

EMAIL MESSAGES FROM THE LISTSERV OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION'S PRESIDENTIAL TASK FORCE ON PSYCHOLOGICAL ETHICS AND NATIONAL SECURITY: APRIL 22, 2005 – JUNE 26, 2006

Editor's note: Email addresses, physical addresses and phone numbers have been deleted.

From: "Behnke, Stephen" < >

Date: April 22, 2005 10:56:04 AM PDT

Subject: Welcome

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Dear Task Force Members,

By this message, I am welcoming you to the Psychological Ethics and National Security (PENS) listserve. To send a message to the list, please use this address: PENS@

This listserve is "hidden," which means that, unlike other APA listserves, it does not show up on the webportion of the server, which provides this listserve an extra layer of security. Only members of this Task Force, the APA President and Board liaisons, and relevant APA staff will have access or be able to send messages to or retrieve messages from the list.

Below you will find the welcome letter, which provides information about certain commands.

Task Force members, please send a message to the listserve by Monday COB, simply to let us know that you all have received this message and are able to send a message to the list.

Thanks so much,

Steve

Dear Colleague,

Congratulations and welcome to the PENS list.

If you are getting this message, you have been successfully subscribed to this list.

The resources (hardware, software, and technical assistance) for this effort are provided without charge by the American Psychological Association as a public service.

There are very few rules as a member of this list/forum. Few restrictions, we have found, result in the greatest number of innovative contributions. However, these rules are critically important.

If you are subscribed to this forum and especially if you send messages to the forum, you are agreeing to these rules. These rules, by the way, apply to members of nearly any Internet news or interest group. Please read the accompanying Subscription Notice Email for these rules, and/or go to this web page:

<http://listserve. /cgi-bin/wa.exe?SHOWTPL=GUIDE>

Some day you may wish to unsubscribe from the Forum. If so, please send me a message. However, if you can remember, simply send a message to:

listserv@

Use no subject line. Your message should say only:

signoff PENS

To contact the owner of the list address your message to:

PENS-request@

From: "Banks, Louie M. COL" <>

Date: April 22, 2005 11:04:03 AM PDT

Subject: Establish Communications

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Steve,

I received your email, and if you get this, I am on the list server.

Morgan Banks

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN COM
Cell
banks!@ /!louie.morgan.banks@

From: Jean Maria Arrigo < >

Date: April 22, 2005 11:15:42 AM PDT

Subject: Fwd: [PRESIDENTIAL] Welcome

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Thank you. I have received the PENS listserve information and am checking in as requested.

Jean Maria Arrigo

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: "Gerald P. Koocher, Ph.D." < >

Date: April 22, 2005 12:17:50 PM PDT

Subject: Establish Communications

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

I'm on.
Gerry

Gerald P. Koocher, Ph.D. ABPP
Professor and Dean
School for Health Studies
Simmons College

From: Robert Fein < >

Date: April 22, 2005 6:28:42 PM PDT

Subject: Re: Welcome

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Checking in.

Robert Fein

From: Nina Thomas < >

Date: April 22, 2005 6:53:29 PM PDT

Subject: Re: Welcome

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Glad to be participating,

Nina Thomas

From: "R. Scott Shumate" <>

Date: April 22, 2005 7:40:02 PM PDT

Subject: Checking in

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Checking in

From: "Col. Larry C. James PhD" < >

Date: April 22, 2005 11:02:28 PM PDT

Subject: Re: Welcome

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

yeap, I got the message Steve,

Larry James

From: anton < >

Date: April 23, 2005 6:58:06 AM PDT

Subject: Re: Welcome

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Steve:

I'm on.

Barry

Barry S. Anton, Ph.D., ABPP

Department of Psychology

University of Puget Sound

From: "Gelles, Mike" < >

Date: April 23, 2005 8:10:10 AM PDT

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

I received the message

Sent from my BlackBerry Wireless Handheld

From: "Gelles, Mike" < >

Date: April 23, 2005 8:22:52 AM PDT

Subject: Fw: Presidential Task Force

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

nt from my BlackBerry Wireless Handheld

-----Original Message-----

From: Behnke, Stephen < >

To: Gelles, Mike < >

Sent: Wed Apr 20 22:01:35 2005

Subject: RE: Presidential Task Force

Mike--thanks, excellent thoughts & observations. If you'd be willing, please put them on the listserve (that you'll receive information about shortly). I'd like the others to read. It's extremely helpful having people like yourself with so close to the ground.

Steve

-----Original Message-----

From: Gelles, Mike [mailto:]

Sent: Wednesday, April 20, 2005 8:38 AM

To: Behnke, Stephen

Subject: Re: Presidential Task Force

Steve as we move forward and based on the composition of the group DOD is trying to update current policy on interrogation. Interesting in that it initially tried to incorporate behavioral consultant into the policy. My and others position was that "behavioral consultant" should not be included in a general policy statement but more clearly defined as a resource and then further defined as who what etc that resource is and does. I think based on the GTMO experience putting mental health care professionals in the role of having to consult on interrogations when their training and role is to treat patients puts them in an untenable position. They do not have the training as it relates to being a consultant to interrogations and an awareness of where the lanes in the road are interrogation is a law enforcement and intelligence function. While we may serve as consultants to the interrogator there are areas which we need to know not to go. I mentioned to DOD that APA was looking at the role of psychologists.

Mike

Sent from my BlackBerry Wireless Handheld

From: "LeFever, Bryce E. (CDR)" < >

Date: April 25, 2005 6:36:30 AM PDT

Subject: Re: Welcome

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Received.

Bryce Lefever

From: Olivia Moorehead-Slaughter < >

Date: April 27, 2005 1:45:03 PM PDT

Subject: Welcome to All

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Hello Everyone,

This is a message to welcome you to the Presidential Task Force on Psychological Ethics and National Security. I am looking forward to meeting each of you in Washington in June and know that we will be fully engaged in our discussions around this important topic in the weeks leading to that time. Thank you for your interest in coming together to contribute your time and talents towards grappling with the myriad of ethical issues within our profession in relation to national

security. Your expertise will be invaluable as we think, discuss, and ultimately document our collective response. It is both a pleasure and an honor to chair this committee and I look forward to working with all of you.

Sincerely,

Olivia Moorehead-Slaughter

From: "Col. Larry C. James PhD" < >

Date: April 27, 2005 7:42:38 PM PDT

Subject: Re: Welcome to All

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Same here, I look forward to meeting you and working with you.

Larry James

From: Olivia Moorehead-Slaughter < >

Date: May 2, 2005 11:41:10 AM PDT

Subject: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Hello Everyone,

I suspect that all of you have been perusing the rather thick book of readings as have I. I took Steve Behnke's suggestion in terms of where to start and I find myself thoroughly engrossed by what I have been reading. The issues related to ethics, individual versus social concerns, harm, and the role of the psychologist, to name a few, deserve much consideration.

Mike, I began my reading with your article which I found quite compelling. To get the discourse started, would you be willing to comment on your article, particularly noting whether it is an accurate representation of your current thinking? If not, how has your thinking changed and what might be some of your current commentation on this subject? (There are also two newspaper articles in which Mike is mentioned under Tabs 17 and 26.)

As this dialogue begins, I am sure that the core and salient issues which this Task Force has been charged to address will emerge and I will do my best to capture these along the way. It is my hope that by our June meeting, all of us will feel meaningfully engaged in discussion around these issues as a group and poised to think about and to talk about the document that we will draft.

Many thanks.

Olivia

From: "Gelles, Mike" < >

Date: May 3, 2005 4:59:38 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Olivia,

The article was written a couple of years ago. It was an attempt to put out in the professional arena issues that were ethical challenges for those of us who practice outside of the conventional world of psychology and who were held accountable to standards that did not fit what we did or the challenges we faced.

Perhaps most importantly, the article was meant to be provocative, to get others to think about what the challenges were and for the profession to move forward in considering how to adapt and interpret the ethical guidelines to a changing role of psychology that was beyond the treatment room and classroom. As psychologists broadened their role and became "more visible" in the government, law enforcement and intelligence community there were new demands placed upon us, serving our client the "organization". As Chuck Ewing has said on many an occasion when we were writing this article, the Agency is entitled to consultation just as an individual. This not to suggest that this had not been occurring it just became more visible. In the Squillicote case referenced in the article, and to some extent my experience with the King case, a new demand to re-think how the profession was going to hold psychologists in practice accountable in contexts outside of the clinical and academic arena's was becoming more evident. Psychology as a profession had begun it's own struggle in finding a comfortable place with the "new" and more visible role of psychology in national safety and security. Psychology now had to

provide some guidance to psychologist to exercise their best judgment when asked to consult in situations of national safety and security.

My thinking at best has continued to evolve since the article was written based on the new challenges I have had to confront in the GWOT as a psychologist directly involved in operational consultation and responsible for the oversight of other psychologist doing the same. There are several tenets that I have begun to adhere to in my practice.

1. Recognize who is the client. The client is the organization; Agency, Government etc. Adhere to what is sound judgment and not be unduly influence by the organization or the emotionality of it's leadership who is often under pressure from higher up who may have a political agenda and been relatively uninformed of ground level operations.

2. Provide a disciplined consultation, remain strict in adherence to role and function and stay in your lane. Don't try to assume responsibilities or functions of the roles of others to be helpful. For example, in an interrogation consultation, be a psychological consultant, not an interrogator. Based on what is available today in regard to sources of behavior in which to conduct an indirect assessment, there is no need to go into a room with a subject. If in fact the psychologist is well trained in the area of consultation, indirect assessment and interrogation he or she can be effective without having to comprise their role. In the area of source assessment is easier today to identify yourself as a psychologist and move away from a more clandestine role.

3. Being an organizational consultant requires being responsible for staying in your lane and being accountable for what you suggest and what you do. What we see in less experienced and untrained psychologists (in this arena) is the tendency to want to be helpful and try to be everything to everyone in the service of national safety and security. It is exciting to be in the game and with those who have minimal experience in the context of operational psychology they subsequently step over the boundaries into other professional roles that both compromise their effectiveness and the value of a psychological consultation. It puts them and psychology in an ethical dilemma. We must think about what we are being asked, be responsible when we are asked to do something that is inappropriate and have a channel or chain of command in which to report such.

4. Each consultation requires careful thought and consideration. Models and templates are not effectively applied across subjects. The contexts in which interrogations and assessments are conducted are variable and in some cases change over time. Subject's change over time impact by incarceration etc as well as the value of what they know may erode with time. People who may work for the government are impacted by events and time. It is important for psychologists not to get caught up in the agenda that others hold. Be focused on what is safe, what is effective and what may be moral and ethical.

5. The GWOT and the threat to the US is ambiguous and ever changing. It is a problem that requires a multidisciplinary response. There is no on profession that can offer a specific solution, rather the whole in this case is greater than the sum of the parts. For example, it is important to have some knowledge of the contexts in which you are consulting. There are other professionals such as intelligence analysts who have expertise in different contexts who in partnership with the psychologist can provide the necessary background and foundation from which behavior can be assessed and interpreted. This include, culture, ethnic issues, geographic, etc. In all case that are related to law enforcement and the intelligence community psychologists are not strategic decision makers. Their role is to inform and advise the strategic decision

maker. The goal is to offer insight into the adversary that will help the decision maker in optimizing his actions and maximizing his resources to accomplish the mission.

6. Keep operational consultants separate from health care providers. The field has broadened enough so that we should not expect the psychologist who is operating as a care giver to without sufficient training, experience and supervision to go from the treatment room to the interrogation compound. In general a clinician does not do well operationally, without the appropriate training, mindset and supervision. This is not to say we do not use clinical skills, they are adapted to the operational context and environment so that they are useful to the client.

7. Do no harm. Competence is a critical issue. This includes not just the appropriate training but the appropriate level of experience and oversight. Talking with other professionals regarding the complex nature of consulting on national security and national safety issues is critical. In some cases, doing nothing can also do harm. Understand the context in which you are operating and use other professionals not just other psychologists. Develop a set of competencies and operate within them.

The role of the psychologist quite obviously goes well beyond just interrogation. It is incorporated into source assessment, risk assessment and other related consultations. It is important in my mind that in times of anxiety and worry in the face of an ambiguous threat that we provide psychologists some guide posts to help them remain in their lanes when conducting highly valuable consultations in the service of national safety and security. What we bring to the table in regard to translating behavior for strategic decision makers is at times invaluable and should continue to develop as it has over the years prior to 9/11. Today which just have to recognize that it is all a lot more visible.

Hope that helps.

Michael G. Gelles, Psy.D.

Chief Psychologist

Naval Criminal Investigative Service

Phone: Fax:

From: Olivia Moorehead-Slaughter < >

Date: May 6, 2005 7:05:09 AM PDT

Subject: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Mike has provided an excellent response which is rich in content, poses excellent points for our consideration around ethical practice, and definitely moves us forward in terms of thinking critically about ethical guidelines. One of our goals will be to examine the Ethics Code in light of our discussions and conclusions, to determine whether or not the Ethics

code adequately speaks to these issues. There are several key issues highlighted in Mike's message that provide a good starting point for this discussion.

In his seven points, Mike touches upon several concepts that are in the Ethics Code. For example, he begins by saying "Recognize who is the client," (Point #1) which is the concept found in several ethical standards, e.g., ethical standards 3.07 and 3.11. He then says "Stay in your lane," (Point #32) which I take to mean stay in your role, and he elaborates on this idea by saying that the roles of operational consultants and health care providers are decidedly different and should be kept separate. Clarity about role is another concept found throughout the Ethics Code (see standards 3.07 and 3.11). Mike also ties together the concepts of "Do no harm" (Point #7; Principle A in the Ethics Code) with competence (Section 2 in the Code), and he provides a compelling description of the pull to go beyond one's competence, especially for younger psychologists and perhaps those who find themselves interested in branching out into this very intriguing area of practice.

Mike, you have noted that we need to help psychologists apply the Ethics Code to situations of national safety and security. Is our challenge to think through how the Ethics Code applies--something that we, as a profession, do not have a great deal of experience doing--or is the challenge that the Ethics Code does not adequately speak to the roles and tasks that psychologists working in this area are asked to take? If the Ethics Code does not adequately speak to these roles and tasks, do we have examples of where it falls short?

I look forward to hearing from Mike and others who may want to join in the discussion of these issues and to raise others that emerge as you are pondering what is before us.

Many thanks.

Olivia

From: Gerry Koocher < >

Date: May 6, 2005 7:21:27 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Olivia Moorehead-Slaughter wrote:

Mike has provided an excellent response which is rich in content....In his seven points, Mike touches upon several concepts that are in the Ethics Code. For example, he begins by saying "Recognize who is the client,"

You are quite right about this excellent analysis. I believe that when we start talking in person the question of "who is the client" will come up in multi-layered fashion. For example, the school psychologist has professional obligations to the child s/he evaluates, the parents or guardian, the school superintendent, the school board, etc. In such cases, I have generally argued that the psychologist must hold paramount the welfare of the most vulnerable party (i.e., usually the child).

The government-employed psychologist has a similar chain of responsibility and accountability. In many of the circumstances we will discuss when we meet the psychologist's role may bear on people who are not "clients" in the traditional sense. Example, the psychologist employed by the CIA, Secret Service, FBI, etc., who helps formulate profiles for risk prevention, negotiation strategy, destabilization, etc., or the psychologist asked to assist interrogators in eliciting data or detecting dissimulation with the intent of preventing harm to many other people. In this case the client is the agency, government, and ultimately the people of the nation (at risk). The goal of such psychologists' work will ultimately be the protection of others (i.e., innocents) by contributing to the incarceration, debilitation, or even death of the potential perpetrator, who will often remain unaware of the psychologists' involvement.

This will require some thought about how to offer reasoned guidance to professionals involved in such critical national security roles.

Regards,

Gerry

Gerald P. Koocher, Ph.D., ABPP
Professor and Dean
School for Health Studies

email:

www.ethicsresearch.com

[President-elect, American Psychological Association](#)

From: Olivia Moorehead-Slaughter < >

Date: May 10, 2005 12:42:19 PM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Thanks Gerry for encouraging us to further ponder the question of "who is the client" and for raising the broader issue of whether we might have ethical obligations even to individuals or entities who are not our clients. In looking at the APA Ethics Code (Tab 4), consider the section which states that "in their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons..."

Who are the "other affected persons" in the context of our Task Force?

Gerry, you begin your note by using as an example a school psychologist, and you state "I have generally argued that the psychologist must hold paramount the welfare of the the most vulnerable party (i.e., usually the child)," even though the child may not be identified as the psychologist's client. How do you think this notion of "most vulnerable party" translates from the school context to our (national security) context?

Gerry and others, please feel free to join in with responses to this and other issues that are of interest to you as you think about the tangle of issues before us.

Many thanks.

Olivia

From: "Gerald P. Koocher, Ph.D." < >

Date: May 10, 2005 4:58:43 PM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Dear Olivia (and colleagues):

In using that example (school) I sought to peel the ethical artichoke with an obvious "most vulnerable party." We clearly have a duty to the child in such contexts, even though we may be retained by others, since the referral is "all about the child." However, in the national security context it is easily plausible that the focus of the psychologist's professional efforts may be someone who seeks to harm others or who might be influenced to help prevent harm from befalling others. I do not think that such thoughts were ever directly discussed by the task force, although there was a military psychologist in the group. We tended to focus on notification regarding limits of confidentiality and limits on autonomy related to some practice domains

(e.g., active duty military, prisoners, disability examinees, etc.). I think this is a challenge the PENS task force will need to think through.

Regards,

Gerry

From: Olivia Moorehead-Slaughter < >

Date: May 11, 2005 1:59:09 PM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Hello to All,

Gerry's reference to the "ethical artichoke" is an apt one. Identifying the layers and providing some guidance to psychologists around how to proceed in cases where they must consider their ethical responsibility to more than one entity will likely be key. There may yet be parts of the Code that do address some of these issues and where possible, we should likely take our guidance from this document. However, some of this is clearly (on unclearly) uncharted territory. How can the psychologist ethically respond when there are seemingly conflicting interests involved?

Back to the questions asked by Mike and Gerry: 1) Who is the client? 2) To whom do we have ethical obligations? It is notable that the answers to these 2 questions may not be the same. Morgan, given your background with the Army Inspector General's team and your involvement in training, how do you address these issues in your training?

As always, all thoughts and comments are welcome.

Thanks!

Olivia

From: "Banks, Louie M. COL" < >

Date: May 11, 2005 3:11:05 PM PDT

Subject: Thoughts for the Presidential Task Force

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

To all,

I must say that the conversation so far has been extremely thought provoking, and I am looking forward to sitting down with all of you. Although I am involved in a number of areas that the TF may study, it seems that the area of psychology support to detainee and interrogation operations is the one of greatest controversy.

I strongly concur with most of Dr. Gelles's comments, especially concerning the need for guidance to psychologists providing this type of support. In my opinion, there is a great paucity of training generally available to psychologists in this area. My main interest is in psychology support to DoD organizations, and in providing clear guidance to the Army psychologists that I train and to whom I provide oversight. Because of that, I have attached a document that is critical to DoD psychologists supporting any type of detainee operation. It is the regulation that governs how all DoD personnel must treat detainees. It is binding on all DoD personnel, not just Army personnel. Although it is published by the Army, each of the services uses the same document. (I probably should have been more proactive and gotten it into the packet we were given--my poor planning.)

[See: ARMY-MP Detainee-regs]

I believe that understanding what the legal requirements are for the treatment of detainees is a critical first step as we develop our thoughts on the ethical standards. I am not saying that there may not be conflict between the two, but I believe it is important to understand the legal requirements first.

Many of the articles we were provided, (and many others in the press,) allege psychologists have been involved in the abuse of detainees. I think it is valuable to break that possible abuse into at least two categories. The first category would be behavior that is illegal. The abuse of detainees due to the social and psychological factors inherent in warfare certainly has occurred. The abuses I am discussing here are those that are illegal under both U.S. and international law. I would expect that there would be general agreement that any psychologist participating in, or condoning such acts should be investigated in accordance with applicable laws. It may also be appropriate to address ethical violations in such cases, but I would expect limited disagreement if such illegal acts were substantiated.

The bigger challenge for us would be the second category of abuse, or potential abuse. That would be behavior that is legal under U.S. law, but that may violate the APA ethical standards, or perhaps would include behavior that is not covered under the ethics code. If I understand correctly, this is the crux of the question that Dr. Moorehead-Slaughter brought up a couple of emails back. I guess that I am simply saying, in a very longwinded way, that a psychologist who participates in the illegal abuse of detainees is already violating U.S. law, regardless of the justification. If a DoD psychologist is aware of the illegal abuse of detainees, and does not attempt to prevent or stop it, he or she is culpable, and should be charged, at least, with dereliction of duty. The challenge that I see is that of investigating what legal behavior is ethical, and then deciding how to establish standards for that behavior.

I expect that this not so shy group may disagree with some or all of my comments, so I await your thoughts.

Very respectfully,

Morgan Banks

COL L. Morgan Banks
Director, Psychological Applications Directorate

**US Army Special Operations Command
DSN COM**

From: "Banks, Louie M. COL" <>

Date: May 11, 2005 3:43:53 PM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Olivia,

(I think our emails crossed, sorry.) The DAIG team addressed the legal and regulatory aspects of detainee operations, to include interrogation. By definition, they were not charged with looking into ethical issues, unless they crossed legal boundaries. We did, however, look deeply into the factors that increased the likelihood of abuse. Although psychology, per se, was not a topic, the leadership lapses that increased or decreased the likelihood of abuse were investigated. This is often where psychology can have a very powerful impact. But back to your questions.

1. For us, the client is clearly the organization. The following (all in quotations) are quotes from the written instructions I give to my psychologists.

"While performing the duties related to interrogation the psychologist functions as a Command Psychologist. The client is the command and the U.S. government."

and

"Except under very unusual circumstances, the psychologist consulting for interrogation operations does not conduct mental health evaluations or provide mental health treatment to detainees. All medical treatment, to include mental health evaluation and treatment, for detainees is provided by a designated medical element not involved in interrogation support. The psychologist will take all reasonable steps to ensure that he or she is not perceived as a healthcare provider for detainees."

I can go into more detail, but the bottom line is that the Command (an army term meaning the unit and its leadership) is the client. (This does not mean that

the psychologist is working only for the individual commander. It actually has a broader meaning, to include a duty to the entire chain of command, and ultimately to the constitution.)

2. This is harder for me to answer. Some ethical obligations exist completely separate from the client. For example,

"The Code of Ethics (3.10(b)) also states, "When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare.""

"Any psychologist, whether supporting interrogations or not, has a duty to ensure the humane treatment of all detainees."

This would be a case of the ethics code obligation existing independent of the client. On the other hand, assuming that the psychologist has not directly interacted with a detainee (consistent with Mike Gelles' comments) and there is no implication of a psychologist-patient relationship (in fact, the detainee should not even know of the existence of the psychologist) then there would be no expectation of confidentiality. Hence, no ethical obligation to the detainee of confidentiality.

Finally, psychologists supporting interrogations have as one of their objectives:

"To provide psychological expertise to assist the command in ensuring that the interrogation process is conducted in a safe, legal, and ethical manner."

In this case, the client is not simply the individual unit or commander, but the command in the broader sense that I discussed above.

I do not feel I have addressed your question very well, and will need to think about it in more detail.

Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate

US Army Special Operations Command

DSN COM

From: Jean Maria Arrigo <__>

Date: May 11, 2005 9:29:00 PM PDT

Subject: PENS -Squillacote Case

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

PENS Colleagues:

The PENS papers related to the Squillacote espionage case (Tab 49) lay out the moral parameters of psychologists' participation in spycatching. The most interesting to me is Philip Candilis' contrast between work in the open society and work in the secret society, with his implicit standard that they be governed by the same set of rules (5th article at Tab 49, end of p. 455). An FBI psychologist had designed a successful entrapment scheme based on Squillacote's severe vulnerabilities. Even if we agree with Special Agent John Schafer that the FBI psychologist acted ethically in balancing national interests against Squillacote's interests (2nd article at Tab 49), the question remains whether the psychologist's identity should have been withheld during the prosecution of Squillacote.

In the 1977 Senate investigation of the infamous CIA behavioral modification project MKULTRA, DCI Stansfield Turner argued against revealing the identities of scientists and clinicians. At least 144 universities, hospitals, and research institutes had participated. Turner said, "I believe we all have a moral obligation to these researchers and institutions to protect them from any unjustified embarrassment or damage to their reputations which revelation of their identities might bring." And the U.S. Supreme Court later ruled to keep secret the names of the 185 MKULTRA researchers and their institutions. But how do we know the embarrassment or damage to their reputations was "unjustified," as opposed to justified but inconvenient? Covering their identities, of course, left them in place for similar national security projects, whether justified or unjustified.

Societal response is a natural check on the behavior of professionals, if they acknowledge the work for which they accept money and privileges. But then we run into another problem. Intelligence agencies often deceive scientists about the meaning of their work or provide plausible deniability. Ultimately, to demand that psychologists take responsibility for their contributions to national security projects is to demand that their superiors inform them about the meaning of their work. This is impossible though in a field where secrecy and compartmentalization of information are crucial to its utility and where uncertainty is high. In many domains of national security, psychologists cannot both be effective employees AND be subject to independent ethics review. Yet without independent ethics review, there is no way to distinguish between (a) justifiable moral trade-offs for national security gains and (b) deluded, incompetent, or self-interested behavior. It is a truism of organizational theory that problems heap up where accountability is lacking

(as in the childhood sex abuse scandal of the Catholic Church). I think a foundational question for PENS is whether outside accountability CAN be designed into the national security positions of psychologists whose effectiveness depends on secrecy.

Jean Maria Arrigo

From: Gerry Koocher <__>

Date: May 12, 2005 7:18:44 AM PDT

Subject: Re: PENS -Squillacote Case

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Jean Maria's thoughtful comments prompted some reactions, inserted in blue (below).

Gerry

Jean Maria Arrigo wrote:

PENS Colleagues:

The PENS papers related to the Squillacote espionage case (Tab 49) lay out the moral parameters of psychologists' participation in spycatching. The most interesting to me is Philip Candilis' contrast between work in the open society and work in the secret society, with his implicit standard that they be governed by the same set of rules (5th article at Tab 49, end of p. 455). An FBI psychologist had designed a successful entrapment scheme based on Squillacote's severe vulnerabilities. Even if we agree with Special Agent John Schafer that the FBI psychologist acted ethically in balancing national interests against Squillacote's interests (2nd article at Tab 49), the question remains whether the psychologist's identity should have been withheld during the prosecution of Squillacote.

The "question" is actually MANY questions. It seems clear that the legal question has been resolved, and in so doing the dispute resolution mechanism of our society (i.e., the courts) have done some balancing and rendered an answer. The ethical questions accompanying the withholding of the psychologist's identity are inextricably bound up with value ethics.

In the 1977 Senate investigation of the infamous CIA behavioral modification project MKULTRA, DCI Stansfield Turner argued against revealing the identities of scientists and clinicians. At least 144 universities, hospitals, and research institutes had participated. Turner said, "I believe we all have a moral obligation to these researchers and institutions to protect them from any unjustified embarrassment or damage to their reputations which revelation of their identities might bring." And the U.S. Supreme Court later ruled to keep secret the names of the 185 MKULTRA researchers and their institutions. But how do we know the embarrassment or damage to their reputations was "unjustified," as opposed to justified but inconvenient? Covering their identities, of course, left them in place for similar national security projects, whether justified or unjustified.

At least one ethics complaint against an APA member psychologist resulted from MKULTRA activities during my service on the Ethics Committee (1976-79).

Societal response is a natural check on the behavior of professionals,

I am not certain this is true, and reject it as a foundational premise. "Society" is a very slippery concept in the heterogeneity of America. Too often, we face societal decisions based essentially on the lowest common denominator or on "spun" news and manipulated communications. Intensely held views on the gay marriage issue, for example, juxtaposed with psychologists offering "conversion" therapies aimed at making gay people "go straight" are couched in moral and ethical values by some. Does "societal response" mean a vote of the majority; respect for minority viewpoints; the muckraking of the American press; the viewpoint of red state fundamentalists; etc.? I think "societal response" is an illusory concept of little pragmatic utility in the long run.

From: "Col. Larry C. James PhD" <__>

Date: May 12, 2005 10:12:11 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@_>

Hi Olivia, I thought That I should add an update for everyone in regards how I dealt with "who is the client" while I was assigned to Abu Ghraib.

As Morgan knows, after the work of the IG team was done, Morgan sent me to Abu Ghraib to put procedures into place so that this terrible tragedy would never happen again.

1. most often, the psychologist is in a very difficult situation because she/he is rated by (works for and reports to) the MI (Military Intelligence) Brigade Commander or Battalion Commander. So this begs the question? what does the psychologist do if he disagrees with the brigade commander (his/her boss)?

Based on a recommendation from Morgan, when I went to Abu Ghraib, I requested 2 very important things:

1) I worked directly for the commanding general (a 2 star general). Thus no one at Abu Ghraib had the legal nor military authority to tell me what to do.

Now Olivia what came out of this was that the commanding general also put me in the "IG" role, thus, I had oversight over everything.

2). the second thing I requested was to have legal authority to STOP any interrogations/interviews when I thought something was inappropriate. Meaning, a psychologist (me) had veto authority to stop anything that I thought was harmful, dangerous, unethical, illegal, etc. The general easily concurred with this request. It allowed me to work for the military client, but also ethically look out for the welfare for the detainees as well.

3) a third function evolved out of this, I brought in a lawyer to review everything to make sure we were in compliance with the Geneva Convention and a medical team to do physical examinations on all detainees before and after all interrogations. I organized all of us under a behavioral science directorate which did not fall under the MI commander but rather the general. That way, no one at Abu Ghraib could pressure any of us in doing anything we thought to be medically wrong under the concept of "do no harm," legally wrong or unethical.

By the way the MI community hated me for this :) needless to say, since June of 2004 we have not had any new abuse allegation at Abu Ghraib.

Morgan, did I leave out anything?

thanks,

Larry James

From: Gerry Koocher <__>

Date: May 12, 2005 10:28:42 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Col. Larry C. James PhD wrote:

Based on a recommendation from Morgan, when I went to Abu Ghraib, I requested 2 very important things:

Larry (and all),

This is a wonderful account of your your psychological and military command structure enabled you to know what you needed. I suspect that you got what you asked for, both because the upper echelons of command recognized the same issues you did AND because of public embarrassment of the prior abuses.

We'll need to think of two other scenario types:

#1 - What happens when a more junior of less empowered psychologist finds him/herself in an ethically challenging situation?

#2 - What happens when the powers that be determine that an emergency exists? [My wife has me addicted to a "24" ---watch it Monday night --- in which non-psychologist terrorist hunter Jack Bauer routinely inflicts painful injury on suspects as he attempts to stop a terrorist caused nuclear disaster.]

Regards,

Gerry

From: "Gelles, Mike" <__>

Date: May 13, 2005 7:36:22 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Larry's position an ability to negotiate an ethical challenge is not only admirable but laudable. From discussions with Morgan I know that the challenges in the military as a whole are enormous as psychologists with an expert resource have to negotiate chains of commands and be placed in positions where their careers and future as military officers can be directly impacted.

When we recognized what was occurring in GTMO and used the chain of command as civilians we were at much less risk.

Having a personal history as a military officer and psychologist and my current view and anticipation of the psychologists role evolving and providing a variety of supports to Combatant Commanders that will go well beyond interrogation. The definition of role and function and guide posts that help those in the military negotiate very difficult positions should be discussed by our group. Perhaps a set of recommendations offered to DOD to inform senior leadership not just the value psychologists bring to the table but the limits that they must impose on themselves as professional psychologists.

In the law enforcement realm we are very involved in the interrogation process however, do not exercise any decision making or direction on the process but only provide advisement to the strategic decision maker. We recognize and acknowledge that interrogations are a law enforcement function which we have a narrowly defined role and are adjunct resources and not decision makers.

Again , I look forward to discussions with Larry and Morgan from the perspective of how the process unfolded and how we can learn from those challenges and hopefully come up with a set of recommendations that can meet the needs of all psychologists in all contexts and avoid making the military psychologist any more unique or vulnerable than she or he has to be.

Mike

Sent from my BlackBerry Wireless Handheld

From: "Gerald P. Koocher, Ph.D." <>

Date: May 13, 2005 2:10:42 PM PDT

Subject: Re: Thoughts for the Presidential Task Force

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#) >

Banks, Louie M. COL wrote:

The bigger challenge for us would be the second category of abuse, or potential abuse. That would be behavior that is legal under U.S. law, but that may violate the APA ethical standards, or perhaps would include behavior that is not covered under the ethics code. If I understand correctly, this is the crux of the question that Dr. Moorehead-Slaughter brought up a couple of emails back. I guess that I am simply saying, in a very longwinded way, that a psychologist who participates in the illegal abuse of detainees is already violating U.S. law, regardless of the justification. If a DoD psychologist is aware of the illegal abuse of detainees, and does not attempt to prevent or stop it, he or she is culpable, and should be charged, at least, with dereliction of duty. The challenge that I see is that of investigating what legal behavior is ethical, and then deciding how to establish standards for that behavior.

This is the crux of the matter!

Gerry

From: "Banks, Louie M. COL" <>

Date: May 13, 2005 3:05:03 PM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

My thoughts on Gerry's questions are inserted below.

Morgan

From: Presidential Task Force on Psychological Ethics and National Security [<mailto:PENS@>] **On Behalf Of** Gerry Koocher
Sent: Thursday, May 12, 2005 1:29 PM
To: PENS@
Subject: Re: [PRESIDENTIAL] Discussion

Col. Larry C. James PhD wrote:

Based on a recommendation from Morgan, when I went to Abu Ghraib, I requested 2 very important things:

Larry (and all),

This is a wonderful account of your your psychological and military command structure enabled you to know what you needed. I suspect that you got what you asked for, both because the upper echelons of command recognized the same issues you did AND because of public embarrassment of the prior abuses.

We'll need to think of two other scenario types:

#1 - What happens when a more junior of less empowered psychologist finds him/herself in an ethically challenging situation?

[Banks, Louie M. COL] This is, of course, a risk for anyone in a structured, hierarchical organization. I believe that the best answer lies in proper training, which requires that we help establish standards of conduct/ethical guidelines for our psychologists, and then make sure that these standards are promulgated throughout any organization that utilizes psychologists in these roles. In other words, we make sure the psychologist understands clearly the ethical standards, and then make sure that his or her supervisor also understands the standards. Additionally, we can work to establish various control processes that prevent the type of behavioral drift that can occur in stressful situations.

#2 - What happens when the powers that be determine that an emergency exists? [My wife has me addicted to a "24" ---watch it Monday night --- in which non-psychologist terrorist hunter Jack Bauer routinely inflicts painful injury on suspects as he attempts to stop a terrorist caused nuclear disaster.][Banks, Louie M. COL] To me, this is simply a case of raising the pressure to act unethically or more likely, illegally, to a higher level. Technically, no one has the authority to tell a soldier to commit an illegal act. Now, that certainly sounds naive, and I do not mean to say that it will not happen -- history is replete with examples. I just believe that ethical standards should be written to include "emergencies." (One man's emergency is another man's opportunity...)

