



December 10, 2007

Dear Representative:

In 2005, Congress responded to the international outcry over the use of torture by U.S. personnel by enacting the Detainee Treatment Act. That legislation provided that “No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.”

It was hoped that this overwhelming, bipartisan expression of the will of Congress would be sufficient to prevent the further use of what administration officials euphemistically refer to as “enhanced interrogation techniques.” However, the administration has refused to renounce the use of these measures against persons who are “in the custody or under the effective control,” not of the Department of Defense, but of the Central Intelligence Agency.

The use of such barbaric practices by persons acting in the name of the United States is inconsistent with America’s core values and its international obligations. It diminishes America’s moral authority and undermines norms of civilized conduct that protect U.S. service members who are captured in the field.

I therefore urge your support for the conference report on HR 2082, the Intelligence Authorization bill for FY2008, section 327 of which would close the CIA loophole by providing that “No individual in the custody or under the effective control of an element of the intelligence community or instrumentality thereof, regardless of nationality or physical location, shall be subject to any treatment or technique of interrogation not authorized by” the Army Field Manual.

Like the similar language previously included in the House-passed Iraq Supplemental for FY2008, this provision would give clear and unambiguous guidance to the intelligence services and would reassure America and the world that our nation does not condone or engage in lawless and inhumane conduct. In so doing, it will reinforce the standards that America did so much to put in place and on which the safety of our own service members depend.

Sincerely,

Mark D. Agrast  
Senior Fellow