Are the American Psychological Association's Detainee Interrogation Policies Ethical and Effective?

Key Claims, Documents, and Results

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Abstract. After 9–11, the United States began interrogating detainees at settings such as Abu Ghraib, Bagram, and Guantanamo. The American Psychological Association (APA) supported psychologists' involvement in interrogations, adopted formal policies, and made an array of public assurances. This article's purpose is to highlight key APA decisions, policies, procedures, documents, and public statements in urgent need of rethinking and to suggest questions that may be useful in a serious assessment, such as, "However well intended, were APA's interrogation policies ethically sound?"; "Were they valid, realistic, and able to achieve their purpose?"; "Were other approaches available that would address interrogation issues more directly, comprehensively, and actively, that were more ethically and scientifically based, and that would have had a greater likelihood of success?"; and "Should APA continue to endorse its post-9–11 detainee interrogation policies?"

Keywords: American Psychological Association, detainee interrogation, ethics, Guantanamo, Abu Ghraib

The devastating events of 9–11 brought a tangle of complex issues, dangerous realities, and hard choices. To help meet these challenges, the United States began interrogating detainees. The interrogation settings included the Abu Ghraib Prison in Iraq, the Detention Center at Bagram Airbase in Afghanistan, and Camps Delta, Iguana, and X-Ray at Guantanamo Bay Naval Base.

The American Psychological Association (APA) played a key role in supporting detainee interrogations and highlighted psychologists' contributions to this aspect of national security. For example, APA submitted a statement on psychology and interrogations to the US Senate Select Committee on Intelligence explaining that "psychologists have important contributions to make in eliciting information that can be used to prevent violence and protect our nation's security"; that "conducting an interrogation is inherently a psychological endeavor"; and that "psychology is central to this process" (American Psychological Association, 2007b).

US officials also saw a central role for psychologists:

Pentagon officials said . . . they would try to use only psychologists, not psychiatrists, to help interrogators devise strategies to get information from detainees at places like Guantánamo Bay, Cuba. The new policy follows by little more than two weeks an overwhelming vote by the American Psychiatric Association

discouraging its members from participating in those efforts (Lewis, 2006).

APA promoted support for its interrogation policies in its press releases, its journals, its web site, its Internet lists, its conventions, the *APA Monitor on Psychology*, and other venues. This article assumes that the public interest, the profession, and psychological science are best served when we meet the vigorous promotion of policies, claims, and conclusion with equally vigorous critical examination. Critical thinking about policies, claims, and conclusions is essential no matter how prestigious, authoritative, trusted, or respected the source, or how widely-accepted, strongly held, and seemingly self-evident the policies, claims, and conclusions.

This article's approach is not to provide a simplified set of supposed answers, preemptive conclusions, or confident certainties. Its purpose is to highlight key APA policies, procedures, and public statements that seem in urgent need of rethinking and to suggest some questions that may be useful in a serious assessment.

In reviewing material from different points of view, I have chosen in many instances to quote directly the words of APA officers and the members of the special task force on ethics and national security that APA appointed to shape ethical policy in this area, and also critics of APA's policies. Some rhetoric on both sides may seem intense,

confrontational, or divisive. It is important to not let the rhetoric itself become a focus or distraction but to understand and consider carefully the substance of each statement.

Here are a few APA policies, procedures, and assertions that could benefit from a fresh look, careful consideration, and critical thinking, along with some suggested questions that might be useful.

How APA's Interrogation Policy Was Adopted and Announced

To shape its interrogation policy, APA formed what was called a "Blue Ribbon" panel (James, 2008, p. 246): the Presidential Task Force on Psychological Ethics and National Security (PENS Task Force). Typically the APA Council of Representatives, which met a few weeks after the PENS Task Force issued its report, carefully reviews and discusses task force reports prior to voting on whether to approve them. However, when the PENS task force produced its report, the APA Board of Directors declared a state of emergency, invoking Article VII, Section 4, of the APA Bylaws, and voted by e-mail on July 1 to approve the report as APA ethics policy.

Bypassing Council's normal review process had significant implications. Council members are elected by APA's 54 diverse divisions and by the state and provincial psychological associations. The Council's deliberative processes subject proposed policies to intense scrutiny, critical evaluation, and vigorous debate from multiple points of view. Concerns from APA members who are not a part of governance can be voiced through their Council representatives. This rigorous review process can uncover a policy proposal's fallacies, bias, unfounded conclusions, significant weaknesses, overlooked information, unexamined alternatives, and possible unintended consequences prior to Council voting on whether to accept, endorse, and approve the proposal as APA policy. However, the PENS report bypassed Council's critical review and debate prior to adoption, and Council did not vote on whether to accept, endorse, and approve the proposal as APA policy.

Why were various key announcements of the actual adoption process inaccurate? Here are four examples:

- (1) APA issued a press release emphasizing that: "The American Psychological Association (APA) Council of Representatives, the Association's governing body, has endorsed a Task Force Report on Psychological Ethics and National Security today. . . ." (American Psychological Association, 2005a).
- (2) The APA president during whose term the APA Presidential Task Force was appointed and submitted its report announced in *American Psychologist*, APA's journal of record, that "the APA Council of Representatives approved the PENS Task Force Report at its August 2005 meeting" (Levant, 2006, p. 385).
- (3) APA's *Monitor on Psychology*, which is sent to all APA members and made available to the public on

the APA web site, noted that the PENS report "was accepted by APA's Council of Representatives" (Mumford, 2006, p. 68).