Regards,

Gerry

From: Nina Thomas <__>

Date: May 13, 2005 7:09:21 PM PDT

Subject: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

This discussion has been rich and fascinating. I want to jump in at this point with several thoughts. In particular I don't want to lose the thread Mike Gelles started regarding his injunction to psychologists to "stay in lane" and resist the excitement of being "in the game." Certainly I have seen similar tendencies to "leap into the fray" amongst those involved in responding to acute traumatic situations. The pull to such potential boundary violations arises not only for the inexperienced psychologist (though it may be most pronounced for such professionals) but also because of the atypical context of the work being done. That said, particular consideration to the steps that would enable the professional to avoid such pulls seems like an important piece of the guidance we can provide.

In addition, I would add a consideration to the discussion of the psychologist's participation in interrogation practices in "emergency" situations. There have been several references to legal limitations on such practices as directed, for example, by the Geneva Conventions, etc. But, as we all know, there is an obvious problem created when the operant law is in question. Clearly law and ethics are not necessarily congruent but when they are *incongruent*, where then does that put the psychologist? And, what can we offer to help guide the professional through such an eventuality?

In some respects I am "bookmarking" here but I didn't want to lose track of these several thoughts.

Nina Thomas

From: "Gerald P. Koocher, Ph.D." < >

Date: May 14, 2005 1:03:39 PM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Nina Thomas wrote:

This discussion has been rich and fascinating. I want to jump in at this point with several thoughts. In particular I don't want to lose the thread Mike Gelles started regarding his injunction to psychologists to "stay in lane" and resist the excitement of being "in the game." Certainly I have seen similar tendencies to "leap into the fray" amongst those involved in responding to acute traumatic situations.

Good point! This also occurs in child custody and child sexual abuse work from time to time (e.g., extremely vulnerable people under extreme pressures).

In addition, I would add a consideration to the discussion of the psychologist's participation in interrogation practices in "emergency" situations. There have been several references to legal limitations on

such practices as directed, for example, by the Geneva Conventions, etc. But, as we all know, there is an obvious problem created when the operant law is in question. Clearly law and ethics are not necessarily congruent but when they are *incongruent*, where then does that put the psychologist?

Another great point; especially in the context of the various White House Counsel/Department of Justice memoranda that circulated on a range of issues including what constitutes "torture" or "enemy combatant." This may be a unique period in U.S. history, post-civil war, in terms of defining "enemy," not to mention whether an opinion given to the President by counsel will ultimately lead to trickle down chain of command crises in determining what constitutes a "legal" versus "illegal" order.

Gerry

From: Olivia Moorehead-Slaughter <__>

Date: May 17, 2005 2:09:19 PM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Hello to All,

I am thoroughly impressed with the thoughtful discourse which is underway regarding some very difficult issues related to legal vs. illegal actions, the role of the military psychologist involved in interrogation activities with detainees, Command as client, and the evolving role of psychologists in the military who may be asked to provide more than assistance around interrogation. I don't have deep wisdom to shed on these topics, but I think that we are beginning to hone in on some areas that will need particular focus in our discussions and in our final document. Morgan, I'd like to ask you a bit more about a couple of issues that you raised in your responses. You noted that "there is a paucity of training generally available to psychologists in this area", i.e. support to detainee and interrogation operations. What do you believe constitutes good ethical training in this area? Also, could you perhaps give some examples of behaviors that are legal but not ethical, or legal but not covered by the Ethics Code? Mike, I agree that one of the outcomes of this Task Force should be guidance/recommendations for military psychologists who can easily find themselves between a rock and a hard place when performing in their roles within the military environment as advisors versus decision makers. No small undertaking.....

Thanks to everyone for your continuing discussion.

Olivia

From: "Gelles, Mike" <__>

Date: May 18, 2005 6:15:24 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

I wanted to offer a brief comment to Dr. Koochers reference to "most vulnerable party". I believe it is important to recognize that detainees in any circumstance whether that may be GTMO, Afghanistan, Iraq or many other places in the world where psychologists may offer consultation to interrogation are vulnerable when they are captured. However the "detainee" is for the most part a detainee based on a set of circumstances that put him in direct contact with US forces or allies in the GWOT. The context in which he has been detained perhaps is a critical set of circumstances to discern to assess vulnerability. While there are examples and regrettably too many where individuals have been captured and detained because they were in the wrong place at the wrong time, many detainees are of an extremist mindset and have a strong desire to cause harm to other and to the safety and security of the US. I think as psychologists we may with the appropriate training and experience help discern who may be a greater or lesser risk but based on my experience there is often too little information initially to make a comfortable recommendation. Therefore, when we are forced to make an assessment of "most vulnerable" available information may lead us to quickly default to US safety and security as the most vulnerable.

Relying on the old saying all behavior occurs in a context many of us will agree that the context of war and asymmetrical war where the threat is ambiguous is a context that has to date not been systematically defined or replicable in models of research or anecdotal studies that offer a model for comparison. Having visited and worked in many of these environments as have some of my distinguished colleagues on this panel it is a frightening and psychologically challenging environment that breeds fear, hate and reactions that provoke a desire to help, make it more predictable and less frightening. We are in uncharted areas that don't compare to other situations and perhaps should not be compared.

Sent from my BlackBerry Wireless Handheld

From: "Gelles, Mike" <__>

Date: May 18, 2005 6:15:27 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Follow n thought

It is not surprising in conditions of ambiguity and fear the organizations that we consult to ask for our help. I do not think we will find a clear and definitive answer to either what this current situation compares to or can be modeled after. The laws addressing these issues remain unclear and open to a wide range of interpretations. Perhaps the Geneva Convention is a good place to start. One guideline I have used is keeping in mind what would be acceptable in a US court as it relates to interrogation, consultation and assessment in the most egregious violent crimes or espionage and guide my consultations accordingly. Psychologists are never nor should they be the strategic decision makers in any operation or interrogation. As adjunct experts we advise hopefully we can establish that precedence throughout the government and military and experts who inform and not make decisions.

Sent from my BlackBerry Wireless Handheld

From: "Col. Larry C. James PhD" <__>

Date: May 18, 2005 9:12:12 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Although I agree with Mike in theory and principal (a psychologist should not guide nor "Never" be strategic decision makers) I don't think I would agree Mike with the word "Never."

let me try to explain why.

what about if the interrogators are 18 & 19 year old kids right out of high school. And, the only training he/she has is the school house training recieved in A school or AIT? He has never done a real world interrogation!!

No, I don't think the psychologist should do the interrogation, but on the other hand, this is a dangerous situation allowing a 19 year old with no experience to strategicly shape the interrogation and determine what to do and where to go with the interrogation. all too often at Abu Ghraib the 19 year olds supervisor was a 25 year old reservist who never did a real world interrogation either, would be the stragetetic decision maker. AND, the warrant officer section chief, (Wo2) most often would have no experience either. amazing!

Mike as you know there are no easy answers for this one.

thanks,

Larry

From: Robert Fein <[_](#)>

Date: May 18, 2005 9:18:45 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Like others, I have been impressed and informed by the comments posed so far. In this note, I want to try to extend or broaden the discussion to include psychologists who are working for national security organizations that are not part of military or law enforcement organizations.

Here is a hypothetical:

Psychologist A works for a non-military, non-law enforcement organization in the intelligence community. Psychologist A receives information in the course of his/her work that Psychologist B, also working for the organization, is involved in

activities that Psychologist A thinks may be on the other side of the ethical line. Not knowing the facts and wanting to clarify things, Psychologist A approaches Psychologist B to inquire. Psychologist B says that he/she both cannot (for security reasons) and will not talk about the work in question. No supervisors in either chain (for Psychologist A or B) are psychologists, and there is no supervisory psychologist structure in the organization.

In such a hypothetical situation, what, if anything, should Psychologist A do?

Robert Fein

From: Gerry Koocher <__>

Date: May 18, 2005 10:28:15 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Gelles, Mike wrote:

when we are forced to make an assessment of "most vulnerable" available information may lead us to quickly default to US safety and security as the most vulnerable.

Excellent point. Could compare directly to psychologist acting a negotiator for SWAT team in a domestic urban violence situation with hostages and others at risk.

Gerry

From: Gerry Koocher <__>

Date: May 18, 2005 10:35:48 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Col. Larry C. James PhD wrote:

Although I agree with Mike in theory and principal (a psychologist should not guide nor "Never" be strategic decision makers) I don't think I would agree Mike with the word "Never."

Also...when we are in positions of authority, can we every really shed our psychological knowledge at the door? As an academic dean, I use my human assessment and intervention skills daily, although not calearly in a "psychologist" role. Still, I am accountable to the APA ethics code for what I do in my administrator job.

Gerry

From: Gerry Koocher <[_](#)>

Date: May 18, 2005 10:49:46 AM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Great question!!!!

If I were A, I'd say to B. I understand and appreciate your position. I also know that I do not have and will not have complete information. Therefore please take this communication only as my colleague to colleague expression of concern and give it whatever professional consideration you think it deserves. The critical issue is the degree of amplitude of the potential infraction. If A deems the problem VERY serious or potentially critical, I would suggest A go to his/her own superior in the agency chain of command to express concern based on limited knowledge (documenting in a confidential personal file) that the contact had occurred.

Regards,

Gerry

From: Jean Maria Arrigo <__>

Date: May 18, 2005 3:40:12 PM PDT

Subject: PENS- Task Force in DC

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Dear Olivia,

Could you clarify our task in the DC meeting? What are we supposed to produce in the 3 - 1/2 days allotted to us?

Here are some issues I find daunting.

COMPLEXITY OF NATIONAL SECURITY SYSTEM

The readings and discussion have impressed me with the complexity of relevant factors. Thanks to Louie Banks for Army Regulation 190-8, demonstrating the complexity of detaining even noncombatants under routine conditions. In Bloche's LA TIMES editorial (Tab 8, last page) I was surprised to learn that some U.S. military doctors believe the Hippocratic Oath does simply not apply to them in their roles as consultants to interrogators—dual-role theory. (In NAZI DOCTORS, Lifton also found that the doctors functioned by means of "doubling" in their professional roles.) Dual-role theory could put the APA Ethics Code in the trash bin.

DIFFICULTY OF IMPLEMENTING ETHICAL GUIDELINES

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.

OVERLAP OF PSYCHOLOGY WITH OTHER PROFESSIONS

It appears that our main theme is ethical guidelines for the behavior of card-carrying psychologists in various national security settings and roles. But if we are concerned with the use of psychological knowledge or instruments, we will have to coordinate with other professional organizations whose members use psychological knowledge or instruments, e.g., psychiatrists, psychiatric nurses, mental health counsellors, chaplains, personnel directors. I wonder whether there are any military roles uniquely and necessarily performed by psychologists, as brain and eye surgery, for example, are performed by physicians without substitutes. If so, it might be helpful to take a special look at these roles.

Jean Maria

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: "Banks, Louie M. COL" <>

Date: May 18, 2005 5:44:14 PM PDT

Subject: Re: Discussion

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

This is a fantastic question, and one that I hope the Task Force can address. I see several possible solutions. Gerry's is probably the most appropriate, but it may be that we need a series of options. Obviously, the first would be to address it with psychologist B. Next, if that does not resolve the issue, Psychologist A should address it with his or her supervisor. If that did not resolve the issue, then perhaps Psychologist A could address it with the organization's Inspector General. Theoretically, by the time the issue was at this level, security concerns would no longer be an impediment. Having said that, I still think this is exactly the type of issue for us to address.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN COM

From: Olivia Moorehead-Slaughter <__>

Date: May 18, 2005 6:10:28 PM PDT

Subject: Fwd: NEJM: Unspeakably Cruel - Torture, Medical Ethics, & the Law

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

FYI-- This article was sent to me by Steve. Thought you all might want to review this. Olivia

(Doctors and Interrogators at Guantanamo Bay: Mounting Evidence of Torture. New England Journal of Medicine (May 19, vol. 352, #20, pages 2127-2132)

[See Article 0 - **Doctors and Interrogators – NEJM**]

From: Olivia Moorehead-Slaughter <__>

Date: May 18, 2005 6:05:07 PM PDT

Subject: Re: PENS- Task Force in DC

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Hi Jean Maria,

The issues that you described as "daunting" in your response are excellent examples of the complexity and enormity of the task before us. In many areas, we seem to be swimming in very murky water. Clearly, there is a need to begin to set some parameters for ourselves around what this Task Force can be reasonably expected to produce from the June meeting. We will need to be focused so that we make productive use of the limited time that we will have to meet together. I do not have a neat and tidy answer to your question and would encourage Task Force members to weigh in on this issue. I am all for finding some ways to make this feel more focused and manageable before the June meeting.

Additionally, I am attaching the agenda item as submitted to the Board of Directors for your review. This may assist you in your thinking about all of this.

Thanks to all of you.

Olivia

__ **From:** "Banks, Louie M. COL" <>

Date: May 18, 2005 6:42:31 PM PDT

Subject: Re: PENS- Task Force in DC

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

[Jean Marie,](#)

[I believe that you have identified some very important issues. I have attached some thoughts under each of your topics.](#)

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN COM

From: Presidential Task Force on Psychological Ethics and National Security [<mailto:PENS@>] **On**
Behalf Of Jean Maria Arrigo
Sent: Wednesday, May 18, 2005 6:40 PM
To: PENS@
Subject: [PRESIDENTIAL] PENS- Task Force in DC

Dear Olivia,

Could you clarify our task in the DC meeting? What are we supposed to produce in the 3 - 1/2 days allotted to us?

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The readings and discussion have impressed me with the complexity of relevant factors. Thanks to Louie Banks for Army Regulation 190-8, demonstrating the complexity of detaining even noncombatants under routine conditions. In Bloche's LA TIMES editorial (Tab 8, last page) I was surprised to learn that some U.S. military doctors believe the Hippocratic Oath does simply not apply to them in their roles as consultants to interrogators-dual-role theory. (In NAZI DOCTORS, Lifton also found that the doctors functioned by means of "doubling" in their professional roles.) Dual-role theory could put the APA Ethics Code in the trash bin.

[Banks, Louie M. COL] To me, the dual role issue is both critical, and one that can be addressed in a fairly straightforward manner. I should start by saying that I believe that some dual role issues will always exist in the military. A psychologist is both a sworn officer and a care provider. There will always be challenges inherent in that. Having made my biases clear, though, I think that proper training, establishing the boundaries of the psychologist's role, can limit potential conflicts. For example, psychologists providing interrogation support at GTMO and Abu Ghraib are very clear in that they are NOT providing mental health care, thereby preventing "doubling" of their roles.

DIFFICULTY OF IMPLEMENTING ETHICAL GUIDELINES

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.

[Banks, Louie M. COL] This is another very good point. In 1992 Congress passed law (National Defense Authorization Act for Fiscal Year 1993) that established protection for servicemembers 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.

OVERLAP OF PSYCHOLOGY WITH OTHER PROFESSIONS

It appears that our main theme is ethical guidelines for the behavior of card-carrying psychologists in various national security settings and roles. But if we are concerned with the use of psychological knowledge or instruments, we will have to coordinate with other professional organizations whose members use psychological knowledge or instruments, e.g., psychiatrists, psychiatric nurses, mental health counsellors, chaplains, personnel directors. I wonder whether there are any military roles uniquely and necessarily performed by psychologists, as brain and eye surgery, for example, are performed by physicians without substitutes. If so, it might be helpful to take a special look at these roles.

[Banks, Louie M. COL] There are several areas that I am involved in that are the exclusive purview of psychologists. They include:

1. Survival, Evasion, Resistance, and Escape (SERE) Psychologists. These psychologists are responsible for assisting in the repatriation of Americans who have been returned to US custody following a captivity event. They assist in setting the conditions for successful recovery from the captivity experience. In DOD, only psychologists perform this function, and I am aware of no other professionals within the US government who perform this function. They are also responsible for providing psychological oversight of SERE training (the training that DOD provides to prepare servicemembers to survive captivity).
2. Interrogation support. To my knowledge, at the present time, within DOD, only psychologists perform this function. The Army's Psychiatry Consultant has stated that she is opposed to psychiatrists performing this function.
3. Psychological Selection and Assessment. Within DOD, only psychologists perform this function. They provide this service for a number of specialized units. This usually requires the use of written psychological instruments, thereby limiting it to psychologists.
4. Leader development utilizing psychological instruments. Within the Army, we utilize both 360 assessment instruments and various performance enhancement and other psychological instruments to help our leaders in their professional development. Although there are many people in the Army who also assist in leader development, only psychologists use these instruments. (There is some overlap, for example, with Chaplains who often use the MBTI for workshops, and conceivably for leader development, but they will not use more sophisticated instruments.)

Jean Maria

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: Gerry Koocher <__>

Date: May 19, 2005 6:28:49 AM PDT

Subject: New NEJM article of interest

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

The new issue of *New England Journal of Medicine* scheduled to be released tomorrow (May 19, vol. 352, #20) includes an article: "Unspeakably Cruel - Torture, Medical Ethics, and the Law" (pages 2127-2132).

The article is by George J. Annas, J.D., M.P.H.

Here's the article:

[See – Article 1 “Unspeakably Cruel”]

From: "Gelles, Mike" <__>

Date: May 19, 2005 3:00:40 PM PDT

Subject: Re: New NEJM article of interest

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Perhaps this very sobering article articulates what it is that can be accomplished in a weekend meeting and that as noted at the end of this articles recommends clarification of roles.

What is the role of the psychologist when consulting on interrogations?

When should a psychologist refuse?

In being flexible with Larry in his disagreement with my point of the psychologist "never" being the strategic decision maker. Under what conditions should psychologists assume that role?

I think it is going to be difficult to set conditions for when it is convenient to be a psychologist and when it is not. I believe that we must define our role and have it as applicable to as many contexts as possible while retaining our professional responsibilities. We can not let the context define those responsibilities.

The legal and Congressional debates will continue or sometime defining our role ahead of time may help us to adapting our function later.

With all due respect, investigations and operations have and will continue to proceed and succeed without our involvement. Perhaps a final provocative thought is that we may be too involved as it is ?

Sent from my BlackBerry Wireless Handheld

From: "Banks, Louie M. COL" <>

Date: May 19, 2005 3:32:51 PM PDT

Subject: Re: New NEJM article of interest

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Some very provocative thoughts indeed, from Mike.

Taking the questions in order, I believe that the first question is one that we can at least begin to get our arms around during the weekend. As I sent earlier, my thoughts are that the psychologist assists the command in ensuring that interrogation and detainee operations are safe, legal, ethical, and effective. This includes both the role of oversight (and obviously requires that the psychologist not become involved as an interrogator), and the role of assisting the interrogator in making the questioning process more effective.

A psychologist should refuse when he or she is asked to perform an illegal or unethical act. The illegal part should be easy (open to some discussion, however); it is the unethical part that brings us together as a Task Force. I believe we need to uncover and address the legal but unethical areas of behavior for a psychologist. (I realize this is a statement of the obvious, but I have a simple brain.)

Although a psychologist is always a psychologist, he or she is not always a mental health provider. In the Army, psychologists can assume command of units (including non medical units), and we currently have a senior psychologist selected for command of a hospital. I believe we should focus on the ethical left and right limits of particular types of psychology support, e.g., interrogation support.

It is my opinion that when psychologists are involved in supporting interrogation and detainee operations, these operations are much more likely to be safe, legal, ethical, and effective. I base this on DoD's experience over the last four years. Certainly these operations can be conducted without psychologists, but in my opinion there will be a significant increase in the likelihood of abuse. I am very confident that my psychologists provide a very effective safety mechanism during these operations. I also believe that we provide a significant assist in making the process more productive, based on our knowledge of human behavior.

Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate

US Army Special Operations Command

DSN COM

From: Robert Fein <>

Date: May 21, 2005 5:55:40 PM PDT

Subject: disturbing, perhaps relevant article

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#) >

Given that there has been some discussion about the possible roles psychologists might/should play or not play in consulting to, advising, and/or participating in interrogation-related activities, I wanted to put the disturbing article below on the listserve. I assume that many/most of you have seen it, but just in case...

Robert Fein

> The New York Times May 20, 2005 In U.S. Report, Brutal Details of 2
Afghan Inmates' Deaths By TIM GOLDEN

[See Article 2 - Brutal Details - The New York Times]

From: Jean Maria Arrigo <__>

Date: May 22, 2005 10:52:02 PM PDT

Subject: PENS-A sample agenda

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

PENS Colleagues:

I owe Louie Banks a response to his rich commentary (5/18/05) on my previous letter, but I will respond in a separate message.

Here I am concerned with the agenda for our upcoming 2-1/2 day meeting. It appears to me that our central issue is the conduct of psychologists with respect to coercive interrogation of suspected enemies in national security settings. As a step towards formulating an agenda, I very tentatively propose the four items below and look forward to your suggestions. I must acknowledge two anonymous colleagues—a seasoned peace psychologist and a former army counterintelligence officer—who advised me in drawing up this list but did not review it.

1a. Should the APA declare the contribution of psychologists to coercive interrogation incompatible with the ethical obligations of the profession? This declaration would apply also to contributions by the subordinates of psychologists, such as Behavioral Science Specialists, Psychiatric Specialists, and Mental Health Specialists.

1b. Should the APA exclude from membership psychologists who intentionally or negligently contribute to coercive interrogation?

2. Should the APA offer support to psychologists employed in national security settings who undertake “acts of conscience” contrary to command?

The support might take the form of witness to legal proceedings, administrative legal assistance, or legal aid.

3. Should the APA recommend that psychologists be legally mandated to report to their superiors all instances of coercive interrogation or degradation of detainees, as (a) disclosed by detainees, (b) observed by themselves, or (c) observed by their subordinates? The reporting requirement would cover all instances, whether deemed appropriate or inappropriate in the national security context.

4. Should the APA recommend that national security agencies archive at a central facility all copies of documents concerning treatment of detainees that are signed by psychologists or their subordinates? The documents would be archived for sanitization and release at some future date.

The rationale here is that the APA has a need to know the nature of professional activities of psychologists. We may not be able to make well informed recommendations concerning psychological ethics and national security at this time, but we can attempt to initiate collection of data for clearer consideration later.

I appreciate your time in reviewing this list. I hope that our combined perspectives will lead us to wisdom.

Jean Maria

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: Gerry Koocher <[_](#)>

Date: May 23, 2005 6:04:19 AM PDT

Subject: Re: PENS-A sample agenda

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

I think Jean Maria suggests some good points, but the perspective is a bit narrow and potentially unrealistic.

My comments are inserted below in [blue](#) for easy recognition.

Gerry

Jean Maria Arrigo wrote:

1a. Should the APA declare the contribution of psychologists to coercive interrogation incompatible with the ethical obligations of the profession? This declaration would apply also to contributions by the subordinates of psychologists, such as Behavioral Science Specialists, Psychiatric Specialists, and Mental Health Specialists.

I believe the issues of concern extend well beyond any role psychologists or psychological research plays in "coercive interrogation."

The overarching issue is the degree to which our ethics code applies to certain behaviors of APA members who work in national security (or parallel law enforcement) positions. Subordinate questions might include, but should not be limited to:

- 1. What general statements does APA wish to make about the use of behavioral science or psychological techniques in the service of national security or criminal investigations?**
- 2. What obligations apply to balancing tests when normative ethics and utilitarian ethics (e.g., absolutist values versus greatest good for the greatest number of people) go head to head?**
- 3. What principles should guide behavioral scientists and mental health practitioners asked or ordered to become a party to ethically problematic activities (e.g., coercive interrogation, application of psychological techniques in espionage, use of psychology to undermine or promote political agenda, etc.)?**
- 4. What principles should guide or obligate APA members when they find themselves asked to engage in ethically problematic behaviors while functioning within an organization or unit of government where they have other competing directives (e.g., sworn military or law enforcement officers, obligated by security regulations, etc.).**
- 5. What principles should guide psychologists in interactions with vulnerable parties who are not traditional or actual "clients" (e.g., detainees, enemy combatants, criminal suspects, persons posing potential security threats, etc.).**

1b. Should the APA exclude from membership psychologists who intentionally or negligently contribute to coercive interrogation?

This question seems naive since APA will likely never know about such conduct, nor be in a position to investigate it.

2. Should the APA offer support to psychologists employed in national security settings who undertake "acts of conscience" contrary to command?

This question again seems naive since APA will likely only know about cases that become public and may not be in a position to investigate the veracity of claims on either side. I suppose we could consider amicus briefs on the ethical issues should such cases lead to litigation, but we need to be realistic about what cases will come to us, in what fashion, and with what data.

The support might take the form of witness to legal proceedings, administrative legal assistance, or legal aid.

We already have a Psychology Defense Fund, but have never provided services as "witness to legal proceedings or administrative legal assistance." Why would APA want to take on such new roles?

3. Should the APA recommend that psychologists be legally mandated to report to their superiors all instances of coercive interrogation or degradation of detainees, as (a) disclosed by detainees, (b) observed by themselves, or (c) observed by their subordinates? The reporting requirement would cover all instances, whether deemed appropriate or inappropriate in the national security context.

Are you suggesting here that APA recommend new Federal legislation (i.e., "legal mandate")? If so, it seems wise first to determine what legal mandates already exist.

4. Should the APA recommend that national security agencies archive at a central facility all copies of documents concerning treatment of detainees that are signed by psychologists or their subordinates? The documents would be archived for sanitization and release at some future date.

The rationale here is that the APA has a need to know the nature of professional activities of psychologists. We may not be able to make well informed recommendations concerning psychological ethics and national security at this time, but we can attempt to initiate collection of data for clearer consideration later.

What archiving practices now exist?

What archiving practices best serve the nation?

What is the basis of APA's presumed "need to know?"

Why should government care about the wishes of a private professional association?

Why should APA's voice carry weight apart from NASW, ACA, ApA, etc.?

I do not pretend to have the answers, but I think we need to take a much broader view than initially suggested.

Best regards,

Gerry

From: "Col. Larry C. James PhD" <_>

Date: May 23, 2005 10:45:37 AM PDT

Subject: Re: PENS-A sample agenda

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Question 1a "should the APA declare the contribution of psychologists to coercive interrogation incompatible with the ethical obligations of the profession?"

This question is worded in the affirmative that DOD/Military psychologists have done something illegal, morally wrong and/or unethical.

Like Morgan Banks, I am very proud of the fact, it was psychologists who fixed the problems and not caused it. ***This is a factual statement!*** the fact of the matter is that since Jan 2003, where ever we have had psychologists no abuses have been reported.

Question 1b. any psychologist who engages in unethical behavior can be removed from membership so why must we develop a document to single out DOD/military psychologist? I disagree with this one.

Question 2. "legally mandated to report..." Jean, this is not necessary. Let me explain, military psychologists as military officers are bound by the Geneva convention, APA ethics code ***AND the UCMJ(uniformed code of military justice)***. A military officer found guilty of violating the UCMJ Jean may very well get an all expenses paid trip to Leavenworth federal prison. As a military officer, If I observe a violation and I do not act I may be subject to prosecution under the UCMJ.

Question 3. Jean I'm going to phrase your question a little different. Should APA have access to classified information(archived data)? I really don't think this is going to happen, I agree with the issues Gerry raised about this question, but the bottom line here is that it will never happen.

Thanks,

Larry

From: Olivia Moorehead-Slaughter <_>

Date: May 23, 2005 8:12:40 AM PDT

Subject: Re: disturbing, perhaps relevant article

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Hi Robert,

Thank you for circulating this article. I had not seen it and like you, found it very disturbing and daunting in that there is some reference early in the article to "what is generally accepted as interrogation techniques." I trust that most of what is described in this article does not fall into that category. Am I being terribly naive here?

Olivia

From: Nina Thomas <[__](#)>

Date: May 23, 2005 3:23:46 PM PDT

Subject: Re: disturbing, perhaps relevant article

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

There was a further article by Tim Golden on the same subject, focusing on the military's investigation in yesterday's Times. I can't seem to find it at present but worth a look.

Nina Thomas

From: Jean Maria Arrigo <[__](#)>

Date: May 23, 2005 3:38:25 PM PDT

Subject: PENS - Reply to Banks on "Complexity," etc.

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Louie,

Thanks so much for your very informative comments. I have responded interlinearly at lines preceded by dashes.

Jean Maria

On May 18, 2005, at 6:42 PM, Banks, Louie M. COL wrote:

Jean Marie,

I believe that you have identified some very important issues. I have attached some thoughts under each of your topics.

COL L. Morgan Banks

Director, Psychological Applications Directorate

US Army Special Operations Command

DSN COM

COMPLEXITY OF NATIONAL SECURITY SYSTEM

The readings and discussion have impressed me with the complexity of relevant factors. Thanks to Louie Banks for Army Regulation 190-8, demonstrating the complexity of detaining even noncombatants under routine conditions. In Bloche's LA TIMES editorial (Tab 8, last page) I was surprised to learn that some U.S. military doctors believe the Hippocratic Oath does simply not apply to them in their roles as consultants to interrogators-dual-role theory. (In NAZI DOCTORS, Lifton also found that the doctors functioned by means of "doubling" in their professional roles.) Dual-role theory could put the APA Ethics Code in the trash bin.

[Banks, Louie M. COL] To me, the dual role issue is both critical, and one that can be addressed in a fairly straightforward manner. I should start by saying that I believe that some dual role issues will always exist in the military. A psychologist is both a sworn officer and a care provider. There will always be challenges inherent in that. Having made my biases clear, though, I think that proper training, establishing the boundaries of the psychologist's role, can limit potential conflicts. For example, psychologists providing interrogation support at GTMO and Abu Ghraib are very clear in that they are NOT providing mental health care, thereby preventing "doubling" of their roles.

—Whether or not a particular profession can tolerate conflicting role behaviors seems to vary. The military legal code, for instance, in "Conduct Unbecoming an Officer") treats some legal "sins" (e.g., adultery) as cause for court martial. The rationale, I have heard, is that fairness, trust, morale, and cohesion can be matters of life and death in a military unit. After a long history of controversy, the chaplaincy finally decided that chaplains cannot bear arms, even under military necessity (I think). The question is not whether the professionals themselves are clear which role they are performing situation but whether the relevant

community will separate the roles. When there are strong conflicts at a symbolic level, the person may simply have to choose one role or the other.

DIFFICULTY OF IMPLEMENTING ETHICAL GUIDELINES

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.

[Banks, Louie M. COL] This is another very good point. In 1992 Congress passed law (National Defense Authorization Act for Fiscal Year 1993) that established protection for servicemembers 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.

—I really appreciated the opportunity to see the DoD instructions. The rule against manipulating subordinates with psychological referrals is excellent in itself. But to have any force in politicized contexts, independent reviewers would be required, whereas reviewers in the same chain of command are typically used. There are numerous publicized cases of inappropriate use of psychological/psychiatric examinations. (Perhaps you know the 1994 case of Lawrence Rockwood in Haiti.) Grievance procedures often have built into them the method for circumventing the true application of the procedure, for example, through selection of reviewers who are beholden to the more powerful party.

OVERLAP OF PSYCHOLOGY WITH OTHER PROFESSIONS

It appears that our main theme is ethical guidelines for the behavior of card-carrying psychologists in various national security settings and roles. But if we are concerned with the use of psychological knowledge or instruments, we will have to coordinate with other professional organizations whose members use psychological knowledge or instruments, e.g., psychiatrists, psychiatric nurses, mental health counsellors, chaplains, personnel directors. I wonder whether there are any military roles uniquely and necessarily performed by psychologists, as brain and eye surgery, for example, are performed by physicians without substitutes. If so, it might be helpful to take a special look at these roles.

[Banks, Louie M. COL] There are several areas that I am involved in that are the exclusive purview of psychologists. They include:

1. Survival, Evasion, Resistance, and Escape (SERE) Psychologists. These psychologists are responsible for assisting in the repatriation of Americans who have been returned to US custody following a captivity event. They assist in setting the conditions for successful recovery from the captivity experience. In DOD, only psychologists perform this function, and I am aware of no other professionals within the US government who perform this function. They are also responsible for providing psychological oversight of SERE training (the training that DOD provides to prepare servicemembers to survive captivity).

—A CI officer suggested to me that there is a natural crossover from SERE training to coercive interrogation. Obviously the defensive and offensive uses of techniques require similar expertise. What is your opinion about the crossover?

2. Interrogation support. To my knowledge, at the present time, within DOD, only psychologists perform this function. The Army's Psychiatry Consultant has stated that she is opposed to psychiatrists performing this function.

—This is remarkable. I did not know one person would have that power. I wonder whether there is an Army Psychology Consultant.

— It seems unlikely to me that the Navy's Psychiatry Consultant (if there is a corresponding office) agrees with the Army's. The former Navy Chief of Neuropsychiatry at Guantanamo Bay, William Henry Anderson, wrote a strong article in the Ass'n of Former Intel Officers journal proposing that the U.S. simply kill the 100,000 or so intractable terrorists with defective brains. The AFIO published my letter (attached as an rtf file) in the Winter/Spring 2005 issue of THE INTELLIGENCER. Dr. Anderson replied and stood his ground. I have hoped for another perspective by navy authorities.

3. Psychological Selection and Assessment. Within DOD, only psychologists perform this function. They provide this service for a number of specialized units. This usually requires the use of written psychological instruments, thereby limiting it to psychologists.

4. Leader development utilizing psychological instruments. Within the Army, we utilize both 360 assessment instruments and various performance enhancement and other psychological instruments to help our leaders in their professional development. Although there are many people in the Army who also assist in leader development, only psychologists use these instruments. (There is some overlap, for example, with Chaplains who often use the MBTI for workshops, and conceivably for leader development, but they will not use more sophisticated instruments.)

—Very interesting. Thank you for this education. Is it the statistics that separates the psychologists from the psychiatrists, chaplains, and personnel officers?

Jean Maria

Jean Mar a Arr go, PhD

Project on Ethics and Art in Testimony

<i64904p.pdf><d64901p.pdf>

From: Nina Thomas <__>

Date: May 23, 2005 7:19:06 PM PDT

Subject: Re: PENS - Reply to Banks on "Complexity," etc.

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

was there an attachment sent in a message from Jean Maria? I received an e with one but am wary of opening attachments without knowing what to expect in advance.

Thanks,

Nina

From: Jean Maria Arrigo <>

Date: May 23, 2005 7:42:11 PM PDT

Subject: Re: PENS - Reply to Banks on "Complexity," etc.

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Nia,

Yes, I had sent an rtf file with my letter to the Editors of THE INTELLIGENCER concerning Dr. Anderson's article. I have copied it below. Thanks for your interest.

Jean Maria

Date: Tue, 01 Jun 2004 09:28:08 -0700

From: Jean Maria Arrigo <>

Reply-To:

Organization: Project on Ethics and Art in Testimony

To: [afio@](#), [dsanders@](#), [JosephG8954@](#),
[bkcollector@](#), [venona@](#)

Subject: Comment on Wm. Anderson's "Terrorism"

To the Editor and Contributing Editors of *The Intelligencer*:

[See: Article 3 -Arrigo on Anderson]

From: "Banks, Louie M. COL" <>

Date: May 23, 2005 8:55:54 PM PDT

Subject: Re: PENS - Reply to Banks on "Complexity," etc.

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Jean Maria,

I have responded with a few very brief comments; I am traveling away from home, and am using a very slow dial-up connection.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN COM

From: Presidential Task Force on Psychological Ethics and National Security
[<mailto:PENS@>] **On Behalf Of** Jean Maria Arrigo
Sent: Monday, May 23, 2005 6:38 PM
To: PENS@
Subject: [PRESIDENTIAL] PENS - Reply to Banks on "Complexity," etc.

