

## **ALL THE PRESIDENT'S PSYCHOLOGISTS:**

**The American Psychological Association's Secret  
Complicity with the White House and US  
Intelligence Community in Support of the CIA's  
"Enhanced" Interrogation Program**

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“... it has been falsely asserted that [the American Psychological Association] colluded with the Bush administration in the harmful detention and interrogation practices of the ‘War on Terror.’”

Dr. Melba Vasquez, then-APA President, in a December 5, 2011 open letter to Psychologists for an Ethical APA

“You won't get any feedback from [Dr. James] Mitchell or [Dr. Bruce] Jessen. They are doing special things to special people in special places, and generally are not available.”

Dr. Kirk Hubbard, then-CIA Senior Behavioral Scientist, in an August 6, 2003 email to Dr. Geoffrey Mumford, then-APA Director of Science Policy (explaining Mitchell's and Jessen's lack of response after an APA/CIA/RAND conference where interrogation techniques were discussed with Mitchell, Jessen and other CIA operational psychologists)

“I thought you and many of those copied here would be interested to know that APA grabbed the bull by the horns and released this [Psychological Ethics and National Security] Task Force Report today.... I also wanted to semi-publicly acknowledge your personal contribution... in getting this effort off the ground over a year ago. Your views were well represented by very carefully selected Task Force members....”

Dr. Geoff Mumford in a July 5, 2005 email to Dr. Kirk Hubbard and others connected to the US intelligence community. Hubbard, who publicly claims to have brought Mitchell and Jessen into the CIA, was by then working for them at Mitchell Jessen and Associates

## Author Bios

*Institutional affiliations of the authors do not indicate endorsement of this report or its findings.*

**Stephen Soldz, Ph.D.** is a clinical psychologist, psychoanalyst, and research methodologist and is Professor at the Boston Graduate School of Psychoanalysis. He is a past president of Psychologists for Social Responsibility, a cofounder of the Coalition for an Ethical Psychology, and Anti-torture Adviser for Physicians for Human Rights. Dr. Soldz has published extensively in the psychological research literature and on the intersection of psychology and social issues, including the role of psychologists in interrogations. He served as consultant on several Guantánamo trials.

**Nathaniel Raymond** is Director of the Signal Program on Human Security and Technology at the Harvard Humanitarian Initiative, Harvard Chan School of Public Health. He was formerly Director of Operations for the Satellite Sentinel Project at the Harvard Humanitarian Initiative. Raymond served as Director of the Campaign Against Torture at Physicians for Human Rights and lead investigator into the alleged 2001 Dasht-e-Leili massacre in Northern Afghanistan. He was lead author of the 2010 report *Experiments in Torture: Human Subject Research and Evidence of Experimentation in the “Enhanced” Interrogation Program*.

**Steven Reisner, Ph.D.**, a clinical psychologist and psychoanalyst, is a founding member of the Coalition for an Ethical Psychology, Advisor on Psychology and Ethics for Physicians for Human Rights and past-President of Psychologists for Social Responsibility. He has been a consultant on issues of trauma, torture, political violence, disaster response and resilience in the face of catastrophic events for the United Nations, the International Criminal Court, the International Organization for Migration and other international humanitarian and mental health organizations. Dr. Reisner has authored and co-authored numerous articles on the personal and societal effects of political violence, as well as on the role of health professionals in torture and abuse. He is currently a member of the APA Council of Representatives.

**Scott A. Allen, MD, FACP** is Professor of Medicine and Associate Dean of Academic Affairs at the University of California Riverside School of Medicine and Co-Director of the Center for Prisoner Health and Human Rights at Brown University and is a medical advisor to Physicians for Human Rights and a co-author of a number of earlier reports on the U.S. interrogation program. He was formerly the state medical program director for the Rhode Island corrections system. He has written and spoken extensively about the role of health professionals in detention settings.

**Isaac Baker** is the Imagery Analysis Manager for the Signal Program at the Harvard Humanitarian Initiative, Harvard Chan School of Public Health. Baker started his career in war crimes investigations at Physician's for Human Rights, working on cases of abuse against detainees in CIA custody during the Bush Administration. He later joined the Satellite Sentinel Project at the Harvard Humanitarian Initiative as the Imagery Analysis Manager in 2011. He has published and lectured extensively on the use of technology to support humanitarian response and conduct human rights investigations.

**Allen S. Keller, M.D.** is Associate Professor of Medicine and Population Health at NYU School of Medicine. He is the co-founder and Director of the Bellevue/NYU Program for Survivors of Torture and the NYU Center for Health and Human Rights. Dr. Keller currently oversees undergraduate Bioethics education at NYU School of Medicine. Dr. Keller is recognized internationally for his expertise in evaluating and documenting the health consequences of torture and other human right abuses and caring for its victims. Dr. Keller is a past member of the American College of Physicians Ethics and Human Rights Committee.

## Authors' Note

The authors began their analysis of the emails referenced in this report before the American Psychological Association (APA) initiated an independent investigation into alleged complicity between the APA and the Bush Administration related to the CIA and Department of Defense post-9/11 interrogation programs. The inquiry, led by attorney Mr. David Hoffman of Sidley Austin LLC and his colleagues, began in November 2014 and is still ongoing at the time of this report's publication. The findings of the Hoffman Inquiry are expected to be released sometime in spring 2015.

The authors have cooperated fully with Mr. Hoffman and his fellow investigators, and have made the evidence and findings presented in this report available to them. Although the authors' analysis provides new evidence and sheds light on events relevant to the Hoffman Inquiry, the Hoffman report will reference primary sources and interviews far beyond the scope of the Gerwehr emails.

The authors hope that the work of Mr. Hoffman and his colleagues will encourage accountability for any violations of law and health professional ethics that may have occurred – and that any individual with relevant first-hand knowledge will come forward and cooperate with the Hoffman Inquiry.

The authors strongly encourage anyone with information that they believe may be pertinent to contact Sidley Austin LLC. This email address and phone line are solely dedicated to communication related to the inquiry:

[apareview@sidley.com](mailto:apareview@sidley.com)

(312) 456-8468

## Abbreviations

<b>APA</b>	American Psychological Association
<b>BSCT</b>	DoD Behavioral Science Consultation Team
<b>CI</b>	Counterintelligence
<b>CIA</b>	Central Intelligence Agency
<b>CIDT</b>	Cruel, inhuman, and degrading treatment
<b>CIFA</b>	DoD Counterintelligence Field Activity
<b>CTC</b>	CIA Counterterrorism Center
<b>DCHC</b>	DoD Defense Counterintelligence and Human Intelligence Center
<b>DoD</b>	Department of Defense
<b>DoJ</b>	Department of Justice
<b>EITs</b>	Enhanced interrogation techniques
<b>FBI</b>	Federal Bureau of Investigation
<b>HIG</b>	FBI High Value Detainee Interrogation Group
<b>NIH</b>	National Institutes of Health
<b>NIMH</b>	National Institute of Mental Health
<b>NSA</b>	National Security Agency
<b>OAD</b>	CIA Operational Assessment Division
<b>OIG</b>	CIA Office of the Inspector General
<b>OLC</b>	DoJ Office of Legal Counsel
<b>OMS</b>	CIA Office of Medical Services
<b>OSTP</b>	White House Office of Science and Technology Policy
<b>PENS</b>	Psychological Ethics and National Security
<b>SASC</b>	US Senate Armed Services Committee
<b>SERE</b>	Survival, Evasion, Resistance, and Escape
<b>SSCI</b>	US Senate Select Committee on Intelligence
<b>USG</b>	US Government

## **Key Names and Select Roles (2003-2006)**

### **APA**

Dr. Barry Anton, Board Liaison, PENS Task Force (2005); President (2015)  
Dr. Stephen Behnke, Director, Ethics Office  
Dr. Steven Breckler, Executive Director, Science Directorate  
Ms. Rhea Farberman, Executive Director, Public and Member Communications  
Dr. L. Michael Honaker, Deputy Chief Executive Officer  
Dr. Gerald Koocher, Board Liaison, PENS Task Force (2005); President (2006)  
Dr. Olivia Moorehead-Slaughter, Chair, Ethics Committee; Chair, PENS Task Force (2005)  
Dr. Geoffrey Mumford, Director, Science Policy  
Dr. Russell Newman, Director, Practice Directorate  
Dr. Martin Seligman, President (1998)  
Dr. Joseph Matarazzo, President (1989)

### **CIA**

Dr. Linda Demaine, APA Science Policy Fellow, OAD  
Dr. Kirk Hubbard, Chief of Operations, OAD; Consultant, Mitchell Jessen and Associates (2005-2008)  
Dr. Bruce Jessen, Contractor, CIA; Cofounder, Mitchell Jessen and Associates  
Dr. James E. Mitchell, Contractor, CIA; Cofounder, Mitchell Jessen and Associates  
Dr. Charles "Andy" Morgan, MD, CIA; Yale University Medical School, University of New Haven

### **DoD, CIA, and/or FBI**

Dr. Steve Band, Chief, Behavioral Science Unit; Senior Consulting Psychologist, Behavioral Science Directorate, DoD  
Mr. Scott Gerwehr, RAND Corporation contractor  
Dr. Kirk Kennedy, CTC; CIFA, DoD  
Dr. Scott Shumate, Chief Operational Psychologist, CTC, CIA (2000-2003); Director of Behavioral Science, CIFA, DoD (dates unknown)

### **White House**

Dr. Susan Brandon, Program Chief, Program Officer, NIH (2003-2005), including Assistant Director for Social, Behavioral, and Educational Sciences, OSTP (2004-2005); Senior Staff, MITRE Corporation (2005-2007)

### **PENS Task Force Members/Observers Referenced in Emails**

Dr. Stephen Behnke, APA (rapporteur)  
Dr. Sujeeta Bhatt, APA-sponsored research fellow, CIFA, DoD  
Dr. Susan Brandon, NIMH, previously OSTP (observer)  
Dr. Steven Breckler, APA (observer)  
Ms. Rhea Farberman, APA (observer)  
Dr. Melvin Gravitz, NSA, retired (observer)  
Dr. Heather Kelly, APA (observer)  
Dr. Olivia Moorehead-Slaughter, (chair)



Dr. Geoffrey Mumford, APA (observer)  
Dr. Russell Newman, APA (observer)  
Dr. Scott Shumate, CIFA, DoD (Member)

## **Preface**

When considering the analysis presented here, it is important to be mindful of the fundamental principles that define and inform the behavior of all health professionals and professional associations. A profession is characterized by a specialized body of knowledge applied in the service of the individual patient and society. It is incumbent upon a profession to disseminate and expand such knowledge, to abide by codes of ethics worthy of the designation of “profession,” including the responsibility to self-regulate.

The APA is the largest association of professional psychologists in the United States, and, indeed, the world. As such it plays a major role in setting standards for psychological research, practice, and education. Those standards are a primary mechanism that international standards for health professionals, including such international instruments as the Convention against Torture, become integrated into the practice and standards of US psychologists. Further, APA's standards and positions exert influence on psychological professionals and associations around the world.

The APA lobbies on behalf of funding for psychological research and practice, credentials graduate training programs and internships, and is responsible to protect the interests of psychology as a profession. The APA created and periodically revises a code of ethics that governs the ethical behavior of members and is integrated into or forms the basis of most state licensing requirements for psychologists. That code, like that of other health professions, is based on principles of avoiding harm and improving people's lives.

These principles undergird the basis of trust in the profession necessary for psychologists being able to help people with some of the most difficult and intimate of life's problems. Federal regulations require that professional psychologists in the employ of the US government, including those in the military, be licensed by a state and follow the state's ethics code.

The APA's complicity in the CIA torture program, by allowing psychologists to administer and calibrate permitted harm, undermines the fundamental ethical standards of the profession. If not carefully understood and rejected by the profession, this may portend a fundamental shift in the profession's relationship with the people it serves.

# I. Executive Summary

## A. Methodology and Key Findings

This report analyzes emails from the accounts of deceased RAND Corporation researcher and apparent CIA (Central Intelligence Agency) contractor Mr. Scott Gerwehr.<sup>1</sup> Sixteen emails were selected for detailed analysis from a larger collection of 638 emails that were obtained by Mr. James Risen, author of *Pay Any Price* and a reporter for the *New York Times*. The emails were provided to the authors for analysis with the approval of the original sources of the emails, and with the agreement that only those selected as most relevant to the scope of the report would be released. All 638 emails were reviewed by the authors.

No findings of this report were in any way contradicted by the emails not included. The time frame of the emails analyzed in this report spans 2003 to 2006. (See more on methods and sources of data in Appendix I.) This report also includes publicly available information obtained from a variety of sources including the American Psychological Association's website, released government documents, and reports in the media.

Emails were selected for detailed analysis because they are evidence of the George W. Bush Administration's integral role in shaping American Psychological Association (APA) ethics policy on psychologist participation in national security interrogations after September 11, 2001. Other emails were chosen because they either conflict with or contradict past public statements made by APA officials, as well as disclose new information related to this issue that the APA appears to have concealed. (See Appendix II for all primary source emails cited in this report.)

Based on analysis of the Gerwehr emails and reference to related open source documents, the authors note five key findings related to the APA:

1. The APA secretly coordinated with officials from the CIA, White House, and the Department of Defense to create an APA ethics policy on national security interrogations that comported with then-classified legal guidance authorizing the CIA torture program.
2. A US government research scientist, who had recently served as President Bush's behavioral science advisor, is reported to have secretly drafted "language related to research" inserted by APA officials into the 2005 APA ethics policy on interrogations. While the exact language of the alleged contribution is not known, the section on research aligned that policy with the then-classified Bradbury "torture memos." The Bradbury memos directed health professionals to research and assess the supposed safety, efficacy, and health impacts of the "enhanced" interrogation techniques. The memos were introduced at a time when CIA Office of

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<sup>1</sup> Selections from several of these emails were published in Risen, J. (2014), *Pay Any Price: Greed, Power, and Endless War*. New York: Houghton Mifflin Harcourt.

Medical Services (OMS) personnel were protesting the expanded involvement of health professionals in helping determine the legality of the techniques.

3. The APA had numerous contacts with CIA contract psychologists Drs. James Mitchell and Bruce Jessen starting in at least 2003, including contacts related to interrogation techniques; at least one senior APA official was informed of their clandestine role at the CIA related to interrogations; yet APA has consistently denied such contacts.
4. APA did not disclose Dr. James Mitchell's past APA membership when it released its 2007 statement in response to journalists' revelations regarding Mitchell's role in abusive interrogations. Nor did APA include such information in its letter to the Texas State Board of Examiners of Psychologists in 2010; APA staff sought to obscure past contacts with the CIA and with Mitchell and Jessen and their firm, Mitchell Jessen and Associates.
5. Despite substantial contact between the APA, the White House and CIA officials, including the over 600 emails noted in this report, there is no evidence that any APA official expressed concern over mounting reports of psychologist involvement in detainee abuse during four years of direct email communications with senior members of the US intelligence community.

## **B. Overview of the Evidence**

### **1. Widespread and Secret Complicity of the APA with the CIA and Bush Administration Officials**

The emails reviewed in this analysis are evidence of apparent widespread and secret complicity between senior APA and US government personnel – including Dr. Kirk Hubbard, Chief of Operations of the Operational Assessment Division of the CIA, who would later join Mitchell Jessen and Associates, the White House, and the Department of Defense– to coordinate APA ethics policy with the needs of the CIA's "enhanced" interrogation program. This program is widely acknowledged to have constituted torture. This coordination took place throughout 2004 and 2005.

During this time, the interrogation program faced increasing political, legal, and operational threats. In May 2004, the US Senate Armed Services Committee initiated an investigation into abuses in response to public outcry over the Abu Ghraib revelations. In spring 2005 the CIA Office of the Inspector General raised questions internally about the legality of certain of the "enhanced" interrogation program's techniques. And in spring 2005, the program was threatened operationally due to ethical objections from health professionals inside the CIA Office of Medical Services. They protested being assigned increased responsibilities for monitoring and evaluating the supposed safety and efficacy of the "enhanced" interrogation techniques. Health professional involvement in monitoring and evaluating the effects of the techniques was mandated under the newest "torture memos" issued by the Department of Justice's Office of Legal Counsel in order for the techniques to be considered legal. This monitoring appears intended to shield those involved in the torture, including senior Bush Administration officials, from potential future criminal liability.

