

Q&A: How the Pentagon's Inspector General Report Contradicts What the APA Has Said About the Involvement of Psychologists in Abusive Interrogations

What is the OIG Report and Why is it Important?

On May 18, the Department of Defense (DoD) declassified an August 2006 report by the departments' Office of the Inspector General (OIG) entitled *Review of DoD-Directed Investigations of Detainee Abuse*. In this report is conclusive evidence from the oversight division of the DoD confirming that **psychologists played a central role in the development of the regime of psychological torture used at the US detention facilities at Guantánamo and in Iraq and Afghanistan.**

The OIG report further substantiates numerous press reports published over the last several years that the military's Survival, Evasion, Resistance, and Escape (SERE) program had been "reverse-engineered" to develop the harsh interrogation techniques used in our country's detention facilities housing terrorist suspects.

Since 2004, as these reports emerged, the leadership of the American Psychological Association (APA) ignored or disparaged them; in each case reiterating the APA policy statement, that "psychologists have a critical role in keeping interrogations *safe, legal, ethical and effective.*"

This briefing paper documents and explains the content of the OIG report and its refutation of the claims of APA leadership, including those made by Dr. Stephen Behnke, Director of APA Ethics Directorate, and Past Presidents Gerald Koocher and Ronald Levant. At the end of the document is a list of urgent action steps the APA must take to immediately reform its flawed ethics policy and restore the reputation of our profession as a force that defends human rights, promotes core principles of health professional ethics, and acts to protect the well-being of the individual, regardless of political, ethnic, or religious distinctions.

What is SERE?

SERE is the military's Survival, Evasion, Resistance, and Escape program that trains US Special Operations forces, aviators and others at high risk of capture on the battlefield to evade capture and to resist 'breaking' under torture, particularly through giving false confessions or collaborating with their captors. During SERE training, trainees are subjected to harsh and abusive treatment modeled upon the cold war-era psychological torture techniques used by the Chinese, the North Koreans, and the former Soviet Union. SERE-type techniques, when used by other countries, have been described as torture by the United States government in State Department human rights reports for decades.

Reports of the treatment of detainees in US custody as part of the global war on terror have paralleled techniques known to have been used as part of SERE training: prolonged isolation, prolonged sleep deprivation, sensory deprivation, extremely painful "stress

positions," sensory bombardment (such as prolonged loud noise and/or bright lights), forced nudity, sexual humiliation, cultural humiliation (such as disrespect to holy books), being subjected to extreme cold that induces hypothermia, the exploitation of phobias, and simulation of the experience of drowning (waterboarding). Experience with torture survivors and the medical and psychological literature document that these techniques can have profound long-term negative effects upon individuals, including psychosis, depression, suicidal ideation and/or post-traumatic stress disorder. Many SERE program graduates have complained of these symptoms.

Do SERE Techniques Violate the Geneva Conventions? YES.

"SERE training incorporates physical and psychological pressures, which act as counterresistance techniques, to replicate harsh conditions that the Service member might encounter if they are held by forces that do not abide by the Geneva Conventions" (OIG Report, p. 23)

"The Commander, Joint Personnel Recovery Agency, explained that he understood that the detainees held by TF-20 [in Iraq] were determined to be Designated Unlawful Combatants (DUCs), not Enemy Prisoners of War (EPW) protected by the Geneva Convention and that the interrogation techniques were authorized and that the JPRA team members were not to exceed the standards used in SERE training on our own Service members." (OIG Report, p. 28)

The OIG Report cites the description in the Army Field Manual 34-52, which makes clear that SERE-type interrogation techniques constitute "physical or mental torture and coercion under the Geneva conventions":

