

**RESPONDENTS'  
OPPOSITION EXHIBIT 11**



AUGUST 1, 2006

## Psychologists, Guantanamo and Torture

BY [STEPHEN SOLDZ](#)

For years, the varied mental health professions in the United States have been fighting turf wars. Psychiatrists tried to keep psychologists from being able to conduct therapy or, more recently, from prescribing psychotropic medications. Psychologists fought for rights to conduct these treatments. Psychologists, in turn, fought the attempts of their Masters-level colleagues for professional recognition. Social workers, mental health counselors, and psychoanalysts each fight for recognition against opposition from others.



These battles are fought out through traditional legislative lobbying and pressure. They are, however, also fought through showing one group's value in furthering the interests of the powerful and through organized representatives of each profession maintaining access to non-legislative corridors of power. Thus, keeping in favor with the powerful and not alienating them can be a central aspect of a profession's strategy of advancement.

In this decades-long struggle, the profession of psychology has tried to distinguish in various ways. One of these ways is through emphasizing its scientific character. representatives of organized psychology have been at pains to demonstrate the value of the "science of psychology" to the powerful in industry and in government, including the military and the national security establishment. In addition, psychology's value to the education establishment has been emphasized, as has its value in industrial



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relations and marketing. World War II provided many opportunities for psychology to demonstrate its value to the war effort including through the screening of soldiers, the development of propaganda techniques to motivate the home front and to undermine enemy morale, the use of human factors engineering to improve airplanes, and the treatment of psychological casualties from the war.

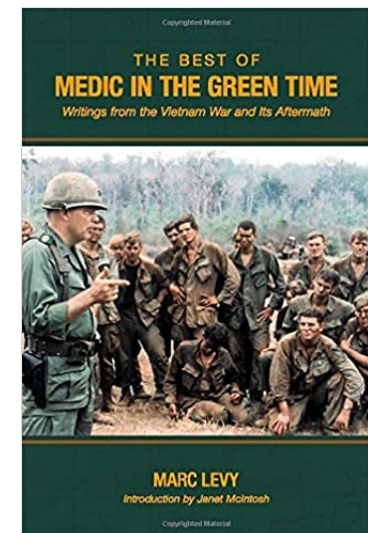
The post-World War II development of a militarized national security state provided many further opportunities for psychology to garner attention to its contributions to the art of propaganda and the development of useable high-tech weapons through human factors engineering, among numerous others.

One particularly disturbing area where psychologists were attempting to demonstrate their value was in the development of sophisticated techniques of interrogation that could obtain information from unwilling captives through the application of behavior modification techniques based on psychological science. Historian Alfred W. McCoy has shed light in this area in his recent book [A Question of Torture](#) and in numerous articles and interviews. He documents the decades-long CIA effort to utilize psychological expertise to develop forms of torture that could break down the personality of detainees, rendering them, it was hoped, incapable of withholding desired information. Many of these techniques were utilized during the Vietnam conflict and in the various brutal U.S.-supported counterinsurgency campaigns in Latin America in the 1970s and 1980s.

Such applications of psychological knowledge posed thorny issues for organized psychology, always on the lookout for new ways of demonstrating psychology's value to the powerful. While their morally objectionable quality made direct endorsement impossible, to straightforwardly condemn these applications would run the risk of alienating precisely those decision-makers who might be impressed with the potential contributions of psychology as a science and as a profession. Thus, silence about

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abuses of psychology is what one would expect from the American Psychological Association, the country's largest representative of organized psychology and silence is what was observed.

The Global War on Terror, launched after 9-11, provided yet another opportunity to experiment with these behavioral science-based torture techniques. The establishment of a detention center at Guantánamo for those detained during the Afghanistan war and other battles in the “Global War on Terrorism” provided a particularly favorable environment. A total institution was created where inmates, the detainees, have, at least in the administration's opinion, absolutely no rights and where all aspects of their daily life can be monitored and controlled. The administration's legal doctrine emphasized that essentially anything short of direct murder was legally acceptable.

