Psychologists and Detainee Interrogations: Key Decisions, Opportunities Lost, and Lessons Learned

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Abstract

After the 9-11 terrorist attacks, U.S. psychologists faced hard choices about what roles, if any, were appropriate for psychologists in the detainee interrogations conducted in settings such as the Bagram Airbase, the Abu Ghraib Prison, and the Guantanamo Bay Detention Camps. The American Psychological Association (APA) sparked intense controversy with its policies and public statements. This article reviews APA decisions, documents, and public statements in this area, in the context of major criticisms and responses to those criticisms. The review focuses on key issues: how the APA created and reported policies in the areas of ethics and national security; transparency; psychologists’ professional identities; psychologists’ qualifications; ethical-legal conflicts; policies opposing torture; interpretations of avoiding harm; and effective interrogations. It suggests lessons learned, missed opportunities, and questions in need of a fresh approach.
INTRODUCTION

After the 9-11 terrorist attacks, the United States began interrogating detainees in settings such as the Detention Center at Bagram Airbase in Afghanistan, the Abu Ghraib Prison in Iraq, and Camps Delta, Iguana, and X-Ray at Guantanamo Bay Naval Base. U.S. psychologists faced hard choices. Should psychologists help plan and participate in the interrogations? Were traditional ethical values still viable in a post-9-11 world? What should psychologists do if ethical responsibilities conflicted with a law, military order, or regulations? What policies and procedures would successfully meet the challenges of these complex issues?

To address these questions and shape ethical policy in a post-9-11 era, the American Psychological Association (APA) Board of Directors formed a 10-person “blue ribbon” panel (James 2008, p. 246), the Presidential Task Force on Psychological Ethics and National Security (PENS). This article reviews APA decisions, documents, and public statements in this area, in the context of major criticisms and responses to criticisms. It identifies opportunities that seem to have been lost and lessons that might be learned. The review focuses on key issues: how APA created and reported policies in the area of ethics and national security; transparency; psychologists’ professional identities; psychologists’ qualifications; ethical-legal conflicts; policies opposing torture; avoiding harm; and effective interrogations.

In reviewing this controversial area, I often quote directly the words of those whom APA selected to serve as members of its ethics and national security task force as well as those who have been prominent critics of APA’s policies. As in any controversy, rhetoric on both sides may strike some as too intense, confrontational, or divisive. A statement may seem strong, forthright, and passionate to adherents but brutal, zealous, and oversimplified to those who disagree. It is important not to let the rhetoric—or our reaction to it—on either side become a focus or distraction but rather to engage the material with openness and respect, to understand and consider carefully the substance and worth of what each person is saying.

The next two sections describe how APA adopted the PENS report as ethics policy and announced it to the public; the following sections discuss the report itself, reaction to the report, and subsequent events.
HOW THE PSYCHOLOGICAL ETHICS AND NATIONAL SECURITY REPORT BECAME AMERICAN PSYCHOLOGICAL ASSOCIATION ETHICS POLICY FOR INTERROGATIONS

The PENS report followed an unusual path to approval as formal APA ethics policy through a rarely invoked bylaws section reserved for a state of emergency. The approval process and how it was reported, which was both incomplete and at times inaccurate, represent lost opportunities.

APA traditionally brings Task Force reports to Council of Representatives for examination, discussion, and, if warranted, formal adoption. The APA Web site describes Council as “the supreme legislative body of the Association” (Am. Psychol. Assoc. 2010d) and as the “body that has sole authority to set policy” (Am. Psychol. Assoc. 2010b). Council members are elected from the 54 APA divisions as well as from state and provincial psychological associations.

This large, diverse group subjects proposed policies to critical analysis and thoughtful debate from multiple perspectives. The process ensures that all voices within APA can be heard through their Council Representatives. The process of submitting proposals to Council’s deliberative processes also addresses concerns that any relatively small task force might lack sufficiently diverse perspectives to recognize a potential policy’s fallacies, unfounded assumptions, overlooked information, systematic bias, unexamined alternatives, and unintended consequences.

All votes on major policy issues by the APA Board of Directors and Council of Representatives are published in the official “Proceedings of the American Psychological Association for the Legislative Year.” The “Proceedings,” published each year in the American Psychologist, “are the official record of the actions of the Association taken during the year by both the Board of Directors (the Board) and the Council of Representatives (Council)” (Paige 2006, p. 411). Surprisingly, the “Proceedings” (Paige 2006) for 2005, the year in which the PENS report became official APA policy, do not mention any vote to make the report official policy.

Although there was no official record of the approval process in the “Proceedings,” the American Psychologist, which is APA’s journal of record and is sent to all APA members, and other publications included announcements in 2005 and 2006 that APA Council had accepted, approved, and endorsed the PENS report as formal APA policy. The APA president, during whose term the APA Presidential Task Force was appointed and its report was approved as APA policy, emphasized in the American Psychologist that “the APA Council of Representatives approved the PENS Task Force Report at its August 2005 meeting” (Levant 2006, p. 385). Similarly, APA’s Monitor on Psychology, which is sent to all APA members and is placed on the APA Web site, included an article stating that the PENS report “was accepted by APA’s Council of Representatives” (Mumford 2006, p. 68).

APA announced Council’s endorsement of the PENS report to the general public as well. For example, APA issued a press release (Am. Psychol. Assoc. 2005a) that began, “The American Psychological Association (APA) Council of Representatives, the Association’s governing body, has endorsed a Task Force Report on Psychological Ethics and National Security today....”

More than one year after APA Council was initially reported to have approved the PENS report as policy, APA sent a statement to Salon, which appeared in the June 26, 2006, issue. APA reiterated that Council had voted to endorse the PENS report as ethical policy, stating, “The reality is that APA’s Council of Representatives endorsed the current policy....” (Benjamin 2006b).

These statements over the course of more than a year in the American Psychologist, the APA press release, Monitor on Psychology, and Salon about APA’s Council of Representatives approving, accepting, and endorsing the PENS report as APA policy were wrong. On July 1,
2005, within a few days of the PENS Task Force submitting its report and before Council had an opportunity to meet to consider the report, the APA Board of Directors invoked Article VII, Section 4, of the APA bylaws to declare an emergency. The Board of Directors then voted by email to approve the report as APA ethics policy.

