

**Questions for Judge Michael B. Mukasey
Nominee for Attorney General**

**Senator Carl Levin
October 23, 2007**

1. Would you consider it inhumane to secure a detainee onto a flat surface and slowly pour water directly onto the detainee's face or onto a towel covering the detainee's face in a manner that induced a perception by the detainee that he was drowning?
2. Would you consider it inhumane to intentionally expose a detainee to cold or intentionally immerse a detainee in water until such time as the detainee began shivering?
3. Would you consider it inhumane to threaten to transfer a detainee to a third country with the knowledge that the detainee is reasonably likely to fear that country would subject him to torture or death?
4. Would you consider it inhumane to force a detainee to remove his clothes or remain naked other than for security or medical reasons?
5. Would you consider it inhumane to intentionally subject a detainee to treatment that violates the detainee's religious beliefs?
6. The Detainee Treatment Act requires that detainees not be subject to cruel, inhuman, or degrading treatment or punishment, as prohibited by the 5th, 8th and 14th Amendments to the Constitution. An October 4, 2007, New York Times article stated that, in 2005,

the Department of Justice determined that “in some circumstances, not even waterboarding was necessarily cruel, inhuman or degrading, if, for example, a suspect was believed to possess crucial intelligence about a planned terrorist attack.”

- A. Is the belief that a suspect possesses crucial intelligence about a planned terrorist attack relevant to whether the suspect’s treatment is consistent with the constitutional standards in the 5th, 8th, and 14th Amendments?

- B. If the government interest in obtaining information to prevent terrorist attacks is relevant to the constitutional analysis of the Detainee Treatment Act, what is the minimum standard of treatment required by the Detainee Treatment Act, notwithstanding the government interest involved?

- C. Is the government interest in obtaining information from a suspect who is believed to possess crucial intelligence about a planned terrorist attack relevant to a constitutional analysis of what interrogation techniques U.S. law enforcement operating in the United States are permitted to use in questioning such a suspect?