is isolated, overwhelmed, terrorized, and humiliated. Torture aims to strip away from its victim all the qualities of human dignity that liberalism prizes. The torturer inflicts pain one-on-one, deliberately, up close and personal, in order to break the spirit of the victim - in other words, to tyrannize and dominate the victim. The relationship between them becomes a perverse parody of friendship and intimacy: intimacy transformed into its inverse image, where the torturer focuses on the victim's body with the intensity of a lover, except that every bit of that focus is bent to causing pain and tyrannizing the victim's spirit.

. . . The body in pain winces; it trembles. The muscles themselves register fear. This is rooted in pain's biological function of impelling us in the most urgent way possible to escape from the source of pain - for that impulse is indistinguishable from panic.

And torture humiliates. It makes the victim scream and beg; the terror makes him lose control of his bowels and bladder. The essence of cruelty is inflicting pain for the purpose of lording it over someone - we sometimes say, "breaking" them and the mechanism of cruelty is making the victim the audience of your own mastery. Cruelty always aims at humiliation. (Luban: 1430,31,32)<sup>1</sup>

In its appreciation for the reciprocal and interdependent nature of human relations, Ethical Culture recognizes that torture debases not only its victims but also the perpetrators of torture. It recognizes that the employment of torture violates the standing of any society as a civilized society, and especially within democratic polities, casts a moral shadow over all of society's citizens. Torture violates the precepts of liberal governance in that it presents a microcosm of state tyranny and official totalitarianism.

In its commitment to respecting and preserving human dignity Ethical Culture, from its inception in 1876, has always stood foursquarely in support of preserving human freedom and in opposition to those forces, political, economic and social, which debase the human spirit. It has, at times, directly opposed the use of torture.

Felix Adler, as a Vice President of the Anti-Imperialism League, and in his opposition to the Spanish-American War, explicitly condemned the use of torture by the American military in the Philippines. (New York Times, 4/14/02) In 1974, the American Ethical Union adopted a resolution condemning torture. The text of the resolution is as follows:

Noting that Article 5 of the Universal Declaration of Human Rights affirms that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Aware that torture is practiced in many countries of the world,

Cognizant that various reports of such violations, of human rights and fundamental freedoms have been brought before various United Nations organs dealing with human rights,

The National Women's Conference of the American Ethical Union and the American Ethical Union

Reject the use of any form of torture and other cruel, inhuman or degrading treatment or punishment;

Urge the United States government to ratify existing international conventions and covenants which contain provisions relating to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

Request the United States government to investigate and determine whether any form of torture or inhuman treatment or punishment is used in any areas under United States' jurisdiction and, if it is, to take all necessary steps to eliminate and forbid such treatment.

Other American Ethical Union resolutions have condemned the use of torture in Chile, El Salvador and Iraq. Moreover, through the National Service Conference and the Internal Humanist and Ethical Union, the Ethical Culture Movement maintains official representation at the United Nations. As such, it is committed to advancing the human rights program of the UN, which, through international documents and treaties, especially the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention Against Torture, forbid the use of torture.

**The Bush Administration and the Creation of a "Culture of Torture"**

## - Torture Memos

The Bush administration in the prosecution of "The War on Terrorism" has proclaimed a "new paradigm," which allegedly requires new military approaches. Despite President Bush's frequent proclamation that "we do not torture," (Washington Post, 11/8/05) the employment of torture is among these approaches, and has moved from the exception, carried out by individuals at the bottom of the military and administrative ladder, to become standard practice, legitimated at the highest levels of the administration.

Among the sites and circumstances in which torture has been used have been at least Abu Ghraib prison outside of Baghdad, Bagram Air Force base in Afghanistan, Guantanamo base in Cuba, secret prisons or "black sites" in Eastern Europe, "extraordinary rendition," i.e. the outsourcing of torture to Egypt, Syria, Uzbekistan, other nations, and a base in Diego Garcia in the Indian Ocean.