The same section of the bylaws requires the Board to “furnish a report of all such transactions at each Business Meeting of Council held in conjunction with the Annual Convention” (Am. Psychol. Assoc. 2004, p. 15; see also Am. Psychol. Assoc. 2010a). However, Council of Representatives minutes (Paige 2006) appearing in the American Psychologist’s “official record of the actions of the Association taken during the year [2005] by both the Board of Directors (the Board) and the Council of Representatives” do not reveal or mention such a report. It is unclear what unforeseen emergency occurred requiring the Board to vote in July rather than allowing the full Council of Representatives to consider, discuss, and vote on whether to approve the PENS report as policy at its regularly scheduled meeting less than two months later.

A few corrections appeared to the announcements, which had spanned more than a year, that Council had approved the PENS report. However, it is reasonable to assume that these later items may not have been as widely seen as the initial American Psychologist article, the scientific and popular media accounts based on APA’s press release, etc. In 2006, for example, Monitor on Psychology ran a correction that included the statement that “It was incorrect to state that council accepted the report” (“Correction” 2006, p. 8). Salon published an email that the APA spokesperson had circulated to Council. The email acknowledged that, “Council took no official action on the report” (Benjamin 2006b).

Discussing the history of these announcements, APA Council Member Bernice Lott wrote, “APA’s policy...presented in the report of the Presidential Task Force on Psychological Ethics and National Security (Report 2005b), was never adopted or approved by the Council Representatives. Nor was the Council ever asked to do so. Public statements that have implied or said otherwise have been inaccurate, and some have been publicly corrected” (Lott 2007, pp. 35–36).

This history reveals areas of lost opportunities. The declaration of an emergency prevented the usual process by which Council carefully evaluates and openly debates proposed policies from many different perspectives before deciding whether they become APA policy. This process increases the chances that a report’s errors, limitations, weaknesses, and other problems, if any, can be identified before the policy is implemented. It also allows the full range of voices within APA to be heard through their representatives. A different outcome might have occurred if the usual process had been followed.

A second area of missed opportunities is how the process of evaluating and adopting the PENS report was communicated. It is unfortunate that over the course of more than a year APA, however inadvertently, repeatedly released incorrect information about Council having accepted, approved, and endorsed the PENS report. When authoritative incorrect accounts enter the primary and secondary literature, they can unintentionally affect current views and create a misleading historical record.

A systems approach might be useful in discovering how such a fundamental and important error in announcing the process became so widespread and repeated so often—in APA’s initial press release, in the APA journal of record, etc.—over such a long time. Addressing any weaknesses on a systems level might promote an announcement process that would spot and correct such incorrect accounts before a draft was published, prevent the repetition of incorrect accounts that somehow slipped through the system, and ensure that all incorrect accounts in published announcements were followed by a prompt, accurate, and complete correction. APA’s official policy...
announcements and other statements of fact in its news releases, on its Web site, in its journal of record, to the popular media, and elsewhere must be reliable, trustworthy, and valid.

A CHANGE IN THE TRADITION OF TRANSPARENCY


Similarly, when the APA issues a press release to announce a task force report, the press release traditionally identifies the task force members (see, for example, Am. Psychol. Assoc. 2006b, 2007a, 2008d, 2009).

Including the names of the authors in a task force report allows readers to know who determined the report’s contents. It allows initial media accounts, both professional and public, to discuss such issues as whether a task force represented adequately diverse views and expertise and whether there were any potential issues of apparent conflict of interest. This traditional policy of transparency enables a more informed reaction to a report.


APA’s press release also omitted mentioning the names of report’s authors (Am. Psychol. Assoc. 2005c).

Even later, after APA had adopted the report as policy and had published the report without identifying the authors, there was a discussion of successful efforts to keep the names of the task force members secret. After the subsequent APA annual convention, at which a panel had discussed the PENS report, a message was posted to the PENS listserv. The PENS member stated that he “was once again impressed” with how the person who had chaired the APA convention panel had “eloquently represented our work and insured the confidentiality of the panel, despite pressure to reveal the identities of the task force members” (Gelles 2005).

An article raising serious questions about the PENS report disclosed that the article’s author had learned the identities of the Task Force members from Congressional sources (Benjamin 2006a). In a response to that article, APA denied any effort to conceal the identities of the report’s authors. APA’s response, published in Salon, included the statement, “The article states that APA has kept the names of the Task Force members secret. This is totally false” (Benjamin 2006b).

INTERROGATIONS AND PSYCHOLOGISTS’ PROFESSIONAL IDENTITIES

The PENS report took a clear stand on whether psychologists’ work in this area was appropriate: “Psychologists have a valuable and ethical role to assist in protecting our nation, other nations, and innocent civilians from harm, which will at times entail gathering information that can be used in our nation’s and other nations’ defense” (Am. Psychol. Assoc. 2005b).

Psychology is widely known as a health care or healing profession (see, e.g., Benjamin 2006a, DeLeon 1979, Fowler 1996, Linden et al. 2005, Newman & Reed 1996, Peltz 2008). Some have asked whether detainee interrogations undermine psychologists’ professional
identity as healers (see, e.g., Benjamin 2006a, Donner 2006, “Psychological Warfare? A Debate on the Role of Mental Health Professionals in Military Interrogations at Guantanamo, Abu Ghraib and Beyond” 2005).

Healthcare, however, is only one of many professional identities of psychologists. Pope & Gutheil (2009), for example, noted in their discussion of detainee interrogation that “the 54 divisions of the APA... represent such divergent fields as consumer psychology, population and environmental psychology, industrial and organizational psychology, experimental psychology, the psychology of aesthetics, creativity, and the arts, and military psychology” (p. 1180).

Among its other identities, psychology is a military and national security profession. APA published a book describing the ways that “the story of psychologists in the armed forces addressing national security challenges is the story of the evolution of the science and practice of psychology itself” (Mangelsdorff 2006a, p. 8). The book emphasized that “psychologists and the American Psychological Association have been an integral part of the homeland defense efforts” (Mangelsdorff 2006b, p. 5). Similarly, Driskell & Olmstead, writing in the American Psychologist, observed that “perhaps no other institution has been as inextricably linked with the growth and development of psychology as the military,” describing it as a “symbiotic relationship” (1989, p. 47). A role in detainee interrogations seems consistent with psychology’s history and range of professional identities.

