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Dear Drs. Childress-Beatty and Behnke:

I am writing on behalf of Division 39 to express grave concern over the decision of the Ethics Committee to take no action on the ethics complaint against Dr. John Leso despite his role in directing the torture of Mohammed al-Qahtani. I note that the letter to Dr. Trudy Bond explaining the decision does not dispute Leso's involvement in the torture that left al-Qahtani in an incoherent, hallucinatory state that State Department representative Susan Crawford acknowledged was a "life threatening situation." No one disputes the fact that Leso consulted on and directed the torture of Mohammed al-Qahtani. Dr. Leso advised the torturers in a variety of techniques, including excessive heat, light, cold, darkness, and loud noise, as well as sleep deprivation, isolation, forced nudity, prolonged stress positions, various forms of humiliation, and other torture techniques. At times Leso was in the room giving instructions to those implementing the torture. The barbaric treatment of al-Qahtani is the most well documented case we have of the US torture program begun under the Bush administration after 9/11 and the clearest, most indisputable evidence of the participation of a psychologist in torture. As far as is known, his mental state has never returned to normal

The only rationales for the decision were: (1) Dr. Leso "did not request to become involved with detainee interrogations but was rather informed that he would be in the role of behavioral science consultant only after he arrived in Guantanamo Bay in the summer of 2002," (2) the military lacked a standard operating procedure for the BSCT role, and the APA did not yet have an articulated policy on interrogations; and, (3) there was pressure from the Bush Administration to use "enhanced interrogation techniques" and Leso reportedly spoke out against their deployment.

To excuse Leso on the grounds that he did not know he was going to be involved in interrogations is equivalent to saying that a psychologist guilty of sexual misconduct is to be absolved if he did not intend to abuse the patient sexually when he began to work

with her. Nothing in the ethics code allows an ethical principle to be violated with impunity because the intent was not there from the start.

The second alleged mitigating circumstance is that neither the military nor the APA had provided a policy for interrogations at the point that Leso was torturing al-Qahtani. But, the principle of “Do No Harm” was in operation since the beginning of the Ethics Code. The letter makes no mention of the fact that the APA *Ethical Principles of Psychologists and Code of Conduct* begins with Principle A: “Psychologists strive to benefit those with whom they work and take care to do no harm. In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons....” Absent from the Ethics Office letter is any mention of the harm Leso inflicted on Mohammed al-Qahtani.

Furthermore, the fundamental principle of “Do No Harm” is fortified in Standard 3.04: “Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.” That principle alone is sufficient to sanction a psychologist who participates in the torture of anyone, especially illegally held detainees. To absolve Leso on the grounds that there was no policy on “enhanced interrogations” is equivalent to saying that a psychologist who locks a patient in a closet for two days without food or water cannot be sanctioned because the APA has no “closeting policy.” How can it be that Leso’s participation in doing egregious, possibly irreparable, harm to al-Qahtani, does not render Leso guilty of violating both Principle A and Standard 3.04, basic ethics principles of the code? Similarly, the fact that Leso allegedly “argued against” Bush Administration pressure to use “enhanced interrogation techniques” in no way mitigates the fact that he tortured al-Qahtani any more than the fact that a Nuremberg defendant who once opposed the Nazi party would be found not guilty for crimes committed while a Nazi. The United States did not take seriously the defense of “I was just following orders” at Nuremberg and yet that same excuse seems to be invoked by the Ethics Office as a justifiable rationale for egregious violations of the Ethics Code in the case of torture by a psychologist.

The APA has maintained from the inception of this issue that it would investigate any charges that psychologists have been involved in unethical conduct. The Leso decision proves with undeniable clarity that is not the case. The refusal of the APA Ethics Office to apply even minimum standards of ethics and human decency to Leso’s participation in torture demonstrates with crystalline clarity that the APA Ethics Office has no serious intent of ever sanctioning a psychologist who takes part in torture.

The consequences of the Leso decision are far reaching. It sends a clear signal to all APA members that they can consult and direct torture with impunity. Anyone involved in violating the APA ethics code by inflicting harm on detainees in illegal detention camps need not fear action from the APA. None can take seriously the APA pronouncement that it stands in opposition to psychologists’ involvement in torture now that it is clear the APA refuses to sanction psychologists whose torture participation is indubitable. The APA speaks with its behavior: it permits the use of techniques defined

as torture under international convention in clear opposition to its claim to oppose psychologists' participation in torture.

In addition, by refusing to hold responsible a psychologist who participated in a brutal, destructive torture process that clearly, dramatically, and starkly violates the most basic principles of APA's own ethics code, the Ethics Office and Ethics Committee have relinquished their moral authority to pass judgment on ethical malfeasance. It may hand down decisions, but those judgments have little ethical force now that the Ethics Office has refused to take action against egregious torture practices. Given that refusal to enforce the ethics code in a clear case of torture, what basis could the Ethics Office or the Ethics Committee possibly have for finding any psychologist guilty of violating other ethical principles, most of which are not as damaging as torture? For example, psychologists have been found to have committed ethical transgressions for accepting expensive gifts or forming dual relationships with patients. None would take seriously a judgment of ethical misconduct for such behavior by an organization that allows its members to participate in torture with impunity.

Furthermore, the APA's willingness to permit psychologists' participation in torture is being watched by the international psychological community. The Leso case demonstrates to the psychological world that the American Psychological Association does not have the integrity to be a leader in the world community. The respect the APA once commanded around the world has been eroding by its facilitation of torture, and the Leso case hastens that fall in stature.

This is a sad day indeed for organized American psychology, which has turned its back on one of the most heinous examples of cruel, inhumane, and demeaning behavior committed by a psychologist of which we have any knowledge.

Sincerely,

Frank Summers, Ph.D., ABPP,
Fellow and President, Division 39,
American Psychological Association

Cc: Members of the Ethics Committee

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