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The Ethics of Operational Psychology Workshop: Report on Process, Findings, and Ethical Conundrums September 15-17, 2015, Brookline, MA

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WORKING PAPER NUMBER 2

JULY 2016

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Purpose and Scope of Inquiry

The American Psychological Association's 2005 legitimization of psychologists' involvement in national security interrogations aroused the concern of several professions drawn into the War on Terror. In September 2015 a group of psychologists and other social scientists, health care professionals, ethicists, attorneys, and military and intelligence professionals met to deliberate the ethical issues posed by operational psychology in national security settings. The Meyer Foundation sponsored the weekend workshop in Brookline, MA.

The Ethics of Operational Psychology Workshop¹ focused on the emerging use of psychological expertise and practices, by psychologists themselves, in support of hostile, deceptive, or manipulative military and intelligence operations. It excluded from consideration: (a) the traditional health provider roles of psychologists in treating troops, families, and prisoners of war; (b) the functions of psychologists in ordinary personnel management, training, and education of soldiers; and (c) the operational use of psychological expertise and practices by psychologists in civil settings, such as prisons, courts, and corporations. In these domains, the ideological and institutional forces on the ethical conduct of psychologists are substantially different from the ideological and institutional forces in national security operations. The workshop also excluded from discussion "psychological operations research," as in nonconsensual behavioral modification research on human subjects. Operations research is often conducted at universities and institutes, where the organizational and career dynamics for researchers are substantially different from those of operational psychologists embedded in national security settings and careers.

The Workshop developed and distributed *The Brookline Principles on the Ethical Practice of Operational Psychology*² – endorsed by the majority of participants – as a foundation for moral discourse by the wider community of stakeholders and as an impetus to action. Here we

¹ For a list of participants, see Appendix I.

² See Appendix II.

describe the workshop processes and deliberations that led to *The Brookline Principles*, as well as unresolved concerns.

Background

Psychologists as Interrogators, Consultants, and Legal Shield

Operational psychology came to public attention in the wake of the 9/11 attacks, when the George W. Bush Administration involved psychologists in detainee interrogations and conditions of detention that violated international human rights conventions. The release in December 2014 of the executive summary of The Senate Select Committee on Intelligence *Report on Torture: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program* refocused public attention on the role of psychologists in the administration of torture. Psychologists designed, often implemented, monitored and researched, and assessed prisoners for the so-called "enhanced interrogation program."

The Senate Report and its commentators also renewed interest in the critical roles of psychologists and other health professionals in providing legal and ethical protection for the torture program. Ethical concerns regarding psychologist involvement in interrogations had erupted over a decade before the release of the Senate report. In 2004, for instance, the Red Cross described interrogations at Guantánamo, aided by military psychologists with clinical training and state licenses, as "tantamount to torture" (Lewis, 2004). These reports incited intense controversy among psychologists and their largest professional organization, the American Psychological Association (APA).

Some, especially those connected to the national security establishment, argued that psychologists were vital and ethical participants in these efforts. They identified the State as the client of the psychologist and interpreted the APA Ethics Code as authorizing psychologists' protection of the State from harm by its enemies. Critics argued that psychologists' participation in interrogations violated the fundamental ethical injunction of the profession of psychology, namely "do no harm" to the actual subjects of psychological intervention. Many interrogations in CIA "black site" prisons, Guantánamo, Iraq, and Afghanistan were deemed abusive, sometimes torturous, and also counterproductive.

APA Policy on Consultations to Interrogations and Conditions of Detention

Workshop participants perceived two related but distinct ethical issues regarding psychologists' roles in national security interrogations. First there is the issue of whether psychologists should be involved in national security interrogations in any direct capacity, even if those interrogations are not abusive according to military ethics. Deception, for instance, is not considered an abuse under military ethics but, except under certain very delimited circumstances, is a violation of psychological ethics. The same holds for the deliberate increase of anxiety for interrogation purposes. Medicine and psychiatry have clearly stipulated that any direct involvement of their members in national security interrogations violates their members' fundamental professional stance as healers (American Medical Association, 2006a, 2006b; American Psychiatric Association, 2006). In contrast, in every discussion of psychologist involvement in national security interrogations, the APA leadership has presumed psychologist involvement in interrogations to be ethical. The original 2005 APA Presidential Task Force on Psychological Ethics and National Security (PENS; American Psychological Association, 2005a, 2005b) adopted this premise without discussion; the premise has been retained without further consideration in all APA policies prior to 2015, in spite of challenges from critics.

Second, there is the issue of psychologist participation in interrogations that specifically involve torture or other cruel, inhuman or degrading treatment (CIDT). Everyone, including APA leadership, has agreed that psychologists should not be involved in torture or CIDT. However, within psychology there is considerable controversy as to what constitutes torture or CIDT. Critics of APA's policies have contended that APA leaders, like many Bush administration lawyers and intelligence officials, have focused on detailed legalistic definitions of torture and CIDT in order to allow plausible deniability of claims that many military interrogations at Guantánamo and elsewhere are abusive—and to distract attention from psychologist involvement in situations that are inherently abusive, such as the indefinite detention at Guantánamo.