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-Whether or not a particular profession can tolerate conflicting role behaviors seems to vary. The military legal code, for instance, in "Conduct Unbecoming an Officer") treats some legal "sins" (e.g., adultery) as cause for court martial. The rationale, I have heard, is that fairness, trust, morale, and cohesion can be matters of life and death in a military unit. After a long history of controversy, the chaplaincy finally decided that chaplains cannot bear arms, even under military necessity (I think). The question is not whether the professionals themselves are clear which role they are performing situation but whether the relevant community will separate the roles. When there are strong conflicts at a symbolic level, the person may simply have to choose one role or the other.

[Banks, Louie M. COL] I am not sure I understand completely; perhaps this will need to be more fully discussed when we meet. I believe that clarity of roles is critical in ethically functioning in any environment. This would apply to both the individual and the organization, and if relevant, any other effected persons.

DIFFICULTY OF IMPLEMENTING ETHICAL GUIDELINES

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.

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-I really appreciated the opportunity to see the DoD instructions. The rule against manipulating subordinates with psychological referrals is excellent in itself. But to have any force in politicized contexts, independent reviewers would be required, whereas reviewers in the same chain of command are typically used. There are numerous publicized cases of inappropriate use of psychological/psychiatric examinations. (Perhaps you know the 1994 case of Lawrence Rockwood in Haiti.) Grievance procedures often have built into them the method for circumventing the true application of the procedure, for example, through selection of reviewers who are beholden to the more powerful party.

[Banks, Louie M. COL] We may end up fundamentally disagreeing on this point. Within DoD, Inspectors General are given the task of independently investigating violations that cannot be fairly reviewed by the Chain of Command. In fact, every servicemember has a right to address grievances with the IG. General Officers are routinely investigated by the IG, and not uncommonly found to have acted wrongly. (Obviously, this applies to non-criminal behavior. Criminal behavior is investigated by the various Criminal Investigative Commands, who are structured independently of all but the highest Chain of Command.) However, the point can be made that everyone in DoD is ultimately working for the President and the Secretary of Defense. In my opinion, there are sufficient checks and balances within the system to insure that any abuse by leaders is eventually discovered and corrected, although it may take some time to occur. (One example of this is the current abuse cases that have been alleged to occur in Bagram in 2002.)

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It appears that our main theme is ethical guidelines for the behavior of card-carrying psychologists in various national security settings and roles. But if we are concerned with the use of psychological knowledge or instruments, we will have to coordinate with other professional organizations whose members use psychological knowledge or instruments, e.g., psychiatrists, psychiatric nurses, mental health counsellors, chaplains, personnel directors. I wonder whether there are any military roles uniquely and necessarily performed by psychologists, as

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-A CI officer suggested to me that there is a natural crossover from SERE training to coercive interrogation. Obviously the defensive and offensive uses of techniques require similar expertise. What is your opinion about the crossover?

[Banks, Louie M. COL] Great question. This is a point I spend a lot of time discussing. The purpose of SERE training is to teach individuals to resist interrogation. The conditions in this training often simulate the behavior that is used against us by our captors. However, the structure and use of "coercive" techniques is intended (quite successfully) to strengthen our soldiers' determination to resist successfully. The purpose of interrogation, at least by the US, is to gain reliable, valid information. These two goals are diametrically opposed. At the Army's SERE school, the point is made very clearly and formally, that the techniques used in training are not to be used in US interrogations, are illegal for use by our forces, and are in fact, counter productive to the production of valid, reliable information. (Unless the purpose of our interrogations is to teach detainees how to resist us.)

2. Interrogation support. To my knowledge, at the present time, within DOD, only psychologists perform this function. The Army's Psychiatry Consultant has stated that she is opposed to psychiatrists performing this function.

-This is remarkable. I did not know one person would have that power. I wonder whether there is an Army Psychology Consultant.

[Banks, Louie M. COL] I should have been more specific. The Army Psychiatry Consultant can only speak for **Army** psychiatrists on policy matters. Her position is as I stated. There is an Army Psychology Consultant, and he and I are in frequent contact on this and other matters.

- It seems unlikely to me that the Navy's Psychiatry Consultant (if there is a corresponding office) agrees with the Army's. The former Navy Chief of Neuropsychiatry at Guantanamo Bay, William Henry Anderson, wrote a strong article in the Ass'n of Former Intel Officers journal proposing that the U.S. simply kill the 100,000 or so intractable terrorists with defective brains. The AFIO published my letter (attached as an rtf file) in the Winter/Spring 2005 issue of THE INTELLIGENCER. Dr. Anderson replied and stood his ground. I have hoped for another perspective by navy authorities.

[Banks, Louie M. COL] I cannot speak to the Navy's position on this. To the best of my knowledge, there are no Navy Psychiatrists involved in interrogation support. They are certainly

not involved at Guantanamo. Although I have not read Dr. Anderson's article, I agree with your comments in rebuttle.

From: "Gelles, Mike" <__>

Date: May 24, 2005 4:43:41 AM PDT

Subject: Re: PENS - Reply to Banks on "Complexity," etc.

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

I would like to add a couple of brief comments related to the discussion and the issues that we might address as proposed by committee members.

First of all, I believe Dr. James made some very important and clear points regarding the idea that classified information may be made accessible to APA. I do not think that access to classified information is going to help in clarifying any of the issues we are confronting. The guidelines will hopefully help those who also work in areas where there are ethical challenges in the unclassified arena and in particular in the law enforcement arena where national security and national safety has a growing role. Counter terrorism being the example, where law enforcement has a critical role and conducts investigations and operations with the assistance of police psychologists who do not have access to classified information or the appropriate guidance offered by a chain of command.

Dr. James also has offered along with Dr. Banks in his communications the very clear guidance given to military officers who are psychologists. I have always found that military psychology has provided extensive guidance to their psychologists with perhaps the Army being the best. However, there are many civilian psychologists who are working in government who offer consultation in a variety of contexts. They do not have the same valuable guidance provided by the military. They do look to APA as a professional organization that represents psychology. However, see themselves as very different from other psychologists, not understood, under the scrutiny of academic rigor and in some cases fearful that their roles in supporting national security and safety could compromise their professional future. In some cases some choose not join APA or surrender their membership. As the role of psychology in national security evolves without appropriate guidance for this specialty we could end up both alienating psychologists as well as fragmenting a significant group away from APA. I would hope we want to avoid APA might taking a position of excommunicating those who end up in areas where the guidelines have not been defined and the challenges that confront them are great. I think it is important that as we discuss potential guidelines, goals and issues that we don't end up tipping the balance for those who are already ambivalent about what they are doing and fearful of the potential consequences for practicing in this area. I suspect that we may inevitably suggest that a set of Specialty Guidelines be developed for psychologist in national security as was done with forensic psychology.

I personally am willing to share if determined appropriate some of my own personal feelings about a national security case that I worked on, that although came under rigorous scrutiny highlighted for me the importance of remaining with APA as a

psychologist and thinking about our methods of practice our role and function and how we can remain a unified group living in harmony amongst academics and clinicians.

As I have said a number of times here, the work done in national security occurs in a different context with different challenges.

I think that as we define these goals and issues we should keep an important theme in mind and that is unity in the profession. We all have embraced the evolution of psychology over the decades, this in my mind is another successful evolution and we must keep those in practice close to the profession and develop the guidelines and protections for them to enable them to serve the community.

Michael G. Gelles, Psy.D.
Chief Psychologist
Naval Criminal Investigative Service

From: Gerry Koocher <__>

Date: May 24, 2005 6:14:51 AM PDT

Subject: Intelligencer ?

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

What is: THE INTELLIGENCER ?

I attempted to find it with Google to assess what type of publication it is and had some difficulty locating which "intelligencer" you are citing.

Gerry

From: Jean Maria Arrigo <__>

Date: May 24, 2005 8:55:31 AM PDT

Subject: Re: Intelligencer ?

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Gerry,

THE INTELLIGENCER: JOURNAL OF U.S. INTELLIGENCE STUDIES, published by the Association of Former Intelligence Officers (AFIO), www.afio.com. The website announces that the journal is available only to members, as I not see, not available online. If you would like to see Dr. Anderson's article and his reply to my commentary in advance of the Task Force meeting, I will gladly mail you a photocopy. Just send me a mailing address.

Jean Maria

From: Gerry Koocher <[__](#)>

Date: May 24, 2005 11:54:52 AM PDT

Subject: Re: Intelligencer ?

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@__](#)>

Why don't you bring a copy to the meetings. People can look at it and decide if they need a copy.

Thanks,

Gerry

From: Nina Thomas <[__](#)>

Date: May 25, 2005 2:21:41 PM PDT

Subject: Fwd: [PRESIDENTIAL] disturbing, perhaps relevant article

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@__](#)>

Geoff Mumford kindly found this article. It was what I had referred to in my earlier email. (May 22, 2005. Army Faltered in Investigating Detainee Abuse. By TIM GOLDEN

[See "Article 4 - Army Faltering"]

FYI,

nina

-----Original Message-----

From: Mumford, Geoffrey <__>

To:

Sent: Tue, 24 May 2005 07:49:42 -0400

Subject: FW: [PRESIDENTIAL] disturbing, perhaps relevant article

Hi Nina,

Is this the article you were referring too...if so you may want to forward it to the list?

Best,

-geoff

Geoff Mumford, PhD

Director of Science Policy

American Psychological Association

From: Olivia Moorehead-Slaughter <__>

Date: May 25, 2005 4:01:05 PM PDT

Subject: message to all

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Dear Task Force Members,

I hope you are well and looking forward to a restful Holiday weekend. I am very pleased with our listserve discussion and look forward to further postings in preparation for our June meeting.

As I was reflecting on our work, it occurred to me that while we have all been identified to the APA Membership as members of the PENS Task Force, as a

group we have not yet discussed how to present ourselves when we may be involved with issues related psychological ethics and national security.

I think it best that, for the time being, should we identify ourselves or be identified as PENS Task Force members, we make clear that we are speaking in our individual capacities, and not speaking or acting on behalf of the Task Force or in our roles as members of the Task Force. While this issue may not arise for anyone before our June meeting, and my sense is that all of you would react this way instinctively, given the interest in our work I thought it best to anticipate such a situation and make sure that we all had the same understanding.

Thank you, and please let me know if you have any thoughts or questions about this or any other Task Force matters,

Olivia

From: Nina Thomas <__>

Date: May 25, 2005 8:11:56 PM PDT

Subject: Re: PENS - Reply to Banks on "Complexity," etc.

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

I appreciate the thoughtful and rigorous comments from all participants in this discussion. I fear that I have several times come into a discussion mid thread, however, so i am especially grateful that people copy the comments they are responding to.

I do want to "bookmark" for consideration somewhere in our process something we have not thus far noted. That is, that we consider the issue of ethnicity as it plays out in the instances of abuse of power and role that we are considering. It has, thus far been the case, that the instances of detainee abuse in various locations have most often (I have yet to see a contrary example) of white interrogators against detainees who are people of color. Tht opic does not conveniently fit into any of the matters we have considered to this point. That said, it seems important that we not lose sight of it.

Regards,

Nina Thomas

From: Jean Maria Arrigo <__>

Date: May 25, 2005 11:24:38 PM PDT

Subject: PENS-Postponed replies

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

PENS Colleagues,

Thank you for responses to my proposals and perplexities. I will be back on-line with PENS on Sunday and send replies. Meanwhile, I am praying that we will arrive at a wise and manageable agenda before our June meeting, while there is still time to gather information.

Jean Maria

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: Gerry Koocher <>

Date: May 26, 2005 5:34:05 AM PDT

Subject: Re: PENS-Postponed replies

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Jean Maria Arrigo wrote:

Meanwhile, I am praying.

**With due respect, let's keep our work secular. :-)
Gerry**

From: Jean Maria Arrigo <__>

Date: June 2, 2005 11:18:45 AM PDT

Subject: PENS-Sample Agenda #2

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@__>

PENS Colleagues

I am appealing again for an advance agenda. Our meeting in Washington is short, we have no research staff, our backgrounds and professional commitments are diverse, and our topic is highly politicized. With an advance agenda, we could muster our individual resources to the specific topics and seek critical information ahead of time.

Here are some major objections to my sample agenda of 5/23:

scope of discussion—the relationship of psychology to many kinds of military operations is of importance, not only interrogation of terrorist suspects;

idealism versus realism—realistically, the APA cannot know or influence secret, high-stakes activities in military settings;

dual loyalties/dual roles—psychologists may legitimately be patriots or military officers first.

Here is a new sample agenda:

1. Should the APA make a public statement opposing psychologists' assistance in coercive interrogation to maintain or establish our moral identity?

This is a narrow topic but the one that current events have thrown up to us. There is a wide public following on this issue. The specter of "Nazi doctors" haunts all health professions.

Definitions of "assistance" and "coercive interrogation" are not needed. Coercive interrogation does not even have to be condemned but only specified as incompatible with the professional ideals of APA psychologists. By analogy, military chaplains do not condemn all killing in war; however, they themselves do not carry weapons and do not serve as warfighters so as to preserve a crucial moral identity for their profession.

With homeland security and possible future domestic terrorist attacks, the interrogation situation could turn much worse. Later public statements by the APA, after a period of "bystander apathy," would be more costly.

A public statement would enable Psychologists for Social Responsibility or other activist groups to support "psychologists of conscience."

2. Should APA make a public statement promoting specified positive actions by psychologists in interrogation or detention settings?

Larry James (PENS msg 5/23/05 10:45 AM) stated that psychologists have fixed the problems, not caused them. "Wherever we have had psychologists, no abuses have been reported." Can we specify the effective actions?

A problem that comes to my mind is the access of psychologists to settings where abuses occur. In a related matter, my inquiries among atomic veterans, military chaplains, historians of the chaplaincy, and History-of-War listserve readers turned up no chaplains—zero— at the Pacific or Nevada nuclear test sites.

3. Should APA sponsor (or otherwise initiate) a study to address the dual-role problem for psychologists in national security work?

At least two articles in the PENS readings (Tabs 7 and 29) address the dual-role problem for psychologists with both clinical and forensic roles. A good proposal with respect to national security work in general would probably require even more data collection and assessment. Louie Banks' list of military tasks exclusively performed by psychologists (PENS msg May 18, 2005 6:42 PM) offers a starting point.

It is unlikely we could formulate a useful, comprehensive policy during our June meeting in Washington.

4. Should APA initiate a historical program to record the testimony of psychologists involved in high-stakes national security?

For reasoning about Psychological Ethics in National Security, APA has little reliable information and little expectation of access from official sources. (Even Kurt Lewin's OSS work has not been made public.) We can create an information base ourselves for future psychologists. Psychologists who are willing to share relevant experiences (as Mike Gelles offered in his 5/25/05 4:43 AM PENS msg) could contribute to a Psychological Ethics in National Security Collection. The Director of the American Archive of the History of Psychology, David Baker, would be glad to archive such a collection. (See our correspondence below.) Likewise, Brad Bauer, archivist for collection development, at the Hoover Institution on War, Revolution, and Peace at Stanford, would accept the collection. Hoover has cataloguers with military clearances and capacity to restrict materials from access for specified periods.

Thank you for reading this far. I welcome corrections and alternatives.

Jean Maria

From:

Subject: RE: AHAP - classified materials

Date: May 23, 2005 1:32:01 PM PDT

To:

Cc:

Hi Jean,

This is certainly material worthy of the historic record. First offering probably should be made to Wade Pickren, the APA archivist and historian. He can be reached at APA Central Office. If not, we would be happy to have it here. Our cataloguer does not have any type of military clearance as it has never come up. If it did come to us, I recommend it come sealed with instructions on length of restriction. We would place it in a locked document case in the stacks. Our stacks are restricted and there are only five individuals with keys.

I will be at APA and we can talk more if you would like.

Best,

David

David B. Baker, Ph.D.

Interim Dean-University Libraries

Director-Archives of the History of American Psychology

Bierce Library

The University of Akron

-----Original Message-----

From: Jean Maria Arrigo [<mailto:>]

Sent: Saturday, May 21, 2005 4:25 PM

To: Baker,David B

Subject: AHAP - classified materials

Dear Dr. Baker:

I am writing to you as a member of the APA President's Task Force on Psychological Ethics and National Security (PENS). The Task Force will

meet June 23-26 in Washington, DC, to make recommendations concerning psychologists' participation in detention, interrogation, and other military settings. I propose that PENS recommend collecting and archiving memoirs, interviews, and publications of psychologists who are currently serving in such settings. Some of these materials would have to be restricted for a period of time. Might the AHAP be willing to archive such a collection? Does AHAP have a cataloguer with military clearance and a locked area for restricted materials?

Thank you for attending to my inquiry.

Cordially,

Jean Maria Arrigo

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: Jean Maria Arrigo <[__](#)>

Date: June 2, 2005 11:40:35 AM PDT

Subject: Background data

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Dear Olivia,

Does PENS have any means of obtaining demographic data about psychologists in national security roles? If so, approximate answers to the questions below would give us civilians a much better picture of the scope of our task.

Jean Maria

=====

How many psychologists are currently working in national security settings? According to degree (B.A., M.A., Ph.D., Psy.D.)? According to speciality? According to rank?

What percent are reservists?

What percent have potential financial obligations due to national security scholarships?

What percent are members of the APA?

What percent are involved with interrogation or detention of suspected enemies?

What is the overlap between psychologists involved in counterinterrogation training of U.S. personnel and those involved in interrogation of suspected enemies?

How many enlisted personnel are in psychological specialties?

How many academic psychologists have national security affiliations, e.g., as consultants, reservists, funded researchers? Are these relationships open or concealed?

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: Olivia Moorehead-Slaughter <[_](#)>

Date: June 3, 2005 10:29:50 AM PDT

Subject: Observers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@_](#)>

Dear Task Force Members,

Thank you for your continued postings on the PENS listserve, which are very helpful in shaping our meeting agenda. I think we've done some very good work in crystallizing the issues and questions that we will address.

Our meeting will take place in the APA Boardroom, on APA's sixth floor. The Board room does have enough space for observers, and I would like to ask whether there are individuals we would like to see included, or groups represented, whose work is particularly relevant to our discussions and/or who would potentially have a unique contribution to make. We don't have unlimited space, of course, but certainly do have room for a few more people. Including others would have the added benefit of conveying an open and more inclusive process.

If anyone has names to suggest, please post them on our listserve.

Thanks very much,

Olivia

From: Barry Anton <__>

Date: June 3, 2005 10:51:06 AM PDT

Subject: Re: Observers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Colleagues:

I'd like to recommend Dr. Russ Newman, Executive Director of the APA Practice Directorate. This TF has direct implications for practice. I believe he is acquainted with many members of the TF.

Best,

Barry

Barry S. Anton, Ph.D., ABPP

Professor of Psychology
University of Puget Sound

From: "Banks, Louie M. COL" <<_>

Date: June 3, 2005 11:01:28 AM PDT

Subject: Re: Observers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

I will think about other potential observers, and make recommendations as I do, but I wanted to second Barry's recommendation of Russ. I think he could provide significant value added.

Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate

US Army Special Operations Command

DSN COM

From: Olivia Moorehead-Slaughter <<_>

Date: June 3, 2005 12:26:22 PM PDT

Subject: Obsevers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Hello Everyone,

It sounds like Russ Newman would be a great invite as an observer to our meeting. As for other APA staff to include, I think its best to leave this to the discretion of the Ethics Office and Science Directorate staff who are coordinating this effort. In the meantime, please do continue to share your suggestions about non-APA staff to include as I think that an inclusive and open process is good for what we are trying to accomplish.

Your input about this and all other issues related to the Task Force's work continue to be appreciated and welcome.

Have an enjoyable weekend.

Olivia

From: "Col. Larry C. James PhD" << >>

Date: June 3, 2005 12:56:03 PM PDT

Subject: Re: Obsevers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<<PENS@ >>

Olivia, I agree completely that openness is ideal and the best way to go. But I have to say that I was a little uncomfortable when I read your recommendation to to have an open meeting. I think it would be great having Russ there, I don't have any concerns about Russ.

Here are my concerns:

1). Olivia, some of what we have to say and discuss may not be classified INTEL information but nevertheless may be sensitive information, suppose a member of the press shows for this meeting if it is an open meeting. Will this person be allowed to stay if it is an "open" meeting? Having the board room filled with people may adversely affect discussion by task force members.

2). my second concern is one of safety. Several of us on the task force have worked with some very dangerous, hard core, terrorist who enjoy killing people (particularly americans) frankly speaking.

So I would want to know who will attend, why, which group he/she will represent before anyone else attends. Allowing this to be an open forum to anyone who wants to attend make me uncomfortable.

From: "Gelles, Mike" <__>

Date: June 3, 2005 1:21:07 PM PDT

Subject: Re: Obsevers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

I would like very much to concur with Dr. James' comments

Michael G. Gelles, Psy.D.

Chief Psychologist

Naval Criminal Investigative Service

From: "Gerald P. Koocher, Ph.D." <__>

Date: June 3, 2005 1:50:47 PM PDT

Subject: Re: Obsevers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

In light of Larry's comments I suggest that we limit observers to APA members we might choose to invite because of expertise, etc. NOT members of the public or press.

Gerry

From: Olivia Moorehead-Slaughter <__>

Date: June 3, 2005 2:30:39 PM PDT

Subject: Re: Obsevers

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Larry and Gerry,

Your comments are very well taken. I actually did not mean to imply open" in its broadest sense. My intention was to convey that I think that we should consider including observers, that is, individuals who are not members of the Task Force but who would have an interest in this matter as well as some possible contribution to make to our deliberations.

I absolutely agree that the press should not be a part of these meetings.

Additionally, the parties in the room will be "known entities" who have been approved to be there. I, like you, believe that it is imperative that our discussions proceed in an environment of safety and collegiality.

As always, thanks for your feedback.

Olivia

From: Jean Maria Arrigo <__>

Date: June 6, 2005 12:01:14 PM PDT

Subject: PENS-Observers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Olivia,

I support the concerns of our PENS military colleagues. I also have information relevant to our task, given me to me in confidence, that I am not prepared to broadcast to people who are not formally accountable to PENS.

Because of my oral histories of atomic veterans, I looked closely at the FINAL REPORT of the 1993-1995 President's Advisory Committee on Human Radiation Experiments. The absence of military and intelligence committee members or advisors is one of the main reasons, in my opinion, that the Advisory Committee was unable to grapple with tough moral issues raised by atomic veterans. It is a good sign that PENS has so much military expertise. I hope we will be able to conduct proceedings so as to encourage further military collaboration.

It would be very helpful, I think, if certain experts were available for telephone consultation during our meeting, especially a military attorney, an APA attorney, and an AMA ethics representative. For the latter, Matt Wynia, Director of the AMA Institute of Ethics, is willing to consult by telephone.

Jean Maria

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: "Gelles, Mike" <>

Date: June 6, 2005 1:39:38 PM PDT

Subject: Re: Observers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Dr. Mel Gravitz

Michael G. Gelles, Psy.D.

Chief Psychologist

Naval Criminal Investigative Service

From: Olivia Moorehead-Slaughter <__>

Date: June 7, 2005 6:42:49 AM PDT

Subject: Re: Observers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Hi Mike,

Could you say more about Dr. Mel Gravitz for those of us who may not be as familiar with him? Thanks.

Olivia

From: Olivia Moorehead-Slaughter <__>

Date: June 7, 2005 7:07:36 AM PDT

Subject: Re: PENS-Observers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Hi Jean Marie,

Thanks for sharing your concerns about who will be present during the upcoming meeting. You listed several sources of expert counsel that the Task Force may want to access through telephone consultation. Certainly, the APA Office of General Counsel has

assured us of their availability in whatever way the Task Force would find helpful.

Please be assured that all observers would be individuals who are there for professional reasons and no one would be present that I, as Chair, and the two Board liasons have not approved. Even so, if anyone in the room had strong objections to a particular observer, this would be taken into serious consideration. I remain committed to assuring that the Task Force meetings take place in an environment of safety and collegiality.

Again, thanks for your response.

Olivia

From: Jean Maria Arrigo <__>

Date: June 7, 2005 11:16:40 AM PDT

Subject: Re: PENS-Observers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Olivia, I couldn't imagine objecting to any particular person. The weekend availability of the APA General Counsel is very encouraging. I worry that we will not be able to come to any meaningful resolutions for lack of information. — Jean Maria

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: "Gelles, Mike" <__>

Date: June 7, 2005 3:56:42 PM PDT

Subject: Re: Observers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Dr Gravitz is affectionately referred to as the father of operational psychology. He was the first psychologist at NSA and then spent. A short career with the Navy. Mel consults to several government agencies and has been very involved in a number of issues confronting psychologists in government and ethics. I am uncertain as to how much time he may have available but is is very grounded in the issues that confront psychology in the national security arena

Sent from my BlackBerry Wireless Handheld

From: "Gerald P. Koocher, Ph.D." <>

Date: June 7, 2005 4:37:24 PM PDT

Subject: Re: Observers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

During the 1970s-80s Mel worked for the State Department assessing candidates for consular appointments.

Gerry

From: Olivia Moorehead-Slaughter <>

Date: June 8, 2005 6:16:48 AM PDT

Subject: Re: Observers

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Dr. Gravitz sounds ideal and I have asked Steve Behnke to extend an invitation to him to attend our meeting. Thanks for the info.

Olivia

From: Jean Maria Arrigo <__>

Date: June 10, 2005 9:50:12 AM PDT

Subject: PENS-APA Ethics Code procedures

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Dear Olivia,

I am rereading the PENS description for the APA Board of Director, which you sent on May 18:

The overarching purpose of the task force will be to examine whether our current Ethics Code adequately addresses such activities, whether the APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security.

Now I understand we are to serve as preliminary advisors for possibly a very long process. I'm sorry I didn't have the time span in focus at the outset. As an organization, how does APA develop policy or augment the Ethics Code? Could you or some APA authority direct us to a source for these procedures? PENS recommendations will probably be more useful if they take into account the organizational procedures that follow.

Jean Maria

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: Robert Fein <__>

Date: June 12, 2005 2:01:17 PM PDT

Subject: NY Times Mag article

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Dear Colleagues,

I apologize for burdening you with a long article, knowing that only a small part of our task deals with interrogation questions. But Joseph Lelyveld (former executive editor of the NYT) is one of the country's most respected journalists, and his essay is, I think, thoughtful and sobering.

Sincerely,

Robert Fein

New York Times Magazine, June 12, 2005,

Interrogating Ourselves

By JOSEPH LELYVELD

[See 'Article 5 - Interrogating Ourselves']

From: Barry Anton <__>

Date: June 13, 2005 7:57:29 AM PDT

Subject: Re: NY Times Mag article

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

TF members:

I too read the article in the NY Times Magazine yesterday and suggested this morning to Steve that we might want to compile a glossary so that we all understand terminology in a consistent manner.

See you soon.

Barry

--

**Barry S. Anton, Ph.D., ABPP
Professor of Psychology
University of Puget Sound**

From: Olivia Moorehead-Slaughter <>

Date: June 16, 2005 5:57:52 PM PDT

Subject: Our Meeting

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Dear Colleagues,

In anticipation of our meeting next week, I wanted to share with you some thoughts regarding our agenda. A number of you have shared your thinking about how best to approach our work; I'd like to note especially Jean Maria's encouraging us to form a plan.

Put in the broadest (perhaps most simplistic) way, we'll want to consider where we want to be by meeting's end, and how we're going to get there.

In terms of where we want to be, the two “big ticket” items are: what sort of product do we want to issue, and to whom will it be made available. In terms of how we will get there, we’ll want to lay out a process for addressing the issues we want our final product to contain.

I would very strongly encourage us to plan on having by meeting’s end a report that we feel we can sign off on as a Task Force. As Jean Maria has cautioned us, I think that we do not need to feel as if our product needs to answer, or even touch upon, each of the many complicated issues. I think we should aim to identify whatever “bottom line” positions we can all agree upon, and then develop a way for psychologists (and other mental health professionals working in this arena) to analyze or approach the ethical challenges that arise in cases of uncertainty and ambiguity. I think we will especially want to offer as much guidance as we can to psychologists, particularly young psychologists, both in ethically ambiguous situations and in situations where it appears that other psychologists may be acting unethically. Robert has offered a very illuminating vignette to help us focus here.

In terms of analytic frameworks, very early on Morgan offered the legal/illegal, ethical/unethical distinctions, which I have found very helpful in my own thinking about how to approach these questions. Both Morgan and Mike used terms such as “safe, effective, legal, and ethical,” which could provide another good way of anchoring ourselves in the “bottom line” questions we need to address.

Jean Maria poses the very important question of what public statements APA ought to make; these will be an important part of our discussions on what the final product should look like. Nina has raised issues of ethnicity, and I believe it will be very important for us to discuss the ethnic/cultural dimensions of this issue. A number of people have raised the dual role question, which will clearly be front and center in our discussions; I find myself mindful of Mike’s very evocative language “Stay in your lane.” Mike and Larry then offered an exchange concerning whether psychologists should ever be “strategic decision-makers,” which raises the issues of both role and competency. Larry has provided his thoughts on how he dealt with another question that will be central to our thinking:

Who is the client? Part of our task will be to examine how these distinct but related questions and issues fit together.

Please let me know your thoughts. I look forward to meeting you all in person, and to a challenging and productive weekend.

Warmly,

Olivia

From: Nina Thomas <_>

Date: June 16, 2005 8:35:36 PM PDT

Subject: Re: Our Meeting

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Dear All -

I want to add to Olivia's extremely well framed detail of our agenda for the meetings this weekend, particularly on the subject of the work product we come up with. Although a policy position would require the approval of Council, I suggest that we formulate a proposed public statement that articulates APA's position. Although Olivia, you had suggested that we leave to staff the decision of whom to include (from staff) in our meetings, I would not want to overlook Rhea Farberman as someone who should be included as we consider the issues involved in a much needed public statement.

Nina K. Thomas, Ph.D., ABPP

From: Nina Thomas <_>

Date: June 17, 2005 7:44:57 AM PDT

Subject: Michael Ignatieff

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

In reading and thinking about the Lleyveld article I remembered a piece Ignatieff wrote some while ago for the magazine section of the NY Times about terrorism, torture and interrogations. I think it was called "The Terrorist as Auteur" from the Nov. 11, 2004 Magazine Section. Might, if people have a chance (I couldnt access the whole article), be worth a read as an additional viewpoint on the complexities involved of balancing security with liberty.

See you Thursday.

Nina

Nina K. Thomas, Ph.D., ABPP

From: "LeFever, Bryce E. (CAPT)" <__>

Date: June 20, 2005 6:26:11 AM PDT

Subject: Re: Establish Communications

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Morgan,

How are you? I am excited to participate with you on this project. I have, unfortunately, been screened from the entire listserve dialog. If you have kept any of it, I would appreciate seeing the significant portions. I have several immediate questions:

1. Are we wearing uniforms--or, what is the dress code?
2. Are you, or anyone, traveling with your wife? Are wives permitted at the dinners or are they working dinners?
3. Has a format for discussion been established?
4. Have I missed any obvious questions?

I look forward to seeing you,

Take care,

Bryce

**Bryce Lefever, Ph.D. ABPP
CAPT MSC USN
Department Head
Substance Abuse Rehabilitation Program
Naval Medical Center Portsmouth, Virginia**

From: Olivia Moorehead-Slaughter <__>

Date: June 20, 2005 8:27:50 AM PDT

Subject: Re: Our Meeting

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Hi Nina and Everyone,

Sorry for the delayed response to your excellent suggestion of Rhea as someone to consult regarding any proposed public statement. I agree that we should do this.

Looking forward to seeing everyone later this week.

Olivia

From: Olivia Moorehead-Slaughter <__>

Date: June 20, 2005 1:57:21 PM PDT

Subject: Logistics

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Hello Everyone,

There are a few logistics that all of you may find of interest as we close in on Thursday and that some of you have asked about. They are as follows:

- 1. Dress:** From my perspective, you should dress so that you can comfortably work. There may be those of you for whom protocol would dictate differently and I would leave that to your discretion.
- 2. Dinner:** Dinner will be at 7:30 P.M. on Thursday evening to accommodate the various travel schedules. There has been a suggestion that dinner on Friday and Saturday be moved to either 6:00 or 6:30 and I will ask APA staff to explore this possibility. If

anyone has strong objections to an earlier dinnertime on these two nights, please do let me know.

3. Listserv discourse: If you have missed any messages during the listserv discussions, they can be accessed through the following link::

<http://listserv. /archives/pens.html>

4. Other Assistance: If you need other assistance with logistics, please do not hesitate to be in contact with Rhea at APA who will be pleased to help you out.

Thanks to all of you for the hard work that you have already done in preparation for this meeting. Your time, interest, and expertise is already appreciated. Travel safely everyone! I'm looking forward to seeing all of you.

My best,

Olivia

From: "Gerald P. Koocher, Ph.D." <__>

Date: June 20, 2005 5:27:25 PM PDT

Subject: Re: Logistics

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Olivia Moorehead-Slaughter wrote:

2. Dinner: Dinner will be at 7:30 P.M. on Thursday evening to accommodate the various travel schedules. There has been a suggestion that dinner on Friday and Saturday be moved to either 6:00 or 6:30 and I will ask APA staff to explore this possibility. If anyone has strong objections to an earlier dinnertime on these two nights, please do let me know.

As an early riser, I am an enthusiastic supporter of early dinners 6 or 6:30 p.m.

Gerry

From: "R. Scott Shumate" <>

Date: June 20, 2005 7:09:12 PM PDT

Subject: Re: Our Meeting

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Fellow Members:

I have been reading the various comments that have been posted over the past many weeks. I look forward to the discussions that are going to commence on Thursday and continue through the weekend. The undertaking that we are about to embark on has many benefits as well as possible pitfalls. The early discussions in particular appeared to me to be an attempt to persuade others that their views were most sensible and that ultimately through the power of the debate a correction in thinking was likely.

There will likely be much common ground that will be the basis for policy guidance on ethical standards for psychologists involved in national security. All sides of the dialogue have important points to be made and considered in the final suggestions. Having been involved on a personal level in the protection of this country in foreign lands I have over the years gained a greater appreciation that the doves need the hawks and the hawks need the doves. The balance that is achieved is vastly superior to anyone leaning and that the openness of the debate is the foundation of our strength as a society. I hope I can speak for my colleagues in the Department of Defense that we embrace the discussions and various viewpoints that will be represented at the table during the next four days. I look forward to sorting out the ethical guidance that we will recommend to the APA while also being vigilant that we are not there to debate nor confront the past, present nor future policies of the Administration or the Department. I believe that we can do what is right for psychology while holding reserve on those aspects that we have neither the authority nor the charge to address. I am sure that others may feel differently about what boundaries we must remain within and the discussion may yield interesting dilemmas for us to tease out.

I applaud the APA in this undertaking and the APA's willingness to explore the ethical dilemmas that we in the national security arena have confronted throughout our career. Lets have fun, lets be productive and lets be inclusive. Scott Shumate

From: Nina Thomas <__>

Date: June 20, 2005 9:15:01 PM PDT

Subject: Re: Logistics

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Not to put too fine a point on it but if we are working til 5:00-ish, I would welcome the opportunity to throw some water on my face before dinner so a 6:30 dinner would be more to my taste allowing some amount of time to get from one place to another and still throw water on my face (no smart retorts please Gerry)

Nina

Nina K. Thomas, Ph.D., ABPP

From: anton <__>

Date: June 20, 2005 9:52:40 PM PDT

Subject: Logistics

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

TF Colleagues

I would agree with Nina that a slightly later dinner time would give us a little time to perhaps exercise or check email, whatever your pleasure. However, later dinners put a burden on staff who may want to get home for the evening. Perhaps ending at 4:30 (with a half-hour lunch to preserve work time) would achieve the same break needs before dinner and keep the start time the same. For those of us from the west coast, a 6:30 dinner is essentially a (very) late lunch:)

See you soon.