Various “behavioral scientists” from psychology and psychiatry were brought in to help the development of this total institution devoted to complete destruction of the personality. In 2005 it was revealed by the New England Journal of Medicine (NEJM) and the New York Times that mental health professionals were serving as consultants on Behavioral Science Consultation Teams, BSCT (colloquially referred to as “biscuit” teams) at Guantánamo, designed to advise interrogators. These teams consult in every aspect of interrogation. As the New Yorker's Jane Mayer told Democracy Now!, one psychiatrist determined that a particular inmate would be allowed seven toilet pa squares a day, while another inmate who was afraid of the dark was deliberately kept almost totally in the dark. Another consultant behavioral scientist, psychologist Ja Mitchell, recommended that interrogators treat a detainee in such a way as to generate a form of helplessness known as “learned helplessness.”

Authors M. Gregg Bloche and Jonathan H. Marks noted in their 2005 NEJM article interrogations at Guantánamo are often designed to increase stress by means verg on, or even constituting torture:

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“Military interrogators at Guantánamo Bay have used aggressive counter-resistance measures in systematic fashion to pressure detainees to cooperate. These measures have reportedly included sleep deprivation, prolonged isolation, painful body positions, feigned suffocation, and beatings. Other stress-inducing tactics have allegedly included sexual provocation and displays of contempt for Islamic symbols.”

They go on to note that:

“Since late 2002, psychiatrists and psychologists have been part of a strategy that employs extreme stress, combined with behavior-shaping rewards, to extract actionable intelligence from resistant captives.”

Recently, the United Nations Committee against Torture went further and stated that “detaining persons indefinitely without charge, constitutes per se a violation of the Convention” Against Torture. Thus, according to this official body, the existence of Guantánamo in its present form is itself illegal. They went on to join the many organizations and institutions, including most recently, the European Parliament, for Guantánamo’s closing.

[More information on the interrogation techniques used by American forces at Guantánamo and elsewhere, as well as on their effects on the psychological well-b of those subjected to them, can be found in the Physicians for Human Rights repo [Break Them Down: Systematic Use of Psychological Torture by US Forces.](#)]

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Even leaving aside the general issue of whether interrogations of the kind conducted at Guantánamo are ever morally acceptable, the participation of mental health professionals in them is potentially in conflict with the ethics codes governing the psychiatric and psychological professions, those of the American Psychiatric Association and the American Psychological Association. The Abu Ghraib scandal with its graphic photographic evidence shone a bright spotlight on the abuses that occurred in American detention facilities in this Global War, and after the horrors occurring at Guantánamo and the role of mental health professionals in them were widely reported on, silence by the psychological Association became more difficult to maintain. Pressure mounted for both the Psychological and Psychiatric Associations to do something about psychologists and psychiatrists aiding the torturous interrogations occurring at Guantánamo.

After an extended period of discussion and debate, on May 22, 2006, the American Psychiatric Association endorsed a policy statement that unambiguously stated that under no circumstances should psychiatrists take part in interrogations, at Guantánamo or elsewhere. The crucial section states:

“No psychiatrist should participate directly in the interrogation of persons held in custody by military or civilian investigative or law enforcement authorities, w in the United States or elsewhere. Direct participation includes being present interrogation room, asking or suggesting questions, or advising authorities on use of specific techniques of interrogation with particular detainees.”

The American Psychological Association, in contrast, has adamantly refused to en any such statement, saying only that psychologists should behave ethically. Initial organization did what organizations often do when embroiled in unwanted contro

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they appointed a Task Force. The Task Force was given a broad mandate to look into what position the Association should take regarding psychologist involvement in national security interrogations in general. This mandate may have had the effect of diluting the Task Force's focus on the abuse at Guantánamo and psychologists' involvement in them.

This Presidential Task Force on Psychological Ethics and National Security included members of the Peace Psychology division of the Association, but it also included psychologists engaged in national security and military activities. (One source claims that four members, out of about eight, were connected to the military. Another source believe a smaller number of members had military or national security connections. A third source, a published article by an Association Division President, states that 6 of 10 members "had ties to the Department of Defense."

