

Coalition for an Ethical Psychology

human rights – ethics – social justice

www.ethicalpsychology.org

August 11, 2010

Carol D. Goodheart, EdD, President
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242

Dear President Goodheart:

In our letter to you, dated July 26th, we responded to the APA's letter to the Texas State Board of Examiners in support of a thorough investigation of the charges brought against Dr. James Mitchell. While we applauded the APA's move to begin the process of holding at least one psychologist involved in interrogation abuses accountable, we explained that in addition to the case against Mitchell, there are two other similar cases that warrant APA attention. One, brought before the New York Office of the Professions, is against Major John Leso, and another, before the Ohio Psychology Board, is against Col. Larry James. We asked that, on behalf of the APA and its members, you call for full investigations and accountability in those two cases as well.

We are writing now because we believe there is an additional "case" as egregious as the cases of Mitchell, Leso, and James, in terms of the "scope of misperception and harm" (your words) to the reputation of professional psychology. That is the case of the American Psychological Association itself and its own complicity in supporting and empowering Mitchell, James, Leso and other psychologists to develop, research, supervise and/or implement such terrible methods with impunity.

For example, in your letter to the Texas State Board, you claim "APA has no knowledge beyond the information set forth in the Complaint and press reports regarding Dr. Mitchell's actions. ...Dr. Mitchell is not a member of the APA..." This very statement, this very disassociation of a relationship, ignores the long history of mutual engagement between the APA and Dr. Mitchell.

Beginning in 2002, Mitchell was part of an APA-sponsored effort to advance the role of psychologists in counter-terrorism activities. He and his partner, Bruce Jessen, were present at a number of "invitation-only" conferences co-sponsored by the APA, CIA and other intelligence organizations. These occurred during the very period that Mitchell's firm, Mitchell Jessen & Associates, was developing, implementing and overseeing the "enhanced interrogation program" for the CIA.

At one such conference, "Detecting Deception," co-sponsored by the APA, CIA and RAND in July 2003¹, members of the intelligence community, including Mitchell and Jessen, initiated discussions on patently unethical interrogation research questions such as: "How might we overload the system or overwhelm the senses and see how it affects deceptive behaviors?" In addition, as recently as 2007, Mitchell-Jessen Associates offered APA Continuing Education credits.² Former APA

¹ "The goal of the meeting is to bring together individuals with a need to know and use deception in service of national defense/security, with those who investigate the phenomena and mechanisms of deception." SPIN, April 2003.

<http://www.apa.org/about/gr/science/spin/2003/04/workshop.aspx>

² <http://www.nytimes.com/2009/08/12/us/12psychs.html?pagewanted=all>

President Joseph Matarazzo was on the company's Board of Directors, and Matarazzo was given an APA Presidential Citation *after* his involvement with Mitchell and Jessen's firm became public³.

Current ethics cases similar to the Mitchell case are even closer to the APA. Dr. Larry James *is* an APA member. In fact, he was chosen by the APA (along with five other psychologists directly involved in CIA or DOD detainee interrogations, training, or research) to determine APA ethical policy on these very practices, as part of the 2005 Psychological Ethics and National Security Task Force (PENS). While on the task force, James presented a picture of Guantánamo interrogations that grossly misrepresented the actual techniques and conditions on the ground, thereby helping to produce a final report that was biased and distorted. This report has been denounced by the three PENS members who were not employed in the security sector. Despite scandalous revelations regarding the PENS Task Force composition and process, the PENS Report remains APA policy and has been affixed to military instructions for psychologists involved in interrogations.

The APA has refused even to investigate an ethics complaint brought against Dr. James even though the evidence is clear that during his tenure as Chief Psychologist of the Joint Intelligence Group at Guantánamo, new "Behavioral Treatment" protocols were written and implemented mandating four weeks of absolute isolation for all new detainees.⁴ Moreover, there is considerable evidence that techniques deemed to be torture by the APA were standard operating procedure at the time James was responsible for supervising Behavioral Science Consultation Team (BSCT) interrogators. In fact, the International Committee of the Red Cross (ICRC) described Guantánamo interrogation and detention practices at the time as "an intentional system of cruel, unusual and degrading treatment and a form of torture."⁵ James is currently President of an APA Division, and he has received several awards from APA divisions *after* questions were raised about his Guantánamo activities.

Dr. John Leso is also an APA member. Following the release of the torture log of Mohammed al Qahtani, ethics charges were filed against Leso with the APA Ethics Office first in August of 2006 and again in early fall of that year. After no action was taken, yet another ethics complaint was filed in April 2007. The Ethics office denied having received the latter complaint. That complaint was filed again in February 2008. Evidence provided against Leso included the torture log of prisoner 063 (al Qahtani), indicating that he was present during several sessions, and the memo Leso co-wrote detailing increasingly harsh techniques to be used in the "enhanced interrogation program" at Guantánamo. Leso's memo calls for the use of techniques – including stress positions, manipulation of phobias, and sleep deprivation – unequivocally condemned by the APA as torture, cruel, inhuman and degrading treatment. No disciplinary action has been taken by the APA ethics committee to date. To our knowledge, this is the longest-unadjudicated case of alleged ethical misconduct in APA history.