The culture of torture has developed through legal reinterpretation and loopholing of federal and international law, including the International Covenant on Civil and Political Rights and the Geneva Conventions, which prohibit torture and cruel, inhuman and degrading punishment, and to which the United States is a signatory. Initiatives of the White House to retain the dubious right to torture are also carried on in a continuing struggle with Congress and the courts.

Most illustrative of the administration's legal efforts has been a series of secret memoranda developed by the Justice Department to circumvent prohibitions against torture. Receiving much publicity have been more than a dozen secret memos on the treatment of detainees that circulated between the White House, Justice Department, the Defense Department and the State Department. Most notorious were those that emerged from the Office of Legal Counsel of the Justice Department determining that the Geneva Conventions do not apply to Al Qaeda and Taliban detainees. These set the stage for President Bush's memo of January 7, 2002 that affirmed this conclusion and which asserted that such captives would be treated consistently with Geneva "to the extent appropriate and consistent with military necessity," an interpretation with wide latitude permitting institutionalized abuse. (Luban: 1543) The president also declared, "the United State Armed Forces shall continue to treat detainees humanely," but omitted, thereby, treatment by the CIA.

Six months later the OLC produced another memo, this one pertaining to the issue of whether harsh interrogation tactics violate the Convention Against Torture. According to legal scholar David Luban, "This memo, drafted in part by Professor John Yoo and signed by OLC head, Jay S. Bybee, reached a set of startling conclusions: that the infliction of pain rises to the level of torture only if the pain is as severe as that accompanying death, organ failure of serious impairment of body functions; and that "under current circumstances, necessity or self-defense may justify interrogation methods that might violate' the criminal prohibition of torture." (Luban: 1454)

Luban notes that "the Bybee Memo proved to be enormously influential." (Luban: 1454) A subsequent report, produced by a working group on interrogation techniques under the leadership of Secretary of Defense Donald Rumsfeld, drew heavily from the Bybee memo. Nor did this lawyering take place in a vacuum. Luban points out that the Bybee Memo "was vetted by a larger number of officials, including lawyers at the National Security Council, the White House counsel's office, and Vice President Cheney's office." (Luban: 1455) The memo was originally requested by the then White House counsel, Alberto Gonzalez. While the Bybee Memorandum was explicitly repudiated after the Abu Ghraib debacle, the initiative to retain the use of torture continues, especially through subsequent justifications for "extraordinary rendition" through its implementation by the CIA, and by articles in the Military Commissions Act of 2006. More recent allegations have brought to light an 81-page document, crafted by Mr. Yoo March 2003, which sought to create legal loopholes ensuring that those officials who mandated torture, and those who carried it out would not be convicted of committing a crime. According to the New York Times, Mr. Yoo's primary argument is that the laws the memo circumvents don't apply to President Bush since he is the commander-in-chief. And to underscore the reality of a "torture culture," the Times states "The Yoo memo makes it chillingly apparent that senior officials authorized unspeakable acts and went to great lengths to shield themselves from prosecution." (New York Times editorial 4/4/08)

## - Guantanamo and Military Commissions

Another manifestation of the torture culture surrounds efforts by the administration to bypass its obligations under the Geneva Conventions by naming detainees at Guantanamo "unlawful enemy combatants," thus obviating due process. (Ratner: 21-22) According to the laws of war, those picked up on the battlefield of Afghanistan should have been treated as prisoners of war. Members of Al Qaeda should have been treated under criminal statutes, which would have required habeas rights and the right to an attorney. (Ratner: 15-16) President Bush did neither, and named those who have been detained "enemy combatants" a contrived term, which creates a lawless circumstance surrounding their detention, and gives the president virtually limitless powers to detain the Guantanamo suspects ad infinitum. Under this proviso, anyone, citizen or not, can be seized by presidential order and detained indefinitely.