Barry

Barry S. Anton, Ph.D., ABPP

Department of Psychology

University of Puget Sound

From: Olivia Moorehead-Slaughter <__>

Date: June 22, 2005 11:01:49 AM PDT

Subject: Re: Logistics

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Hello Everyone,

Hope the email from Rhea represents a workable compromise in terms of our dinners for everyone. Nina, thanks for the levity!

Safe travels to all.

Warmly,

Olivia

From:

Date: June 22, 2005 7:30:45 PM PDT

Subject: Re: Logistics

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

On the side of the earlier dinners.--Jean Maria

From: Olivia Moorehead-Slaughter <[_](#)>

Date: June 26, 2005 6:15:56 PM PDT

Subject: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@_](#)>

Hello Everyone,

I trust that everyone has arrived home safely. Once again, I thank you for your fabulous participation on the Task Force this weekend and in all of the weeks leading up to the meeting. We met our goal by producing a document which I believe represents all of us and APA very well. As promised, Steve has produced a final draft for our review which represents his best efforts to incorporate everyone's best thinking into a coherent document. I have no doubts that he has succeeded.

Although I expressed my appreciation for all of Steve's hard work at other points during the weekend, I unfortunately neglected to do so during my parting remarks to all of you. I have had the good fortune to have Steve's wise counsel and tireless support during this entire process. I simply could not have asked for better guidance and assistance at every turn. The production of this document in its present form and in such a timely manner is testament to Steve's exquisite work. Steve, APA is truly fortunate to have you and the profession of psychology is enriched by all that you do. I truly and sincerely thank you. By the way, I still don't know WHEN you sleep! :)

Everyone, please review the document and post any suggestions or recommendations on the listserve by noon on Monday. The report will be forwarded to the Board of Directors at 1:00 P.M. tomorrow. Thanks to all of you for your continued hard work towards this effort.

My best.

Olivia

[Please see PENS Final Draft #4]

—
From: Nina Thomas <__>

Date: June 26, 2005 7:06:25 PM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Beyond impressive, beyond complete. To my eye the report incorporates all our last minute changes, suggestions, etc. It certainly has my ok. Steve, you are incomparable.

I appreciate the opportunity to have served with each of you.

Nina

Nina K. Thomas, Ph.D., ABPP

From: Robert Fein <__>

Date: June 27, 2005 4:34:59 AM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Dear PENS Colleagues,

I think the draft final report is comprehensive, thoughtful, sensitive, and nuanced. I think it can serve as a map that directs us, APA, and others toward work in the future that prevents violence and keeps people safe.

It was an honor and privilege for me to spend time with you all, including wonderful APA staff, this weekend. I learned much and emerge from our discussions less ignorant and more hopeful than when we began.

Thank you very much.

Robert

P.S. I heard/am floating a rumor that Olivia and Steve might be convinced to offer their gracious chairpersoning and unbelievable wordsmithing services to government agencies in need, at steep discount from what they might command in the real world.

From: "LeFever, Bryce E. (CAPT)" <__>

Date: June 27, 2005 6:17:34 AM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Olivia,
The report is very good. It has my endorsement.
Yours truly,
Bryce

-----Original Message-----

From: Olivia Moorehead-Slaughter [<mailto:>]

Sent: Sunday, June 26, 2005 9:16 PM

To: PENS@

Subject: [PRESIDENTIAL] Final draft of TF document

From: Mike Wessells <__>

Date: June 27, 2005 7:13:37 AM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Many thanks for sending this excellent revision, the quality of which owes extensively to Steve's careful work.

One very small but important suggested change is that yesterday, we had agreed to include under the fourth point reference (in two places) to both the Geneva Conventions and the Convention Against Torture (which applies to detainees who are not Prisoners of War). An easy "fix" is in each place in point four where reference is made to the Geneva Conventions, add "and the 1987 Convention Against Torture." The latter could have a footnote that includes the full title, "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" and the original text (see U. N. Doc. A/RES/39/46).

It has been an honor to serve on this Task Force

Mike W.

From: Jean Maria Arrigo <>

Date: June 27, 2005 8:33:58 AM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

My three comments on the 6-27-05 draft follow below.

I think the appropriate acknowledgment for Steve is a Pullitzer Prize in the new genre of committee reports. Thanks to all, especially the military psychologists, for an enriching and heartening experience of democratic process. I am grateful for the opportunity to participate in this process.

Jean Maria

=====

P. 1, para 4, p. 2 title, p. 3 title: "Nonetheless, the Task Force was unambiguous that psychologists DO NOT engage in...."

Returning to a point of language addressed on Sunday, I am concerned that readers unfamiliar with the locution of the APA Ethics Code may give this an ordinary language interpretation as a statement of fact. Suggested rewording, "...psychologists MUST NOT engage in...." Similarly, on the next page, "II. Task Force STATEMENTS" might be clarified as "Task Force RESOLUTIONS" or some similar word to indicate intent rather than fact. Following through, the p. 3 title would be "II. Introduction and Commentary on the Twelve Task Force RESOLUTIONS," of the similar word.

P.2 #8 and P. 6 Eighth: "Psychologists who consult on interrogation techniques ARE MINDFUL THAT the individual being interrogated may not have engaged in untoward behavior and may not have information of interest to the interrogator." This is much weaker than our original notion of a litmus test for suitability of interrogation techniques. Suggested rewording: "In consultation on interrogation techniques, psychologists recommend and condone only techniques that are appropriate whether or not the individual being interrogated is later determined to have engaged in untoward behavior or to have information of interest to the interrogator."

P. 3 , para 3. "Many association members work for the U.S. government as employees or consultants in national security-related positions. It is the responsibility of APA to think through and provide guidance on the complex ethical challenges that face these psychologists, WHO APPLY THEIR TRAINING, SKILLS, AND EXPERTISE IN OUR NATION'S SERVICE." In deference to APA members who are not U.S. citizens, and to emphasize political neutrality, I suggest omitting the last clause. The intent of the paragraph is still maintained.

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: Gerry Koocher <[_](#)>

Date: June 27, 2005 9:19:34 AM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Jean Maria Arrigo wrote:

My three comments on the 6-27-05 draft follow below. P. 1, para 4, p. 2 title, p. 3 title: "Nonetheless, the Task Force was unambiguous that psychologists DO NOT engage in...."

Returning to a point of language addressed on Sunday, I am concerned that readers unfamiliar with the locution of the APA Ethics Code may give this an ordinary language interpretation as a statement of fact. Suggested rewording, "...psychologists MUST NOT engage in...." Similarly, on the next page, "II. Task Force STATEMENTS" might be clarified as "Task Force RESOLUTIONS" or some similar word to indicate intent rather than fact. Following through, the p. 3 title would be "II. Introduction and Commentary on the Twelve Task Force RESOLUTIONS," of the similar word.

I support the original draft report language.

P.2 #8 and P. 6 Eighth: "Psychologists who consult on interrogation techniques ARE MINDFUL THAT the individual being interrogated may not have engaged in untoward behavior and may not have information of interest to the interrogator." This is much weaker than our original notion of a litmus test for suitability of interrogation techniques. Suggested rewording: "In consultation on interrogation techniques, psychologists recommend and condone only techniques that are appropriate whether or not the individual being interrogated is later determined to have engaged in untoward behavior or to have information of interest to the interrogator."

I support the original draft report language, as the proposed substitution has confusing post hoc reasoning.

P. 3 , para 3. "Many association members work for the U.S. government as employees or consultants in national security-related positions. It is the responsibility of APA to think through and provide guidance on the complex ethical challenges that face these psychologists, WHO APPLY THEIR TRAINING, SKILLS, AND EXPERTISE IN OUR NATION'S SERVICE." In deference to APA members who are not U.S. citizens, and to emphasize political neutrality, I suggest omitting the last clause. The intent of the paragraph is still maintained.

I support the original draft report language, and am not concerned about the sensibilities of non-citizen APA members. Non-citizen members are unlikely to be asked to engage in national service to the United States.

Gerry

From: "R. Scott Shumate" <>

Date: June 27, 2005 9:34:12 AM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Although, late, I have no problems with the final draft. Scott shumate

R. Scott Shumate

From: Jean Maria Arrigo <>

Date: June 27, 2005 2:10:17 PM PDT

Subject: Intelligence & Ethics 2006

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

PENS Colleagues:

Below is the announcement for the Intelligence & Ethics 2006 meeting, as I promised to some of you. Updated information will appear at <http://eli.sdsu.edu/ethint>. My principal co-organizer is Prof. Jan Goldman at the Joint Military Intelligence College (Jan.Goldman@), whom you may also contact for information. Of course, I would be delighted to see any of you there.

Jean Maria

=====

INTELLIGENCE AND ETHICS 2006 — CALL FOR PAPERS

[See Call for Papers INTELLIGENCE AND ETHICS 2006]

From: "Banks, Louie M. COL" <>

Date: June 27, 2005 2:52:55 PM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

To all,

I am honored to have met and worked with you all, and truly amazed at the clarity and comprehensiveness of the document. I thank you all for the hard work and time you devoted to educating me. I hope to continue our friendship and collaboration, especially with those of you who do not work within DoD. The document has my full endorsement.

Very respectfully,

Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate

US Army Special Operations Command

DSN COM

From: "R. Scott Shumate" <>

Date: June 27, 2005 5:41:32 PM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Fellow APA PENS and APA Staff:

Now that my day has finally brought me home I thought I would take a few moments to express my feelings about this past weekend. I want to thank each and everyone of you for working so hard, expressing your views and remaining open as well as inclusive in your dealings and decisions. It has been an honor and privilege to have worked with you and I believe we have penned a document that will be the basis for additional discourse and thought over many years. To the APA staff your professionalism and dedication to this endeavor as well as your investment in the process created an atmosphere where we were able to be productive and successful.

A special thanks to Steve, you did a wonderful job and ensured the process was well thought-out, as Einstein use to say, "the advantage goes to the prepared."

Scott Shumate

From: "Col. Larry C. James PhD" <>

Date: June 27, 2005 10:24:01 PM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

the document has my full support,

Larry

From: "Gerald P. Koocher, Ph.D." <__>

Date: June 28, 2005 4:29:28 AM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

R. Scott Shumate wrote:

Fellow APA PENS and APA Staff:

Now that my day has finally brought me home I thought I would take a few moments to express my feelings about this past weekend.

Hi Scott,

I had meant to ask you last weekend: are you related to [*personal information deleted*]

Regards,
Gerry Koocher

From: Nina Thomas <__>

Date: June 28, 2005 6:50:08 AM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

In a message dated 6/27/2005 7:24:06 AM Pacific Daylight Time, __ writes:

One very small but important suggested change is that yesterday, we had agreed to include under the fourth point reference (in two places) to both the Geneva Conventions and the Convention Against Torture (which applies to detainees who are not Prisoners of War

I've been having email trouble so am not fully caught up on yesterday's flock. My reading had references to both in a first footnote under whatever number when it first appears. No? Or are you referring to spelling it out in both iterations?

Nina

Nina K. Thomas, Ph.D., ABPP

From: Olivia Moorehead-Slaughter <_>

Date: June 28, 2005 8:35:02 AM PDT

Subject: Update on Task Force report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Hello Everyone,

Thanks to everyone for your timely review of the our report. I thought that you might want a bit of an update around how it has been distributed. The report has been forwarded to the Board of Directors as well as the Ethics Committee. I expect that the Board will act upon this Report in an expeditious manner, but we must await their direction before any of us can distribute this document. I do recall that on Sunday some of you noted that you wanted to have access to the Report as soon as possible, but I ask for your patience as it is reviewed by the appropriate APA constituencies. Although this may seem like a lengthy process, I am told that by APA standards this is actually all happening with exceptional speed. It's pretty remarkable that we had nothing written on Thursday and a full report prepared and sent to the Board of DIrectors by Monday! This could not have been done without all of you and again, I thank you.

Warmly,

Olivia

From: "Gelles, Mike" <_>

Date: June 28, 2005 8:43:59 AM PDT

Subject: Re: Update on Task Force report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Thanks Olivia

Michael G. Gelles, Psy.D.

Chief Psychologist

Naval Criminal Investigative Service

From: Nina Thomas <_>

Date: June 28, 2005 9:43:05 AM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

_ writes:

I thank you all for the hard work and time you devoted to educating me. Quite frankly it felt much as tho you guys were doing the heavy lifting as far as the educative role goes, at least I experienced the greatest benefit of learning from you all.

I hope to continue our friendship and collaboration, I endorse the sentiment. I hope there will be opportunity for both - continued friendship and collaboration. Larry and I discovered that in fact we had presented on a panel together several years ago (it was Chicago, Larry, at least I think it was, but I cant remember what year). My wish would be that our contacts remain vital.

Warm wishes for a good summer and much good effect from our work.

Nina

Nina K. Thomas, Ph.D., ABPP

From: Olivia Moorehead-Slaughter <_>

Date: June 28, 2005 11:08:02 AM PDT

Subject: For your review

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I'm sending you the link for accessing the statement released by the American Psychiatric Association. I think that when you read it, you will be even more proud of what we have produced as there is quite a contrast. I'd like to think that we've done well by our profession.

Olivia

http://www.psych.org/news_room/press_releases/05-40psychpracticeguantanamo.pdf

[See : Article 8 – psychpracticeguantanamo]

From: Nina Thomas <[_](#)>

Date: June 28, 2005 12:19:52 PM PDT

Subject: Re: For your review

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I appreciate receiving the link to the ApA's response (tho they claim it as the APA's). I do think we were in a good position to have produced a response that is much more thorough and comprehensive. The fortune of timing was with us.

N

Nina K. Thomas, Ph.D., ABPP

From: "R. Scott Shumate" <[_](#)>

Date: June 28, 2005 12:41:49 PM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Gerald: I am undoubtedly related to [*personal information deleted*]. How closely related I am not sure since this is the first time that I have heard of him. Maybe I will give him a call and see if we can trace the tree back. Thanks. Scott Shumate

R. Scott Shumate

From: "Col. Larry C. James PhD" <>

Date: June 28, 2005 1:44:42 PM PDT

Subject: Re: Final draft of TF document

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Nina I'll have to go back and check the ole APA convention proceedings, now you've got me curious.

take care,

Larry

From: Olivia Moorehead-Slaughter <>

Date: June 29, 2005 7:51:37 AM PDT

Subject: Update on process

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Dear Colleagues,

Just a brief message to let you know where our Report is in the process. Steve sent the Report to the Board of Directors and to the Ethics Committee. The Ethics Committee is reviewing the Report this afternoon, for the purpose of determining whether our twelve statements are "appropriate interpretations and applications" of the APA Ethics Code. The Ethics Committee will convey the results of its determination to the Board, at which point

the Board will indicate whether it is satisfied with the Report or whether it believes the Report requires additional work.

If the Board is satisfied with the Report, I will ask Steve to send the Report to the Board with the words "Final Draft" removed, so that what is sent is the "Report of the Task Force on Psychological Ethics and National Security." I have asked Steve to copy the Report and to review the report for consistency in style, correctness of grammar and usage, etc., by this afternoon, so that the Report will be available as soon as the Board requests it. I have also authorized Steve to add any citations to the Ethics Code that the Ethics Committee, during its conference call, believes are relevant to one of our twelve statements and that we may have overlooked.

I will provide you an update when I have more information.

Warmly,

Olivia

From: Nina Thomas <__>

Date: June 29, 2005 11:15:03 AM PDT

Subject: Re: Update on process

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

thanks for the update Olivia...looking forward to the further report on the progress.

N

From: Olivia Moorehead-Slaughter <__>

Date: June 29, 2005 2:43:54 PM PDT

Subject: Update on Report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Hello Everyone:

The Ethics Committee met by Conference Call this afternoon and thoroughly discussed the Report of the Task Force. They were very appreciative of the hard work and depth of consideration demonstrated in this document. A slightly amended version of the Report will be sent out to you for review later this evening. Please review this document at your very earliest convenience and respond on the listserve with your feedback around the changes. Thanks so much.

Olivia

From: "Banks, Louie M. COL" <>

Date: June 29, 2005 3:06:29 PM PDT

Subject: Re: Update on Report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

If it is possible, I would appreciate having the changes annotated, helping with the review. Thanks.

Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate

US Army Special Operations Command

DSN COM

From: Nina Thomas <>

Date: June 29, 2005 6:15:41 PM PDT

Subject: Re: Update on Report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

In a message dated 6/29/2005 3:05:39 PM Pacific Daylight Time, _ writes:

I would appreciate having the changes annotated, helping with the review.

ditto, Nina

Nina K. Thomas, Ph.D., ABPP

From: "Gerald P. Koocher, Ph.D." <_>

Date: June 29, 2005 6:26:01 PM PDT

Subject: Re: Update on Report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Olivia Moorehead-Slaughter wrote:

A slightly amended version of the Report will be sent out to you for review later this evening.

I am amazed at the turn-around time on this!

Will Steve be providing both English and Latin versions?

Gerry

From: anton <__>

Date: June 29, 2005 6:28:48 PM PDT

Subject: Re: Update on Report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I think we would all agree: Watching Steve work is beauty in motion.

Cheers,

Barry

Barry S. Anton, Ph.D., ABPP

Distinguished Professor

Department of Psychology

University of Puget Sound

From: "Behnke, Stephen" <__>

Date: June 29, 2005 6:45:14 PM PDT

Subject: Re: Update on Report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Si vobis placet, agam.

From: Olivia Moorehead-Slaughter <__>

Date: June 29, 2005 7:09:19 PM PDT

Subject: Almost there! (Please respond)

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Hi Everyone,

I share your sentiments about Steve. He is a wonder!

Attached please find the Task Force Report, that has gone through the copyediting process and has been reviewed by the Ethics Committee. (At the end of this message, please find the Ethics Committee's action. The Committee was impressed.) I think you will find the Report a very clear statement of our positions.

At your very earliest convenience, please indicate whether you approve of the Report being sent in this form to the APA Board of Directors. (Note that, until the Board indicates their satisfaction with the Report, the word "Draft" will be included in the title).

In addition to the copying editing changes, and changes to ensure conformity in style, these four other changes have been made:

1) The concept of the Ethics Code applying whenever psychologists are engaged in professional activities has been included in the Overview to the Report. The Ethics Committee saw this concept as centrally important and believed it should have a more prominent role.

2) The Ethics Committee recommended adding the words "from an individual's medical record" to statement three, which now reads: "Psychologists who serve in the role of supporting an interrogation do not use health care related information from an individual's medical record to the detriment of the individual's safety and well-being. While information from a medical record may be helpful or necessary to ensure that an interrogation process remains safe, psychologists do not use such information to the detriment of an individual's safety and well-being. (Ethical Standards 3.04, Avoiding Harm and 3.08, Exploitative Relationships)"

The Ethics Committee felt that this addition clarified the statement. I agree, and think that this addition improves statement three.

3) Also in regard to statement three, the Committee recommended moving the sentence: "Regardless of their role, psychologists who are aware of an individual in need of health or mental health treatment may seek consultation regarding how to ensure that the individual receives needed care. (Principle A, Beneficence and Nonmaleficence)" from under statement 3 to statement 5, which is more on point. I think this move makes good sense.

4) Recommendation #2 has been deleted as superfluous. The recommendation concerned adopting the statements or having the Ethics Committee determine whether the statements are appropriate interpretations and applications of the Ethics Code. Since the

Ethics Committee has now made that determination, recommendation 2 is no longer needed. (Note that there are still 10 recommendations, since recommendation 8 was actually two recommendations, and so has been split into two)

Finally, for conformity of style, the phrase "have an ethical obligation to" has been removed from statement 12, since the statement "have an ethical obligation to" is implied in all the statements.

The Ethics Committee reviewed in detail the PENS Task Force Report and unanimously passed the following motion:

That the Ethics Committee affirms that the 12 statements in the Report of the Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct (2002).

The Ethics Committee expresses its appreciation to the Task Force for its hard and thoughtful work.

Thanks everyone for the quick turn-around.

Olivia

[See PENSTFFinaldraft #6]

From: Nina Thomas <__>

Date: June 29, 2005 7:12:42 PM PDT

Subject: Re: Almost there! (Please respond)

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

no attachment appeared with your latest message of the ethics committee's recommendations, Olivia, only your description of their suggested changes.

Nina

Nina K. Thomas, Ph.D., ABPP

From: Olivia Moorehead-Slaughter <__>

Date: June 29, 2005 7:16:50 PM PDT

Subject: Really Almost there! (please respond)

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Ooops! Sorry about that! :)

From: Nina Thomas <>

Date: June 29, 2005 7:41:44 PM PDT

Subject: Re: Really Almost there! (please respond)

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

The changes as I can see them are acceptable to me. I am glad that the specific references to the Geneva conventions were added in the text in Item #4. I gather that was what Mike Wessell was referring to that I had not previously "gotten."

I am not clear about what happened to the "Executive Summary" listing the 12 statements absent explanatory material. When you have a minute, I would appreciate knowing why it was decided to delete that from the introduction as we had originally discussed.

Thanks,

Nina

Nina K. Thomas, Ph.D., ABPP

From: Jean Maria Arrigo <>

Date: June 29, 2005 7:52:36 PM PDT

Subject: Approval of 6/29/05 draft

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

The depth, scope, and wisdom of this document are indeed impressive, and I approve it as a Task Force member. Also, I appreciate its literary grace (owing to Steve).

As mentioned previously, I have felt uneasy with some elements, primarily omissions. Fulfillment of the Task Force recommendations would relieve my concerns, and I hope for an opportunity for further participation.

Thanks to the APA ethics committee, board, and staff members who have mobilized for swift review and dissemination of the PENS report.

Jean Maria Arrigo

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: Nina Thomas <__>

Date: June 29, 2005 8:25:19 PM PDT

Subject: FYI: Answers to questions

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Steve responded to my question about the change in the Executive Summary with the following, if others are interested:

Rhea Farberman felt that the twelve statements, separated from their commentary, might be misleading to the public. Rhea therefore suggested that we number the statements, and place each in bold, in order to ensure that they would be read along with their commentary. Also, the expanded overview was more like an executive summary than what we had before.

Nina K. Thomas, Ph.D., ABPP

From: "Col. Larry C. James PhD" <__>

Date: June 29, 2005 10:16:53 PM PDT

Subject: Re: Really Almost there! (please respond)

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Wow, it is impressive. I support and concur with the document.

It was a pleasure and honor working with all of you.

Thanks,

Larry James

From: "R. Scott Shumate" <>

Date: June 29, 2005 10:32:02 PM PDT

Subject: Re: Really Almost there! (please respond)

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I concur with the revised document.

Scott Shumate

From: "Gelles, Mike" <>

Date: June 30, 2005 2:59:34 AM PDT

Subject: Re: Really Almost there! (please respond)

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I concur with the document as revised. It has been a privilege to work with all of you.
Thanks

Mike Gelles

From: Robert Fein <<>>

Date: June 30, 2005 3:00:25 AM PDT

Subject: Re: Really Almost there! (please respond)

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I hope/believe that this impressive document will inform and improve the discussion of these complicated and important issues, certainly among psychologists, and perhaps among others also. I concur. Thank you.

Robert Fein

From: "Banks, Louie M. COL" <>

Date: June 30, 2005 4:08:10 AM PDT

Subject: Re: Really Almost there! (please respond)

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

The revised document has my full endorsement. I concur, and hope to work with you all again.

Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate

US Army Special Operations Command

DSN COM

From: "LeFever, Bryce E. (CAPT)" <__>

Date: June 30, 2005 6:01:56 AM PDT

Subject: Re: Really Almost there! (please respond)

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Olivia,

You and Steve have been amazing indeed. It is a superb statement. It has my approval and the Task Force has my admiration and gratitude.

Take care,

Bryce

From: Mike Wessells <__>

Date: June 30, 2005 8:50:07 AM PDT

Subject: Re: Really Almost there! (please respond)

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

This document looks good even in Tbilisi and has my support.

Thanks,

Mike

From: Olivia Moorehead-Slaughter << >>>

Date: July 1, 2005 9:14:31 AM PDT

Subject: Thank You

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Hello Everyone,

This is just a quick note of thanks for your rapid review and response to the Task Force Report. Steve and I will continue to update all of you as things develop. In the meantime, please know that I appreciate your ongoing commitment to the work that we all care about so much. Your input has been invaluable.

My best.

Olivia

From: "Banks, Louie M. COL" << >>>

Date: July 1, 2005 2:01:37 PM PDT

Subject: Re: Thank You

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Olivia,

Do we have a projected time-line for release? I just want to make sure than when asked, I have the best possible answer to the question.

Morgan

COL L. Morgan Banks

Director, Psychological Applications

Directorate US Army Special Operations

Command DSN COM

From: Olivia Moorehead-Slaughter <__>

Date: July 1, 2005 3:16:26 PM PDT

Subject: Report Release Update

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Dear Task Force Members,

I know you are all eager to have the Report. Below, please find the schedule for release. We will receive the Report on Monday evening, but must keep the Report confidential until Tuesday at 11 am.

I am eager to see how our Report is recieved. Have a wonderful weekend.

Warmly,

Olivia

Monday evening: APA Council and PENS Task Force
(Embargoed until Tuesday 11am)

Tuesday 9 am: APA Division and State listserves, APA
Governance Committees

Tuesday 10 am: Courtesy copies to Capitol Hill, White
House, DoD Contacts

Tuesday 11 am: Media and posted to the APA Website

From: Nina Thomas <__>

Date: July 1, 2005 5:13:15 PM PDT

Subject: Re: Report Release Update

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I hope we can be confident that the "embargo" on the release of the report after its being sent to Council will be honored. I am not so sure. Perhaps we can include a statement that emphasizes the importance of respecting the process and the necessity of such an embargo. Will a schedule of the report's release go with the report when it is sent to Council. My suggestion is that one accompany the report. Even so, I fear there will be leaks tho I hope that since it is July 4th, people will be too busy watching fireworks and eating hot dogs to read their e-mail. We can all live in hope.

Regards,

Nina

Nina K. Thomas, Ph.D., ABPP

From: "R. Scott Shumate" <>

Date: July 1, 2005 7:21:50 PM PDT

Subject: Re: Report Release Update

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I echo Nina's reservations, to have the maximum impact to seniors in the various branches of Government, having lead time will serve their receptive attitude.

Scott Shumate

From: "Gerald P. Koocher, Ph.D." <>

Date: July 2, 2005 5:20:18 AM PDT

Subject: Re: Report Release Update

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I agree with Nina and Scott.

I want to leave this in the hands of our PR folks, but I am mindful of Benjamin Franklin's famous quote: "Two may keep a secret, if one of them is dead."

My preference would be to send the "embargoed" version to Council and our friends in government simultaneously, with copy to state psychological associations, divisions, and the press a few hours later. Why, it will start to leak almost immediately that the people we most want to feel "in on the process" need to know before leakage starts. In addition, APA has very good relationships with a number of members of Congress and we do want them to feel well inside the loop.

I'll be giving an invited talk on ethics at the European Congress of Psychology in Madrid on July 5th and would love to highlight this report to our European colleagues, if it is "out" on the 5th.

Regards,

Gerry

From: "Banks, Louie M. COL" <>

Date: July 2, 2005 6:16:50 AM PDT

Subject: Re: Report Release Update

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Olivia,

Thanks very much for the time-line. This is GREAT news.

Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate

US Army Special Operations Command

DSN COM

From: Olivia Moorehead-Slaughter <_>

Date: July 2, 2005 4:09:14 PM PDT

Subject: Washington Post editorial

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Dear Colleagues,

An editorial in yesterday's Washington Post, "The Stain of Torture," by Burton J. Lee, III, contains the paragraph immediately below (the entire editorial is posted at the end of the message). Could people comment on what Burton Lee may be referring to when he states "These new guidelines distort traditional ethics rules beyond recognition to serve the interests of interrogators, not doctors and detainees"? I think it's likely that questions about this editorial will come up when our Report is released. On the whole, I think our Report fits well with the editorial, but I would be very interested in comments on this particular statement, and/or how this statement fits with our Report.

Olivia

"Now that comfort is shattered. Reports of torture by U.S. forces have been accompanied by evidence that military medical personnel have played a role in this abuse and by new military ethical guidelines that in effect authorize complicity by health professionals in ill-treatment of detainees. These new guidelines distort traditional ethical rules beyond recognition to serve the interests of interrogators, not doctors and detainees."

The Stain of Torture

By Burton J. Lee III

Friday, July 1, 2005; Page A25

[See Article 9 – Stain of Torture]

From: Olivia Moorehead-Slaughter <_>

Date: July 2, 2005 4:24:26 PM PDT

Subject: Release of Report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Hi Everyone,

Some of you have expressed concerns that the Report will not go to the parties designated in the orderly fashion that has been orchestrated. Steve is very well aware of this concern. He will be in touch with the appropriate APA staff who are coordinating the release of the Report and reinforce this message. Like Nina, I too hope that some of them are too busy celebrating to read their email in a timely manner.

My best.

Olivia

From: Nina Thomas <[_](#)>

Date: July 2, 2005 4:36:38 PM PDT

Subject: Re: Washington Post editorial

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

I share your concern Olivia. I have already had a significant number of e-mails from colleagues and listservs encouraging my signing on to a petition sponsored by PHR in condemnation of torture but have relied on Larry's remarks as persuasive. Yet there is this swirl around us. I don't think we can afford to ignore it.

Nina

Nina K. Thomas, Ph.D., ABPP

From: "Col. Larry C. James PhD" <[_](#)>

Date: July 2, 2005 5:51:09 PM PDT

Subject: Re: Washington Post editorial

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

he must be referring to the recent guidelines from the Surgeon General of the Army. I happen to know these guidelines well and he simply has his head in the sand, the new guidelines in no way say that torture by health care professionals is perfectly o.k.

Larry

From: Nina Thomas <>

Date: July 2, 2005 6:11:03 PM PDT

Subject: Washington Post Editorial

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Thanks for that response Larry. I think we have to be prepared to be able to quote chapter and verse to be able to respond to internal as well as external reactions that appear to know otherwise. I imagine that both Steve and Rhea Farberman would benefit from knowing the page in the hymnal from which to quote.

I hope one of us gets to enjoy a bang up fourth.

Best,

Nina

Nina K. Thomas, Ph.D., ABPP

From: "Banks, Louie M. COL" <>

Date: July 3, 2005 5:49:01 AM PDT

Subject: Re: Washington Post editorial

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Olivia,

My opinion is that the crux of the issue is that many people, to include Dr. Lee (and certainly to include Dr. Bloche) do not believe that interrogation can be conducted in a safe, legal, and ethical manner. Dr. Lee assumes that interrogation is synonymous with abuse. If that were so, I would agree with his conclusion. (The idea that we can prevent abuse does not seem to have occurred to him.) I think that the Task Force Report addresses his concerns clearly, although he may not like all of the statements. My personal recommendation is that we focus on what we agree on, i.e., that abuse of detainees is unethical (in addition to being illegal).

On a side note, I am aware of no guidelines, new or old, that allow complicity of anyone in the abuse of detainees.

Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate

US Army Special Operations Command

DSN COM

From: Olivia Moorehead-Slaughter <_>

Date: July 4, 2005 4:52:30 PM PDT

Subject: Update on Report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Hello Everyone, I'm sending along the message sent to me today by Ron Levant in its entirety. Hope you're all having a festive Fourth!

Olivia

Olivia: For your information and that of PENS. Please note embargo.

Best,

Ron

Ronald F. Levant, Ed.D., M.B.A., ABPP

Professor

Center for Psychological Studies

Nova Southeastern University

President, American Psychological Association, 2005

"Making Psychology a Household Word"

From: Council of Representatives [<mailto:COR@>] On Behalf Of

Ronald F. Levant, Ed.D, M.B.A., ABPP

Sent: Monday, July 04, 2005 4:08 PM

To: COR@

Subject: [COR] Report of the APA Presidential Task Force on Psychological

Ethics and National Security

Sensitivity: Confidential

Date: Monday, July 4, 2005

To: APA Council of Representatives

From: Ronald F. Levant, EdD, ABPP, APA President

The Report of the APA Presidential Task Force on Psychological Ethics and National Security is being distributed to Council, today, in advance of its wider distribution to the APA membership and the news media tomorrow. This is for Council's information only at this time. The document is embargoed until Tuesday, July 5, at 11 am. It is vitally important that you do not send this to anyone until tomorrow, Tuesday, July 5, at 11 am. You are free to share the report

with all interested parties beginning tomorrow, Tuesday, July 5 at 11 am. Here is the release schedule FYI:

Monday evening: APA Council and PENS Task Force (Embargoed until Tuesday 11am)

Tuesday 9 am: APA Division and State listserves, APA Boards and Committees

Tuesday 10 am: Courtesy copies to Capitol Hill, White House, DoD Contacts

Tuesday 11 am: Media and posted to the APA Website

You will recall that the Council received information regarding the Board's approval, at its February 16 & 17, 2005 meeting, to establish a Task Force to Explore the Ethical Aspects of Psychologists' Involvement and the Use of Psychology in National Security-Related Investigations (later thankfully renamed the APA Presidential Task Force on Psychological Ethics and National). The charge before the Task Force was to examine whether the current APA Ethics Code adequately addressed the ethical dimensions of psychologists' involvement in national security-related activities, whether APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychology and psychologists in investigations related to national security.

Its charge did not include an investigative or adjudicatory role, nor was the Task Force asked to render any judgment concerning events that may or may not have happened in national-security related settings. The purpose of the report and the Task Force findings is to give guidance to our members about work in this important national security arena.

Because of the overwhelming interest in the report and APA's position on these issues from the media, U.S. government, and other sources, and in order to respond in a timely manner to these very pressing events, the Board (in keeping with its role as stated in the APA Bylaws) voted to "declare an emergency" and passed the following motion:

"Affirming the determination by the American Psychological Association (APA) Ethics Committee that the twelve statements included in the Report of the Presidential Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the APA Ethics Code, the APA Board of Directors adopts the task force report as APA policy. The Board of Directors plans to review the recommendations provided in Section IV of the report at its August 2005 meeting and upon completion of its review, will forward the recommendations to the Council of Representatives for consideration. In addition, the Board requests that the Report of the Presidential Task Force on Psychological Ethics and National Security be provided to APA governance for their information, posted on the APA website and provided to the public as appropriate."

I have pasted below the note that will go out to correspondents and have attached the full report.

Report of the APA Presidential Task Force on Psychological Ethics and National Security

Note to Correspondents

(Washington, DC) –The American Psychological Association today released the report of its Presidential Task Force on Psychological Ethics and National Security which affirms the adequacy of the current APA Ethics Code in addressing the ethical dimensions of psychologists' involvement in national security-related activities and affirms APA's continuing central role and commitment to developing policies that address the role of psychology and psychologists in investigations related to national security. The Task Force report also called for APA to develop further its resources to provide ethics consultation to psychologists who work with classified information in national security-related settings.