The complicity between APA and government entities appears to have directly influenced the APA ethics policy changes, codified into the June 2005 report of the APA's Presidential Task Force on Psychological Ethics and National Security (PENS). The PENS report, in combination with associated, past APA ethics code changes, permitted psychologists to take on the roles of monitoring and evaluating the safety and efficacy of the "enhanced" interrogation program.

## **2. False Statements and Misrepresentation of Facts**

The emails also demonstrate that, in some cases, APA's representations to the public and to its members regarding psychologists' involvement in abusive interrogations were false and misrepresented facts. Examples include statements asserting that APA's policy on psychologist participation in interrogations was aimed at protecting detainees, that APA would fully investigate reports of detainee abuse, that APA had no interrogation-related contact with James Mitchell and Bruce Jessen (the alleged architects of the CIA torture program), and that Mitchell was not a member of APA. To the contrary, the emails indicate the following:

### **a) APA Ethics Policy Aligned with the Operational Needs of the CIA's Torture Program**

APA invited psychologists who were directly involved in the CIA's "enhanced" interrogation program to meet with the APA Ethics Office and Science Directorate regarding the association's ethics policies. The express and stated purpose of this meeting was for APA to help "navigate" the ethical challenges of psychologists' involvement in interrogations. Two such meetings are known to have taken place.

The first meeting was held secretly in July 2004 to address "Ethics and National Security;" senior APA staff members and senior psychologists and others from the CIA and DoD intelligence agencies attended. Among the latter was Dr. Kirk Hubbard, then-Chief of Operations for the CIA Operational Assessment Division. Hubbard has asserted publicly that he introduced Mitchell and Jessen as assets to the CIA.<sup>2</sup> In the emails, APA explicitly stated that the aim of the July meeting was:

...to take a forward looking, positive approach, in which we convey a sensitivity to and appreciation of the important work mental health professionals are doing in the national security arena, and in a supportive way offer our assistance in helping them navigate through thorny ethical dilemmas.<sup>3</sup>

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2 Bloche, M. (2011). *The Hippocratic Myth: Why Doctors are Under Pressure to Ration Care, Practice Politics, and Compromise Their Promise to Heal* (p. 137). New York: Palgrave Macmillan.

3 Stephen Behnke, Director of the APA Ethics Office, indicated that "conversations with people in the field" suggested that ethical issues were arising with regard to the interrogation program. The 2014 Executive Summary and Findings and Conclusions of the US Senate Select Committee on Intelligence's (SSCI) study of the CIA's "enhanced" interrogation program may shed light on these dilemmas, although not on who in the field communicated with Behnke. In May 2004, two independent investigators noted that the program's effectiveness (and therefore its legality) could not be assessed "without violating 'Federal Policy for the Protection of Human Subjects' regarding human experimentation." See US Senate Select Committee On Intelligence (2014). *Committee Study of the Central Intelligence Agency's Detention and Interrogation*

Another meeting – the 2005 APA Presidential Task Force on Psychological Ethics and National Security (PENS) – was derived from the 2004 secret meeting, according to the emails. The emails indicate that this meeting ensured that the legal safeguards built into the “torture memos” issued by the DoJ’s Office of Legal Counsel (OLC) were codified in APA ethics policy. Rather than protect detainees, the PENS report interpreted APA policy as permitting research into and monitoring of detainee interrogations, violating longstanding medical ethics prohibitions against causing harm and conducting prisoner research without consent.

The emails indicate that this research section of the PENS report was written by Dr. Susan Brandon, a former White House official whose responsibilities included promoting research in order to improve the efficacy of interrogations. Without the monitoring and research permitted by the PENS language, individuals who implemented, planned, or authorized the “enhanced” interrogation program likely faced heightened risk of future prosecution.

### **b) No Evidence the APA Demonstrated Concern About Detainee Abuse**

Numerous APA officials, including several APA Presidents, have asserted that APA would fully investigate reports of psychologist involvement in detainee abuse. For example, Dr. Stephen H. Behnke, the APA Ethics Office Director, stated publicly in August 2005: “I don’t have firsthand knowledge of what went on at Guantanamo. I know that the APA very much wants the facts, and that when APA has the facts, we will act on those facts.”<sup>4</sup> The emails contradict this statement. In fact, one year earlier, Behnke delivered the opposite message to US intelligence personnel directly linked to the clandestine program. In the invitation to the secret July 2004 meeting on ethics and interrogations, Behnke promised CIA, White House, and other officials that “we will not publish or otherwise make public the names of attendees or the substance of our discussions.” He further promised, that if reports of abuse were to emerge in that meeting, “we will neither assess nor investigate the behavior of any specific individual or group.”

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Program: Findings and Conclusions, p. 13 of 19). And further, the SSCI report describes CIA psychologists’ ethical concerns as reported in the Special Review of the CIA’s Office of the Inspector General (May 7, 2004):

... CIA “psychologists objected to the use of on-site psychologists as interrogators and raised conflict of interest and ethical concerns.” According to the Special Review, this was “based on a concern that the on-site psychologists who were administering the [CIA’s enhanced interrogation techniques] participated in the evaluations, assessing the effectiveness and impact of the [CIA’s enhanced interrogation techniques] on the detainees”.... According to... OMS, however, the problem still existed because “psychologist/interrogators continue to perform both functions.” (SSCI Executive Summary, pp. 472-473)

This conflict of interest specifically relates to Mitchell and Jessen, who regularly assessed detainees’ appropriateness for “enhanced” interrogations, directed the interrogations and then assessed the interrogations’ effectiveness. As the current analysis details, the two APA meetings held to “navigate” these ethical dilemmas paved the way for psychologists to provide the support needed to continue the program, while remaining within the bounds of APA ethics policy.

4 Psychological Warfare? A Debate on the Role of Mental Health Professionals in Military Interrogations at Guantanamo, Abu Ghraib and Beyond. (2005, August 11). Retrieved February 11, 2015, from [http://www.democracynow.org/2005/8/11/psychological\\_warfare\\_a\\_debate\\_on\\_the](http://www.democracynow.org/2005/8/11/psychological_warfare_a_debate_on_the)

### **c) The APA Concealed its Contacts with Mitchell and Jessen**

Although APA leadership has asserted publicly that it had “no contact whatsoever with [Mitchell and Jessen] regarding interrogations and interrogations techniques,”<sup>5</sup> the emails reveal otherwise. APA had a longstanding relationship with Mitchell and Jessen and their firm, as well as with government officials and other psychologists who were knowledgeable about the pair’s CIA work and/or who were involved in “enhanced” interrogation operations and research. On July 17-18, 2003, Mitchell and Jessen attended an invitation-only conference co-sponsored by APA, CIA, and RAND Corporation where “enhanced” interrogation practices and research needs were discussed. When APA sought feedback from the participants after the conference, one APA senior staff member was informed that Mitchell and Jessen would not be responding because “[t]hey are **doing special things to special people in special places**”. (emphasis added)

At least one APA staff member was aware of their firm, Mitchell Jessen and Associates, at least two years before its existence was revealed in the press. The emails also indicate that APA staff sought to obscure information about these contacts from journalists inquiring about the content of the July 2003 APA/CIA/RAND conference attended by Mitchell and Jessen, and the July 2004 meeting on Ethics and National Security.

### **d) The APA Concealed of Mitchell’s APA Membership**

APA has repeatedly denied any jurisdiction over the actions of Mitchell and Jessen, because, APA has claimed, “neither James E. Mitchell nor Bruce Jessen — the two alleged instigators of the CIA’s enhanced interrogations program — were (or are) members of APA.”<sup>6</sup> In fact, Mitchell was an APA member until 2006, which includes much of the time he allegedly tortured CIA detainees<sup>7</sup> and for at least a year beyond the time that he was first named in the press as the originator of certain of the abusive interrogation techniques. Consistent with this pattern of concealment is the fact that APA did not alert the Texas State Board of Examiners of Psychologists, which was looking into ethics charges filed against Mitchell, about his past membership.

## **3. Senior APA Staff and Leadership Played a Central Role in the Alleged Complicity with US Government Officials**

The Gerwehr emails, together with independent documents in the public record, demonstrate that APA’s secret coordination with the Bush administration both generated and critically shaped APA’s 2005 ethics policy on interrogations. These sources further show that the enterprise extended over many months and implicated numerous members of the APA senior staff, along with Board members and the APA Board itself, in various aspects of that coordination, including:

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5 Dorn-Steele, K., & Morlin, B. (2007, June 29). Spokane psychologists linked to CIA: Congress probes role in controversial interrogations. *The Spokesman-Review*. Retrieved February 8, 2015, from <http://m.spokesman.com/stories/2007/jun/29/spokane-psychologists-linked-to-cia-congress/>

6 <http://www.apa.org/news/press/response/risen-book.aspx>.

7 US Senate Select Committee On Intelligence (2014). *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program: Findings and Conclusions*, p. 17.

- Organizing the meetings in which government needs were solicited and received;
- Guaranteeing that APA ethics policy incorporated specific language aligning with and supporting government needs aimed at ensuring the legality of the CIA torture program;
- Shepherding these policy revisions through APA governance; and
- Presenting misleading information to APA membership, the public, and the press that obscured or falsified the history of complicity with Mitchell and Jessen, the CIA and/or the Bush White House.

The emails describe the roles of several senior staff members in these activities, including the directors of at least three APA divisions: Ethics (Dr. Stephen H. Behnke), Science (Dr. Geoff Mumford, Dr. Steven Breckler), and Public and Member Communications (Ms. Rhea Farberman). In addition, the Director of the Practice Directorate (Dr. Russell Newman) is reported to have taken an active, albeit concealed, role in guiding the PENS meeting.<sup>8</sup>

Two APA Board liaisons to the PENS Task Force – Dr. Gerald Koocher (2006 President) and Dr. Barry Anton (2015 President) – purportedly approved the presence of secret observers at the PENS Task Force meeting. The Gerwehr emails disclose the identity of one of these observers; former Bush White House advisor Dr. Susan Brandon. The emails also show that the Deputy APA CEO, Dr. Michael Honaker, was informed of the secret 2004 meeting that laid the groundwork for PENS.

The APA Board took several actions immediately following the PENS meeting that made the PENS report official APA policy. First, the Board decided in an emergency session to adopt the PENS report in totum, and thus bypassed the Council of Representatives, which was to meet a few weeks hence. Additionally, the Board proposed, and the Council subsequently passed, an extraordinary policy recommendation based on the PENS report: that the Ethics Committee, in consultation with the PENS Task Force, the military psychology division, and other APA groups, generate a resolution on “further research relevant to national security, including evaluation of the efficacy and effectiveness of methods for gathering information that is accurate, relevant, and reliable,” and permitting research on “individuals involved in interrogation processes.” This recommendation went against decades of medical ethics prohibitions regarding research on prisoners without their consent.

The analysis presented in this report raises serious concerns about the APA Board’s knowledge of, involvement in, and responsibility for allowing the US government to unduly influence and change APA policy on interrogations. The resulting policy facilitated the continuation of the Bush Administration torture program. Additionally, the Board’s rapid codification of the PENS report’s conclusions into APA policy was accompanied by a litany of false or obscurantist public statements issued by APA presidents, Boards, and the press office. These statements did not accurately portray the history of the APA’s connection with individuals and government entities involved in the “enhanced” interrogation program.

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<sup>8</sup> Newman’s wife, psychologist Colonel Debra Dunivin (US Army, retired), served as an interrogations consultant at Guantánamo. See: <http://www.propublica.org/article/a-secret-e-mail-argument-among-psychologists-about-torture-508>

APA CEO Dr. Norman Anderson is not mentioned in the emails reviewed in this analysis. However, the ongoing involvement in these matters of so many senior APA staff, past and present APA Presidents, and even the Board itself (of which he is an ex officio member), raises questions about the CEO's knowledge of and responsibility for what occurred under his watch. At a minimum, both the successive Boards and the CEO demonstrably failed in their oversight responsibilities for the activities of senior APA staff during this critical period in the history of American psychology.

## II. Evidence Supporting Key Findings

### Finding 1

**The APA secretly coordinated with officials from the CIA, White House, and the Department of Defense to create an APA ethics policy on national security interrogations that comported with then-classified legal guidance authorizing the CIA torture program**

#### Involvement of Hubbard and Brandon

The emails show that US government psychologists Kirk Hubbard (CIA) and Susan Brandon (White House) appear to have been key figures in what would become the PENS process. Their collaboration appears to have begun with co-organizing, along with Dr. Geoff Mumford (APA) and Mr. Scott Gerwehr (RAND/USG), a joint APA/CIA/RAND conference called "The Science of Deception" on July 17-18, 2003.

Hubbard's and Brandon's involvement continued with the secret July 2004 "Ethics and National Security" meeting and up to the July 2005 release of the PENS Task Force Report, as the emails show. However, APA has never publicly acknowledged or explained the role of either individual in the PENS process. Nor has APA ever explained why US officials with direct ties to the CIA, to CIA interrogation contractors Mitchell and Jessen and their firm Mitchell Jessen and Associates, and to the White House, were permitted to influence APA ethics policies.

The emails reveal that Brandon and Hubbard had longstanding professional relationships with the APA and with one another. They also indicate Hubbard had some form of supervisory role related to Mitchell and Jessen (e.g., directing them to attend the 2003 conference), although it is unclear if Hubbard had a formal command and control relationship over them at the CIA.<sup>9</sup> The emails further indicate that Hubbard himself later worked for

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<sup>9</sup> Bloche (2011) reports that when the CIA leadership made the initial call to send Mitchell and Jessen to their black site prison to initiate the torture program, the message went through Hubbard. *The Hippocratic Myth: Why Doctors are Under Pressure to Ration Care, Practice Politics, and Compromise Their Promise to*



Mitchell Jessen and Associates after he retired from the CIA in 2005, soon after the firm was established.

APA officials also had a close, multi-year working relationship with Hubbard, according to the emails. This started by 2003, when Mumford, Hubbard, and Brandon worked together planning that year's "deception detection" conference. As part of this relationship, APA carried some of the CIA's expenses for the conference on an APA credit card and, in one case, APA provided complementary hotel accommodations to Hubbard (in apparent contravention of CIA policy).<sup>10</sup>

The emails show that Susan Brandon, currently the Chief of Research for President Obama's HIG (High Value Detainee Interrogation Group) at the FBI,<sup>11</sup> played a central role in the development of the 2005 PENS policy, perhaps even more directly than Hubbard. Brandon was an unacknowledged observer during the PENS meetings and is reported to have "crafted" a portion of the PENS report "related to research" (see Finding 2 below for more on Brandon's role in PENS).

Brandon had previously served as a visiting senior scientist in the APA Science Directorate (2001 to 2003), where she "helped steer much of the association's scientific outreach relevant to counter-terrorism" — including co-organizing the 2003 deception conference with Hubbard and Mumford.<sup>12</sup> After leaving APA, Brandon oversaw funding for research into affect and deception at the National Institutes for Mental Health. In early 2004, Brandon joined the Office of Science and Technology Policy (OSTP) at the White House as Assistant Director for Social, Behavioral, and Educational Sciences, where she was a member of the Committees on Science and Homeland and National Security. She served at the White House until early June 2005, three weeks before the PENS Task Force meeting.

### **July 20, 2004: Secret APA meeting on "Ethics and National Security"**

On June 3, 2004, one year before the publication of the PENS Task Force report and roughly three months after the Abu Ghraib scandal was made public, Geoff Mumford, APA Director of Science Policy, sent a "save-the-date" email notice, announcing a confidential meeting between senior APA staff and senior national security psychologists and behavioral research personnel, to be held on July 20, 2004 (Appendix II, Email 2). The purpose was to discuss the role of psychological ethics in national security work.