In light of challenges brought through the judiciary and the legislature, the president pressured Congress to pass the Military Commissions Act of 2006. The Act was passed in response to the Supreme Court's decision in Hamdan v. Rumsfeld, June 29, 2006, which held that the military commissions, established by the president after 9/11, and which bypassed Congress, were unconstitutional and violated international law. (Luban: 1544) The

Congress, were unconstitutional and violated international law. (HRF Q&A on MCA:1) The Military Commissions Act legalized the process by which to try Guantanamo detainees. The processes of adjudication proffered by the Military Commissions Act fall far short of U.S., international and military standards of justice. In addition to the denial of habeas corpus rights to detainees, the Military Commission Act concedes to the president broad discretion in interpreting Common Article 3 of the Geneva Conventions, which prohibits torture, inhuman and degrading treatment of captives. While the Military Commission Act prohibits torture, it expressly allows the admission of statements obtained by coercion provided that "the totality of the circumstances renders the statement(s) reliable and possessing sufficient probative value," and their introduction serves the "best interests of justice." (HRF "Tortured Justice" 4/2008: 8) Highly problematic is that military commissions will allow statements that meet the above wide criteria even if they were obtained under interrogation techniques that comprise "cruel, inhuman and degrading treatment," otherwise deemed illegal under federal and international law. A slippery slope is created in that the Military Commissions Act does not define a line between torture and cruel inhuman or degrading treatment under international law. Suffice it to say that according to a recent report by Human Rights First, "As far as the Bush Administration is concerned, none of the CIA's interrogation techniques -including waterboarding -constitutes torture under the circumstances in which they have been used." (HRF "Tortured Justice" 4/2008: 8-9) Despite court rulings, and Congressional legislation, the President's prerogative to torture remains intact.

### - "Black Sites" and "Extraordinary Rendition": Where We Are Now

While disappearances is a phenomenon usually associated with Latin American dictatorships, most Americans might be surprised to learn that the United States has engaged in the practice, placing suspects in law-free or human rights-free zones. In the scurry after 9/11, the CIA set up a network of secret prisons in eight countries, including Thailand, democracies in Eastern Europe and a small facility at Guantanamo to detain and interrogate "high-level detainees." The existence of these "black sites" has been classified information, their whereabouts and operative procedures have been known to only a few high level officials in the host countries and the United States.

It is estimated that approximately 100 terror suspects have been held and interrogated at these secret prisons, including, Khalid Sheikh Mohammed, the reputed mastermind of 9/11, and Abu Zubaydah, a top Al Qaeda operative, among them. This year, before a Senate Intelligence (select) Committee, CIA Director, Michael Hayden, testified that Mohammed and Zubaydah had been waterboarded. After their transfer to Guantanamo, representatives of the International Red Cross interviewed Mohammed and Zubaydah. The latter had told the Red Cross that in addition to waterboarding he was kept for prolonged periods in a "dog box," so small he could not stand. (Mayer: 5). He was also kept in air conditioned rooms until he turned blue, threatened with death, blasted with rock music, slapped, made to stand for long periods in a cold cell and other forms of harsh treatment. (HRF "Tortured Justice," 16).

The secret prison program was effectively suspended in the fall of 2007, when the detainees were transferred to Guantanamo, in response to the Hamdan decision. According to Jane Mayer writing in the New Yorker, in July of last year, the White House issued an executive order promising that the CIA would adjust its interrogation methods in order to meet the Geneva standards. However, Mayer writes, "At the same time, Bush's order pointedly did not disavow the use of 'enhanced interrogation techniques' that would likely be found illegal if used by officials outside the United States.<sup>2</sup> The order means that the agency can once again hold foreign terror suspects indefinitely, and without charges, in black sites, without notifying their families or local authorities, or offering access to legal counsel." (Mayer: 2)

