

November 2, 2011

Dear SCRA Representatives,

Thank you for the opportunity to submit for SCRA's review the call for the annulment of the American Psychological Association's PENS Report. This initiative is being led by the Coalition for an Ethical Psychology. To date, 20 organizations and over 800 individuals have officially endorsed this effort, including the Society for Humanistic Psychology (APA Division 32) and the Executive Committee of the Society for Theoretical and Philosophical Psychology (APA Division 24).

In addition to responses to the specific questions that are part of your standard review (immediately below), this document also includes three additional sections. The text of the annulment petition is provided on page 3 (it is also available online at [www.ethicalpsychology.org/pens](http://www.ethicalpsychology.org/pens)). A complete list of organizational signers and a partial list of individual signers of the petition thus far are provided on pages 4-9 (a full listing is available online at [www.ethicalpsychology.org/pens/signers/php](http://www.ethicalpsychology.org/pens/signers/php)). Finally, a detailed background statement with extensive documentation and endnotes related to the annulment call is provided on pages 10-15 (this statement is also available online at [http://www.ethicalpsychology.org/materials/PENS\\_Annulment\\_Background\\_Statement.pdf](http://www.ethicalpsychology.org/materials/PENS_Annulment_Background_Statement.pdf)).

### **Brief Description of Policy Issue**

Although this issue focuses on matters directly related to the profession of psychology, it also reaches far beyond the field. The PENS Report was created and issued in 2005 with great urgency and secrecy. It endorsed the role of psychologists in keeping national security interrogations "safe, legal, ethical, and effective," despite reports that psychologists had been involved as creators, overseers, and participants in abusive and torturous interrogations. The Task Force itself was heavily imbalanced, with a majority of its members directly tied to the military/intelligence sector and several directly linked to interrogations of national security detainees. The internal processes of the Task Force deliberations were seriously flawed, and the Report was approved without a vote of the Council of Representatives. Despite the 2008 member-initiated referendum aimed to limit psychologists' involvement in settings such as Guantanamo Bay, the PENS Report continues to be used as an authoritative document in important settings today. Support from SCRA and other APA divisions will directly impact the likelihood that the annulment effort will be successful.

### **Link between Policy Issue and SCRA's Mission and Vision**

The annulment of the PENS Report is consistent with SCRA's mission and vision because of its centrality to both the future of an ethics-based psychology and the well-being of vulnerable populations, including individuals, particularly Muslims, who continue to suffer from abusive conditions and indefinite detentions in U.S. national security prisons. In addition, SCRA has played a major role in challenging APA decisions around issues of interrogation. The following quotes from the SCRA mission and goals fit this policy issue well:

- "Explicit attention to and respect for diversity among peoples and settings..."
- "Change strategies are needed at multiple levels in order to foster settings that promote competence and well-being."
- "Liberation of oppressed peoples, greater inclusion for historically marginalized groups, and respecting all cultures."

- “Respects cultural differences, honors human rights, seeks out and incorporates contributions from all corners of the world, and is not dominated by any one nation or group.”
- “Non-exploitation, prevention of violence, and active citizenry.”

### **Specific Action Proposed for SCRA and Requested Timeframe**

The specific action proposed is that SCRA, after adequate deliberation, officially endorse the petition calling for annulment of the PENS Report – if SCRA deems this to be a worthwhile and appropriate course to take. The timeframe is somewhat flexible in that there is no specific deadline, but short-term action is likely to be especially valuable in setting an example for other individuals and organizations.

### **Relevant Web Links**

The website of the Coalition for an Ethical Psychology ([www.ethicalpsychology.org/pens](http://www.ethicalpsychology.org/pens)) provides a considerable amount of information directly relevant to the annulment call, including a variety of key documents bearing on this issue ([www.ethicalpsychology.org/resources/documents.php](http://www.ethicalpsychology.org/resources/documents.php)), as well as an interactive ten-year Timeline ([www.ethicalpsychology.org/timeline](http://www.ethicalpsychology.org/timeline)) detailing the role of psychologists and the APA in “enhanced interrogation programs” as part of the post-9/11 “war on terror.”

### **Arguments Offered in Opposition to Proposed Action**

The background materials provided give the strongest arguments in support of annulment of the PENS Report. Those in the leadership of the APA (e.g., the APA Board) may raise multiple concerns as to why the Report should not be annulled, including questions such as “What would happen if the Report is annulled?” and “What is the process for annulment?” The Coalition and other knowledgeable professionals have concluded that there are no significant adverse consequences likely from annulment (while there would be clear and considerable benefits), and we are confident that the Council of Representatives, with assistance from the APA Board and staff, can take the action necessary to annul the PENS Report. Members of the Coalition for Ethical Psychology would be happy to answer any further questions about the policy or other questions around the PENS Report or its annulment.

Thank you for the time and consideration given to this request that SCRA officially endorse the annulment call.