Recipients of Mumford's June 3 "save-the-date" email included Gerwehr, Hubbard, and psychiatrist Dr. Charles "Andy" Morgan III, MD. Morgan, a research psychiatrist at Yale University Medical School, is credited with major findings on the effect of SERE (Survival,

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*Heal* (p. 142). New York: Palgrave Macmillan.

<sup>10</sup> See Appendix II, Email 10, from Mumford to Hubbard on June 10, 2004: "Sorry to hear your getting grief about the room but have I got a deal for you...as a special promotion for APA members, who also work in CIA Ops AND are willing to share their last names, I will pull that pawltry (poultry?) room fee out of my policy budget and put you up for the night. This is the very least APA can do given the remarkable generosity your agency has shown in supporting the wrkshop."

<sup>11</sup> IACP 2014 Session Speaker Bios. (2014, January 1). Retrieved February 11, 2015, from <http://www.theiacpconference.org/iacp2014/public/SpeakerDetails.aspx?FromPage=Calendar.aspx%20&ContactID=6191>

<sup>12</sup> APA Works with CIA and RAND to Hold Science of Deception Workshop. Retrieved August 22, 2015 from <http://www.apa.org/about/gr/science/spin/2002/02/also-issue.aspx>

Evasion, Resistance, Escape) techniques on stress hormones. These techniques were reverse-engineered by Mitchell and Jessen, both formerly with the military's SERE training program, into the "enhanced" interrogation program. Both Morgan and Gerwehr were working part-time for Hubbard at the CIA at the time (Email 4 and Email 14, respectively).

Mumford's "save-the-date" also went to then-White House OSTP psychologist Susan Brandon; psychologist Dr. Kirk Kennedy, who was then with the DoD's Counterintelligence Field Activity (CIFA) and formerly with the CIA Counterterrorism Center (Email 4); and FBI psychologist Dr. Steve Band, who was Chief of the FBI's Behavioral Science Unit and supported counterintelligence operations as Senior Consulting Psychologist to the DoD Behavioral Science Directorate.

Four top APA officials were copied on the "save-the-date": Dr. Michael Honaker, Deputy Chief CEO; Dr. Stephen Behnke, Director of the Ethics Office; Dr. Steven Breckler, then-Director of the Science Directorate; and Ms. Rhea Farberman, Executive Director for Public and Member Communications (Email 4).

The Gerwehr emails do not contain a list of recipients of the formal invitation to the July 20 meeting. However, in a July 8 email, Hubbard stated that Kennedy would be unable to participate because of a conflicting conference that Kennedy and "other DoD shrinks" were required to attend (Email 11). Hubbard proposed that he and Kennedy "consult on the issues that concern CIA and DoD" in advance, with Hubbard representing both entities at the meeting.

This exchange, sent to Gerwehr and Mumford, suggests that the final list of invitees was likely quite small, and similar to recipients of the June "save-the-date." The only addition appears to have been Dr. Linda Demaine, an APA Science Fellow placed in Hubbard's office<sup>13</sup> at the CIA Operational Assessment Division (OAD/CIA) (Email 3). Including Demaine, it appears that as many as four participants of this small meeting were then working in Hubbard's office at OAD/CIA.

Recently declassified memos, written by George Tenet at the time the APA's Ethics and National Security meeting was being planned, add essential context for understanding the serious challenge to the enhanced interrogation program during this period.

On the same day that Mumford sent his "save-the-date" email, George Tenet submitted his resignation as director of the CIA (he continued to serve until July 11, 2004). The following day, (June 4, 2004), apparently in response to pressures on the torture program and ongoing questions regarding its legality, he suspended "the use of interrogation techniques, enhanced or otherwise, until further notice."<sup>14</sup> According to the memos, Tenet was responding to public and congressional concern about the torture program, arising from the release of the Abu Ghraib photos and other press reports. In a second memo, Tenet pressed the Bush Administration to reaffirm that the program was legal. He was concerned that the Office of Legal Council had not made it explicitly clear that the "stress and duress" interrogation program did not violate Constitutional prohibitions that the US used to define

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<sup>13</sup> Hubbard's bio can be found in Email 13.

<sup>14</sup> <http://justsecurity.org/wp-content/uploads/2015/03/Exhibit-M-Bush-Policy-and-Legal-Directives-on-Interrogation.pdf>

cruel, inhuman, or degrading treatment and sought additional assurances that the administration still supported the program.

In his memo, addressed to National Security Advisor Condoleezza Rice, Tenet made clear just how high the stakes were during this period and how much conflict appears to have arisen among the leadership prior to his resignation. Tenet reminded the key players of the Administration that they had all approved the program: "From the outset, the policy to employ these techniques against terrorist HVD has been reviewed and endorsed by senior Administration policymakers; in August 2002, the Vice President, the Council to the President, the Attorney General and you were briefed and approved CIA going forward with the Program..." he wrote: "Given all this increased scrutiny now upon us in the wake of treatment of prisoners in Iraq and all the questions the administration is being asked, I strongly believe that the Administration needs to review its previous legal and policy positions with respect to detainees to assure that we all speak in a united and unambiguous voice about the continued wisdom and efficacy of those positions in light of the current controversy."<sup>15</sup>

Soon after Mumford's "save-the date" was sent, APA's Ethics Director, Stephen Behnke sent an official invitation to potential participants. Behnke framed the purpose of the meeting as a response to the Abu Ghraib scandal:

Dear Invitee,

Events in our recent history, most notably the terrorist attacks of September 11, 2001 and the Abu Ghraib prison situation, have stimulated a great deal of interest in the ethics of using psychology and psychological techniques as tools in national security investigations. (Email 3)

Behnke reassured invitees that the APA Ethics Office would "neither assess nor investigate the behavior of any specific individual or group." Instead, Behnke conveyed the APA's deference to the needs of psychologists in the intelligence community:

The Ethics Office and Science Directorate would like to take a forward looking, positive approach, in which we convey a sensitivity to and appreciation of the important work mental health professionals are doing in the national security arena, and in a supportive way offer our assistance in helping them navigate through thorny ethical dilemmas, if they feel that need (informal conversations with people in the field suggest the need is there).

Behnke further guaranteed that APA would keep the meeting, its participants, and their contributions confidential:

I would like to emphasize that we will not advertise the meeting other than this letter to the individual invitees, that we will not publish or otherwise make public the names of attendees or the substance of our discussions...

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<sup>15</sup> Memorandum for the National Security Advisor: "Review of the CIA Interrogation Program. June 4, 2004. Retrieved March 3, 2015 from <http://justsecurity.org/wp-content/uploads/2015/03/Exhibit-N-Bush-Policy-and-Legal-Directives-on-Interrogation.pdf>.

Indeed, the substance of the discussions and the names of the attendees at the July 20, 2004 meeting have never been disclosed.<sup>16</sup> Similarly, it is unknown whether follow-up meetings took place between APA and CIA personnel, although the invitation and subsequent emails refer to the possibility of such meetings.

What is known is that the same day APA leadership was meeting with top national security psychologists from the CIA, the officials at the highest levels of the Bush administration were meeting to address the legality of the enhanced interrogation program: "In a meeting on July 20, 2004, National Security Council principals, including the vice president, provided their authorization for the CIA to use its enhanced interrogation techniques... They also directed the Department of Justice to prepare a legal opinion on whether the CIA's enhanced interrogation techniques were consistent with the Fifth and Fourteenth Amendments to the U.S. Constitution."<sup>17</sup> The Fifth and Fourteenth Amendments to the U.S. Constitution were central to the U.S. interpretation of what constituted CIDT.<sup>18</sup>

### **June 2005: APA Presidential Task Force on Psychological Ethics and National Security (PENS)**

In February 2005, Mumford, Behnke, and Breckler proposed to the APA Board of Directors the creation of "a task force to explore the ethical aspects of psychologists' involvement and the use of psychology in national security-related investigations." The proposal stated that the list of members suggested for appointment to the working group would be "provided in executive session," thus keeping them secret (see Appendix IV). The Board approved the proposal; the names of the suggested members still are not publicly known.

The PENS Task Force convened over a weekend in June 2005 and issued its report a day later, which the Board approved by emergency vote. The PENS policy endorsed continued psychologist participation in national security interrogations — unlike the policies later

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<sup>16</sup> APA also intended to keep the substance of the discussions of the PENS Task Force confidential. The substance of those discussions are public only because one member of the Task Force chose to reveal these details in spite of APA's insistence otherwise (APA interrogation task force member Dr. Jean Maria Arrigo exposes group's ties to military. Retrieved March 5, 2015 from <http://www.democracynow.org/article.pl?sid=07/08/20/1628234>). It is notable, also, that the Task Force report was published without naming its members, editors or contributors, and the names of the participants were withheld from inquiring journalists and APA members by senior APA staff [Benjamin, M. (2006, June 26). Psychological Warfare. Retrieved February 11, 2015 from <http://www.salon.com/news/feature/2006/07/26/interrogation/print.html> and Benjamin, M. (2006, August 4). Psychologists group still rocked by torture debate. Retrieved February 11, 2015 from <http://www.salon.com/news/feature/2006/08/04/apa/>].

<sup>17</sup> Senate Select Committee on Intelligence Executive Summary of the Committee Study of the Central Intelligence Agency's Detention and Interrogation Program. (2014), p. 136. United States Senate. <http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>

<sup>18</sup> The Office of Legal Council took their definitions of CIDT from the U.S. Reservations, declarations, and understandings, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: "(1) That the United States considers itself bound by the obligation under Article 16 to prevent "cruel, inhuman or degrading treatment or punishment," only insofar as the term "cruel, inhuman or degrading treatment or punishment" means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States. Retrieved April 7, 2015 from <http://www1.umn.edu/humanrts/usdocs/tortres.html>

adopted by the American Medical Association and American Psychiatric Association, which prohibited such involvement by their members.

In July 2005, after the PENS Policy had been completed, Mumford wrote to Hubbard, then of Mitchell Jessen and Associates, copying Morgan of the CIA and senior psychologists in the intelligence community. Mumford thanked them for their roles in the PENS process:

Belated thanks for your note and update...sounds like your settling in nicely...always nice to know your locked and loaded and ready for bear. I thought you and many of those copied here would be interested to know that APA grabbed the bull by the horns and released this Task Force Report today:

<http://www.apa.org/releases/pens0705.html>

I also wanted to semi-publicly acknowledge your personal contribution as well as those of K2 [Kirk Kennedy] and Andy Morgan in getting this effort off the ground over a year ago. Your views were well represented by **very carefully selected** Task Force members (Scott Shumate<sup>19</sup> among them). (See Appendix II, Email 1) (emphasis added)

Mumford's message to Hubbard, Morgan, Shumate and others exposes the integral role that CIA and DoD personnel played in the development of the PENS Policy. In addition to allowing direct psychologist involvement in interrogations, the policy specifically endorsed monitoring and research roles in such interrogations — in a manner consistent with the roles mandated by the OLC "torture memos" and Secretary of Defense Donald Rumsfeld's 2003 "Working Group Report." The latter authorized the military "enhanced" interrogations based on the legal rationale set forth in the OLC "torture memos."<sup>20 21</sup>

In fact, the "very carefully selected task force" referenced in Mumford's email consisted heavily of uniformed and civilian psychologists from the military.<sup>22</sup> Six of the nine voting PENS members were Department of Defense employees directly involved in national security interrogation practice, supervision and/or research. In addition, many of the PENS members themselves held commands or have been linked to installations where detainee abuse had been reported. With the majority of PENS voting membership duty-bound to vote as a block, the adoption of the Task Force report was all but assured from the beginning.

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<sup>19</sup> Scott Shumate, who was cc'd on the email, was one of six military/intelligence members of the PENS Task Force. He had been the Chief Operational Psychologist for the CIA's Counterterrorism Center from 2000-2003. In May 2003, he moved to the DoD's Counterintelligence Field Activity Unit where he was Director of Behavioral Science. According to his PENS bio, Shumate "provides operational psychological support to several Defense Agencies through CIFA. DoD/CIFA is responsible for support to offensive and defensive counterintelligence (CI) efforts to protect and retain security over DoD assets, resources, and infrastructure. His team of renowned forensic psychologists are engaged in risk assessments of the Guantanamo Bay Detainees."

<sup>20</sup> Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security. (2005). American Psychological Association. Retrieved March 8, 2015 from <http://www.apa.org/pubs/info/reports/pens.pdf>.

<sup>21</sup> Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy and Operational Considerations (<http://www.apa.org/about/policy/chapter-3.aspx> and <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB127/03.04.04.pdf>).

<sup>22</sup> Benjamin, M. (2006, June 26). Psychological Warfare. Retrieved February 11, 2015, from [http://www.salon.com/2006/07/26/interrogation\\_3/](http://www.salon.com/2006/07/26/interrogation_3/)

In addition, the weekend meeting was attended by numerous unacknowledged observers, whose presence, according to Task Force Chair Moorehead-Slaughter, had been vetted by herself and the two Board liaisons who later became APA Presidents, Koocher and Anton.<sup>23</sup> Secret observers included Brandon, recently of the White House, Dr. Mel Gravitz, a psychologist formerly at the National Security Agency, and APA staff members Newman, Mumford, Farberman, Breckler and Dr. Heather Kelly.<sup>24</sup> It is unknown, aside from Brandon (see below), whether these observers contributed to the report, which Task Force "rapporteur" Stephen Behnke wrote during meeting breaks and in the evenings. As the public record reflects, Behnke finalized the Report and distributed it to the Task Force members six hours after the Task Force meeting ended.

## **Finding 2**

**A US government research scientist, who had recently served as President Bush's behavioral science advisor, is reported to have secretly drafted "language related to research" inserted by APA officials into the 2005 APA ethics policy on interrogations. While the exact language of the alleged contribution is not known, the section on research aligned that policy with the then-classified Bradbury "torture memos." The Bradbury memos directed health professionals to research and assess the supposed safety, efficacy, and health impacts of the "enhanced" interrogation techniques. The memos were introduced at a time when CIA Office of Medical Services (OMS) personnel were protesting the expanded involvement of health professionals in helping determine the legality of the techniques.**

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23 According to the PENS Task Force listserv, PENS Chair Dr. Olivia Moorehead Slaughter wrote: ""Please be assured that all observers would be individuals who are there for professional reasons and no one would be present that I, as Chair, and the two Board liaisons [Barry Anton and Gerry Koocher] have not approved." See: <http://www.propublica.org/article/a-secret-e-mail-argument-among-psychologists-about-torture-508>.

24 According to a recent bio, Kelly was "advocate for behavioral science on Capitol Hill and in the federal agencies and runs APA's Executive Branch Science Policy Fellowship Program. Within my specific advocacy portfolio are the psychological research programs within the Department of Defense, the National Science Foundation, and the Department of Veterans Affairs." <http://www.spsp.org/members/?id=23980319>



## June 2005: Language Introduced into the PENS Report

APA officials allegedly permitted then-NIMH and former White House advisor Susan Brandon to “craft” language for the PENS report related to research that evidently appears in the final version. In the July 5, 2005 email that Mumford wrote to Hubbard, Kennedy, Morgan, Shumate, and others, he states:

I was pleased to help staff the Task Force and Susan [Brandon] serving as an Observer (note she has returned to NIMH, at least temporarily) helped craft some language related to research and I hope we can take advantage of the reorganization of the National Intelligence Program, with its new emphasis on human intelligence, to find a welcoming home for more psychological science. (Email 1)

While the exact language and scope of Brandon’s alleged contribution to the PENS report is not known, the following section of the Task Force report is the only one to substantively and specifically address research:

Psychologists should encourage and engage in further research to evaluate and enhance the efficacy and effectiveness of the application of psychological science to issues, concerns and operations relevant to national security.

**One focus of a broad program of research is to examine the efficacy and effectiveness of information-gathering techniques, with an emphasis on the quality of information obtained.** In addition, psychologists should examine the psychological effects of conducting interrogations on the interrogators themselves to explore ways of helping to ensure that the process of gathering information is likely to remain within ethical boundaries. **Also valuable will be research on cultural differences in the psychological impact of particular information-gathering methods and what constitutes cruel, inhuman, or degrading treatment.**

(American Psychological Association, 2005b, p. 8) (emphasis added)<sup>25</sup>

The Task Force report explicitly recommends a psychologist research role in (a) evaluating the efficacy of the techniques, and (b) determining “what constitutes cruel, inhuman, and degrading treatment” (CIDT). This latter category of abuse, along with torture, is banned under domestic and international law. The report also endorses engaging in research to determine if there are “cultural differences” in the psychological impact of “information-gathering” — a PENS euphemism for interrogation techniques.

