

EXHIBIT 21

Jean Maria Arrigo's Notes

**APA PENS Task Force Meeting
June 24-26, 2005
Washington, DC**

Introduction

This document is a transcription of my handwritten notes from the proceedings of the APA PENS Task Force Meeting. Photocopies of the handwritten notes are attached.

My Friday, June 24, notes in my professional journal (No. 22: June 18 - September 11, 2005, pp. 32-61) are fairly complete until late afternoon, when a military Task Force member objected to my habitual note-taking. (See p. 19 below.) On Saturday I took brief margin notes on a photocopy of the second draft of the PENS report. On Sunday, a half-day meeting, there are a few notes from memory, during a recess, again in my professional journal (pp. 61-63) and a few margin notes on a photocopy of the third draft of the PENS report. In an addendum I relate an episode of the meeting in which I was too involved to take notes.

I regret biases, omissions, and errors in these notes but cannot directly remedy them.

Jean Maria Arrigo
June 13, 2006

**June 24 - 26, 2005 Meeting
(Approximate) Participant List**

APA PENS Task Force Members

OM Olivia Morehead-Slaughter, Chair
JMA Jean Maria Arrigo
MB Morgan Banks
RF Robert A. Fein — not present on Sunday
MG Michael G. Gelles
LJ Larry James
BL Bryce Lefever
SS R. Scott Shumate
NT Nina K. Thomas
MW Michael G. Wessells

SB Stephen Behnke — Director of APA Ethics Office, rapporteur

APA Staff Consultants and Observers Present at June 24-26 Meeting

BA Barry S. Anton — APA Board liaison to the ethics committee
Steven Breckler — APA Science Directorate
Susan Brandon — APA Senior Scientist (on interrogation methods.)
RF Rhea Farberman, Office of Public Affairs (present by speakerphone on Sunday)
Heather Kelly — APA Science Policy staff, liaison to DOD, present all days?
GK Gerald P. Koocher — APA President-Elect, 2nd APA Board liaison to the Task Force, present on Friday, on Sunday by speaker phone
Geoff Mumford — Director of APA Science Policy
MGravitz Mel Gravitz — retired clinical psychologist, director of Navy internship program, present Saturday and Sunday
RN Russ Newman, JD, Ph.D. — APA RN, present all days
Rhea Jacobson — APA office manager, present all days
APA intern

6/24/05 Friday 3Session [Notes recorded in my professional journal No. 22:
June 18 - September 11, 2005, pp. 32-62.]

Introduction by OM

Self introductions by Task Force members and all present

SS Studies what kind of interrogations yield what kind of intelligence.

LJ BSCT at Guantanamo and Abu Ghraib. Will give us the skinny, including the children there. Do not mention LJ or MB to the press because terrorists will come after them.

[other introductions]

OM Every day in the media, there is more reason for us to be here. We need to get on the record. We do not need to do investigations. There is an ethics committee already. We owe guidance to psychologists. We should arrive at a written product. Be civil with one another. Notes are not for attribution!

Do we want outside contributors? Gregg Bloche is suggested, who wrote the article in the *New England Journal of Medicine* [July 7, 2005, ____].

LJ does not want to be in the same room with Gregg Bloche.

MB Greg put ____'s name in the paper and has ruined his life [i.e., he was wrongly accused of torture and will now become a target of terrorists.]

LJ says there was a bounty on his [own] head at Abu Ghraib. He will have to excuse himself if Bloche comes in.

Big hullabaloo about Gregg Bloche. The military people don't want him.

OM returns us to the starting point. There are difficult places where psychologists find entanglements, unclear ethical issues.

MB What's on the table?

OM Interrogation consultancy.

RF As historical background, in the 60s and 70s the intelligence efforts were in technical, e.g., SIGINT and Imagery. But now the focus is on understanding other persons and cultures, shifting to behavior, implicating psychologists. Psychologists will be more broadly utilized.

GK What guidance do we give psychologists where the client is an organization but the target is a person? What kind of ethics do we want to use, normative or utilitarian? Kant or Mill?

NT We must take culture and ethnicity into account.

JMA Makes a plea for data collection, especially for recording the experience of national security psychologists dealing with the present issues.

MW Concern with training and advice, beyond U.S. national security to psychologists in other countries.

OM Wants scenarios from the military psychologists that are perplexing under our current ethics code.