The major findings of the Task Force include:

- 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.
- The APA states emphatically that whenever psychologists serve in any position by virtue of their training, experience and expertise the APA ethics code always applies to their work.
- Psychologists who serve in the role of supporting an interrogation do not use health care related information to the detriment of an individual's safety and well-being.
- The Task Force furthermore endorsed and reaffirmed the APA's 1986 Resolution against Torture, which states that psychologists do not engage in, direct, support, facilitate or offer training in torture or other cruel, inhuman, or degrading treatment.
- The Task Force also finds that psychologists have an ethical obligation to be alert to and report any acts of torture or cruel or inhuman treatment to appropriate authorities.

"I formed this Task Force because of the number of critical questions that arose during the past year about the proper role of psychologists working in investigations related to national security. The purpose of the Task Force report is to provide guidance to APA members about the ethics of work in this important national security arena," states APA President, Ronald Levant, EdD.

The Task Force was established earlier this year. Its charge did not include an investigative or adjudicatory role, nor does the Task Force render any judgment concerning events that may or may not have happened in national-security related settings.

Full text of the report is attached.

The American Psychological Association (APA), in Washington, DC, is the largest scientific and professional organization representing psychology in the United States and is the world's largest association of psychologists. APA's membership includes more than 150,000 researchers, educators, clinicians, consultants and students. Through its divisions in 53 subfields of psychology and affiliations with 60 state, territorial and Canadian provincial associations, APA works to advance psychology as a science, as a profession and as a means of promoting health, education and human welfare.

Ronald F. Levant, Ed.D., M.B.A., ABPP

Professor

Center for Psychological Studies

Nova Southeastern University

President, American Psychological Association, 2005

"Making Psychology a Household Word"

[See [PENSTaskForceReportFinal](#)]

From: Gerald Koocher <[__](#)>

Date: July 5, 2005 9:48:24 AM PDT

Subject: Reactions to report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

See below:

I have just finished a first reading of the Report. While a few questions occurred to me that seem not to have been fully answered in the document, the overall content and recommendations are of such high quality and comprehensiveness that I am moved to say without reservation that I am

very very proud of the work of this task force and manner in which this report reflects the highest standards of the science and profession of psychology.

The process anticipated by the recommendations, both in terms of research and ethical consultation, will give substance to psychologists' ability to contribute to national defense while upholding their commitment to ethics and human rights. Congratulations and gratitude are due to President Levant and the Task Force for their superb work.

James A. Mulick, Ph.D.

Division 33 COR Member

Professor, Pediatrics & Psychology

The Ohio State University

From: Nina Thomas <[_](#)>

Date: July 5, 2005 9:56:29 AM PDT

Subject: Re: Reactions to report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@_](#)>

thanks for sending James Mulick's reactions...glad to see someone appreciates fine thinking and work.

Hope you all had a good 4th.

N

Nina K. Thomas, Ph.D., ABPP

From: Olivia Moorehead-Slaughter <[_](#)>

Date: July 6, 2005 9:24:18 AM PDT

Subject: New York Times article

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Hello Everyone: I've enclosed for your information the letter sent by Ron Levant to the New York Times in response to today's article about the Task Force Report. Thought you'd want to see this.... Olivia

Letter from Ron Levant to the New York Times, regarding today's article:

In focusing on perceived shortcomings of an American Psychological Association Task Force report, (Psychologists See Ethics Risks at Guantanamo, July 6), Neil Lewis failed to report on the strict ethical boundaries the APA sets forth when its members are involved in national security activities, and thus overlooked a critical point: Professional codes of ethics are more than simple laundry lists. Lewis' example--using a phobia to inflict severe psychological distress—is clearly prohibited by the Task Force report. The report makes clear that psychologists never: engage in, direct, support, or facilitate torture or cruel, inhuman, or degrading treatment; use information from a medical record to the detriment of an individual's safety and well-being; mix treatment and consultant roles. Psychologists have an ethical obligation to report such behaviors and are bound by the APA Ethics Code in all their professional activities, regardless of whether they identify themselves as "behavioral scientists" or some other term.

From: Nina Thomas <>

Date: July 6, 2005 12:12:02 PM PDT

Subject: Re: New York Times article

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

thanks for sending this on Olivia...

Nina

From: Olivia Moorehead-Slaughter <_>

Date: July 7, 2005 2:06:26 PM PDT

Subject: Media

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Dear Colleagues,

As I am sure you are aware, there is great interest in our work and some members of the media have contacted you individually. From what I can gather, some of these contacts have been persistent and aggressive, to the point of harassing. All of you have shared your time and expertise for the benefit of APA and psychology, and I feel strongly that you should not have to contribute additional time to explaining our work to the media--APA has very well-established channels to communicate with the media and the public.

Given that, as a Task Force, we agreed to let our Report speak for us, and that we would not share the substance of our discussions further than what the Report contains, I ask that we all refer any questions from the media concerning the Task Force to Steve and Rhea, even if we're asked to speak off the record or "on background."

Thank you,

Olivia

From: Nina Thomas <_>

Date: July 7, 2005 9:06:50 PM PDT

Subject: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I am on several listservs that have responded either to our report or to Neil Lewis' article in response. There is considerable feeling about the report (only some have actually read it and I have advised that it is to my mind incumbent on psychologists, presumably thoughtful and reflective people, to actually be *informed* before they take positions on issues). How much latitude do I have in responding to/informing the discussions that will arise on these listservs (APA listservs for the most part) with respect to what was discussed in our deliberations? I want to respect our decision not to discuss the process outside our TF but it is very difficult to sit by watching a discussion without weighing in to correct some misinformation. e.g., the report is "political" and "" that it could be used to give cover for American psychologists to participate in coercive interrogations" and "on the other hand, it is a political document formed by consensus among different interests, including military psychologists and others who may be supportive of, or involved in policies many of us deplore. In that, there is a great deal of vagueness, what Steven calls grayness, about the role of psychologists assisting interrogations."

I am not so experienced as some of our TF members at sitting quietly by while statements that I know to be misinformed are bandied around as "truths."

Thoughts? Reactions? Suggestions? Bite my tongue is not an acceptable response.

Nina

Nina K. Thomas, Ph.D., ABPP

From: "Col. Larry C. James PhD" <>

Date: July 7, 2005 10:00:40 PM PDT

Subject: Re: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Hi Nina, I tend to encourage fellow psychologists to avoid the assumption of evil. I think this is mostly prevalent in the media, when they don't completely know all the facts they tend to assume that the doctors wearing the uniform are somehow automatically evil in some way, rather than the safety shield.

The Army surgeon General held a press conference today at 4:30 p,m, EST on CSPAN, I recorded it on VHS. I Will see if I can get copies made if anyone would

like a copy. This was a briefing on the results of a 5 month long investigation into many of the allegations you all have heard/read in the press.

He provided detailed information on the results of over 200 medical personnel being interviewed at Cuba, Abu G and Af. There were 3 clear findings: 1). There is no documented evidence that Psychologists at either Abu G or Cuba colluded in torture. 2) there is no documented evidence that any medical professional (including psychologists) gave medical information to interrogators for the purpose of torture. And 3), psychologists at these facilities worked to protect the welfare and safety of the detainees.

Larry

From: Nina Thomas <__>

Date: July 8, 2005 4:30:42 AM PDT

Subject: Re: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Dear Larry -

Thanks for the response...I for one would welcome having access to that press conference.

N

Nina K. Thomas, Ph.D., ABPP

From: "Banks, Louie M. COL" <>

Date: July 8, 2005 5:16:38 AM PDT

Subject: Re: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

The press conference is available on C-Span, and in total is about 30 minutes. The Surgeon General specifically

mentioned the TF Report. I highly recommend reviewing it.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN COM

From: "Mumford, Geoffrey" <[_](#)>

Date: July 8, 2005 5:06:45 AM PDT

Subject: Re: New York Times article

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@_](#)>

In case you hadn't seen this, Ron's letter was published in the NYT yesterday as follows:

To the Editor:

In focusing on perceived shortcomings of an American Psychological Association Task Force report, "Psychologists Warned on Role in Detentions" (news article, July 6) does not highlight the strict ethical boundaries that our organization sets forth when its members are involved in national security activities, thus overlooking a critical point: professional codes of ethics are more than simple laundry lists. For example, using a phobia to inflict severe psychological distress is clearly prohibited by the task force report.

The report makes clear that psychologists never engage in, direct, support or facilitate torture or cruel, inhuman or degrading treatment; use information from a medical record to the detriment of an individual's safety and well-being; and mix treatment and consultant roles.

Psychologists have an ethical obligation to report such behaviors and are bound by our association's ethics code in all their professional activities, regardless of whether they identify themselves as "behavioral scientists" or some other term.

Ronald F. Levant

President, American

Psychological Association

Plantation, Fla., July 6, 2005

From: Nina Thomas <[__](#)>

Date: July 8, 2005 9:39:39 AM PDT

Subject: Re: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@_](#)>

Morgan - Help a techniphobe out here. I have tried searchnig the C-Span website for the surgeon general's press conference and cant find it....how is it titled or how can I search it?

Thanks,

Nina

Nina K. Thomas, Ph.D., ABPP

From: "Banks, Louie M. COL" <[_>](#)

Date: July 8, 2005 9:58:47 AM PDT

Subject: Re: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@_](#)>

Nina,

Try this website, about half-way down the page. If this doesn't work, look on the middle right section of the C-Span home page, clic on defense-security, and you should see a press conference by LTG Kiley.

http://www.c-span.org/VideoArchives.asp?z1=&PopupMenu_Name=Defense/Security&CatCodePairs=Issue,DESE;

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN COM

From: Nina Thomas <__>

Date: July 8, 2005 10:41:20 AM PDT

Subject: Re: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Morgan, thanks for the link...worked fine and listened to most of it...

Have a good weekend,

N

Nina K. Thomas, Ph.D., ABPP

From: Olivia Moorehead-Slaughter <__>

Date: July 8, 2005 10:50:22 AM PDT

Subject: Re: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I will look for this press conference as well. Thanks for sharing this information.

Olivia

From: Olivia Moorehead-Slaughter <_>

Date: July 8, 2005 10:56:40 AM PDT

Subject: Response to Inquiries

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Dear Colleagues,

In reflecting on how to respond to listserve and other traffic, I do believe that there are several important points to make that are in keeping with our agreement not to discuss the substance of our discussions. As examples (that people should feel free to use, as seems right in a given situation):

1) Impress upon people the value of actually reading the Report. Ask people to discuss the merits of the document itself, not a newspaper's account of the document. (Also, it's fine to mention that Steve provided the author of the New York Times article several quotations which the article did not use.)

2) Point out the Task Force was comprised of individuals from very different backgrounds and experiences, who brought considerably different perspectives to the process, and who worked in good faith to struggle with complicated ethical issues. The Report states explicitly that the twelve statements were "agreed upon," and indicates areas of disagreement. Where the Report indicates agreement, there was genuine agreement among the 10 very diverse task force members.

3) Note that the Report--like a good ethics code--is not a laundry list of prohibited activities. The Report gives very clear guidance on a number of issues--and certainly prohibits the use of a phobia to inflict severe emotional distress, which is the example that people seem intent upon bringing up with the misimpression that APA's stance is vague or ambiguous on this question.

4) Ask that people compare the Task Force report with the statement of the American Psychiatric Association on this issue (at http://www.psych.org/news_room/press_releases/05-4opsychpracticeguantanamo.pdf). The difference between the two statements is stark and compelling.

5) Point out that the Task Force decided to keep the substance of its discussions private, to allow for full and frank debates (note that this was the subject of disagreement, as the Report itself notes). Thus, any listserve

messages suggesting first-hand knowledge of what was discussed during the meeting are not based on the facts, and any speculation about what occurred is just that--speculation.

6) Note that the Task Force Report was not intended as APA's final and definitive action on these issues, but rather as the beginning of a process, as the Report's tenth recommendation makes very clear:

That APA: View the work of this Task Force as an initial step in addressing the very complicated and challenging ethical dilemmas that confront psychologists working in national security-related activities. Viewed as an initial step in a continuing process, this report will ideally assist APA to engage in thoughtful reflection of complex ethical considerations in an area of psychological practice that is likely to expand significantly in coming years.

Rhea indicates that so far, the NYTimes article seems out of step with other coverage, which appears more well disposed to our Report.

Warmly,

Olivia

From: "Col. Larry C. James PhD" <__>

Date: July 8, 2005 2:34:11 PM PDT

Subject: Re: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@_>

Nina, I'll get some copies made and send one to you

-----Original Message-----

From: Nina Thomas <__>

Date: July 8, 2005 3:23:20 PM PDT

Subject: Re: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Hi all - I did finally get to see the Army Surgeon general's press conference. I guess it is all in the eye of the beholder. I heard him reference the task force report but it sounded as though he did not actually have much at his fingertips to reference in it saying just some equivalent of the APA task force report said it was ok for psychologists to be involved in interrogations. Although yes, he did say there was no evidence of psychologist involvement in abuse, etc.

APA members who have been in touch with me have expressed major disappointment, however, that the report did not go further and found some of the wording to be too vague offering what many referred to as: "too much wiggle room." For example, from one listserv:

"Especially disturbing for me was paragraph #4 at the top of p. 4, ...
"Psychologists involved in national security-related activities follow all applicable rules and regulations that govern their roles. Over the course of the recent U.S. military presence in locations such as Afghanistan, Iraq, and Cuba, such rules and regulations have been significantly developed and refined." The text goes on to urge that psychologists have an ethical responsibility to be informed of and follow the most recent applicable regulations and rules. Given the controversy even in the corporate media around the practices in these sites and how high up the chain of command the responsibility goes for the violation of human rights and the Geneva Convention, it is really disturbing to see the uncritical call for psychologists to know and adhere to these new "developments and refinements." All in all, there is much wiggle room in the document as a guide for ethical action for psychologists to do whatever they see as indicated by concerns of national security."

This week's New Yorker article by Jane Meyer only further fuels the concerns for something on the order of: "how come there are all these reports by both former insiders and outsiders (lawyers, e.g.) of alleged abuses - al Ghatani as one - in which psychologists have reportedly been involved in interrogations that sound like torture?" (Both Michael Gelles and Morgan are quoted and referenced in the article.) It is a troubling article to read and I find it difficult to dismiss as exaggerations, misrepresentations, or some such. I am sure there will be further calls to address these issues from Council and the membership.

Nina

Nina K. Thomas, Ph.D., ABPP

From: "Behnke, Stephen" <>

Date: July 8, 2005 7:01:39 PM PDT

Subject: Re: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

In reflecting on Nina's message, I had a few thoughts I'd like to share. The first is how struck I am with how much of yourselves you've put into this process...it's hugely impressive and speaks volumes about your commitment to your work and to the field of psychology. It's clear that all of you care deeply about these issues and about doing the right thing.

Second, regarding the issue of "wiggle room" or vagueness, I'd like to offer a note of significant caution. I spend a great deal of time reviewing professional codes of ethics (as I know many of you do as well), and note a defining characteristic of these codes: they leave ample room for professional judgement and discretion--that's what defines them as codes of ethics belonging to a *profession*. Outside of the most egregious cases (such as sexual involvement with a current client), ethics codes almost never identify specific acts as prohibited--it's not the way the codes are written, and there is a significant downside to naming specific acts, since a code could never be exhaustive in that way. Consider what the APA Ethics Code says about multiple relationships, standard 3.05. People could say--and I would agree--that it would be a clear violation of standard 3.05 for a psychologist in a busy private practice to hire a current client as an accountant (to do all the psychologist's billing, contact clients who had not paid, pursue collection when necessary, discuss ways of minimizing tax liability, etc.) Yet the standard says nothing whatsoever about hiring a client as an account; rather, it says:

"A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists."

The expectation is that the psychologist will apply standard 3.05, and conclude--as any reasonable psychologist would--that hiring a current client as an accountant would violate the standard. The Ethics Code is not problematic, insofar as it does not say "It is unethical for a psychologist to hire a current client as an accountant." The issue is rather one of applying the Code in a proper and reasonable manner. The proper touchstone, it seems, is therefore: How would a reasonable psychologist apply the Task Force report? Which brings me to my third and (thankfully) final point.

As a Task Force, you demonstrated a great deal of humility in approaching your task, encouraging APA to see your Report as the beginning of a process of thinking through these complicated and challenging issues. In Recommendation #10, for example, you write: "Viewed as an initial step in

a continuing process, this report will ideally assist APA to engage in thoughtful reflection of complex ethical considerations in an area of psychological practice that is likely to expand significantly in coming years." Two critical phrases in that sentence are "initial step" and "continuing process"--these are enormously complicated issues, that will be considered, reflected upon, and written about for many years to come. Your Report explicitly recognizes and allows room for APA further developing its thinking in this area. Recommendation #2 seems especially pertinent at the moment; you recommend that APA "Develop a document that will serve as a companion to the 12 statements contained in this report, for the purpose of providing illustrative examples and commentary." It seems to me that there is a great deal of speculation about how the Report does not go far enough; a way to reframe this point is that *we don't yet have a document that demonstrates how to apply the Report*. You saw the need for such a document and recommended that it be written. You've written a Report that is thorough, sound, balanced, and comprehensive. You may be quite right that work remains to be done--to show what the Report means when the rubber hits the road--but that speaks to the nature of ethics guidelines and ethics codes, not to the quality of your Report.

Be well,

Steve

From:

Date: July 9, 2005 9:00:30 AM PDT

Subject: Re: Response to Inquiries

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Dear Olivia,

I particularly agree with your suggestions that critics actually READ the report and compare our substantial attention to situation with the meager attention of related ethics codes.

But emphasis on the diversity of the 10-member Task Force and on the report's acknowledgment of our areas of disagreement could well invite criticism. A look at participant backgrounds from the bios shows six military psychologists and two non-military psychologists with some knowledge of military operations, no Middle Eastern names, etc. I myself am uneasy that the list of areas of disagreement is so short.

Four unmentioned areas of disagreement on my part are: (1) the utilization of Behavior Specialists, mental health counsellors, and other military personnel trained in psychology; (2) interrogation outside of premises controlled by the U.S. military, where interrogators and consultants have to maneuver gingerly with foreign counterterrorist police and military units; (3) the importance of historical examples and institutional arrangements, because opportunities and procedures persist in large bureaucracies; and (4) the relevance of basic demographic information, such as, the number of military psychologists, their areas of deployment, and possible financial pressures on them. (Regarding the third point, a positive response to my presentation of Dr. Wm. Henry Anderson's paper would have been a commitment to finding out when and why he was at Guantanamo Bay rather than a statement that the opinions of retirees are irrelevant.)

I am proud of the work of the Task Force and grateful for the opportunity to have participated. Yet I understand our report to apply to a narrower domain than it professes to address. The situations considered by the Task Force did not include situations in which confidantes have told me of problematic involvement of physicians and psychologists/psychiatrists in interrogation.

Recognizing that we could not do everything at once, followup on the recommendations of the Task Force is crucial in my view.

Jean Maria

From: Olivia Moorehead-Slaughter <[_](#)>

Date: July 9, 2005 6:48:46 PM PDT

Subject: Re: Response to Inquiries

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@_](#)>

Hello to All,

I appreciate all of your continued interest and passion around the work which we began some weeks ago and that culminated (for now at least) in the production of the Task Force report. In some ways, now that the report is open to public scrutiny, the most difficult part of the task has likely begun. As anticipated, all of the feedback has not been positive.

This is difficult to hear but I do not think that we should now begin to second-guess ourselves. The issue covered in the report were addressed in a well-reasoned and careful manner and I think that our deliberations took into account the wording of the statements that we put forth. We were well-aware that this document was not about specificity so much as guidance for psychologists who are in positions where they must make judgments about their actions. We should not be surprised at the level of intensity with which some are responding to this report and we should not allow the intensity of these responses to minimize the import of the document which all of you produced. This is the beginning of a process.

My best as all of this continues to unfold.

Olivia

From: "R. Scott Shumate" <>

Date: July 9, 2005 7:26:08 PM PDT

Subject: **Re: Response to Inquiries**

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Well said!

Scott Shumate

From: "Gerald P. Koocher, Ph.D." <>

Date: July 10, 2005 7:19:01 AM PDT

Subject: **Re: Response to Inquiries**

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

**Dear Jean Marie,
With due respect, I cannot allow your comments (below) to pass without response. I could simply ignore them and allow the matter to pass, but that is not my nature. In addition, allowing your comments to pass un rebutted does a disservice to all of those participating in the project. Please note my comments in blue below.**

Gerry Koocher

___ wrote:

But emphasis on the diversity of the 10-member Task Force and on thereport's acknowledgment of our areas of disagreement could well invite criticism. A look at participant backgrounds from the bios shows six military psychologists and two non-military psychologists with some knowledge of military operations, no Middle Eastern names, etc.

In addition to the ten official members and liaisons there were a number of observers who added enriching comments to the deliberations of the group. Your citation of 6+2 above is inaccurate an misleading in that regard. Your reference to a lack of "Middle-Eastern names" promotes stereotyping in a potentially offensive manner. The middle-east is not populated with homogeneous peoples of like mind and the implication of your statement are unclear. There were no people of Asian, Native American, South Pacific, etc. heritage, yet every area of the world has faced terrorism and torture allegations. The committee was composed from among nearly 100 highly expert nominees, and your hint that diversity was an issue leading to lack if disagreement is unfounded and potentially misleading.

I myself am uneasy that the list of areas of disagreement is so short. Four unmentioned areas of disagreement on my part are: (1) the utilization of Behavior Specialists, mental health counsellors, and other military personnel trained in psychology; (2) interrogation outside of premises controlled by the U.S. military, where interrogators and consultants have to maneuver ginergerly with foreign counterterrorist police and military units; (3) the importance of historical examples and institutional arrangements, because opportunities and procedures persist in large bureaucracies; and (4) the relevance of basic demographic information, such as, the number of military psychologists, their areas of deployment, and possible financial pressures on them. (Regarding the third point, a positive response to my presentation of Dr. Wm. Henry Anderson's paper would have been a commitment to finding out when and why he was at Guantanamo

Bay rather than a statement that the opinions of retirees are irrelevant.)

I do understand your personal concerns, especially in the context of your own family and life experiences, as shared during the meeting. Nonetheless, some of your comments above go well beyond the scope of the assigned task force mission (e.g., interrogation outside of premises controlled by the military, historical examples...and procedures in large bureaucracies, and demographics of military personnel). If you were dissatisfied with the scope of work defined for the task force, you could have chosen not to serve. However, it is grossly inappropriate (in my opinion) to criticize the product or the group for staying within its assigned parameters.

I am proud of the work of the Task Force and grateful for the opportunity to have participated. Yet I understand our report to apply to a narrower domain than it professes to address. The situations considered by the Task Force did not include situations in which confidantes have told me of problematic involvement of physicians and psychologists/psychiatrists in interrogation. Recognizing that we could not do everything at once, followup on the recommendations of the Task Force is crucial in my view.

I too am proud of the task force's efforts and product. I also concur with the importance of follow through and expect that APA will respond in a timely and appropriate manner to any and all allegations that lead to investigatable complaints regarding identifiable individuals who have the opportunity to defend themselves and events that can be factually corroborated. I also hope that we will find ways to cooperate with physicians across specialty areas in additional initiatives.

Regards,

Gerry

From:

Date: July 11, 2005 9:48:22 AM PDT

Subject: Re: Scope of the PENS report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Dear Gerry,

I think the constitution of the Task Force was very fine and also appropriate. It could be favorably compared to the 1993-1995 President's Advisory Committee on Human Radiation Experiments, for example, which did not include any military or intelligence expertise on the Committee or staff. Nevertheless, answering our critics by citing Task Force diversity could draw more fire.

The focus of the Task Force on credentialed military psychologists working in facilities completely under military control is surely the right first step--and all we could manage to address in one weekend. Insofar as the Task Force report was intended to address public concerns though, I think we would do better to acknowledge the limited scope of the report. It is difficult for the one report to serve both purposes: (1) to make recommendations for applying the APA ethics code to military psychologists in consultation with interrogators and (2) to respond to public concerns from non-psychologists.

My specific further concerns about psychological ethics and national security arise from many oral histories and other communications with military and intelligence professionals and with those affected by them. These concerns may not lie within the province of the APA. Perhaps a member of the APA ethics committee will attend the Jan 27-28 Intelligence & Ethics conference (in DC) so as to help sort out the matter in conversation with intelligence practitioners.

Jean Maria

From: "Banks, Louie M. COL" <>

Date: July 11, 2005 10:55:09 AM PDT

Subject: Re: Talking about the report

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I, as you might imagine, read the New Yorker magazine article with more than a little concern. I was totally misquoted twice. (I never said, "We did this when we learned people were flipping it,"; and I certainly didn't say

that psychologists could support interrogations, "as long as they don't break the law." [p. 67]) I have pretty good familiarity with most aspects of DOD's use of psychologists in this role, and where she got the idea that there is some kind of experiment going on has me dumbfounded. She mentions the research on corticosteroids, and, in my opinion, appears to have completely missed the purpose of the research, which is to understand how soldiers respond to stress, and how to prevent it. In particular, how to prevent and treat PTSD. (It is certainly not to "understand what inspires maximum anxiety in trainees." [p. 64] I have included as attachments some of the research she is discussing.) I only bring all this up because this article, using unnamed sources, followed by several interviews the author gave, has very little factual basis. I apologize for going on like this, but to have such grossly inaccurate information presented as fact is very disturbing.

The accuracy in the article lies in the fact that some people have certainly acted inappropriately, and sometimes illegally. Most of the individuals that I am aware of, who conducted themselves in this manner, are being prosecuted. I, like the Surgeon General, am aware of no psychologists within the Army who have acted improperly. (I only limit it to the Army because that is what I have intensely looked into.)

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN COM

[See Article 10 - eyewitnessSERE-Morganresearch; Article 11 - hormonesSERE-Morganresearch; Article 12 - npyrepSERE-Morganresearch; Article 13 - npysere-Morganresearch. It is noteworthy that the PENS Report tacitly approves research using detainees as subjects.]

From: Nina Thomas <__>

Date: July 16, 2005 8:17:39 AM PDT

Subject: FYI - NE Jnl.

Reply-To: Presidential Task Force on Psychological Ethics and National Security

<PENS@>

I am attaching Bloche and Marx latest article. Tho it makes no reference to APA it does make a number of serious allegations. How do we square this with what you have described, Larry, as policy at Guantanamo?

Nina

Nina K. Thomas, Ph.D., ABPP

From: "Col. Larry C. James PhD" <[__](#)>

Date: July 16, 2005 8:11:12 PM PDT

Subject: Re: FYI - NE Jnl.

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Nina, this is an easy one. Nina, remember one of the things I emphasized is the major safety role we(psychologists) have. The psychologist, in order to protect the welfare of the detainee, needs to know if the detainee has a major medical condition. Because AF and Iraq are third world countries, seeing detainees with untreated heart disease, uncontrolled/untreated diabetes, positive TB test or Hep A, B or C, etc., are all too common in these populations. The psychologist would use the information to prevent any interrogation technique that would be medically contra indicated.

The belief that I would steal information out of a Detainee(or a patient's) medical record to use it to craft an interrogation or worse, harm another human being is nuts.

The statement in the article that since 2003 interrogators there have had wholesale access to medical records is simply a lie--it is simply not true. "How we square it" is easy. Nina, the medical records, the entire physical space of the hospital and even for an interrogator to discuss a case with medical personnel is strictly off limits. In fact we now have an Army regulation prohibiting any of what he is claiming in this article. Thus, any interrogator or any medical personnel doing what the author(and I'm using this term here loosely) is in violation of the Army Medical Department Policy.

Much of what this person is claiming happened in 2002. Nina, this is old stuff and it has been fixed, just because one soldier (or doctor for that matter) does something stupid does not mean that it is common practice.

Larry

From: Olivia Moorehead-Slaughter <_>

Date: July 18, 2005 9:08:17 AM PDT

Subject: Re: FYI - NE Jnl.

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Hi Nina,

Thanks for sending this article. Unfortunately, I was unable to view it on my computer.

Olivia

From: Nina Thomas <_>

Date: July 18, 2005 12:14:07 PM PDT

Subject: Re: FYI - NE Jnl.

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Olivia - Do you want me to send it again?

Nina

From: "Banks, Louie M. COL" <>

Date: July 18, 2005 1:23:30 PM PDT

Subject: Request from the American Psychiatric Association

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Olivia,

I have been asked by a friend and co-worker, Lieutenant Colonel Dave Benedek, to speak at the American Psychiatric Association's Fall Institute in San Diego, CA, October 5-9, 2005. They are very interested in discussing the ethical issues that we have worked on, and I would like to support them. (Dave is the Army's Forensic Psychiatry Consultant.) Unfortunately, I cannot, given the present circumstances, get up in an open forum and expose my command to potential press inquiries, or run the risk of being misquoted (again) in a way that might reflect poorly on the Army. I explained this to Dave, and he wondered if any of the other members of the Task Force would be willing to take part in a forum on this topic. (San Diego in October....) What do you think?

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command

From: "Gerald P. Koocher, Ph.D." <>

Date: July 18, 2005 4:45:47 PM PDT

Subject: Re: Request from the American Psychiatric Association

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I would recommend sending Steve Behnke to represent the TF, if he is available

Regards,

Gerry

From:

Date: July 18, 2005 6:19:29 PM PDT

Subject: Examples

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Steve & Olivia,

At the DC Task Force meeting, we spoke of providing some examples of the appropriate contributions of military psychologists to the interrogation of terrorist suspects. Such examples would do more to aid public understanding than denials of wrongdoing. Are there any plans to provide positive examples to accompany our report?

Jean Maria

From: Nina Thomas <>

Date: July 19, 2005 5:42:15 PM PDT

Subject: Re: FYI - NE Jnl.

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Larry -

May I refer to the information you note in your email to me, viz:

The statement in the article that since 2003 interrogators there have had wholesale access to medical records is simply a lie--it is simply not true. "How we square it" is easy. Nina, the medical records, the entire physical space of the hospital and even for an interrogator to discuss a case with medical personnel is strictly off limits. Army regulation prohibits any of what is claimed in this article. Thus, any interrogator or any medical personnel doing what the author asserts is in violation of the Army Medical Department Policy.

Much of what this person is claiming happened in 2002. Nina, this is old stuff and it has been fixed, just because one soldier (or doctor for that matter) does something stupid does not mean that it is common practice.

I am only interested in conveying the essence of what you are saying obviously without any reference beyond this specific content. I ask because the listserv discussion is quite intense and I am being expressly asked for information a portion of which questions I would like to respond to.

Thanks,

Nina

Nina K. Thomas, Ph.D., ABPP

From: "Col. Larry C. James PhD" <__>

Date: July 19, 2005 7:20:18 PM PDT

Subject: Re: FYI - NE Jnl.

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Nina, I would only ask that you do not include my name and where I work/and live.

thanks,

Larry j

From: "Banks, Louie M. COL" <>

Date: July 20, 2005 7:51:17 AM PDT

Subject: Re: Request from the American Psychiatric Association

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Steve? Any interest? Or others?

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate

US Army Special Operations Command
DSN COM

From: Nina Thomas <__>

Date: July 20, 2005 10:59:10 AM PDT

Subject: Re: FYI - NE Jnl.

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

In response to your concern Larry, absolutely I would say nothing other than the content of what you've communicated - no names, no aliases, no addresses, nunca. Without question!!!

N

From: "Behnke, Stephen" <__>

Date: July 20, 2005 5:19:15 PM PDT

Subject: Re: Request from the American Psychiatric Association

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

I have only limited access to email right at the moment, but I would be very happy to attend (although I could hardly take your place, Morgan). I will need to check whether I have another commitment that weekend, but I will confirm when I return to DC on Monday. In the meanwhile, there may be others with an interest as well.

Steve

From: "Banks, Louie M. COL" <>

Date: July 21, 2005 3:57:51 AM PDT

Subject: Re: Request from the American Psychiatric Association

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Thanks much, Steve. If I am available, I may try to attend also, but only from the audience.

Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate

US Army Special Operations Command

DSN COM

From: Mike Wessells <>

Date: July 21, 2005 1:09:25 PM PDT

Subject: Re: Request from the American Psychiatric Association

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Steve, you're in the best position to do this. I'll be at the meeting, on the weekend at least. I'd be more interested in discussing less the professional code issues than wider ethics issues and long-term implications associated with use of highly coercive methods.

Mike

From: Nina Thomas <__>

Date: July 21, 2005 1:30:41 PM PDT

Subject: Re: Request from the American Psychiatric Association

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

In a message dated 7/21/2005 1:09:29 PM Pacific Daylight Time, __ writes:

I'd be more interested in discussing less the professional code issues than wider ethics issues and long-term implications associated with use of highly coercive methods.

Can we assume there will also be some discussion of the international human rights norms as a measure against which interrogation methods are weighed?

N

Nina K. Thomas, Ph.D., ABPP

From: Mike Wessells <__>

Date: July 21, 2005 1:41:13 PM PDT

Subject: Re: Request from the American Psychiatric Association

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Definitely--international human rights standards are a key part of the global ethics discourse and provide key norms and benchmarks.

Thanks,

mike

From: "Behnke, Stephen" < >
Date: July 21, 2005 4:00:21 PM PDT
Subject: **Re: Request from the American Psychiatric Association**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Could we get a head count of how many of us will be at the meetings? Morgan and Mike, it seems you both will be there, if your schedules allow...Nina? Others?

From: "Col. Larry C. James PhD" < >
Date: July 21, 2005 4:23:01 PM PDT
Subject: **Re: Request from the American Psychiatric Association**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Steve, I won't be there,
Larry

From: Nina Thomas < >
Date: July 21, 2005 7:44:26 PM PDT
Subject: **Re: Request from the American Psychiatric Association**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Nope, I don't expect I will be there...
Nina

From: "Gelles, Mike" < >
Date: July 22, 2005 3:48:40 AM PDT
Subject: **Re: Request from the American Psychiatric Association**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

When and where is the meeting?

Michael G. Gelles, Psy.D.
Chief Psychologist
Naval Criminal Investigative Service

From: Olivia Moorehead-Slaughter < >
Date: July 22, 2005 7:27:47 AM PDT

Subject: Re: FYI - NE Jnl.

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Hi Nina,

Sorry for the long delay in responding. Our internet has been malfunctioning and was repaired yesterday. Thanks for offering to resend the article. I think the problem had to do with the format in which it was sent which you may have no way of altering. In any case, I'll try again when you resend it. Thanks.

Olivia

From: Jean Maria Arrigo < >

Date: July 22, 2005 1:42:18 PM PDT

Subject: Re: Request from the American Psychiatric Association

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

I can attend for a day at least.

The meeting announcement is posted at <http://www.psych.org/edu/annmtgs/ips/05/index.cfm>. It isn't clear to me from the preliminary program which sessions or which days are relevant to Task Force members. Please advise.

Jean Maria

Jean Maria Arrigo, PhD
Project on Ethics and Art in Testimony

From: Olivia Moorehead-Slaughter < >

Date: July 25, 2005 7:41:08 AM PDT

Subject: commentary recommendation

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Hi Jean Maria and Everyone,

Sorry for such a delayed response to your message, Jean Maria. I have had brutal internet difficulties over the past week and hope that all of that is finally resolved. In response to your message regarding examples, I think that the Task Force Report addresses this nicely in the second recommendation where we suggest a commentary with illustrative examples. I think that we are in agreement with your position that having these examples will be enormously helpful, but it was not possible to make all of this happen in the initial report.

My best to all of you.

