

**A Counterintelligence Perspective on
APA PENS Task Force Process**

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Ethics and Interrogations

Session 3: What Is the Evolution of
APA Policy on Ethics and Interrogations?

Friday, August 17, 2007

2:00 - 3:50 pm

Moscone Center: Third Floor

West Bldg, Rm 3014

Introduction

My topic is the APA PENS Task Force process. I speak first about my background as a task force member. Then I outline irregularities in the task force process, as I understand them. Last, I provide an interpretation of these irregularities from the perspective of two counterintelligence professionals.

1. My Background as a PENS Task Force Member

As a social psychologist my mission is to strengthen moral voices within the military intelligence community. For example, I conduct oral histories with intelligence professionals about their moral development and I organize symposia with intelligence professionals and scholars on ethical issues. When appointed to the Task Force in April 2005, I looked forward to a fruitful collaboration with the six members employed by the Department of Defense (DoD).

Although perplexed and disturbed by our PENS report in June 2005, I did not take any public action for months. Gerald Koocher's President's Column in the February 2006 issue of the *APA Monitor* (Koocher, 2006) first alerted me to my responsibility. Koocher represented the PENS report as the product of an *independent*, ten-member task force. I *knew* it was not independent.

In early August 2006 I made a commitment to the historical truth by depositing task force materials, including the PENS listserv, at Hoover Institution Archives, Stanford University, with a restriction against public use until 2010 (Arrigo, 2006). As an oral historian, I am accustomed to archiving historical records. Then human rights investigators approached me. Through them, I made some materials available to an independent content analyst and to investigative journalist Katherine Eban. In April 2006 I passed the entire collection to the Senate Armed Services Committee. At three stages of disclosure, I notified task force members.

2. Irregularities in Task Force Process

On consultation with some senior APA insiders in Spring 2006, I discovered many irregularities in the PENS task force process. In presenting a sample of irregularities, I name individuals who were never publicly announced as contributors to the PENS report, but I refer to official participants only by role.

A. APA Board Liaisons Who Interfered in Task Force Business.

APA task forces typically have only one liaison from the Board. The liaison's role is to coordinate with the task force, not to intervene in task force business. For us, a second Board liaison was added, President-Elect Gerald Koocher. He exerted strong control over task force decisions and censured dissidents.

For example, the last item in the task force mandate from the APA Board was the question, "Has APA responded strongly enough to media accounts of activities that have occurred at Abu Ghraib and Guantanamo Bay?" (APA Board of Directors, 2005). Nothing in the mandate precluded our recommending an investigation. But Koocher emphatically denied this possibility and castigated the person who raised the issue. And he took a strong stand against the APA adopting strict international law rather than U.S. law in defining torture.

B. "Observers" Who Intervened or Had Conflicts of Interest

Task forces typically have no observers or only expert consultants brought in briefly. The following people sat in on the task force meeting:

- Russ Newman, Director of the APA Practice Directorate

- Susan Brandon, Assistant Director of Social, Behavioral, and Educational Sciences for the White House Office of Science & Technology Policy
- Steven Breckler, Executive Director for APA Science Policy
- Heather Kelly, APA Science Policy Staff
- Geoff Mumford, Director of APA Science Policy

- Rhea Farberman, APA Office of Public Affairs (present only by speaker phone on Sunday)
- Mel Gravitz, Former NSA Psychologist and Former Director, Navy Internship Program
- APA Intern [name not recorded by author]

Russ Newman took a lead role and prevailed with these principles: that the task force mission was to put out the fires of controversy right away; that we would keep the proceedings confidential so as not to feed the fire; that the PENS report must express unity; and that only a couple of people would speak

for the task force. The commitment to haste had several consequences. The PENS report had to be derived entirely from the principles of the current APA Ethics Code, because any new ethical principles would require a year-long APA review. The Director of the APA Ethics Office enscribed the entire PENS report, through five drafts, so as to produce a final version 24 hours after our three-day meeting closed. There was no time to add practical examples to the PENS report, Newman argued, so we agreed on a delayed casebook—later assigned to the Ethics Committee and never produced.

The other observers spoke little. Numerous announcements at the APA's online *Science Insider Policy News* (SPIN) show the four observers associated with APA Science Policy to be high-level lobbyists for DoD funding. For example, in October 2004, Geoff Mumford and Heather Kelly met with the DoD Counterintelligence Field Activity agency (CIFA), which allocates resources (SPIN, 2004, October). At that time, one of the DoD task force members headed the CIFA's Behavioral Sciences Directorate of CIFA, where he supervised "20 psychologists and a multi-million dollar budget," (Arrigo, 2006, p. 23). SPIN makes many such reports. This is not criticize to APA lobbying of DoD funders but to note the observers' vested interest in a PENS report compatible with DoD policy and to note their financial entanglements with DoD task force members.