The CIA's program of "extraordinary rendition" is linked to the maintenance of "black sites." Extraordinary rendition originated in the Clinton Administration and can be traced back to 1995, though it has been greatly accelerated since 9/11. Rendition involves the transfer of individuals from country to country absent any form of judicial or administrative process such as extradition. What amounts to official kidnapping usually goes on in secret for the purposes of interrogating post-9/11 suspects. Most of the states to which suspects have been rendered, including Jordan, Syria, Saudi Arabia, Morocco, Uzbekistan and Egypt are known to use torture, and other illegal methods. (HRW "Extraordinary Rendition" 7/26/07:2) (AI "Rendition and Secret Detention," 3/06:2) Though the United States denies the use of rendition for the purposes of torture, these claims strain credibility and contradict statements made by the victims themselves. The Council of Europe is investigating rendition to European countries, and their complicity in the program.

While it is impossible to know exactly how many individuals have been rendered, Amnesty International concludes the number is likely to be in the hundreds. In 2005, the New York Bar Association estimated that about 150 people have been subject to rendition since 2005, though Amnesty states that this figure is conservative. In 2005, the Egyptian prime minister stated that the U.S. had transferred 60-70 people to that country in that year alone. (AI "Rendition and Secret Detention," 3/06: 2)

The best-known victim of extraordinary rendition is the Syrian/Canadian national, Maher Arar. In 2002, when changing planes in New York on a vacation trip from Tunisia home, Arar was taken into custody by the Immigration Service and held incommunicado in New York for 13 days. He was taken in chains in a small jet to Jordan, where he was interrogated and beaten, and then driven overland to Syria. He was severely beaten by Syrian agents during six days of interrogation, and threatened with electric shocks. Arar was placed in a tiny basement cell without light for more than ten months before he was released. (AI "Rendition and Secret Detention," 3/06: 2) After he returned home, the Canadian government launched an investigation, which found that Arar was totally innocent, and apologized. The United States

interrogation, which means that it has taken, innocently, and apologized. The United States refuses to do so.

In mid-February of this year, Congress passed the Intelligence Authorization Act, which forbade the CIA and other intelligence agencies from using interrogation techniques that are forbidden by the US Army field manual. In other words, it banned the use of torture. In mid-March, President Bush vetoed the bill. (Bonner: 55-56)

### American Values and Practical Concerns

Though Ethical Culture is primarily concerned with the ethical issues brought to bear by the use of torture, it recognizes that there is a direct linkage between the domain of moral values and practical consequences that issue from their violation. This linkage is ominously apparent in the Bush Administration's employment of torture.

We are also gravely concerned that torture is a profound betrayal of the best in American values, both as they pertain to the nation's self-understanding and as it presents itself to the community of nations. There is no doubt that the United States has engaged in torture in previous wars and during previous administrations. But its use has always been considered an aberration. Torture is a practice, whether employed by Hitler, Stalin or the worst petty dictators to which the United States has posed itself in contrast. The United States is a nation that has prided itself on the rule of law and humane values, whose Constitution forbids cruel and unusual punishment. Consequently, we are shocked, saddened and disgusted that torture has become a matter of US policy.

Torture is not only corrupting to the American character. It diminishes America's standing and safety in the world. We note the following:

First, the use and legitimization of torture by the United States severely erodes the system of international human rights and humanitarian law, which has been painstakingly crafted since the end of World War II. The United States bears greater exemplary power than any other nation in upholding this framework and the values on which it is built. If Mozambique or Paraguay, for example, violates these principles, its practical effect on the international community is negligible. If the United States holds these norms in contempt, especially as a matter of policy, the effect is extremely destructive of these norms. This move, from order to arbitrariness, is brought home when one contemplates the American reaction, if, for instance, Iran were to declare that an American in Iran were supporting a military effort against Iran and Iran spirited away that individual to a secret prison, tortured him, and then declared that they were beholden to no international standards, including the Geneva Conventions. The resultant outrage emerging from Iran's flouting of international norms would become immediately apparent. 3

Second, in a related vein, the use of torture against "enemy combatants" renders less safe any American soldiers taken captive by its enemies. Simply put, "If the Americans can torture, so can we." America's detention policies are a gift to dictators anywhere.