The language related to research in PENS appears to call for psychologist involvement in monitoring interrogations, in a manner consistent with the May 2005 memoranda issued by the Department of Justice’s Office of Legal Counsel (OLC).<sup>26</sup> The classified memos, signed

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<sup>25</sup> Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security. (2005). American Psychological Association. Retrieved March 8, 2015 from <http://www.apa.org/pubs/info/reports/pens.pdf>.

<sup>26</sup> Senate Select Committee on Intelligence Executive Summary of the Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program. (2014). United States Senate, pp.145-146. Retrieved Feb 10, 2015 from <http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>.

by Principal Deputy Assistant Attorney General Steven Bradbury, sought to provide legal authorization for the continued use of torture and other forms of abusive interrogations. Like the Yoo/Bybee “torture memos,” the Bradbury memos also sought to indemnify those involved in the program from future criminal charges of torture or CIDT.

The Executive Summary of the US Senate Select Committee on Intelligence’s (SSCI) report on CIA torture, released in December 2014, provides crucial context for understanding the implications of the new research and CIDT language introduced into the PENS process. As the Executive Summary shows, this language was drafted during a period of increased legal and ethical conflicts regarding the torture techniques, particularly within the CIA medical community.

### **Spring 2005: CIA Office of the Inspector General, CIA Office of Medical Services, and OLC Bradbury Memos**

The Executive Summary describes how, in the winter and spring of 2005, the OLC was “analyzing the legality of 13 techniques, including the 10 techniques outlined in the OLC’s August 1, 2002, memorandum, and additional techniques for which the CIA sought OLC approval in 2004.”<sup>27</sup> This analysis resulted in the Bradbury memos, which rested the legality of these techniques on the participation of health professionals to monitor, assess and evaluate their safety and efficacy:

Thus, no technique is used in the interrogation of any detainee – no matter how valuable the information the CIA believes the detainee has – if the medical and psychological evaluations or ongoing monitoring suggest that the detainee is likely to suffer serious harm. Careful records are kept of each interrogation, which ensures accountability and **allows for ongoing evaluation of the efficacy of each technique and its potential for any unintended or inappropriate results.**<sup>28</sup>  
(emphasis added)

In May 2005, the CIA assured the OLC that according to the experience of health professionals in the CIA Office of Medical Services (OMS), “the program has effectively avoided severe pain and suffering and should continue to do so.”<sup>29</sup> It was apparently on the basis of such CIA representations that Bradbury issued the memos determining that the techniques were safe, even if used in combination, effective, consistent with “the U.S. obligations under the Convention Against Torture,” and therefore legal.

However, the information the CIA provided the OLC about the use of the techniques and their physical effects on detainees was “inaccurate,” “incongruent” with “CIA records,” “incongruent with the operational history of the program,” and “inconsistent with CIA practice,” according to the SSCI Executive Summary.<sup>30</sup> Moreover, according to the SSCI

27 <https://www.aclu.org/files/projects/foiasearch/pdf/DOJOLC000844.pdf> (DOJ OLC 000852).

28 Bradbury, Steven G. (May 30, 2005). Memorandum for John A. Rizzo. Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees, p.8.

<http://www.justice.gov/sites/default/files/olc/legacy/2013/10/21/memo-bradbury2005.pdf>.

29 Senate Select Committee on Intelligence Executive Summary of the Committee Study of the Central Intelligence Agency's Detention and Interrogation Program. (2014), p. 145. United States Senate.

<http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>

30 Senate Select Committee on Intelligence Executive Summary of the Committee Study of the Central



Executive Summary, when OMS reviewed a draft OLC opinion in April 2005, it objected to being asked to review and assess data collected from applications of the techniques on detainees to ascertain the extent of harm and help OLC determine the prospective legality of these techniques. Even though OMS already had monitoring responsibilities under the August 2002 Yoo/Bybee “torture memo,”<sup>31</sup> OMS protested any expanded role in the OLC’s legal justification for the use of torture.<sup>32</sup>

The SSCI Executive Summary shows that OMS personnel specifically protested being asked to define torture and cruel, inhuman, or degrading treatment (CIDT), a role they believed to lie outside their medical and scientific expertise. An OMS memo dated April 11, 2005, three months before the PENS meeting, stated:

[s]imply put, **OMS is not in the business of saying what is acceptable in causing discomfort to other human beings, and will not take on that burden....** OMS did not review or vet these techniques prior to their introduction, but rather came into this program with the understanding of your office and DOJ that they were already determined as legal, permitted and safe. We see this current iteration [of the OLC guidance] as a reversal of that sequence, and a relocation of those decisions to OMS. If this is the case, that OMS has now the responsibility for determining a procedure’s legality through its determination of safety, then we will need to review all procedures in that light given this new responsibility.<sup>33</sup> (emphasis added)

Additional pressure on the “enhanced” interrogation program and the use of medical personnel came through the CIA Office of the Inspector General (OIG). At the time, the program faced increasing calls for review and oversight following damaging revelations about the treatment of “ghost detainees.”<sup>34</sup> In May 2004, the OIG recommended that the CIA conduct a study of the effectiveness of the interrogation techniques. In response to OMS concerns that studying the results of these interrogations “would amount to human experimentation,” the OIG issued a clarification in January 2005:

I fear there was a misunderstanding. **OIG did not have in mind doing additional, guinea pig research on human beings.** What we are recommending is that the Agency undertake a careful review of its experience to date in using the various techniques and that it draw conclusions about their safety, effectiveness, etc., that can guide CIA officers as we move ahead.<sup>35</sup> (emphasis added)

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Intelligence Agency’s Detention and Interrogation Program. (2014), p. 420-422. United States Senate. <http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>

31 <http://www.justice.gov/sites/default/files/olc/legacy/2010/08/05/memo-gonzales-aug2002.pdf>

32 Senate Select Committee on Intelligence Executive Summary of the Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program. (2014), p. 420. United States Senate. <http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>

33 Senate Select Committee on Intelligence Executive Summary of the Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program. (2014), p. 420. United States Senate. <http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>

34 Senate Select Committee on Intelligence Executive Summary of the Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program. (2014), p. 119-125. United States Senate. <http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>

35 SSCI Executive Summary, p. 126. <http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>. It is worth noting that the OIG cautions against “additional” guinea pig research on human beings, implying that such research on detainees had been done in the past.

In 2005, the CIA appears to have felt that it could successfully argue, based on the rationale set forth in the OLC memos, that “enhanced” techniques did not violate the legal ban on torture. However, there was concern from several quarters that these techniques might violate the legal ban on CIDT, a distinct legal category from torture.<sup>36</sup> In fact, after reviewing two of the Bradbury memos, the CIA Inspector General recommended in a May 26, 2005 memo that the CIA seek additional legal guidance on whether the “enhanced” interrogation techniques and conditions of confinement for detainees complied with Article 16 of the Convention Against Torture, which bans CIDT. The SSCI Executive Summary states:

The inspector general noted that “a strong case can be made that the Agency’s authorized interrogation techniques are the kinds of actions that Article 16 undertakes to prevent,” adding that the use of the waterboard may be “cruel” and **“extended detention with no clothing would be considered ‘degrading’ in most cultures, particularly Muslim.”** The inspector general further urged that the analysis of conditions was equally important, noting that the inspector general’s staff had “found a number of instances of detainee treatment which arguably violate the prohibition on cruel, inhuman, and/or degrading treatment.”<sup>37</sup> (emphasis added)

Four days after the Inspector General’s critical memo, Bradbury issued his third OLC opinion “examining U.S. obligations under the Convention Against Torture” and further asserting that the methods were “effective.” This memo similarly relied on “almost entirely inaccurate” CIA representations in determining that the methods were safe, effective, and therefore legal.<sup>38</sup>

Thus, at the time of the PENS meeting, the CIA program faced intersecting legal, political, and operational conflicts. The OLC memos authorizing the use of “enhanced” techniques required monitoring and evaluation of their safety and efficacy. In addition, the OIG was demanding an evaluation of the methods’ effectiveness, and of variances in cultural responses that might constitute CIDT. The CIA made representations to the OLC as if such monitoring and assessment were ongoing, yet OMS was protesting “the business of saying what is acceptable in causing discomfort to other human beings” as a professionally inappropriate and unsuitable role. OMS had apparently reached its ethical limit on doing research on human subjects to cause and/or measure harm.<sup>39</sup> The resistance of OMS staff to collecting and providing data on the techniques and guaranteeing that they were medically “safe” and did not constitute torture or CIDT, meant the legal justification for the program was in jeopardy.

In this light, the additions Brandon apparently “crafted” into the PENS determination of what would be ethical research practices for psychologists can be seen as opening the door for

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36 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Retrieved March 5, 2015 from <http://www.hrweb.org/legal/cat.html>.

37 SSCI Executive Summary, p. 145. <http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>

38 SSCI Executive Summary, p. 146. <http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>

39 A similar concern had been expressed, according to the SSCI Summary, by two senior CIA officers who were asked to conduct a review of the “enhanced” interrogation program, and who claimed that assessing the efficacy of the techniques could violate Federal Policy on Human Subject Research. Thus, there was legitimate concern that OLC was asking OMS to play a role that might constitute illegal and unethical human subjects research under domestic and international law, including the Nuremberg Code. SSCI Executive Summary, Findings and Conclusions, p. 13.

psychologists to fulfill a function that OMS health professionals were resisting, reopening the door to the legally necessary monitoring and research:

Psychologists should encourage and engage in further research to evaluate and enhance the efficacy and effectiveness of the application of psychological science to issues, concerns and operations relevant to national security. One focus of a broad program of research is to **examine the efficacy and effectiveness of information-gathering techniques, with an emphasis on the quality of information obtained.** (emphasis added)

The PENS research language even explicitly addressed CIDT concerns, raised by the OIG:

Also valuable will be research on cultural differences in the psychological impact of particular information-gathering methods and **what constitutes cruel, inhuman, or degrading treatment.** (emphasis added)

Where OMS health professionals resisted, on professional grounds, roles in which they measured the harm or potential effectiveness of the “enhanced” techniques, the PENS research language specifically promoted such roles for psychologists, and recognized the inherent conflict with medical ethics.<sup>40</sup> The presumptive effect of OMS pushback when asked to fulfill the mandates of the Bradbury memos was potential undermining of its legal rationales and undoing protections for those involved in the torture program. The presumptive effect of APA ethics policy changes, reflected in the PENS report, was the positioning of psychologists to protect the “enhanced” interrogation program and those responsible for its authorization and implementation.<sup>41</sup>

## **2002: Previous Changes to APA Ethics Code**

It is important to note that previous changes to the APA Ethics Code appear to have helped set the stage for psychologists to conduct research on a vulnerable population (e.g. detainees) without their consent. While such conduct has been deemed unethical for health professionals since Nuremberg, the APA ethics code had been revised in 2002 in ways that weakened key research protections established by the Nuremberg Code<sup>42</sup> under customary international law and the Common Rule under US Federal Law. One such change, apparently drafted into the code after 9/11, determined that the requirement to obtain informed consent could be dispensed with when “permitted by law or federal or institutional regulations” (Ethical Standard 8.05: American Psychological Association, 2002b).<sup>43</sup>

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<sup>40</sup> It is certainly beyond psychologists’ training or expertise to assess what does and does not constitute a prospective legal standard of “cruel, inhuman, and degrading treatment”. The PENS report noted “a potential area of tension between conducting research that is classified or whose success could be compromised if the research purpose and/or methodology become known and ethical standards that require debriefing after participation in a study as a research subject. (Ethical Standards 8.07, Deception in Research, and 8.08, Debriefing) APA should identify and further examine the ethical dimensions of such tensions.”

<http://www.apa.org/pubs/info/reports/pens.pdf>.

<sup>41</sup> This adds an additional dimension of potential meaning to Mumford’s communication to Hubbard on July 5, 2005 (after Hubbard had begun working for Mitchell Jessen and Associates): “In any case, I hope this finds you well and that you are as pleased as we are with the report.” (see Appendix II, Letter 1)

<sup>42</sup> The full text of the Nuremberg Code can be found at <http://ohsr.od.nih.gov/guidelines/nuremberg.html>

<sup>43</sup> This language was apparently first written into the 2002 ethics code draft on May 19, 2002.

Other changes, already being considered prior to 9/11 but made APA policy in August 2002, included permitting psychologists to more readily employ deception, restricting only “research that is reasonably expected to cause physical pain or severe emotional distress” (Ethical Standard 8.07), and most strikingly, to forego their ethical obligations altogether, if these “conflict with law, regulations, or other governing legal authority” (Ethical Standard 1.02).<sup>44</sup>

### **Summer 2005: APA Board of Directors Emergency Session, following PENS**

In July 2005, the APA Board of Directors voted in emergency session to make the PENS Report official APA policy. The Board justified that vote as a response to “the overwhelming interest in the report and APA’s position on these issues from the media, **U.S. government**, and other sources...”<sup>45</sup> (emphasis added) At its first scheduled meeting after adoption of the PENS Report, in August 2005, the Board developed recommendations for approval at the upcoming APA Council of Representatives meeting. Among these recommendations was one regarding research on national security detainees:

Council requests that the Ethics Committee, in consultation with the PENS Task Force, the Board of Professional Affairs, the Board of Scientific Affairs and Division 19 [Military Psychology], be charged with developing a statement or resolution to be forwarded to Council for adoption that will address further research relevant to national security, including evaluation of the efficacy and effectiveness of methods for gathering information that is accurate, relevant, and reliable. The statement or resolution should make clear that such research should be designed to minimize risks such as emotional distress to research participants and other individuals involved in interrogation processes, and should be consistent with standards of human subject research protection and the APA Ethics Code.<sup>46</sup>

The phrase “minimize risks such as emotional distress to **research participants and other individuals involved in interrogation processes**” (emphasis added) makes it evident that the Board was supporting research and experimentation as part of national security interrogations and thus on detainees themselves, rather than, say, laboratory simulations of interrogations. The Board here apparently was seeking the Council’s imprimatur for research on detainees, in order to facilitate implementation of the recommendations reportedly written into the research section of the PENS Report by Brandon. Council adopted the Board’s recommendation at its semi-annual meeting, the same week.<sup>47</sup>

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<http://www.apa.org/ethics/code/92-02codecompare.pdf>

44 For a history of these changes please see: <http://www.apa.org/ethics/code/>

45 These minutes are currently not available from the APA website. They were obtained by request from an APA staff member but were also retrieved February 26, 2015 in the Internet archive from [https://web.archive.org/web/20140301000000\\*/http://www.apa.org/about/governance/board/05aug-bdminutes.aspx](https://web.archive.org/web/20140301000000*/http://www.apa.org/about/governance/board/05aug-bdminutes.aspx).

46 [https://web.archive.org/web/20140301000000\\*/http://www.apa.org/about/governance/board/05aug-bdminutes.aspx](https://web.archive.org/web/20140301000000*/http://www.apa.org/about/governance/board/05aug-bdminutes.aspx).

47 <https://web.archive.org/web/20101213014938/http://apa.org/about/governance/council/crminutea05.pdf>.