Psychologists acquainted with group dynamics, social influence, bystander effects, and conformity can estimate the impact of the Board liaisons and so-called observers on the PENS report.

C. An unbalanced task force

Six of the ten members were highly placed in the Department of Defense, whether by contract or military commission. For example, one was commander of all military psychologists. Their positions on the two key items of controversy in the PENS report were predetermined by their DoD employment (in spite of the apparent ambivalence of some). The key items were: (a) the permissive definition of torture in U.S. law versus the strong definition of torture in international human rights law and (b) participation of military psychologists in interrogation settings versus non-participation.

Two other task force members were long-time APA administrative insiders. One had served on the 2002 APA Finance Committee under the chairmanship of Gerald Koocher. The other was Vice Chair of the APA Ethics Committee. As

evidenced by the PENS listserv, these two APA insiders supported what I call the “Koocher-Newman agenda”: haste, secrecy, U.S. legal definition of torture, and participation of military psychologists in interrogations.

There were also two APA outsiders. One resigned in protest in February 2006, and I am here as a dissident member.

D. One-Sided Secrecy

The spirit of secrecy took many forms. The APA did not publish the names of the task force members until goaded by a journalist in August 2006 (Benjamin, 2006). By majority vote—all but the two outsiders—the task force imposed confidentiality on the proceedings. There was also an informal ban on note-taking at the meeting. On the first afternoon a military psychologist sharply told me not to take notes and no one gainsaid him. After that I took only brief notes and no one else appeared to take any, except for the Director of the Ethics Office who prepared our report. Because of the severe conflicts of interest of the observers and the DoD members, I call this one-sided secrecy.

Two non-members of the task force were authorized to field all public inquiries: the Director of the APA Ethics Office and the APA publicist. No task-force member was permitted to speak about the PENS report.

There were many other irregularities, but I will stop here.

3. A Counterintelligence perspective on APA PENS Process

In preparation for this talk, I consulted with David DeBatto, a retired intelligence operative (DeBatto, 2007). DeBatto served in the Sunni Triangle of Iraq as Team Leader of an Elite Tactical Human Intelligence team. He tracked Saddam Hussein and the “55 Playing Card” Iraq leaders, and so on. In the course of his investigations of national security crimes by both American soldiers and Iraqi insurgents, he interviewed hundreds of military psychologists, physicians, and their subordinates.

DeBatto interpreted the PENS task force process as a typical legitimization process for a decision made at a higher level in the Department of Defense. Because of the hierarchical structure of the DoD, he said it was impossible that the DoD members of the task force participated as *individuals* bringing their expertise and judgment to the policy issue at hand. They were certainly there as representatives of the decision maker. And because the decision maker’s

position had to prevail, a quorum of DoD members was necessary, rather than a couple to express DoD concerns.

The presence of the APA Science Policy observers, DeBatto said, was a standard intimidation tactic, to insure the DoD task force members stayed in line. As funding lobbyists and recipients, they were strictly beholden to DoD interests. In effect, they outranked the DoD task force members because of their DoD and Congressional connections.

The reason for the several task force observers, instead of just one intern in the corner with a notepad, DeBatto said, would be to represent the perspectives of various agencies to the decision maker, so as to broadly legitimize the prior decision—again, as standard scenario.

DeBatto's interpretation startled me. I checked it out with a former counterintelligence officer whom I know well. Lawrence Rockwood independently gave the same interpretation, as though it were entirely obvious (Rockwood, 2007). Both interviews are archived at Hoover. The transcripts are available in this binder [showing binder] at the Division 48 Hospitality Suite in the Marriott, Suite 7089.

I conclude with a two-minute audio-recording of David DeBatto's address to you. For intelligibility, if you wish you can follow along on the transcript passed out.

Word count: 1908

Note

The telephone consultations with DeBatto and Rockwood were audiotaped, with permission, and I deposited the audiotapes and the professional transcriptions in my *Intelligence Ethics Collection* at Hoover Institution Archives, Stanford University. The transcripts and related materials will be available in a notebook at the PsySR / Div. 48 Hospitality Suite in the Marriott Hotel, Suite 7089, until the end of the Convention.

References

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