SB New areas of psychology have developed since the code was written, for example, use of the internet. We didn't need new principles but needed to know how to apply the principles. Does the APA ethics code adequately speak to these issues, or do we need to add to the code?

OM Start with the mandate from the Board of Directors, Part #2: _____. What roles are psychologists asked to take in investigations related to national security.

SB We don't want dual-theory roles. The code says the rules apply across roles.

MG People choose to represent themselves in roles according to context. The organization *is* the client if you are consulting for the police, etc.

LJ What has kept him out of trouble as *Colonel* Larry James is the "do no harm" principle of psychologists, which continues to ground him.

MG The interrogation consultations have gotten so much attention. But the assessments of people are even more challenging. Psychology plays many different roles in national security,

BL Something should go before the question of roles. An interrogation is not necessarily harmful to the target. There is no harm implied by interrogation. [Brief description of SERE ____ training.] At SERE, psychologists have recommended torture in training to prepare personnel for capture.

MG Police agencies have been receiving psycholog_____

BL Thinking in terms of Venn diagrams, DOD ethics and APA ethics overlap. Where are the differences? Just discuss these.

RN The profession will never advance if we don't apply the profession to new areas.

[We can't use dual role theory because], irrespective of role, the psychological knowledge carries across all activities.

MB Illegal behavior is absolutely proscribed. Prior to discussing the ethical, under no circumstances do you get to do illegal behavior. He doesn't agree with the Venn diagram approach. DOD rules are only legal, not ethical.

Regarding torture interrogation, where psychologists are posted there has been no abusive interrogation.

SM (?) We need to define psychologists' "involvement." We rule out the extreme of being directly involved in the interrogation.

MB Address this through boundaries of competence.

SS We have a threat that is real, unlikely to go away. Ultimately, the information issues will not go away. How do we professionalize it so we really do learn to get the best information under humane circumstances? Provide structure, guidance. Embrace this as an opportunity.

JMA Because of infiltration, espionage, etc., whatever [framework, procedures, knowledge] we develop for ourselves, we develop for the whole world.

SS(?) Good. Our practices would improve the world in this matter.

LJ Distinguish between interrogation and interview. Psychologist's teach interview techniques.

MG As psychologists, we don't do interrogation but assessment. We assist in getting *reliable* and *valid* information, humanely. Don't get caught up in the context [ie., public uproar over torture]. Psychologists assess behavior.

MW Does the psychological assessment and advice on how to collect information, does this mean analyzing vulnerabilities and how to exploit them?

SS Much interrogation is actually an interview. But a [police] investigation of a crime *is* coercive.

MB An example: You recommend that the interviewer offer tea, talk about his family, show a photo of his family. In the forensic word, this is normal. Can we fall back on this model? Is it legal in national security interrogation?

BL We *should* be exploiting vulnerabilities. I have an oath to the people to whom I swear allegiance.—But remember the *Washington Post* front-page test.—He takes his commitment to U.S. safety ahead of psychology. Also, in evaluating (or denigrating) interrogation, remember that most detainees prefer interrogation to isolation.

NT A big percentage of people at Abu Ghraib were not terrorists to begin with. So there is a higher standard for interrogation. They pose more of a threat after the treatment they receive.

RF Example: A psychologist is asked to give an assessment of someone who has no relevant information. But the organization thinks the person does. How do we advise the psychologist? The authorities said everyone at Guantanamo Bay was a terrorist. Psychologists ask who should make the diagnosis?

JMA We should keep in mind that psychologists are manipulable by authorities. A major failing of the President's Advisory Committee on Human Radiation Experiments, in my opinion, is that they treated the scientists and physicians as morally autonomous. But they are manipulable. [I give the Garcia quote and the Counterintelligence Liaison Officer quote.]

SS Psychologists don't have much power. They can't change the track the train takes. [Diffuses previous statement.]

LJ Disagrees with MJA about manipulability of the psychologists.

JMA We disagree.

MB Worried about being tarred(?).

[There is an uproar here.]

LJ There is a second groups we have...

MB There is no one in the army outside of my purview. I have a view of all the military agencies. He tells his psychologists to stop wrong interrogation behavior....

NT You say the NEJM [*New England Journal of Medicine*] article [by Greg Bloch and Jonathan Marks] is wrong?

MB Yes. It is inaccurate. Medical information has *not* been used to shape interrogation.

LJ Arrived in Gitmo in January 2002 (?). He set it up, so he knows what is happening. When he arrived, interrogators had a right to go to the hospital and question nurses and doctors. They had a *legal* right to medical records. But this practice did not pass the *Washington Post* test; it was unethical.

