

COALITION FOR AN ETHICAL PSYCHOLOGY

human rights * ethics * social justice

www.ethicalpsychology.org

Coalition Declines Invitation from APA's "PENS II" Task Force

The Coalition for an Ethical Psychology has been invited to nominate a consultant to "review materials" for the American Psychological Association's so-called "member-initiated task force." This task force purports to "reconcile policies related to psychologists' involvement in national security settings." We have declined the invitation because we reject both the aims and the legitimacy of this task force (hereafter referred to as "PENS II") – and we discourage others from participating.

A copy of our detailed response to the invitation appears below and is available on the Coalition website at www.ethicalpsychology.org/materials/Coalition_Declines_PENS_II_Invitation.pdf. Please distribute this letter widely so that attention can be refocused on the urgent course of action that PENS II aims to subvert: namely, annulment of the 2005 PENS Report. Annulment will mitigate the harm that resulted when APA leaders authorized a small group of psychologists from military commands accused of detainee abuses to set APA's ethical policy regarding their roles in interrogation and detention operations.

July 1, 2012

Dear Drs. Woolf, Levitt, Dockett, Strickland, and Brown ("the Task Force to Reconcile Policies Related to Psychologists' Involvement in National Security Settings"):

We have received your invitation for a member of the Coalition for an Ethical Psychology to serve as a consultant for the "limited" role of reviewing drafts of your proposal and providing "substantive feedback shortly after receiving the document." We decline the invitation because we do not recognize the legitimacy of your "task force." Indeed we reject the premises you offer to justify what amounts to a "PENS II" task force whose mandate is to maintain an APA policy we see as egregious and indefensible. We reached these conclusions based on the following facts:

PENS II is falsely described as a "grassroots," "transparent," "member-driven" initiative. In fact, it is comprised of a small group of APA insiders, with the backing of the APA Board of Directors.

There is a genuinely grassroots initiative underway whose aim is to correct the flawed APA policy on psychologists' involvement in national security interrogations and conditions of detention. The Coalition's petition calling for annulment of the APA Report on Psychological Ethics and National Security (PENS Report), launched last fall, has been endorsed by 33 psychology and human rights based organizations and over 2,000 individuals from the psychological, medical, legal, military/intelligence, and human rights communities, and from the general public (www.ethicalpsychology.org/pens).

In contrast to a grassroots effort, your self-appointed, five-person group is comprised of long-time APA insiders who have sought and received support from the APA Board, not the broad membership. Three of your members were announced as representing Division 48 (Peace Psychology), when in fact the Division 48 executive committee had already officially endorsed the Coalition's call for annulment of the PENS Report. Indeed, when the Chair of PENS II announced that Division 48 leaders were forming such a group, the Division 48 president had not been informed that such a plan was underway and was surprised by the announcement. Your claim that "several leaders of Division 48" joined forces with "a second group of APA members who represent a broad range of backgrounds and perspectives" distorts these facts. Furthermore, the names of most of the dozen members of the second group have never been made public, contradicting the claim that PENS II is a "transparent" process.

Two of the members of that second group are now known, as they are part of your PENS II "task force." One, William Strickland, is the president of HumRRO, a major defense contractor awarded tens of millions of dollars over the past decade. In what looks like an effort to disguise this conflict of interest, the PENS II website (www.unifiedpolicytaskforce.org) describes him merely as "an industrial-organizational psychologist" who "has never worked in an interrogation setting." The fifth member has made it clear that she believes the PENS II initiative is needed to ensure psychologists can remain in "national security" settings.

In short, the PENS II self-description as "grassroots," "member-initiated," and "transparent" is disingenuous.

Rather than annul the PENS I Report, PENS II aims to incorporate the flawed policy recommendations of that Report.

PENS I

It is important to recall that the original PENS Task Force was formed in 2005 in response to published reports of U.S. psychologist involvement in the abuse and torture of "war on terror" detainees. The PENS I group presupposed that psychologists' participation in individual national security interrogations was ethical. It produced its report, codifying that presumption, after meeting over one weekend. The APA Board invoked rarely-used emergency powers to immediately make the report official APA policy. Several of the psychologists who were appointed to PENS I by APA administrators operated in the very chains of command suspected of torture and abuse. The APA has never acknowledged this fact: *a majority of the nine voting members were engaged in interrogation and detention activities and therefore had a clear conflict of interest when they reconfigured APA ethics policy to protect the Bush Administration's CIA- and DoD-run "enhanced interrogation" torture program.*

The PENS Report itself took crucial phraseology directly from the Behavioral Science Consultation Team (BSCT) manual and asserted that psychologists play a critical role in making interrogations "safe, legal, ethical, and effective." All of this occurred behind the scenes, without public discussion on the ethics of psychologists' participation in these practices. The PENS Report has subsequently been cited in the protocols for the BSCTs at Guantánamo, Afghanistan,

and (previously) Iraq in an attempt to demonstrate that these practices are indeed ethical. Additionally, the PENS Report is the major ethics document cited in a 2011 APA Press book titled *Ethical Practice in Operational Psychology*, now used for a book-based, APA continuing education course in ethics.