- (4) Over a year after the PENS report had become policy, APA submitted a statement that was published in *Salon*: "The reality is that APA's Council of Representatives endorsed the current policy..." (Benjamin, 2006).

In some instances, the incorrect announcements that it was the Council that had approved the report as APA policy were followed by some form of an erratum. For example, a statement appeared in *Monitor on Psychology* that "it was incorrect to state that the Council accepted the report" (Correction, 2006). Similarly, *Salon* published an e-mail that the APA spokesperson had circulated to Council acknowledging that "Council took no official action on the report" (Benjamin, 2006). APA Council member Bernice Lott, reviewing the history of these announcements, wrote: "APA's policy . . . presented in the report of the Presidential Task Force on Psychological Ethics and National Security (Report, 2005), was never adopted or approved by the Council Representatives. Nor was the Council ever asked to do so. Public statements that have implied or said otherwise have been inaccurate, and some have been publicly corrected" (2007, pp. 35–36). Unfortunately, even in those instances in which a correction was attempted, an erratum appearing months after the original incorrect statement may not be seen by all or even most of the readers of the original article or be reflected in the secondary literature.

How APA adopted and announced its interrogation policy is one area that could benefit from a fresh look, careful consideration, and critical thinking. Incorrect information in an organization's initial news release can find its way into newspaper reports, journal articles, and other coverage of the announcement. When the incorrect information is also widely disseminated over the course of more than a year to such venues as the organization's journal of record, its magazine, its web site, and the popular media, there occurs the risk that, however unintentionally, the result is widespread misunderstanding and a misleading historical record containing inaccurate information.

Widely-held incorrect beliefs and misleading historical records can show remarkable resilience, persistence, and resistance to correction. They can become, in the words of Olio and Cornell (1998), "an academic version of an urban legend" (p. 1195). APA's official statements in its news releases, on its web site, in its journal of record, and elsewhere should be reliable, trustworthy, and valid.

Accuracy in announcements gains added importance when the official record is incomplete. The official "Proceedings of the American Psychological Association for the Legislative Year" records all votes on major policy issues by the APA Board of Directors and Council of Representatives. The "Proceedings," published each year in the *American Psychologist*, "are the official record of the actions of the Association taken during the year by both the Board of Directors (the Board) and the Council of Representatives (Council)" (Paige, 2006, p. 411). However,

the 2005 Board of Directors vote to adopt the PENS report as official policy received no mention in the *American Psychologist's* "Proceedings" (Paige, 2006) for 2005.

Avoiding Activities That Harm Detainees and Ensuring That All Interrogations Are Conducted in a Safe, Legal, Ethical, and Effective Manner

APA claimed that psychologists were "in a unique position to assist in ensuring that processes are safe, legal, ethical, and effective for all participants" (Behnke, 2006, p. 154; see also American Psychological Association, 2005b). The organization assured the public that psychologists would not be involved in harming detainees. The director of the APA Ethics Office emphasized that "psychologists knew not to participate in activities that harmed detainees" (Lewis, 2006). The 2007 APA president emphasized that psychologists' involvement makes an important contribution toward keeping interrogations safe and ethical (Brehm, 2007). A statement from the APA Ethics Office appearing in *Psychology Today* underscored what psychologists' participation achieves in all interrogations: "The ability to spot conditions that make abuse more likely uniquely prepares psychologists for this task. Adding a trained professional ensures that all interrogations are conducted in a safe, legal, ethical, and effective manner that protects the individual and helps to elicit information that will prevent future acts of violence" (Hutson, 2008).

These claims deserve a fresh look, serious consideration, and a critical analysis. What evidence did APA rely on in making these confident assurances about *all* interrogations? Were the claims subjected to critical scrutiny before placing the authority, prestige, trust, and influence of the organization behind them? Does the subsequent historical record support these blanket assurances?

When thinking through these questions, it may be useful to consider some of the following material.

The *Boston Globe* (2008; see also Goodman, 2007) summarized a series of investigative news reports in an editorial that began: "From the moment US military and civilian officials began detaining and interrogating Guantanamo Bay prisoners with methods that the Red Cross has called tantamount to torture, they have had the assistance of psychologists." Eban (2007) reported that "psychologists weren't merely complicit in America's aggressive new interrogation regime. Psychologists . . . had actually designed the tactics and trained interrogators in them while on contract to the CIA." A Senate investigation found that "military

psychologists were enlisted to help develop more aggressive interrogation methods, including snarling dogs, forced nudity and long periods of standing, against terrorism suspects" (Flaherty, 2008).

Mayer broadened the focus from psychologists designing tactics and training investigators in the "aggressive new interrogation" to include other roles as well. She reported that "[General] Dunlavey soon drafted military psychologists to play direct roles in breaking detainees down. The psychologists were both treating the detainees clinically and advising interrogators on how to manipulate them and exploit their phobias . . ." (Mayer, 2008a, p. 196). She wrote that "psychologists were heavily involved in drawing up and monitoring interrogation plans, which were designed individually for each detainee.... Sleep deprivation was such a common technique.... pornography [was used] to manipulate detainees.... Detainees were routinely shackled in painful 'stress positions'" (Mayer, 2008b).