PSYCHOLOGISTS AS UNIQUELY QUALIFIED

APA’s policy places psychology at the center of the detainee interrogation process. APA explained to the U.S. Senate Select Committee on Intelligence that “conducting an interrogation is inherently a psychological endeavor... Psychology is central to this process because an understanding of an individual’s belief systems, desires, motivations, culture and religion likely will be essential in assessing how best to form a connection and facilitate educing accurate, reliable and actionable intelligence... Psychologists have valuable contributions to make toward...protecting our nation’s security through interrogation processes” (Am. Psychol. Assoc. 2007c).

According to APA, psychologists possess a range of competencies not shared by other professions. These unique competencies allow psychologists an interrogation role denied to psychiatrists and others. The Director of APA’s Ethics Office wrote, “This difference, which stems from psychologists’ unique competencies, represents an important distinction between what role psychologists and physicians may take in interrogations” (Behnke 2006, p. 67).

APA’s policies contrast sharply with those of the American Psychiatric Association. The Pentagon adopted and implemented policies that reflected the contrast between the professions: “Pentagon officials said... they would try to use only psychologists, not psychiatrists, to help interrogators devise strategies to get information from detainees at places like Guantánamo Bay, Cuba. The new policy follows by little more than two weeks an overwhelming vote by the American Psychiatric Association discouraging its members from participating in those efforts” (Lewis 2006).

APA frames the contrast as one of competence. Psychiatrists disagree. The American Psychiatric Association describes their stance as rooted not in their lack of competence but in their efforts to maintain ethical standards. For example, the American Psychiatric Association president wrote, “I told the generals that psychiatrists will not participate in the interrogation of persons held in custody. Psychologists, by contrast, had issued a position statement allowing consultations in interrogations. If you were ever wondering what makes us different from psychologists, here it is. This is a paramount challenge to our ethics... Our profession is lost if we play any role in inflicting these wounds” (Sharfstein 2006, p. 1713).
WHEN ETHICAL RESPONSIBILITIES CONFLICT WITH LAWS, REGULATIONS, AND LEGAL AUTHORITY

How should psychologists involved in detainee interrogations respond if they encounter irrec- oncilable conflicts between ethical responsibilities and legal authority? The PENS policy is consistent with an earlier change in the APA ethics code.

Less than one year after 9-11, APA formally abandoned its long-held Nuremberg Ethic. At the Nuremberg trials following World War II, the Nazi defendants tried to escape accountability by using what became known as the Nuremberg Defense. They claimed that they were not responsible for their acts because they were only “following the law” or “just following orders.” The judges rejected the fallacy of this defense and affirmed the Nuremberg Ethic: People could not choose to violate their fundamental ethical responsibilities and then avoid accountability by blaming laws, order, regulations, or authority.

On August 21, 2002, APA adopted a revised ethics code that departed from the Nuremberg Ethic. The new code stated that whenever their “ethical responsibilities” stood in irreconcilable conflict with the authority of the state, “psychologists may adhere to the requirements of the law, regulations, or other governing legal authority” (Am. Psychol. Assoc. 2002, section 1.02, p. 1063). A draft revision had included the restriction “in keeping with basic principles of human rights” both in the introduction and in the code’s enforceable section. However, APA decided to eliminate that restriction from the code’s enforceable section before adopting the new code.

Pope & Guthel (2008) emphasized that the doctrine of “giving psychologists the option to violate their ethical responsibilities in order to follow the law, regulations, or other forms of legal authority had been discussed before September 11” (p. 17). This is a crucial point: This doctrine of setting aside the Nuremberg Ethics had been included in ethics code drafts prior to 9-11. In fact, the controversy over conflicts between legal and ethical responsibilities reaches far back into psychology’s history. For example, more than 20 years ago, an American Psychologist article, “When Laws and Values Conflict: A Dilemma for Psychologists” (Pope & Bajt 1988), reported a survey of psychologists’ beliefs and experiences in this area. However, prior to 9-11, no Council of Representatatives had ever voted to adopt either an individual ethics policy or a complete ethics code that ran contrary to the Nuremberg Ethic. It was only after 9-11 that a majority of Council members took the historic step of voting to approve an ethics code that abandoned the Nuremberg Ethic.

APA asserted that Council’s historic vote after 9-11 that abandoned the Nuremberg Ethic was not influenced in any way by the events of 9-11. The Ethics Office Director emphasized: “The relevant aspect of standard 1.02, on conflicts between ethics and law, was drafted in the fall 2000 and thus has no connection whatsoever to the events of September 11, 2001” (Behnke 2008). Is APA’s claim of deductive proof a logical fallacy? In the aftermath of 9-11, the United States passed legislation authorizing wiretaps, FBI access to information, and other surveillance activities to counter terrorism. However, virtually all aspects of the umbrella Patriot Act had existed as draft bills before 9-11. Senator Orin Hatch (2003), for example, wrote:

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

According to APA’s reasoning, the willingness of Congress to pass the Patriot Act after 9-11 had no connection whatsoever to the events
of September 11, 2001, because the relevant aspects had been drafted before 9-11.

It is difficult to understand the ethical reasoning that the only way to improve the ethics code in other ways was to abandon APA’s historic commitment to the Nuremberg Ethic, especially in this historical context. The director of the APA Ethics Office stated that the new version of section 1.02 had been “written largely in response to conflicts regarding confidentiality, arising most often when courts issue subpoenas for psychologists’ records” (Behnke 2008, p. 54). To make a blanket change in the ethics code that involves abandoning the Nuremberg Ethic simply to remedy perceived problems regarding confidentiality seems to represent a solution remarkably mismatched to the stated problem, especially when other remedies were available. For example, the confidentiality section of the ethics code could have been rewritten to allow psychologists to release information in response to a valid subpoena, court order, etc., whenever mandated or permitted under prevailing law.

It is worth noting that the prior ethics code, adopted in 1992, had already explicitly addressed that stated problem by allowing psychologists to reveal confidential information whenever legally mandated or permitted. The 1992 code (Am. Psychol. Assoc. 1992, section 5.05a, p. 1606), the 2002 code (Am. Psychol. Assoc. 2002, section 4.05b, p. 1066), and the 2010 code (Am. Psychol. Assoc. 2010c, section 4.05b) all state, “Psychologists disclose confidential information without the consent of the individual only as mandated by law, or wherever permitted by law for a valid purpose…”

APA’s decision, however inadvertent, to adopt an ethics code that ran counter to the Nuremberg Ethic was unprecedented in APA’s history, reaching back for more than a century. The vote to approve a code that was in conflict with the Nuremberg Ethic—taken within months after the 9-11 attack as the United States responded to the attack by launching the Operation Enduring Freedom military operations in Afghanistan—seemed, however unintentionally, to communicate to policy makers, the military, and the public a reversal of values in this area.

