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November 14, 2007

Dear Representative,

As the U.S. House of Representatives begins consideration of H.R. 4156, the FY 2008 war supplemental appropriations act, I write to express the American Bar Association's strong support for the inclusion of language in the bill to establish uniform interrogation standards for detainees in U.S. custody.

The revelations of abuses by United States personnel of prisoners detained in the fight against terrorism dismayed the American public and severely damaged our nation's reputation as a leader in promoting human rights and the international rule of law. American interrogation standards must adhere to basic democratic values as well as to the letter and spirit of both U.S. and international law regarding the treatment of detainees.

The U.S. military has moved to correct the policies and practices that led to abuses, most notably with the adoption in September 2006 of the U.S. Army Field Manual on Human Intelligence Collector Operations (the "Army Field Manual"). However, a July 2007 Executive Order established a different standard that permits "enhanced interrogation techniques" for other federal agents, including those operating secret Central Intelligence Agency ("CIA") detention facilities. The ABA believes that there should be a *uniform* standard requiring anyone acting under the color of U.S. authority to abide by the principles of humane treatment contained in Common Article 3 of the Geneva Conventions and the Army Field Manual.

To accomplish this goal, the ABA strongly supports the inclusion in the war supplemental bill of HR 4114, the American Anti-Torture Act of 2007, introduced by Reps. Jerrold Nadler (D-NY) and William Delahunt (D-MA). This bipartisan legislation extends to all U.S. government personnel the current prohibitions in the Army Field Manual against the use of certain enhanced interrogation techniques.

In condemning and outlawing cruel and inhumane treatment of prisoners, military leaders have acknowledged that torture does not yield reliable information, and could give our enemies legal justification for

abusing captured Americans. More fundamentally, torture violates our nation's own values of decency—values that date back to George Washington, who ordered Revolutionary soldiers not to mistreat captured British enemies.

Our nation's challenge, in this dangerous age, is to be strong, unyielding champions of the rule of law, even as we defend our security. The Executive Branch has publicly pledged that our government is complying with the Geneva Conventions, but the lack of uniformity and the secrecy over the scope of allowable treatment of captured enemies inevitably create doubts and uncertainty.

It is time for our nation to have one clear law that provides every part of our government a single standard for the humane treatment of detainees. Congress must act now to pass the American Anti-Torture Act, as part of the war package or as free-standing legislation, to require all U.S. personnel to abide by the minimum uniform standard in the treatment and interrogation of detainees established by the Army Field Manual.

Sincerely,

A handwritten signature in cursive script that reads "Denise A. Cardman". The signature is written in black ink and is positioned below the word "Sincerely,".

Denise A. Cardman
Acting Director