

# COALITION FOR AN ETHICAL PSYCHOLOGY

human rights \* ethics \* social justice

www.ethicalpsychology.org

October 31, 2012

Dear Dr. Younggren and Members of the APA Division 42 Board:

Thank you for your [recent letter](#) in which you share your views with the Coalition for an Ethical Psychology and with leaders of the American Psychological Association. We are hopeful that your criticisms of the Coalition's efforts to encourage accountability and reform within the APA will be an important step toward a long overdue, broad-based, transparent, and urgently needed discussion of psychological ethics in national security settings.

These ethics-based deliberations have not taken place within the APA, largely because the 2005 Presidential Task Force Report on Psychological Ethics and National Security (PENS Report) – produced after a single weekend meeting – rubber-stamped the Bush Administration's claim that psychologists serve to keep detention and interrogation operations safe, legal, ethical, and effective. We therefore regret your position to "vehemently oppose" annulment of the PENS Report, and we hope that in reaching this stance the Board was not unduly influenced by those members of your division who, as you note in your letter, were directly involved in the PENS process.

At the same time, we are concerned that your letter misrepresents our work and our purpose. You emphasize that the APA does not condone "psychologist's use of behavior defined as torture." But the Coalition's critique of APA leadership with regard to policies related to national security operations goes far beyond matters of "torture." That a psychologist should not engage in torture is obvious; to highlight this precept alone is to present an exceedingly low bar for our profession. Professional ethics in psychology – based as it is on broad "do no harm" principles – expects much more of us. In violation of these standards, post-9/11 "war on terror" health professionals were given responsibility for overseeing and directing detention conditions and interrogation practices that were coercive, often abusive, and sometimes even torturous.

While recognizing and acknowledging the good work and dedication to public safety that characterizes so many of our colleagues in military and national security positions, the Coalition believes that greater awareness, engagement, and guidance are urgently needed in order to prevent ethically fraught aspects of national security psychology from undermining our profession's most noble aspirations. In the long run, the public's respect for psychology depends upon preserving our profession's commitment to improving the lives of others and refraining from harmful actions. We believe that it does not serve psychology or psychologists for our profession to stand alone among the health professions in permitting our licensed professionals to join in abusive or coercive practices.

That is why, over the past year, a centerpiece of the Coalition's efforts has been our Call for Annulment of the PENS Report. Annulment of the Report is essential, both as a matter of accountability and in order to provide the foundation for a fresh and uncompromised

examination of the ethics underlying psychologist involvement in national security operations. Our annulment initiative has received substantial and wide-ranging support from highly respected organizations and individuals. Thirty-three groups have endorsed our online petition, including Physicians for Human Rights, the ACLU, the National Religious Campaign Against Torture, Veteran Intelligence Professionals for Sanity, and the executive committees of eight APA divisions. The petition has also been signed by over 2,000 individuals, including current and former APA division presidents and former members of the APA Ethics Committee; non-psychologists such as psychiatrists Robert Jay Lifton and Brig. Gen. Stephen Xenakis (ret.) and bioethicist Steven Miles; scholar-activists such as Daniel Ellsberg; attorneys who have represented Guantanamo detainees; military and intelligence veterans; and many psychologists and human rights advocates (signers are listed at [www.ethicalpsychology.org/pens](http://www.ethicalpsychology.org/pens)). Given the diversity of your own membership within Division 42, it is very likely that some of your own members – perhaps many of them – also support annulment of the PENS Report.

We understand that, for a variety of reasons, not everyone will agree with our position regarding the importance of annulling the PENS Report. But we hope that no one will disagree about the value of presenting the issues accurately. It is therefore a matter of concern to us that your letter overlooks or minimizes key considerations and evidence that have been presented in support of PENS annulment. In this regard, please consider the bullet points below (further documentation is available on the Coalition website).

- APA leadership has had a long and problematic relationship with sectors of the national security establishment involved in detainee torture and abuse. For example, in 2003 the APA conducted a joint conference with the CIA and the Rand Corporation on the “Science of Deception.” This conference was attended by psychologists who designed and implemented the CIA’s “enhanced interrogation” torture program. Conference funding was arranged by the CIA psychologist who was instrumental in implementing this torture program. The conference report and journalist accounts also indicate that “enhanced interrogation” techniques were on the conference agenda.
- In 2002, soon after 9/11, the APA implemented a revised ethics code. Changes were made in the code that permitted psychologists, for the first time, to override ethical standards when they conflicted with “law, regulations, or other governing legal authority.” These changes, incorporated into the PENS Report, served to immunize psychologists from potential ethical accountability for detention, interrogation, and other activities that previously would have been considered unethical. APA leadership resisted numerous calls over the next eight years – from Council and others – to correct deficiencies in the code.
- As early as 2004, reliable reports circulated that psychologists – including APA members – acted as planners, consultants, researchers, and overseers of abusive and sometimes torturous interrogations at Guantánamo Bay Detention Center, Bagram Air Base, and CIA “black sites.” The PENS Task Force refused to evaluate the adequacy of APA’s response to these specific public reports.