In a recorded debate on psychologists and detainee interrogations aired on a television/radio news program, the Director of the APA Ethics Office emphasized that “the ethical standards are that psychologists obey the law. Psychologists do not violate the law. . . . The task force states that psychologists have an absolute ethical obligation never to violate any United States law” (“Psychological Warfare?” 2005).

The U.S. military incorporated APA’s new enforceable ethical standard 1.02 into formal policy for psychologists involved in “detention operations, intelligence interrogations, and detainee debriefings” (U.S. Dep. Army 2006, p. 152). Referring to APA ethical standard 1.02, the Army policy stated, “A process for maintaining adherence to the Code when it conflicts with applicable law, regulation, and policy is outlined below…” (p. 154). The policy states that after addressing and attempting to resolve the issue, and after appropriate consultation, “If the issue continues to elude resolution, adhere to law, regulations, and policy in a responsible manner” (p. 154).

APA endorsed and promoted section 1.02 as its official ethical policy for eight years, including the years when some of the most controversial interrogation techniques were used. Criticism came from diverse sources, including public media and professional journals, both in the United States and abroad. For example, an article titled “The APA’s Nuremberg Defense” and appearing in Harper’s asserted that,

[T]he APA is focused on the relaxation of its ethics standards to provide defenses for psychologists . . . the APA modified Section 1.02 of its ethics rules, to state that in the event of conflict between ethics standards and law as interpreted by government organs like the Department of Defense or CIA, psychologists are free to disregard the requirements of applicable ethics guidelines and “may adhere to the requirements of the law, regulations, or other governing legal authority.” . . . It is a
full-throated repudiation of the rule fashioned at Nuremberg under which individuals involved in the torture or abuse of prisoners are not entitled to rely on a defense of superior orders. (Horton 2009)

Two APA members wrote that their professional association must reject the notion of “pre-9-11 ethics” and “post-9-11 ethics,” that psychologists must realize that core ethical values “should not vary according to shifts in the political tide,” and that rejecting the Nuremberg ethic “sets professional psychology apart from other helping and healing professions who have refused to compromise principle for expediency” (Lohr & Tolin 2009, p. 9).

An article appearing in the British Psychological Society’s *The Psychologist* included the following passage:

Most concerning of all, the APA allows its members the “Nuremberg defense” that “I was only following orders”… The implication is that psychologists are permitted to assist in torture and abuse if they can claim that they first tried to resolve the conflict between their ethical responsibility and the law, regulations or government legal authority. Otherwise they can invoke the Nuremberg defense…. (Burton & Kagen 2007, p. 485)

The editor of the *British Medical Journal* wrote:

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

Trisel (2009), a British psychologist, commented on the *British Medical Journal* article in a letter to the editor titled “Fortunately UK Psychologists Don’t Use the APA Code of Ethics.” *Washington Monthly* published an article critical of APA’s stance on the Nuremberg Ethic, observing:

(P)sychologists are allowed to obey so-called lawful military orders instead of the APA’s own ethical guidelines…. As Stephen Soldz, a Boston-based psychoanalyst and APA critic observes: “What sort of experts on ethics write the Nuremberg defense into their professional ethics code?” (Levine 2007)

No other profession followed APA’s leadership in this area. To the contrary, other professions spoke out against the doctrine that state authority can serve as an acceptable reason to abandon basic ethical responsibilities. In the year following APA’s adoption of an ethics code that contradicted the Nuremberg Ethic, for example, the president of the World Medical Association (2003) issued a press release with the reminder that “at Nuremberg in 1947, accused physicians tried to defend themselves with the excuse that they were only following the law and commands from their superiors… the court announced that a physician could not deviate from his ethical obligations even if legislation demands otherwise.”

It was not until 2010, eight years after its decisive and unprecedented action, that APA amended section 1.02 of its ethics code that had stood in opposition to the Nuremberg Ethic (Am. Psychol. Assoc. 2010c).

**AMERICAN PSYCHOLOGICAL ASSOCIATION POLICIES OPPOSING TORTURE**

As discussed in the prior section, APA had added a policy to the enforceable section of its ethics code allowing psychologists to set aside their ethical responsibilities whenever those responsibilities were in irreconcilable conflict with a law, regulation, or other form of legal authority. In subsequent years, APA Council repeatedly endorsed positions against torture.
For example, APA voted to adopt a “Resolution Against Torture” (Am. Psychol. Assoc. 2006a), a “Reaffirmation of the APA Position Against Torture” (Am. Psychol. Assoc. 2007b), and an “Amendment to the Reaffirmation of the APA Position Against Torture” (Am. Psychol. Assoc. 2008b). However, unlike the exemption from the Nuremberg Ethic, none of the positions addressing torture was added to the enforceable section of APA’s ethics code.

Traditionally, APA adds to the code’s enforceable section any requirements, limitations, or other protections for specific groups when the impact on psychologists’ work on those groups is of concern. Groups mentioned in the code include persons “for whom testing is mandated by law or governmental regulations,” “persons with a questionable capacity to consent,” research participants, “subordinates,” clients, students, supervisees, and employees. When concerns about psychologists’ work with research animals arose, for example, APA added to the code’s enforceable section a standard supporting the “humane treatment” of laboratory animals. APA did not add to the enforceable section of its ethics code a designation of detainees as a vulnerable or at-risk group requiring humane treatment.

Three years after the adoption of the PENS policy, APA adopted a policy limiting the kinds of work psychologists could perform in certain settings. According to APA’s press release, “The petition resolution stating that psychologists may not work in settings where ‘persons are held outside of, or in violation of, either International Law (e.g., the UN Convention Against Torture and the Geneva Conventions) or the US Constitution (where appropriate), unless they are working directly for the persons being detained or for an independent third party working to protect human rights’ was approved by a vote of the APA membership” (Am. Psychol. Assoc. 2008c).