Oddly, the membership of the Task Force was kept private, "because of concerns expressed about their personal safety," as it was explained by a former member who refused to elaborate further. However, it has been established that the Task Force included Colonel Louie (Morgan) Banks, identified by Jane Mayer in the July 7, 2005 New Yorker as a psychologist involved the Pentagon's Survival, Evasion, Resistance, and Escape (SERE) program which trains military personnel considered likely to be captured in resisting extreme abuse by their captors. Strangely, for one serving on policy-recommending body, Col. Banks is not even a member of the Association. I Summers, an activist in attempts to change Association policy, succinctly stated the problem with Banks being on the Task Force when he recently wrote in an email "putting him on the TF equivalent to Cheney being in charge of energy policy?" In addition to Banks, some accounts state that at least one other Task Force member connections to Guantánamo, but I have been unable to get unambiguous confirmation of this.

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Like the membership and its process of appointment, information about the deliberations of the Task Force was also kept private; members agreed to let the Task Force's report stand on its own and not to discuss its deliberations. The report does indicate that agreement was not reached on several issues. Other accounts indicate that a weak initial draft was strengthened by pressure from unhappy Association members.

In June, 2005 this Task Force issued its final report. In a highly unusual procedure, the Association's Board of Directors immediately formally adopted the report without the usual discussion and approval by the broader-based Council of Representatives. This report explicitly stated that it is ethical for psychologists to engage in national security interrogations:

“It is consistent with the APA Ethics Code for psychologists to serve in consultative roles to interrogation and information-gathering processes for national security-related purposes.”

While the report reiterated that psychologists should not be involved in any way in “torture or other cruel, inhuman, or degrading treatment,” the Task Force stated that it was not charged to conduct any type of investigation, and thus formed no opinion whether any unethical behaviors had occurred.

The Task Force further concluded that no modifications to the Association's Ethics were required to deal with the issues of psychologists serving in the various national security roles. Strangely, given the origins of the task force in the controversy about abuse (aka torture) at Guantánamo, the report makes no mention of that or any other specific facility.

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It appears that the non-military well-meaning members of the Task Force were outmaneuvered by APA officials who gave it such a wide charge involving all types of national security roles that members did not dare say that psychologists should abstain completely from involvement in national security related activities. Once put in this position, the members ended up stating platitudes akin to the reassurances from the U.S. government that the United States would never engage in torture. Like the Bush administration, the APA leadership has refused to define “torture or other cruel, inhuman, or degrading treatment,” giving the Task Force’s edicts no force to actually shape policy.

At a late stage in the Task Force’s existence, after their report was issued, as they were to turn to clarifying some details in an Ethics Casebook entry, one of the non-military members, Mike Wessells resigned, stating :

“continuing work with the Task Force tacitly legitimates the wider silence and inaction of the APA on the crucial issues at hand. At the highest levels, the APA has not made a strong, concerted, comprehensive, public and internal response of the kind warranted by the severe human rights violations at Abu Ghraib and Guantánamo Bay.”

Wessells explained that he was not complaining directly about the Task Force, whi

“had a very limited mandate and was not structured in a manner that would p the kind of comprehensive response or representative process needed.”

Needed, rather, was:

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“a strong, proactive, comprehensive response affirming our professional commitment to human well-being and sounding a ringing condemnation of psychologists’ participation not only in torture but in all forms of cruel, inhumane and degrading treatment of detainees, including the use or support of tactics such as sleep deprivation.”

Of course, such a “strong, proactive, comprehensive response” has never come from the Association.