The CIA special review of counterterrorism, detention, and interrogation activities, marked "Top Secret" but later declassified, documented yet another area of psychologists' involvement (US Central Intelligence Agency, Inspector General, 2004). In addition to psychologists designing the aggressive interrogation techniques and their "direct roles in breaking detainees down," still other psychologists (i.e., "outside psychologists") played key roles in providing assurances that use of aggressive techniques, such as waterboarding, was safe and would not cause lasting mental harm.

The special review's appendix C, a communication from the US Department of Justice to the CIA Acting General Counsel, noted that the CIA "consulted with outside psychologists, completed a psychological assessment and reviewed the relevant literature on this topic. Based on this inquiry, you believe that the use of the procedures, including the waterboard, and as a course of conduct would not result in prolonged mental harm." The input from outside psychologists fit with the reports of some on-site psychologists: "Your onsite psychologists have also indicated that JPRA [Joint Personnel Recovery Agency] has likewise not reported any significant long-term mental health consequences from the use of the waterboard."¹

It is worth noting that some documents and critics suggest that psychologists also engaged in activities relevant to APA's reassurances about keeping interrogations legal. The American Civil Liberties Union (ACLU) made government documents obtained under the Freedom of Information Act publicly available. The ACLU (2008) pointed out that the government's own documents confirmed that "psychologists supported illegal interrogations in Iraq and Afghanistan." For additional concerns about legal issues relevant to interrogations, please see "Guantanamo Bay: Overview of ICRC's work for internees" (International Committee of the Red Cross, 2004).

¹ The Joint Personnel Recovery Agency is in charge of the Survival, Evasion, Resistance, and Escape (SERE) schools. The agency is "responsible for missions to include the training for SERE and Prisoner of War and Missing In Action operational affairs including repatriation" (US Central Intelligence Agency, Inspector General, 2004). The SERE program trains soldiers (and civilians working for the Defense Department or private contractors working with the military) to survive, evade capture, resist torture and interrogation, escape, and maintain the military code of conduct.

Scholars like Robert Jay Lifton (2008) critiqued APA's policies and assurances in this area. He stated: "The idea that psychologists should be kept around during interrogation in order to protect the person being interrogated or avoid or advise against extreme harmful measures, that idea seems quite absurd to me.... Some of the greatest roles in bringing that [i.e., "some of the worst abuses ... to break down our prisoners"] about have been played by psychologists."

Amnesty International, Physicians for Human Rights, and 11 other organizations sent an open letter to APA (Open letter, 2009) about what it termed APA's "grievous mismanagement of this issue"; APA's "providing ethical cover for psychologists' participation in detainee abuse; and APA's handling of the detainee interrogation issue creating "the greatest ethical crisis" in the profession's history and making a "terrible stain on the reputation of American psychology." A *Lancet* article critiqued APA's PENS policy as a "disgrace" (Wilks, 2005). Professor of Medicine and Bioethics Steven Miles, author of *Oath Betrayed: America's Torture Doctors* (2009a) wrote: "The American Psychological Association was unique among US health professional associations in providing policy cover for abusive interrogations" (2009b).

The Nuremberg Ethic

On August 21, 2002, for the first time in its history, APA took a stand counter to a basic ethic that seized the world's attention at the Nuremberg trials. In what became known as the Nuremberg Defense, the Nazi defendants said they were just "following the law" or "just following orders." The Nuremberg Court and world opinion rejected that attempt to avoid responsibility. The resulting Nuremberg Ethic was clear: People who chose to violate fundamental ethical responsibilities could not avoid responsibility by blaming laws, orders, or regulations.

APA's post-9–11 ethics code rejected the historic Nuremberg Ethic, stating that when facing an irreconcilable conflict between their "ethical responsibilities" and the state's authority, "psychologists may adhere to the requirements of the law, regulations, or other governing legal authority" (Section 1.02). One draft had added "in keeping with basic principles of human rights." APA decided to allow that specific limitation in the code's introduction but to drop it from the code's *enforceable* section. This enforceable Standard 1.02 letting psychologists violate fundamental ethical responsibilities in favor of following a regulation, a law, or a governing legal authority clashed with APA's ethical foundation and what had been its defining values.

It is important to note that this doctrine of "giving psychologists the option to violate their ethical responsibilities in order to follow the law, regulations, or other forms of legal authority had been discussed before September 11" (Pope & Gutheil, 2008). Not only had the doctrine been included in various ethics code drafts over the years, but the controversy over conflicts between ethical and legal responsibilities has a long history in psychology.

For example, "When Laws and Values Conflict: A Dilemma for Psychologists" (Pope & Bajt, 1988), appearing in *American Psychologist* over two decades ago, reported a survey of psychologists' beliefs and experiences in this area.

However, it was only *after* 9–11 that APA took a step unprecedented in its over 100-year history: The APA Council of Representatives voted to let psychologists set aside basic ethical responsibilities if they conflicted irreconcilably with laws, regulations, and other forms of governing legal authority, which included military orders. APA's vote to reject the Nuremberg Ethic, occurring less than a year after and in the context of both the 9–11 attack on the United States and the US military's launch of Operation Enduring Freedom in Afghanistan in response to that attack, clearly communicated to the profession, policy makers, and the public its shift in values.