As with other policies in this area, enforceability was a significant concern. Before APA membership voted on the petition resolution, APA’s Office of Public Affairs addressed questions about the resolution by releasing a clarifying document, “Petition on Psychologists’ Work Settings: Questions and Answers.” Among the questions was, “If adopted would the petition be enforceable by APA?” APA stated, “As explained above, the petition would not become part of the APA Ethics Code nor be enforceable as are prohibitions set forth in the Ethics Code” (Am. Psychol. Assoc. 2008e).

Similarly, a statement underscoring that the policy would not be enforceable accompanied the ballot that was sent to APA members for the formal vote. APA (2008a) reported that, “a ballot mailing dated August 1, 2008 included the full text of the petition statement and the following con statement.” In this con statement, a former APA president reminded members that “APA is clear that the petition, if adopted, is not enforceable” (Am. Psychol. Assoc. 2008a).

**AVOIDING HARM**

The PENS report stated that psychologists are in “a unique position to assist in ensuring that these processes are safe” (Am. Psychol. Assoc. 2005b). The emphasis on keeping interrogations safe grows, in part, from the ethics code’s principle of avoiding harm. For example, section 3.04 states, “Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable” (Am. Psychol. Assoc. 2002, p. 1065; 2010c).

People may not agree on whether something is reasonable, foreseeable, or unavoidable, and the principle of avoiding harm can become even more complex when there are competing values. An APA journal article on “Mixed Agency in Military Psychology: Applying the American Psychological Association Ethics Code” quoted ethics code section 3.04 on “Avoiding Harm” and noted, “At times, psychologists employed by government agencies may feel compelled to limit the freedom or overlook the best interests of one person to promote or safeguard the best interests of a larger group, or even society at large” (Kennedy & Johnson 2009, p. 27).
The principle of interpreting “avoiding harm” as overlooking “the best interests of one person to promote or safeguard the best interests of a larger group, or even society at large” becomes even more complex when applied to enemy combatants. A PENS Task Force member explained in an National Public Radio interview that,

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

APA journals have published articles for decades reflecting the concept that it is legitimate for psychologists to participate in ventures that can cause harm (e.g., developing weapon systems) if the intent is to do “the most good for the most people” or “to promote or safeguard the best interests of a larger group, or even society at large.” In the 1960s, for example, American Psychologist published B. F. Skinner’s account of his animal experiments to validate his proposal “to use living organisms to guide missiles” (1960, p. 28). In the 1950s, the same journal published Melton’s discussion of psychologists’ roles in “the development and effective operational use of new weapons and weapon systems” (1957, p. 743). In the 1940s, another APA journal published a call for psychologists to become actively involved in putting their skills to use in defeating the enemy: “We must now comb all literature available to us with the object in mind of determining the factors which are ‘destructive’ of human well-being and efficiency. These findings must then be ruthlessly applied” (Watkins 1943, p. 135).

Writing more recently on “Professional Ethics and National Security” in an APA journal, Gravitz (2009) commented on the complexity of these issues. Noting that the ethical obligation to do no harm is “not clear cut” (p. 41), he turned to the issue of torture:

Although the definition of torture may be clearly defined in APA pronouncements, the issue itself is not as clear as may seem, for the interrogation process touches on a number of standards of the Ethics Code. It is relevant to note, also, that law and legal regulations take priority over the policies and procedures of a private organization, such as APA. Therefore, when psychologists are subject to such legal authority, as in the military or civil service, their primary responsibility is to the latter jurisdiction. Unlike the traditional responsibility to one’s individual client, in these services the client is the legally constituted government. (Gravitz 2009, pp. 40–41)

EFFECTIVE INTERROGATIONS

The PENS report describes psychologists as critical to effective interrogations. The PENS chair wrote, “The task force concluded psychologists have a critical role in keeping interrogations safe, legal, ethical and effective” (Moorehead-Slaughter 2006, p. 21). An article coauthored by a PENS member described the rationale, “By teaching, coaching, affirming, and enforcing the use of safe, legal, ethical, and effective interrogation techniques, we all hope to reduce the likelihood of future harm” (Greene & Banks 2009, p. 29).

To teach, coach, affirm, and enforce effective interrogation techniques, psychologists must know which techniques are effective for producing “accurate, reliable and actionable intelligence” (Am. Psychol. Assoc. 2007c) in settings such as Guantanamo and Bagram. Are what are sometimes called “harsh” or “enhanced” interrogation techniques ever effective? Do effective interrogations use specific patterns that mix different techniques, alternating harsh or enhanced interrogation techniques with techniques such as rapport- or relationship-building, similar to the police
interrogation pattern popularly known as “good cop, bad cop”?

Scientific studies do not answer these questions, and informed opinions remain sharply divided. For example, O’Mara (2009) presents an example of one argument against the effectiveness of harsh interrogations. He maintains that the use of harsh and enhanced interrogations techniques is “motivated by a folk psychology that is demonstrably incorrect” (O’Mara 2009, p. 497). He views the issue from the perspective of cognitive neuropsychology: “coercive interrogations involving extreme stress are unlikely to facilitate the release of veridical information from long-term memory, given our current cognitive neurobiological knowledge. On the contrary, these techniques cause severe, repeated and prolonged stress, which compromises brain tissue supporting memory and executive function” (O’Mara 2009, p. 499).

Suedfeld (2007) presents an example of an opposing view: “It is true that information elicited under torture may not be truthful; but that is true of all information provided by suspects (Stambor, 2006). There is no evidence that torture results in less truthful confessions than other methods of interrogation. There is also considerable historical... evidence that torture can be effective. As just one example, the Gestapo certainly succeeded in gaining information that led to the arrest of hidden Jews, Resistance members, OSS agents, and other anti-Nazi activists after capturing and torturing one member of their network” (p. 6).