As a further indication that the Task Force report did not mean that the Association was actually interested in doing anything real about psychologists’ participation in torture, and as a sign of support for George Bush’s National Security State, then APA President Ronald F. Levant traveled to Guantánamo in October, 2005. The Press Release announcing the trip indicated how far the Association was willing to go to support the camp that Amnesty International calls “the gulag of our time.” It made clear that the Association leadership never intended to put a stop to psychologists’ involvement in Guantánamo. To the contrary, President Levant was quoted as saying:

“I accepted this offer to visit Guantánamo because I saw the invitation as an important opportunity to continue to provide our expertise and guidance for psychologists can play an appropriate and ethical role in national security investigations. Our goals are to ensure that psychologists add value and safety to such investigations and that they are done in an ethical and effective manner that protects the safety of all involved.”

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Eighteen months after the Abu Ghraib scandal brought the horrors occurring in American detention facilities to the world's attention, after even the mainstream press had numerous articles about how Gen. Miller of Guantánamo brought his special breed of brutality to Iraq with recommendations to "Gitmoize" Abu Ghraib, the Association Press Release contained no acknowledgement that anything out of the ordinary was going on at Guantánamo. As President Levant gushed:

"This trip gave me an opportunity to ask questions and observe a brief snapshot of the Guantánamo facility first hand,' Levant stated. 'As APA's work in studying the issues presented by our country's national security needs continues, this trip was another opportunity for the Association to inform and advise the process.'"

The Association's campaign to defend Guantánamo and psychologists' participation there continued under the next Association President, Gerald Koocher. One month after assuming office, President Koocher devoted his monthly Presidential column in the Association's APA Monitor to defending the organization and its refusal to do anything in response to the horrors well-documented as occurring at Guantánamo. In Orwellian fashion, he entitled his defense of inaction in the face of barbarity: "Speaking against torture." In this column he attacked Association critics while trying to change the subject:

"A number of opportunistic commentators masquerading as scholars have continued to report on alleged abuses by mental health professionals. However, when solicited in person to provide APA with names and circumstances in support of such claims, no data have been forthcoming from these same critics and no

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members have been linked to unprofessional behaviors. The traditional journalistic dictum of reporting who, what, where and when seems notably absent.”

Thus, the ethical policy issue of participation of psychologists in the illegal activities at Guantánamo was changed to one of personal culpability. Could it be proven that a given named psychologist engaged in a particular proscribed behavior. Through this ruse the Association tried to negate all press, United Nations, and NGO criticism. In the absence of an explicit ethics complaint against an individual, the Association would do nothing. As the Association officials knew well, the names of most psychologists offering their “services” at Guantánamo, as well as details on what those services are is a closely guarded secret.

In this same article President Koocher then used a common technique of embattled leaders as he implicitly attempted to rally the psychologist community against the hated other, the psychiatrists:

“Many of our psychiatric colleagues have offered interpretive criticism, although their professional association has yet to agree on an official position. One proposed draft before the psychiatric association includes an itemization of specific prohibited tactics they deem as torture. When carefully scrutinized, their draft bears a remarkable resemblance to our position, although no journalist has yet commented on this point. Likewise, no journalist including those critical of the PENS report has commented upon an interesting irony: Despite psychiatrists’ opposition to prescription privileges for psychologists, the psychiatric association list of forbidden coercive techniques omits any mention of the use of drugs, implicitly allowing such practices.”

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In a recent debate with critics, Koocher utilized yet another defense that seems destined for greater use now that pressure is growing on the Association to act. He made a distinction between those psychologists providing health services to detainees, who, he claimed, were forbidden from using information thus gained to aid interrogators, and those behavioral scientist consultants who are not there to tend to detainees and are therefore free to aid interrogation. However, even Koocher had to admit that all psychologists are bound by the principle of “do no harm.” He, of course, failed to explain how participation in the workings of an institution designed to destroy the personalities of those incarcerated there could ever meet the “do no harm” principle.”

The campaign of the American Psychological Association to deflect criticism of psychologists’ involvement at Guantánamo has been unrelenting. Concerned members pressed for an independent investigation to clarify what psychologists actually did at Guantánamo, but the Association refused. Members pushed for a change to the ethics code stating that psychologists did not follow laws or orders when to do so would violate basic human rights, but were met with the argument that such a statement could be used against psychologist practitioners in lawsuits. Critics attempted to have the Association explicitly state that international law should be consulted in addition to United States law on such issues as the definitions of human rights and their violation or the definition of torture and inhuman behavior; they failed. The Association leader announced that they would develop an ethics casebook entry clarifying acceptable and unacceptable behavior in psychologist-assisted interrogations, but have so far not followed through.