The US military emphasized APA's new enforceable ethical standard in its formal policy for psychologists involved in "detention operations, intelligence interrogations, and detainee debriefings" (US Department of the Army, 2006, p. 152). Citing APA's changed ethical standard, the army policy stated: "A process for maintaining adherence to the Code when it conflicts with applicable law, regulation, and policy is outlined below" (p. 154). The policy states that after addressing and attempting to resolve the issue, and after appropriate consultation, "If the issue continues to elude resolution, adhere to law, regulations, and policy in a responsible manner."

APA's historic change in its ethics code drew widespread criticism. The editor of the *British Medical Journal* placed a photograph from Abu Ghraib prison on the cover of one issue and wrote:

Just obeying the rules has long been insufficient for doctors. The judges at Nuremberg made clear that obeying commands from superiors didn't remove personal accountability. Doctors couldn't deviate from their ethical obligations even if a country's laws allowed or demanded otherwise.... So deeply ingrained is this ethic in health care that it's surprising, even shocking, to find that the same code isn't shared by psychologists, at least in the United States. (Godlee, 2009)

A British psychologist responded to the editor's critique with a letter to the editor titled "Fortunately UK psychologists Don't Use the APA Code of Ethics" (Triskel, 2009). Similarly, Burton and Kagan (2007), writing in the British Psychological Society's *Psychologist*, wrote:

Most concerning of all, the APA allows its members the "Nuremberg defence" that "I was only following orders."... The implication is that psychologists are permitted to assist in torture and abuse if they can claim that they first tried to resolve the conflict between their ethical responsibility and the law, regulations or government legal authority. Otherwise they can invoke the Nuremberg defence (p. 485).

Facing such criticism, APA argued that 9–11 had no effect on its Council's vote, nine months after 9–11, to reverse APA's longstanding commitment to the Nuremberg ethic and to vote, for the first time in APA's 100+ year history, to abandon that ethic. According to this reasoning, there had been drafts of the change prior to 9–11, and therefore 9–11 could not have influenced the Council's willingness to approve the proposed change. For example, the Ethics Office Director wrote: "The relevant aspect of standard 1.02, on conflicts between ethics and law, was drafted in the fall 2000 and thus has no connection whatsoever to the events of September 11, 2001."

Does APA's reasoning constitute deductive proof or a logical fallacy? After 9–11, the US Congress adopted anti-terrorist legislation affecting search warrants, wiretaps, FBI access to information, surveillance orders, and other governmental activities. However, the relevant aspects of virtually of these parts that were gathered under the umbrella "Patriot Act" had been drafted and had existed in bill form prior to 9–11. For example, Senator Orin Hatch (2003) wrote:

The tragic events of Sept. 11, 2001 — and the killing of more than 3,000 Americans — are forever etched in our nation's memory. Soon after this tragic attack, Congress in bipartisan fashion enacted the Patriot Act, a long-overdue set of measures that provided law enforcement and intelligence agencies with basic tools needed to fight and win the war against terrorism. In 1996, I proposed many of these same measures in an anti-terrorism bill.

By APA's reasoning, the passage of the Patriot Act thus had no connection whatsoever to the events of September 11, 2002, because the relevant aspects of the act had been drafted before 9–11.

After adopting this enforceable standard in 2002, APA continued to support, teach, and promote it as official ethical policy for eight years, including the period that some of the most controversial state policies regarding interrogations were in still in place. Other groups spoke out against the notion that state authority can serve as an acceptable reason to abandon basic ethical responsibilities. Less than a year after APA discarded the Nuremberg Ethic from its code, for example, the World Medical Association's president issued a public reminder: "At Nuremberg in 1947, accused physicians tried to defend themselves with the excuse that they were only following the law and commands from their superiors...the court announced that a physician could not deviate from his ethical obligations even if legislation demands otherwise" (World Medical Association, 2003). APA did not reverse its opposition to the Nuremberg Ethic until 2010, when it amended enforceable Standard 1.02.

Humane Treatment of Detainees

In shaping an ethics code that differed from the Nuremberg Ethic, APA carefully distinguished between those parts of its

Ethics Code, policies, guidelines, and public statements that were *aspirational* versus the code's 89 *enforceable* standards. APA allowed the constraining phrase "in keeping with basic principles of human rights" to appear in the code's aspirational introduction but decisively removed that constraint from the enforceable section.

Similarly APA refused to add to the enforceable sections of the Ethics Code protections that explicitly addressed detainees. Historically, when widespread concerns arose about the impact of psychologists' behavior on groups at risk, APA moved decisively to create specific requirements and limitations in the ethics code's enforceable standards. These groups have included persons "for whom testing is mandated by law or governmental regulations," "persons with a questionable capacity to consent," research participants, "subordinates," clients, students, supervisees, and employees.

Facing concerns about the impact of psychologists' behavior on research animals, to cite one example, APA created an enforceable standard supporting the "humane treatment" of laboratory animals. But APA decided that its code should not recognize detainees as a group that might be vulnerable or at risk during interrogations in settings like Abu Ghraib, Bagram, or Guantanamo.