"Physical or mental torture and coercion revolves around eliminating the source's free will and are expressly prohibited by GWS [Geneva Convention for the Amelioration of the Wounded and Sick in Armed Forces in the Field], Article 13; GPW [Geneva Convention Relative to the Treatment of Prisoners of War], Articles 13 and 17; and GC [Geneva Convention Relative to the Protection of Civilian Persons in Time of War], Articles 31 and 32. Torture is defined as the infliction of intense pain to body or mind to extract a confession or information, or for sadistic pleasure. Examples of physical torture include-- electric shock, forcing an individual to stand, sit, or kneel in abnormal positions for prolonged periods of time, food deprivation, and any form of beating. Examples of mental torture include—mock executions, abnormal sleep deprivation, and chemically induced psychosis. Coercion is defined as actions designed to unlawfully induce another to compel an act against one's will. Examples of coercion include—threatening or implying physical or mental torture to the subject, his family or others to whom he owes loyalty." (OIG Report, pp. 3-4)

Are SERE Techniques Regarded as Torture by SERE Psychologists? YES.

PENS Task Force member Captain Bryce Lefever, a former SERE psychologist for the Navy SEALs, describes his SERE duties in his PENS biography as including the

supervision of "personnel undergoing intensive exposure to enemy interrogation, torture, and exploitation techniques."

Were SERE Techniques Taught and Utilized at Guantánamo? YES.

The OIG report documents in detail that Ft. Bragg SERE psychologists provided training to interrogators at Guantánamo for the purpose of using SERE techniques to break down detainees:

"Counterresistance techniques taught by the Joint Personnel Recovery Agency [the agency responsible for SERE training] contributed to the development of interrogation policy at the U.S. Southern Command [i.e., Guantánamo]." (OIG Report, p. 24)

"[These] Counterresistance techniques were introduced because personnel believed that interrogation methods used were no longer effective in obtaining useful information from some detainees." (OIG Report, p. 24)

"JTF-170 [the command overseeing interrogations at Guantánamo] requested that Joint Personnel Recovery Agency instructors be sent to Guantánamo to instruct interrogators in SERE counterresistance interrogation techniques. SERE instructors from Fort Bragg responded to Guantánamo requests for instructors trained in the use of SERE interrogation resistance techniques" (OIG Report, p. 26).

Were Psychologists Involved in the Transformation of SERE Training Techniques into Interrogation methods? YES.

"On September 16, 2002, the Army Special Operations Command and the Joint Personnel Recovery Agency co-hosted a **SERE psychologist** conference at Fort Bragg for JTF-170 interrogation personnel. The Army's **Behavioral Science Consultation Team** [BSCT] from Guantánamo Bay also attended the conference. Joint Personnel Recovery Agency personnel briefed JTF-170 representatives on the exploitation techniques and methods used in resistance (to interrogation) training at SERE schools. The JTF-170 personnel understood that they were to become familiar with SERE training and be capable of determining which SERE information and techniques might be useful in interrogations at Guantánamo. Guantánamo **Behavioral Science Consultation Team** personnel understood that they were to review documentation and standard operating procedures for SERE training in developing the standard operating procedure for the JTF-170, if the command approved those practices. The Army Special Operations Command was examining the role of interrogation support as a '**SERE Psychologist competency area.**'" (OIG Report, p. 25, emphasis added.)

How did SERE Techniques Become Transformed into Abusive Interrogation Techniques?

On October 11, the Commander of JTF-170 forwarded a memorandum requesting approval of harsh, SERE-based technique. From the memorandum:

"...the following techniques and other aversive techniques, such as those used in U.S. military interrogation resistance training or by other U.S. government agencies, may be utilized in a carefully coordinated manner to help interrogate exceptionally resistant detainees." (OIG Report, p. 26)

"[T]he U.S. Southern Command's request led to the issuance of Secretary of Defense, December 2, 2002, memorandum [authorizing the use of many harsh, abusive techniques]. In response to Service-level concerns, a Working Group was formed to examine counterresistance techniques, leading to the Secretary of Defense, April 16, 2003, memorandum that approved counterresistance techniques for U.S. Southern Command." (OIG Report, p. 26)

Did the Interrogation Methods Considered by the Pentagon's "Working Group" and Authorized by Secretary of Defense Rumsfeld Originate With SERE Psychologists? YES.