There matters stood when the June 7, 2006, New York Times brought word that the Association’s position was carefully noted by the Pentagon, and that, from now on military would prefer psychologists over psychiatrists:

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“Dr. William Winkenwerder Jr., assistant secretary of defense for health affairs, told reporters that the new policy favoring the use of psychologists over psychiatrists was a recognition of differing positions taken by their respective professional groups.

The military had been using psychiatrists and psychologists alike on behavioral science consultation teams, called ‘biscuit’ teams because of the acronym, to advise interrogators on how best to obtain information from prisoners.

But Dr. Steven S. Sharfstein, recent past president of the American Psychiatric Association, noted in an interview that the group adopted a policy in May unequivocally stating that its members should not be part of the teams.

The counterpart group for psychologists, the American Psychological Association, has endorsed a different policy. It said last July that its members serving as consultants to interrogations involving national security should be ‘mindful of factors unique to these roles and contexts that require special ethical consideration.’”

For many activist psychologists in the Association who had patiently played the organization’s game of Task Force, Board discussion, input here, input there, while substantive change in Association policy occurred, this news was the proverbial straw that broke the camels back. Members who had been urging caution and a one-step-at-a-time approach for months suddenly found themselves urging withholding dues. Within a few days, an email campaign to the Association’s President Koocher was launched and emails were sent in 48 hours. Koocher responded with derision and condescension while explicitly endorsing psychologists’ duty to aid the National Security State. One version of the letter he sent:

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“You are dead wrong.

The APA has not been silent.

The APA Board of Directors understands and appreciates that its members have strong opinions about psychologists’ involvement in interrogations, and that their opinions are not uniform. Please recognize that interrogation does not equate to torture and that many civilian and military contexts exist in which psychologists ethically participate in information gathering in the public interest without harming anyone or violating our ethical code. Please also examine press reports with healthy skepticism and seek facts, rather than reflexively engaging in letter-writing campaigns predicated on inadequate access to the data.

The Board has adopted as APA policy a Task Force Report, which unequivocally prohibits psychologists from engaging in, participating, or countenancing torture or other cruel, inhuman, or degrading treatment. As the basis for its position, the Task Force looked first to Principle A in the Ethical Principles of Psychologists and Code of Conduct, “Do No Harm,” and then to Principle B, which addresses psychologists’ responsibilities to society. Both ethical responsibilities are central to the profession of psychology. By virtue of Principle A, psychologists do no harm. By virtue of Principle B, psychologists use their expertise in, and understanding of, human behavior to aid in the prevention of harm.

In both domestic and national security-related contexts, these ethical principles converge as psychologists are mandated to take affirmative steps to prevent harm to individuals being questioned and, at the same time, to assist in eliciting reliable information that may prevent harm to others.

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It is critical to note that in addressing these issues through a Task Force report, the American Psychological Association was responding to psychologists in national security settings who had approached APA seeking guidance in the most ethical course of action. The Board views as its responsibility supporting our colleagues and members who are striving to do the right thing. The Board encourages its members who have different points of view on this or any issue to make their positions known, and welcomes the opportunity for further discussion of this issue at the August Council meeting.”

Ignoring the “you are dead wrong,” an introduction that was even more tasteless when used just a few days after the suicide of three hopeless inmates in the Guantánamo hell-hole, the note made clear to wavering members that the Association leadership intends to continue business as usual, that no action on the moral challenge of our time will come unless the members force it.

At this moment leadership in opposition was taken by the Social Justice section (Section 9) of the Division of Psychoanalysis (Division 9; truth in packaging warning: I’m a member of this Section). Within hours of Section members receiving the Koocher email, members who had been willing to work within the Association structure decided that as one member put it in an email on the Section’s listserv, “It’s time for us to a . [the] view that the APA leadership is fully participatory in the problem of using obfuscation and propaganda to justify current military aims and methods.”