## Finding 3

**The APA had numerous contacts with CIA contract psychologists Drs. James Mitchell and Bruce Jessen starting in at least 2003, including contacts related to interrogation techniques; at least one senior APA official was informed of their clandestine role at the CIA related to interrogations; yet APA has consistently denied such contacts.**

The Gerwehr emails demonstrate that at least one APA staff member, Geoff Mumford, had direct contact with Mitchell and Jessen; contact that included discussion on interrogations and interrogation techniques. For example, the emails reveal that Mitchell and Jessen, along with other operational CIA personnel, were present at the invitation-only conference on deception detection that the APA helped organize with CIA and RAND Corporation in July 2003. Hubbard described Mitchell and Jessen to Mumford and others as the invitation list was being finalized, and mentioned that they might be unable to attend. He wrote in a June 13, 2003 email:

I have 19 people dying to attend the Forum. 11 Agency folks of various ilk, 3 FBI, 3 DOD, and 1-2 former DOD special ops psychologists who are on contract to CIA and are brilliant... [T]he two contractors may not be able to attend as **they get called on very short notice**. (Email 12) (emphasis added)

Mitchell and Jessen ultimately attended the conference, where APA staff discussed interrogations and interrogation techniques with the two CIA contractors and other attendees. According to the unpublished report of the conference composed by Brandon, discussion topics included the importance of systematic data collection during interrogations, the value of disrupting the interrogated individual's sleep-wake cycle, the value of increasing their fear and anxiety, and specific potential interrogation techniques. At least two techniques were proposed to attendees, to use as a platform for discussion:

- "What **pharmacological agents** are known to affect apparent truth-telling behavior?"
- "What are sensory overloads on the maintenance of deceptive behaviors? How might we **overload the system or overwhelm the** senses and see how it affects deceptive behaviors?"<sup>48</sup> (emphasis added)

Three days after the conference, Brandon wrote to Mumford, Hubbard, and Gerwehr, describing Mitchell's extensive comments at the workshop:

Kirk, I appreciated how Jim Mitchell kept saying (especially on the second day), "this

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<sup>48</sup> Although these "scenarios" were once posted on the APA website, they are no longer available. A cached version of the page can be found here: <http://web.archive.org/web/20030802090354/http://www.apa.org/ppo/issues/deceptscenarios.html>. The scenarios are also contained in the unpublished report of the conference authored by Brandon.

is an empirical question; we need to collect data and do studies.” I know that he was pointing people towards you and asking them to send proposals to you: was this a good outcome? (Email 5)

Immediately following the conference, Mumford emailed the participants to solicit feedback and asked Hubbard to prod those who had not responded. On August 6, 2003, Hubbard told Mumford that he was unlikely to hear from Mitchell or Jessen, implicitly referencing their interrogation activities:

You won't get any feedback from Mitchell or Jessen. They are doing special things to special people in special places, and generally are not available. (Email 4)

In June 2005, Hubbard announced to Mumford and others that he had retired from the CIA and was now consulting for Mitchell Jessen and Associates:

[N]ow I do some consulting work for Mitchell Jessen & Associates. Most of you know who Jim and Bruce are, I think. (Email 6)

The Gerwehr emails reveal repeated contacts with Mitchell and Jessen, awareness of their CIA interrogation work, and discussion of that work, by at least one senior APA official who was included in regular email communications. This directly contradicts past APA public statements, including APA Ethics Director Stephen Behnke's comments to the *Spokesman-Review* Newspaper in 2007: “APA has had no contact whatsoever with these individuals concerning interrogations or interrogation techniques.”<sup>49</sup>

In addition, at least one senior APA official, Mumford, was also aware that two past APA presidents apparently had multi-year professional relationships with CIA's Hubbard: Dr. Martin Seligman and Dr. Joseph Matarazzo (Email 7 and Email 15, respectively). Matarazzo was also a Board member of Mitchell Jessen and Associates.<sup>50</sup> This information suggests that APA statements defending them from reports of possible complicity with the CIA's torture program should be closely scrutinized and subjected to further investigation.

## **Finding 4**

**APA did not disclose Dr. James Mitchell's past APA membership when it released its 2007 statement in response to journalists' revelations regarding Mitchell's role in abusive interrogations. Nor did APA include such information in its letter to the Texas State Board of Examiners of Psychologists in 2010; APA staff sought to obscure past contacts with the CIA and with Mitchell and Jessen and their firm, Mitchell Jessen and Associates.**

49 Dorn-Steele, K., & Morlin, B. (2007, June 29). Spokane psychologists linked to CIA: Congress probes role in controversial interrogations. The Spokesman-Review. Retrieved February 8, 2015, from <http://m.spokesman.com/stories/2007/jun/29/spokane-psychologists-linked-to-cia-congress/>  
50 <http://www.spokesman.com/stories/2007/aug/12/expert-has-stake-in-cryptic-local-firm/>



Mitchell Jessen and Associates<sup>51</sup> employees Hubbard and Mitchell were both APA members until at least 2006. Accordingly, both were bound by the APA policy on national security interrogations during the period that the CIA and White House critically influenced APA ethics policy directly related to their mission.<sup>52</sup> It is unclear why they resigned from the APA, but at least one APA senior staff member was aware of Hubbard's APA membership, according to correspondence between Mumford and Hubbard (Email 16).

The APA first disclosed Mitchell's past APA membership to *Reuters* in December 2014, following the release of the SSCI Executive Summary, which detailed Mitchell's and Jessen's extensive and lucrative involvement in the CIA torture program. However, APA withheld mention of Mitchell's past membership status in a 2010 letter to the Texas State Board of Psychological Examiners by then-APA President Dr. Carol Goodheart.<sup>53</sup>

At the time, the Texas Board was in the process of reviewing an ethics complaint regarding Mitchell's alleged involvement in torture while working for the CIA. It is not known what relevance Mitchell's past membership status may have had to that inquiry, but it is clear that the APA did conceal that information from the Texas Board.

Similarly, when press reports (e.g., *Vanity Fair* and *Salon*<sup>54</sup>) in 2007 first revealed Mitchell's central role in the CIA program, the APA withheld the information that he had been an Association member only months earlier.<sup>55</sup> Not only did APA omit mention of Mitchell's membership in public responses to these revelations, the APA Board has publicly asserted the opposite as recently as October 2014: that "neither James E. Mitchell nor Bruce Jessen — the two alleged instigators of the CIA's enhanced interrogations program — were (or are) members of APA."<sup>56</sup>

APA only acknowledged in December 2014 that Mitchell had been a member until 2006; fully seven years after press reports about Mitchell and Jessen's role in designing the program were published in the summer of 2007 and nine years after Jane Mayer first mentioned

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51 In 2005, James Mitchell and Bruce Jessen formed Mitchell Jessen and Associates, which provided interrogation personnel and support to the CIA torture program until mid-2009. As the Gerwehr emails show, Kirk Hubbard joined the company as a consultant shortly after it was formed.

52 Ullman Paige, R. (2007). Proceedings of the American Psychological Association for the Legislative Year 2006 (p. P. 431, 434). American Psychological Association.

53 Goodheart, C. (2010, June 30). American Psychological Association Letter to Texas State Board of Examiners RE: Complaint Filed by Dr. James L.H. Cox Regarding Dr. James Elmer Mitchell. Retrieved February 8, 2015, from <http://www.apa.org/news/press/statements/texas-mitchell-letter.pdf>

54 <http://www.vanityfair.com/news/2007/07/torture200707>; [http://www.salon.com/2007/06/21/cia\\_sere/](http://www.salon.com/2007/06/21/cia_sere/)

55 In his response to Eban's report, Stephen Behnke wrote: "APA has no affiliation with two psychologists whom Ms. Eban portrays as having supported reverse SERE engineering. These individuals are neither APA members nor have they taken any part in APA's deliberations on this issue."

<http://www.apa.org/news/press/statements/vanity-fair-response.pdf> It is worth noting, in addition, that when Mitchell was first named in the press in 2005 as a participant in the "enhanced interrogation program," he was still a member of the APA. In spite of statements that APA would hold members accountable, Mitchell's membership was not disclosed, nor was he investigated at the time.

<http://www.newyorker.com/magazine/2005/07/11/the-experiment-3>

56 <http://www.apa.org/news/press/response/risen-book.aspx>

Mitchell in association with enhanced interrogation techniques in 2005. This correction of the historical record came only with the Board's announcement of the Hoffman investigation.

In addition, the emails show that APA staff members – including Behnke, Farberman, Mumford, Breckler and Kelly – strategized about how to manage the APA's response to questions regarding APA's contacts with the CIA, PENS and interrogations posed by journalists. In late 2006, Katherine Eban from *Vanity Fair*, whose story would later reveal critical information about the roles of Mitchell and Jessen in CIA interrogations, approached APA with specific questions about both the 2003 conference and its abusive interrogation scenarios, and the July 2004 meeting.<sup>57</sup> APA's internal memos reveal concerns amongst the APA staff about Eban's questions. Farberman wrote:

Geoff Q3 [asking about the conference] is the one we really have to be careful about!! Do you what (sic) to draft answers and let Steve and I review? (Email 8)

The emails also show that, in the face of Katherine Eban's research into CIA influence at the APA, Geoff Mumford raised the possibility of informing Hubbard, then known by Mumford to be an employee of Mitchell Jessen and Associates, of the *Vanity Fair* reporter's inquiries. It is unclear whether Mumford or other APA personnel communicated with Hubbard about the reporter's questions, but his up-to-date email address was circulated among them at the time.

Regardless of whether any coordination between APA and Mitchell Jessen and Associates occurred in this case, it is disturbing to note that APA staff apparently considered coordinating its response to press inquiries with an employee of this firm.

## **Finding 5:**

**Despite substantial contact between the APA, the White House and CIA officials, including the over 600 emails noted in this report, there is no evidence that any APA official expressed concern over mounting reports of psychologist involvement in detainee abuse during four years of direct email communications with senior members of the US intelligence community.**

There is no evidence in the 638 emails, reviewed for this analysis, of APA officials, including the ethics director, expressing surprise, concern, or outrage regarding mounting evidence of abuses of detainees in CIA or military custody in general. Also, no specific concerns appear to have been expressed in the emails in response to numerous reports alleging involvement of psychologists in abuses committed by CIA and DoD detention and interrogation staff.

<sup>57</sup> <http://www.vanityfair.com/news/2007/07/torture200707>



There are only a handful of instances in the emails where public evidence of detainee abuse is even mentioned. In one notable example, in the email sharing the newly published PENS Report and thanking Hubbard for his contribution to the PENS process, Mumford noted “yesterday’s publication of a *New Yorker* article on the role of psychiatrists and psychologists (and others) at Gitmo...Some of Andy’s [Charles “Andy” Morgan] data are referenced and Jim Mitchell is quoted.”

Mumford was referring to Jane Mayer’s exposé, “The Experiment,” in which she documented the role of psychologists and psychiatrists in CIA and DoD interrogation abuse of detainees. Mitchell was revealed as a designer of the torture program:

“According to a counter-terrorism expert familiar with the interrogation of the Al Qaeda suspect, Mitchell announced that the suspect needed to be subjected to rougher methods. The man should be treated like the dogs in [psychologist Martin Seligman’s] classic behavioral-psychology experiment<sup>58</sup>, he said... Mitchell’s position was opposed by the counter-terrorism expert, who had not spent time at a serene school. He reminded Mitchell that he was dealing with human beings, not dogs. According to the expert, Mitchell replied that the experiments were good science.”<sup>59</sup>

This confirms what is strongly implied in the earlier correspondence (“special things to special people in special places”) – that Mumford was aware of Mitchell’s role in interrogation abuses. In his letter to Hubbard, then working for Mitchell Jessen Associates, Mumford expressed no concern about the abuses Mitchell was alleged to have committed; he simply described the timing of its publication as “a little awkward.” (Email 1)

Mumford’s comment is especially disturbing given that, at the time, other health professional organizations were responding with extreme concern to credible reports of health professional involvement in abusive interrogations (“tantamount to torture”<sup>60</sup>) by the International Committee of the Red Cross and other agencies. The American Psychiatric Association, for example, would later prohibit their members from any participation in national security interrogations because of these reports.

In contrast, the APA, in internal and public communications, appeared unconcerned, claiming in public that the reports were likely exaggerated.<sup>61</sup> This lack of expressed concern must be understood in a context in which APA appears to have had unique, direct access to the senior officials and operational personnel who were at the center of the program being revealed during that time to constitute torture.<sup>62</sup>

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58 Seligman subjected his dogs to “inescapable” electric shocks in a manner that resulted in what has been termed “learned helplessness.”

59 Mayer, J. (2005, July 11) The Experiment. The New Yorker.  
<http://www.newyorker.com/magazine/2005/07/11/the-experiment-3>.

60 [http://www.nytimes.com/2004/11/30/politics/30gitmo.html?\\_r=0](http://www.nytimes.com/2004/11/30/politics/30gitmo.html?_r=0).

61 See for example APA President Koocher on the responses to the PENS report:  
<http://www.apa.org/monitor/feb06/pc.aspx>.

62 Not only was Mumford’s email addressed to Hubbard, who was at the time employed by Mitchell Jessen & Associates, it was also cc’d to senior psychologists in the Defense Department’s counter-intelligence agency, among others.

It must also be noted that Mitchell was an APA member at the time the Mayer piece was published. While the emails do not show that Mumford knew Mitchell's membership status, it is clear that reports that Mitchell was allegedly recommending a detainee should be treated like a dog did not elicit either alarm or further investigation.

# **Appendix I: Sources of Data, Methodology, and Limitations**

## **Sources of Data**

This report is based on a detailed analysis of 16 emails from the email accounts of Scott Gerwehr, a RAND Corporation researcher and apparent CIA contractor. They were selected by the authors from a larger collection of 638 Gerwehr emails involving APA personnel and/or APA-related issues which are in Mr. James Risen's possession, as detailed in his 2014 book *Pay Any Price: Greed, Power, and Endless War*. Risen shared the emails with this analytic team with the understanding that those selected as most relevant to the scope of the analysis would be released along with the report.

The 16 emails were selected from the larger collection for their specific relevance to the nature and scope of the APA's relationship with the CIA and the George W. Bush White House. They were provided to the authors by Risen in 2014 for the express purpose of conducting this analysis.<sup>63</sup> In addition, the authors drew on open source documents and other relevant sources in the public record, which are referenced in footnotes throughout the report.

The full Gerwehr collection is in the possession of the FBI Public Corruption Unit. In addition, it has been transmitted to Mr. David Hoffman and his colleagues at the law firm of Sidley Austin LLP, pursuant to their independent probe of alleged complicity between the APA and the Bush Administration related to its ethics policies on interrogation.<sup>64</sup>

## **Methodology**

This analysis was conducted by individuals with expertise in the following fields: clinical psychology; research methodology; psychological and medical ethics; human subjects research legal and ethical standards; international human rights and humanitarian law; detainee treatment in national security settings; and related issues.

The emails in this report were chosen because they demonstrated "probative value" relevant to examining the relationship between the APA and US government officials with links to the CIA and DoD torture programs. While issues raised in this report may be relevant to US public corruption statutes, the analysis makes no legal determinations.

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63 The Gerwehr emails were previously analyzed by Nathaniel Raymond, an author of this analysis, in 2012 at the request of the FBI Public Corruption Unit. Horton, S. (2014, October 18). Six Questions: The APA Grapples with Its Torture Demons: Six Questions for Nathaniel Raymond Nathaniel Raymond on CIA interrogation techniques. Retrieved February 8, 2015, from <http://harpers.org/blog/2014/10/the-apa-grapples-with-its-torture-demons-six-questions-for-nathaniel-raymond/>

64 Statement of APA Board of Directors: Outside Counsel to Conduct Independent Review of Allegations of Support for Torture. (2014, November 12). Retrieved February 8, 2015, from <http://www.apa.org/news/press/releases/2014/11/risen-allegations.aspx>

“Probative value” in this analysis is defined as having sufficient evidentiary value related to the following issues: nature and scope of alleged complicity between the APA and US government officials related to the 2005 PENS Policy; contradiction of past APA statements related to these issues; apparent professional impropriety by APA and/or US government officials; or communications relevant to coordinating any of the activities described above.

At no point do any of the 622 emails reviewed by the authors but not selected for citation in this report appear to contradict the findings presented in this report. The total corpus of 638 emails containing communications involving APA personnel and/or APA related issues has been transferred to Mr. David Hoffman and his colleagues at the law firm of Sidley Austin LLP. Mr. Hoffman and his team are conducting an ongoing probe of alleged collusion between the APA and the Bush Administration related to its ethics policies on interrogation.