APA's decision to adopt an enforceable standard focusing on "humane treatment" of animals but not to adopt an enforceable standard focusing on "humane treatment" of detainees deserves rethinking. In the context of APA's claim that psychologists should play a central role in the interrogation process, does the record support their stance against adding any enforceable standard focusing on "humane treatment" of detainees to the Ethics Code?

APA's Statements on Torture

APA took the same stance on its various statements, clarifications, and modifications of its stance on torture. These included, for example, the 2006 "Resolution Against Torture" (American Psychological Association, 2006); the 2007 "Reaffirmation of the APA Position against Torture" (American Psychological Association, 2007a); and the 2008 "Amendment to the Reaffirmation of the APA Position Against Torture" (American Psychological Association, 2008a). In each case, APA decided against adding the resolution on torture, the reaffirmation, the amendment to the reaffirmation, or any other statements about torture to the 89 enforceable standards in the Ethics Code.

On September 17, 2008, APA issued a press release about a new policy:

The petition resolution stating that psychologists may not work in settings where "persons are held outside of, or in violation of, either International Law (e.g., the UN Convention Against Torture and the Geneva Conventions) or the US Constitution (where appropriate), unless they are working directly for the persons being detained or for an independent third party

working to protect human rights” was approved by a vote of the APA membership. (American Psychological Association, 2008b).

APA’s press release did not acknowledge that this policy was not enforceable. However, the APA Office of Public Affairs issued clarifications about the ballot initiative under the title “Petition on Psychologists’ Work Settings: Questions and Answers.” The response to the question “If adopted would the petition be enforceable by APA?” includes this statement: “As explained above, the petition would not become part of the APA Ethics Code nor be enforceable as are prohibitions set forth in the Ethics Code” (American Psychological Association, 2008c).

Similarly the ballot that APA sent to members for a vote on this policy was accompanied by a statement that the policy would not be enforceable. This statement, written by a former APA president, emphasized APA’s position: “APA is clear that the petition, if adopted, is not enforceable” (Resnick, 2008).

Does the record support APA’s position that such policies should be unenforceable?

The Interpretation of “Avoiding Harm”

APA’s ethics code includes the statement: “Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable” (American Psychological Association, 2002, p. 1065, 2010c). How is this statement interpreted? The article “Mixed Agency in Military Psychology: Applying the American Psychological Association Ethics Code,” published in an APA journal, quoted this section of the ethics code and stated: “At times, psychologists employed by government agencies may feel compelled to limit the freedom or overlook the best interests of one person to promote or safeguard the best interests of a larger group, or even society at large” (Kennedy & Johnson, 2009, p. 27).

A PENS Task Force member provided a more detailed analysis of “the real ethical consideration” in an NPR interview. He explained that

psychologists were supposed to be do-gooders. You know, the idea that they would be involved in producing some pain just seems to be, you know, at first blush, something that would be wrong because we do no harm. But the real ethical consideration would say, well, by producing pain or questioning of somebody, if it does the most good for the most people, it’s entirely ethical, and to do otherwise would be unethical (Military Psychologist Says Harsh Tactics Justified, 2009; see also Richey, 2007).

According to this analysis, the ethical focus shifts to what is good for American citizens

The ethical consideration is always to do the most good for the most people. And America happens to be my client. Americans are who I care about. I have no fondness for the enemy, and I don’t feel like I need to take care of their mental health needs (Military Psychologist Says Harsh Tactics Justified, 2009).

APA journals have a long history of published articles endorsing the ethical legitimacy of psychologists’ participating in activities that can cause harm if the intent is to do “the most good for the most people” or “to promote or safeguard the best interests of a larger group, or even society at large” (see Pope, 2011). Back in the 1940s, for example, an APA journal article urged APA members to use their skills to defeat the enemy: “We must now comb all literature available to us with the object in mind of determining the factors which are ‘destructive’ of human well-being and efficiency. These findings must then be ruthlessly applied” (Watkins, 1943, p. 135).

Responses to Criticisms

A comprehensive critical assessment of this area includes not only APA’s policies, procedures, and claims but also the responses to critics and criticisms. This section highlights responses from those whom APA selected to serve on the PENS Task Force to shape APA’s ethical policies in this area. As with all of the material cited in this article, readers are strongly encouraged to read the original works in their entirety rather than rely on the brief quotes excerpted here.

Criticisms or even just disagreements with the PENS report can be considered unreasonable per se. One PENS member describing thinking of the PENS report’s conclusions as “no brainers. What decent, moral psychologist could disagree?” (James, 2008, p. 247).

Critics are sometimes suspect because of their alleged political leanings and tendencies to invent facts. “But this was not enough for many of the radical left-wing members of the American Psychological Association and other human rights and physician societies around the country.... They disregarded the facts and created their own” (James, 2008, p. 248).

Those who disagree with APA’s PENS policies can also be seen not as offering alternative approaches to this complex area but instead as seeking to cut and run. Another PENS member, in a coauthored article in an APA journal, wrote that “to run away from an area where we can help both the country and the individuals in detention is simply wrong” (Greene & Banks, 2009, p. 30).

A third PENS member emphasized the tendency of critics who have not been in these situations (detainee interrogations) to lack the necessary knowledge to speak on the topic:

Anyone who wants to throw stones in this situation really needs to step back and figure out what they would do themselves in these situations, and not just kind of be ivory tower critics, but get down and either get in a situation or really keep their mouths shut. Most of the time, they have no idea what they're talking about (Military Psychologist Says Harsh Tactics Justified, 2009).