In 2005, the PENS task force proposed a policy, adopted by the APA board in emergency session, declaring strong support for psychologist involvement in national security interrogations. The faction supporting participation in national security interrogations dominated APA policy for the next decade, although several aspirational "anti-torture"

resolutions were passed. A 2008 referendum to ban psychologist involvement in interrogation and detention operations at sites in violation of international law (American Psychological Association, 2008a, 2008b; Soldz & Olson, 2008), which passed with 59% of voting members in favor, was nominally accepted by APA leadership but withheld from implementation.

The conflict between proponents and opponents of psychologist involvement in interrogations came to a head in 2014-2015. *New York Times* reporter James Risen (2014) published email correspondence from a CIA contractor showing that APA leadership had colluded with CIA and Department of Defense (DoD) officials to formulate APA ethics policy on interrogations. Additional analysis of the emails by APA critics, including Brookline Workshop participants, confirmed and expanded upon Risen's conclusions (Soldz et al., 2015). As a result of Risen's allegations, in November 2014 the APA board appointed Chicago attorney David Hoffman, an expert in institutional corruption, to conduct an independent investigation of possible APA collusion with the national security establishment in support of the Bush Administration's torture program.

The Hoffman Report was released in July 2015 (Hoffman et al., 2015). Hoffman and his team at Sidley Austin, LLP, found intense collusion between DoD and APA officials to assure that APA policy did not constrain psychologists' involvement in military interrogations. They found evidence of systematic APA efforts to undermine post-PENS APA critics and their attempts to expose and end psychologist involvement in national security interrogations. They traced a nuanced public relations campaign that falsely presented an anti-torture facade and falsely asserted that the APA would investigate all credible ethics complaints of psychologist involvement in abusive interrogations. In fact, Hoffman found that well documented complaints were *not* actually investigated but perfunctorily closed or indefinitely postponed.

Operational Psychology in the Security Sector versus the Civil Sector

Psychologist involvement in interrogations is only one component of psychologists' much broader use of psychological expertise and practices to further national security operations aimed at neutralizing or exploiting the putative enemy. Thus operational psychology encompasses psychological warfare (PSYOPS), personnel screening for high-risk intelligence missions, hostage negotiation, and identification of potential terrorists for capture or for

execution via drone attack.³ In focusing upon adversarial military and intelligence objectives, operational psychology stands in stark contrast to the traditional, and more familiar, mental healthcare and personnel management roles of psychologists in national security settings.

The ethical issues posed by operational psychology as a whole have received virtually no critical attention within the profession. In fact, in 2013, APA leadership succeeded in gaining the approval without debate from its governing Council of Representatives for inclusion of operational psychology in the new specialty area of Police and Public Safety Psychology.⁴

Critics, including the Coalition for an Ethical Psychology (2012), have argued that psychologist involvement in potentially abusive interrogations violates several of the profession's central ethical principles, including informed consent, nonmaleficence or "do no harm," and the expectation that psychologists' work will be subject to ethical oversight by independent bodies, among others. Other, but not necessarily all, forms of operational psychology similarly tend to violate traditional psychological ethics.

Although certain roles of psychologists in domestic criminal justice and related settings, such as courts and prisons, may share characteristics with roles of operational psychologists in national security settings, there are distinguishing features that have important implications for a practical ethics policy. Military psychologists, for instance, are fully deployable soldiers, trained in arms, legally bound to put the mission first, whereas police psychologists are very rarely credentialed and sworn policemen, nor are prison psychologists trained prison guards. National security personnel are more comprehensively acculturated, constrained by severe penalties for moral dissidence, including court martial and imprisonment. National security operations are more apt to be conducted in restricted remote, and/or foreign locations; the secrecy and/or classified nature of many national security institutions and operations frequently removes them from independent monitoring and civilian norms; participating psychologists often have limited and even distorted views of the intended goals and actual outcomes of specific actions as information is accessible only on a "need-to-know" basis; and

³ Also included are various forms of research designed for operational purposes. However, as such research raises distinct complex issues, we discussed it only tangentially in the Brookline Workshop.

⁴ Approval was obtained using a "consensus" process in which most Council members were unaware of what they were consenting to.

exigencies of national defense historically trump healthcare and scientific ethics. Each of these factors tends to diminish operational psychologist's autonomy in ethical decisions.

Adversarial Operational Psychology (AOP) versus Collaborative Operational Psychology (COP)

In a 2012 paper, Coalition members Jean Maria Arrigo and Roy Eidelson, together with retired senior army interrogator Ray Bennett, and in consultation with numerous other military and intelligence professionals, sought to delineate ethically acceptable from ethically unacceptable forms of operational psychology. Arrigo, Eidelson, and Bennett (2012) distinguish between what they called "adversarial operational psychology" (AOP) and "collaborative operational psychology" (COP); the latter is considered more likely to be ethically acceptable. In brief, any form of operational psychology would be considered AOP and contrary to psychological ethics if:

- it causes more than trivial unstipulated harm to the subjects of the intervention *or*
- it does not operate with a reasonable level of informed consent *or*
- it is not subject to external ethical monitoring through independent professional institutions. *or*
- the psychologist does not have access to the full operational plan insofar as it affects the welfare of the subject of psychological intervention, including access to relevant national security records for follow-up.