"[T]he U.S. Southern Command's request led to the issuance of Secretary of Defense, December 2, 2002, memorandum." (OIG Report, p. 26)

"I stand for 8-10 hours a day. Why is standing limited to 4 hours?"
(Rumsfeld Memorandum Dec. 2, 2002)

"In response to Service-level concerns, a Working Group was formed to examine counterresistance techniques, leading to the Secretary of Defense, April 16, 2003, memorandum that approved counterresistance techniques for U.S. Southern Command." (OIG Report, p. 26)

"Application of these interrogation techniques is subject to the following general safeguards: (i) limited to use only at strategic interrogation facilities; (ii) there is a good basis to believe that detainee possesses critical intelligence; (iii) the detainee is medically and operationally evaluated as suitable (considering all techniques to be used in combination); (iv) interrogators are specifically trained for the techniques; (v) a specific interrogation plan (including reasonable safeguards, limits on duration, intervals between applications, termination criteria and the presence or availability of qualified medical personnel) has been developed; (vi) there is appropriate supervision; and, (vii) there is appropriate, specified senior approval for use with any specific detainee (after considering the foregoing and receiving legal advice)."

(Rumsfeld's "Memorandum for the Commander, US Southern Command. Subject: Counter-Resistance Techniques in the War on Terrorism (S). April 16, 2003, p. 5.)

Were the SERE Techniques Used in Iraq and Did Psychologists Play a Role in Bringing Them There? YES.

"The Joint Personnel Recovery Agency [responsible for SERE] was also responsible for the migration of counterresistance interrogation techniques into the U.S. Central Command's area of responsibility [Iraq and Afghanistan]. In September 2003, at the request of the Commander, TF-20 [the special forces group hunting Saddam Hussein

and other former Baath and top insurgency leaders], the Commander, Joint Personnel Recovery Agency sent an interrogation assessment team to Iraq to provide advice and assistance to the task force interrogation mission. The TF-20 was the special mission unit that operated in the CJTF-7 area of operations" (OIG Report, p. 28).

Did SERE Techniques Migrate to Afghanistan? YES.

"The Afghanistan SOP was influenced by the counterresistance memorandum that the Secretary of Defense approved on December, 2, 2002 (see Appendix U), and incorporated techniques designed for detainees who were identified as 'unlawful combatants.' Subsequent battlefield interrogation SOPs included techniques such as yelling, loud music, light control, environmental manipulation, sleep deprivation/adjustment, stress positions, 20 hour interrogations, and controlled fear (muzzled dogs)" (OIG Report, pp. 15-16).

Did the OIG Find the Use of SERE Techniques to be Inappropriate? YES.

"We are not suggesting that SERE training is inappropriate for those subject to capture; however, it is not appropriate to use in training interrogators how to conduct interrogation operations" (OIG Report, p. 29).

"We recommend that the Commander, U.S. Joint Forces Command, Office of Primary Responsibility for Personnel Recovery and Executive Agent for all Survival, Evasion, Resistance and Escape training implement formal policies and procedures that preclude the introduction and use of physical and psychological coercion techniques outside the training environment." (OIG Report, p. 30, emphasis removed)

Were Psychologists Central to the Development and Promulgation of Abusive Interrogation Techniques? YES.

As the OIG report documents, SERE psychologists instructed military intelligence, Special Operations forces, psychologists serving as part of the Behavioral Science Consultation Teams (BSCTs), and other interrogation personnel on how to use SERE techniques during interrogations. Additionally, BSCT psychologists understood that they were to utilize SERE methods in "developing the standard operating procedure for the JTF-170 [GTMO interrogators]," pending command approval (OIG Report, p. 29). BSCT psychologists also were directly involved in implementing the SERE tactics during interrogations, according to multiple reports. One well-known example is the involvement of military psychologist Major John Leso in the interrogation of Muhammed Al-Qatani.