All 16 emails in the Appendix have been presented in full, without any edits or omissions, with the following exceptions:

- Removal of email addresses, telephone numbers, and other contact information
- Removal of personal information, including phone numbers, email, office, and home addresses, etc.
- Removal of the names of family members and other individuals who appear to have no relationship to the issues determined by the authors to constitute evidentiary value

## **Limitations**

The Gerwehr emails referenced in this report were sent from 2003 to 2006. The analysis is therefore limited to this time period. Additionally, there are limitations inherent in the fact that the emails are a single data set. Any relevant information not in the emails or in public sources were unavailable to the authors. Further, any lines of influence between the Bush administration and intelligence community and the APA not discussed with Gerwehr is not referenced in this set of emails and is thus not in this report.

Finally, it is not possible to ascertain who else might have been included in other, related email threads that were was not addressed, copied, or forwarded to Gerwehr. Nor is it possible to ascertain who might have been blind-copied (BCC'ed) on any of the correspondence. Last but not least, because some of the emails involved forwarded material, the authors cannot independently verify the initial provenance of those messages.

## **Appendix II: Primary Source Emails**

### **Email 1: Mumford, July 5, 2005**

From: Mumford, Geoffrey  
Sent: July 5, 2005 2:15 PM  
To: kirk hubbard, Andy Morgan, Carmel Rosal, Dave Watterson, gerwehr, Geoff Maruyama, Judy Philipson, Kirk (GOV) Kennedy, Jon Morris, Nicole O'Brien, Scott Shumate, Shana Levin  
Cc: : beverlykoloian, micheleOrlo, absigler, pbogaty  
Subject: Update

Hi Kirk,

Belated thanks for your note and update...sounds like your settling in nicely...always nice to know your locked and loaded and ready for bear. I thought you and many of those copied here would be interested to know that APA grabbed the bull by the horns and released this Task Force Report today: <http://www.apa.org/releases/pens0705.html>

I also wanted to semi-publicly acknowledge your personal contribution as well as those of K2 and Andy Morgan in getting this effort off the ground over a year ago. Your views were well represented by very carefully selected Task Force members (Scott Shumate among them).

I was pleased to help staff the Task Force and Susan serving as an Observer (note she has returned to NIMH, at least temporarily) helped craft some language related to research and I hope we can take advantage of the reorganization of the National Intelligence Program, with its new emphasis on human intelligence, to find a welcoming home for more psychological science.

The timing is a little awkward with yesterday's publication of a New Yorker article on the role of psychiatrists and psychologists (and others) at Gitmo. Not sure if they are allowed to ship the New Yorker to Montana but we can fax you a copy if you like. Some of Andy's data are referenced and Jim Mitchell is quoted.

In any case, I hope this finds you well and that you are as pleased as we are with the report.

All the Best,  
-geoff

### **Email 2: Mumford, June 3, 2004**

From: "Mumford, Geoffrey"  
To: "Kirk Hubbard", "Andy Morgan", "Kirk Kennedy", "Oval Office Susan", "Breckler, Steven J.", "Honaker, Michael", "Behnke, Stephen", "Farberman, Rhea K.", "Scott Gerwehr"  
CC: "Steve Band" >  
Subject: Hold July 20th for APA meeting  
Date: Thu, 3 Jun 2004 15:41:23 -0400

Dear Colleagues,

Please pencil in July 20th from 12:00-2:00 for our initial lunch meeting on Ethics and National Security here at APA. I'm still waiting to hear from Steve Band but this was the only date that works for all of us so far and so I'm keeping my fingers crossed it will work for Steve as well. I'll let you know one way or the other soon but wanted to at least ask you to reserve it for now.

Best,  
-geoff

### **Email 3: Mumford, July 14, 2004**

From: Mumford, Geoffrey  
To: Susan Brandon, Demaine, Linda, Gerwehr, Scott  
Date: July 14, 2004 2:30 PM  
FW: July 20 lunch meeting at APA

Susan, Scott and Linda,

I think Steve Behnke should have sent you a note like the one below and he's wondering if you're still planning to come? Scott, I understand your harrowing near-death experience means you won't be here in person but perhaps you'd like to conference in?

-geoff

Dear Invitee,

Events in our recent history, most notably the terrorist attacks of September 11, 2001 and the Abu Ghraib prison situation, have stimulated a great deal of interest in the ethics of using psychology and psychological techniques as tools in national security investigations. The American Psychological Association Ethics Office and the Science Directorate are convening a lunch meeting to explore what unique ethical issues such investigations raise. The meeting will be held at the American Psychological Association, 750 First Street, NE, Washington, DC, on Tuesday, July 20, from 12-2:30 pm in the sixth floor board room.

The purpose of the meeting is to bring together people with an interest in the ethical aspects of national security-related investigations, to identify the important questions, and to discuss how we as a national organization can better assist psychologists and other mental health professionals sort out appropriate from inappropriate uses of psychology. We want to ask individuals involved in the work what the salient issues are, whether more or better guidance

is needed, and how best to provide guidance (e.g., through ethics consultations) that may be deemed appropriate or helpful. I would like to emphasize that we will not advertise the meeting other than this letter to the individual invitees, that we will not publish or otherwise make public the names of attendees or the substance of our discussions, and that in the meeting we will neither assess nor investigate the behavior of any specific individual or group.

Our specific goals for this meeting are to: 1) identify the ethical issues that arise in the use of psychology or psychological techniques in national security-related investigations; 2) discuss how the American Psychological Association and other professional and scientific organizations can serve as a resource for psychologists and mental health professionals who participate in national security-related investigations; 3) identify resources, for example journal articles that raise and address the relevant ethical issues, as well as other individuals with a particular interest or expertise in this area; and 4) determine whether ongoing contacts among the group would be useful, for example additional meetings to continue our discussion, panels or workshops at national conferences, or articles in journals or newsletters to stimulate discussion in the broader investigative and intelligence communities.

The Ethics Office and Science Directorate would like to take a forward looking, positive approach, in which we convey a sensitivity to and appreciation of the important work mental health professionals are doing in the national security arena, and in a supportive way offer our assistance in helping them navigate through thorny ethical dilemmas, if they feel that need (informal conversations with people in the field suggest the need is there).

Please let me know at your earliest convenience whether you will be able to attend the meeting. In your response, please be sure to include your full name and your title (as well as any dietary restrictions). If you have specific questions or issues that you would like to raise, please feel free to send them to me by email in advance of the meeting. Also, if you know of an individual who you think would make a substantial contribution to the meeting, please send me that person's name and contact information. Finally, I will be sending email messages to you as a group; if you do not want your email address to appear either in that list or in an attendance list that will be passed out at the meeting, please let me know.

Thank you, and I look forward to our discussion on July 20.

Sincerely,  
Stephen Behnke  
Director, APA Ethics Office  
XXX-XXX-XXXX

#### **Email 4: Hubbard, August 6, 2003**

From: kirk hubbard  
To: Geoffrey Mumford, gerwehr  
Cc: Susan Brandon  
Date: August 6, 2003 7:55 PM  
Re: All addresses working

You won't get any feedback from Mitchell or Jessen. They are doing special things to special people in special places, and generally are not available. I have to make a small apology for Bruce Jessen. He was a bit distracted at the conference. His father was seriously ill and ultimately died before Bruce could get back to see him.

Andy Morgan works two days a week in my organization and I see him regularly. In fact we discussed some research projects he could do for us today. I'll prod him for formal input.

One of my staff, Carmel Rosal, intends to contact Petty this week about some proposed research she wants him to do. I'll mention he should provide input, as well.

O'Sullivan left me a phone message about some work we discussed at the conference (involving Ekman the grump!) She is on vacation or something and not available for email, she said.) FYI, I contacted Ekman who promptly replied.

Kirk

### **Email 5: Brandon, July 21, 2003**

Brandon, Susan (NIH/NIMH)

July 21, 2003 9:21 AM

To: Scott Gerwehr, Mumford, Geoffrey, Kirk Hubbard (E-mail)

RE: rude shock

So, let me add my gratitude as well. You all were (are) great: could ask for more generous or gracious people to work with. One doesn't always get this lucky!

Kirk, I appreciated how Jim Mitchell kept saying (especially on the second day), "this is an empirical question; we need to collect data and do studies." I know that he was pointing people towards you and asking them to send proposals to you: was this a good outcome? I know that you were hoping for some practical suggestions and not "just" the inevitable scientific response of "we need more research." (For a scientist, you know, the worst case is having no further questions! That means that their research has deadended. . . . as always, the real prize is finding a good question.)

Anyway, am curious what you thought and whether this was how you envisioned the meeting.

Hope you all had a good weekend -- and yes, Scott, I'll take you up on your offer/threat. Gladly.

Susan

### **Email 6: Hubbard, June 16, 2005**

From: kirk hubbard



Subject:

Date: June 16, 2005 at 8:53 PM

To: Andy Morgan, Carmel Rosal, Dave Watterson, Geoffrey Mumford, gerwehr, Geoff Maruyama, Judy Philipson, Kirk (GOV) Kennedy, Jon Morris, Nicole O'Brien, Scott Shumate, Shana Levin, Susan Brandon

Cc: beverlykoloian, micheleOrlo, absigler, pbogaty

(No Subject)

Hello All!

We are sort of moved in and yesterday I got the computer back up and running (Okay, Nicole, I had someone do it for me). Our home phone number is XXX-XXX-XXXX, and below is the rest of the info. I created the LLC for tax purposes and now I do some consulting work for Mitchell Jessen & Associates. Most of you know who Jim and Bruce are, I think. Mostly I can do this from my "home office" (read: deck over-looking the lake and mountains) but they just sent me a bunch of hi-tech computer stuff so, sadly, I guess they actually expect me to do some real work! I went to DC last week for a meeting and next week I'll be in Spokane for three days (that's where Jim and Bruce's company is headquartered). But mostly I'll telecommute from here.

X had to go back to X to do some final stuff to settle her X's estate, and then she will spend a couple of weeks with her parents at their house in the south of X. The thought of flying to X from Montana does not thrill me much.

We have seen two bears on our property so far. One very large Mama black bear and another black bear that appears to be about a year old (I'm estimating the yearling weighs about 100 lbs.) Lots of deer, squirrels, rabbits (so much for having a garden), and birds, including a pair of great horned owls, eagles, and osprey.

Yes--I bought a pick-up truck, a chain saw, and logging boots to complete my Montana Woodsman ensemble. Of course, I already had the obligatory collection of weapons. I hope all of you are well and will correspond with me periodically. You have all been wonderful friends and co-workers.

Regards, Kirk

Kirk M. Hubbard, Ph.D.

## **Email 7: Hubbard, March 30, 2004**

From: kirk hubbard

To: gmumford, susan\_Brandon, gerwehr

Date: March 30, 2004 10:31 AM

RE: FW: staying another day for good science?

Unless somebody takes money from my budget, I can handle the extra \$7K for the Group 2 folks. I will add this to Scott's existing deception contract.

I wish I could buy everyone lunch with my office funds but while they have no problem wasting money here, they just won't allow reimbursement for a lousy lunch.

My office director would not even reimburse me for circa \$100 bucks for CIA logo t-shirts and ball caps for Marty Seligman's five kids! He's helped out alot over the past four years so I thought that was the least I could do. But no, has to come out of my own pocket! And people wonder why I am so cynical!

Kirk

## **Email 8: Mumford, November 5, 2006**

From: Mumford, Geoff  
To: gerwehr  
Cc: Brandon, Susan  
Date: November 5, 2006 9:03 AM  
FW: Questions for Vanity Fair article

Scott my dissertation-challenged friend,

I wanted to give you a heads-up about an article Vanity Fair is putting together about APA and the GWOT. If you read from the bottom you'll see the questions the reporter has asked me to respond to. I'm working with our Communications Director (Rhea Farberman) to develop answers. In reviewing various summaries I've put on the web, you figure prominently in places and I just wanted to get a sense of whether that creates problems for you? As you'll read below, I assume the VF reporter has already seen this material so it may be too late to do anything about it. I already alerted Susan...do either of you think I need to contact Kirk? If so I've misplaced his email address, so if you could send it along that would be good. Hope you'll let us know when you're going to be coming back to town

-geoff

From: Mumford, Geoff  
Sent: Sunday, November 05, 2006 8:54 AM  
To: Farberman, Rhea; Behnke, Stephen  
Cc: Breckler, Steve; Kelly, Heather  
Subject: FW: Questions for Vanity Fair article

Rhea ,

I've revised the answer to question #1 slightly as follows:

There is a wealth of psychological research relevant to understanding and countering terrorism and funding for such research has in fact increased via the Department of Homeland Security (DHS). For example, DHS supports a robust Scholars and Fellows program which funds undergraduate and graduate psychology students along with students in other scientific disciplines who are interested in pursuing scientific careers relevant to the DHS mission. In addition, psychological scientists lead two of the five university-based DHS

Centers of Excellence. Further, Under Secretary Cohen has demonstrated his commitment and raised the profile of behavioral science by including a Human Factors Division in the reorganization of the DHS Science and Technology Directorate.

For #2, I've used Steve B.'s suggested language:

The meeting I referred to was held July 20, 2004 but it was a very informal meeting, at which no minutes were kept, that posed the question of whether the current APA Ethics Code was adequate to respond to issues that might emerge for psychologists working for investigative agencies. I would stress that the meeting addressed psychologists working for domestic law enforcement as well in national security settings, and in fact was stimulated by a series of articles in the Journal of the American Academy of Psychiatry and Law that explored the role of mental health professionals working for the FBI. The discussion focused on whether domestic law enforcement offered a good model for national security work in terms of the ethical analyses, and examined two ethical standards from the APA Ethics code that are relevant to assessing individuals who are not considered "clients" of the psychologist.

For #3 it seems clear to me that she's read the summary I provided for SPIN:

<http://www.apa.org/ppo/spin/703.html>

as well as the actual scenarios we used as points of discussion:

<http://www.apa.org/ppo/issues/deceptscenarios.html>

because that's where she got the question about pharmaceutical truth-telling agents.

The SPIN piece would seem to answer all her questions so I'm not sure what to extract from this? It might be good to remind her that the one topic she focused on in her questions to me (pharmaceutical truth-telling agents) was one of a long-list of topics that were meant to stimulate discussion.

Here's the SPIN piece I wrote:

On July 17-18, RAND Corp. and the APA hosted a workshop entitled the "Science of Deception: Integration of Practice and Theory" with generous funding from the Central Intelligence Agency (CIA). The workshop provided an opportunity to bring together individuals with a need to understand and use deception in the service of national defense/security with those who investigate the phenomena and mechanisms of deception. Meeting at RAND headquarters in Arlington, VA, the workshop drew together approximately 40 individuals including research psychologists, psychiatrists, neurologists who study various aspects of deception and representatives from the CIA, FBI and Department of Defense with interests in intelligence operations. In addition, representatives from the White House Office of Science and Technology Policy and the Science and Technology Directorate of the Department of Homeland Security were present. Following brief introductions and welcoming remarks from Kevin O'Connell, Director of the Intelligence Policy Center within RAND's National Security Research Division, workshop participants divided into break-out groups to discuss thematic scenarios following a format used in a previous conference on counterterrorism held at the FBI Academy in February 2002.

The scenarios dealt broadly with issues such as embassy walk-in informants, threat assessment, intelligence gathering, and law enforcement interrogation and debriefing. Participants were prompted in advance to think about research issues and practical

considerations they wanted the broader group to consider. Across the two days, there were a number of thought-provoking discussions suggesting the need to develop both short-term and long-term research programs on deception. Workshop participants will review transcripts from the meeting toward the goal of developing a more detailed summary suitable for public consumption.

My profound thanks to both Scott Gerwehr, Associate Policy Analyst at RAND, and Susan Brandon, Program Officer for Affect and Biobehavioral Regulation at NIMH, who jointly conceived of this project while Susan was still Senior Scientist here at APA. Special thanks to Kirk Hubbard, Chief of the Research & Analysis Branch, Operational Assessment Division of the CIA, for generous financial support and for recruiting the operational expertise and to RAND for providing conference facilities and other logistical support.