Although many proponents present thoughtful arguments to support their view of which interrogation techniques are and are not effective, others claim that we simply lack adequate information to determine what produces accurate, reliable, and actionable intelligence in detainee interrogations. Coulam (2006), for example, wrote:

The problem in understanding the benefits of effective interrogations is that... there is little systematic knowledge available to tell us “what works” in interrogation. We do not know what systems, methods, or processes of interrogation best protect the nation’s security... Whether we like it or not, coercion might be more “effective” than other methods in some circumstances. Unfortunately, much of the current debate in this area proceeds as if we actually knew what those circumstances were. In fact, we do not, beyond anecdotal evidence adduced ad hoc. [italics in the original] (pp. 8–9; see also Borum 2006)

Lehner (2006) suggests that cognitive processes may account for strong beliefs about effective interrogation techniques held in the absence of adequate information:

Natural human judgment biases, such as the Law of Small Numbers (the tendency to jump to conclusions on the basis of too little data) and the Confirmation Bias (the tendency to under-weight or ignore evidence inconsistent with current beliefs), are very strong. These biases are quite resistant to “knowing better”; they often prevail even when experts are fully aware of them and explicitly endeavor to mitigate their effect. These findings have a clear implication for the assessment of education practices: it is imprudent to base assessment only on the subjective feedback of interrogators. Interrogators are professionals, and are certainly committed to providing the most honest evaluations they can. However, unless they differ greatly from other experts, their judgments and memories will be biased in favor of the effectiveness of the practices they employ. Information gleaned from field experience constitutes a critical source of knowledge, and without question many of the lessons learned from such experiences are valid. But, equally without question, many are invalid. Which is which? Only objective, scientific research can help to distinguish between them. (pp. 304–5)

If we do not know which lessons based on subjective feedback and other anecdotal data from the field are valid and which are invalid, if essential research is lacking on which methods of interrogation are effective (for which
purposes, under which conditions, carried out by which interrogators, in which settings) and which are not, it is difficult to understand how psychologists are in a unique position to teach, coach, affirm, and enforce the use of effective interrogation techniques.

Objective, scientific research telling us which interrogation approaches are effective in producing accurate, reliable, and actionable intelligence may be lacking, but one of the most extensive and rigorous bodies of psychological research forms the basis of a prominent approach to interrogation. Seligman (1975) reviewed a series of experiments that he and his coinvestigators conducted from 1965 through 1969 involving about 150 dogs subjected to inescapable shock and additional dogs subjected to escapable shocks. In “the typical procedure that we used to produce and detect learned helplessness in dogs,” on the first day the dog receives “64 inescapable electric shocks” (p. 23). Other groups of dogs received only shocks that were escapable, and the difference was significant.

When an experimentally naive dog receives escape-avoidance training in a shuttle box, the following behavior typically occurs: at the onset of the first painful electric shock, the dog runs frantically about, defecating, urinating, and howling, until it accidentally scrambles over the barrier and so escapes the shock. . . . This pattern continues until the dog learns to avoid shock altogether. We have found a striking difference between this pattern of behavior and that exhibited by dogs first given uncontrollable shocks . . . . Such a dog’s first reactions to shock in the shuttle box are much the same as those of a naive dog. However, in dramatic contrast to a naive dog, a typical dog which has experienced uncontrollable shocks before avoidance training soon stops running and howling and sits or lies, quietly whining, until shock terminates . . . . It is obvious that failure to escape is highly maladaptive since it means that the dog takes 50 seconds of severe, pulsating shock on each trial. (Seligman 1972, p. 407–8)

Seligman noted that “what helpless dogs do typifies what many species do when they are faced with uncontrollability” (1975, p. 23).

An experimental variation using female rats showed the profound effects of learned helplessness. One group was first immunized with escapable shock and then given long-duration escapable shock. A second group was yoked to the first group and received the same pattern of shocks but all of their shocks were inescapable. Seligman wrote:

We had intended to put both groups in the vat of water, expecting that the escapable-shock group would swim for 60 hours and the yoked group might show sudden death. To our surprise . . . six . . . in the yoked group lay down . . . and died in the box . . . . Their hearts were engorged with blood. (1975, p. 171)

Seligman emphasized that:

[H]elplessness is a disaster for organisms capable of learning that they are helpless. Three types of disruption are caused by uncontrollability in the laboratory: the motivation to respond is sapped, the ability to perceive success is undermined, and emotionality is heightened. (1975, p. 44)

The research-based psychological theory of learned helplessness emerged as a noted approach to detainee interrogations. For example, according to the Central Intelligence Agency (CIA 2004), “The goal of interrogation is to create a state of learned helplessness and dependency conducive to the collection of intelligence in a predictable, reliable, and sustainable manner” (p. 1). Discussing learned helplessness as a goal of interrogation, Mayer stated in an interview, “Among the U.S. Government’s interrogation techniques that seem to echo these experiments are the uses of random maltreatment—taking away any predictable schedule from detainees so that they have no idea what time it is, no sense of when meals are delivered, no idea if it is day or night, as well as manipulating temperature,
sound, sleep, and using isolation, all of which are meant to cause psychic stress that would erode a prisoner’s resistance to being interrogated and foster total dependency upon an interrogator” (Horton 2008).

Making learned helplessness a goal of interrogations raises complex questions. For example, the extensive array of research subjecting dogs, cats, rats, monkeys, and other animals to inescapable and escapable electric shocks and other traumas does seem to validate Seligman’s view that “helplessness is a disaster for organisms capable of learning that they are helpless.” However, is there any evidence that creating this “disaster” state in detainees is an effective interrogation technique? For additional discussions of learned helplessness as a technique or goal in detainee interrogations, please see Mayer (2008), Miles (2009a), Physicians Hum. Rights (2009), Schwenk (2008), and Shane (2009).

SOME MAJOR CRITICISMS AND RESPONSES

APA and its Ethics Office emphasized that “psychologists have important contributions to make in eliciting information that can be used to prevent violence and protect our nation’s security” (Am. Psychol. Assoc. 2007c); that psychologists’ involvement “makes an important contribution toward keeping interrogations safe and ethical” (Brehm 2007); and that “psychologists knew not to participate in activities that harmed detainees” (Lewis 2006). A statement from the APA Ethics Office appearing in Psychology Today underscored what psychologists’ participation achieves in all interrogations: “The ability to spot conditions that make abuse more likely uniquely prepares psychologists for this task. Adding a trained professional ensures that all interrogations are conducted in a safe, legal, ethical, and effective manner” [italics added] (Hutson 2008). These and similar statements in support of APA’s policies appeared in APA press releases, journals, congressional testimony, the APA Web site, the APA Monitor on Psychology, and other venues.

The APA’s policies and public statements raised difficult questions (e.g., was the claim that adding a trained psychologist “ensures that all interrogations are conducted in a safe, legal, ethical, and effective manner” valid? Was there any evidence to support it?) and sparked sharp controversy. Strong criticisms appeared in scientific and professional publications, newspapers, magazines, and other media. These criticisms were met with equally strong responses.