Did Leading SERE Psychologists and Other Psychologists Engaged in Interrogations Co-author the PENS Task Force Report and Recommendations? YES.

In response to reports of psychologists' and other health professionals' involvement in abusive interrogations, the APA convened a *Presidential Task Force on Psychological Ethics and National Security (PENS)* in 2005. Six of the nine voting members were from the DoD and the US intelligence community, most with direct involvement in national security interrogations at Guantánamo, Iraq, and Afghanistan. Perhaps most problematic, it is clear from the OIG Report that three of the PENS members were directly in the chain of command translating SERE techniques into harsh interrogation tactics. Although we cannot know exactly what each of these individuals did, their presence in the chain of command is deeply troubling.

Colonel Morgan Banks "is the senior Army Survival, Evasion, Resistance, and Escape (SERE) Psychologist, responsible for the training and oversight of all Army SERE Psychologists.... He provides technical support and consultation to all Army psychologists providing interrogation support, and his office currently provides the only Army training for psychologists in repatriation planning and execution, interrogation support, and behavioral profiling" (PENS Task Force member biographies). Since 2005, several reporters have implicated Colonel Banks in the "reverse engineering" of SERE techniques for interrogation purposes.

Colonel Larry James "was the Chief Psychologist for the Joint Intelligence Group at GTMO, Cuba" (PENS Task Force member biographies) starting in January 2003, immediately after Secretary Rumsfeld authorized the use of the most brutal SERE-based techniques at Guantánamo. He was in command of psychologists at GTMO at the time these abusive policies and practices were in effect with the direct involvement of military psychologists.

Captain Bryce Lefever had been a SERE psychologist (from 1991-1993) where he supervised "personnel undergoing intensive exposure to enemy interrogation, torture, and exploitation techniques." He "was deployed as the Joint Special Forces Task Force psychologist to Afghanistan in 2002, where he lectured to interrogators and was consulted on various interrogation techniques" (PENS Task Force member biographies). That is, he had the requisite SERE background and it appears that he was involved in interrogations in Afghanistan at the time, as the OIG report makes clear, that the abusive SERE-based techniques were being utilized by Special Operations forces and others.

While we do not know exactly what each of these PENS Task Force members did in their settings and how their roles influenced the SERE/BSCT migration process, the OIG report makes it clear that the commands that these psychologists held or served under played a lead role establishing and implementing the policies that adapted SERE tactics use in interrogations during the time the events described in the OIG report occurred. This conflict of interest was already raised in the press at the time of the PENS process by the release of the ICRC report; it is confirmed by the OIG report. This conflict raises the strong possibility that the selfsame psychologists who wrote the APA policy permitting participation in US national security interrogations were part of the process generating the policies and procedures that made the abusive SERE techniques standard operating procedure throughout all three primary theaters of US combat and human intelligence operations as part of the War on Terror.

In addition to the PENS Task Force members apparently involved in DoD interrogations, one member, R. Scott Shumate, was the chief operational psychologist in the CIA Counter Terrorism Center and later for DoD counterintelligence operations. The CIA's so-called "enhanced interrogation methods," as described in several media reports, are strikingly similar to the SERE tactics:

R. Scott Shumate's PENS Task Force biographical statement reads: "He has worked for the federal government in highly classified positions that have required him to travel extensively and live overseas. He has performed many of his duties under highly stressful and difficult circumstances. In May of 2003, Dr. Shumate accepted a senior position in the Department of Defense as the Director of Behavioral Science for the Counterintelligence Field Activity ["CIFA"]. Currently, he has 20 psychologists and a multimillion dollar budget as he provides operational psychological support to several Defense Agencies through CIFA."The biographical statement goes on: "He was the chief operational psychologist for the Counter-Terrorism Center from 2000 to 2003 and has interviewed many renowned individuals associated with various terrorist networks."

