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August 6, 2007

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Sharon Stephens Brehm, PhD, President  
American Psychological Association.  
750 First Street, NE  
Washington, DC 20002-4242

Dear Dr Brehm:

We have had a chance to review the proposed resolution regarding torture put forward by the Board of the American Psychological Association (referred to as substitute motion #2). We appreciate the Board's adoption, albeit in language we believe needs to be tightened, of one of the key recommendations contained in my letter of June 14: condemning certain specific interrogation techniques and psychologists' direct or indirect participation in them.

With changes in wording I describe below, and adoption of the proposal for a moratorium (substitute motion #1), which we see as a companion to the Board's proposal, we believe the APA has the opportunity to provide leadership both to the profession, in protecting psychologists from unethical practice, and to the nation, by providing its expertise to policy-makers regarding the harm these tactics bring. We are confident that a process can be devised to adopt the substance of these complementary resolutions.

The listing of specific techniques in the Board's proposed resolution comes at a critical time. The President recently issued a new Executive Order concerning the CIA's "enhanced" interrogation methods that, the White House confirms, authorizes the continued use of severe interrogation techniques;<sup>1</sup> many of these tactics amount to torture.<sup>2</sup> We have recently learned, too, that some psychologists at the CIA and the Department of Defense have played a central role in the development and use of these abusive techniques (others adamantly opposed them).<sup>3</sup> Calling for an end

<sup>1</sup> Mark Mazetti, *Rules Lay Out C.I.A.'s Tactics In Questioning*, New York Times, July 21, 2007.

<sup>2</sup> Physicians for Human Rights and Human Rights First have just issued a report demonstrating how ten interrogation techniques used by the CIA are war crimes under U.S. law. *Leave No Marks: Enhanced Interrogation Techniques and Risk of Criminality*.  
<http://physiciansforhumanrights.org/library/documents/reports/leave-no-marks.pdf>

<sup>3</sup> Jane Mayer. *The Black Sites*. The New Yorker August 5, 2007 (web version).  
[http://www.newyorker.com/reporting/2007/08/13/070813fa\\_fact\\_mayer](http://www.newyorker.com/reporting/2007/08/13/070813fa_fact_mayer).  
Katherine Eban, *Rorschach and Awe* Vanity Fair July 17, 2007 (web version)  
<http://www.vanityfair.com/politics/features/2007/07/torture200707>; Department of Defense, Office of the Inspector General, Review of DoD-Directed Investigations of Detainee Abuse (2006).. Available at <http://www.fas.org/irp/agency/dod/abuse.pdf>.

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to torture and cruel and inhuman and degrading treatment is therefore no longer enough; it is essential to identify and prohibit the brutal tactics that have been at the heart of the abuses conducted by our government, and in which psychologists have been implicated. We are pleased to see the Board's proposal take this stance.

We understand, of course, that the list of techniques in the proposed resolution is, by the very nature of a list, incapable of addressing all possible forms of torture; but the list does cover virtually all abusive psychological techniques used by the military and CIA and the Department of Defense since 2002. Firm and decisive condemnation of these tactics on account of their devastating impact on health and unequivocal opposition to psychologists' participation in them would help policy-makers understand the importance of ending the use of these techniques and also assure that psychologists have the ethical guidance they need to avoid being drawn into supporting them.

To avoid creating loopholes, we urge that the resolution be amended in certain key respects that should not be objectionable:

- A. Assure that the description of prohibited techniques leaves no room for ambiguity. To accomplish that, the language listing the techniques should be changed to state that
  1. The use of isolation and sleep deprivation in interrogation is never permissible (thus eliminating the qualifier that they are condemned only if there is a detriment to health; these tactics always cause such a detriment);
  2. The use of psychotropic drugs is prohibited;
  3. Any exploitation of fears or psychopathology (not just phobias) is unacceptable; and
  4. Participation "during" interrogation is expanded to include "or in connection with detention," because we now know that practices such as isolation, sleep deprivation, and use of persistent loud music have been used as part of a strategy to break down individuals both inside and outside the interrogation room.<sup>4</sup>
- B. Eliminate any ambiguity by an explicit statement that no reason, including a claim of legal authorization, can justify a psychologist's violation of the ethical prohibition on engaging in or otherwise supporting interrogation methods that the resolution condemns.
- C. Where the resolution refers to torture and cruel and inhuman and degrading treatment, accompany it by a reference to both international and domestic law.
- D. Assure that the resolution not only commends psychologists who have opposed torture but will support those who resist complicity, while also committing the organization to investigate the credible allegations of all psychologist involvement in torture, whether APA members or not, and hold those psychologists to public account.

The Board's resolution serves to underscore the importance of other actions we urged in my letter of June 14, especially adopting a stance that psychologists not participate in the interrogation of

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<sup>4</sup> We acknowledge that our letter of June 14 was not explicit on this point, but it is of course clear that many of the techniques, by their very nature, took place outside the confines of the interrogation room and in a broader temporal context.

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individual detainees by performing pre-interrogation assessments, designing interrogation plans, assisting in interrogation, monitoring interrogation, or otherwise. The Board's proposed resolution is premised on the obligation of psychologists to avoid, or at least minimize, harm to individuals where no therapeutic purpose is present. But it is indisputable that, even the most benign interrogation is designed to induce distress and anxiety. Interrogations conducted by the United States in the context of detention of terrorist suspects significantly exacerbate this distress, and the potential for long-term harm, because they take place in a closed environment where human rights violations, including no due process and indefinite confinement, remain overwhelming. Engaging in any interrogation support in these circumstances, we believe, is inconsistent with core ethical values of the profession. Accordingly, we urge the Association to adopt both the proposal the Board has put forward condemning particular tactics (as amended) and the proposed resolution calling for a moratorium on psychologist participation in any interrogations of "enemy combatants."

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Leon S. Rubenstein". The signature is fluid and cursive, with the first name "Leon" and last name "Rubenstein" clearly distinguishable.

Leonard S. Rubenstein