PENS II

The PENS II initiative claims to respond to the Coalition’s “petition to annul the [PENS I] Report.” However, the “response” clearly subverts the aims of the petition and its signatories. Rather than complementing the grassroots effort to annul PENS I, the mandate of PENS II is to “integrate existing APA policy on the issue of psychologist involvement in national security settings.” Among those documents to be integrated, as you state on your website, is the “2005 APA Presidential Task Force on Psychological Ethics and National Security (PENS).” Thus, PENS II is, in fact, an initiative to preserve key policies from the PENS Report.

The PENS II website promises that your effort will “have at the forefront” the 2008 Member Referendum, which prohibits psychologists from working in national security detention settings that are in violation of the U.S. Constitution or international law – unless they are working with an independent third party group, solely for the welfare of the detainees. Psychologists are also allowed, according to the Referendum, to work in these settings in a therapeutic capacity with U.S. personnel. This Referendum, approved by 59% of the voting membership of APA, was indeed a vital step toward establishing an ethical foundation for psychologists engaged in national security work. But none of the five members of PENS II actively supported the Referendum. Indeed, the majority actively and publicly fought the Referendum’s passage. At least two members publicly condemned the Referendum after its passage and one, Dr. Strickland, announced he had contributed to the original ‘con’ statement mailed out with the Referendum ballot, exhorting members to oppose the initiative and publicly thanking those members who voted against it.

The PENS II website illogically argues that because the Referendum prohibits psychologists from working at sites that violate international law or the U.S. Constitution, it therefore supports psychologists working in any site that is lawful. But, in fact, the Referendum solely forbids psychologists from participating in internationally condemned practices and takes no position on the ethics or validity of operational psychology *per se*. That crucial discussion has never occurred – it was obstructed and precluded by PENS I. Now your PENS II group, invested in integrating PENS I into a comprehensive document, looks to be doing the same.

Your efforts therefore repeat the travesty of PENS I. You would bestow on a few APA insiders the power to prevent informed, transparent, and public discussion of the ethics of psychologists’ working in operational roles in classified settings. Once again a small group of insiders would give the APA imprimatur to psychologists who would undermine the mental health and well-being of the individual subjects of interrogation. And you would again help APA claim that psychologists’ participation in national security interrogations is ethical, while sidestepping any discussion of the fact that *interrogation support is one of the operational psychology activities that violates many sections of the current APA Ethics Code*. Among the standards violated are: avoiding harm; requiring informed consent (e.g., to conduct an

assessment or to use an interpreter); defining one's role; avoiding multiple and exploitative relationships (such as supposedly protecting detainees while also aiding in "breaking them down" to obtain intelligence); informing about the limits of confidentiality; acting within scope of competence; and using only validated tools.

Conclusion

Since the PENS Report became APA policy in 2005, subsequent APA policies related to interrogations (with the exception of the Referendum) have been framed in ways largely consistent with the PENS Report. As such, they are all "fruit of a poisoned tree." *Any constructive attempt to consolidate national security policies must therefore begin with annulment of the PENS Report in order to remove its corrosive influence on the profession of psychology and on the unexamined proliferation of operational psychology in coercive contexts.*

The Coalition for an Ethical Psychology unequivocally rejects collaboration with the illegitimate PENS II "task force" and calls for its dissolution. We further encourage others to refuse to collaborate with this effort aimed at undermining true reform. PENS II is built upon faulty premises. If successful, it would enshrine one of the darkest initiatives in APA policy-making.

The Coalition reiterates its call to annul the PENS Report and to engage in a full discussion of the ethics of operational psychology with our entire profession (domestic and international) as well as with human rights groups, military and intelligence professionals and ethicists, released detainees, habeas attorneys, and other affected parties.

Sincerely,

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

For the Coalition for an Ethical Psychology

P.S. More detailed information about the PENS process is available on the Coalition website at www.ethicalpsychology.org/materials/PENS_Annulment_Background_Statement.pdf. The petition calling for annulment of the PENS Report and complete list of signers can be found at www.ethicalpsychology.org/pens.