A more recent biographical statement posted on a website for a conference where Shumate was scheduled to speak states that, "Dr. Shumate worked as an undercover officer for the Central Intelligence Agency where he worked against a wide array of targets including the Middle Eastern, Russian, and Chinese. From April 2001 until May of 2003 he was the chief operational psychologist for the CIA's Counter Terrorism Center (CTC).... He has been with several of the key apprehended terrorists."

Shumate, it appears, was "with several of the key apprehended terrorists," in his capacity as chief operational psychologist for the CIA's Counter Terrorism center or while CIFA Behavioral Science staff were offering guidance for the questioning of Guantánamo detainees. The legality of the interrogation practices used by these units will be the subject of imminent hearings by the Senate Armed Services Committee and the Senate Intelligence Committee.

What has the APA Said About Psychologists Participation in National Security Interrogations [emphases added unless otherwise noted]?

The APA leadership has repeatedly said that psychologists' participation in interrogations helps keep them "safe, legal, ethical and effective." This language, it turns out, is nearly identical to that used by Department of Defense officials, including former Army Surgeon General Lt. General Kevin Kiley, involved in protecting what we now know were abusive interrogation techniques that violate the Geneva Conventions. The following quotes demonstrate how the statements of APA leadership directly contradict the findings of the OIG report:

"APA derives its position from Principle A, "Do No Harm," in the Ethical Principles of Psychologists and Code of Conduct (2002), and from Principle B, which addresses psychologists' responsibilities to society. By virtue of Principle A, psychologists do no harm; by virtue of Principle B, psychologists use their expertise in, and understanding of, human behavior to aid in the

prevention of harm.... A corollary to this first rule is that psychologists... may not participate in interrogations that rely on coercion." (APA Director of APA's Ethics Office, *APA Monitor on Psychology*, July/August, 2006)

"It is consistent with the APA Code of Ethics for psychologists to serve in consultative roles to interrogation- or information-gathering processes for national security-related purposes. While engaging in such consultative and advisory roles entails a delicate balance of ethical considerations, doing so puts psychologists in a unique position to assist in **ensuring that such processes are safe and ethical for all participants.**" (*PENS Report*)

"The task force concluded psychologists have a critical role in keeping interrogations **safe, legal, ethical and effective.**" (Olivia Moorehead-Slaughter, Chair of the PENS Task Force, emphasis in original)

"I wish I had the assurance that Jane Mayer and that Dr. Reisner apparently have that there are APA members doing bad things at Guantánamo or elsewhere, because any time I have asked these journalists or other people who are making these assertions for names so that APA could investigate its members who might be allegedly involved in them, no names have ever been forthcoming." (2006 APA President Gerald Koocher on *Democracy Now!* radio June 16, 2006)

"APA has a strong interest in the role that psychologists are playing in national security investigations as part of the Joint Task Force and wishes to continue to help advise our members and DoD to **ensure that such work by psychologists is safe, legal, ethical, and effective.**" (2005 APA President Ronald Levant in *Military Psychology*, 2007)

"Survival, Evasion, Resistance, and Escape (SERE) training for BSCTs was discussed. **SERE training has been provided to BSCTs so that they can learn the perspective of persons in captivity.** General Hood stated that **the purpose was not so that they would learn how to use SERE techniques in interrogation.**" (2005 APA President Ronald Levant in *Military Psychology*, 2007)

"The Association's position is rooted in our belief that **having psychologists consult with interrogation teams makes an important contribution toward keeping interrogations safe and ethical.**" (2007 APA President Sharon Brehm, Letter to the Editor, *Washington Monthly*, January 9, 2007).