Previous sections of this article cited the International Committee of the Red Cross (ICRC), which received Nobel Prizes in 1917, 1944, and 1963, as a source of data. But the ICRC's motives could be disparaged as anti-American. A PENS Task Force member explained:

Like most other soldiers, I saw the ICRC representatives as a bunch of radical do-gooders, mostly from Europe, who were as interested in giving America a black eye as they were in truly helping the innocent.... The ICRC claimed, very wrongly and without any evidence, that psychologists were stealing detainee medical information and helping investigators craft torture (James, 2008, pp. 180–181).

According to this view, the story of healthcare professionals participating in torture was a fabrication: "It was the ICRC who concocted the story of medical torture" (James, 2008, p. 181).

Similarly, material from the US Defense Department reporting that a psychologist "conspired to teach psychologists and interrogators from Cuba how to reverse engineer SERE school to torture detainees" (James, 2008, p. 248) was viewed as completely off base. The PENS member wrote that the "DOD inspector had gotten the story about the SERE psychology training at Fort Bragg all wrong.... It was either one hell of a lie, flat-out bullshit, or a factual error – it didn't happen the way the August 2006 DOD inspector said it happened" (p. 249).

A passage from a PENS member's book described a direct response to a critic: "At a meeting of the American Psychological Association in 2006, I confronted one of my critics and threatened to shut his mouth for him if he didn't do it himself. I'm told it was the most excitement at an APA meeting in about 20 years" (James, 2008, p. 251).

Some criticism of the PENS policies that APA adopted came from PENS members themselves. Although the PENS Task Force originally included 10 members, one member sent a message to the chair and other members after the report was written. The message included this passage:

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.... The...approach the APA has taken on these

issues is inappropriate to the situation, inconsistent with the Association's mission, and damaging to our profession (Wessells, 2006).

Another PENS Task Force member wrote that "the platitudinous PENS report, as I see it, largely represents political damage control" (Arrigo, 2006; see also "APA Interrogation Task Force Member Dr. Jean Maria Arrigo Exposes Group's Ties to Military," 2007).

Conclusion

APA is the largest organization of psychologists in the world, with over 148,000 members and a distinguished history reaching back over 100 years. No one can know how persuasive APA's many reassurances were and what impact they may have had on the public's beliefs about the interrogations at Abu Ghraib, Bagram, Guantanamo, and other sites being safe, legal, ethical, and effective. It is possible, however, to ask basic questions about APA's policies and public statements. In fact, the careful questioning of policies, claims, methods, approaches, and assumptions is an important role and responsibility of psychologists (Pope, 1996, 1997; Pope & Vasquez, 2011).

The topics covered here are, of course, not comprehensive. For example, APA's claims about what methods of interrogations are effective are reviewed in another article in light of the scientific literature, the continuing controversies, and the research underlying a prominent approach to interrogation, learned helplessness (Pope, 2011).

The following key questions can be useful no matter what our current beliefs about APA's controversial ethical policies in this area. Constantly rethinking our response to them – always asking "What if I'm wrong about this?"; "What information, insight, or perspective could I be missing?"; "Is there another way to understand this that might be more valid or useful?" – can be an important part of the discipline and science of psychology, leading us to new realizations.

A few of the key questions, whose themes shape this article, include:

- However well intended, are APA's interrogation policies ethically sound?
- Are they valid, realistic, and able to achieve their purpose?
- Did APA subject them to adequate critical scrutiny from sufficiently diverse perspectives to identify fallacies, unfounded conclusions, significant weaknesses, overlooked information, unexamined alternatives, and possible unintended consequences prior to adopting the policies and making public claims and assurances?
- Does the record support APA's assurances that psychologists knew "not to participate in activities that harmed detainees," and that the addition of a psychologist "ensures that all interrogations are conducted in a safe, legal, ethical, and effective manner that protects the

individual and helps to elicit information that will prevent future acts of violence”?

- Did sound ethical reasoning support APA's stance that the Nuremberg Ethic should be dropped from its ethics code and replaced by the doctrine that psychologists should be able to set aside their “ethical responsibilities” if those responsibilities were in inherent conflict with military orders, governmental regulations, national and local laws, and any other form of governing legal authority?
- In the context of APA's claim that psychologists should play a central role in the interrogation process, does the record support their stance against adding any enforceable standard focusing on “humane treatment” of detainees to the ethics code?
- Were the PENS policies APA's only viable option, or were other options available that would address interrogation issues more directly, actively, and comprehensively; that were more ethically sound and scientifically based; that could have contributed more to national security by fostering better interrogations that were more productive; and that would have had a greater likelihood of success?
- Should APA continue to endorse and to put its authority, influence, and the weight of its large membership behind the PENS policies, which were never revoked, as its formal ethical policies?

Acknowledgments

This article is an updated and expanded adaptation of the chapter “Are APA's Detainee Interrogation Policies Ethical and Effective” by Kenneth S. Pope, which was published in *Ethics in Psychotherapy and Counseling: A Practical Guide* (4th ed.) by Kenneth S. Pope and Melba J. T. Vasquez, published by John Wiley and Sons in 2011. It is reprinted with permission of John Wiley and Sons, Inc.