So I could just reiterate information from SPIN because it's already in the public domain (Scott and Kirk are no longer affiliated with RAND and CIA respectively and Susan has also left NIMH)? What do you think?

-geoff

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From: Kelly, Heather  
Sent: Friday, November 03, 2006 9:59 AM  
To: Mumford, Geoff; Behnke, Stephen; Farberman, Rhea  
Cc: Breckler, Steve; Kobor, Pat; Studwell, Karen  
Subject: RE: Questions for Vanity Fair article

Geoff:

This was the main topic of our conversation, and per Rhea, I talked a lot about psychological scientists who are supported by the military labs and the cool kinds of research they do (night goggles, testing, sleep cycles, cockpit displays, etc.), which I think bored her to tears. I also dismissed the idea about us having some amazing amount of influence with DoD (Rhea suggested this is part of her agenda) by naming some things we'd like them to change but they haven't, like Don't Ask/Don't Tell/Don't Pursue. I noted that funding for psychological research within DoD post-9/11 is largely unchanged in amount, although maybe there have been some shifts in focus.

This is the part she was interested in talking to you about, since I said you covered DHS when she asked about it and the centers. So if it sounds good to all of you, I think you only need to address that part of Q1 – DHS specifically – since you probably don't want to say something specific about the military that might contradict whatever I said, even unintentionally.

Heather O'Beirne Kelly, PhD  
Senior Legislative & Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, NE, 5th Floor

Washington, DC 20002  
phone XXX-XXX-XXXX  
fax XXX-XXX-XXXXXXXXXXXXXX

\*\*\*

From: Mumford, Geoff  
Sent: Friday, November 03, 2006 7:46 AM  
To: Behnke, Stephen; Farberman, Rhea  
Cc: Breckler, Steve; Kelly, Heather; Kobor, Pat; Studwell, Karen  
Subject: RE: Questions for Vanity Fair article

That's fine with me. Heather, it sounds like the first part of question #1 is what she chatted with you about. It's pretty broad but maybe you can let me know if you did in fact talk with her about that and what you said? Thanks.

-geoff

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From: Behnke, Stephen  
Sent: Thursday, November 02, 2006 9:06 PM  
To: Farberman, Rhea; Mumford, Geoff  
Cc: Breckler, Steve  
Subject: RE: Questions for Vanity Fair article

I'd wholeheartedly support the idea that we take the weekend, and send her responses that we're very comfortable with. I'll be in PA at a workshop tomorrow; If anything comes up my cell is XXX-XXX-XXXX.

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From: Farberman, Rhea  
Sent: Thursday, November 02, 2006 8:53 PM  
To: Mumford, Geoff; Behnke, Stephen  
Cc: Breckler, Steve  
Subject: RE: Questions for Vanity Fair article

Hi Geoff – I like Steve's response to #2 and agree that your answers can be fairly brief, in fact should be. I'm signing off for the evening but will be back on email late tomorrow (Friday) afternoon. I think it's very reasonable that we take the weekend and reply on Monday.

Thank you.

Rhea

\*\*\*

From: Mumford, Geoff

Sent: Thursday, November 02, 2006 1:31 PM  
To: Behnke, Stephen; Farberman, Rhea  
Cc: Breckler, Steve  
Subject: RE: Questions for Vanity Fair article

Steve and Rhea,

I'll work on 1 and 3 and get back to you. I'm at a BSA retreat today but will try to draft answers by this evening.

-geoff

\*\*\*

From: Behnke, Stephen  
Sent: Thu 11/2/2006 12:42 PM  
To: Farberman, Rhea; Mumford, Geoff  
Subject: RE: Questions for Vanity Fair article

I might also mention that there were no recommendations or anything of that nature that came out of the meeting

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From: Behnke, Stephen  
Sent: Thursday, November 02, 2006 12:31 PM  
To: Farberman, Rhea; Mumford, Geoff  
Subject: RE: Questions for Vanity Fair article

Geoff/Rhea,

Given the fact that she has just provided these questions, and the very short time frame, I don't think we should feel obligated to provide detailed or extensive responses; I think we can be judicious and let her come back to us if she wants.

The two of you are much better equipped than I to respond to questions 1 and 3.

In terms of question 2, I would say simply that this was a very informal meeting, at which no minutes were kept, that posed the question of whether the current APA Ethics Code was adequate to respond to issues that might emerge for psychologists working for investigative agencies. I would stress that the meeting addressed psychologists working for domestic law enforcement as well in national security settings, and in fact was stimulated by a series of articles in the Journal of the American Academy of Psychiatry and Law that explored the role of mental health professionals working for the FBI. The discussion focused on whether domestic law enforcement offered a good model for national security work in terms of the ethical analyses, and examined two ethical standards from the APA Ethics code that are relevant to assessing individuals who are not considered "clients" of the psychologist. (By this point she should be asleep...)

Steve

\*\*\*

From: Farberman, Rhea  
Sent: Thursday, November 02, 2006 11:37 AM  
To: Mumford, Geoff; Behnke, Stephen  
Subject: FW: Questions for Vanity Fair article

Geoff – Q3 is the one we really have to be careful about!! Do you want to draft answers and let Steve and I review?

Rhea

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From: Katherine Eban  
Sent: Thursday, November 02, 2006 11:16 AM  
To: Mumford, Geoff  
Cc: Farberman, Rhea  
Subject: Questions for Vanity Fair article

Dr. Mumford,

Thank you for agreeing to take some questions from me. Below I have outlined some questions and topic areas. Of course, I would appreciate a chance to speak with you in person and can be reached at any time at xxx-xxx-xxxx, or on my cell phone at xxx-xxx-xxxx. Otherwise, I will look forward to getting written answers from you at your earliest convenience.

All best, Katherine Eban.

Can you describe the relationship between psychologists and the military generally, and how it may have changed after 9/11? Can you describe the role of psychologists in the war on terror and in assisting with homeland security? Has funding for psychological research and practice that focuses on homeland security and terrorism increased? If so, is it possible to estimate by how much?

In a public policy update you wrote about the APA's support for the McCain amendment, you describe a meeting that may have led to the creation of the PENS task force. Specifically, you wrote:

More than a year and a half ago, APA held a first-of-its-kind meeting at its headquarters in Washington, D.C., to begin discussions about the extent to which the APA Ethics Code adequately served psychologists operating in national security settings. The meeting was held in response to APA members from these communities who had approached APA, seeking help in defining ethical guidelines to govern their work. The meeting was exploratory in nature and brought together a unique group, including representatives of other mental health associations as well as behavioral scientists and operational personnel working in the

law enforcement and intelligence communities. That seminal meeting led APA to begin to explore the extent to which its Ethics Code spoke to the unique circumstances that sometimes surround gathering information related to national security. The Presidential Task Force on Psychological Ethics and National Security (the PENS Task Force) explored these questions in greater depth.

Can you tell me the date of that meeting, who attended and what more specifically was discussed? Do you have a list of the participants, minutes from the meeting or any other documentation from it such as an agenda that you would be able to share?

3. In July 2003, the APA and the RAND corp. co-hosted a workshop entitled, "Science of Deception: Integration of Practice and Theory," which was funded by the CIA. Can you tell me who initiated the workshop and provide a little more description of the event? Topics included the use of pharmaceutical truth-telling agents. Can you tell me who led that workshop and what conclusion they arrived at?

Katherine Eban

### **Email 9: Mumford, April 9, 2003**

From: "Mumford, Geoffrey"  
Date: April 9, 2003 8:55:30 PM EDT  
To: "kirk hubbard"  
Cc: Susan Brandon (NIH/NIMH), Scott Gerwehr (RAND)  
Subject: RE: FW: Workshop on Science of Deception

Kirk,

Its extremely generous of you to be providing this level of funding and I have no doubt we can come in well under budget. I can do a rough cut on travel costs tomorrow and maybe Scott can give us a sense of what gov't room rates look like (I'd add here that we also have an APA Convention office that makes corporate accommodations as needed Scott if that helps lift the logistical burden at all?). I haven't heard from the UK guy yet but assuming he's the outlier, even if he comes I'm confident we'll be in good shape. I also want to make this as logistically simple for you Kirk as possible, so if its easier for APA to deal with the travel in bulk (via our on-site Amex office) and get reimbursed in bulk that works for me, just let me know.

Also, I'd weight the taping as an advantage but not absolutely critical. So Kirk if really good ops people were bowing out (although sounds like you have a ready supply) then we could consider alternatives. I'd hope the caveat that all recording/transcripts would be scrubbed as deemed appropriate by CIA/RAND would be sufficient to put your people at ease, but again that's your call.

Taking advantage of the per diem as possible supplementary funding is a good thought but I doubt it would be necessary and my sense is that if so many of these folks are willingly coming without honoraria and we're covering the travel, lodging and incidentals, they



probably won't care or think about a per diem (but yet another generous thought that is appreciated by those of us on the planning end).

Thanks to you both for discussing Ricky's participation...I'll try to get in touch with the hold-outs tomorrow and see where we stand and if numbers/budget permit, I'll extend the invite. Kirk, I haven't heard back from Andy Morgan as to rescheduling, but if you hold any sway with whoever is providing his orientation, please weigh in...especially given the Iraq context, I think his participation would be especially topical, timely and thought provoking.

Thanks All,  
-geoff

## **Email 10: Mumford, June 27, 2004; Hubbard, June 27, 2004**

From: Mumford, Geoffrey  
Subject: RE: Dinner on the 17th  
Date: June 27, 2003 5:44:31 PM EDT  
To: kirk hubbard  
Cc: Scott Gerwehr (RAND), Susan Brandon (NIH/NIMH)

Kirk,

I concur and only just now saw Scott's reference...glad he's on our side;)

Sorry to hear your getting grief about the room but have I got a deal for you...as a special promotion for APA members, who also work in CIA Ops AND are willing to share their last names, I will pull that pawltry (poultry?) room fee out of my policy budget and put you up for the night. This is the very least APA can do given the remarkable generosity your agency has shown in supporting the wrkshop.

Enjoy the weekend!  
-geoff

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

From:kirk hubbard  
Sent:Friday, June 27, 2003 5:29 PM  
To: Scott Gerwehr (RAND); Susan Brandon(NIH/NIMH); Geoff Mumford(APA)  
Subject:Re: Dinner on the 17th

The restaurant sounds great. Letter to participants looks great. Scott's sense of humor is finely honed, as well. Geoff, I am wondering if Scott is on some sort of substance....or maybe needs to be?

Alas, the gov't bureacracy has bested me. I can't stay in the hotel with you guys without violating a half dozen regulations. I figured I could fudge it, but the penalty is greater than I realized! I can spend several million dollars with no questions asked, but if I stay at hotel for \$300 bucks I would rank right in there with pedophiles.

Hope all of you have a good weekend.

Kirk

### **Email 11: Hubbard, June 8, 2004**

From: kirk hubbard <kmhubbard@msn.com>  
Subject: RE: FW: Hold July 20th for APA meeting  
Date: June 8, 2004 4:53:00 PM EDT  
To: gmumford, gerwehr  
Cc: sbehnke, Kirk.Kennedy

Hello All,

I just spoke with Kirk Kennedy. All the DOD shrinks will be tied up at the same meeting as Kirk's. He and I decided that rather than delay the initial meeting, we should just go ahead. He and I will consult on the issues that concern CIA and DOD and I will represent both of us on July 20. I'll then brief him on what happened so he will be prepared to meet with us on the second meeting. How does that sound?

Regards,

Kirk Hubbard

### **Email 12: Hubbard, June 13, 2003**

From: kirk hubbard  
Sent: Friday, June 13, 2003 2:48 PM  
To: gmumford, gerwehrBrandon, Susan (NIH/NIMH)  
Subject: Possible forum participant

Greetings All,

If you are looking for another scientist/researcher, a colleague here suggested Richard Rogers, Ph.D. He wrote a book titled "Clinical Assessment of Malingering and Deception" and apparently continues to conduct research in the area of deception. Last we know, he is a Professor of Psychology at the Univ of North Texas. My colleague was impressed by his work, for what it's worth.

Have a good weekend! Kirk

P.S. I have 19 people dying to attend the Forum. 11 Agency folks of various ilk, 3 FBI, 3 DOD, and 1-2 former DOD special ops psychologists who are on contract to CIA and are brilliant. I am drawing the line at this point. FYI, I am counting Gary Hazlett but not Andy (Charles) Morgan on my list. And one of the 11 Agency folks is Bob Merisco who is neither a psychologist or ops person--more of a researcher type (Susan met him). And the two

contractors may not be able to attend as they get called on very short notice. So my final count is anywhere from 17 to 19 at this point.

Hope this is okay.

### **Email 13. Hubbard, June 13, 2003**

Brandon, Susan (NIH/NIMH)

To: Mumford, Geoffrey, kirk hubbard

Cc: gerwehr

RE: meet the evening of the 16th?Kirk -- I was just helping Geoff with getting a list that we will pass around to all participants (and send out before hand). Below is what we have at present for you (you will see that a sentence was adjusted to reflect your request): Is this OK?

(am I reading/watching all the wrong stuff that I don't know Pangaea?  
apparently so. . . .)

Susan

Kirk Hubbard, Chief, Research & Analysis Branch, CIA After 11 years of clinical work, mostly consulting in the field of medicine and surgery, I started working for the CIA as an operational psychologist. In general, this involves supporting covert operations in the area of recruiting and handling spies. I conducted cross-cultural psychological assessment for nine years throughout Asia, Africa, Europe, and the Middle East. In 2000, I started a Research & Analysis component within the Operational Assessment Division. Currently, we focus on issues such as cross-cultural assessment models (including psychometric and non-psychometric methodology), terrorism and counter-terrorism, detecting deception, motivation and social influence, computer modeling for predicting behavior, and other issues within the realm of the behavioral sciences.

TS/SCI clearance since 1991.

Chief, Research & Analysis

Operational Assessment Division

Special Activities Group

Central Intelligence Agency

xxx-xxx-xxxx

Fax: xxx-xxx-xxxx

### **Email 14: Hubbard, August 11, 2003**

From: kirk hubbardSent: Monday, August 11, 2003 4:32 PM

To: Brandon, Susan (NIH/NIMH); gerwehr; GMumford

Subject: RE: Feedback on workshop

Everyone is welcome to meet here, I just need dates, times, and SSN's for Scott and Faith. I

will try to get a conference room befitting such an august group.

Remember that I will be on leave from Aug 16-31.

I am afraid to even inquire about the comment of "with enough wives, who needs guns" Don't want to go there. I will ask my new deputy, Scott, to find out what Susan means and then explain it to Geoff and I.

Hope all of you are well. Look forward to seeing you again.

P.S. I have been in contact with Ekman and he is eager to do work for us. Also have a dialogue going with Charles Bond now. The conference has opened some doors already!

Kirk

### **Email 15. Hubbard, April 2, 2003**

kirk hubbard

To: sbrandon, gmumford, gerwehr

Date: April 2, 2003 2:24 PM

RE: Workshop on Science of Deception

Susan, Your reply sounds fine to me. Pretty slick--you should be handling agents for us!

Another approach in addition to your note might be to find someone like Sternberg, Zimbardo, etc. who knows Ekman and could cajole him. Joe Matarazzo knows him and has called on my behalf before, but I don't know if they have any personal relationship. Joe loves to strong arm people, but I don't know what effect that might have on Ekman. We don't want him to be disruptive at the forum!

Kirk

### **Email 16: Hubbard, July 8, 2003; Mumford July 8, 2003**

kirk hubbard

To: gmumford@apa.org, sbrandon@mail.nih.gov

Cc: gerwehr

Date: July 8, 2003 4:09PM

RE: meet the evening of the 16th?

Sounds good to me! Especially the idea of APA paying--so that's where my dues go!!!

Have we selected a moderator to keep everyone in line and on schedule?