Olivia

From: Olivia Moorehead-Slaughter < >
Date: July 25, 2005 8:07:36 AM PDT
Subject: Re: Request from the American Psychiatric Association
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Hi Morgan,

Sorry for the delay in responding to your email. My internet connection has been malfunctioning for the past week so I've been cut-off from this form of communication. I'll try again this morning to get this message out to you. I concur with the recommendation to ask Steve to do this presentation if he is able. Sounds like an important one. Again, sorry for the long time-lapse!

Olivia

From: Olivia Moorehead-Slaughter < >
Date: July 25, 2005 11:03:41 AM PDT
Subject: Re: Request from the American Psychiatric Association
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Hi Steve,

I am not planning to be there.

Olivia

From: "Mumford, Geoffrey" < >
Date: July 27, 2005 5:41:51 AM PDT
Subject: Detainee legislation
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear Colleagues,

FYI, below I've copied part of a news item from this mornings Congressional Quarterly. Many of you have probably seen bits and pieces of this on-going story in the popular press. I think it would be very helpful for those considering these legislative initiatives to know that work on the commentary and illustrative examples (recommended by the Task Force report) is moving forward as it would likely inform all sides in the debate.

Regards,
-geoff

CQ TODAY
July 26, 2005 1:31 p.m.
GOP Clash Over Detainees Sidetracks Defense Bill

[SEE Article 14 - CQ TODAY 07-26-05]

From: Nina Thomas < >
Date: July 29, 2005 10:16:40 AM PDT
Subject: More on our report
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Yesterday's NY Times had an article by Neil Lewis (p. A21) headlined: "Military's opposition to harsh interrogation is outlined" in which he reports on the highest military lawyers' opposition to the methods used in interrogating detainees, citing international human rights standards as the measure against which the U.S. will be judged. Reading it made me all the more sad that Mike Wessells, Jean Maria and I were not more successful at arguing our case for a more stringent standard for holding psychologists to account. Whether that was then and this is now or not, whether we were limited in the scope of our activity to addressing the ethics code's provision for psychologists activities in this regard or not, I do think that APA needs to have a clearly articulated direction for the next steps in its approach to addressing the concerns that underlie these issues. Case examples and directions for research are not likely to cut it with other members of APA governance, nor with the public.

I can't continue to read the popular press and feel sanguine about our work as having adequately addressed the concerns of our members (or my own for that matter). It does not take much of a stretch in interpretation to believe that, as the Lewis article details, our military and (more hopefully) are liable to severe ill treatment and Rumsfeld to arrest in Spain, Belgium or perhaps a dozen other countries whose citizens have been caught up in the net that dumps them in Guantanamo. I hope that one at least has the *cujones* to do so.

Nina

Nina K. Thomas, Ph.D., ABPP

From: Nina Thomas < >
Date: July 29, 2005 10:21:15 AM PDT
Subject: Correction
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

I did not screen an edit that I made in writing the prior e-mail thus I did not catch how the wording had made it liable to misinterpretation. When I said: *It does not take much*

of a stretch in interpretation to believe that, as the Lewis article details, our military and (more hopefully) are liable to severe ill treatment and Rumsfeld to arrest. I did not mean I hoped our military would be treated badly. Rather, I meant that I am hopeful that Rumsfeld might be arrested.

Nina K. Thomas, Ph.D., ABPP

From: Olivia Moorehead-Slaughter < >
Date: July 29, 2005 7:25:00 PM PDT
Subject: regarding our report
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Nina and colleagues,

Thank you for your--as always--very thoughtful message. In reflecting on your concerns, it seems to me that we should keep two points in mind. First, we discussed the role of human rights standards for the document, and it seems that our colleagues from the military were clear that including such standards in the document would likely (perhaps definitely) put the document at odds with United States law and military regulations. The effect of such a conflict, it seems to me, would be that the military would simply have ignored the document--thus, the community that we would most want to reach would have been prevented from using the report. Of course the document is a compromise--but it's a compromise that has ensured that our voice is present to and heard by the psychologists doing the work and their superiors.

Second, and what seems more important, is what actual activities does the report permit and prohibit? There has been much speculation by the media (not much of it terribly well informed, in my opinion), and I continue to return to Jean's point concerning the value of illustrative examples. I see the commentary as enormously important, because it will describe where the rubber hits the road; I think we should establish a process for writing the commentary, whereby we invite groups both within and outside of APA to submit their comments, questions, and uncertainties about what the report means, and we can use the commentary to address these issues. (Of course, the process governing the commentary is up to the Board of Directors) It seems to me that, far more important than how one characterizes what law governs, is what actual behaviors are deemed acceptable and not acceptable--that, ultimately, is what we are all concerned about.

Finally, most of what's been in the media has come from a particular perspective. My sense is that there are other perspectives as well, and I am certain that over time those voices will emerge.

Again, I thank everyone for giving so much of yourselves to the process. I continue to believe that we have made an important contribution, but realize we have more work to do. I have complete confidence in our ability, as a group, to address the issues that need to be addressed.

Sincerely,

Olivia

From: Nina Thomas < >
Date: July 29, 2005 8:43:12 PM PDT
Subject: Re: regarding our report
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Dear Olivia:

I appreciate your response and regret being technologically enfeebled from being able to include an electronic copy of the article I am referncing. But re: your comment below:

including such standards in the document would likely (perhaps definitely) put the document at odds with United States law and military regulations.

you see it is exactly that issue that Lewis' article addresses pointing out that it has been the military's own lawyers, indeed their highest ranking lawyers who have argued for the importance of using international human rights standards as the benchmark. The suggestion was made that it was that argument that at least persuaded Rumsfeld to drop his approval of the harshest interrogation methods.
Nina K. Thomas, Ph.D., ABPP

From: "Col. Larry C. James PhD" < >
Date: July 29, 2005 8:50:45 PM PDT
Subject: Re: regarding our report
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Maybe its just me, but I must say I am a little confused. I read the New York Times article and it didn't seem to have anything to do with Psychologists?

I am proud of the document we developed and more so, I feel better in my heart about the work that psychologists did at GITMO and Abu Ghraib. It really wasn't the high ranking military attorneys(as the article refers to) who got things under control, it was 2 psychologists. Because of the work(and sometimes them harassing the system:) Mike Gelles and an Army Psychologist did at GITMO, the harsh procedures were in fact outlawed. Mike Gelles Fought up through the Navy and DOD chain of command and the Army Psychologist worked to develop policy for the General in charge at GITMO and the SECDEF.

The Army Psychologist(ironically the gentleman who was blasted in the NEJM article) was the one who actually developed a memorandum for the secretary of defense that laid out the outlawed procedures. As a result, by the time I arrived at GITMO in January 2003 this memorandum was on official DOD letterhead, signed by the secretary of defense. And now clearly defines what can and cannot be done. We are just well past this.

People keep writing articles about 2002 as if it were today and the process and procedures have been tremendously improved. I want to emphasize the positive. Again, thanks to psychologists, procedures are in place to prevent these things from

happening again at GITMO and Abu G. I think our charter was to tackle the tough roll(s) of the psychologist lane and I think we did this.

Larry

From: Nina Thomas < >
Date: July 30, 2005 7:56:06 AM PDT
Subject: Fwd: FYI
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Geoff Mumford was kind enough to provide the article I was referring to for everyone's delectation.

N

Nina K. Thomas, Ph.D., ABPP

From: "Mumford, Geoffrey" < >
Date: July 29, 2005 9:22:33 PM PDT
To: "Nina Thomas" < >
Subject: FW: [PRESIDENTIAL] regarding our report

Nina,

Is this the article (in case you'd like to post to the list)?

-geoff

NYT - July 28, 2005

Military's Opposition to Harsh Interrogation Is Outlined

By [NEIL A. LEWIS](#)

[See: [Article 15 - NYT 07-28-05 -- Military's Opposition to Harsh techniques](#)]

From: Nina Thomas < >
Date: July 30, 2005 8:13:23 AM PDT
Subject: Article
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Apparently the article I tried to send did not get forwarded so here it is posted below.

N

Military's Opposition to Harsh Interrogation Is Outlined

(Repeat of article 15: NYT 07-28-05 -- Military's Opposition to Harsh techniques)

Nina K. Thomas, Ph.D., ABPP

From: Olivia Moorehead-Slaughter < >

Date: July 30, 2005 9:17:05 AM PDT

Subject: regarding our report

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Nina,

As I read the article, though, the issue was both United States and international law.
From the article:

"Despite the military lawyers' warnings, the task force (an administration legal task force) concluded that military interrogators and their commanders would be immune from prosecution for torture under federal and international law..."

"The documents include one written by the deputy judge advocate general of the Air Force, Maj. Gen. Jack L. Rives, advising the task force that several of the 'more extreme interrogation techniques, on their face, amount to violations of domestic criminal law' as well as military law."

"The Bybee memorandum defined torture extremely narrowly and said Mr. Bush could ignore domestic and international prohibitions against it in the name of national security."

The article focuses on immunity from prosecution for violations of domestic and international law--but I think we as a Task Force are in complete agreement that psychologists do NOT violate any United States law.

From: "Gerald P. Koocher, Ph.D." < >

Date: July 30, 2005 10:50:42 AM PDT

Subject: Re: regarding our report

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Olivia Moorehead-Slaughter wrote:

As I read the article, though, the issue was both United States and international law.

I have long had a sense of frustration with "international law." In particular, many nations have shown a preoccupation to promulgate grand statements of human rights principles, with no teeth, no financial support, and contradictory actions. Please recall that the Bush administration cited "international law" on WMD as a reason for invading Iraq in the first place.

I have zero interest in entangling APA with the nebulous, toothless, contradictory, and obfuscatory treaties that comprise "international law." Rather, I prefer to see APA take principled stands on policy issues where psychology has some scientific basis for doing so.

Gerry

From: Jean Maria Arrigo < >
Date: August 2, 2005 8:56:04 AM PDT
Subject: Dr. Daniel Jordan's critique of PENS report
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

FromPENS Colleagues:

Perhaps I missed a round of conversation and you have already addressed the letter below from Dr. Daniel Jordan. To my mind, at minimum his letter calls into question the wisdom of our using the Ethics Code language, "Psychologists do not do ,," so mean "Psychologists should not do ,," in a public report where it sounds like an assertion of historical fact. Please consider a revision of our public report so as to use the common meaning of words.

Jean Maria
=====

: Dan Jordan <[drdanj@](#)>

Date: July 8, 2005 7:39:53 AM PDT
To: [ippn@](#), [Psysr-disc@](#)
Subject: [ippn] APA Response to Torture
Reply-To: [ippn@](#)

To: [ethics@](#)

APA, and Dr Levant's NY Times commentary are sadly pathetic responses to the

question of whether psychologists engaged in torture, and APA's responsibility to investigate allegations of ethical standards by members of its profession.

Dr Levant also lied in his Letter to the Editor. He states:

"The report makes clear that psychologists never engage in, direct, support or facilitate torture or cruel, inhuman or degrading treatment; use information from a medical record to the detriment of an individual's safety and well-being; and mix treatment and consultant roles."

That statement is wholly unsubstantiated. How can he possibly claim the "psychologists never. . ."? And just what does "mix treatment and consultant roles" mean? One obvious reading is that so long as psychologists are just acting as consultants, then facilitating torture might be okay. Did Dr Levant mean that? I have no idea. But because he used this wording, he clearly leaves the door open for a subsequent defense that psychologists can do such things so long as they only act as consultants.

APA sidestepped the issue of whether psychologists engaged in torture. APA sidestepped the opportunity to investigate the question, as clearly defined in the work group's mission. Those of us who called for an investigation did not call for APA to examine its own navel and decide whether ethical standards were clear enough. We called upon APA to investigate specific claims. APA chose not to do that, and instead has engaged in an effort to whitewash its image.

APA could have looked directly into the heart of the matter, and behaved honorably. Had it found substantiating information, it could have taken the psychologists to task. Had it found the allegations unsubstantiated, APA could have cleared its name and the name of the profession. APA chose not to do that.

When politicians and pundits wonder "why do they hate us?" I am sad to say that we can now add APA as part of the answer.

Daniel Jordan, PhD

[Non-text portions of this message have been removed]

From: "Behnke, Stephen" < >

Date: August 2, 2005 9:22:32 AM PDT

Subject: **Re: Dr. Daniel Jordan's critique of PENS report**

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Dear Jean Maria and Colleagues,

While I normally prefer to remain silent and so benefit from everyone's good and wise thinking on this listserve, I simply cannot allow this letter to stand without a more immediate response. To say that Ron Levant "lied" in his letter to the New Yorker is (here I'll be as generous as I am able) irresponsible. To say that the Report allows psychologists to facilitate torture under any circumstances ignores the Report's plain and forceful language. The Task Force took pains to emphasize that the twelve statements apply whenever

psychologists are using their background, training, and expertise as psychologists, regardless of whether the term "psychologist" or "consultant" is applied. Finally, the APA Ethics Committee--and not the PENS Task Force--is charged with investigating ethics complaints, and the Ethics Committee can only do so when it has credible evidence that an APA member has violated the Ethics Code. To date I am aware of no such evidence.

The language of the Report was written in the form of the APA Ethics Code, e.g., "Psychologists do not do x, y, or z." The Ethics Code does not use "should" when it intends to convey an absolute ethical obligation or prohibition, because "should" can be interpreted as tempering what is intended to be absolute. It would be ironic indeed for the Task Force to have felt as strongly as it did about these positions, and to have relied upon language (i.e., "should") which could then be argued to cast the statements in an aspirational rather than enforceable light.

Steve

From: Jean Maria Arrigo < >

Date: August 3, 2005 12:55:12 PM PDT

Subject: Re: Dr. Daniel Jordan's critique of PENS report

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Dear Steve and Task Force Colleagues:

I contacted Dr. Jordan by telephone last night to try to understand the source of his vehemence, and he explained the history of his PENS concerns.

In the past I have had arguments with philosophers about whether representing one's ethical position requires sincere attempts to communicate with the opposition. My 2004 "Utilitarian Argument against Torture Interrogation of Terrorists" (SCI & ENGINEERING ETHICS, 10 (3)) brought severe criticism from Kantians. They accused me of potentially justifying torture because I ran a utilitarian argument against torture, which opens the possibility that benefits might later overshadow costs. My position was that in order to communicate with military personnel I had to start from their institutional premises (and, of course, I felt sure the benefits would never outweigh the costs). As a PENS Task Force member, I similarly want try to understand the perspectives of our critics. Unanimous agreement by the Task Force members and APA Board support do not necessarily validate our work.

Dr. Jordan sent me a file of PsySR and Div. 48 listserve correspondence, which showed his early and forceful role in calling for an APA investigation of psychologists' roles in interrogation, and his communication with the Div. 48 representative to the Board, Coran Orkordudu. What Dr. Jordan and some others wanted was an APA investigation of news reports of psychologists' involvement in interrogation, not just an extension of APA ethics code. For example, they wanted APA inquiries through Amnesty International and other organizations that made the reports.

Our Report did not discuss the reasons the APA did not undertake such an investigation. Many reasons, both good and bad, can be imagined. Without addressing the reasons, our report could not respond to those who believed an APA investigation to be imperative, so I think we

will have to live with their dissatisfaction.

The Ethics Code language of the Report e.g., "psychologists do not do x, y, or z" was carried into the press, where it is subject to reasonable interpretation as an historical assertion. (I am not suggesting changing the APA Ethics Code language.) So I think we have to accept the consequences of misinterpretation, too.

I realize that some of you may have had prior contact with Dr. Jordan or others of similar view. You may wish to add to my account.

Jean Maria

From: Olivia Moorehead-Slaughter < >

Date: August 5, 2005 6:38:23 PM PDT

Subject: latest updates

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear Task Force Colleagues:

Attached please find an editorial in the journal Lancet that will be published next week and a response from APA. The editorial, by Michael Wilks, egregiously misrepresents the position of the Task Force. Lancet editors have admitted the error, but informed us that the issue was already in press when it came to their attention. Lancet has offered to post our response on their website and/or publish the response in their next issue. (Immediately below are juxtaposed texts from the editorial and our Task Force report, as an example of how Wilks mischaracterizes our position)

Posted below the attachments is an editorial on Medscape by Mildred Solomon, an ethicist at Harvard Medical School. Please see her positive comments regarding the PENS Task Force Report under the heading "For those of us outside the military."

From Michael Wilks' Lancet editorial:

"This report [The APA Presidential Task Force report] rehearses conventional ethical principles about care of individual patients, but then does an about-face when it comes to sanctioning input from psychologists and advice on techniques to be used in interrogation. In effect, it becomes acceptable for a health professional to dispense with any ethical responsibilities when their training and expertise is used outside a strictly therapeutic context."

From the PENS Task Force Report (Overview and Introduction sections):

"As a context for its statements, the Task Force affirmed that when psychologists serve in any position by virtue of their training, experience, and expertise as psychologists, the APA Ethics Code applies. The Task Force thus rejected the contention that when acting in roles outside traditional health-service provider relationships psychologists are not acting in a professional capacity as psychologists

and are therefore not bound by the APA Ethics Code."

"The Task Force addressed the argument that when psychologists act in certain roles outside traditional health-service provider relationships, for example as consultants to interrogations, they are not acting in a professional capacity as psychologists and are therefore not bound by the APA Ethical Principles of Psychologists and Code of Conduct (hereinafter the Ethics Code). The Task Force rejected this contention. The Task Force believes that when psychologists serve in a position by virtue of their training, experience, and expertise as psychologists, the APA Ethics Code applies. Thus in any such circumstance, psychologists are bound by the APA Ethics Code."

<<Ethics.pdf>> <<Response to Lancet.doc>>

Mildred Z. Solomon, EdD
Medscape General Medicine. 2005;7(3) 2005 Medscape
Posted 08/04/2005 [Image]

(SEE: Editorial - General Medicine Solomon)

From: Olivia Moorehead-Slaughter < >
Date: August 5, 2005 6:46:59 PM PDT
Subject: Two Commentaries on our Report: Message from Steve
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear Task Force Colleagues (same message with attachments!):

From: Gerry Koocher < >
Date: August 11, 2005 11:16:43 AM PDT
Subject: Confidential- Today's broadcast
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear colleagues,
I want to share with you (in confidence) my response to a colleague
regarding this morning's web-cast. I served as a defense witness for Dr. Z
in a licensing board case.
Regards,
Gerry

Dear Z.,

We have very different points of view on this.

My only regret is that Steve did not slam the other two participants by pointing out that their claims that the "facts are in" are totally bogus and inflammatory. If I were there, I would have said, "Okay, give me credible factual reports of the names and dates and we'll act right now." All that exists are rumors and "unconfirmed reports" by people and agencies who provide no hard actionable data. Their behavior amounted to defamation military psychology in general (i.e., they're pronounced guilty before specifics are made public and adjudicated). Given your licensing board experience, would you want APA to act on unfounded allegations?

Do not mistake Steve's care, thoughtfulness, and precision for shiftiness. He was much more appropriate than the other two, who made significant conceptual leaps and a multitude of over generalizations.

In addition, lots of "interrogation" by psychologists themselves in many forms and venues takes place every day and does not, "damage people's minds." Psychologists often do things that "harm" one person for an appropriate societal purpose (e.g., rigorous cross examination of a rape victim at a trial; interviewing convicted defendants for pre sentencing reports, interviewing sex offenders or parole candidates to determine whether their incarceration should persist; involuntary civil commitment hearings, mandated reporting of dependent person abuse, conducting independent evaluations of people claiming medical disability, profiling suspected criminals to aid in their apprehension, etc.). None of these involve the military; all involve coercive or less than fully voluntary interrogation that society values and that fall well within the legal system and ethical psychological practice.

Let's not allow our anger about Bush policies to spill over into unjust criticism of military personnel. Let's not repeat the errors of the Vietnam era. Prosecute Lt. Calley, but don't disrespect the military who do their job appropriately and ethically.

Regards,

Gerry

Dr Z wrote:

Dear Gerry,

I have just watched a debate on DemocracyNow! in which Stephen Behnke participated, attempting to defend the position the APA task force has taken on the role of psychologists in interrogations and torture.

Gerry, it was disturbingly shameful; embarrassing. (You can view the debate, which also included Wilks and Lifton, on their website; the archiving is excellent, with multiple choices for downloading and viewing: www.democracynow.org)

Behnke was labored in his delivery, insecure in his footing, and downright shifty in his presentation. He seemed to be looking around the studio where he was located to find someone to cue him for answers when he was not attempting to justify (read sell) this heinous decree.

The one position he took that was simply illogical to my mind was that the task force decided psychologists must adhere to a higher good and that we must also adhere to law. There is a clear disconnect here, one that the task force should have addressed firmly and unequivocally. Behnke tried to assert that the higher good might be in the interests of national security, when the only true higher good is to do no harm. Period. The oath may well conflict with laws in many cases as it appears is the case in this administration's determination to distort the law to its own sadistic ends to torture but that oath has always been, and always should be, the ONLY higher good we ever look to as professionals. I was frankly disgusted and ashamed. And even more so to discover that members of the military were involved in the task force decision process.

But somehow it was altogether too consistent with my experience of the general trend of the profession's understanding and application of ethical principles, too predictable.

When I placed this decision within the context of Bush's intent to have every child tested for mental disorder so that they can be medicated, I became even more curious about the minutes of those discussions. There is so much to be gained by losing sight of our ethical obligations.

Lifton is right; this is a slippery slope in which we are setting ourselves up for complicity in atrocities. I will have none of it, and I hope that your tenure will address this problem head on. What can we be doing now within the organization to thwart these notions? The show today spoke of a debate raging within the APA, but I've heard nothing about it within professional channels, and cannot find anything about it on the website.

I hope this finds you in good health and enjoying your summer. Thank you for being there, for this inquiry, as for all my other questions in the past.

Best,
Z

From: "R. Scott Shumate" <>

Date: August 11, 2005 8:35:34 PM PDT

Subject: Re: Confidential- Today's broadcast

Reply-To: Presidential Task Force on Psychological Ethics and National Security

<PENS@ >

Gerry and Stephen:

As a psychologist I find, in principle, a debate over the complexities of the ethical issues to be an essential function of a profession. Yet, Dr. Z appears to rely on emotion and misinformation to make an argument about a highly complex and difficult topic area. I have heard similar illogical arguments by individuals who were encouraging a no bars approach to gathering essential intelligence. The argument was that anyone who opposes a no limit approach to interrogation was willing to allow the city of New York to be destroyed by a nuclear detonation. This form of argument advances little and attempts to confuse the complexity of the issues by instilling a visceral reaction that is aimed at suspending more sophisticated critical thinking.

The measured and well throughout arguments that both of you articulated attest to the soundness of a profession that has taken a serious and mindful approach to dealing with the issues. There will no doubt be counter claims that you unabashedly support the military psychologists, yet I believe that what you are truly supporting is the profession and the psychologists that adhere to the ethical guidelines that are at the basis of our profession. We in the Department of Defense applaud your support of the profession and in turn us. Scott Shumate

From: "Banks, Louie M. COL" <>
Date: August 12, 2005 3:45:21 AM PDT
Subject: **Re: Confidential- Today's broadcast**

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

To all:

I wish I were half as articulate as Scott. I was and am honored to have worked on the Task Force, and believe that everyone demonstrated a level of integrity and thoughtfulness that left me truly impressed. I have psychologists working everyday, in very dangerous environments, who are trying to serve, while trying to maintain a clear ethical stance on these issues. The TF's work provided them a strong anchor for their behavior. They cannot thank you in person, but they have all thanked me for your work.

Last Friday, I spent eight hours with the Army's Surgeon General, LTG Kiley, along with Larry James, Debra Dunivin, and several others. We were trying to establish the doctrinal guidelines and training model for psychologists performing this job. The TF report provided, again, a solid anchor to use in our deliberations.

The professionalism of the deliberations of the Task Force set a standard that I have not seen even attempted in the press. Very respectfully,
Morgan Banks

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN COM

From: Olivia Moorehead-Slaughter < >
Date: August 15, 2005 12:01:18 PM PDT
Subject: **Re: Confidential- Today's broadcast**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

To All:

Your thoughtful consideration of all of the feedback that we are receiving is much appreciated. I hope that all of you continue to feel the important impact of your efforts in the feedback given by Morgan as well as Scott. If the Task Force report is providing ethical guidance for those working in national security, we have done our job.

Olivia

From: Jean Maria Arrigo < >
Date: August 16, 2005 10:03:22 PM PDT
Subject: **[PRESIDENTIAL Task Force] - CIA psychologists?**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Dear Olivia,

I am very pleased with the Task Force participation of psychologists from the armed services. I am not aware of any commitment from psychologists who work for the CIA or other intelligence agencies.

Jean Maria

From: "R. Scott Shumate" < >
Date: August 17, 2005 5:27:22 PM PDT
Subject: **Re: Confidential- Today's broadcast**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Olivia: It was nice to run into you today at the convention center, I appreciate you

giving me a quick read of the changes that are being incorporated into the ethics of interrogation. I look forward to getting the final version so that we can consider what if anything of significance may have changed. Scott

From: "Gelles, Mike" < >
Date: August 22, 2005 7:41:44 AM PDT
Subject: **Re: Two Commentaries on our Report: Message from Steve**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Colleagues,

I wanted to leave a short note regarding the Ethics in National Security Panel presentation at the APA Conference on Friday. While this was not related to the Task Force, there were many questions and comments regarding the Task Force report posed to Dr. Steve Behnke who chaired the panel. I was once again impressed with how Dr. Behnke eloquently represented our work and insured the confidentiality of the panel, despite pressure to reveal the identities of the task force members and the process that unfolded during the Task Force meetings. Steve was respectful, gracious and polite in response to some very direct and provocative questions and comments.

Mike

Michael G. Gelles, Psy.D.
Chief Psychologist
Naval Criminal Investigative Service

From: Barry Anton < >
Date: August 22, 2005 8:18:26 AM PDT
Subject: **Re: Two Commentaries on our Report: Message from Steve**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Colleagues:

I was at the presentation which included many active duty military in uniform, and I'm sure others who were not. There were also people who had strong feelings, both about the political issues as well as the issues our task force addressed. I believe there were over 125 people in the room, most of whom stayed for the entire two hours.

Because of his humility, Mike did not mention the incredibly sensitive, informative, honest, and powerful talk he gave. Kudos to you Mike. And he is correct that Steve masterfully managed the emotion-laden questions from the audience with aplomb. I was sad Robert Fein was not able to attend as he would have added another dimension from the TF discussions which would have helped emphasize the complexity of the

issues.

As you know, Council accepted our report and set the stage for the next step in the process. My hope is that we will all be able to work on this step together in the near future.

Best,

Barry

From: Olivia Moorehead-Slaughter < >

Date: August 22, 2005 9:37:03 AM PDT

Subject: Re: Two Commentaries on our Report: Message from Steve

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Mike and Colleagues

I am pleased to hear how well the discussion portion of the session went as I had to leave during the second presentation. Mike, I very much enjoyed your presentation.....eloquent, informative, and compelling. I'm sorry that I couldn't remain for the session in its entirety, but I had committed to another session which overlapped with this one. Such is the Convention..... I have no doubts that Steve was respectful and masterful in preserving the integrity of our Task Force process and at the same time allowing for insightful discourse around the issues. Thanks Steve.

Olivia

P.S. Scott, Larry, and Bryce.....great running into you at Convention!

From: Olivia Moorehead-Slaughter < >

Date: August 22, 2005 9:42:17 AM PDT

Subject: Re: Two Commentaries on our Report: Message from Steve

Reply- To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Barry and Colleagues,

Barry, it's good to hear yet another testimony of the impact of the session. From my vantage point at the very back of the room (easy exit about 45 minutes into the session), it was indeed a packed room. Of course, you know that I whole heartedly agree with your thoughts about Mike's presentation. I also wanted say that I share your sentiments about our report making its way successfully through Council and to thank you and Gerry for your support throughout.

My best.

Olivia

From: Olivia Moorehead-Slaughter < >
Date: August 30, 2005 10:35:36 AM PDT
Subject: Council acts on PENS report
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear Colleagues,

You may be eager to know what happened at Convention, specifically at the Council of Representatives, regarding our Task Force Report. I am attaching two documents, that are the motions Council voted. In short, Council accepted all of our recommendations, and then added four additional points, which I believe we will all be very comfortable with. (The original item is the first attachment; the additional four points are contained in the second attachment).

Council wants us to proceed with the commentary project we recommended, and would like us to work collaboratively with the Ethics Committee. I know that we all viewed the commentary on the Report as a very important contribution, and I look forward to working with you on this project. We'll get more information soon about the process; my understanding is that there will be a period of inviting people to submit their questions about the Report (to help the commentary address where people are unclear/have questions), and the Board will act on additional funding at its December meeting. So we will likely be looking at another meeting in 2006.

Also, below please find a link to a program that featured Steve discussing our Report (WHYY, Philadelphia's NPR station). (You can listen to the program through this link.)

http://www.whyy.org/podcast/082505_100630.mp3
or
<<http://www.whyy.org/cgi-bin/newwebRTlookup.cgi>>

Warm Regards,

Olivia

<<PENSCOR7B.doc>> <<PENSCOR7Bcont'd.doc>>

From: Nina Thomas < >
Date: August 30, 2005 1:57:45 PM PDT
Subject: Re: Council acts on PENS report
Reply-To: Presidential Task Force on Psychological Ethics and National Security

<PENS@ >

Dear All -

I apologize for having been out of the loop on the various discussions about our report, etc., over the course of the last month. I have been traveling throughout the month of August with little chance for e-mail access except in really smoking internet cafes in Cape Town and Moscow. None at all available on the various slopes of Scotland (I'd have been laughed off the bog if I had asked). I will now immerse myself in the e-mail exchanges in an attempt to catch up.

Regards,
Nina

Nina K. Thomas, Ph.D.

From: Olivia Moorehead-Slaughter < >

Date: August 31, 2005 11:24:35 AM PDT

Subject: Re: Council acts on PENS report

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Welcome back, Nina!

Olivia

From: Nina Thomas < >

Date: September 1, 2005 7:18:51 AM PDT

Subject: Re: Council acts on PENS report

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Thanks for the welcome Olivia. Clearly I missed some very important discussions and meetings particularly at Convention. From various reports Steve did a bang up job (is that perhaps the wrong metaphor?) in the various contexts that he has represented us. I was pleased to read the one report that applauded our efforts. I look forward to continuing to participate in whatever way the TF will proceed at this point.

Warm regards for a productive fall. (Cape Town conference was spectacular, btw. What an impressive group of people.)

Nina

Nina K. Thomas, Ph.D.

From: Olivia Moorehead-Slaughter < >

Date: September 1, 2005 2:03:43 PM PDT

Subject: Roll up your sleeves.....

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Dear Colleagues,

As my last message indicated, Council has endorsed all of our recommendations, including our recommendation that a casebook/commentary be written to demonstrate how our Report applies in actual practice. I'm very excited about continuing our work together, pleased that Council felt this recommendation (and all of our recommendations) worthwhile to support, and a bit anxious about the task that lies ahead. Council directed us to work with the Ethics Committee (of which I am currently vice-chair) on this project, and I anticipate a collaborative and collegial effort where the Ethics Committee presses us for clarity and ensures that we are fully informed about the APA Ethics Code and how it relates to our work.

Council directed the Ethics Office to put out a call for questions and comments on the Report, so that we may be aware of what questions and uncertainties people have. This information will be both important and valuable as we write, and will help ensure that we speak to the issues people are struggling with and uncertain about.

I believe this call, which I have both attached and copied below, will be distributed Tuesday, September 6.

Warmly,

Olivia

<<PENScallmemo.doc>>

APA Presidential Task Force on Psychological Ethics and National Security
(PENS)
Call for Questions and Comments

At its February 2005, meeting, the Board of Directors voted to establish and fund an APA Presidential Task Force to explore the ethical role of psychologists in national security-related investigations (PENS Task Force). The Task Force met in June and shortly thereafter issued a report (attached). The PENS Task Force report contains twelve statements that govern the involvement of psychologists in national security-related activities. In addition, the PENS Task Force made ten recommendations that were reviewed by the Board of Directors and the Council of Representatives in August 2005.

One recommendation of the PENS Task Force, endorsed by Council at its August meeting, concerns writing a casebook/commentary with illustrative examples, to demonstrate how the Report's twelve statements are to be interpreted and applied in practice.

The purpose of this communication is to encourage all interested individuals and groups to submit questions or comments regarding the Task Force Report to APA, so that the PENS Task Force, working with the APA Ethics Committee, can be fully

informed about questions and areas of uncertainty in order to write a casebook/commentary that provides as much direction and is as helpful as possible.

The question/comment period will be through December 31, 2005. Please submit your questions/comments on the PENS Task Force report by email, to PENS@<<mailto:PENS@>>, or by post to: APA Ethics Office; Attn: PENS; 750 First Street, NE; Washington, DC, 20002-4242.

Also, if you are aware of individuals or groups outside of APA who would be interested in providing a question/comment for the casebook/commentary writing process, please submit a name and address.

In addition to the attachment, the PENS Report can be found at:
<http://www.apa.org/releases/PENSTaskForceReportFinal.pdf>

From: Olivia Moorehead-Slaughter <>

Date: January 11, 2006 2:35:24 PM PST

Subject: Greetings and update

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Dear PENS Colleagues,

I hope this message finds all of you well in the New Year and flourishing in your work and non-work lives. I am writing to update you on our PENS work, and to ask for times that we can speak by phone next week.

In August, Council resoundingly supported our recommendation that a casebook/commentary be written on the PENS report, and directed the task force to write the casebook/commentary in collaboration with the APA Ethics Committee (you will recall that the Ethics Committee determined that the twelve statements in the report were appropriate "applications and interpretations" of the APA Ethics Code.) Norman Anderson has raised the possibility that the PENS report and the casebook/commentary be published in the American Psychologist.

I would like to schedule a conference call to discuss how we may proceed with our work, in collaboration with the Ethics Committee. There are a variety of issues to discuss, and I am very eager to hear from everyone regarding your thoughts and ideas about how best to proceed.

In September, a "call for comments" on the PENS report was distributed, which asked that anyone interested submit comments on the report. The initial deadline was December 31; we have now extended the deadline to June 30, to ensure that as many individuals and groups as possible have the opportunity to weigh-in. The Ethics Office will be compiling these comments and distributing them to us at regular intervals. I am attaching the report and the renewed call for comments.

I am hoping we will be able to speak next week. Please let Rhea in the Ethics Office know whether you are available next Tuesday, January 17, at 7 or 8 pm East Coast time, or Thursday, January 19, at 7 or 8 pm East Coast time, for a call. Please contact Rhea at [or at rjacobson@]

As the next "installment" of the work of this Task Force gets underway, please know that I continue to appreciate your commitment to this important endeavor.

Olivia

From:

Date: January 14, 2006 1:06:01 PM PST

Subject: Re: Greetings and update

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Dear Olivia,

It is likely that I will be doing a short stint at sea next week. I am interested in continuing the dialog and will catch up on the activities of PENS when I return. I will be in my office on Tuesday morning.

Take care,
Bryce
Bryce Lefever, Ph.D. ABPP
CAPT MSC USN
Department Head
Substance Abuse Rehabilitation Program
Naval Medical Center Portsmouth, Virginia

From: Mike Wessells < >

Date: January 15, 2006 12:55:10 PM PST

Subject: PENS work

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Dear Olivia,

I've been meaning to write you in regard to my participation in the continuation of the PENS work but my schedule has consistently interfered. Now, with the teleconference being scheduled for next week, I wanted to write at least a brief note.