Arrigo et al. viewed their proposal as a first step in thinking through the complex and important ethical issues of operational psychology. In particular, the authors do not definitively accept the ethicality of all activities included under the label of collaborative operational psychology, such as selecting personnel for drone operations. Nor is the AOP-COP distinction comprehensive, omitting, for instance, the use of canines and marine mammals as suicidal bearers of explosive devices. The AOP and COP categories were partly designed to accommodate existing institutional roles in the security sector, thus increasing the feasibility of the proposal.

As a starting point, the Workshop addressed the AOP-COP ethical issues in an effort to expand upon, modify, or potentially reject the Arrigo-Eidelson-Bennett framework. The hope of the workshop organizers was to develop consensus on a potentially implementable policy,

although it was always understood consensus among the participants might not be possible on these multi-faceted and evolving ethical issues.

Workshop Process

The Organizing Committee

The workshop was organized and led by three psychologists who, over the past decade, have opposed APA legitimization of psychologists' involvement in national security interrogations. These three – psychoanalyst and research methodologist Stephen Soldz, social psychologist and oral historian of military intelligence professionals Jean Maria Arrigo, and community psychologist Bradley Olson – are all members of the Coalition for an Ethical Psychology. Jean Maria Arrigo was a member of the APA's 2005 PENS Task Force.

Goals of the Workshop

The workshop had several goals:

1. to familiarize a wider group of stakeholders with the important ethical issues emerging from expanded awareness of operational psychology;
2. to clarify the ethical issues critical to evaluation of operational psychology;
3. to assess and potentially accept, refine, or even reject the Arrigo-Eidelson-Bennett distinction between adversarial and collaborative operational psychology;
4. to raise awareness of the dangers of AOP practitioners bringing intelligence habits and techniques of strategic deception from security-sector settings into civil society settings in which they participate; and
5. to develop an action plan for future scholarly and advocacy efforts around operational psychology.

The first four goals were addressed. Limited time precluded development of the action plan of Goal 5.

Organization of the Workshop

The workshop⁵ met from 1:00 to 5:30 p.m. on Friday, 8:30 a.m. to 5:30 p.m. on Saturday, and 8:30 a.m. to 2:00 p.m. on Sunday. Friday and Saturday evenings were devoted to group dinners and informal discussions among participants.

On Friday afternoon the organizers and subject-matter experts among the participants oriented the diverse participants to the intention and structure of the workshop and provided common background for the weekend discussion. The background topics included: civil-military relations; comparison of scientific and intelligence epistemology; heuristics of ethics policy development; professionalism and psychologist-military relations; psychological ethics; military ethics and honor; the Arrigo-Eidelson-Bennett model of ethical and unethical operational psychology; roles for psychologists in national security operations; and lessons from operational anthropology. Operational anthropology has evolved through anthropologists' critical contributions to the "pacification" of Native Americans, the Japanese-American internment in World War II, the Project Phoenix assassinations in the Vietnam War, and the Human Terrain Teams in the Iraq War. The long course of operational anthropology is therefore particularly instructive to the relatively recent development of operational psychology.

On Saturday, the workshop proceeded through three rounds of four small-group, 90-minute discussions, followed by reporting and processing the small groups in the large group. Two rounds of small group discussions (the first and third) involved examinations of case materials illustrating issues relevant to psychologist involvement in national security operations, with each group analyzing a different set of cases. The second round of small groups involved examination of four (out of seven) ethical issues previously identified by the planning committee. Saturday ended with a 'taking stock' session. Key issues where divergent views arose in the discussions were identified. Students from Harvard Law School's International Human Rights Clinic and the Boston Graduate School of Psychoanalysis took comprehensive notes on all sessions, without naming speakers.⁶

⁵ In retrospect the meeting may have been more accurately described as a "working group" as it was by invitation only and was designed to move toward a consensus product.

⁶ All preparatory materials for the Brookline Workshop, the session notes, the Workshop listserv correspondence, and the *Brookline Principles* will be archived in the APA PENS Debate Collection at University of Colorado, Boulder.

Under the original plan, Sunday morning was scheduled for an additional round of small group discussions of the remaining three pre-identified issues (plus a second round of discussion of the critical issue of monitoring and accountability). However, feedback received from participants on Saturday afternoon and evening indicated that many participants desired to spend Sunday in the large group so as to seek a joint understanding of the issues.

On Sunday morning one of the security-sector participants spontaneously began a draft consensus statement. Thus, Sunday was devoted to preparation of a consensus statement, preceded by reflection on unresolved issues identified at the end of Saturday. It was agreed that the planning committee would take responsibility for revising the text, while seeking and integrating feedback from the other participants. The planning committee and a couple of volunteers began the integration process Sunday afternoon and continued over the two weeks post-workshop. Eighteen drafts were developed and circulated to some, and eventually all, of the participants.⁷ *The Brookline Principles on the Ethical Practice of Operational Psychology* (see Appendix) were endorsed by 17 of the 20 workshop participants.

