

1 [Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of
2 torture]

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4 **Resolution urging Attorney General Jerry Brown to reject evidence gained through the**
5 **use of torture and to drop the charges against the “San Francisco 8” defendants.**
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7 WHEREAS, The San Francisco Board of Supervisors passed resolution No. 050259 in
8 2005, stating that they are adamantly opposed to torture and condemned the use or threat of
9 torture by the United States government as a barbarous violation of human rights; and

10 WHEREAS; The use of torture violates the US Constitution in (a) the Fourth
11 Amendment right to be free of unreasonable search or seizure (which encompasses the right
12 not to be abused by the police), (b) the Fifth Amendment protection against self-incrimination
13 (which encompasses the right to remain silent during interrogations), (c) the Fifth and the
14 Fourteenth Amendments’ guarantees of due process (ensuring fundamental fairness in the
15 criminal justice system) and (d) the Eighth Amendment right to be free of cruel or unusual
16 punishment; and

17 WHEREAS, The United Nations Declaration of Human Rights, Article 5, defines torture
18 as a human rights violation; and

19 WHEREAS, The Third and Fourth Geneva Conventions specifically bar the use of
20 torture during interrogations; and

21 WHEREAS, The United Nations Convention Against the Use of Torture has been
22 ratified by 145 countries; and

23 WHEREAS, The Bush Administration justified the use of torture at Guantanamo, Abu
24 Ghraib and Bagram detention centers, leading to worldwide condemnation of torture; and

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1 WHEREAS, According to an article in the Associated Press from January 9, 2009, the
2 current United States administration has condemned the use torture; and

3 WHEREAS, Herman Bell, Ray Boudreaux, Richard Brown, Henry (Hank) Jones, Jalil
4 Muntaqim (Anthony Bottom), Harold Taylor and Francisco Torres, are seven men
5 collectively known as the San Francisco 8 defendants [charges having been dropped against
6 Richard O'Neal]; and

7 WHEREAS, All of these men were members or associates of the Black Panther Party
8 for Self-Defense (BPP), a primary target of the FBI's unconstitutional COINTELPRO
9 program in the late 1960's and early 1970's designed to disrupt and destroy progressive and
10 community based organizations; and

11 WHEREAS, In 1973, three Black activists, including one of the defendants, were
12 arrested in New Orleans, tortured by local police, and interrogated by two San Francisco
13 police detectives at intervals between the torture, which lasted several days; and

14 WHEREAS, During this torture, the three men were separated from each other,
15 stripped naked, covered with wool blankets soaked in boiling water, beaten with slapjacks,
16 suffocated with plastic bags tied over their heads, sleep deprived, kicked, beaten, shocked
17 with electric cattle prods on their genitals, in the anus, and under the neck; and

18 WHEREAS, Statements resulting from the New Orleans torture were used to bring
19 charges in the mid-1970's in several jurisdictions, including charges for the 1971 killing of
20 Sargeant John Young, a San Francisco police officer; and

21 WHEREAS, According to an article in the San Francisco Chronicle from June 9, 2009,
22 the San Francisco charges were dismissed in 1975 after Superior Court Judge Edward
23 Cragen learned that these 'confessions' had been coerced under torture; and

24 WHEREAS, In 2007, after 36 years, the prosecution re-filed the charges against the
25 San Francisco 8 based on the same tortured 'confessions' illegally obtained in 1973; and

1 WHEREAS, By September 2007, six of the eight who were eligible for bail were
2 released thanks to the determined efforts of their communities, their families and supporters,
3 who saw the case as an attack on respected and valued community elders and a continuation
4 of the COINTELPRO attack on the Black freedom movement; and

5 WHEREAS, This case was reopened based on questionable claims of "new" evidence;
6 and

7 WHEREAS, Thousands of individuals and many organizations such as the San
8 Francisco Labor Council and the Center for Constitutional Rights have signed an open letter
9 or passed resolutions urging Attorney General Jerry Brown to drop the charges against the
10 SF8; and

11 WHEREAS, Among those individuals include three Nobel Peace Laureates: Reverend
12 Dr. Desmond Tutu, Mairead Corrigan Maguire and Betty Williams (Community of Peace
13 People, Northern Ireland); Darryl Jordan, Director, American Friends Service Committee Third
14 World Coalition, Danny Glover, Cynthia McKinney, William Wardlaw, Executive Director's
15 Leadership Council, Amnesty International, Marjorie Cohn, Esq., President, National Lawyers
16 Guild; and

17 WHEREAS, During this time of economic hardships and cutbacks in services for the
18 people of San Francisco, the jail and court costs to the City of San Francisco and its
19 taxpayers have mounted to millions of dollars; now, therefore, be it

20 RESOLVED, That in the name of fairness, justice and human rights, The Board of
21 Supervisors of the City and County of San Francisco urges California Attorney General Jerry
22 Brown to drop all charges against the San Francisco 8 defendants; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors strongly opposes the use of
24 torture against suspects; and, be it

1 FURTHER RESOLVED, That the Clerk of the Board forward this resolution to Attorney
2 General Jerry Brown.

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