

February 26, 2014

The Honorable Chuck Hagel
Secretary
U.S. Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

Dear Secretary Hagel:

We are writing on behalf of the American Psychological Association (APA) to inform you of recent updates regarding APA policy related to psychologists' involvement in national security settings. We also call upon you and the Defense Department to take all possible action to prohibit the use of torture and other cruel, inhuman, or degrading treatment or punishment in interrogations and any other detainee-related operations.

This past July of 2013, our APA Council of Representatives adopted a policy entitled, "Policy Related to Psychologists' Work in National Security Settings and Reaffirmation of the APA Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment." The APA Council of Representatives also voted to rescind the 2005 Report of the APA Presidential Task Force on Psychological Ethics and National Security and two other APA policies dated 2007 and 2008. These policies had become outdated or rendered inaccurate with the passage of subsequent policies, most notably the 2010 revision of the APA Ethics Code.

The 2013 APA policy serves as a single, comprehensive policy guide for the work of the association and our members. The policy comprises seven key statements that affirm our association's longstanding position against torture and cruel, inhuman, and degrading treatment and punishment, and provide ethical guidance to psychologists working in national security settings. The policy also sets forth three broad areas of activity for the association to continue to promote human rights.

In December of 2009, the Department's then General Counsel Jeh Johnson invited APA to brief agency lawyers about APA policy related to national security settings. At this time, your legal staff was informed about the adoption earlier that year of an APA policy entitled, "Psychologists and Unlawful Detention Settings with a Focus on National Security." This policy prohibits psychologists from working in detention settings that are in violation of the U.S. Constitution or international law (e.g., the Geneva Conventions and the U.N. Convention Against Torture), unless they are working directly for the person being detained or for an independent third party to protect human rights, or providing treatment to military personnel. It is critical to stress that the set of additional APA policies provided to the Department at that briefing is no longer valid since it has been replaced by the 2013 reconciled, unified policy (a copy of which is provided). The 2013 APA policy reaffirms this 2009 policy.

Of paramount importance, the 2013 APA policy also reflects the association's 2010 change to the APA Ethics Code. The Ethics Code stipulates that if the Code establishes a higher standard of conduct than is

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required by law, psychologists must meet the higher ethical standard. If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority or organizational demands, psychologists make known their commitment to the Ethics Code and take reasonable steps to resolve the conflict in a responsible manner in keeping with basic principles of human rights. Thus the APA upholds the prerogative of psychologists under the Ethics Code to disobey law, regulations, or orders when they conflict with ethical practice. Under no circumstances may the Ethics Code or any external factors whatsoever be used to justify or defend a violation of human rights.

The 2013 APA policy prohibits psychologists' participation in torture and other cruel, inhuman, or degrading treatment or punishment in interrogations and other detainee-related operations, with particular attention to national security settings. The policy defines torture according to the U.N. Convention Against Torture and provides examples of prohibited behaviors that would be considered torture or other cruel, inhuman, or degrading treatment or punishment. In order to protect against abusive interrogation practices and to reduce the likelihood that unreliable and/or inaccurate information is entered into legal proceedings, APA continues to call upon the U.S. legal system to reject testimony that results from torture and other cruel, inhuman, or degrading treatment or punishment.

APA is an accredited non-governmental organization (NGO) at the United Nations and is committed to promoting and protecting human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights. Consistent with APA's NGO status, our new policy clarifies that "psychologists in national security settings shall work in accordance with international human rights instruments relevant to their roles."

The widely-publicized abuse of detainees at CIA detention facilities and at the Guantanamo Bay Naval Base has severely marred our nation's image as a leader in human rights. The United States must once again become a beacon to the world through our efforts to safeguard individual welfare and advance the human rights of U.S. citizens and others at home and abroad.

In closing, we urge you and the Defense Department to safeguard psychologists and other health professionals from roles and situations that risk placing them in conflict with the ethical standards of their profession. We also urge you to take affirmative steps to ensure that detainees in U.S. custody are treated fairly and humanely, while granted all rights guaranteed to them under the U.S. Constitution, the U.N. Convention Against Torture, and the Geneva Conventions.

Sincerely,

Nadine J. Kaslow

Nadine J. Kaslow, Ph.D. ABPP
President

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

Attachment