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APA Ethics Office
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From:
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APA Ethics Office:

I wish to file an ethics complaint against USAF Maj. Linda S. Estes, PhD, an APA member licensed in the State of Arizona. On December 5, 2006, the Arizona Board issued a "letter of concern" to Dr. Estes for providing testimony, without adequate evidence, that U.S. Air Force (USAFA) Maj. Gen. Thomas J. Fiscus was a "sexual predator."

In mid-November 2008, a colleague forwarded me news of Gen. Fiscus's case because of my interest in military intelligence ethics. After reading an official transcript of Dr. Estes' testimony, I became concerned about her continued forensic role in the USAF. By her own testimony Dr. Estes developed her diagnosis from reading a collection of Maj. Gen. Fiscus's e-mails that had been selected by the prosecution. She never met with Maj. Gen. Fiscus or any of his alleged victims, although all were available as Air Force personnel.

Last week I spoke with a USAF counterintelligence officer who worked with the Office of Special Investigations (OSI). ____ (ret) stated that Dr. Estes's "remote assessment" of Maj. Gen. Fiscus, based on minimal and biased evidence, is common OSI investigative practice. This case therefore particularly merits attention by the APA Ethics Office. Upon preview of my letter to the APA Ethics Office, ____ added (e-mail communication, October 19, 2010): "I'm available to discuss this issue with them or provide my insight as a former OSI officer if they would like to speak with me."

The case gains historical importance from the fact that Maj. Gen. Fiscus, 14th Judge Advocate General of the USAF, was a notable opponent of "enhanced" interrogation practices under the Bush Administration. Although that issue is beyond the scope of the APA Ethics Office, I believe it adds to the weight of responsibility of investigation of my complaint against Dr. Estes. During the preparation period for the 2005 APA

Presidential Task Force on Psychological Ethics and National Security (PENS), on the PENS listserv I raised the issue of military commanders silencing dissidents through psychological evaluation (May 18, 2005, 3:40 pm):

My oral history interviews with intelligence professionals have alerted me to the near impossibility of implementing unwelcome guidelines in settings shielded by secrecy. Several interviewees have described the military practice of silencing subordinates who have inconvenient moral concerns by referring the subordinates for psychological examination. It is hard to imagine a countermeasure to this practice. If we are to produce guidelines that can actually be implemented, we will have to be organizational theorists as well as psychologists.

Task force member Col. Louis M. Banks effectively removed my concern from PENS considerations with his same-day reply (May 18, 2005, 6:40 pm):

This is another very good point. In 1992 Congress passed law (National Defense Authorization Act for Fiscal Year 1993) that established protection for service members for this type of inappropriate referral. Although I may be guilty of being overly rule-bound on this, I have attached the two DoD Instructions that explain the rules for commanders and psychologists on this topic. I will be the first to admit that just because it is against the law, that does not mean it does not happen, but it does provide some significant penalties if commanders do attempt to silence subordinates in this manner.

Investigation of my complaint against Dr. Estes provides a significant opportunity for the APA Ethics Office to support the integrity of military psychologists in clinical roles.

Please send me the complaint forms. Thank you.

Sincerely,

Jean Maria Arrigo, PhD
APA Member #7031-0461