- Six of the nine voting members of the PENS Task Force were on the payroll of U.S. military or intelligence agencies – presenting clear conflicts of interest – and several of them were drawn from the very chains of command accused of prisoner abuses. In consequence, the Task Force: (a) presumed, rather than deliberated, the legitimacy of psychologists as interrogation consultants; (b) tied the PENS Report to the permissive definition of torture in U.S. law rather than to international human rights law, even though the APA is an accredited NGO to the United Nations; (c) incorporated language from military behavioral science consultation protocols directly into PENS policy; and (d) voted to require confidentiality of Task Force proceedings.
- Undisclosed high-level APA representatives who attended the PENS Task Force meeting engaged in lobbying for Department of Defense and CIA funding and had a vested interest in a PENS Report compatible with then-current administration policy. A significant conflict of interest existed for the director of the APA Practice Directorate, who steered the Task Force meeting toward supporting the role of psychologists as interrogation consultants while emphasizing the need to put out the fires of public controversy surrounding such psychologist involvement. Furthermore, this director did not disclose to the non-military members of the Task Force that his wife was an active duty SERE-trained psychologist, who had served at Guantanamo. Along with two Task Force members, she also worked with the Army Surgeon General to revise instructions for psychologists participating in national security detention and interrogation activities based on the PENS Report.
- The PENS Task Force presumed, without deliberation, that the current APA Ethics Code adequately addressed complex ethical issues associated with psychologist involvement in national security operations, that no new ethical standards were needed, and that national security concerns justified subordinating individual welfare to government interests. The Task Force declined to consider the challenges in adapting the Ethics Code to operational psychologists working under military authority and military exigencies, including the difficulty or impossibility of ethical oversight or of obtaining independent ethics consultation in classified settings.
- The PENS process and Report departed from standard APA procedures in numerous ways for which adequate explanation has never been provided: the Ethics Office director produced a full draft report immediately at the close of the weekend meeting and Task Force members were given only 24 hours to accept or reject the report; the APA Board invoked its emergency powers to endorse the PENS Report, preempting a standard review and vote by the Council of Representatives; the identities of the PENS Task Force members were not included in the Report, were not posted on the APA website, and were withheld from members of the APA and members of the press requesting them; the Task Force chair designated two APA staff members as the sole spokespersons for the Task Force; and, by majority vote, Task Force members agreed not to speak about the PENS process or PENS Report with others.

Despite these and other serious grounds for concern, the PENS Report has been widely used to promote and expand operational roles for psychologists in national security settings, and the document continues to be used in this capacity. The Report is cited in current DoD policy memos to support psychologists' involvement in detention, interrogation, and debriefing operations, including in the assessment and exploitation of individual detainee "vulnerabilities" for intelligence purposes. The Report is also being used to legitimize "operational psychology" in counterintelligence, counterterrorism, and anti-terrorism operations – which sometimes involve psychological interventions that directly harm those identified as potential adversaries – as an official APA area of specialization. And the PENS Report is repeatedly cited as a resource for ethical decision-making in the APA Ethics Committee's recent – and widely criticized – draft "casebook" on National Security Commentary.

In sum, the PENS Report has facilitated harm to vulnerable populations by supporting policies that lack adequate protection against abusive treatment; has badly damaged the reputation of U.S. psychology both domestically and internationally; has diminished the APA's commitment to advance psychology "as a means of promoting health, education and human welfare;" has compromised the integrity of the relationship between professional psychology and the security sector; and, as emphasized by some senior interrogators and intelligence professionals, has undermined national security.

In our work over the past several years, we have closely collaborated with and benefited from the guidance of military interrogators, counterintelligence professionals, military attorneys (JAGs) and ethicists, and military health professionals. The preponderance of psychologists whose work supports the U.S. military and other defense-related agencies – including the many clinical psychologists providing valuable services to soldiers and veterans in VA hospitals and other medical facilities – are *not* engaged in ethically fraught areas of operational psychology typified by behavioral science consultations to interrogations and conditions of detention. Our efforts are, in part, an attempt to protect psychologists in the military and in national security who strive to practice in accordance with psychological ethics and international law and are asked or ordered to be purveyors of harm. To the extent that these psychologists can point to clear guidance from the APA and state licensing boards, they are better positioned to refuse such orders.

As a final consideration, we have already heard from several colleagues who are concerned by what they perceive as your letter's threatening and intimidating tone. We are disinclined to focus on that aspect of your correspondence because we believe there is much good that can come from greater engagement over the ethical issues at hand for the profession we share, especially among groups and individuals with differing perspectives. Toward that end, the Coalition will continue its efforts to bring wider recognition among fellow psychologists, national leaders, and the general public to the urgent need to examine psychological ethics in national security settings. We would like to respond to your claim that we are harming your "practice of psychology by giving false and biased information," but your letter does not provide any specific examples of inaccuracies in any official Coalition statements or related communications. We welcome your bringing such instances to our attention, and we will try to respond with documentation and clarification in a timely manner.

We especially welcome what might appear to be your admonishment to us: "Please understand that your behavior needs to be honest and demonstrate what you state are your core values." As a Coalition for an Ethical Psychology, our core values are indeed honesty, transparency, and ethical practice, and we hope that we share these values with the members of your division. Thus, our priority has been for the APA to acknowledge grave breaches of ethical principles, to hold those responsible for those breaches accountable, and to change misguided policies and institutional processes so that our profession is protected from similar harmful and discrediting actions in the future.

APA leadership has supported psychologists' participation in what were known to be abusive and coercive detention and interrogation practices; certain APA members have been directly implicated in these abuses in public documents, including congressional testimony and military investigations; and the APA Board put its ethics policy for national security settings in the hands of psychologists who were part of the very commands accused of detainee mistreatment. The Coalition believes these are very serious matters, and we hope you agree. We flatly disagree with any suggestion that the threat to the APA comes from publicizing these concerns and not from the unethical activities themselves.

Again, we extend our thanks to you for bringing greater attention to the call for annulment of the PENS Report. We welcome the opportunity to continue and to extend this important discussion. Please share this response to your letter with the full membership of Division 42.

Sincerely,

Roy Eidelson  
Stephen Soldz  
Steven Reisner  
Brad Olson  
Trudy Bond  
Jean Maria Arrigo

Cc: APA Board of Directors  
APA Council of Representatives  
APA Division Leadership