Criticisms

Robert Jay Lifton, for example, concluded, “the American Psychological Association will be known, and not positively, for its profound ethical failure at this time” (Peltz 2008, p. 713; see also Soldz 2009). Professor of Medicine and Bioethics Steven Miles, author of Oath Betrayed: America’s Torture Doctors, wrote, “The American Psychological Association was unique among US health professional associations in providing policy cover for abusive interrogations. . . .” (2009b). A Lancet article critiqued APA’s adoption of the PENS policy as a “disgrace” (Wilks 2005).

Some articles and reports seemed to indicate that psychologists were extensively involved in many ways that drew into question APA’s claims that psychologists knew not to participate in activities that were harmful to detainees or that the presence of a trained psychologist “ensures that all interrogations are conducted in a safe, legal, ethical, and effective manner.” A Boston Globe editorial (2008; see also Goodman 2007) summarized a set of investigative news articles reporting that psychologists’ involvement in enhanced interrogations stretched back to the beginning: “From the moment US military and civilian officials began detaining and interrogating Guantanamo Bay prisoners with methods that the Red Cross has called tantamount to torture, they have had the assistance of psychologists.” (For more information about the Red Cross report implicating psychologists, see Lewis 2004.)
Eban (2007) provided an account of how “psychologists weren’t merely complicit in America’s aggressive new interrogation regime. Psychologists . . . had actually designed the tactics and trained interrogators in them while on contract to the C.I.A.” A Senate investigation uncovered some of these tactics: “Military psychologists were enlisted to help develop more aggressive interrogation methods, including snarling dogs, forced nudity and long periods of standing, against terrorism suspects” (Flaherty 2008).

Although these documents tend to focus on the Guantanamo Bay Naval Base, concerns arose about how psychologists’ activities affected interrogations in other settings as well. For example, the American Civil Liberties Union (ACLU) filed a Freedom of Information Act request for government documents that were no longer classified. Making these primary-source documents publicly available for review and analysis, the ACLU (2008) issued a news release with the title, “Newly Unredacted Report Confirms Psychologists Supported Illegal Interrogations in Iraq and Afghanistan.”

A Central Intelligence Agency (CIA) special review of counterterrorism, detention, and interrogation activities described how psychologists provided key assurances that enhanced techniques such as waterboarding were safe and free of any lasting harmful psychological effects. The review included a communication from the U.S. Department of Justice to the CIA Acting General Counsel documenting that the CIA “consulted with outside psychologists, completed a psychological assessment and reviewed the relevant literature on this topic. Based on this inquiry, you believe that the use of the waterboard would not result in prolonged mental health consequences from the use of the waterboard.”

In addition to concerns about these broad roles of involvement in the interrogations in Iraq, Afghanistan, and Guantanamo, questions were raised about psychologists’ involvement with individual detainee interrogations. Mayer (2008) reported that “[General] Dunlavy soon drafted military psychologists to play direct roles in breaking detainees down. The psychologists were both treating the detainees clinically and advising interrogators on how to manipulate them and exploit their phobias . . .” (p. 196). She described how “psychologists were heavily involved in drawing up and monitoring interrogation plans, which were designed individually for each detainee . . . Sleep deprivation was such a common technique . . . pornography [was used] to manipulate detainees . . . Detainees were routinely shackled in painful ‘stress positions’” (Mayer 2005).

Some of the most stinging criticism of APA’s policies came from human rights groups. Amnesty International, Physicians for Human Rights, and 11 other organizations released an open letter to APA (“Open letter in response to the American Psychological Association Board” 2009) about what it termed APA’s “grievous mismanagement of this issue”; APA’s “providing ethical cover for psychologists’ participation in detainee abuse”; and APA’s handling of the detainee interrogation issue creating “the greatest ethical crisis” in the profession’s history and making a “terrible stain on the reputation of American psychology.”

Responses

The following examples of responses to criticisms are from PENS Task Force members, whom APA had selected as those most qualified to shape APA’s ethical policies in this area. One line of response was that criticisms were not factually based. A PENS member wrote, “The facts were irrelevant to our critics” (James 2008, p. 250). Although I do not agree with the statement as worded, I believe James raises a
critical issue more generally for the field. Inaccurate claims seem to thrive in vigorous controversies. They can gain wide acceptance and find their way into the secondary literature. It is important to remain aware of the “complex factors [that] shape the process by which [claims] and conclusions encounter or elude careful scrutiny. Such factors include prevailing scientific paradigms, historical contexts, and the bandwagon effect. They can influence the degree to which people are inclined, willing, and free to question certain claims” (Pope 1996, p. 957). It is useful to approach any statements with reasonable skepticism, actively evaluating whether claims are clearly supported by evidence and whether any evidence seems inconsistent.

Criticisms were also characterized as out of touch with the difficult decisions that actual detainee interrogations require. According to another PENS member, “Anyone who wants to throw stones in this situation really needs to step back and figure out what they would do themselves in these situations, and not just kind of be ivory tower critics, but get down and either get in a situation or really keep their mouths shut. Most of the time, they have no idea what they’re talking about” (“Military Psychologist Says Harsh Tactics Justified” 2009).

Criticisms of APA’s PENS report policies were also characterized as refusals to help both the United States and the detainees by seeking to cut and run from the topic. An article coauthored by a third PENS member stated that “to run away from an area where we can help both the country and the individuals in detention is simply wrong” (Greene & Banks 2009, p. 30). Green and Banks raise a significant and complex issue. Did APA face a simple dichotomous choice between either quitting and doing nothing (i.e., running away, refusing to help the country) or supporting the U.S. interrogation programs with psychological personnel and expertise within the specific framework of the PENS report? Is it possible that this is what is known as a false dilemma or a fallacy of false choices? Were unexamined alternatives available that did not fit into this simple either/or dichotomy?

The examples of criticism in the previous section cited a report from the International Committee of the Red Cross (ICRC). The report refers to some interrogation tactics as “tantamount to torture” and implicates psychologists. One response was to characterize such claims as biased by anti-American motives: “Like most other soldiers, I saw the ICRC representatives as a bunch of radical do-gooders, mostly from Europe, who were as interested in giving America a black eye as they were in truly helping the innocent…. The ICRC claimed, very wrongly and without any evidence, that psychologists were stealing detainee medical information and helping investigators craft torture…” (James 2008, pp. 180–81). According to this view, these allegations about health care professionals and torture were fabricated: “It was the ICRC who concocted the story of medical torture” (James 2008, p. 181).