Sincerely,

Roy Eidelson (SCRA Member), on behalf of the Coalition for an Ethical Psychology

## **A Call for Annulment of APA's PENS Report**

Over the decade since the horrendous attacks of 9/11, the world has been shocked by the specter of abusive interrogations and the torture of national security prisoners by agents of the United States government. Although psychologists in the U.S. have made significant contributions to societal welfare on many fronts during this period, the profession tragically has also witnessed psychologists acting as planners, consultants, researchers, and overseers to these abusive interrogations. Moreover, in the guise of keeping interrogations "safe, legal, ethical and effective," psychologists were used to provide legal protection for otherwise illegal treatment of prisoners.

The American Psychological Association's (APA) 2005 Report of the Presidential Task Force on Psychological Ethics and National Security (the PENS Report) is the defining document endorsing psychologists' engagement in detainee interrogations. Despite evidence that psychologists were involved in abusive interrogations, the PENS Task Force concluded that psychologists play a critical role in keeping interrogations "safe, legal, ethical and effective." With this stance, the APA, the largest association of psychologists worldwide, became the sole major professional healthcare organization to support practices contrary to the international human rights standards that ought to be the benchmark against which professional codes of ethics are judged.

The PENS Report remains highly influential today. Negating efforts by APA members to limit the damages – including passage of an unprecedented member-initiated referendum in 2008 – the Department of Defense continues to disseminate the PENS Report in its instructions to psychologists involved in intelligence operations. The Report also has been adopted, at least informally, as the foundational ethics document for "operational psychology" as an area of specialization involving psychologists in counterintelligence and counterterrorism operations. And the PENS Report is repeatedly cited as a resource for ethical decision-making in the APA Ethics Committee's new National Security Commentary, a "casebook" for which the APA is currently soliciting feedback.

Equally troubling, the PENS Report was the result of institutional processes that were illegitimate, inconsistent with APA's own standards, and far outside the norms of transparency, independence, diversity, and deliberation for similar task forces established by professional associations. Deeply problematic aspects include the inherent bias in the Task Force membership (e.g., six of the nine voting members were on the payroll of the U.S. military and/or intelligence agencies, with five having served in chains of command accused of prisoner abuses); significant conflicts of interest (e.g., unacknowledged participants included the spouse of a Guantánamo intelligence psychologist and several high-level lobbyists for Department of Defense and CIA funding for psychologists); irregularities in the report approval process (e.g., the Board's use of emergency powers that preempted standard review mechanisms); and unwarranted secrecy associated with the Report (e.g., unusual prohibitions on Task Force members' freedom to discuss the Report). These realities point to the impossibility and inadequacy of merely updating or correcting deficiencies in the PENS Report.

We the undersigned organizations and individuals – health professionals, social scientists, social justice and human rights scholars and activists, and concerned military and intelligence professionals – therefore declare that the PENS Report is illegitimate. We call upon the American Psychological Association to take immediate steps to annul the PENS Report. At the same time, in our own efforts, we aim to make the illegitimacy of the PENS Report more broadly known within our communities.

## APA PENS Report Annulment Petition Signers

### Organizational Signers and Partial List of Individual Signers (Updated 10/28/11)

#### Organizational Signers

Coalition for an Ethical Psychology  
American Civil Liberties Union (ACLU)  
Bill of Rights Defense Committee  
Center for Constitutional Rights  
Center for Justice and Accountability  
Defense for Children International – Palestine Section  
Division 32, Society for Humanistic Psychology, American Psychological Association  
Executive Committee of the Society for Theoretical and Philosophical Psychology (APA Division 24)  
International Human Rights Clinic at Harvard Law School  
Massachusetts Campaign Against Torture  
National Religious Campaign Against Torture  
Network of Spiritual Progressives  
New York Campaign Against Torture  
Physicians for Human Rights  
Program for Torture Victims  
Psychoactive – Mental Health Professionals for Human Rights, Israel  
Psychologists for Social Responsibility  
Public Committee Against Torture in Israel  
Veterans for Peace  
Veteran Intelligence Professionals for Sanity

#### Individual Signers (partial list; full list at [www.ethicalpsychology.org/pens/signers.php](http://www.ethicalpsychology.org/pens/signers.php))

##### Note: Affiliations that appear below are for identification purposes only

Roy Eidelson, PhD, Past President, Psychologists for Social Responsibility; Associate Director, Solomon Asch Center for Study of Ethnopolitical Conflict, Bryn Mawr College

Jean Maria Arrigo, PhD, APA PENS Task Force Member, Project on Ethics and Art in Testimony

Michael Wessells, PhD, APA PENS Task Force Member, Professor of Clinical Population and Family Health, Columbia University

Stephen Soldz, PhD, Boston Graduate School of Psychoanalysis; Past President, Psychologists for Social Responsibility

Steven Reisner, PhD, Candidate for APA President; Clinical Assistant Professor, NYU Medical School; Faculty and Supervisor, International Trauma Studies Program, New York City

Brad Olson, PhD, President-Elect, Psychologists for Social Responsibility; National Louis University, Chicago, IL

Bryant Welch, PhD, Program Director and Professor of Psychology, California Institute of Integral Studies, San Francisco, CA

Trudy Bond, PhD, Independent Psychologist; Steering Committee, Psychologists for Social Responsibility