Unresolved Ethical Issues in Operational Psychology

“Do No Harm” versus “Do as Little Harm as Possible”

The most salient, although not uncomplicated, ethical mandate of professional psychology is “do no harm,” known as the nonmaleficence principle. The mandate to “do no harm” is particularly difficult in the field of psychology where interventions often begin in situations of distress—although this is no less complicated in psychology than in medicine where the mandate originated. Post-9/11, proponents of adversarial operational psychology have challenged the medical model by interpreting the State as the client of the psychologist. If the State is the client, and the psychologist must protect the State against enemies of the State, then psychological ethics that protect individuals are increasingly sacrificed for the perceived needs of the State. Certain populations, such as persons detained by military authorities and

⁷ Not all drafts were circulated to the entire group so as to reduce the email and reading burden upon those who had not expressed opinions on the issues under discussion. At least five drafts, including the final, were circulated to all participants for their consideration as they decided whether to endorse the statement.

political dissidents, are at greater risk of coercion and other harms on a cost-benefit rationale that prioritizes protection of the State.

Proponents of adversarial operational psychology have thus transformed the “do no harm” principle to the “do as little harm as possible” principle. The APA Ethics Code itself focuses on “striving” to do no harm as much as “avoiding” it. Other English-language codes of psychological ethics—Australian, Canadian, English—focus equally on “minimizing” and/or “offsetting harm.” Where there are competing goods, harm cannot always be avoided. For instance, psychologists conduct child custody evaluations that may result in harm to a parent denied custody. But in civil cases of possible harm to recipients of psychological interventions, the harm is never a necessary feature of the intervention. Further, typically other institutional supports or remedies are provided to limit the harms. For example, a court-mandated psychological evaluation of a criminal defendant may be contested by psychological evaluation in support of the defendant.

Adversarial Operational Psychology (AOP) is qualitatively different in that the specific goal of AOP is to manipulate, neutralize, or harm the subjects of psychological intervention. As 2005 APA President-Elect Gerald Koocher remarked on the work of interrogation consultants: “The goal of such psychologists' work will ultimately be the protection of others (i.e., innocents) by contributing to the incarceration, debilitation, or even death of the potential perpetrator, who will often remain unaware of the psychologists' involvement” (Psychological Ethics and National Security Task Force, 2009, p. 13).

In AOP activities the subject of psychological intervention is often construed as an object to be used, for example, as a source of information in the interrogation case. Workshop participants, both from the civil and the security sectors, understood the construal of “others as objects” to violate psychology’s fundamental commitment to individual and group psychological health and well-being. A complexity, however, is that soldiers are sometimes treated as expendable objects, with but a fragile distinction between self-sacrifice for consensual goals and sacrifice by authorities for nonconsensual goals. Some examples of the expendability of military personnel as subjects of psychological interventions, as in commanders’ forbidden use of psychological evaluations to manage moral dissidents, caused consternation among military participants though.

Opinion among workshop participants divided over one of the classic cases of AOP, the 1990s Squillacote case. FBI psychologists analyzed psychiatric and other private records of former Department of Defense attorney Theresa Marie Squillacote to discern psychological vulnerabilities that might be exploited in a sting operation to convict her as a spy. One civil-sector workshop participant made a case for an FBI psychologist helping to identify psychological vulnerabilities, despite the violation of ethical injunctions for informed consent. But most workshop participants, both civil- and security-sector found the psychologists' actions and use of confidential medical information insuperably problematic.

Psychologists' Autonomy in Ethical Decision Making

In a comparison of English-language ethical codes for psychologists (APA, Canadian, British, and Australian), all the codes contain multiple versions of the concept of *autonomy* for recipients of psychological interventions, such as the requirement for informed consent, confidentiality, the right to privacy, and freedom from certain forms of deception. Autonomy also underlies the APA Ethics Code's *Principle E: Respect for People's Rights and Dignity* (American Psychological Association, 2002). Problematically, in national security settings autonomy is severely constrained for both AOP psychologists and the subjects of their interventions.

Calibration of Harm

Advocates for AOP extol the role of psychologist as "safety officer." The safety officer is responsible for determining when interventions, such as harsh interrogation tactics, are causing such extreme forms of harm that they should be stopped or mitigated. In the original conception of the SERE program, before the techniques were reversed engineered for "enhanced interrogations," psychologists played this role to attempt to prevent serious harm to US service members and had no other potentially conflicting institutional role. In recent times SERE trainees have implicitly consented through application for military occupational specialties known to require SERE certification, such as Special Forces and Behavioral Science Consultation Team. Even in these circumstances the psychologist safety officer is in an ethically complex situation, weighing present and future harm to a SERE trainee against improved function in the

trainee's specialty of choice and, if withdrawn from the training, possible forfeiture of the trainee's coveted position in some elite occupational role.

In interrogations, the subject of the intervention is the detainee. This detainee, without protection from the courts, and reduced autonomy, has not consented to experience harm. The "safety officer" thus likely will be compromised in any commitment to avoid harm. This conflict becomes even more serious when the "safety officer" is simultaneously a consultant on techniques for information extraction. There was a general consensus that calibration of harm without a reasonable degree of informed consent, such as in SERE training, was an inappropriate role for psychologists. This role inevitably makes the psychologist an accomplice to the imposition of harm without consent and thus conflicts with the profession's "do no harm" ethic.

Some ethicists, however, take the position that a terrorist or spy has implicitly consented to interrogation if captured. Even if one accepted this argument, one seldom knows at the initiation of interrogation that an individual is indeed a terrorist or spy. The multitude of likely wrongly detained individuals at Guantánamo illustrates that this argument still would not justify interrogation participation.