One line of response characterized criticism as unreasonable because the PENS report’s conclusions were, in the words of a PENS member, “no brainers. What decent, moral psychologist could disagree?” (James 2008, p. 247). Another characterized criticism as linked to politics: “But that was not enough for many of the radical left-wing members of the American Psychological Association and other human rights and physician societies around the country…. They disregarded the facts and created their own” (James 2008, p. 248).

It is worth noting that two of the ten members of the PENS Task Force did not attempt to rebut criticisms; instead, they offered their own criticisms after the PENS report had been issued. One member sent an email to the chair and other members:

Out of ethical concerns, I have decided to step down from the PENS Task Force because continuing work with the Task Force tacitly legitimates the wider silence and inaction of the APA on the crucial issues at hand…. The... approach the APA has taken on these issues is inappropriate to the situation, inconsistent with the Association’s mission, and damaging to our profession. It has
been encouraging to see a more robust statement recently from the President of the American Psychiatric Association. This is the kind of leadership warranted in the situation we face. (Wessels 2006)

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

Exchanges of such forceful criticisms and equally forceful responses sometimes grew—quite understandably—intense. The sharpness of some of these conflicts has formed an important part of the context in which all of us have struggled with these issues. A PENS member provided a vivid account of one such encounter:

At a meeting of the American Psychological Association in 2006, I confronted one of my critics and threatened to shut his mouth for him if he didn’t do it himself. I’m told it was the most excitement at an APA meeting in about 20 years. (James 2008, p. 251)

LESSONS LEARNED

The review of the documented history of this controversy provides lessons (hopefully) learned from this controversy.

1. Any ethics policy, particularly in an area of controversy, is likely to benefit from discussion, prior to adoption, by Council’s large, diverse membership representing the wide array of different perspectives and voices within APA. This traditional deliberative process makes it more likely that if a proposed policy contains fallacies, unfounded assumptions, incorrect information, systematic bias, internal contradictions, unexamined alternatives, or unintended consequences, they will not be overlooked. The Board of Directors should bypass Council’s deliberative process and formal vote on ethics policy only with an on-the-record announcement to all APA members of what unforeseen crisis constituted a state of genuine emergency and prevented other options.

2. As noted above, APA has designated the “Proceedings of the American Psychological Association,” as the official record of the actions of the Association taken during the year by both the Board of Directors (the Board) and the Council of Representatives (Council)” (Paige 2006, p. 411). This official record should be accurate, reliable, and complete. No vote by the Board of Directors or Council of Representatives to approve a new ethics policy for APA should be missing from the official record of the American Psychologist.

3. Repeated dissemination of inaccurate information can be confusing at best. Olio & Cornell (1998) described ways in which widely circulated inaccuracies can be “accepted and repeated in the literature, thus becoming an academic version of an urban legend” (p. 1195). These academic urban legends can show remarkable persistence, resilience, and resistance to later correction. The erroneous public statements in diverse media including the APA press release, the American Psychologist, the APA Web site, APA’s Monitor on Psychology, and Salon about Council of Representatives accepting, approving, and endorsing the PENS report as APA policy were unfortunate. Special care should be taken to ensure that formal announcements and public statements are not significantly and repeatedly incorrect.

4. When a Presidential Task Force report is formally approved as APA policy and published on the Internet (or in a journal), APA should follow its former tradition of transparency, openness, and clarity about authorship: The report should include the names of the Task Force members.

None of these lessons is new, including subjecting proposals to adequate discussion and...
critical review from diverse perspectives; taking reasonable steps to ensure the accurate recordkeeping and reporting of formal policy votes in an organization’s published official proceedings; taking reasonable steps to ensure accuracy and to avoid significant errors, however unintentional, in public statements; and providing openness and transparency in developing policies and reporting authorship. They—and so many similar principles such as ensuring that claims about effectiveness are adequately validated—are so simple, unoriginal, basic, bromidic, and familiar that it is easy for them to fade into the background and out of our awareness. Controversy and conflict can make them particularly easy to forget.

FUTURE QUESTIONS
We face a challenge to take a fresh look at this controversy with such fundamental principles in mind. Some questions that might be useful—a few of which were previously suggested by Pope (2010)—include:

1. However well intended, were APA’s interrogation policies ethically sound?
2. Were the policies valid, realistic, and able to achieve their purpose?
3. What data or methodology support APA’s assurances that psychologists per se knew “not to participate in activities that harmed detainees”? Was there any basis for claiming that the presence of a trained psychologist “ensures that all interrogations are conducted in a safe, legal, ethical, and effective manner”? Are these generalizations valid?
4. Were psychologists in a unique position to teach, coach, affirm, and enforce the use of effective interrogation techniques? Is there sufficient agreement within the discipline of psychology on which interrogation methods are and are not effective?
5. Did sound ethical reasoning support APA’s decision to change its ethics code in a way that dropped the Nuremberg Ethic and replaced it with the doctrine that psychologists should be able to set aside their “ethical responsibilities” if those responsibilities were in inherent conflict with military orders, governmental regulations, national and local laws, and any other form of governing legal authority?
6. As noted above, the Director of the APA Ethics Office emphasized that, “the ethical standards are that psychologists obey the law. Psychologists do not violate the law…. The task force states that psychologists have an absolute ethical obligation never to violate any United States law.” Is this the best approach to balancing conflicts between ethical responsibilities and the law?
7. In the context of APA’s claim that psychologists should play a significant role in the interrogation process, does the record support their continuing refusal to add any enforceable standard focusing on “humane treatment” of detainees to the ethics code?
8. Were the PENS report policies APA’s only viable option, or were alternative approaches available that would have addressed interrogation issues more directly, actively, comprehensively, and realistically, that were more ethically and scientifically based, and that would have had a greater likelihood of success?
9. Should APA continue to endorse the PENS policies, which were never revoked, as its formal ethical policies?
10. How can we remember lessons learned when it is likely to be most difficult: when we are facing future controversy?

DISCLOSURE STATEMENT
The author is not aware of any affiliations, memberships, funding, or financial holdings that might be perceived as affecting the objectivity of this review.
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The APA Board of Directors adopted this document as an official APA ethics policy regarding detainee interrogations and other aspects of national security work.


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