Philip Zimbardo, President, American Psychological Association (2002); Professor Emeritus, Department of Psychology, Stanford University

Stephen N. Xenakis, MD, Brigadier General (Ret), U.S. Army

Nathaniel A. Raymond, Former Director of the Campaign Against Torture at Physicians for Human Rights

Leonard Rubenstein, Senior Scholar, Center for Public Health and Human Rights, Johns Hopkins School of Public Health

Noam Chomsky, Institute Professor (ret.), Massachusetts Institute of Technology

Robert Jay Lifton, Lecturer in Psychiatry, Harvard Medical School/Cambridge Health Alliance; Distinguished Professor Emeritus of Psychiatry and Psychology, The City University of New York

Manfred Nowak, Professor for International Law and Human Rights, University of Vienna; Director, Ludwig Boltzmann Institute of Human Rights

David Remes, Appeal for Justice; Guantánamo habeas attorney since 2004

Gerald Gray, LCSW, Co-Director, Institute for Redress & Recovery, Santa Clara University School of Law

Nora Sveaass, UN Committee Against Torture; Associate Professor, Department of Psychology, University of Oslo, Norway

Daniel Ellsberg, PhD, Economics (Harvard 1962), Senior Fellow, Nuclear Age Peace Foundation, Director Truth-Telling Project, Kensington CA

Morton Deutsch, Past President, APA Divisions 8 (Society for Personality and Social Psychology), 9 (Society for the Psychological Study of Social Issues), and 48 (Peace Psychology); Professor Emeritus, Psychology and Education, Teachers College, Columbia University

Herbert C. Kelman, PhD, Cabot Professor of Social Ethics, Emeritus, Harvard University; Past President, APA Divisions 8 (Society for Personality and Social Psychology) and 9 (Society for the Psychological Study of Social Issues); past member, APA Board of Directors, Board of Social and Ethical Responsibility, and Ethics Committee; Cambridge, Massachusetts

Michelle Fine, PhD, Distinguished Professor of Psychology, The Graduate Center, City University of New York

Susan Opatow, Past President, APA Division 9 (Society for the Psychological Study of Social Issues); Professor, City University of New York

Marybeth Shinn, PhD, Professor, Vanderbilt University; Past President, APA Divisions 9 (Society for the Psychological Study of Social Issues) and 27 (Society for Community Research and Action); Nashville TN

Maureen O'Connor, PhD Psychology; JD, Professor, City University of New York, Brooklyn NY

Steven H. Miles, MD, Professor of Medicine and Bioethics, University of Minnesota

George Hunsinger, Professor of Systematic Theology, Princeton Theological Seminary

Vincent Iacopino, MD, PhD, Senior Medical Advisor, Physicians for Human Rights; Adjunct Professor of Medicine, University of Minnesota Medical School; Senior Research Fellow, Human Rights Center, University of California, Berkeley

David DeBatto, former US Army Counterintelligence Special Agent and Iraq war veteran

Jonathan Hafetz, JD, Seton Hall University School of Law, Brooklyn, New York

Buz Eisenberg, Chair, International Justice Network; Attorney for Guantánamo detainees since 2005

Michael Ratner, President Emeritus, Center for Constitutional Rights

Vince Warren, Executive Director, Center for Constitutional Rights

Richard Wagner, Past President, APA Division 48 (Peace Psychology); Professor Emeritus, Bates College

Marc Pilisuk, Past President, APA Division 48 (Peace Psychology); Professor Emeritus, University of California; Professor, Saybrook Graduate School and Research Center

Ethel Tobach, PhD, Past President, APA Division 48 (Peace Psychology); American Museum of Natural History, New York

Joseph de Rivera, Past President, APA Division 48 (Peace Psychology); Research Professor, Clark University

James Coyne, PhD, Director, Behavioral Oncology Program, Abramson Cancer Center and Professor of Psychology, Department of Psychiatry, University of Pennsylvania School of Medicine

Luisa Saffiotti, PhD, President, Psychologists for Social Responsibility

Jancis Long, PhD, Past President, Psychologists for Social Responsibility

Frank Summers, PhD, President-Elect (as of January 2012), APA Division 39 (Psychoanalysis); Clinical Professor of Psychiatry and the Behavioral Sciences, Feinberg School of Medicine, Northwestern University

Alice Shaw, PhD, President, Section IX, APA Division 39 (Psychoanalysis for Social Responsibility)

Jules Lobel, President, Center for Constitutional Rights; Bessie McKee Walthour Endowed Chair Professor of Law, University of Pittsburgh Law School

Bernice Lott, Professor Emerita of Psychology and Women's Studies, University of Rhode Island

Ruth Fallenbaum, WithholdAPADues Steering Committee

Dan Aalbers, WithholdAPADues Steering Committee

Anthony Marsella, Past President, Psychologists for Social Responsibility; Emeritus Professor, Department of Psychology, University of Hawaii

Ghislaine Boulanger, PhD, WithholdAPADues Steering Committee

Jean L. Hill, PhD, President-Elect, APA Division 27 (Society for Community Research and Action); Professor of Psychology, New Mexico Highlands University

