AMERICAN PSYCHOLOGICAL ASSOCIATION

October 28, 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Obama:

We are writing on behalf of the American Psychological Association (APA) to inform you about the policy recently adopted by our Council of Representatives that includes a provision prohibiting psychologists from participating in national security interrogations. This policy is the result of careful deliberation on the part of our association to establish clear and unequivocal guidance regarding psychologists' responsibilities and limitations in the context of national security interrogation processes. We request that your administration take appropriate action to enable military and other psychologists to abide by APA's national security-related policies, as articulated below, including the APA Ethics Code.

More specifically, the new 2015 policy states that psychologists "shall not conduct, supervise, be in the presence of, or otherwise assist any national security interrogations for any military or intelligence entities, including private contractors working on their behalf, nor advise on conditions of confinement insofar as these might facilitate such an interrogation."

APA requests that psychologists be protected from actions that might pose a conflict with the APA Ethics Code and that they be withdrawn from any role in national security interrogations or conditions of confinement that might facilitate such interrogations. They may provide general consultation on policy related to humane information-gathering methods that are not related to any specific national security interrogation or detention conditions.

Among its other key provisions, the 2015 policy strengthens APA's 2013 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.* As part of that earlier policy change, the Council voted to rescind the controversial 2005 Report of the APA Presidential Task Force on Psychological Ethics and National Security (PENS) and two other outdated policies. Therefore, ***we request that the PENS report is no longer cited in any government documents that refer to psychologists' role in national security interrogations.***

The 2015 policy also clarifies a key provision of the 2008 policy entitled, *Psychologists and Unlawful Detention Settings with a Focus on National Security*. This policy prohibits

750 First Street, NE
Washington, DC 20002-4242
(202) 336-5500
(202) 336-6123 TDD
Web: www.apa.org

psychologists from working in national security detention settings that are in violation of the U.S. Constitution or international law "unless they are working directly for the persons being detained or for an independent third party working to protect human rights" or providing mental health services to military personnel.

The new 2015 policy deems the U.N. Committee against Torture and the U.N. Special Rapporteur against Torture as the authorities for determining whether certain national security detention settings are considered to be in violation of international law. This policy clarification is consistent with APA's status as an accredited non-governmental organization (NGO) at the U.N. committed to promoting and protecting human rights in accordance with the U.N. charter and the Universal Declaration of Human Rights.

Based on recent reports by the aforementioned U.N. authorities, it is a violation of APA policy for psychologists to engage in any other activities beyond those listed above at the following national security detention sites: the Guantánamo Bay detention facility, any remaining or future "black sites," vessels in international waters, or sites where detainees are interrogated under foreign jurisdiction. Although it is our understanding that placements at national security detention settings are currently voluntary, we are requesting that psychologists who are working at detention sites that are in violation of the U.S. Constitution or international law, as described above, be offered deployment elsewhere.

And finally, our new policy redefines the term "cruel, inhuman or degrading treatment or punishment" (CIDTP) in prior APA policies in accordance with the U.N. Convention against Torture, rather than with the 1994 U.S. Reservations to this treaty (which were used by the Bush administration to justify "enhanced" interrogation techniques). The goal is to ensure that APA policy offers protections to everyone, everywhere, including foreign detainees held outside of the U.S. As stipulated by the new policy, APA is requesting that the U.S. government withdraw its understandings and reservations to the U.N. Convention against Torture.

We also urge you to take affirmative steps to ensure that national security detainees in U.S. custody are treated fairly and humanely, and that they are granted -- and are able to exercise -- all of the rights guaranteed them under the U.S. Constitution, the U.N. Convention against Torture, and the Geneva Conventions.

To summarize, the two core provisions of our new policy related to the roles of psychologists in national security:

1) ***Prohibit psychologists from participating in all national security interrogations or conditions of confinement that might facilitate such interrogations; and***

2) ***Prohibit psychologists from working at detention settings operating in violation of the U.S. Constitution or international law (as deemed by specified U.N. authorities). These settings include the Guantánamo Bay detention facility, any remaining or future "black sites" (including those run by private contractors), vessels where detainees are held in international waters, or sites where detainees are interrogated under foreign jurisdiction. APA requests that psychologists currently working at such***

sites be offered deployment elsewhere. To remain in compliance with APA policy, psychologists who choose to work at such settings may only treat military personnel (not detainees) or work directly for the persons being detained or for an independent third party to protect human rights.

In closing, we would like to reaffirm APA's commitment to human rights. We also want to acknowledge the essential roles and valuable contributions of military psychologists in providing mental and behavioral health care to servicemembers (especially those with physical and psychological injuries and disorders) and their families, as well as in conducting research.

Through their professional work, military psychologists strive to achieve, and are responsible to uphold, the highest levels of competence and ethics in our field. We are requesting that military and other psychologists be safeguarded from involvement in any national security interrogations or detention settings that would risk placing them in conflict with APA's Ethics Code and policies related to national security, which can be accessed at: http://www.apa.org/news/press/statements/interrogations.aspx.

Sincerely,

Barry S. Anton, Ph.D., ABPP
President

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