References

- American Civil Liberties Union. (2008, April 30). Newly unredacted report confirms psychologists supported illegal interrogations in Iraq and Afghanistan. Press release. Retrieved from <http://bit.ly/97hxR4>
- American Psychological Association. (2002). Ethical Principles of Psychologists and Code of Conduct. *American Psychologist*, 57, 1060–1073.
- American Psychological Association. (2005a). APA Council Endorses Ethical Guidelines for Psychologists Participating in National Security-Related Investigations and Interrogations August 29. Retrieved from <http://www.apa.org/news/press/releases/2005/08/security.aspx>
- American Psychological Association. (2005b, June). Report of the American Psychological Association Presidential Task Force on psychological ethics and national security. Retrieved from <http://www.apa.org/pubs/info/reports/pens.pdf>
- American Psychological Association. (2006, August 9). Resolution against torture and other cruel, inhuman, and degrading treatment or punishment. Retrieved from <http://www.apa.org/about/governance/council/policy/chapter-3.aspx>
- American Psychological Association. (2007a, August 19). Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as “Enemy Combatants.” Retrieved from <http://www.apa.org/about/governance/council/torture-amend.aspx>
- American Psychological Association. (2007b, September 21). Statement of the American Psychological Association on psychology and interrogations submitted to the United States Senate select committee on intelligence. Retrieved from <http://www.apa.org/ethics/programs/position/legislative/senate-select.aspx>
- American Psychological Association. (2008a). Amendment to the reaffirmation of the American Psychological Association position against torture. Retrieved from <http://www.apa.org/about/governance/council/policy/chapter-3.aspx>
- American Psychological Association. (2008b, September 17). APA members approve petition resolution on detainee settings. APA press release. Retrieved from <http://www.apa.org/news/press/releases/2008/09/detainee-petition.aspx>
- American Psychological Association. (2008c, July 28). Petition on psychologists' work settings: Questions and answers. Retrieved from <http://www.apa.org/news/press/statements/qa-work-settings.aspx>
- APA interrogation task force member Dr. Jean Maria Arrigo exposes group's ties to military. (2007, August 20). *Democracy Now*. Retrieved from <http://bit.ly/9W05NG>
- Arrigo, J. M. (2006). Psychological Torture – the CIA and the APA. *PsycCRITIQUES*, 51 (30). No Pagination Specified. doi: 10.1037/a0003712
- Behnke, S. H. (2006). Psychological ethics and national security: The position of the American Psychological Association. *European Psychologist*, 11, 153–155. doi: 10.1027/1016-9040.11.2.153
- Benjamin, M. (2006, August 4). Psychologists group still rocked by torture debate; In an angry response to Salon, the American Psychological Association defends its policy on participating in terror suspects' interrogation. *Salon*. Retrieved from www.salon.com/news/feature/2006/08/04/apa
- Boston Globe. (2008, August 30). Boston Globe editorial: Psychologists and torture. *Boston Globe*. Retrieved from <http://bit.ly/c1t0mK>
- Brehm, S. (2007, January 9). APA news release of letter from the APA president to the editor of *Washington Monthly*. Retrieved from <http://www.apa.org/news/press/response/washington-monthly-response.pdf>
- Burton, M., & Kagan, C. (2007). Psychologists and torture: More than a question of interrogation. *The Psychologist*, 20, 484–487.
- Correction. (2006). *Monitor on Psychology*, 37, 7.
- Eban, K. (2007, July 17). Rorschach and awe. *Vanity Fair*. Retrieved from <http://bit.ly/aAbkCu>
- Flaherty, A. (2008, June 17). Probe: officials warned about harsh interrogations. *USA Today*. Retrieved from <http://bit.ly/9N63Rc>
- Greene, C. H. III, & Banks, L. M. III (2009). Ethical guideline evolution in psychological support to interrogation operations. *Consulting Psychology Journal: Practice and Research*, 61, 25–32. doi: 10.1037/a0015102
- Godlee, F. (2009, May 16). Rules of conscience. *British Medical Journal*, 338, 7704.
- Goodman, A. (2007, June 8). Psychologists implicated in torture. *Seattle Post-Intelligencer*. Retrieved from http://www.seattlepi.com/opinion/318745_amy07.html