Joseph Margulies, Attorney, MacArthur Justice Center, Clinical Professor, Northwestern Law School

Martha Davis, PhD, Visiting Scholar (ret.), John Jay College of Criminal Justice, City University of New York

Kristine Huskey, Director, Anti-Torture Program, Physicians for Human Rights; Guantanamo detainee habeas counsel (2002-2011)

Scott Horton, Columbia University School of Law

William P. Quigley, Professor of Law, Loyola University New Orleans

Rabbi Michael Lerner, Editor, Tikkun Magazine; Executive Director, The Institute for Labor and Mental Health

Scott Allen, MD, Clinical Associate Professor, School of Medicine, University of California, Riverside

M. Brinton Lykes, PhD, Professor of Community-Cultural Psychology, Boston College; Co-Founder, Ignacio Martin-Baro Fund for Mental Health and Human Rights

David Luban, University Professor in Law and Philosophy, Georgetown University

Jeffrey S. Kaye, PhD, Clinician, Survivors International, San Francisco

Sibel Edmonds, Founder & Director, National Security Whistleblowers Coalition (NSWBC)

David Sloan-Rossiter, Boston Institute for Psychotherapy; Massachusetts Institute for Psychoanalysis

Stephen R. Shalom, Department of Political Science, William Paterson University

Andrea Cousins, PhD, PsyD, Massachusetts Campaign Against Torture (MACAT), Northampton, MA

Lynne Layton, PhD, Assistant Professor of Psychology, Department of Psychiatry, Harvard Medical School

Deborah Popowski, Clinical Instructor, International Human Rights Clinic; Lecturer on Law, Harvard Law School

Shara Sand, PsyD, Assistant Professor, LaGuardia Community College; Past Chair, Divisions for Social Justice, American Psychological Association; Past President, Division of Social Justice, New York State Psychological Association

Jose Quiroga, MD, Co-founder and Medical Director, Program for Torture Victims

Ana Deutsch, MFT, Co-founder and Clinical Director, Program for Torture Victims

Coleen Rowley, retired FBI agent and former Minneapolis FBI Legal Counsel

Donald Bersoff, PhD, J.D., Earle Mack School of Law, Drexel University; Candidate for APA President, Radnor PA

Dan Christie, PhD, Past President, Div 48 (peace psychology); Past President, Psychologists for Social Responsibility; Prof Emeritus, Ohio State University, USA, Delaware, Ohio

Paul Kimmel, PhD, Past President of APA Division 48 (Peace Psychology) and Psychologists for Social Responsibility, Saybrook University, Panama City Panama

Lisa Hajjar, Associate Professor of Sociology, UC Santa Barbara, Santa Barbara CA

Uwe Jacobs, PhD, CA

Tom Hayden, Peace and Justice Resource Center, Culver City, CA

Eduardo Diaz, PhD, Past President-APA Division 48 (Peace Psychology), Miami-Dade County Florida

Dan Mayton, PhD, Professor of Psychology, Lewis-Clark State College, Lewiston Idaho

Karen Hollis, PhD, President, APA Division 3 (Experimental Psychology); Past President, APA Division 6 (Behavioral Neuroscience and Comparative Psychology), Granby MA

Kwang-Kuo Hwang, Ph.D., Psychology, National Chair Professor, National Taiwan University; President, International Association of Indigenous and Cultural, Taipei Taiwan

Corann Okorodudu, Professor of Psychology & Africana Studies, West Deptford New Jersey

Hector Betancourt, PhD, Past President, APA Division 48, Peace Psychology, Professor of Psychology, Loma Linda University, Loma Linda California

James Lamiell, PhD, Professor of Psychology, Dept. of Psychology, Georgetown University, Oakton Virginia

Joan Chrisler, PhD, Connecticut College, Milford CT



Jaine Darwin, PsyD, ABPP, Massachusetts Institute for Psychoanalysis, Cambridge MA

Wendy Williams, Associate Professor of Psychology and Women's Studies, Berea College, Berea KY

Susan Clayton, PhD, The College of Wooster, Oberlin Ohio

Rachel MacNair, PhD, Institute for Integrated Social Analysis, Kansas City MO

Carolyn Swift, PhD, Clinical Psychology, Univ. of Kansas; Past President Division Community Psychology of APA; Former Director, Stone Center, Wellesley College, Lawrence KS

Stephen Eric Bronner, Distinguished Professor (P11) of Political Science, Director of Civic Diplomacy and Human Rights, Institute for Global Challenges, Rutgers University, New Brunswick, NJ

## **Background Statement on Annulment of the APA's PENS Report**

### **Introduction**

Over the decade since the horrendous attacks of 9/11, the world has been shocked by the specter of abusive interrogations and the torture of national security prisoners by agents of the United States government. While psychologists in the U.S. have made significant contributions to societal welfare on many fronts during this period, the profession tragically has also witnessed psychologists acting as planners, consultants, researchers, and overseers to these abusive interrogations at Guantánamo Bay Detention Center, Bagram Air Base, CIA "black sites," and elsewhere. Moreover, in the guise of keeping interrogations "safe, legal, ethical and effective," psychologists were used to provide legal protection for otherwise illegal treatment of prisoners.