Out of ethical concerns, I have decided to step down from the PENS Task Force because continuing work with the Task Force tacitly legitimates the wider silence and inaction of the APA on the crucial issues at hand. At the highest levels, the APA has not made a strong, concerted, comprehensive, public and internal response of the kind warranted by the severe human rights violations at Abu Ghraib and Guantánamo Bay. The PENS Task Force had a very limited mandate and was not structured in a manner that would provide the kind of comprehensive response or representative process needed. In serving initially on the Task Force, I had hoped that the APA would treat

PENS as one element in a strong, proactive, comprehensive response affirming our professional commitment to human well-being and sounding a ringing condemnation of psychologists' participation not only in torture but in all forms of cruel, inhumane and degrading treatment of detainees, including the use or support of tactics such as sleep deprivation. In the past six months, no such response has come from the Association, which has tended to treat the PENS Task Force as its primary response to the situation. Even the requirement by the APA Council for wide publicity of APA's 1986 resolution on human rights and torture has not been answered adequately. The quiet, timid approach the APA has taken on these issues is inappropriate to the situation, inconsistent with the Association's mission, and damaging to our profession. It has been encouraging to see a more robust statement recently from the President of the American Psychiatric Association. This is the kind of leadership warranted in the situation we face.

My concerns reflect no ill feelings toward the PENS group, which I felt honored to have worked with. Also, my concerns do not relate primarily to the PENS Task Force report. Although the report could have been stronger in many ways, I thought it made a contribution relative to the terms of reference given to the Task Force.

Sincerely,

Mike Wessells

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From: "Gerald P. Koocher, Ph.D." < >

Date: January 15, 2006 2:04:03 PM PST

Subject: Re: PENS work

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

I hope you will reconsider, Mike.

APA is in the process of doing more, a lot more. I do think it important that we make our statements loud, clear, and rigorous. I think that many things in the works, including the casebook will prove to have substantial enduring merit.

Sadly, American Psychiatric's president is best characterized by the famous verse

from Macbeth's Act 5, Scene 3:

"That struts and frets his hour upon the stage
And then is heard no more: it is a tale
Told by an idiot, full of sound and fury,
Signifying nothing."

In fact, American Psychiatric has yet to release a official position, and their draft position does not preclude the use of drugs in interrogations. I have pasted in below, the first draft of a coulumn I wrote for the February APA Monitor. I ask that it not be circulated before it appears in print two weeks from now:

In early July the task force on Psychological Ethics and National Security (PENS), appointed a few months earlier by then President Ron Levant, released a thorough and thoughtful report detailing the ethical constraints on psychologists who serve in or consult to military and security agencies of our government. The task force included a broad range of psychologists with career interests in ethics, government service, peace and negotiation studies, and the victims of torture. The task force took as its starting point APA s strong historic stand against the use of torture, as well as the ethical foundation that unlawful acts against others also constitute ethical misconduct.

The group became aware of several incidents in which psychologists serving in the military had intervened, putting their own careers at some risk, by taking strong stands against abusive actions toward people held in detention both in Iraq and at Guantánamo Naval Base. For example, one APA member has been credited with alerting his superiors as early as in 2002, about questionable interrogation of detainees at Guantánamo. The task force members had a keen awareness of reports in the news media of alleged ethical misconduct by mental health professionals involved in the interrogation of such detainees, predicated chiefly on rumor and speculation regarding a confidential report by the Red Cross, which has never become public.

The task force members drafted a thoughtful, detailed report and sent it on to the APA Ethics Committee for study. The Ethics Committee, the only body of APA authorized by our *Bylaws* to interpret our ethics code, reviewed the report, made some edits, and confirmed that the guidance offered by the PENS task force conformed full to the *Ethical Principles of Psychology and Code of Conduct*. The report then went to the APA Board of Directors for review and approval for its public release on July 5, 2005.

A number of opportunistic commentators masquerading as scholars have continued to report on alleged abuses by mental health professionals. However, when solicited in person to provide APA with names and circumstances in support of such claims, no data have been forthcoming from these same critics and no APA members have been linked to unprofessional behaviors. The traditional journalistic dictum of reporting who, what, where, and when seems notably absent. The published accounts to date bear an amazing similarity to the Bush administration s claims regarding weapons of mass destruction (WMD) in Iraq, prior to the our invasion of that country, with one noteworthy exception: President Bush has admitted he was wrong about the WMD.

The PENS report makes clear that any APA member who participates in torture, cruel, inhuman, or degrading treatment of people, or who enables use of information

gleaned in a health or mental health care relationships to the detriment of a person's safety and well-being, stands in violation of our ethics code. Our the task force declined to use the words "coercive" or "harmful" in describing ethical misconduct, because many legitimate professional roles of psychologists could prove problematic in that regard. The psychologist who acts as a mandated reporter of abusive behavior toward children or dependent persons may cause harm to the perpetrator, while acting to protect the more vulnerable party. The psychologist who helps the authorities to assemble profiles of suspects in criminal cases may cause harm to the offenders. Clinicians who conduct custody evaluations, criminal competency assessments, or independent disability evaluations will often evaluate people who feel coerced to cooperate by the legal system. We undertake such assignments with appropriate disclosure to the parties and a solid commitment to promoting a world where our scientific and clinical skills benefit society as a whole, and its most vulnerable citizens in particular.

Sadly, many people, including some public luminaries, some of our own members, and some of our psychiatric colleagues have leaped to find fault with the PENS report. Ironically, many appear to have offered their critical commentary without carefully reading the report or by selectively ignoring key elements. Many of our psychiatric colleagues have offered interpretive criticism, although their professional association has yet to agree on an official position. One proposed draft before the psychiatric association includes an itemization of specific prohibited tactics they deem as torture. When carefully scrutinized, their draft bears a remarkable resemblance to our position, although no journalist has yet commented on this point. Likewise, no journalist -- including those critical of the PENS Report -- have commented upon an interesting irony: despite psychiatrists' opposition to prescription privileges for psychologists, the psychiatric association's list of forbidden coercive techniques omits any mention of the use of drugs, implicitly allowing such practices.

Many APA members oppose current government war policies, strongly support victims of torture, or want to proudly uphold our strong tradition of advocacy for social justice. All our members can take pride in the work of the PENS task force and the strong ethical positions held by APA. If you have not yet done so, I encourage you to read the full report. It can be found at {insert web site address here}.

Regards,
Gerry

Gerald P. Koocher, PhD, ABPP
Dean and Professor
School for Health Studies
Simmons College

President, American Psychological Association
Editor, *Ethics & Behavior*
www.ethicsresearch.com

From: "Barry S. Anton, PhD" < >
Date: January 15, 2006 4:30:00 PM PST
Subject: Re: PENS work
Reply-To: Presidential Task Force on Psychological Ethics and National Security

<PENS@ >

Dear Mike:

I too hope that you will reconsider. I believe that you can do more good from continuing on the TF than not. Gerry has articulated many of the reasons why your expertise and perspective is invaluable to our ongoing work.

Best,
Barry

Barry S. Anton, Ph.D., ABPP
Distinguished Professor
University of Puget Sound

From: Nina Thomas < >
Date: January 16, 2006 5:11:44 AM PST
Subject: Re: PENS work
Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Dear All -

I share Mike Wessell's concerns about APA's failure to act more strongly in response to the ongoing issue of inhuman treatment and torture and the participation of psychologists, though I have not decided what that concern means for my own continued participation on the Task Force. Whatever my choice, I am in the dark about the "teleconference" Mike's email refers to. Will someone explain?
Nina

Nina K. Thomas, Ph.D.

From: "Levant,Ronald F" < >
Date: January 16, 2006 4:51:14 AM PST
Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

From: "Levant,Ronald F" < >
Date: January 16, 2006 5:02:13 AM PST
Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

From: "Levant,Ronald F" < >
Date: January 16, 2006 5:45:47 AM PST
Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Mike: I also would urge you to reconsider. For it is not true that "At the highest levels, the APA has not made a strong, concerted, comprehensive, public and internal response of the kind

warranted by the severe human rights violations at Abu Ghraib and Guantánamo Bay."

First, I would note that APA's position throughout all of last year has been consistently mischaracterized by a group of medical reporters and journalists. As I wrote in my APA Presidential address (please do not circulate this yet, as it is still in press): "Despite the clear statements in the PENS report, and the affirmation of the report by the Ethics Committee, Board of Directors and Council, commentators have seriously mischaracterized APA's position on these matters in well-respected journals such as *Lancet*, where an editorial stated that according to APA, psychologists have no ethical obligations whatsoever when acting outside traditional health care provider roles (Wilks, 2005). APA holds precisely the opposite position as the editorial claimed. The entire point of the PENS report is to set forth the ethical obligations of psychologists in a non-traditional setting. Recognizing this error, *Lancet* provided APA space for a correction, but to the best of my knowledge the author of the editorial has never retracted this statement, which has been repeated in other venues of equal stature." Second, we have made a strong effort to correct the record on APA's position, as evidenced by multiple attempts to publish Letters to the Editor in leading newspapers and medical journals like the *New York Times*, *Los Angeles Times*, *Boston Globe*, *Washington Post*, and *Lancet*, a number of which did get published.

Third, as Gerry aptly pointed out, APA President Steven Sharfstein has consistently been less than clear about his organization's position, which is in fact no position. There are two competing positions in APA (one approved by the Board and one by the Assembly of Delegates), the latter of which is close to APA's, but neither of which condemn the use of psychiatric drugs in interrogation.

Thanks for reading this.

Ron

Ronald F. Levant, EdD, ABPP, MBA
Dean and Professor of Psychology
Buchtel College of Arts and Sciences
The University of Akron
Past President, American Psychological Association
"Making Psychology a Household Word"

From: "Kelly, Heather" < >

Date: January 16, 2006 8:07:46 AM PST

Subject: Re: PENS work

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Hi, Mike and the PENS Task Force:

Sometimes from a staff level we're not as good as we should be at widely publicizing our work, but you all should know that APA advocated very strongly and very publicly on behalf of the McCain amendment (attached at various points of time to both the FY06 defense funding and authorizing bills), the language calling for a prohibition on cruel, inhuman and degrading treatment of detainees, which attracted such controversy and heat from Republicans within Congress and the Administration.

I coordinated our in-house effort for over a month, which included personal letters to each of the defense appropriations subcommittee leaders (Republican and Democrat) urging them to include the McCain amendment in the conferenced version of the defense funding bill. We also sent out a grassroots action alert to APA members encouraging you to call and email your

congressional delegations and providing specific language to use during these contacts -- we have the capacity to track the results of this action alert and there were many more calls and emails on this issue than are typically sent by APA members. We also contacted Sen. McCain directly to thank him for his attention to human rights within the military context (I have worked with his office on a number of occasions and his staff have a high regard for APA's efforts in the clinical and policy arenas). APA felt so strongly about this human rights issue that we advocated very loudly at the subcommittee level despite the fact that we had funding for a new psychological training program up before this same subcommittee, and it was quite possible that the Republicans supporting this training program would drop it in light of our opposition to their stance against McCain. Our CEO, Norman Anderson, made it quite clear that advocacy for McCain was of paramount importance.

In addition, Steve Behnke has maintained a wonderful relationship with Physicians for Human Rights, and we worked with their staffer to coordinate APA's endorsement and sign-on to a letter to the Editor of the New York Times in favor of the McCain amendment at the height of Republican opposition -- the signers were Ron Levant on our behalf, the other APA, and the American College of Physicians. My email from home isn't letting me paste in directly, but the November letter stated:

"The intense government debate over the treatment of detainees, given its importance to our country as a whole, requires broad public participation. Recently, the American College of Physicians, the American Psychiatric Association and the American Psychological Association, together representing more than 300,000 members, have gone on record endorsing Senator John McCain's proposal to prohibit the 'cruel, inhuman or degrading treatment' of detainees. The fate of this proposal deeply concerns American health professionals. Our ethics codes condemn torture and cruel, inhuman and degrading treatment and prohibit health professionals from supporting such abuses.

If approved intact by Congress, the McCain amendment, by proscribing abusive treatment of all detainees in United States custody, would help ensure that our colleagues in the national security setting are never drawn into abusive, harmful or unethical interrogations and detention practices. Above all, it would eloquently clarify our country's values and our traditional, legal and moral commitment against torture and abuse." [signed by Ron and the leaders of ACP and apa]

I'm hoping this gives you a fuller sense of some of our activity in this arena, and we'll try to keep our ongoing work less quiet!

Best to you all,

Heather
Heather O'Beirne Kelly, PhD
Senior Legislative & Federal Affairs Officer
Public Policy Office, Science Directorate
American Psychological Association

From: Olivia Moorehead-Slaughter < >

Date: January 16, 2006 3:56:37 PM PST

Subject: Re: PENS work

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@ >

Dear Mike,

I am sorry to read your most recent submission to the PENS group in which you write of your intention to leave the Task Force. In true Mike Wessells style, you were most thoughtful and considered in your email and I "get" the depth of passion behind your words. I am sure that I do not speak only for myself in saying that I have highly valued the contributions that you uniquely bring to the Task Force and would be very sorry to see you leave. I do believe that each member was chosen with great deliberateness and care and that our continued ability to contribute (as I believe that we must) would be diminished by any one of the group leaving. That said, while gathering by conference call does not seem logistically possible this week due to disparate schedules, I do think that it is important for all of us to caucus by phone to talk together about all of the issues at hand, including the ones which you detail in your email. I would like for you to give the group an opportunity to respond to your thoughts about the work of the Task Force as well as APA prior to making a final decision about remaining with the Task Force. I fully expect that we will be able to schedule this conference call within the next several weeks and I would ask that everyone make every effort to facilitate this happening as the proposed times are circulated.

Our work is not done. Your sense of urgency and commitment to our profession's contributions and involvement in the area of national security are precisely why I would regret seeing you leave the Task Force.

I look forward to hearing from you.

My best.

Olivia

From: Mike Wessells < >

Date: January 17, 2006 3:37:14 PM PST

Subject: Re: PENS work

Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Dear Colleagues,

Many thanks to Gerry, Ron, Heather, Barry, and Olivia for your thoughtful replies and encouragement to continue. I'm soon leaving the country for a month and am pressed on time. My decision remains unchanged but I'd like to respond briefly because the points made are serious and warrant attention.

Gerry, it's encouraging to see APA doing more as it has a key role to play professionally and in the public arena on these issues. The casebook under development will indeed be a significant long-term contribution. And I can well imagine the American Psychiatric Association doesn't yet have a coherent position. If they erred by having strong public statements issued prematurely, I'd respectfully suggest that our APA has erred in the other direction of excessive delay and quietness on key points. In the end, our reference point should not be what other associations say but the human rights standards to which we are collectively obligated. By that criterion, the Association remains subject to the points I raised. Early on, there should be strong statements condemning the use not only of methods that violate human rights but that are based on psychology. These should be coupled with assertive efforts to educate the public, our members, and policy makers about the damage done by use of methods such as sleep deprivation, hooding, etc. and to help people understand why particular methods may be even more damaging for detainees from cultures other than our own. There could have been an appeal to human rights as setting standards for all professions' ethics codes (and as trumping military

regulations where the latter fall beneath the bar set by international standards), but these things and many others did not occur.

Ron, I agree that APA's position has been mischaracterized in numerous venues, and this speaks poorly of the lack of professionalism in some journalistic portrayals. That said, things would have gone better had the APA made strong, unequivocal statements very early on along the lines mentioned above. Although PENS has made a contribution and has every prospect of continuing to do so, the strategy of having PENS carry the main burden of response to the situation faced was ill advised.

Heather, I'm very impressed with APA's support of the McCain Amendment and owe everyone involved in it a big "Thanks." It's also very encouraging to see the ongoing dialogue with Physicians for Human Rights. For me, what was missing was a concerted effort to achieve an independent, bipartisan inquiry into the allegations of human rights violations, with attention to the possible role of psychologists and medical personnel in that context. Even if we think whatever wrongdoing has occurred is past and corrective steps have been taken, it's essential to identify what had enabled the violations and to do so in ways that go beyond military investigations, valuable though they may be, too.

I realize these comments are too brief and am keenly aware that we will disagree on many points. Disagreement is often constructive, and I learned much through our discussions on PENS. In the end, though, I feel what I can contribute best comes from outside the process. Olivia, I very much appreciate your kind words and your stewardship of the PENS process. I hope you understand that my small action of conscience is not about PENS per se but its context and the Association responsibilities overall on these issues. Each of us makes difficult decisions about the most appropriate course and my decision has not been easy. Nevertheless, I stick by it in hopes of enabling our profession to make a wider contribution on the issues.

Many thanks for listening.

Mike

From: Olivia Moorehead-Slaughter < >

Date: January 18, 2006 1:40:59 PM PST

Subject: Re: PENS work

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Hi Mike,

Thank you for responding to our messages in spite of your travels. I totally respect your decision and the principles upon which you stand. Please know that I remain appreciative of your wise counsel during the first phase of the PENS process and look forward to your input as the Task Force proceeds with the next part of its work. I am sure that you will continue to make invaluable contributions in this area and I look forward to working with you again.

Olivia

From: Nina Thomas < >

Date: January 19, 2006 8:58:40 PM PST

Subject: Re: Greetings and update

Reply-To: Presidential Task Force on Psychological Ethics and National Security

<PENS@ >

Dear Olivia -

I have not received the notice of the conference call you want to hold but only have learned of it thru the copy of some members of the task force. Hence my late response which will be even later since I have to review my schedule about when I can have time to participate. Is there some glitch in my listing on the listserv that I didn't get your posting of Jan. 11?

Nina

Nina K. Thomas, Ph.D.

From: "Behnke, Stephen" < >

Date: January 19, 2006 9:09:06 PM PST

Subject: Re: Greetings and update

Reply-To: Presidential Task Force on Psychological Ethics and National Security

<PENS@ >

Hi Nina,

I will check to make sure that the listserv is working properly. Given everyone's schedules, we were not able to schedule the call as we had planned, so nothing has been missed.

Steve

From: Olivia Moorehead-Slaughter < >

Date: January 20, 2006 9:22:33 AM PST

Subject: Re: Greetings and update

Reply-To: Presidential Task Force on Psychological Ethics and National Security

<PENS@ >

Hi Nina,

Sorry to hear that you might not have been "in the loop." I think that this happened to you once before so it's worth doing a "test run" with Rhea perhaps to be sure that we have the correct information for you. Please let me know if you get this message. As for the conference call, it did not happen due to scheduling issues. Stay tuned.....

My best.

Olivia

From: Nina Thomas < >

Date: January 20, 2006 1:58:32 PM PST

Subject: Re: Greetings and update

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Yup, I got this one and the weird thing is that I got the response from whoever it was who said he would be at sea tho not the original announcement. Who knows?

Nina K. Thomas, Ph.D.

From: "Gilfoyle, Nathalie" <>

Date: January 20, 2006 2:43:14 PM PST

Subject: Re: Greetings and update

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

In postings this week to another APA list, those with aol accounts did not receive the postings. Nina I can't tell if that is an issue for you. The suggestion from our MIS department was to separately enter the individual addresses for those with aol email addresses. Apparently the problem is limited to listservs. Nathalie

From: Nina Thomas <>

Date: January 21, 2006 8:46:07 AM PST

Subject: Re: Greetings and update

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Thanks to Nathalie suggesting that the difficulty in my getting the announcement from the listserv may have been an aol problem. May I ask if everyone who gets this would mind just sending me a response that has their individual email address on it so I can enter it and, I hope, assure that I get future listserv postings. Who knows wherein the gremlins lay?

Thanks,
Nina

Nina K. Thomas, Ph.D.

From: "R. Scott Shumate" <>

Date: January 21, 2006 11:58:43 AM PST

Subject: Re: Greetings and update

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Nina: Glad to hear you have the gremlin duct taped to the floor. Scott

From: Jean Maria Arrigo < >
Date: January 21, 2006 9:12:10 PM PST
Subject: Re: Greetings and update
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Here I am, Nina. Jean Maria
On Jan 21, 2006, at 8:46 AM, Nina Thomas wrote:

From: "Col. Larry C. James PhD" < >
Date: January 22, 2006 2:23:55 PM PST
Subject: Re: Greetings and update
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Hi Olivia and everyone, I'm located in Hawaii which means that I am 5 hours behind EST. so an early afternoon time would be better for me. which would be around noon or 1 p.m. your time.
thanks,

Larry

From: Nina Thomas < >
Date: January 22, 2006 3:03:36 PM PST
Subject: Re: Greetings and update
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

For whatever reason I seem to be getting postings very late. For example, I am only now getting Olivia's posting regarding a conference call (that I know did not take place) this past week. Are we attempting to hold one?
Thanks,
Nina

Nina K. Thomas, Ph.D.

From: "Banks, Louie M. COL" < >
Date: January 23, 2006 6:10:08 AM PST
Subject: Re: Greetings and update
Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#) >

Nina,
I hope you are well, and that the gremlins are gone.
Morgan<

P>**COL L. Morgan Banks**
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN COM

From: Olivia Moorehead-Slaughter < >
Date: January 23, 2006 8:13:25 AM PST
Subject: Re: Greetings and update
Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#) >

Thanks for letting us know this Larry. We'll keep this time difference in mind as we plan.

Olivia

From: Olivia Moorehead-Slaughter < >
Date: January 23, 2006 8:15:45 AM PST
Subject: Re: Greetings and update
Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#) >

Hi Nina,
We are planning a conference call in the coming weeks. You have not missed any important announcements concerning the scheduling of this call. However, please let me know when you receive this message since timeliness seems to be a concern in terms of when you are getting messages through this listserve. Still tracking those gremlins.....

Olivia

From: Nina Thomas < >
Date: January 23, 2006 1:38:51 PM PST
Subject: Re: Greetings and update
Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#) >

In a message dated 1/23/2006 8:42:09 AM Pacific Standard Time, writes:

Hi Nina,
We are planning a conference call in the coming weeks. You have not missed any important announcements concerning the scheduling of this call. However, please let me know when you receive this message since timeliness seems to be a concern in terms of when you are getting messages

through this listserve. Still tracking those gremlins.....

Got it today. who understands these things?

N

Nina K. Thomas, Ph.D.

From: "R. Scott Shumate" <>

Date: January 23, 2006 5:50:47 PM PST

Subject: Re: For consideration

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Dear PENS Colleagues,

Like all of you, I'm sure, I feel that Mike's resignation is a considerable loss for our group. His thoughtful and principled approach was a great asset to our work, and our report bears his mark throughout. I'm very grateful for having had the opportunity to collaborate with him, and hope that he will stay involved with APA working on these important issues.

In thinking about Olivia's message and what remains to be done, I've had some thoughts I'd like to share. The basic thrust of my comments comes from the necessity of the practical considerations involved in what I believe is an excellent concept for a commentary and casebook. While I am enthusiastic about the idea in principle, as a practical matter I think we need to think very carefully about whether it makes sense for PENS to remain involved in the project.

First, in terms of vignettes, we would need to get the task force together and frame out the cases and how psychologists would consult on an interrogation. The process would be involved and require considerable amount of time developing the cases and putting sufficient depth to the material. This brings to mind a recent experience I've had, of writing an article for the Journal of Military Psychologist. As with all publicly released information, DoD and other Governmental officials have to have their work reviewed by various elements within the Government, and in this case specifically by the Department. While articles are frequently approved after going through the review, there is usually a certain amount of additional work that is required for final release. The problem is that this additional work usually requires considerations that the larger PENS group would not be cleared to consider. Since this is a group effort and the final product would end up being a combination of the larger PENS group and then final edits by the DoD members only, I began to recognize that our requirement to have the review by the Department would interfere, perhaps significantly so, with the group's joint efforts, given the likely length and complexity of the document we would be producing. Further, any changes by APA Ethics Committee and/or APA at large would have to be re-reviewed by the Department prior to release. This requirement is something we can not avoid, and could considerably prolong the process of producing this very important document.

The PENS task force was assembled to look at the ethical considerations of psychologists being involved as consultants to the interrogation process and successfully accomplished their mission, something I am very proud of. The

discussions and exchange of information was substantial and we produced the ethical recommendations as a group, with members from various viewpoints within APA having input. It was a wonderful learning experience and affirmation of the professionalism of psychologists and I think it speaks highly of every member of the PENS task force as well as the Ethics Committee.

At this time I offer for consideration that the PENS task force has accomplished what it was originally assembled to do. I think that all things considered, it may be best if APA's Ethics Committee undertake this next step, of putting together a Case Book independent of the PENS task force. The Ethics committee would be able to produce a casebook without this potentially lengthy and time consuming review.

I look forward to discussing my thoughts but also believe at the end of the day, most members of the PENS will recognize that this suggestion is the best alternative available.

From: "Banks, Louie M. COL" <>

Date: January 25, 2006 10:47:16 AM PST

Subject: Re: For consideration

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

PENS Colleagues and friends,

Like you, I have been reading the messages on the list serve very carefully. I am saddened by Mike's decision, but I know that his voice will continue to be heard on this issue. I know that I benefited greatly from my discussions with Mike, and believe that his input was essential to the report.

The topic that Scott addresses is another that I have been struggling with since our last meeting. I must provide clear guidance to the Army psychologists I supervise in this area, and have done so. This guidance includes both ethical and technical supervision. The Task Force report has been crucial in formalizing the ground rules for their work in this area. As I continue to develop specific guidance for my psychologists, to include examples, a significant problem has developed. All of my examples and commentary are classified, and cannot be shared outside of the DoD community. I have tried to figure a way around this, but without success. Although it may be possible for us to come up with some hypothetical examples, it does not look possible that I could add any of my actual examples, at least at present. As I read Scott's thoughts, I am unfortunately heading in the same direction. Writing up examples may become very difficult for those of us in DoD. I am leaning in favor of asking the APA Ethics Committee to consider writing up the casebook. I must add that not only am I honored to have participated up to this point, but will continue to participate in any way that I can be of use. I am very interested in what the rest of the PENS Task Force thinks about this.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command

From: Olivia Moorehead-Slaughter < >

Date: January 26, 2006 4:37:26 AM PST

Subject: response

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Hello Everyone,

Just a brief response to the messages sent by Scott and Morgan. They have indeed identified some serious complexities at this juncture for several of you on the Task Force. Moving forward at this point with a Commentary from PENS is seeming less and less feasible. It is certainly possible that the Task Force has made its contribution to this process and that now it is best for the Ethics Committee to complete this work. I would love to hear from other members of the Task Force and appreciate the time and energy that you all continue to give in the midst of your very busy lives.
My best.

Olivia

From: "Gerald P. Koocher, Ph.D." < >

Date: January 26, 2006 7:50:17 AM PST

Subject: Re: response

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Olivia Moorehead-Slaughter wrote:

Hello Everyone,

Just a brief response to the messages sent by Scott and Morgan. They have indeed identified some serious complexities at this juncture for several of you on the Task Force.

It seems to me that since the APA Ethics Committee is the only group charged by the APA By-laws to interpret the ethics code, one logical alternative would be to fund the ethics committee to draft the commentary. They could then circulate the commentary to this group and other groups as well. People could provide public or private comments back to the committee, which could take them into account. In that way both our members with institutional constraints and other interested persons could have input without having to deal with bureaucratic constraints.

Gerry

From:

Date: January 26, 2006 9:56:03 AM PST

Subject: On the PENS case book

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

[Olivia, it appears you did not receive the message I sent last night to forward to the Task Force, so I will attempt to rewrite it in brief from my hotel computer.]

Colleagues:

Many critics of the PENS report have complained of the majority membership from the military, 6 of 10 members. I have defended this composition of the Task Force on the grounds that strong military participation is necessary for the Task Force to have any practical relevance to the national security system.

The Task Force was appointed because the Ethics Committee lacked the background and expertise to address the PENS issues by itself. The Ethics Committee similarly cannot produce a valid and relevant casebook for the PENS report. Without such a casebook, the PENS report could be considered a list of platitudes, like an injunction to love one's neighbor without any models. I think it is time for the military members to justify their predominance on the Task Force by helping to produce the casebook. Yes, there are institutional difficulties, but confronting these difficulties is a crucial ethical process. The military and CIA have not been able to prosecute adequately its officers for homicides of detainees and illegal torture for institutional reasons, and the comparison will not be lost on PsySr and Div. 48 critics of the Task Force. I could provide interrogation case histories to the Ethics Committee from my oral histories, but only the current military members could present the standards now deemed appropriate. And I think the military would rather have more common examples explained than the outliers that are likely to arise from volunteered sources.

The casebook was offered at the PENS meeting in DC to mitigate my concern about the weak relevance of the report. This concern has only increased for me and others.

I am writing to you from the Joint Services Conference on Professional Ethics in DC, where I am co-organizer of the follow-on conference Ethics and Intelligence 2006.

Jean Maria

From: Olivia Moorehead-Slaughter < >

Date: January 27, 2006 6:38:07 AM PST

Subject: Fwd: PENS-Reply to Schumate & Banks

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

----- Original Message -----

Thursday, January 26, 2006 4:33:49 AM
Message
From: < >
Subject: PENS-Reply to Schumate & Banks
To: Olivia Moorehead-Slaughter

Dear Olivia, I am writing from hotel WEB access and unable to send a group message to the Task Force. Please forward my message to the group, including Steve Behneke. Thank you. Jean Maria

From: "Gerald P. Koocher, Ph.D." < >
Date: January 27, 2006 9:46:47 AM PST
Subject: **Casebook on Psychological Ethics and National Security**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

I feel the need to respectfully correct some of Jean Maria's statements.

#1 - By my count only 3-4 of the participants in the PENS task force qualify as military personnel (i.e., Morgan, Larry, Bryce, and possibly Michael; I'm not sure whether Michael is active duty military or a civilian employee of NCIS).

Scott is a civilian expert working for the Department of Defense.

Robert is a private consultant who has advised a wide range of civilian (e.g., police, Secret Service, etc.) and military security agencies, but is not a military employee.

Jean Maria, Olivia, Nina, and Mike have no military or defense connections that I know of, and neither Barry nor I (who served ex officio) have any.

Therefore, Jean Maria, your assertion regarding a "military majority" is factually inaccurate and potentially misleading in an inflammatory (albeit unintentionally so) manner. Please correct that misconception in any future communications with outside groups.

#2 - The Ethics Committee not only has the knowledge, but also the mandate necessary to produce the casebook. Members have significant expertise in trauma as well as psychological and biomedical ethics. It includes a public member (i.e., pulmonary physician with expertise in bioethics) and at least one member with personal and family experience with concentration camps, torture, and political imprisonment. It also includes a faculty member who teaches ethics at one of the U.S. military academies.

The mandate of the committee per the APA Bylaws states:

"Members of the Ethics Committee shall be selected to represent a range of interests characteristic of psychology. The Ethics Committee shall have the power to receive, initiate, and investigate complaints of unethical conduct of Members (to include Fellows), Associate members, and Affiliates; to report on types of cases investigated with specific description of difficult or recalcitrant cases; to dismiss or recommend action on ethical cases investigated; to resolve cases by agreement where appropriate; to formulate rules or principles of ethics for adoption by the Association; to formulate rules and procedures governing the conduct of the ethics or disciplinary process..."

Bottom line: the APA Ethics Committee has much broader expertise in application and interpretation of psychological ethics across a wide range of settings and contexts than the more narrowly formed PENS task force.

#3 - There is nothing to prevent the Ethics Committee from seeking broad input from Jean M aria (i.e., torture case narratives) or other experts, and I would expect them to do so, as they have done historically in generating other case books and guidance documents.

#4 - Having the case book originate with the Ethics Committee maximizes authoritative interpretation of the code, enables rapid formulation of any needed changes to the code, and permits others who by virtue of employment status or other official roles might not be allowed to have their names associated as authors or contributors to the report. The net effect will be to ensure the broadest possible input to the process.

Regards,

Gerry

Gerald P. Koocher, Ph.D. ABPP
Professor and Dean
School for Health Studies
Simmons College
President, American Psychological Association

Editor, *Ethics & Behavior*

Visit: www.ethicsresearch.com

From: "Gelles, Mike" < >

Date: January 27, 2006 1:37:05 PM PST

Subject: Re: Casebook on Psychological Ethics and National Security

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Mike Gelles is a civilian.

Sent from my BlackBerry Wireless Handheld

From: "Gerald P. Koocher, Ph.D." < >
Date: January 28, 2006 10:06:39 AM PST
Subject: Re: Casebook on Psychological Ethics and National Security
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Aha! I thought so. Gerry

Gelles, Mike wrote:

Mike Gelles is a civilian.

Sent from my BlackBerry Wireless Handheld

From: "Gelles, Mike" < >
Date: January 30, 2006 12:34:17 PM PST
Subject: Re: Casebook on Psychological Ethics and National Security
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

For the sake of reply. I too am in agreement that the APA Ethics Committee should pick up where the PENS Task force has left off. I do believe a casebook is necessary and not in complete agreement with some of the other DOD folks regarding examples. While it is true that specific content of cases cannot be included the themes, tactics and techniques can be illustrated in examples which have been published in several recent publications. I look forward to supporting the APA Ethics Committee from the perspective of providing examples for the case book.
Mike Gelles

Michael G. Gelles, Psy.D.
Chief Psychologist
Naval Criminal Investigative Service

From: Olivia Moorehead-Slaughter < >
Date: January 30, 2006 12:51:01 PM PST
Subject: Re: On the PENS case book
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Hi Jean Maria,

I have now received both messages. Thanks for "doubling back" just in case!

Olivia

From: Nina Thomas < >

Date: January 30, 2006 6:37:39 PM PST

Subject: Re: Casebook on Psychological Ethics and National Security

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

In a message dated 1/30/2006 12:45:39 PM Pacific Standard Time, writes:

While it is true that specific content of cases cannot be included the themes, tactics and techniques can be illustrated in examples which have been published in several recent publications

Interesting difference in interpretations on this. So do we assume the decision is to leave to the Ethics Comm. the task of developing the commentary?

Nina

Nina K. Thomas, Ph.D.

From: "Gelles, Mike" < >

Date: January 31, 2006 4:33:13 AM PST

Subject: Re: Casebook on Psychological Ethics and National Security

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Nina

Attached is a book chapter on interrogation from a recently published book on Investigative Interviewing. It contains some techniques and themes. I will provide the cite of Journal of Psychiatry article when available due out this Spring. I believe that the task of writting a casebook should be executed by the Ethic Comm..My view is that while there is much information that is sensitive, the topics that lend the greatest concern on interrogation and indirect assessment do not have to remain a mystery, and that there are a number of ways to demonstrate that what psychologists do in the service of national security is not a secret. I believe for both psychologists in law enforcement and the intelligence community there needs to be some degree of exchange with our colleagues outside our community so not to end up so isolated that the relationship between national security psychology and psychology as a whole becomes adversarial.

Mike

Michael G. Gelles, Psy.D.
Chief Psychologist

Naval Criminal Investigative Service

From: Nina Thomas < >
Date: January 31, 2006 6:52:11 AM PST
Subject: Re: Casebook on Psychological Ethics and National Security
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

THanks Mike for sending along the chapter....I look forward to reading it. Hope you are well,
Nina

Nina K. Thomas, Ph.D.

From: Olivia Moorehead-Slaughter < >
Date: January 31, 2006 7:06:05 AM PST
Subject: continued discourse
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Hello Everyone,
There seems to be an emerging consensus that the Ethics Committee is the appropriate body to continue this work. However, I would very much like to hear from other members of the Task Force who have not posted a message about this before a final decision is made.