- Hatch, O. (2003, May 14). In defense of the Patriot Act. *USA Today*. Retrieved from <http://bit.ly/bkleBk>
- Hutson, M. (2008, April 4). Keeping interrogation clean. *Psychology Today*. Retrieved from <http://www.psychologytoday.com/articles/200611/keeping-interrogation-clean>
- International Committee of the Red Cross. (2004, January 30). Guantanamo Bay: Overview of ICRC's work for internees. Retrieved from <http://www.icrc.org/eng/resources/documents/misc/5qrc5v.htm>
- James, L. C. (2008). *Fixing Hell: An army psychologist confronts Abu Ghraib*. New York, NY: Grand Central Publishing/Hachette Book Group.
- Kennedy, C. H., & Johnson, W. B. (2009). Mixed agency in military psychology: Applying the American Psychological Association ethics code. *Psychological Services*, 6, 22–31. doi: 10.1037/a0014602
- Lifton, R. J. (2008, August 11). Robert Jay Lifton on the American Psychological Association and torture. [Video]. Producer/Director: Hermine Muskat. Studio: Back Bay Films, LLC. Retrieved from <http://bit.ly/dn78Nd>
- Levant, R. F. (2006). Making psychology a household word. *American Psychologist*, 61, 383–395. doi: 10.1037/0003-066X.61.5.383
- Lewis, A. (2006, June 7). Military Alters the Makeup of Interrogation Advisers. *New York Times*. Retrieved from <http://nyti.ms/9aRWIq>
- Lott, B. (2007). APA and the participation of psychologists in situations in which human rights are violated: Comment on "Psychologists and the use of torture in interrogations". *Analyses of Social Issues and Public Policy (ASAP)*, 7, 35–43.
- Mayer, J. (2008a). *The dark side*. New York, NY: Doubleday.
- Mayer, J. (2008b, July 11). The experiment. *New Yorker*. Retrieved from http://www.newyorker.com/archive/2005/07/11/050711fa_fact4
- Miles, S. H. (2009a). *Oath betrayed* (2nd ed.). Los Angeles, CA: University of California Press.
- Miles, S. H. (2009b, May 1). Psychologists and torture [Letter to the Editor published online]. *British Medical Journal*. Retrieved from <http://bmj.com>
- Military Psychologist Says Harsh Tactics Justified. (2009, May 4). All Things Considered, National Public Radio. Retrieved from <http://www.npr.org/templates/transcript/transcript.php?storyId=103787285>
- Mumford, G. (2006). When legislative objectives are in conflict. *Monitor on Psychology*, 37, 68–69.
- Olio, K. A., & Cornell, W. F. (1998). The facade of scientific documentation: A case study of Richard Ofshe's analysis of the Paul Ingram case. *Psychology, Public Policy, and Law*, 4, 1182–1197.
- Open letter in response to the American Psychological Association Board. Retrieved from <http://bit.ly/Y2bFj>
- Paige, R. U. (2006). Proceedings of the American Psychological Association for the Legislative Year 2005: Minutes of the Annual Meeting of the Council of Representatives, February 18–20, 2005, and August 17 and 21, 2005, Washington, DC and Minutes of the February, June, August, September, and December 2005 Meetings of the Board of Directors. *American Psychologist*, 61, 411–512.
- Pope, K. S. (1996). Memory, abuse, and science: Questioning claims about the False Memory Syndrome epidemic. *American Psychologist*, 51, 957–974. Retrieved from <http://kspope.com/memory/memory.php>
- Pope, K. S. (1997). Science as careful questioning: Are claims of a false memory syndrome epidemic based on empirical evidence? *American Psychologist*, 52, 997–1006.
- Pope, K. S. (2011). Psychologists and detainee interrogations: Opportunities lost and lessons learned. *Annual Review of Clinical Psychology*, 7, 459–481. Retrieved from <http://bit.ly/dXpclC>
- Pope, K. S., & Bajt, T. R. (1988). When laws and values conflict: A dilemma for psychologists. *American Psychologist*, 43, 828.
- Pope, K. S., & Gutheil, T. G. (2008). The American Psychological Association & Detainee Interrogations: Unanswered Questions. *Psychiatric Times*, 25, 16–17.
- Pope, K. S., & Vasquez, M. J. T. (2011). *Ethics in psychotherapy and counseling: A practical guide* (4th ed.). Hoboken, NJ: Wiley.
- Resnick, R. J. (2008). Con statement. Retrieved from <http://www.apa.org/news/press/statements/work-settings-con.aspx>
- Richey, W. (2007, August 14). US Gov't broke Padilla through intense isolation, say experts. *Christian Science Monitor*. Retrieved from <http://www.csmonitor.com/2007/0814/p11s01-usju.html>
- Triskel, N. (2009, May 14). Fortunately UK psychologists don't use the APA Code of Ethics. *British Medical Journal*. Retrieved from http://www.bmj.com/content/338/bmj.b1972/reply#bmj_el_213695
- US Central Intelligence Agency, Inspector General. (2004, May 7). Special review: Counterterrorism detention and interrogation activities, Appendix C: US Department of Justice's August 1, 2002, Memorandum for Acting General Counsel of the Central Intelligence Agency. Retrieved from <http://www.justice.gov/olc/docs/memo-rizzo2006.pdf>
- US Department of the Army. (2006). *Behavioral science consultation policy* (OTSG/MEDCOM Policy Memo 06–029, October 20). Washington, DC: Author.
- Watkins, J. G. (1943). Further opportunities for applied psychologists in offensive warfare. *Journal of Consulting Psychology*, 7, 135–141. doi: 10.1037/h0057381.
- Wessells, M. (2006, June 15). [Electronic mailing list message]. The American Psychological Association Presidential Task Force on Psychological Ethics and National Security LISTSERV correspondence, Intelligence Ethics Collection, Hoover Institution Archives, Stanford University. Retrieved from http://s3.amazonaws.com/publica/assets/docs/pens_listserv.pdf
- Wilks, M. (2005). A stain on medical ethics. *Lancet*, 366, 429–431.
- World Medical Association. (2003, June 23). 11 Physicians under threat, warns WMA president, Press release. Retrieved from <http://bit.ly/bXfPFM>

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