The American Psychological Association's (APA) 2005 Report of the Presidential Task Force on Psychological Ethics and National Security (PENS Report) is the defining document endorsing psychologists' engagement in detainee interrogations.<sup>i</sup> Despite evidence that psychologists – including APA members – were involved in abusive interrogations, the PENS Task Force concluded that psychologists have a critical role to play in keeping interrogations "safe, legal, ethical and effective." With this stance the APA, the largest association of psychologists worldwide, became the sole major professional healthcare organization supporting member involvement in the interrogation of detainees held under conditions that violate international law.<sup>ii iii</sup> As Behavioral Science Consultants to interrogators, psychologists provided professional legitimacy and expertise to programs that have been condemned worldwide.<sup>iv</sup>

Thus the PENS Report has contributed to significant harm to vulnerable populations by supporting policies that permit abusive treatment; has badly damaged the reputation of the profession of psychology;<sup>v</sup> has diminished the APA's commitment to advance psychology "as a means of promoting health, education and human welfare;" has compromised the integrity of the relationship between professional psychology and the security sector; and, according to some senior interrogators and intelligence professionals, has undermined national security.<sup>vi</sup>

It is deeply troubling that the PENS Report continues to be an influential and authoritative guiding operational document today within psychology and the national security establishment. Of equal concern, the PENS Report resulted from institutional processes that were illegitimate in many ways. These processes – which were inconsistent with APA's own standards and were far outside the norms of transparency, independence, and deliberation for similar task forces established by professional associations<sup>vii</sup> – point to the institutional impossibility and inadequacy of merely updating, or correcting deficiencies, in the Report. For all of these reasons, described in greater detail below, the correct course is for the APA to take immediate action to officially annul the PENS Report.

### **The PENS Report's Continuing Harmful Influence**

Although the PENS Report and numerous subsequent APA documents ostensibly affirm APA's opposition to torture, the practical effect of APA policies has been uniformly to support psychologists' continued involvement in military and CIA interrogations – even when these violate the Geneva Conventions and international law. This remains the case despite an unprecedented membership-driven Referendum in 2008. In recognition that the PENS Report legitimated ethically questionable activities and failed to give sufficient weight to international human rights law, the Referendum prohibited psychologists from settings that violate international law or the U.S.

Constitution unless they are “working directly for the persons being detained or for an independent third party working to protect human rights” (or they are providing treatment for military personnel).<sup>viii</sup>

The APA Council of Representatives adopted this position as official policy in February 2009. This policy should constrain the PENS Report premise that psychologists may “serve in consultative roles to interrogation and information-gathering processes for national security-related purposes.” Nevertheless, the PENS Report has routinely been cited in Behavioral Science Consultant policy memos as supporting psychologists’ involvement in the assessment and exploitation of individual detainee “vulnerabilities” for intelligence purposes,<sup>ix</sup> and the DoD disseminates the PENS Report in its instructions to psychologists involved in intelligence operations without constraint of the Referendum.<sup>x</sup>

Despite compelling evidence of its illegitimacy, the PENS Report continues to be influential in other arenas as well. For example, the Report has recently been adopted, at least informally, as the foundational ethics document for a movement promoting “operational psychology” – applications of psychology designed to aid military or intelligence operations rather than to treat suffering or prevent harm – as an officially endorsed area of specialization for psychologists.<sup>xi</sup> Proponents reference psychologist involvement in detainee interrogations to support their participation in far-flung counterintelligence and counterterrorism operations. Also, the PENS Report is repeatedly cited as a resource for ethical decision-making in the APA Ethics Committee’s new National Security Commentary, a “casebook” for which the APA is currently soliciting feedback.<sup>xii</sup> There may well be other significant non-public settings in which the PENS Report remains functional.

### **Inherent Bias in the PENS Task Force Membership**

Six of the nine voting members of the PENS Task Force were on the payroll of the U.S. military and/or intelligence agencies at the time of the Task Force, and five of these six had served in chains of command that had been accused of the kinds of abuses that led to Task Force creation.<sup>xiii</sup> As a result, their positions on three crucial issues were inappropriately influenced by their employment status: (1) their support for the participation of military psychologists in national security interrogations,<sup>xiv</sup> (2) their accommodation of the Bush Administration’s new, permissive legal definition of torture, in contrast to the stricter definition of torture in international human rights law, and (3) their support for confidentiality of Task Force process and participation. In short, the biased composition of the PENS Task Force circumvented the group’s ostensible purpose, an independent assessment of complex ethical issues. The substitution of U.S. law on torture for international law led one civilian Task Force member to resign in protest after the Report’s release.