Olivia

From: "Col. Larry C. James PhD" < >
Date: January 31, 2006 8:14:45 AM PST
Subject: Re: continued discourse
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

I to believe that it is best for the ethics committee to do the casebook. I would also welcome the opportunity to participate.

Thanks,

Larry

From:
Date: January 31, 2006 9:38:32 AM PST
Subject: Re: continued discourse
Reply-To: Presidential Task Force on Psychological Ethics and National Security

<PENS@ >

Dear Olivia and Colleagues,

Here are a smattering of observations, reflections, opinions and ideas:

1. As long as there were non-attribution regarding where and from whom any hypothetical story or vignette came from, I see no harm in participating in a case book. In fact I would hope that those of us who have experience in these matters would participate. The standard disclaimers about "no actual person or event" should apply. I have no particular opinion as to whether the ethics committee or PENS (or both) is the appropriate author of the casebook. And I have some stories or examples to contribute.

2. I want to participate and I believe that no real change or growth is possible without thoughtful, experienced, concerned psychologists working together, articulating positions, and participating. I would not withdraw simply because I did not like what was going on.

3. In fact the PENS meeting was a steep learning curve for me in that it was a far more political process than I anticipated and I had hoped that we would have worked out our positions via intellectual or philosophical debate. When I brought up the idea of harm, and what is harm, it fell on deaf ears. I pointed out that behavioral and psychological techniques used in training our high-risk-of-capture students in Survival Schools are viewed as vital, necessary, good, and for the greater good. Psychologists are strong proponents of these techniques even though they inflict psychological and physical pain. Yet the very same behaviors are proscribed by the Department of Defense and viewed as harmful when applied to America's prisoners. Neither this topic nor any specific example was addressed by PENS. Now it is clear that specific examples must be addressed.

4. I know that I reveal my naivete --and I have been naive on political matters my entire life. Yet I also know that the political process has tremendous shortcomings--especially when it comes to three wolves and a sheep deciding on what to have for lunch.

5. As a "happy idiot," I view things simply: For me to follow what is going on, our basic philosophies must be understood and out on the table. These philosophies lead to positions. Context determines meaning in behavior. Identical behaviors viewed as beneficial in training are viewed as harmful in other contexts. For example, if one has the philosophy that all violence is bad and therefore any participation in the military is wrong, then any participation by psychologists in the military is also wrong. This would be a pacifist position. I do not subscribe to this philosophy--yet I know it well from my father, an ethicist, who acquired this ideology from his church (Church of the Brethren).

6. Lastly (for now), the fundamental meanings of morals (mores) and ethics (ethos) is the ways of the people, the ways of the community, and the values of the community. To some extent, "ethics" has also implied a codified version of these values (which true of the APA). These words--morals and ethics--do not mean "the ways of the individual" or individual rights. Any time the rights of the individual are placed above what is best for the community, it is, by definition, unethical or immoral.

The discussion of individual rights is the domain of "human rights" organizations (like ACLU). I grant that most of the time, that which is good for the individual is also good for the community--but not always. But it frustrates me when attempts are made to trump ethics with individual rights--it confuses the issue.

Bryce Lefever, Ph.D. ABPP
CAPT MSC USN
Department Head
Substance Abuse Rehabilitation Program
Naval Medical Center Portsmouth, Virginia

From: Robert Fein < >
Date: January 31, 2006 11:19:11 AM PST
Subject: **Re: continued discourse**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear Colleagues,

I think it is a wise decision for the Ethics Committee to take responsibility to write the casebook and commentary. Like others, I would be glad to try to contribute if the Ethics Committee sees fit.

Sincerely,

Robert Fein

From: Olivia Moorehead-Slaughter < >
Date: January 31, 2006 2:48:39 PM PST
Subject: **our next steps**
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear PENS colleagues,

Thank you for contributing such thoughtful messages about the role of the PENS task force in the casebook/commentary writing process. Each of you has given a great deal of your time and energy to our important work, and it is clear that you all will continue to be available to contribute your talents. In reading over your posts, I feel comfortable in reaching two conclusions. First, all of you think that this project is a challenging and worthwhile endeavour for APA, the field of psychology, and society. I wholeheartedly agree. To a person you have offered to continue to participate in the project and I think that is critical. Each of you has important contributions to make, and I see your contributions as essential to a successful casebook/commentary.

My second conclusion is that a consensus has emerged among our group, that the Ethics Committee should take responsibility for this project. While our feelings about

handing the project over to the Ethics Committee are complex and not unitary, a majority believe that this transition would work best for them and would alleviate a potentially burdensome process of approval and clearance that could play a significant role in the project moving forward in an expeditious manner. For my own part, it seems important to consider that our Report was based on the Ethics Code, and the Ethics Committee has the authority (in fact, alone has the authority) to say what the Code means. Also, the Ethics Committee has the authority to include whomever they deem appropriate in the writing process, and as chair of the Committee I can assure you that the Committee will reach out to each of you individually for your assistance.

I will write a letter to Ron and Gerry, and post on the list tomorrow for your review.

Warmly,

Olivia

From: Olivia Moorehead-Slaughter < >

Date: February 1, 2006 6:35:10 PM PST

Subject: letter

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear PENS Colleagues,

In yesterday's message, I said I would post a letter to Gerry and Ron concerning our thinking as a group. Attached please find the letter I have written. I welcome any of your comments.

Warmly,

Olivia

[See PENS LETTER 0206.]

From: "Col. Larry C. James PhD" < >

Date: February 1, 2006 8:59:55 PM PST

Subject: Re: letter

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Hi Olivia,
a very well written letter.
thanks,

Larry

From: Jean Maria Arrigo < >
Date: February 1, 2006 9:53:29 PM PST
Subject: Fwd: [PRESIDENTIAL] letter
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Dear Olivia,

It is a beautifully written letter on behalf of the Task Force majority. I would like to append a minority statement on behalf of Mike Wessells and myself, in disagreement with the assertion, "At this point in time, the PENS Task Force believes that it has provided the American Psychological Association the best service it is able" Mike, after all, resigned because he believed the Task Force fell far short of its ethical obligation, and I expressed strong reservations. I have just returned from a long conference trip but will write this minority statement in the next day or two. Thanks very much.

Jean Maria

From: "Gelles, Mike" < >
Date: February 2, 2006 4:32:38 AM PST
Subject: Re: Fwd: [PRESIDENTIAL] letter
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Olivia,

Thanks. I agree with Larry it was a very nice letter.

Michael G. Gelles, Psy.D.
Chief Psychologist
Naval Criminal Investigative Service

From: "Banks, Louie M. COL" < >
Date: February 2, 2006 4:47:13 AM PST
Subject: Re: letter
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Olivia,

The letter craftfully captures what I believe the Task Force achieved, and points us all in the direction of future collaboration. I strongly support it.

Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN COM

From: "Gerald P. Koocher, Ph.D." < >
Date: February 2, 2006 5:28:54 AM PST
Subject: Re: Fwd: [PRESIDENTIAL] letter
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Jean Maria Arrigo wrote:

Dear Olivia,

It is a beautifully written letter on behalf of the Task Force majority. I would like to append a minority statement on behalf of Mike Wessells and myself, in disagreement with the assertion, "At this point in time, the PENS Task Force believes that it has provided the American Psychological Association the best service it is able" Mike, after all, resigned because he believed the Task Force fell far short of its ethical obligation, and I expressed strong reservations. I have just returned from a long conference trip but will write this minority statement in the next day or two. Thanks very much.

Jean Maria

Mike chose to resign and publicize that step. I respect his personal position, but he did resign. It seems a bit over the top to now write a "minority statement" purporting to represent him.

I suggest you simply write whatever you want on behalf of yourself.

Gerry

From:
Date: February 2, 2006 7:37:38 AM PST
Subject: Re: letter
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Olivia,
Well done.
Bryce

From: Olivia Moorehead-Slaughter < >
Date: February 3, 2006 8:51:02 AM PST
Subject: to everyone
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Dear PENS Colleagues,

Thank you for your comments. Jean Maria has indicated that she would like to provide an additional statement, and I want to ensure that anyone on PENS who would like to do so has this opportunity. I think it makes most sense to set a date certain, and I will forward your collective statements/comments to Ron and Gerry. Realizing how busy everyone is, but also that we don't want an undue delay in bringing our work to a close, I am going to suggest Monday, February 13 as the date on which I should receive whatever you would like to have included. Please tell me if you think you would need additional time; I would like to be both flexible and timely.

Warmly,

Olivia

From: "Gerald P. Koocher, Ph.D." < >
Date: February 3, 2006 9:27:11 AM PST
Subject: Re: to everyone
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Olivia Moorehead-Slaughter wrote:

I want to ensure that anyone on PENS who would like to do so has this opportunity. I think it makes most sense to set a date certain, and I will forward your collective statements/comments to Ron and Gerry. Realizing how busy everyone is, but also that we don't want an undue delay in bringing our work to a close, I am going to suggest Monday, February 13 as the date on which I should receive whatever you would like to have included.

I agree completely.

We can then make sure that any individual comments are provided to the Council prior to their discussion of the PENS report.

Gerry

From: Jean Maria Arrigo < >
Date: February 12, 2006 10:18:45 PM PST
Subject: PENS - Addendum to Casebook Letter
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

February 12, 2006

Dear Olivia,
Please attach to your February 1, 2006, letter to Drs. Koocher and Levant, Mike Wessells' letter of resignation from the Task Force and my letter below, for a representation of the minority voices on the original Task Force. Mike withdrew on January 15, 2006, because continuing work with the Task Force tacitly legitimates the wider silence and inaction of the APA on the crucial issues at hand. Below, I outline my disagreement with the majority opinion in your letter.
I appreciate your graciousness as moderator.
Jean Maria

=====
Addendum to Dr. Morehead-Slaughter's February 1, 2006, letter to Drs. Koocher and Levant on behalf of the PENS Task Force

I disagree with two major assertions in this letter: (1) that the Ethics Committee is the most appropriate group for writing the casebook/commentary, and (2) that the Task Force has provided the American Psychological Association the best service it is able. Also, I remark on two related concerns: (3) lack of independence of the Task Force and (4) lack of Task Force transparency.

1. Authorship of the casebook.

Creation of the casebook is more demanding of specialized knowledge concerning interrogations than is articulation of the general ethical principles, because of the legal and political ramifications. Task Force members whose defense department affiliations prevent them from participating in the casebook can defer to their colleagues and myself to provide realistic examples for the casebook and to assist the Ethics Committee in formulating realistic advice. Without the participation of the Task Force members with defense department affiliations, the ecological validity of the casebook is apt to be low or absurd. What psychologists know about culture, setting, organizational roles, social influence, and so on, points to the need for insiders to provide the sample cases from domains clouded in secrecy. In my view, a body of illustrative examples for the Final Report is a crucial contribution of Task Force members affiliated with the national security system and would justify their majority presence on the Task Force.

2. Task Force fulfillment of service

For best service to the APA, from the beginning I have urged that the Task Force expand the scope of its inquiry. The Final Report narrowly focuses on ethical decision making by morally autonomous military psychologists faced with interrogatees at a detention center under U.S. authority. This scenario captures only a fragment of

psychological ethics related to interrogation of terrorist suspects. Central topics are missing: (a) interrogation outside of premises controlled by the U.S. military, where interrogators and consultants have to maneuver gingerly with foreign counterterrorist police and military units; (b) utilization of Behavior Specialists, mental health counselors, and other paraprofessionals trained in psychology, who may easily be substituted for psychologists; (c) career and financial pressures on psychologists, for instance, on recipients of national security scholarships, fellowships, and internships; and (d) other institutional arrangements that may support psychologists' unethical participation in interrogation, for opportunities and procedures persist in large bureaucracies. I think that the model of the morally autonomous psychologist in the U.S. detention center, as put forth in the Final Report, will fade as soon as realistic cases are examined.

3. Independence of the Task Force as an advisory body

APA sources have consistently characterized the Final Report as the product of deliberations by the ten named members of the Task Force. Dr. Koocher voiced strong opinions on the Task Force listserv and during the final deliberations in Washington. There was a continuous presence of APA functionaries, as informational resources, at the other end of the conference table. I presume these circumstances accord with APA by-laws and traditions. Nevertheless, any implication that the Task Force served as an independent advisory body to the APA President is simply false.

In my view, the external social pressure prevented the Task Force from reviewing the ethical implications of its limited mandate, a mandate that excluded investigation of the participation of psychologists in coercive interrogation.

The present letter from the Task Force chair, addressed to Drs. Levant and Koocher, informs Dr. Koocher of a decision in which he substantially participated.

4. Transparency of the Task Force

Confidentiality of Task Force proceedings was advanced on two grounds: the members with national security affiliations could not sufficiently inform our deliberations except under a promise of confidentiality, and a united Task Force position would diffuse divisive and counterproductive criticism of the APA, both from within and without. I think the first reason was valid, but the second has worked against resolution of the question of psychologists' involvement in coercive interrogation. To many APA members, as evidenced by public letters from Divisions 48 and 51, the Task Force appears to be a tool of appeasement, created by the APA leadership to obscure members' demands for an investigation. Honest discussion from Task Force members about the conflicted proceedings (preserving confidences related to national security) would have been much more fruitful than the gag rule. Such discussion would have been a valid step in addressing members' concerns. We can still take that step.

Jean Maria Arrigo

From:
Date: February 13, 2006 5:27:34 AM PST
Subject: Re: PENS - Addendum to Casebook Letter
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

I must confess that I do not know what "morally autonomous" means.
Bryce Lefever

From: Olivia Moorehead-Slaughter <>
Date: February 13, 2006 10:27:20 AM PST
Subject: Re: PENS - Addendum to Casebook Letter
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Dear Jean Maria,
Thanks for sending me your letter. Mike's letter has already been forwarded to Council.

My best.

Olivia

From:
Date: February 15, 2006 11:21:34 AM PST
Subject: FW: LeFever - "Moral autonomy" & ref request
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

Jean Maria,
Thank you for your reply. I am forwarding this string so that this discussion remains inside the fold. I am still confused about "moral autonomy." This phrase, to me, is an oxymoron. While I may be physically or geographically separated from my colleagues, family, church, or community, I am not separated by our common morality. If my choices are independent or autonomous of the groups to which I belong, then I am behaving immorally, independently and selfishly. Moral behavior is never "autonomous." It is always connected to the community. Any "autonomous" choice may or may not be in keeping with the community values (e.g. APA) to which I adhere--and the extent to which a choice is egregious (out of the flock) it is unethical. If I faced an adverse or hostile situation--if there were, in the immediate environment, pressures on me to behave contrary to my sworn codes--I can do my utmost to resist those and behave morally. This takes courage. Some call it moral courage.

Regarding your journal article and the question as to whether U.S troops, or any person can hold out for a day under torture, the answer is--there is no guarantee. By "counterinterrogation" I presume you mean *resistance*, and we do train US troops in *resistance techniques*. There have been many instances of brave, heroic Americans holding out under extreme torture for several days, a week, perhaps longer. And there are many examples where these same Americans managed to resist for only a few minutes. Read [When Hell Was in Session](#), by Jeremiah Denton, or [In Love and War](#), by James B. Stockdale for many examples of resistance under torture. Even Admiral Stockdale, who was awarded the Medal of Honor for his extraordinary resistance and leadership while in prison for 7 years in the Hanoi Hilton, capitulated as soon as his captors re-broke his left knee. This took only a matter of minutes. A person's ability to resist is due to many factors and may change over time and circumstances. Some patriotic American military personnel are not able to muster adequate resistance even in a training environment and may talk way too freely in much less than 24 hours. So, again, there is no guarantee that 24 hours could be maintained--and no guarantee that the "broken" captive will do anything but tell the truth when broken. You may quote me by name on this.

Take care,
Bryce

-From: Jean Maria Arrigo [<mailto:>]
Sent: Tuesday, February 14, 2006 1:22 PM
To: LeFever, Bryce E. (CAPT)
Subject: LeFever - "Moral autonomy" & ref request

Bryce,

"Moral autonomy" roughly refers to the ability to make moral decisions independently, without overriding controls, debilitating conditions, concealed causes and consequences, etc. As a role player in organizations with strict behavior codes and much supervision, e.g., as a Carmelite nun, a person may be acting very morally yet still not exercise much moral autonomy. In Nazi concentration camps, there was also not much scope for moral autonomy by guards, but a few

For a personal example, in the mid-80s I took part in a 3-week human rights march in Third World country. This was a considered act of moral choice, at considerable sacrifice of resources. Once involved though, options quickly diminished. Our passports were held for safety in an administration van, with the result that members could not leave at one of the spare and unpredictable transportation opportunities. A military unit accompanied us, to protect us from insurgents, which cast us in an unintended political position. False rumors and news reports abounded. We were cut off from valid information about the effects of our march. Saboteurs within the march corrupted our governing process and skewed our activities. That's when I swore off group peace activism.

Can you provide any reference for the expectation that U.S. or other troops trained in

counterinterrogation techniques will hold out for a day under torture interrogation, so as to give their colleagues time to regroup before they leak information? I need this for a paper with philosopher Vittorio Bufacchi on the ticking-bomb scenario, soon to go to press in the *Journal of Applied Philosophy*. Or just confirmation of this point from you, if I remember correctly, would be enough. I could give the citation: "Anonymous personal communication from a trainer of counterinterrogation techniques," if you didn't wish to be named. Of course, if I am wrong on this point, please correct me.

Thanks very much.

Jean Maria

From: Olivia Moorehead-Slaughter < >
Date: February 15, 2006 11:57:05 AM PST
Subject: Fwd: note for your letter to Drs. Levant and Koocher
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

FYI---To keep all of you in the loop..... Regards, Olivia.

----- Original Message -----

Tuesday, February 14, 2006 4:52:36 PM
Message
From: Robert Fein < >
Subject: note for your letter to Drs. Levant and Koocher
To: Olivia Moorehead-Slaughter
Cc:

Attachments: Attacho.html 3K

Dear Olivia,

Below is a note that I request be appended to your letter to Drs. Levant and Koocher.

Thanks very much.

Robert

February 14, 2006

Olivia Morehead-Slaughter, PhD
Chair, Presidential Task Force on Psychological Ethics and National
Security
Chair, Ethics Committee
American Psychological Association

Dear Olivia,

As someone who was privileged to serve on the PENS Task Force and who as a psychologist has worked for the last 30 years in areas concerned with preventing violence, I write to affirm what many consider to be a thoughtful, nuanced, reflective task force report. The discussions of Task Force members were respectful, detailed, and vigorous. They were managed with grace and sensitivity by the Chair and assisted by the technical expertise of APA staff.

In my view, the PENS Task Force Report charts a responsible course toward an uncertain future, delineating the bounds of ethical behavior for psychologists working in the area of national security while providing opportunities for psychological knowledge and expertise to be ethically utilized in the service of keeping this country and its citizens safe.

Sincerely,

Robert

Robert A. Fein, Ph.D.
Member, PENS Task Force

From: Olivia Moorehead-Slaughter < >

Date: February 16, 2006 4:45:51 AM PST

Subject: letter

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

FYI--- This letter will be sent along with the letters from Jean Maria and Robert to Gerry Koocher and Ron Levant. Warmly, Olivia.

February 15, 2006

Gerald P. Koocher, PhD

President, American Psychological Association

Ronald F. Levant, EdD, ABPP, MBA

Past President, American Psychological Association

Dear Drs. Koocher and Levant,

I am attaching two letters that individuals who served on the Presidential Task Force on Psychological Ethics and National Security have requested be appended to my February 1 letter to you. The opportunity to submit a letter in this fashion was given to all Task Force members, and it is my understanding that these materials will be provided to Council. I think it is appropriate to clarify two statements in these letters. First, the Task Force decided that its proceedings would be confidential. The purpose of confidentiality was to allow a free exchange of ideas and to promote robust discussion and debate. Political considerations were not advanced in any fashion as a basis for confidentiality. Second, the Task Force was given a specific mandate, to determine whether the Ethics Code adequately addresses the ethical dilemmas that arise in a particular area of practice. The Task Force worked very hard and efficiently to answer this question, and produced a report over a single weekend's meeting. Had

Task Force members wished to raise additional issues for discussion following completion of the Task Force report then I, as Task Force chair, would have wholeheartedly supported engaging in further discussions about any aspect of our work that members felt important to consider and convey to APA.

Sincerely,

Olivia Moorehead-Slaughter, PhD

From: Jean Maria Arrigo < >

Date: February 16, 2006 8:56:22 PM PST

Subject: Re: letter

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear Olivia,

Although I found the Task Force proceedings significant and rewarding, I did not come away with the same impression on either of your points below.

On the first point, concerning confidentiality and political considerations, I recall much concern at our Sunday meeting that the Task Force present a unified position to the public. A few authorities were designated as spokespersons, including Steve Behneke, an APA public relations person, and possibly yourself. The rest of us were to direct all public inquiries to the spokespersons. In another context, I recently faced a similar dynamic. The eight organizers of the January 27-28 conference Ethics & Intelligence 2006 received many inquiries from domestic and foreign reporters. Because of the explosive potential of this conference, with both intelligence insiders and outsiders, we considered funneling a prepared press release through a single spokesperson. After discussion, we finally decided on free communications with the media by all organizers. I understand the stakes, but I think that the Task Force and APA leadership made a disadvantageous choice in the long run.

On the second point, concerning freedom to discuss the limits of the Task Force mandate, I quote a passage from Pres. Koocher's July 10, 2005, letter to me on the Task Force listserv:

Nonetheless, some of your comments above go well beyond the scope of the assigned task force mission (e.g., interrogation outside of premises controlled by the military, historical examples...and procedures in large bureaucracies, and demographics of military personnel). If you were dissatisfied with the scope of work defined for the task force, you could have chosen not to serve. However, it is grossly inappropriate (in my opinion) to criticize the product or the group for staying within its assigned parameters.

Mike Wessells' letter of resignation also expressed grave concern with our assigned parameters because the APA treated the Task Force Final Report as its entire response to members' concern about psychologists' participation in coercive interrogation. As a matter of ethics, I think it is always proper for an appointed task force to assess the implications of accepting the parameters as assigned. Otherwise, a task force may easily be guided for political purposes. As an illustration, President Clinton's Advisory

Committee on Human Radiation Experiments agreed to consider only experiments performed within the United States. The Advisory Committee therefore refused to hear testimony about human radiation experiments designed by U.S. government officials and performed abroad, the data then returned to U.S. scientists for processing. The National Association of Radiation Survivors, the National Association of Atomic Veterans, and other advocacy groups accused the Advisory Committee of participating in the coverup because it stayed within its assigned parameters. Assessment of its assignment shows accountability and enhances the moral legitimacy of a task force.

Thank you for hearing me out a second time.

Jean Maria

From: Jean Maria Arrigo < >

Date: February 21, 2006 12:35:13 PM PST

Subject: PENS - Moral autonomy again

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Bryce,

Back to moral autonomy, this has to do with whether behavior is principally governed by character or situation. Whole books have been written on the topic. Empirical studies show that forceful environments, ambiguity of the situation, secrecy, and distance from familiar moral guideposts (family, church, etc.) tend to tip the scales in favor of situation. I think that the presumption that character is the primary determinant of moral behavior at interrogation centers would need much support, although I am aware of the JSCOPE view that the character of officers is primary in all situations.

Regarding initial resistance to torture interrogation, a historian told me that agents of the French Resistance were committed to 48 hours of stoicism under Nazi torture interrogation, so that their colleagues could regroup and change plans. So few survived, the historian said, that their actual performance could not be gaged. A Black member of an opposition group in South Africa in the 1980s told me that members of his group committed to 24 hours of resistance to torture. He had been arrested and tortured three times, and he thought his colleagues generally managed to hold their secrets for 24 hours. The limited time period was no doubt a morale booster. If one could hold out for a day or two, then at least one could keep one's honor and envision one's comrades safe. Protecting the shifting plans of a small team would be very different from protecting the secrets of a settled government though. Maj. Bill Casebeer, USAF intel, agrees with the picture you present. Thanks for your help.

Jean Maria

From: Olivia Moorehead-Slaughter < >

Date: February 22, 2006 9:16:44 AM PST

Subject: Greetings and Update

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Dear PENS Colleagues,

I wanted to let all of you know that the PENS Task Force Report update was very well received this past weekend at the APA Council Meeting. I presented our work before the entire Council and had an opportunity to have many individual conversations with members both before and after the presentation. They were impressed with the clarity of purpose that the report communicated, the collegial tone of our deliberations, and the level of investment that all of you showed in bringing the document to fruition. Council was entirely supportive of continuing this work through the Ethics Committee's drafting of the casebook/commentary. I am writing up the remarks that I delivered at Council, which I believe will be published in the April Monitor. As soon as they are in a presentable form, I'll distribute them to all of you. Council also received my letter to Gerry and Ron, along with those of Mike, Jean Maria, and Robert.

During the meeting, Gerry Koocher clarified the issue relating to the Task Force's existence and made it known that it has fulfilled its function and actually no longer existed as an entity after 12/31/05. Each of you remains critically important for your individual contributions to the work that lies ahead and I do hope that you will continue to contribute your insights, knowledge, and wisdom to this next part of the work. I can not say thank you often or ardently enough to express how appreciative I am for all that each of you have contributed thus far. You should know that your fellow psychology colleagues acknowledged the stellar job that all of you have done and I could not have been more honored or proud to have chaired this task force. Working alongside all of you has been both personally and professionally rewarding and I look forward to staying in touch with each of you in the months ahead.

My best.

Warmly,

Olivia

From: Jean Maria Arrigo < >

Date: February 24, 2006 10:51:33 AM PST

Subject: Re: Greetings and Update

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Dear Olivia,

I appreciate the news of your report to the APA Council. It sounds as though you did good work in generating support for the casebook/commentary.

In the April MONITOR, can space also be allotted to Mike Wessells and myself for a dissenting position? We will want to express this in some venue, and it seems most

dignified for the Task Force itself to acknowledge and make space for dissension.

Thanks very much.

Jean Maria

From: Olivia Moorehead-Slaughter < >
Date: February 25, 2006 9:40:28 AM PST
Subject: Re: Greetings and Update
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Hi Jean Maria,

I received your message with your request for space in the Monitor. However, I do not make the decisions around what gets printed in the Monitor. I will forward your request to the party who can do so.

My best.

Olivia

From:
Date: February 25, 2006 10:10:22 AM PST
Subject: Re: Greetings and Update
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear Jean Maria, Olivia and PENS,
I must protest. We agreed to work from within. We agreed to keep our proceedings private. As part of the group, each of us signed on to the product of the group (i.e. the Report). Anyone might have a disagreement with this or that, but we agreed as a group to work together to produce a (one) Report. I know I harp on this, but the meaning of ethics is "that which is in the best interest of the community." The community or group, in this instance, is the PENS Taskforce which serves the APA. To say, in effect, "I am the author of this report, but I do not agree with this report," is hypocritical. To go outside the group (meaning to not work from within to the benefit of the group) is, by definition, unethical behavior. In my opinion, both you and Mike contributed to the report when working from within. Why now dissent or oppose the group from the outside?
Yours truly,
Bryce

From: "Gerald P. Koocher, PhD" < >

Date: February 25, 2006 11:32:37 AM PST

Subject: Re: Greetings and Update

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

With due respect, I find Jean Maria's request grossly inappropriate. Consider the following facts:

- #1 - The task force completed its work in June, 2005.
- #2 - While I do understand that Mike Wessells, Jean Maria, and possibly others wish that the task force had gone further in some respects than the published report, the did sign on to that report.
- #3 - The task force appointed by Ron Levant officially ceased to exist when his presidency of APA ended December 31, 2005.
- #4 - No request for published disagreement regarding the report became evident during the existence of the task force.
- #5 - Several members of the task force expressed reservations about working on a casebook, should the life of the group be extended for that purpose. (I therefore chose not to re-appoint the task force, and instead recommended that the APA Council charge the Ethics Committee with that role and fund development of the casebook. The Council acted favorably on that recommendation.)
- #6- For reasons known best to him, Mike Wessells felt the need to make a public display of resigning from a task force that no longer existed in January, 2006, more than 6 months after agreeing to the PENS report content.
- #7 - I have no idea what Jean and Mike now wish to "dissent" about, but by any reasonable definition the appropriate time and forum for any such concerns have long since passed.

Gerry

From: Jean Maria Arrigo < >

Date: February 27, 2006 4:28:55 PM PST

Subject: MONITOR protocol

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@ >

Dear Olivia,

Thank you for this courtesy.

Jean Maria

On Feb 26, 2006, at 10:58 AM, Olivia Moorehead-Slaughter wrote:

From: Olivia Moorehead-Slaughter < >

Date: March 1, 2006 7:48:52 AM PST

Subject: Monitor response

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

FYI---This is the response from Rhea Farberman for all of you to see regarding the printing of a statement in the Monitor. Be well. Olivia

Olivia,

In response to your question, about other members of the PENS Task Force having statements in the Monitor relating to the work of the Task Force and your remarks before Council, the appropriate forum is the letters to the editor section in the following (May) issue. Letters to the editor should be submitted to [<mailto:letters.monitor@>] letters.monitor@, and the word limit is typically 250 words. Editorial staff review the letters for possible publication, and if anyone from the PENS Task Force wishing to submit a letter lets Steve know, I will be sure the letter gets a careful review. The letter will need to be received by March 15 in order to be considered for the May issue.

Rhea Farberman
Executive Director, Public and Member Communications

From: Jean Maria Arrigo <>

Date: March 1, 2006 7:56:55 AM PST

Subject: Re: Monitor response

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Thanks very much for your inquiry, Olivia. Jean Maria

From: Jean Maria Arrigo <>

Date: March 2, 2006 11:59:43 AM PST

Subject: Criticism of final report

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<PENS@>

Dear Bryce,

I want to say at the outset that I respect the confidences of Task Force members who spoke from their national security backgrounds.

Regarding critiques of our final report though, I think the Task Force would have done better to reflect on them than to dismiss them, especially those critiques lodged by APA divisions. Task Force solidarity was supposed to promote accord within the APA, but I believe this was a miscalculation on our part. Secrecy about our proceedings and resistance to critique have made us the enemy of some APA divisions and other parties that have a legitimate stake in the Task Force position.

Indeed, I am one of the authors of the report and I gladly uphold the report *as far as it goes*. But I do not commit to the report as a vital and practical response to the PENS concerns of APA members. From the beginning I have articulated my misgivings about the narrowness of the scope of our report. The Task Force itself has not followed up on proposed activities that might have satisfactorily enlarged the scope of the report and rendered it practicable.

An alternate view is that our task was too difficult and complex for a 2-1/2-day meeting.

Sincerely,
Jean Maria

From: Jean Maria Arrigo < >
Date: March 10, 2006 9:11:06 PM PST
Subject: PENS - Letter to MONITOR editor
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear Rhea,

Attached is my 250-word letter to the Editor of the APA MONITOR, in response to the February President's Column about the PENS Task Force. Thanks very much for your consideration.

Jean Maria

Jean Maria Arrigo, PhD
Project on Ethics and Art in Testimony

From: Jean Maria Arrigo < >
Date: June 15, 2006 9:55:15 AM PDT
Subject: PENS - Expiration of ban
Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

PENS Colleagues:

At our June meeting last year, two reasons were advanced for the ban on public discussion of Task Force proceedings: (a) calmer resolution of public conflict over psychologists involved in interrogation, through appearance of Task Force unanimity, and (b) ease of discussion of sensitive issues by some members with national security jobs and their personal safety from terrorist retaliation. Public response to the PENS report has now largely taken its course. We all owe respect for conversations with

national security professionals on sensitive topics, but that does not require a blackout on proceedings.

The matter of the ban arose for me recently while reviewing Alfred McCoy's *A Question of Torture*. I was well underway in the review invited by *PsycCritques* when I came upon McCoy's one-page condemnation of the PENS report (p. 183) and felt obliged to comment as an interested party.

In Washington, we did not discuss the expiration date of the ban on public discussion of PENS Task Force proceedings. Even the military has a time limit on classified materials. There is much to be lost by secret process in professional associations. December 31, 2005, the date of termination of the Task Force, seems to me the appropriate date for expiration of the ban, in a spirit of organizational transparency.

Jean Maria

Jean Maria Arrigo, PhD

Project on Ethics and Art in Testimony

From: Nina Thomas < >

Date: June 24, 2006 1:24:03 PM PDT

Subject: Jean Maria's email

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Dear All -

If there has been any response to Jean Maria's email several weeks (?) ago regarding her decision to terminate the confidentiality we all agreed to, I have not seen any. I know that I was disturbed by the "unilateralness" of that decision, particularly as our original determination was made on the basis of what members felt was very real need. So am I coming into an issue that's over and done with? Has there been any discussion of this? What's up, in other words?

Nina

From: "LeFever, Bryce E. (CAPT)" < >

Date: June 26, 2006 7:39:44 AM PDT

Subject: Re: Jean Maria's email

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#) >

Nina,

I agree--and I also expected some reaction. Here is mine: It is patently unethical to go contrary to what was mutually decided to be in the best interest of the group (PENS). It is also hypocritical to agree to a standard--then "unilaterally" decide that the standard no longer applies.

Take care,

Bryce

From: "Banks, Louie M. COL" <>

Date: June 26, 2006 9:41:29 AM PDT

Subject: Re: Jean Maria's email

Reply-To: Presidential Task Force on Psychological Ethics and National Security
<[PENS@](#)>

To all,

My position is that I agreed not to discuss the proceedings of the Task Force. I will certainly keep to that promise.

Very respectfully,

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN COM

From: "Gerald P. Koocher, Ph.D." <>

Date: June 26, 2006 9:58:14 AM PDT

Subject: Re:

Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

I concur with Dr. Banks.

Gerry Koocher

Gerald P. Koocher, Ph.D. ABPP
Professor and Dean
School for [Marker]Health Studies
Simmons College
300 The Fenway

President, American Psychological Association

Visit: www.ethicsresearch.com
Editor, *Ethics & Behavior*

From: "Col. Larry C. James PhD" < >
Date: June 26, 2006 11:42:32 AM PDT
Subject: Re: Jean Maria's email
Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

I agreed to not discuss it and refer all questions to Steve and/or Olivia,

I'm still o.k. with this.

Larry

From: Olivia Moorehead-Slaughter < >
Date: June 26, 2006 1:15:36 PM PDT
Subject: Re: Jean Maria's email
Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

Nina,

What you are seeing over the past day or so are the responses that have been received. You have not been out of the loop. Just wanted you to know this.

Olivia

From: Nina Thomas < >
Date: June 26, 2006 2:57:53 PM PDT
Subject: Re:
Reply-To: Presidential Task Force on Psychological Ethics and National Security <PENS@>

In a message dated 6/26/2006 1:05:28 P.M. Eastern Standard Time, writes:

I concur with Dr. Banks.

I hope with me as well.

N

Nina K. Thomas, Ph.D., ABPP

From: Nina Thomas < >
Date: June 26, 2006 7:24:50 PM PDT
Subject: Re: Jean Maria's email
Reply-To: Presidential Task Force on Psychological Ethics and National Security <[PENS@](#)>

Thanks Olivia. Just was concerned since I found the email inflammatory. But I guess other people's tinder points are above mine.

Hope you are well.

Nina

Nina K. Thomas, Ph.D., ABPP