Monitoring, Accountability, and Consultation

Enforceability is essential if ethical guidelines are to be followed. In the United States, the APA's Ethics Office and Ethics Committee have great influence over the interpretation of the ethics code and its enforcement, although most actions against psychologists with state licenses occur at the state level. APA limits its ability to enforce the code by stating that only APA members violating "standards" of the code are subject to enforcement. The APA makes a distinction between principles and enforceable standards. The principles appear earlier in the ethics code and include such moral values as "justice." The standards are more specific forms of guidance such as "minimizing harm." Of the three other ethics codes examined, only the Australian code distinguishes between principles and standards. However, APA's code is unique in the claim that only the standards are enforceable. Workshop participants, in their discussion of the distinction between principles and enforceable standards, rejected the idea that principles were by their nature unenforceable and were simply aspirational. Rather, they

argued that principles were interpretational guides to how the enforceable standards should be understood and applied to specific cases.

Another critical Workshop topic was the nature of ethical monitoring and accountability for operational psychology. Participants thought that effective monitoring and accountability were vital components of ethical professional practice. Several workshop participants had been engaged in efforts to bring accountability to psychologists engaged in ethically questionable activities in the “War on Terror.” A number of ethics complaints were filed with psychology licensing boards in several states and with the APA’s Ethics Office. In no case did the complaint result in a comprehensive investigation, much less a sanction against the professional. These failed attempts at accountability raised issues regarding how to investigate and otherwise provide accountability for psychologists engaged in operational psychology, given the secret, usually classified, nature of the activities. In classified settings, information on psychologist activities is often not available to state licensing boards or the APA Ethics Committee. However, some participants argued that the state boards and APA Ethics Committee had failed even to attempt to obtain such information and that they were obligated to make reasonable efforts.

Security-sector participants in the workshop insisted that arrangements have to be made for psychologists to participate in at least some classified activities, given the prevalence (or necessity) of secrecy in military operations. There was discussion of various possible arrangements that might allow for ethical monitoring and accountability even over classified activities. Among possibilities raised was having some members of ethics committees or licensing boards get security clearances. Another possibility raised was some type of internal ethical monitoring by psychologists in defense and intelligence agencies, perhaps in some ways modeled on Inspectors General. Participants were split as to whether such efforts merited investigation. Some participants felt that internal monitoring lacked sufficient independence to constitute a true accountability process.

Others felt that internal monitoring was worth investigating. These participants felt that there was a possibility that such a mechanism might be workable if there was enough external accountability for the internal process. For example, there might be an organization akin to the International Committee of the Red Cross (ICRC) that would evaluate whether the internal agency was faithfully executing its responsibilities, or there might be public reporting

requirements on the number and nature of issues/charges investigated and the results, including actions taken. Certainly, the dismal history of internal affairs investigations of police raises cautions regarding such efforts.

There was a consensus that effective monitoring and accountability mechanisms were vital if operational psychology were to function within professional ethical boundaries. Thus, all participants endorsed a call for continued discussion and exploration of various accountability mechanisms. A participant stated that one positive role that APA could play would be to conduct consultation and education for state licensing boards on how to conduct investigations of ethics complaints regarding national security operations. These efforts would draw upon the expertise of lawyers and human rights advocates active in these areas.

Also addressed at the workshop were needs for operational psychologists to have mechanisms to obtain unbiased ethical consultation, outside their chain of command. Such consultation should cover not only the “correct ethical decision” in a complex situation, but would also help psychologists think through the ethical aspects of issues in question. It was considered that such consultation mechanisms would need a large degree of public accountability to resist becoming captive to the exigencies of the security sector organizations.

Organizational Contexts of Operational Psychologists

Workshop participants agreed that ethics cannot be understood without a simultaneous examination of the organizational factors affecting professional behavior. Several of these factors were discussed during the workshop, two of which received more extended discussion. One is the use of contractors by the military and intelligence agencies. Thus, much of the CIA torture program was carried out by retired Air Force psychologists James Mitchell and Bruce Jessen from their firm Mitchell, Jessen and Associates, and the role of CACI International and other contracting agencies in the torture and abuse at Abu Ghraib and other detention facilities in Iraq is well known. Security-sector participants expressed concern that constraints on employees of the military in particular might not legally apply to employees or contracting organizations under classified contracts, allowing for ethical loopholes in contract-based AOP. Thus ethical focus on contractors is critical. Pressure might be exerted upon the contracting

arms of the military to mandate explicit ethical provisions and monitoring requirements when hiring professional psychologists.

A second organizational issue of note, security-sector participants disputed the intrusion of the military's operational chain of command upon the medical services. For instance, clinical psychologists assigned to Guantánamo as part of combat stress teams were reassigned by the local commander to intelligence functions not traditionally part of the medical command. These moves allowed commanders to pressure clinical psychologists to ignore their ethical obligations. There has been a long campaign to create a unified cross-service medical command led by a four-star general who would report directly to the Secretary of Defense, thus ensuring greater autonomy of the Medical Corps from local commanders. Although a number of participants supported the concept of an independent medical command, others declared the matter beyond the scope of this Workshop. Yet creation of a valid ethics of operational psychology must grapple with conflicts between professional ethical obligations and military commanders.

Separation of Psychologists from Intelligence Operations

The last decade of military-APA collusion calls attention to the danger that intelligence professionals with psychological expertise may use their intelligence tradecraft to manipulate supposedly independent civil society organizations such as the APA. These activities pose serious threats to the independence—and ultimately the scientific value—of the professional organizations and may violate understandings or even laws regarding civilian-military relations.