### **Significant Conflicts of Interest Associated with the PENS Process**

It was later found that prior and current senior representatives from APA’s Ethics Office, Public Affairs Office, Science Directorate, and Practice Directorate had secretly participated in the weekend PENS Task Force meeting.<sup>xv</sup> Their participation remains unacknowledged by APA. Several of these individuals were high-level lobbyists for the APA working on Department of Defense (DoD) and CIA funding.<sup>xvi</sup> These lobbyists had direct or indirect financial entanglement with at least one Task Force member from the DoD, and they represented a substantial vested interest in producing a PENS Report compatible with current DoD policy.<sup>xvii</sup> Another undisclosed participant, a senior APA staff member who took a lead role in directing the task force meeting was married to a member of the Guantánamo Behavioral Science Consultation Team.<sup>xviii</sup> The participation of these

lobbyists and other undisclosed non-Task Force members in Task Force meetings was highly inappropriate and inconsistent with APA standards.

### **Irregularities in the PENS Report Approval Process**

Official APA acceptance of the PENS Report departed from standard APA procedures in several other critical ways. The APA appointed the director of its Ethics Office as “rapporteur,” and he produced a full draft report at the close of the three-day meeting.<sup>xix</sup> Within days of the meeting, APA’s Ethics Committee approved this report. The Board of Directors then invoked its emergency powers to endorse the PENS Report, preempting a standard review and vote by the Council of Representatives, the governing body of APA. The Council was scheduled to meet within a few weeks of the Task Force’s deliberations and could have reviewed the Report and voted on endorsement in a timely manner.<sup>xx</sup> It is noteworthy as well that approval was not sought from the Policy and Planning Board, the Board of Professional Affairs, or the Board for Advancement of Psychology in the Public Interest. In addition, there was little or no consultation with psychologists representing a range of specialties that would clearly be affected by and concerned about the policy, and no period was provided for member feedback. These multiple irregularities reveal a disturbing pattern of disregard for established checks and balances central to good governance.

### **Secrecy Associated with the PENS Report**

In regard to transparency, a critical foundation of institutional legitimacy, the identities of the PENS Task Force members were not included in the Report itself, were not posted on the APA’s website, and were not revealed to members of the APA or the press requesting them. They were finally published by an investigative journalist one year after completion of the PENS Report.<sup>xxi</sup> Information relating to the presence of the high-level “observers” at the meeting was also withheld. The PENS Task Force Chair had designated two non-members of the Task Force, the Directors of the Ethics Office and the Office of Public Affairs, as the sole spokespersons for the Task Force. A highly unusual confidentiality agreement bound Task Force participants from discussing the process or the Report.<sup>xxii</sup> These arrangements served to conceal the composition and reasoning of the Task Force and the basis for its decisions, further limiting informed review by APA members and interested others. Concerns about this secrecy and other matters led one Task Force member to resign in protest after the Report’s release. Two non-military members subsequently denounced the Report’s process and called for its annulment. At this point, all non-military Task Force members, except for the Chair, have renounced the Report’s recommendations. Concern about conflicts of interest and deception of civilian Task Force members led one to deposit in a public archive the Task Force listserv and all materials of the meeting.

### **Conclusion**

Annulment of the PENS Report is needed not only to correct institutional processes and to set history straight, but also to help protect vulnerable populations from abuse and safeguard the future of professional psychology. The Report is a deeply flawed, misleading, and “made-to-order” document. It has caused grievous harm to the reputation of psychology in the United States as an ethical profession and has compromised the integrity of the relationship between professional psychology and the security sector. The normalization of a nation-centric psychological ethics by the world’s leading psychological association can only degrade and demoralize the profession worldwide.<sup>xxiii</sup> Ethical practice as described in the PENS Report conflicts with the international human rights standards that ought to be the benchmark against which professional codes of ethics are judged. This is especially true for organizations such as the APA, which is an accredited NGO to

the United Nations. Annulment is a crucial first step toward repairing the damage the PENS Report has caused and toward holding the APA accountable - for its unethical development and promulgation during a painful and regrettable episode in the profession's history.

As health professionals, social scientists, social justice and human rights scholars and activists, and concerned military and intelligence professionals, we therefore declare that the PENS report is illegitimate. We call upon the American Psychological Association to take immediate steps to annul the Report. At the same time, in our own efforts we aim to make the illegitimacy of the PENS Report more broadly known within our communities.

September 26, 2011

**Those interested in signing on to this petition calling for annulment may do so at [www.ethicalpsychology.org/pens](http://www.ethicalpsychology.org/pens)**

**(Names of signers are available at [www.ethicalpsychology.org/pens/signers.php](http://www.ethicalpsychology.org/pens/signers.php))**

### Endnotes

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<sup>i</sup> A PDF version of the PENS Report is available on the APA website at <http://www.apa.org/pubs/info/reports/pens.pdf>.

<sup>ii</sup> Statements opposing physician involvement in interrogations were issued in 2006 by the American Psychiatric Association, the American Medical Association, and the World Medical Association.

<sup>iii</sup> According to a 2006 report from the UN Commission on Human Rights, detention conditions and interrogation techniques approved by the DoD for use at Guantánamo Bay amount to inhumane treatment and, based on interviews, may constitute torture as well.

