AMERICAN PSYCHOLOGICAL ASSOCIATION

November 1, 2007

The Honorable Patrick J. Leahy
Chairman
Senate Judiciary Committee
224 Dirksen Building
United States Senate
Washington, DC 20510

The Honorable Arlen Specter
Ranking Member
Senate Judiciary Committee
152 Dirksen Building
United States Senate
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Specter:

We are writing on behalf of the American Psychological Association (APA), the world's largest scientific and professional organization of psychologists, to commend and support your ongoing efforts related to the confirmation hearing and follow-up correspondence to Attorney General nominee Michael B. Mukasey. We highly value your commitment to ensure that the next U.S. Attorney General is dedicated to safeguarding the physical and psychological welfare and human rights of individuals incarcerated by the U.S. government in foreign detention centers. We are all too aware of reports of a 2002 memorandum by then Assistant U.S. Attorney General Jay Bybee that granted power to the President to issue orders in violation of the Geneva Conventions and international laws that prohibit torture and cruel, inhuman, or degrading treatment. (Fortunately, this memorandum has since been disavowed by President Bush and overridden by his Executive Order in July of this year.)

In a separate letter to President Bush, we urged him to regard the ongoing Senate confirmation process involving his Attorney General nominee as a timely opportunity to expand his recent Executive Order to clarify that "enhanced" interrogation techniques, such as forced nudity, waterboarding, and mock executions, which are defined as torture or cruel, inhuman, or degrading treatment by the Geneva Conventions and the United Nations Convention Against Torture, shall not be used or condoned by the U.S. government. We also urged the government to disallow any testimony resulting from the use of these techniques.

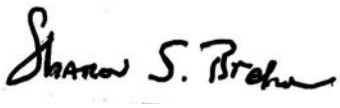
APA unequivocally condemns the use of torture and cruel, inhuman, or degrading treatment or punishment under any and all conditions, including the detention and interrogation of both lawful and unlawful "enemy combatants," as defined by the U.S. Military Commissions Act of 2006 (see attached August 2007 resolution). Accordingly, we also urge the Congress and the Bush administration to establish policies and procedures to ensure the judicial review of these detentions, which in some instances have gone on for years without any determination of their legality.

Psychologists consulting to the military and intelligence communities, like their colleagues in domestic forensic settings, use their expertise to promote the use of ethical, effective, and rapport-building interrogations, while safeguarding the welfare of interrogators and detainees. It is always unethical for a psychologist to plan, design, or assist, either directly or indirectly, in interrogation techniques delineated in APA's 2007 resolution and any other techniques defined as torture or cruel, inhuman, or degrading treatment or punishment under the Geneva Conventions, the United Nations Convention Against Torture, and APA's 2006 Resolution Against Torture.

There are no exceptional circumstances whatsoever to these prohibitions, whether induced by a state of war, threat of war, or any other public emergency, or in the face of laws, regulations, or orders. APA will support psychologists who refuse to work in settings in which the human rights of detainees are not protected. Moreover, psychologists with knowledge of the use of any prohibited interrogation technique have an ethical responsibility to inform their superiors and the relevant office of inspectors general, as appropriate, and to cooperate fully with all government oversight activities to ensure that no individual is subjected to this type of treatment.

We look forward to working with the Senate Judiciary Committee to develop policies on interrogation that provide for ethical and effective means to elicit information to prevent acts of violence. Our own work in this area is ongoing, and we plan to make available a casebook and commentary (upon completion) to provide guidance on the interpretation of our resolution. If you have any questions or are in need of additional information, please contact APA's Director of Ethics, Stephen Behnke, J.D., Ph.D., at (202) 336-6006 or at sbehnke@apa.org, or our Senior Policy Advisor, Ellen Garrison, Ph.D., at (202) 336-6066 or egarrison@apa.org.

Sincerely,





Sharon Stephens Brehm, Ph.D
President

Norman B. Anderson, Ph.D.
Chief Executive Officer

Attachment

cc: Members of the Senate Judiciary Committee

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