There are insuperable differences between psychological ethics and military ethics that high-risk, high-stakes, high-secrecy psychological operations exacerbate. "Staying in one's lane," considered an essential military virtue in such operations⁸, creates susceptibility to deception that is incongruous with the accountability of professional psychologists.

Psychologists engaged in AOP are often unable to really know the overall intelligence plans to

⁸ Thus, when asked about reports of a secret detention facility at Guantánamo, psychologist Col. Larry James told the Associated Press: "I learned a long, long time ago, if I'm going to be successful in the intel community, I'm meticulously - in a very, very dedicated way - going to stay in my lane," he said. "So if I don't have a specific need to know about something, I don't want to know about it. I don't ask about it" (Selsky, 2008).

which their specific actions contributed. In the opinion of many participants this knowledge is important as the ethics of that action may depend upon the uses to which it will be put. In many military and intelligence situations the individual actor may be informed of only a small part of the overall plan and may even be deceived as to what that plan is. Or they may actually know but have been formally given plausible deniability to avoid responsibility.

Given the natural tension between military/intelligence ethics and psychological ethics, participants recognized that some operational psychologists will desire, or feel compelled, to engage in military or intelligence activities that are inconsistent with psychological ethics. Participants felt that in such instances where individuals are engaged in military/intelligence work that violates psychological ethics, it is critical that these individuals no longer call themselves psychologists or be considered by the external world to be psychologists. They should be required to surrender any license to practice psychology and should not serve in a clinical psychology military operation specialty (MOS). It is further vital that these individuals play no role in professional psychological organizations such as the APA. Individuals choosing this route are intelligence professionals with expertise in psychology, not professional psychologists. However, the military would have to accommodate the decision by creating mechanisms to train these former psychologists as intelligence professionals.

Telos

The Telos of Psychology

A workshop participant introduced the notion of a *telos*—the proper end goals of the profession, whether implicitly or explicitly understood—as foundational to ethical deliberations. Although the workshop did not address in depth the *telos* of psychology, there was general agreement that the profession should retain its traditional focus on furthering the psychological health and welfare of human beings as individuals and as communities. This *telos* is *universal*: the health and welfare of individuals and communities within one society are not assigned greater value than those in other societies.

Participants expressed the sense that psychology as a profession was in a profound moral crisis. Workshop participants felt that this moral crisis needed to be confronted forthrightly by the profession and new ways of teaching ethics and inculcating ethical thinking and behavior

need to be developed. Additionally, cultural changes in the profession are needed to increase the likelihood that individuals witnessing unethical behavior accepted by others will speak out. One participant suggested that “formation” of entrants into religious orders might provide a useful model for psychologists entering the profession. For such a program, it is vitally important to study the processes by which professional psychologists are formed and inculcated with an understanding of the basic *telos* of the profession, but our short time together precluded deep discussion of this issue.

As the Hoffman Report revealed, the director of the APA’s Ethics Office was in fact one of the chief colluders with DoD officials, together manipulating the APA ethics code to suit DoD. Another major participant in the collusion was a former APA president who, until recent months, was the founder and editor of the only ethics journal in the field. Hoffman reported that there was no meaningful sense of the term in which it could be said that the APA Ethics Office and Committee conducted “investigations.” Yet none of the dozens of members of the APA Ethics Committee over the last decade spoke up to protest the obstructions by the APA ethics office or the false information about ongoing “investigations” of operational psychologists.

In the opinion of several Workshop psychologists, what is taught as “ethics” in psychology is often not ethics at all, but simply risk management. The basic message given is that there are rules that must be followed if one is not to get in trouble. It is also notable that, unlike the numerous military and intelligence professionals, interrogators, and military lawyers who publicly opposed the torture program, there was almost no public opposition to the torture program from psychologists in the military or intelligence establishments.

Dual Loyalties of Operational Psychologists

The universal *telos* of psychology directly conflicts with military *telos*, which prioritizes the victory of one nation and its allies over that of other nations. As stated in the Doctrine for the Armed Forces of the United States, “military power is integrated with other instruments of national power to advance and defend US values, interests, and objectives” (Joint Chiefs of Staff, 2013). This conflict between universality and prioritizing national interests is a key conceptual source of the APA PENS controversy.

The issue of dual loyalties or conflicts of interest is central to psychological ethics and issues of collusion identified in the Hoffman report. Resolution of the dual loyalties problem in psychological ethics requires determination of whether the operational psychologist has primary loyalty to the profession of psychology or to the profession of arms. Workshop participants believed that, if these individuals identify as psychologists, their primary loyalty must be to that profession. Otherwise psychology will lose its unique social role. Further, workshop participants, especially those from national security settings, advised that, where possible, dual loyalty conflicts are best prevented rather than managed.

Also at stake is the continued existence of professions as relatively autonomous and powerful institutions of society. Throughout society, professions are under attack. Physician autonomy is threatened by insurance companies and large medical organizations while there are persistent campaigns to denigrate teachers, reducing them to employees requiring constant monitoring. To allow psychology to be subsumed under military or intelligence exigencies would further erode the essential counterweight provided by autonomous professions in modern civil societies. The subversion of this relative autonomy constitutes a threat to democratic civil society.