<sup>iv</sup> In addition to human rights organizations, numerous military ethicists, military attorneys, interrogators, and other intelligence professionals have spoken out against — and even sacrificed their careers protesting — detention and interrogation practices protected by the practical effect of the PENS Report's authorization of psychologists as consultants to detention and interrogation of detainees.

<sup>v</sup> PENS Report recommendations were built upon and promulgated Ethics Code Standard 1.02 of the 2002 APA Ethics Code, which supported the "Nuremberg Defense" for psychologists who followed orders of government authorities. See Horton, S. (2010). *The APA's Nuremberg Defense*, available at <http://www.harpers.org/archive/2009/07/hbc-90005399>. Several prominent APA members resigned or returned awards to the APA, including Mary Pipher (see *Why I've Returned My Award to the American Psychological Association – Because it Sanctions Torture*, available at [http://www.opednews.com/articles/opedne\\_mary\\_pip\\_070824\\_why\\_i\\_ve\\_returned\\_my.htm](http://www.opednews.com/articles/opedne_mary_pip_070824_why_i_ve_returned_my.htm)), Ken Pope (see *Why I resigned from the American Psychological Association*, available at <http://kspope.com/apa/index.php>), and Beth Shinn (see *Noted psychologist Beth Shinn resigns from American Psychological Association*, available at <http://psychoanalystsopposewar.org/blog/2007/10/07/noted-psychologist-beth-shinn-resigns-from-american-psychological-association/>). A number of psychology departments protested APA policies (e.g., see Scott Jaschik's *Psychology Protest Grows*, available at <http://www.insidehighered.com/news/2007/12/06/apa>). Newspapers and op-ed columnists called for change in the APA. See, for example, the Boston Globe (2008: "Psychologists and torture," available at [http://www.boston.com/bostonglobe/editorial\\_opinion/editorials/articles/2008/08/30/psychologists\\_and\\_torture/](http://www.boston.com/bostonglobe/editorial_opinion/editorials/articles/2008/08/30/psychologists_and_torture/)), Blake Sifton (2010: *Ignored and Forgotten: Professional ethics in the War on Terror*, available at

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<http://www.adbusters.org/magazine/90/ethics-war-on-terror.html>), the Houston Chronicle (2007: "Human wrongs: Psychologists have no place assisting interrogations at places such as Guantanamo Bay," available at [http://www.chron.com/CDA/archives/archive.mpl?id=2007\\_4410052](http://www.chron.com/CDA/archives/archive.mpl?id=2007_4410052)), Robyn Blumer (2007: *Psychologists, torture and the rules*, available at [http://www.sptimes.com/2007/10/14/Opinion/Psychologists\\_tortur.shtml](http://www.sptimes.com/2007/10/14/Opinion/Psychologists_tortur.shtml)), and Stephen Soldz (2006: *Ending the psychological mind games on detainees*, available at [http://www.boston.com/bostonglobe/editorial\\_opinion/oped/articles/2008/08/10/ending\\_the\\_psychological\\_mind\\_games\\_on\\_detainees/](http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2008/08/10/ending_the_psychological_mind_games_on_detainees/)).

<sup>vi</sup> Arrigo, J. M., & Wagner, R. V. (Eds.). (2007). Torture is for amateurs: A meeting of psychologists and military interrogators [special issue]. *Peace and Conflict: Journal of Peace Psychology*, 13 (4).

<sup>vii</sup> Please see consultations with Albro, Fleuhr, and Zonana in the *Psychology and Military Intelligence Casebook on Interrogation Ethics* at [http://www.pmicasebook.com/PMI\\_Casebook/Consults.html](http://www.pmicasebook.com/PMI_Casebook/Consults.html).

<sup>viii</sup> See <http://www.apa.org/news/press/releases/2008/09/detainee-petition.aspx>.

<sup>ix</sup> For example, see page 13 of this 2008 guide for US Army Behavioral Science Consultation to "detention operations, intelligence interrogations, detainee debriefing, and tactical questioning": [http://www.ethicalpsychology.org/materials/U.S\\_Army\\_Behavioral\\_Science\\_Consultation\\_Team\\_Policy\\_2008.pdf](http://www.ethicalpsychology.org/materials/U.S_Army_Behavioral_Science_Consultation_Team_Policy_2008.pdf)

<sup>x</sup> The PENS Report continues to be included as an enclosure/appendix on the Army's Surgeon General Behavioral Science Consultant Standard Operating Procedure (SOP) for detainee interrogations (see OTSG/MEDCOM Policy Memo 09-053 from the office of the Army Surgeon General, titled "Behavioral Science Consultation Policy": [https://www.gmo.amedd.army.mil/credentialing/09\\_053.pdf](https://www.gmo.amedd.army.mil/credentialing/09_053.pdf)).

<sup>xi</sup> The "Twelve Guiding Statements" of the PENS Report are presented as the foundational ethics document for operational psychology in the appendix of *Ethical Practice in Operational Psychology: Military and National Intelligence Applications*, edited by Carrie H. Kennedy and Thomas J. Williams (Washington, DC: American Psychological Association Press, 2011).

<sup>xii</sup> This "casebook" is currently available online at <http://www.apa.org/ethics/programs/national-security-comments.pdf>.