Kirk

From: "Mumford, Geoffrey"  
To: "Brandon, Susan (NIH/NIMH)"  
CC: "Scott Gerwehr (E-mail)" "Kirk Hubbard (E-mail)" Subject: RE: meet the evening of the  
16th?  
Date: Tue, 8 Jul 2003 15:13:54 -0400

I second that and wonder if Scott could think of a nice place for us to eat  
(APA can pay if that sweetens the deal).  
-geoff

## **Appendix III: Significance of Psychologists' Role in CIA Interrogation Program**

In the aftermath of the 9/11 attacks, the government of the United States sought intelligence from presumed al Qaeda and other captives using “enhanced” interrogation techniques (EITs) that in other contexts had previously been condemned as torture by both the US and international organizations. Aspects of the “enhanced” interrogation program have since been denounced as “torture” by President Obama; by Susan Crawford, the official placed in charge of the Guantánamo detainee trials by President Bush<sup>65</sup>; and, after a thorough investigation, by the bipartisan Constitution Project Detainee Treatment Task Force<sup>66</sup>.

For the purposes of understanding the consequential nature of the material presented in this report, it is important to note that multiple accounts of severe abuses of prisoners held by the CIA surfaced in the mainstream press as early as December 2002, when Dana Priest and Barton Gellman described the treatment meted out at CIA facilities in the *Washington Post*.<sup>67</sup>

Those who refuse to cooperate inside this secret CIA interrogation center are sometimes kept standing or kneeling for hours, in black hoods or spray-painted goggles, according to intelligence specialists familiar with CIA interrogation methods. At times they are held in awkward, painful positions and deprived of sleep with a 24-hour bombardment of lights – subject to what are known as “stress and duress” techniques.

Priest and Gellman also quoted a CIA official involved in detainee treatment: “If you don't violate someone's human rights some of the time, you probably aren't doing your job.... I don't think we want to be promoting a view of zero tolerance on this. That was the whole problem for a long time with the CIA.”

Similarly, a few months later, in March 2003, Jess Bravin and Gary Fields reported in the *Wall Street Journal* that military and CIA interrogators: <sup>68</sup>

...can also play on their prisoners' phobias, such as fear of rats or dogs, or disguise themselves as interrogators from a country known to use torture or threaten to send the prisoner to such a place. Prisoners can be stripped, forcibly shaved and deprived of religious items and toiletries.

Bravin and Fields also pointed out the permissiveness of the US legal interpretation of torture:

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65 [http://www.washingtonpost.com/wp-dyn/content/article/2009/01/13/AR2009011303372\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2009/01/13/AR2009011303372_pf.html)

66 <http://detaineeataskforce.org/report/>

67 [http://www.washingtonpost.com/wp-dyn/content/article/2006/06/09/AR2006060901356\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2006/06/09/AR2006060901356_pf.html)

68 <http://online.wsj.com/news/articles/SB1046732825540976880>

But because the treaty has no enforcement mechanism; so, as a practical matter, “you’re just limited by your imagination,” a U.S. law-enforcement official says. In other words, as long as the pain and suffering aren’t “severe,” it’s permissible to use physical force and to cause “discomfort,” as some U.S. interrogators euphemistically put it. Among the techniques: making captives wear black hoods, forcing them to stand in painful “stress positions” for a long time and subjecting them to interrogation sessions lasting as long as 20 hours.

Thus, prior to and during the period in which the Gerwehr emails analyzed here were exchanged, APA officials had ample reason to be concerned about the treatment of national security detainees during interrogations at CIA and military facilities and to be aware that US government conceptualizations of torture were being interpreted in a lax manner.

As the US government called upon the CIA and the military to create harsher interrogation methods than had previously been considered legal, psychologists played important roles. The US Senate Armed Services Committee (SASC)<sup>69</sup>, as well as numerous journalists, have reported that the CIA’s “enhanced” interrogation program was designed and implemented beginning in early 2002 by Drs. James Mitchell and Bruce Jessen, two retired military psychologists on contract to the CIA.<sup>70 71 72 73 74</sup> While Mitchell and Jessen were developing the program for the CIA, Jessen helped disseminate the “enhanced techniques” in trainings for DoD interrogators at Guantánamo.<sup>75</sup> The recent release of the Senate Intelligence Committee torture report’s executive summary has provided fresh details on Mitchell and Jessen’s activities.<sup>76</sup>

As the EIT program was being designed, extraordinary efforts were made by Bush administration and intelligence officials to simultaneously create a legal environment that would protect those who authorized and implemented the “enhanced” interrogations from potential accountability and liability. The CIA sought protection by insisting on explicit approval from the White House. To this end, CIA officials reportedly provided a demonstration of “enhanced” interrogation techniques at White House meetings of the ‘Principals Group’, comprised of the Vice President, the Secretary of Defense, the Secretary of State, the Attorney General, the CIA Director, and the National Security Adviser.<sup>77 78</sup> The CIA thereafter requested and received explicit authorization for the use of the techniques.<sup>79</sup>

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69 [http://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final\\_April-22-2009.pdf](http://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final_April-22-2009.pdf)

70 [http://www.salon.com/news/feature/2007/06/21/cia\\_sere/print.html](http://www.salon.com/news/feature/2007/06/21/cia_sere/print.html)

71 <http://www.vanityfair.com/politics/features/2007/07/torture200707?printable=true#tPage=all>

72 [http://www.newyorker.com/reporting/2007/08/13/070813fa\\_fact\\_mayer?printable=true](http://www.newyorker.com/reporting/2007/08/13/070813fa_fact_mayer?printable=true)

73 Mayer, J. (2008). The dark side: The inside story of how the war on terror turned into a war on American ideals. New York: Doubleday.

74 [http://www.nytimes.com/2009/08/12/us/12psychs.html?\\_r=5&hp=&pagewanted=all](http://www.nytimes.com/2009/08/12/us/12psychs.html?_r=5&hp=&pagewanted=all)

75 [http://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final\\_April-22-2009.pdf](http://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final_April-22-2009.pdf)

76 <http://www.intelligence.senate.gov/study2014/sscistudy1.pdf>

77 <http://abcnews.go.com/TheLaw/LawPolitics/Story?id=4635175&page=1>

78 <http://abcnews.go.com/print?id=4583256>

79 The explicit authorization for the “enhanced” interrogation techniques were detailed in a memorandum prepared for John Rizzo, Acting General Counsel of the CIA by John Yoo and Jay Bybee. The memo approved ten techniques requested by Mitchell and Jessen for use in the interrogation of Abu Zubaydah. The ten techniques were: (1) attention grasp, (2) walling, (3) facial hold, (4) facial slap (insult slap), (5) cramped confinement, (6) wall standing, (7) stress positions, (8) sleep deprivation, (9) insects placed in a confinement box, and (10) the waterboard. Zubaydah was reported to have been waterboarded 83 times by

Beginning in 2002, the Justice Department's Office of Legal Counsel issued a series of memos – collectively known as the “Torture Memos”– which narrowly rewrote the legal definition of torture so as to permit the techniques that the CIA and DoD were planning to use.<sup>80</sup> The central argument in the memos was that interrogation techniques could only be considered “torture” – in the legal sense – if they were found to cause “severe,” “significant,” or “lasting” harm. According to the torture memos, the presence of health professionals overseeing these procedures was sufficient to provide the interrogators with a good faith belief that the techniques used would not have such effects, thereby indemnifying the interrogators from potential legal sanctions.

Thus, for CIA “enhanced” interrogations to be in accord with the requirements of the torture memos, it was necessary for these interrogations to take place in the presence of a health professional.<sup>81</sup> For example, every instance of waterboarding required the presence of both a physician and a psychologist (Bradbury, 2005). A parallel reliance upon health professionals migrated to the DoD as well, as delineated in the Rumsfeld memo for interrogation practices at Guantánamo.<sup>82</sup>

In April 2004, the abuses at the Abu Ghraib prison in Iraq became public and in November of that year a leaked Red Cross report documented the participation of health professionals in abusive interrogations at Guantánamo Naval Base. The Red Cross report described these interrogations as “tantamount to torture” and “a flagrant violation of professional ethics” (Lewis, 2004).<sup>83</sup> These revelations prompted prominent health professional organizations to examine the issue of their members’ involvement in “enhanced” interrogation techniques and other national security interrogations. The American Psychiatric Association,<sup>84 85</sup> followed by the American Medical Association,<sup>86 87</sup> declared that it was unethical for their members to participate in these interrogations.

The American Psychological Association, alone among the health professions, took a significantly different course. The APA is the largest association of professional psychologists in the United States. As such it plays a major role in setting standards for psychological research, practice, and education. The APA lobbies on behalf of funding for psychological research and practice and credentials graduate training programs and internships. The APA created and periodically revises an ethics code that governs the ethical behavior of members and is integrated into or forms the basis of most state licensing requirements for psychologists. Federal regulations require that professional psychologists in the employ of the US government, including those in the military, be licensed by a state and follow the state’s ethics code.

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Mitchell’s team.

80 Cole, D. (2009). *The torture memos: Rationalizing the unthinkable*. New York: New Press.

81 <http://physiciansforhumanrights.org/library/documents/reports/aiding-torture.pdf>

82 <http://www.washingtonpost.com/wp-srv/nation/documents/041603rumsfeld.pdf>

83 <http://www.nytimes.com/2004/11/30/politics/30gitmo.html>

84 [http://www.psych.org/news\\_room/press\\_releases/05-40psychpractice Guantanamo.pdf](http://www.psych.org/news_room/press_releases/05-40psychpractice Guantanamo.pdf)

85 [http://www.psych.org/edu/other\\_res/lib\\_archives/archives/200601.pdf](http://www.psych.org/edu/other_res/lib_archives/archives/200601.pdf)

86 [http://www.ama-assn.org/ama1/pub/upload/mm/369/ceja\\_10a06.pdf](http://www.ama-assn.org/ama1/pub/upload/mm/369/ceja_10a06.pdf)

87 <http://www.ama-assn.org/ama/pub/category/16446.html>



The APA organized a Presidential Task Force on Psychological Ethics and National Security, which met for a weekend meeting at APA headquarters in June 2005.<sup>88</sup> In contrast to the position of the physician groups, the PENS Task Force presumed without deliberation that psychologists' participation in US government national security interrogations was ethical. Furthermore, the report closely followed the reasoning of the torture memos, which had been codified into a series of classified memos and instructions for psychologists on Behavioral Science Consultation Teams (BSCTs). A draft of one such instruction, written by the Army's Senior BSCT and Survival, Evasion, Resistance, and Escape (SERE) supervisor, Col. Morgan Banks, a member of the Task Force, was distributed on the first day of the PENS deliberations. These instructions included this description of the BSCT role: "Provide psychological expertise and consultation in order to assist command in conducting safe, legal, ethical, and effective interrogation and detainee operations."<sup>89</sup>

The press release accompanying the PENS Task Force report stated its primary finding: It is consistent with the APA Code of Ethics for psychologists to serve in consultative roles to interrogation- or information-gathering processes for national security-related purposes. While engaging in such consultative and advisory roles entails a delicate balance of ethical considerations, doing so puts psychologists in a unique position to assist in ensuring that such processes are safe and ethical for all participants.<sup>90</sup>

The PENS Task Force report and process have been a source of major controversy. Critics' concerns have included: the refusal (for a full year) of APA leadership to identify the Task Force members to APA members and the press;<sup>91 92</sup> domination by representatives of military and intelligence agencies, several of whom had served in chains of command publicly accused of abuses prior to the Task Force;<sup>93 94</sup> the undisclosed presence of observers with ties to the Bush White House and intelligence agencies, as well as APA lobbyists with high-level military and intelligence connections;<sup>95</sup> its irregular adoption, in "emergency session," by the APA Board only days after the Task Force meeting, thus bypassing review by the Association's elected Council of Representatives; and the report's allowance for psychologists to violate their professional ethics when "psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority" (Ethics Code Standard 1.02).<sup>96</sup>

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88 <http://www.apa.org/pubs/info/reports/pens.pdf>

89 At the time of the PENS Task Force meeting, Banks was Command Psychologist and Chief of the Psychological Applications Directorate of the U.S. Army Special Operations Command. Banks, L. M. (2005a). Providing psychological support for interrogations, chapter 1: Purpose of psychological support to interrogation and detainee operations. Unofficial records of the American Psychological Association Task Force on Psychological Ethics and National Security, June 25-28, 2005 and Banks, L. M. (2005b). Providing psychological support for interrogations, chapter 2: The ethics of psychological support to interrogation. Unofficial Records of the American Psychological Association Task Force on Psychological Ethics and National Security, June 25-28, 2005. Stanford, CA: Archives of the Hoover Institution on War, Revolution, and Peace, at Stanford University.

90 <http://www.apa.org/news/press/releases/2005/07/pens.aspx>

91 <http://www.salon.com/news/feature/2006/07/26/interrogation/print.html>

92 <http://www.salon.com/news/feature/2006/08/04/apa/>

93 <http://www.salon.com/news/feature/2006/07/26/interrogation/print.html>

94 [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)

95 <http://www.democracynow.org/article.pl?sid=07/08/20/1628234>

96 <http://apa.org/ethics/code/index.aspx>



## **Appendix IV: PENS Board Mandate**

Agenda Item #3

BOARD OF DIRECTORS  
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February 16 & 17, 2005  
Agenda Item No. 3

### IV. BOARD OF DIRECTORS

#### Task Force to Explore the Ethical Aspects of Psychologists' Involvement and the Use of Psychology in National Security-Related Investigations: Request for Board Discretionary Funds Issue

The Board is asked to allocate \$12,500 from its 2005 discretionary fund to support one meeting of a task force to explore the ethical aspects of psychologists' involvement and the use of psychology in national security-related investigations.

#### Background

Recent events in the United States and around the world, most notably the terrorist attacks of September 11, and the Abu Ghraib prison and Guantánamo Bay detention center situations, have raised questions concerning the use of psychology and the role of psychologists in national security-related investigations and research. The ethical aspects of psychologists' work in these arenas are non-trivial and complex.

Article I of APA's Bylaws states that "the American Psychological Association shall... advance psychology as a science and profession and as a means of promoting health, education and human welfare...by the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association."

The APA Code of Ethics, like many laws and regulations governing the practice of psychology, as well as the ethics codes of other major mental health organizations, have developed largely within specific contexts, that of traditional forms of therapy, academic research, and training programs. As a consequence, such texts may not provide as much guidance as ideal in addressing situations that involve values fundamental to the profession—confidentiality, safety, respect for autonomy, honesty, integrity—in contexts where national security and innocent lives are potentially at issue. This task force will examine the ethical dimensions of psychology's involvement and the use of psychology in national security-related investigations. The overarching purpose of the task force will be to examine whether our current Ethics Code adequately addresses such activities, whether the APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security.

In examining these issues, the task force will address issues such as:

- What appropriate limits does the principle “Do no harm” place on psychologists’ involvement in investigations related to national security?
- To the extent it can be determined, given the classified nature of many of these activities: What roles are psychologists asked to take in investigations related to national security?
- What are criteria to differentiate ethically appropriate from ethically inappropriate roles that psychologists may take?
- How is psychology likely to be used in investigations related to national security?
- What role does informed consent have in investigations related to national security?
- What does current research tell us about the efficacy and effectiveness of various investigative techniques?
- Would the efficacy and effectiveness of various investigative techniques, if demonstrated, affect our ethics?
- Has APA responded strongly enough to media accounts of activities that have occurred at Abu Ghraib and Guantanamo Bay?

### Implementation Plan

If approved, Ethics Office and Science Directorate staff will plan a meeting for the Task Force in 2005. Members of the Task Force will be appointed by President Ronald F. Levant, EdD.

### Fiscal Implications

Estimated cost for a 10 Member Task Force:

10 x \$500 (transportation) = \$5,000 10 x \$250 (hotel/meals) x 3 = \$7,500 Total = \$12,500

### Main Motion

That the Board of Directors allocates \$12,500 from its 2005 discretionary fund to support one meeting in 2005 of a Task Force to Explore the Ethical Aspects of Psychologists’ Involvement and the Use of Psychology in National Security-Related Investigations.

### Recommendation

None.

### Exhibits

1. List of Members Suggested for Appointment to the Working Group (to be provided in executive session)

Stephen Behnke, JD, PhD  
Ethics Office

Steven Breckler, PhD  
Science Directorate

Geoff Mumford, PhD  
Science Directorate