We join you in your concern for the "scope of misperception and harm...regarding the public's misunderstanding of the profession of psychology and its ethical principles." However, we place responsibility, in part, with the APA itself. We hold APA responsible for willful misrepresentation of its role and the role of key members in furthering and protecting the government's "enhanced interrogation" torture program and for its overt and covert support of psychologists within that program. That misrepresentation and lack of accountability continues to the present day.

³ Convention by the bay: Leaders in the field. Monitor on Psychology, 2007, 38(9), p. 9. Accessed July 11, 2010 from <http://www.apa.org/monitor/oct07/leaders.aspx>

⁴ Camp Delta Standard Operating Procedures (SOP). 28 March 2003
http://wikileaks.org/wiki/Guantanamo_document_confirms_psychological_torture

⁵ "Red Cross Finds Detainee Abuse in Guantánamo," Neil Lewis, New York Times, November 30, 2004.
<http://www.nytimes.com/2004/11/30/politics/30gitmo.html?scp=10&sq=neil%20lewis%20guantanamo&st=cse>

Despite enormous pressure brought to bear on the Association by its members — in the face of continuing revelations about the role of psychologists in abuses — APA’s response invariably has served to permit psychologists to continue these activities. And while the APA asserts that it has issued a series of resolutions condemning torture and abuse, it has, in practice, twisted the language of these resolutions and policies to align them with U.S. interrogation policy. To date, APA has refused to hold any APA member accountable.

Consider:

- In 2008, the APA membership passed a petition referendum “to prohibit psychologists from any involvement in interrogations or any other operational procedures at detention sites that are in violation of the U.S. Constitution or international law.” That year, the UN Rapporteur on Torture, Manfred Nowak, wrote a letter to the APA stating unequivocally that Guantánamo was in violation of the Geneva Conventions and international law. Since that time, the ICRC has confirmed that conditions in violation of international law persist at Bagram in Afghanistan to this very day.⁶ Yet the APA leadership refuses to implement the organization’s own policy and call for psychologists involved in operations at these sites to be withdrawn and reassigned.
- In 2007, in response to revelations that the 2006 APA resolution against torture in fact supported Guantánamo and CIA interrogation tactics (see below), the membership and the Council of Representatives moved to pass resolutions to keep psychologists from participating in abusive detainee interrogations. The goal was to ban the specific techniques associated with such abuses, and simultaneously to prohibit psychologists from participating in abusive interrogations altogether. The Department of Defense and the APA leadership united to give Dr. James a platform to protest the resolution, and hours before the vote the leadership changed the language of one of the two resolutions. Instead of banning 19 detainee abuses outright, as the sponsors had called for, certain abuses, including “hooding, forced nakedness, stress positions, the use of dogs to threaten or intimidate, physical assault including slapping or shaking, exposure to extreme heat or cold, threats of harm or death,” were only prohibited if “used for the purposes of eliciting information in an interrogation process” (i.e., due to these last-minute revisions, these tactics were not prohibited *if used as preparation* for interrogation). Further, four of the most widely used psychological techniques – “isolation, sensory deprivation and over-stimulation and/or sleep deprivation” – were only prohibited if “used in a manner that represents significant pain or suffering or in a manner that a reasonable person would judge to cause lasting harm.”⁷ Here too the intention of the framers of the resolution was undone by APA staff inserting language eerily consistent with the Yoo/Bybee torture justification memos: “For purely mental pain or suffering to amount to torture under [the federal torture statute], it must result in significant psychological harm of significant duration...”⁸
- In 2006, in response to the revelations that the PENS report was written by psychologists from the very commands involved in interrogation abuse, the membership and the APA Council of Representatives moved to pass a resolution condemning psychologists’ involvement in “torture, cruel, inhuman, or degrading treatment or punishment.” Just before the vote, however, and without any public discussion or acknowledgement, the document was rewritten such that the definition of “torture, cruel, inhuman, or degrading treatment” was no longer derived from the United Nations Convention Against Torture (UNCAT). Instead, it was taken from the U.S.

⁶ http://news.bbc.co.uk/2/hi/south_asia/8674179.stm

⁷ <http://www.apa.org/news/press/statements/senate-2007.pdf>

⁸ The 2008 amendment to the resolution, passed after another public outcry, banned the techniques outright, but again changed the language of the proposed resolution such that all techniques were banned only as “interrogation techniques” and not if used as conditions of detention.