<sup>xiii</sup> Brief bios of the Task Force members are available on an earlier version of the Division 48 website: <http://www.clarku.edu/peacepsychology/tfpens.html>. See also Coalition for an Ethical Psychology (2008: *Analysis of the American Psychological Association's Frequently Asked Questions Regarding APA's Policies and Positions on the Use of Torture or Cruel, Inhuman or Degrading Treatment During Interrogations by the Coalition for an Ethical Psychology*, available at [http://psychoanalystsopposewar.org/blog/wp-content/uploads/2008/01/apa\\_faq\\_coalition\\_comments\\_v12c.pdf](http://psychoanalystsopposewar.org/blog/wp-content/uploads/2008/01/apa_faq_coalition_comments_v12c.pdf)), Jeffrey Kaye (2009: *Broken Faith: How a Navy Psychologist Drove A U.S. Prisoner to Attempt Suicide*, available at <http://pubrecord.org/torture/4321/broken-faith-military-psychologist/>), and Stephen Soldz, S. (2009: *The "Ethical Interrogation": The Myth of Michael Gelles and the al-Qahtani Interrogation*, available at <http://www.truthout.org/1221091>).

<sup>xiv</sup> More detailed information on the stances of the individual Task Force members can be obtained by reviewing the publicly-available compilation of emails from the Task Force listserv: [http://s3.amazonaws.com/propublica/assets/docs/pens\\_listserv.pdf](http://s3.amazonaws.com/propublica/assets/docs/pens_listserv.pdf).

<sup>xv</sup> See Arrigo, J. M. (2006). Unofficial Records of the APA PENS Task Force, *Intelligence Ethics Collection*, Hoover Institution Archives, Stanford University.

<sup>xvi</sup> See Arrigo, J. M. (2006). Op cit.

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<sup>xvii</sup> See <http://www.apa.org/about/gr/science/spin/2004/10/also-issue.aspx> -- "Science Policy Staff meet with Psychologists in Counterintelligence" (Note: Geoff Mumford and Heather Kelly attended the PENS meeting, and Scott Shumate was a voting member of the PENS Task Force):

On October 19th, Science Policy staffers Geoff Mumford and Heather Kelly held an initial meeting with high-ranking psychologists within the Department of Defense (DoD) Counterintelligence Field Activity (CIFA) to discuss possible areas of collaboration. CIFA is designed to serve as a defense-wide coordinator of counterintelligence activities, resource allocation, budget planning, and policy implementation. The 2002 DoD directive establishing CIFA describes the mission more specifically as to develop and manage "programs and functions that support the protection of...DoD personnel, resources, critical information, research and development programs, technology, critical infrastructure, economic security, and U.S. interests against foreign influence and manipulation, as well as to detect and neutralize espionage against the Department."

APA members are remarkably well-positioned within CIFA to bring operational and research expertise to bear on counterintelligence activities. Scott Shumate directs the Behavioral Sciences Directorate, and within the Directorate Kirk Kennedy serves as Chief of the National Center for the Study of Counterintelligence and Operational Psychology. Both are very interested in highlighting psychology's contributions to national security challenges and will continue to talk with Science PPO about collaborative opportunities such as advisory panels, fellowships, and training programs.

<sup>xviii</sup> See Arrigo, J. M. (2006). Op cit.

<sup>xix</sup> See Arrigo, J. M. (2006). Op cit.

<sup>xx</sup> The PENS Report was publicly released on July 5, 2005, prior to the August Council of Representatives meeting and less than one week after the Board met in emergency session (<http://www.apa.org/news/press/releases/2005/07/pens.aspx>). That Council did not vote to approve the PENS Report is explicitly confirmed by this "Correction" in the May 2006 *Monitor on Psychology* (<http://www.apa.org/monitor/may06/correction.aspx>): "It was [previously] written that the Presidential Task Force on Psychological Ethics and National Security (PENS) report "was accepted by APA's Council of Representatives." Council did not accept the report, as in early July 2005, the Board of Directors invoked emergency action on council's behalf to adopt the PENS Report as APA policy." Additional valuable perspective on process in the PENS Report context is provided in this article: 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 Interrogation." *Analyses of Social Issues and Public Policy*, 7, 1-8.

<sup>xxi</sup> See Mark Benjamin's "Psychologists Group Still Rocked by Torture Debate" (<http://www.salon.com/news/feature/2006/08/04/apa>), which includes the following: "But a link to the biographies of those task force members appeared on the APA Web site only *after* the publication of Salon's article. Farberman acknowledged that the APA did put the link to the bios of the task force members on its site after Salon published its story."

<sup>xxii</sup> See Arrigo, J. M. (2006). Op cit.

<sup>xxiii</sup> See, for example, Moghaddam, F. M. (2007). Interrogation policy and American psychology in global context. In J. M. Arrigo & R. W. Wagner (Eds.), *Torture is for amateurs: A meeting of psychologists and military interrogators* [special issue]. *Peace and Conflict: Journal of Peace Psychology*, 13, 437-444.