Psychological Ethics Confounds Just War Theory

The Workshop was unable to align psychological ethics with Just War Theory. The dictates of accountability for professional psychologists cannot exonerate them, as it can soldiers, for “good” conduct in pursuit of a “bad” war. This was particularly salient in our post-9/11 context where many judged the invasion of Iraq to be illegal and unjust. Given that there is no generally accepted adjudicating body to decide which wars are just or unjust, the ethics of the operational psychologist have to be invariant with respect to justice of the war. This implies that actions ethical for U.S. operational psychologists should be ethical for operational psychologists working for the putative enemy. The ethicality of operational psychology cannot be premised upon its role in protecting the U.S. “national security,” as such actions would have to be assumed to be equally ethical for psychologists working for a foreign power.

What actions advance U.S. national security are complex and subject to great dispute. Many in the military and intelligence community have felt that torture and other abuse committed by

U.S. forces at Guantánamo, in Iraq, and elsewhere were the greatest threats to national security. Workshop participants concluded that the “invariance principle” was the only workable standard, that the ethicality of actions had to be judged independently of their effectiveness and/or their potential harm to the security of US citizens.

Conclusion

The organizers of the Brookline Ethics of Operational Psychology Workshop offer this account of Workshop process, findings, and ethical conundrums as an impetus to genuine engagement with the practical problems of psychological ethics in national security settings. Most of these findings and conundrums generalize to other operational sciences, as understood by Workshop participants from other fields. We invite commentary and community solution to the perils of ethics and national security in the operational sciences.

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Appendix I

Workshop Participants

Note: Organizations are listed for identification purposes only. Only the report's authors are responsible for the contents of the report. The authors are grateful to the workshop participants, many of whom also provided feedback on drafts of the report. One active duty military intelligence officer participated but elected not to have his name listed.

Scott A. Allen: University of California Riverside, School of Medicine

Jean Maria Arrigo: Coalition for an Ethical Psychology; Member, Council of Representatives, American Psychological Association

Trudy Bond: Psychologist; Coalition for an Ethical Psychology

Yosef Brody: President, Psychologists for Social Responsibility

Martha Davis: Psychologist; John Jay College of Criminal Justice (ret.); Director, *Doctors of the Dark Side*

Sarah Dougherty: Senior Fellow, U.S. Anti-Torture Program, Physicians for Human Rights

Roy Eidelson: Eidelson Consulting; Coalition for an Ethical Psychology

Carolyn Fluehr-Lobban: Professor Emerita of Anthropology, Rhode Island College; Adjunct Professor of African Studies, Naval War College; President, World Affairs Council of RI (WACRI)

David J. R. Frakt: Attorney; Human Rights Advocate; Lt Col, US Air Force JAG Corps Reserve

John Kiriakou: Former CIA Counterterrorism Operations Officer

Paul Lauritzen: Department of Religious Studies, John Carroll University

Jonathan H. Marks: Penn State University

Bradley Olson: National Louis University; Coalition for an Ethical Psychology

Steven Reisner: Coalition for an Ethical Psychology; Member, Council of Representatives, American Psychological Association

Monisha Rios: Saybrook University, College of Social Sciences; Service-Disabled US Army Veteran

Gabor Rona: Visiting Professor of Law, Cardozo Law School

Chuck Ruby: Psychologist; Chairman of the Board of Directors, International Society for Ethical Psychology & Psychiatry; Lieutenant Colonel (retired), United States Air Force Office of Special Investigations

Stephen Soldz: Boston Graduate School of Psychoanalysis; Coalition for an Ethical Psychology

Stephen N. Xenakis, M.D.: Brigadier General (Ret), USA

Appendix II

The Brookline Principles on the Ethical Practice of Operational Psychology

Produced by the *Ethics of Operational Psychology Workshop*

September 20, 2015

The emergent specialty of operational psychology — the use by psychologists of psychological skills and principles to support military and intelligence operations — has the potential to improve national security and general wellbeing. This specialty currently includes personnel selection; soldier resilience training; Survival, Evasion, Resistance, and Escape (SERE) training; behavioral consultation; outcome assessment; hostage negotiation; interrogation support; and personality profiling for high-risk, high-stakes missions. It is widely accepted that some of these applications constitute ethical practice while the ethicality of others is widely disputed.

Impassioned domestic and international controversies indicate that this field of practice is fraught with exigencies that challenge, and potentially violate, ethical principles for psychologists. The involvement of psychologists in abusive interrogation operations during recent conflicts demonstrates the need for careful examination of the ethical foundations of operational psychology practice.

Concerns about the ethics of operational psychology are further heightened because such operations are often necessarily conducted in secrecy. This can pose a significant challenge for state licensing boards, charged with providing ethics oversight, in those cases where the identities of the psychologists involved are unknown to the board or where the necessary evidentiary documents are unavailable.

For the profession of psychology to fulfill its potential, psychologists must uphold the public trust in the profession's ethical and scientific integrity across all domains. Some activities that fall within the field of operational psychology carry a high risk of undermining that trust and integrity, thereby diminishing the reputation and effectiveness of the entire profession and its service to national security.