Quickly Section members to launch a petition drive demanding a change in Assoc policy. A Petition was quickly written and launched on June 15th [at <http://www.thepetitionsite.com/takeaction/483607021>] and attempts began to spre word to members throughout the diverse Association. [Another truth in packaging warning: I am one of the authors of the petition and am listed as its sponsor.]

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In the weeks since then a range of organizations, including the Divisions of Social Justice of various Association divisions and others outside the Association, including Physicians for Human Rights and the Ignacio Martín-Baró Fund have initiated discussions on a coordinated strategy to change Association policy. Initial agreement was obtained on supporting attempts to have the Association, at its August convention, reiterate its statements that members should not participate in torture or abusive interrogations. There seems to be nothing in this statement that would be opposed by the Association leadership, who likely will claim this is already Association policy. The question remains open whether this group will go further and try and get the Association to state that members may not participate in interrogations of detainees from the Global War on Terrorism in any capacity and under any circumstances. It seems unlikely that this group will take the additional step of demanding the Association call for the closing of Guantánamo and similar institutions.

I suspect that changing Association policy will require modification of the tactics thus far used by critics. To date, most objections from within the Association have been framed fairly narrowly in terms of the details of the ethics code and what it says, or should say, about psychologist's participation in coercive interrogations. This approach gets one into the realm of legal reasoning and detailed interpretation of texts. As hundreds of years of legal argument demonstrated, such reasoning can lead to many different conclusions, depending on where the reasoner is trying to go. And Association officials have demonstrated their ability, even their genius, to bend moral reasoning to support their position that psychologists' have a right, perhaps even a duty, to serve Guantánamo and similar facilities. [See, for example, the decidedly different, but well-presented arguments by President Koocher in a [Democracy Now!](#) interview on June 16: , and by Association Director of Ethics Stephen Behnke, posted at around same time: [http://www.apa.org/releases/PENSfinal\\_061606.pdf](http://www.apa.org/releases/PENSfinal_061606.pdf)] While critics need to rebut these detailed arguments, the battle will not be won at that level, just as major

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social changes are seldom decisively won in court without accompanying social changes occurring outside the courtroom.

Association members critical of current policy have been highly resistant to openly denouncing Guantánamo for the concentration camp that it is. They have by and large so far not joined in any organized fashion those, such as the U.N. Committee Against Torture, who state clearly that a total institution imprisoning people “indefinitely without charge”, where the inmates have no rights, no protections, virtually no ability to control any aspect of their environment, is itself torture. Psychologists, indeed moral human beings, simply have no role in such an institution. To be there in any capacity is to do harm. The arguments so far have been akin to a Nazi-era medical society objecting solely to doctors serving in the death camps, and not to the existence of the death camps themselves. I believe that this is a mistake.

The participation of psychologists at Guantánamo is not simply a professional issue. It is a major moral challenge for the very concept of using knowledge for good and not for evil. If this participation continues, psychology will have lost its soul, just as our entire country is in danger of losing its soul as we turn away from these evils being committed in our name.

As Association members, and non-members, develop a more aggressive approach changing Association policy, they should keep in mind this history. It makes clear the commitment of Association leaders to demonstrating the value of psychology through furthering some of the most sordid aspects of the national security state in a long-standing. The last couple of days have brought further evidence of the conflicts between the Association and the military; critics have learned that only one of one person was invited to address the August Association convention on the Guantánamo issue, General Kiley, the Surgeon General of the army who drafted the report that recommends using only psychologists for interrogations. General Kiley

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only respond to questions submitted in advance. Given the close ties between the psychological Association and the military, it clear Association that will not be changed easily. Change will require extended pressure, using a wide range of tools, in order to impact such a deep seated policy. It remains to be seen if the activist members will be able to maintain the energy and passion aroused by recent news and events, or whether they will again lapse into that state of “learned helplessness” that Association behavior appears designed to induce.

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