Third, America's dramatic disregard for human rights standards, removes an important inspirational tool for those struggling for human rights in their own repressive environments. For example, during the Soviet era, refuseniks could derive strength by borrowing from the rule of law articulated and practiced by the United States, even with its imperfections. The entire cause of human rights globally has been drastically undermined by current American policies.

Fourth, American policies under discussion radically weaken our diplomatic ability to critique human rights abuses in countries that routinely practice torture. The moral high ground is lost.

Fifth, as noted below, torture yields false evidence. As Human Rights Watch notes, an early captive, and suspected Al Qaeda member, Ibn al Sheikh al Libi was tortured by the CIA and then rendered to Egypt. He was waterboarded, his family was threatened, and he was forced to stand overnight in a cold cell while being doused with ice water. Al Libi told his interrogators exactly what they wanted to hear, viz. that Saddam Hussein was assisting Al Qaeda in obtaining chemical weapons. That confession, gained under torture, became corroborating evidence in justifying the American war in Iraq, and was arguably the greatest intelligence failure in American history.

### Concluding Arguments, Thoughts and Recommendations

The use of torture as a component on the "War on Terror" has been paralleled by the so-called "torture debate." Ethical Culture finds this debate in itself a moral abomination. We are concerned that the intellectualization of torture in the form of a "torture debate" diverts attention from the horrific character of torture as experienced. Nevertheless, once the debate has been engaged by serious actors in the public sphere, we must address it.

Luban notes that historically there have been five motives for torture: Victor's pleasure, punishment, extracting criminal confessions, terror and intelligence gathering. (Luban: 1432-40) Within the context of the liberal democratic state, only the last tempts contemporary minds with any shred of legitimacy. Indeed, torture is legitimated by its contemporary defenders by some variant of the "ticking bomb" scenario: Enforcement agents have apprehended a putative terrorist, whom they suspect has planted, or is part of a terrorist cell which has planted, a time bomb, the whereabouts of which is unknown to the agents. Would it not be better to torture the information out of the suspect than to allow an untold number of innocent people to die? 4

In addition to the above mentioned observation that torture victims will say anything in order to get the pain to stop, thus rendering statements garnered under torture highly unreliable, the pro-torture argument is undermined by the almost near certainty that the enforcement agencies cannot be totally confident that the suspect in question is guilty, or is possessing the intelligence they seek.

After an assault on public security—whether a high profile murder or a terrorist attack—there is a powerful public outcry for a swift police response. Within this charged environment, the enforcement agencies are under extraordinary pressure to apprehend suspects, which notoriously leads to the possibility of mistakes. Given this reality, the question emerges, do we wish to torture the innocent?

What if there is a fifty per cent chance that the suspect is the right one, has the sought after information, and will accurately divulge what he knows? Ten per cent? One per cent? How long do we torture, and how much information will satisfy the authorities? What if the authorities have corralled 100 suspects, but only one has the sought after knowledge? Do we torture all of them, 99 being innocent, on the supposition of extracting the information we want from the one? If we are willing to torture 99 innocent individuals, why not torture their loved ones to try to get the information we want? Where do we stop?

What initially confronts us as a rational calculus, descends into an open-ended scenario of irrationality and immorality.

The use of torture is primed for the fall down the slippery slope. Israel, to its shame, has used torture against Palestinian suspects, but to its credit is the only nation state to admit that it has used torture. The Israeli Supreme Court had given the green light to its army and intelligence services to use torture lite on Palestinian suspects, but in 1999 rescinded that decision when it had discovered that Israeli interrogators had tortured two thirds of their captives. (Luban 1446-7) Given what we know of human behavior, we should be hard pressed to trust professional torturers, who have been trained to be inured to the human suffering they inflict, to be disciplined in setting their own limits.