Stephen Soldz, Jean Maria Arrigo, and Brad Olson of the Coalition for an Ethical Psychology organized a three-day workshop to engage in a deep and thoughtful dialogue about the specific ethical challenges faced by psychologists practicing in the field of operational psychology. Participants included psychologists, physicians, and social science professionals; military and intelligence professionals; and attorneys, ethicists, and human rights advocates. The discussion also drew upon years of dialogue between participants and members of the military and intelligence community. The workshop took place September 18-20, 2015, at the Boston Graduate School of Psychoanalysis in Brookline, Massachusetts, with support from the Meyer Foundation.

From this workshop a consensus emerged that the ethical issues confronting the field of operational psychology are particularly pressing. We therefore believe it is important to clarify relevant ethical principles and develop additional guidance for ethical practice for psychologists in this field. The current American Psychological Association Ethics Code, while providing an excellent foundation and while applicable and binding on all APA members, does not in all cases provide adequate guidance to facilitate the moral discernment necessary for such activity; it would benefit from supplementary ethical guidance in this specialty area. The following Fundamental Principles and Guidelines are intended as a preliminary framework for that supplemental guidance. Consistent with their preliminary nature, these principles and guidelines highlight problem areas rather than provide definitive solutions.

Fundamental Principles and Guidelines

1. Psychology as a profession is based upon the core ethical principles of beneficence and nonmaleficence, or “do no harm.” These principles apply to all psychologists, including those working in military or national security contexts. The ethical obligations of professional psychologists are not diminished or altered in times of national emergency or perceived crisis. Operational psychologists serve best when they consistently uphold the moral and scientific integrity of their profession in the military or intelligence context.
2. Ethical concerns are at their highest when psychological expertise is employed to *cause harm* to the targets of an intervention. The awareness, expectation, or intention of inflicting harm, with whatever justification, is in direct tension with these core ethical principles of beneficence and nonmaleficence. The greater the harm, the greater the likelihood that participation in the activity is not ethically permissible for psychologists.
3. Ethical concerns are heightened when the target of the psychological intervention is *unaware* of the intervention or the purposes or risks of the intervention. Interventions conducted without the awareness and agreement of the target are in tension with the core ethical principle of voluntary informed consent.
4. The risk of compromised professional ethics is also heightened when, because of secrecy, compartmentalization, or strategic manipulation in the mission, psychologists lack *full awareness* of the scope of an operation in which they are participating. Ethical guidance and evaluation of operational psychology must address the implications of military and intelligence operations where full awareness is not available.
5. The ethical *acceptability* of any particular action to be undertaken by operational psychologists must be evaluated independently of the purported *effectiveness* of the proposed technique or operation. The fact that a particular action is considered necessary or has been determined to have been successful with respect to the mission does not thereby make it ethical for psychologists.
6. The ethical practice of psychology in every domain requires mechanisms for ethical *monitoring and accountability* by other professional psychologists and for ethics consultation and support. To be effective these mechanisms must be independent of chain-of-command pressures and must exhibit a degree of transparency and public accountability consistent with human rights standards. The development of comprehensive oversight, accountability, and consultation mechanisms for psychologists practicing in operational contexts is thus essential.
7. Members of professions have a duty to refuse to participate in activities that violate their professional ethics, and they must have a realistic opportunity to do so. However, some operational psychologists, by virtue of their position within the military or intelligence chain of command or their critical roles in certain operations, will face enormous challenges in refusing participation in actions that are deemed lawful (under the law of armed conflict or other relevant bodies of law) but that violate their professional psychological ethics.
8. Operational psychologists who nevertheless choose to participate in activities that violate psychological ethics, in fulfillment of their military, intelligence, or other contractual commitments,

should first be required to surrender their professional licenses and memberships in professional psychological organizations and must not present themselves, or be represented by others, as professional psychologists. Those who make this choice then are serving not as psychologists but as military or intelligence professionals with the corresponding ethical standards of those professions.

Endorsed by the following participants in the Ethics of Operational Psychology Workshop, Brookline, Massachusetts, September 18-20, 2015:

(Endorsement represents only the positions of individual signers and not those of employers or other organizations, which are listed for identification purposes only.)

Scott A. Allen: University of California Riverside, School of Medicine

Jean Maria Arrigo: Coalition for an Ethical Psychology; Member, Council of Representatives, American Psychological Association

Trudy Bond: Psychologist; Coalition for an Ethical Psychology

Yosef Brody: President, Psychologists for Social Responsibility

Martha Davis: Psychologist; John Jay College of Criminal Justice (ret.); Director, *Doctors of the Dark Side*

Roy Eidelson: Eidelson Consulting; Coalition for an Ethical Psychology

Carolyn Fluehr-Lobban: Professor Emerita of Anthropology, Rhode Island College; Adjunct Professor of African Studies, Naval War College; President, World Affairs Council of RI (WACRI)

David J. R. Frakt: Attorney; Human Rights Advocate; Lt Col, US Air Force JAG Corps Reserve

John Kiriakou: Former CIA Counterterrorism Operations Officer

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Bradley Olson: National Louis University; Coalition for an Ethical Psychology

Steven Reisner: Coalition for an Ethical Psychology; Member, Council of Representatives, American Psychological Association

Monisha Rios: Saybrook University, College of Social Sciences; Service-Disabled US Army Veteran

Gabor Rona: Visiting Professor of Law, Cardozo Law School

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