"A number of opportunistic commentators masquerading as scholars have continued to report on alleged abuses by mental health professionals." (2006 APA President Gerald Koocher, *APA Monitor on Psychology*, February, 2006)

"...colleagues have expressed concerns that behavioral scientists have helped interrogators create aversive interrogation techniques as noted in press accounts (e.g., sleep deprivation, social isolation, extreme temperature changes or degrading and embarrassing interventions). Such concern ignores the fact that the use of such strategies hardly constitutes a recent development, and did not originate as the ideas of psychologists." (2006 APA President Gerald Koocher, *APA Monitor on Psychology*, July/August, 2006)

"In the purest sense, the mission of the BSCT is to provide forensic psychological expertise and consultation **in order to assist the command in conducting safe, legal, ethical, and effective interrogation and detainee operations.**" (Lt. Gen. Kevin C. Kiley, Surgeon General of the Army "*Final Report: Assessment of Medical Operations for OEF, GTMO, and OIF*" Section 18-21, p. 13.)

"Students [military intelligence] are trained about the roles of the BSCT staff, which include: checking the medical history of detainees with a focus on depression, delusional behaviors, manifestations of stress, and 'what are their buttons.' Students are also trained that BSCT staff will greatly assist them with: obtaining more accurate intelligence information, knowing how to gain better rapport with detainees, and also knowing when to push or not to push harder in the pursuit of intelligence information." (Lt. Gen. Kevin C. Kiley, Surgeon General of the Army "*Final Report: Assessment of Medical Operations for OEF, GTMO, and OIF*" Section 19-14, p. 19-7.)

What Should the APA Do Now?

With the release of the OIG report, the APA's argument for psychologist participation, that it keeps these interrogations "**safe, legal, ethical, and effective,**" has been definitively proven false. The APA should immediately take several steps to correct its flawed policy:

1. APA should immediately rescind the PENS Task Force Report because it was based upon a flawed process and was written by senior DoD and intelligence personnel involved in the chain of command that oversaw the very ethical abuses it was constituted to investigate.
2. Prior to the upcoming August Council Meeting, the APA Board of Directors and the Ethics Committee should endorse the resolution entitled, "***A moratorium on psychologist involvement in interrogations at US detention centers for foreign detainees,***" introduced by Neil Altman and scheduled for a vote at the August Council of Representatives. The Council of Representatives should pass this resolution. Passing the Moratorium will immediately establish that psychologists no longer belong in the interrogation rooms where, as the OIG report documents, they helped to create the procedures for, and supervise the methods of, abusive SERE interrogations. Such a step would do much to bring the APA in line with the positions adopted some time ago by the American Psychiatric Association, the American Medical Association, and the American Nurses Association.
4. APA should modify Ethics Code Standard 1.02, which allows psychologists to disregard the APA Ethics Code when following a law or military regulation, thus removing what amounts to the "Nuremberg Defense" from the APA Ethics Code.

5. The APA Board of Directors should commence a neutral third-party investigation of any conflicts of interest between the APA and the Executive Branch of the US Government that influenced the PENS process and the APA's position on this important issue.

It is necessary to uncover why and how the APA has steadfastly continued its commitment to its current policy despite the continually emerging evidence that psychology and psychologists have been involved in detainee abuse. An independent investigation – conducted by a panel of experts in international, military and US law, health professional ethics, human rights, and other related fields – would shed much-needed light on the APA's formulation of policy in this area, as well as structural, cultural, and other issues that contributed to the APA's policy development process.

Among the issues this investigation must examine are:

- a) the numerous procedural irregularities alleged to have occurred during the PENS process;
- b) the role of the military and intelligence agencies in the formulation and functioning of the PENS Task Force;
- c) the reasons why the APA and its leadership have systematically ignored the accumulating evidence that psychologists participating in interrogations are contributing to torture or cruel, inhuman, or degrading treatment, rather than helping to prevent it; and
- d) the overall nexus of close ties between the APA staff/leadership and the military and intelligence agencies, and whether that nexus contributed to the APA policy on interrogations, and further, to the failure of the APA to substantively investigate allegations of mass ethical abuses by psychologists in the military and intelligence services.

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