In the face of torture's immorality and inefficacy, we can only speculate why the Bush Administration has been so dogged in retaining the dubious right to torture our enemies, real and imagined. Perhaps despite the rationale often proffered that the employment of "harsh interrogation techniques" renders Americans safer from terrorist attack, the true rationale suggests a closer resemblance to our enemies than the Administration would dare admit, viz. that the employment of torture is a form of counterterrorism. In other words, the use of torture is meant to send a message to our enemies, "If you dare to strike us, you will be placed in a black hole, devoid of law and without redress, where bad things will happen to you."

In conclusion, given George Bush's defining the "War on Terror" as an open ended war, in which the entire globe is the battlefield, and given that he has defined the "War on Terror" as a totally new kind of war requiring new tactics, including torture, there is no hope that the practices under discussion will change until the emergence of a new administration in 2009.

With the arrival of a new administration, there is a window of opportunity for changing the false, cruel and self-destructive course upon which the official sanction of torture has propelled the nation. With this in mind, the Ethical Culture Movement calls upon the Congress and the President of the United States to take the following actions:

- Close the detention center at Guantanamo Bay, Cuba.
- Submit suspects held at Guantanamo and at other American facilities to military tribunals under the standing military code of justice in accordance with the Geneva Conventions, or to the criminal court system.
- End the practice of extraordinary rendition.
- Assist the European Union in its investigation of "black sites."
- End the practice of torture, and the employment of cruel, inhuman and degrading treatment, everywhere, absolutely and unconditionally.
- Allow unfettered access by the International Red Cross and other humanitarian and human rights organizations and monitoring groups, both international and domestic, to insure American compliance with the Geneva Conventions, The Convention Against Torture and other international and federal laws.

We also call upon the new President to declare to the American public and the world, that in the face of attacks of September 11, 2001, the United States responded in many ways, and in many ways that were transgressive of human rights. The most blatantly heinous of these has been the employment of torture.

We call upon the president to apologize for these gross violations, and to declare, without reservation, that in the future the United States will abide by the human rights norms that it claims to champion and that it will strive to regain its moral compass through the total abolition of the practice of torture.

National Leaders' Council of the American Ethical Union  
Convened in Austin, Texas, for the General Assembly of Ethical Societies

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## NOTES

1. According to Tortured Justice, a report by Human Rights First, interrogation techniques authorized by the Department of Justice and used by the CIA reportedly have included grabbing and shaking prisoners, slapping to cause pain and fear, forced standing for upwards of 40 hours, exposing prisoners to extremely cold temperatures for prolonged periods, waterboarding, confining prisoners in coffin style boxes, keeping prisoners in darkness, blaring loud music at prisoners. At Guantanamo, approved techniques have included, stress positions, isolation up to 30 days, impersonation by interrogators as agents from countries that use harsh techniques, deprivation of light and auditory stimuli, hooding, 20 hour interrogations, use of prisoner's phobias, such as fear of dogs.
2. The torture culture employs Orwellian euphemisms. "Enhanced interrogation techniques" is a euphemism for torture and for cruel, inhuman and degrading treatment, both illegal under American treaty obligations. Waterboarding is often referred to as "simulated drowning." It is in reality drowning, which is interrupted.
3. This scenario is drawn from the testimony of Tom Malinowski, Human Rights Watch Washington Advocacy Director in his testimony before the US Senate Committee on Foreign Relations, July 26, 2007. It was printed under the title, "Extraordinary Rendition, Extraterritorial Detention, and Treatment of Detainees: Restoring Our Moral Credibility and Strengthening Our Diplomatic Standing"
4. Since the torture debate has been raised, most notably by Harvard law professor Alan Dershowitz, who has advocated for the issuance of torture warrants by judges or other appropriate officials, it has been ably refuted from many quarters. Dershowitz's argument can be found in his book, *Why Terrorism Works: Understanding the Treat, Responding to the Challenge*. (Yale University Press 2002) Also see, Dershowitz, Alan "Tortured Reasoning" in *Torture: A Collection*, Levinson, Sanford, ed. (Oxford University Press 2004)

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