Reservations to the UNCAT – the same source used by Yoo and Bybee in their infamous “torture memos” to argue that the techniques used at Guantánamo and by the CIA were not torture, cruel, inhuman or degrading treatment.⁹

- In outright violation of the APA’s conflict of interest policy, the APA has placed psychologists whose careers and income are beholden to military and/or intelligence agency contracts on every committee and task force responsible for APA ethics policy on interrogations and detention practices since PENS. It allowed a senior staff member whose wife was a Behavioral Science Consultant to interrogations at Guantánamo to improperly influence the PENS task force that was deciding if his wife’s activities would be judged ethical.
- In your recent letter to the Texas State Board of Examiners, you appear to claim that certain techniques banned in recent APA resolutions can only be considered unethical if the abuses occurred after the resolutions were passed: “Some of the more recent APA policies regarding the unethical nature of coercive interrogation techniques were not in effect at the time of the actions described...” APA Ethics Office Director Stephen Behnke made a similar argument recently, stating that APA policies from 1985 and 1986 prohibited torture, and that only recent resolutions prohibited “cruel, inhuman and degrading treatment.”¹⁰ We find this reasoning unacceptable. Unethical behavior is unethical whether or not it was specifically proscribed by APA statute. This is especially so for obviously harmful procedures such as stress positions, sensory overload, and sleep deprivation. In any case, the reasoning is spurious, since the 1985 and 1986 resolutions opposing torture specifically “support the U.N. Declaration and Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.” This is acknowledged by the language of the 2006 and 2007 resolutions, which are entitled “reaffirmations” of the 1986 ban: “Be it resolved that the APA *reaffirms its 1986 condemnation of torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment wherever it occurs.*”¹¹ We wonder what mischief is implied in what appears to be a new iteration of APA language manipulation. We fear that APA is attempting to create a rationale to protect psychologists involved in abuses, by arguing that certain acts deemed violations of APA ethics in 2007 might not be deemed violations prior to 2007.

In light of these facts, we urge you to free the APA from collusion and complicity in our nation’s policy of abusive interrogations and detention conditions by taking the following steps in all urgency:

1. Write letters to the New York Office of the Professions and the Ohio Psychology Board explaining that the charges against APA members Leso and James amount to serious violations of APA ethics under the 1986 resolution and, should they be proven, would be cause for expulsion from the Association and the recommendation of de-licensure.
2. Initiate an APA ethics investigation of James’ actions, based upon the information in the Ohio complaint, and request that the Ethics Committee explain its lack of action in both the Leso and James cases.
3. Inform the Department of Defense, the CIA, and other relevant entities that under APA policy psychologists may not work in settings that violate international law, the Geneva Conventions, or

⁹ “As we explain in Part III, U.S. obligations under international law are limited to the prevention of conduct that would constitute cruel, unusual or inhuman treatment prohibited by the Fifth, Eighth, and Fourteenth Amendments” (Yoo, 2003, p.2f).

¹⁰ Interview, ‘Mind, Body, Health & Politics’:

http://www.mindbodyhealthpolitics.org/audio_player/AUG_3_SHOW_A.mp3

¹¹ <http://www.apa.org/about/governance/council/policy/chapter-3.aspx>. Emphasis added.

the Constitution, and specifically that this includes Bagram, Guantánamo, and other such sites that have been repeatedly cited by authoritative sources as in violation of these standards.

4. State unequivocally that the tactics condemned by the 2007 and 2008 resolutions apply both to interrogations and to conditions of detention and that psychologists who knowingly planned, designed, and assisted in the use of any of these tactics must be held accountable, wherever and whenever those violations took place.

5. Accept the 2009 demand by 13 health and human rights associations, including two Nobel Peace Prize recipients, that APA “retain an independent investigatory organization” selected by human rights organizations to study organizational behavior at APA. The study should (a) address “possible collusion between APA and military and intelligence interests in the PENS process and the 2003 APA-CIA-Rand Science of Deception conference,” (b) explore “how the system of APA governance permits the accumulation of power by a very small number of individuals” unresponsive to the general membership, and (c) propose measures to “return the APA to democratic principles, scientific integrity, and beneficence, including restructuring for greater transparency and the assimilation of diverse viewpoints.”¹²

Only when a full account is made of the role of psychologists and the APA in this shameful chapter in our history will the public have a fair and accurate perception of the profession and its ethics.

The American Psychological Association has the opportunity to regain its good name and moral leadership in international psychology, and the renewed loyalty of disaffected members, by quickly and fully carrying through these measures.

Sincerely,

Steven Reisner (Contact: drreisner@gmail.com; phone - 212-633-8391)

Stephen Soldz

Brad Olson

Jean Maria Arrigo

Roy Eidelson

Bryant Welch

For the *Coalition for an Ethical Psychology*

The Coalition for an Ethical Psychology is dedicated to putting psychology on a firm ethical foundation in support of social justice and human rights. The Coalition has been in the lead of efforts to remove psychologists from torture and abusive interrogations.

¹² The 13 organizations are: Coalition for an Ethical Psychology; Physicians for Human Rights; Psychologists for Social Responsibility; Center for Constitutional Rights; Bill of Rights Defense Committee; Network of Spiritual Progressives; National Lawyers Guild; Amnesty International USA; Program for Torture Victims, Los Angeles; American Friends Service Committee, Pacific Southwest Region; Physicians for Social Responsibility, Los Angeles; Massachusetts Campaign Against Torture (MACAT); New York Campaign Against Torture (NYCAT).
<http://www.commondreams.org/newswire/2009/06/29-15> or pdf: <http://tinyurl.com/ml6s9x>