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*Abstract:* In 2014, the American Psychological Association (APA) contracted David Hoffman of Sidley Austin LLP to investigate whether officials of the APA had colluded with the U.S. government regarding its enhanced interrogation program. The resulting report, the Hoffman Report, suggested that key APA officials had indeed colluded to accommodate DoD priorities. The Hoffman Report thus effectively punctured a decade of official denial and obfuscation around this issue in spite of already abundant evidence of collusion and the torture-facilitating role of APA policies, particularly the Psychological Ethics and National Security (PENS) report. The Hoffman Report also pressured the APA to make significant changes to its ethics policy on psychologist involvement in interrogations. This progress is not irreversible, however, and to prevent the fog of denial from returning, the disturbing conclusions of this report must be clearly faced and widely discussed among all psychologists in the profession.

Key words: Hoffman Report, psychology, American Psychological Association, torture, interrogation, history, denial

**Resisting Denial of the Psychology Profession’s Role in Post-9/11 Torture**

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The historical details of the psychology profession’s involvement in post-9/11 U.S. “enhanced interrogation” torture remain a contested subject, but the broad outlines of that involvement are now relatively clear. Encountering this still emerging history means confronting the fact that authorities within a generally admired profession became witting or unwitting accessories of the U.S. torture program. Processing the disturbing facts of this story without obfuscation, minimization, and authoritarian deference to apparent luminaries in the profession is essential to keeping that profession from sliding back into being an accessory to systemic torture.

In July 2015, the *New York Times* released the full contents of an independent investigator’s report into whether the American Psychological Association colluded with the U.S. government’s use of ‘enhanced’ interrogation techniques since 9/11. The independent report by David Hoffman of Sidley Austin LLP (“The Hoffman Report”) concluded,

…that key APA officials, principally the APA Ethics Director joined and supported at times by other APA officials, colluded with important DoD [Department of Defense] officials to have APA issue loose, high-level ethical guidelines that did not constrain DoD in any greater fashion than existing DoD interrogation guidelines. We concluded that APA’s principal motive in doing so was to align APA and curry favor with DoD (p. 9).

It is important to note that the DoD had articulated its “existing…interrogation guidelines” in the context of memos from the Office of Legal Counsel in the Department of Justice to various government agencies on the legality of “enhanced interrogation” practices. These memos denied the torture status of enhanced interrogations by redefining torture as such a narrow category of experience that government commitments to use only “non-torture interrogation” were emptied of legal meaning. One particularly infamous memo read: “Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death”(Jay Bybee, *Memorandum for Alberto R. Gonzalez, Counsel to the President,* August 1, 2002).

The loose, high-level APA ethical guidelines that the Hoffman Report refers to are primarily those that the APA-organized Psychological Ethics and National Security (PENS) Task Force articulated in 2005. Most (6 out of 10) of the voting members that APA officials placed on this task force were military or DoD psychologists. Some of them had been directly involved in interrogations. Dissident psychologists eventually filed ethics complaints against two of these DoD PENS task force members—Larry James and Michael Gelles—for what complainants argued was unethical treatment of detainees.

During the PENS task force process, then APA Director of Ethics Stephen Behnke consulted regularly with task force member Col. Morgan Banks (Ret.), Former Director of Psychological Applications U.S. Army Special Operations Command, on what APA ethics policy should be. Behnke also ghostwrote the emails that the Chair, Olivia Moorehead-Slaughter, sent to task force members. In this capacity, Behnke was careful to limit the scope of the task force’s mission to assessing *what kind* of interrogations psychologists could ethically be involved in, rather than the general question of *whether* it was ethical for psychologists to be involved in interrogations at all. This limited scope of ethical inquiry was in notable contrast to that of the American Medical Association (AMA) and the American Psychiatric Association (APA), which had policy discussions resulting in both organizations banning their members from being involved in any kind of interrogation by 2006.

The PENS task force reached a conclusion about psychologist involvement in interrogations that sounded relatively humane and practical on its face. It condemned torture and forbade psychologists’ participation in it, while nevertheless allowing that “psychologists may serve in various national security-related roles, such as a consultant to an interrogation, in a manner that is consistent with the Ethics Code.” There were two major loopholes in this apparent humaneness, however.

First, the torture memos arguably gutted the legal meaningfulness of the PENS report’s prohibition on psychologist participation in “torture.” In addition, the do no harm ethos of the APA Ethics Code had been preemptively gutted in 2002. In that year, the APA Council of Representatives had amended section 1.02 of the Ethics Code in a way that critics charged was tantamount to putting the Nuremberg Defense at its core. The original section 1.02 read: “If psychologists' ethical responsibilities conflict with law, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner.” After the 2002 amendment, the same section included an extra sentence: “If the conflict is unresolvable via such means, *psychologists may adhere to the requirements of the law, regulations, or other governing legal authority* [italics mine]”

APA officials, Behnke chief among them, labored to protect the language of the 2002 amendment even when dissidents, concerned about the post-9/11 context, raised concerns about the ethical pass this language might give to human rights-abusing psychologists claiming they were just following orders. Thus, whatever the original intent behind the 1.02 amendment, its practical effect (until 2010, when the loophole in 1.02 was largely closed) was similar to that of the torture memos: to undermine any possibility of holding torturers accountable.

With the help of some key media allies, a small number of psychology dissidents (including the Coalition for an Ethical Psychology and the Withhold APA dues movement) began to push back against the PENS subterfuge in 2006. In addition, media reports began to hint at the likely collusion between the APA, CIA, and Department of Defense regarding the enhanced interrogation program. Journalists also reported on the close relationships between influential APA officials and the two military psychologists who designed the Bush Administration “enhanced interrogation” program for $80 million. These two psychologists were James Mitchell—an APA member until 2006 who left before the ethics complaint filed against him could be designated as having cause for action—and Bruce Jessen.

Such media revelations generally just prompted APA denials, however (including denials of APA’s links to Mitchell and Jessen), and so significant accountability remained elusive for almost a decade. This situation changed rapidly, however, after key details on the historical background of APA collusion with the DoD and CIA came to light. In his 2014 book, *Pay Any Price*, *New York Times* investigative reporter James Risen published excerpts of emails he obtained from a deceased CIA/RAND corporation contractor, Scott Gerwehr. Gerwehr, prior to his death in 2008 (a year after he talked to *Vanity Fair* reporter Katherine Eban), had been regularly included in email communications between DoD and CIA representatives and APA officials on interrogation policy. Some of the details of these emails were explosive.

Gerwehr’s emails provided evidence, for instance, that prior to the formation of the PENS Task Force, Stephen Behnke had arranged a private meeting between key APA officials and representatives from the Department of Defense and the CIA. The meeting took place with an eye to addressing the Abu Ghraib scandal that had cast “enhanced interrogations”, and the psychologist-led Behavioral Science Consultation Teams assisting them, in a disturbing light. Behnke wrote to the CIA and DoD invitees:

…[I]n the meeting we will neither assess nor investigate the behavior of any specific individual or group…

…[The APA wants to take] a positive approach, in which we convey a sensitivity to and appreciation of the important work mental health professionals are doing in the national security arena (Risen, 197)

Risen interpreted this email as suggesting that, “The insiders were being given a chance to influence the APA’s stance before anyone else”(198).

Risen’s reporting on the APA finally prompted the APA to fully address allegations that dissidents and journalists had long been charging. The APA contracted David Hoffman to investigate the merit of Risen’s allegations. Together, Risen and Hoffman’s work managed to puncture the once robust shield of denial and obfuscation around the APA’s ethical accommodation to U.S. government interrogation policy.

Prior to Risen’s and Hoffman’s disclosures, those in charge of APA public relations were skilled at promoting psychologist involvement in interrogations as something liberal and humane. The official line, which appealed to the positive self-image of most psychologists, was that having psychologists involved in interrogations would increase the degree to which such interrogations would be “safe, legal, ethical and effective”. That is, psychologist involvement in U.S. interrogations would be a prophylactic against them becoming abusive and torturous, because of psychologists’ benevolent liberal nature. Former APA president Sharon Brehm, for instance, affirmed her confidence “that at least most of our members are really good people and that they would not do bad things,” and that psychologists “had the ability to be heroes in fighting against torture”(Stephen Soldz,“The Facts be Damned!” *Counterpunch,* December 4, 2007).

Since August 2015 the APA has become much more transparent about its dark recent history, though denial is returning as a tempting prospect, and with it a temptation to reverse some of the fragile ethical progress the profession has made. The APA Council of Representatives voted last year 157-1 to remove psychologists from Guantanamo-like detention settings and forbid them from assisting ongoing national security interrogations. This brings APA policies in line with—and even goes beyond—American Psychiatric and American Medical Association policies.

The DoD has also begun to follow through with removing psychologists from Guantanamo. This change potentially puts a heavy constraint on the government’s ability to torture in the future, since a systemically-executed torture program is very hard to maintain without health professionals to facilitate and legitimize it. In addition, torture-assisting health professionals are difficult to find if their professional organizations do not enable them in some plausibly deniable way. It is very significant when organizations of health professionals—and, in the APA’s case, educators and research scientists—explicitly close off the loopholes and draw a bright white line between the deontological “do no harm” ethos of their professions and the (at best) utilitarian harming methods of the military and other executors of state violence. Under these professional constraints, torture may even become pragmatically impossible as a systemic practice.

It is concerning, therefore, that DoD officials have raised objections to the APA’s new ethically defensible policy on interrogations and detention settings. Also, a number of pre-Hoffman APA leaders still in governance have attempted to discredit the Hoffman Report, which gave moral force to this change in policy. The APA has enjoyed a longstanding friendship with, and dependence on, the DoD, and no report can make the psychological and structural features of that dependence disappear.

As the Hoffman Report puts it, “DoD is like a rich, powerful uncle to APA, helping it in important ways throughout APA’s life. Acting independently of a benefactor like this is difficult” (72). Nevertheless, the stakes are very high, and the psychological antecedents to renewed collusion call for the same degree of vigilance that all defenses of liberty require, especially as torture—particularly waterboarding “and a hell of a lot worse than waterboarding”—has explicitly returned to the table as a potential cornerstone of U.S. foreign policy.

Part of this vigilance should include a willingness to face and professionally digest the contents of the Hoffman Report, and I intend this article to be a part of that process. All divisions of the APA and the broader psychology profession should confront, and not minimize, the history that the report documents. This confrontation means not only encouraging discussion of the report on professional listservs, but also inviting dissident psychologists to present at professional conferences and encouraging publishers to include accounts of this unpleasant history in the relevant college-level textbooks. So far, this professional confrontation with psychology’s recent dark history has not occurred on anything close to the scale that it should.

The profession of psychology now stands at a crossroads. Will it confront the most disturbing features of its own recent past and grow into a profession that lives up to the admiration that many still hold for it? Or will it sink back into a state of denial and dependence on the powerful militaristic forces that encouraged it to betray the ethical and moral trust of the American and international public?

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