If prisoner X had an appendectomy last week, [no one was jumping on his abdomen]. He wrote the memorandum that no intelligence member can go into

any medical facilities. They would be court martialed. He put the policy in place around February 2002. Now it is *written policy*.

SS On how difficult it is to deal with detainees. How can information be validated? There are language difficulties, cultural issues, enemy attitudes. Information is not easily validated. It is a long and cumbersome process. Are we wrongly holding people? It takes a long time to find out, very difficult.

MB LJ got there [to Guantanamo Bay] in January 2003. The psychologists there before that did not have any training. That's corrected now. What happened before was *legal*. There is no legal requirement for confidentiality. But it didn't pass the front-page test, so they changed the rule.

Example: Before you offer a Snickers Bar to establish rapport, you need to know the person isn't a diabetic. But there are whole countries of people who have never seen a physician.

NT What about the Geneva Convention? Is medical confidentiality required?

MB No.

NT What is the significance of medical information?

LJ You can't use what you find in a medical record as part of an interrogation process. You can't withhold medical treatment or barter it.

Example: A guy had open-heart surgery six weeks before interrogation. None of the interrogators knew this. They LJ took the guy off the list for interrogation. Also, detainees may have communicable diseases—TB, hepatitis, ...—and we need medical information to protect the detainee and interrogators.

MB The Geneva Convention does not address...

MW ___ has achieved the status of customary law.

NT What are the experiences of interrogators that they [later] talk to the press?

LJ New interrogators, 18- and 19-year olds, with six weeks of training.

NT How this appears outside of psychology....

GK The unfolding picture of interrogation....

NT Time frames are not important to us [in the present Task Force business].

RN The message that goes to our own field can reflect the complexity. The message that goes to the public cannot reflect the complexity.

SS We can't adjudicate....

SB Summarizes: What are our bottom lines?

Common issues. (1) competence unique to psychologists need to play an important role. (2) The APA ethics code does apply when psychologists apply their skills. The dual-role theory does not stand. (3) ____ (4) It is important to clarify *who* is the client.

[Recess. I talk with MB about the importance of the history of interrogation in this era and inefficacy of torture—all the military psychologists are in complete agreement on this point. We need mature interrogators. He discussed the organizational problems that led to using the 18- and 19-year olds.]

OM Summary #1: Safe, legal, ethical, effective. The decision making path.

SB How repetition in the press messes up message. Clarify. Simplify.

RF No one can define "torture."

MW There is widespread agreement on "torture."

LJ Let's lay out basic principles, worry about definition later.

LJ & RN Psychologists have a valuable and appropriate role to play in participating in interrogations.

BL The purview of this committee is only ethics. Get information, but don't damage. Torture damages our international standing.

SS We don't truly know what is effective or not effective. It's an empirical matter what works. Don't rule out until we know.

SS It needs to be a professional issue.

MG Talking about *accurate, reliable* information. Doesn't want to test whether coercive techniques are reliable. How does ethics relate to efficacy?

LJ Clarifies safety of *all parties*. Psychologists should work as consultants and not conduct interrogations.

MG Train, assess, consult. There is more to lose by the psychologist becoming an interrogator.

MB Not absolutist. What if the psychologist....

MG Must keep identification as a psychologist, not be the interrogator

NT Wants the absolutist position.

MG It's not just terrorism. Espionage, etc. So *need definite rule*. This is much broader issue than Department of Defense (DoD).

RF Thought experiment about psychologist who joins FBI as interrogator....

LJ Depends on how she represents herself.

RF Complicates example.

GK ____

RN Can act in other rules in spite of being trained as a psychologist. But must be ethically appropriate in my capacity as psychologist.

MG Takes a hard line on no dual roles. Many FBI special agents who had doctors degree in psychology. They have special.... *Role clarity*.

BL Ethics code says we can have dual roles if unavoidable. But be clear [in your presentation of yourself in role].

RN Don't shift roles with the same person.

MW Can you *really* take off your psychological expertise? Fundamentally different view as a psychologist.

SS In the extreme, people who get degree as psychologist are confined to that domain until they died.

MB ____

BL An article in *American Psychologist* on confusion of roles.

MJA ____

MW Humanitarian work. Can't off-duty have sexual relations [with "clients"], or then lose one's mandate.

MJA I disagree with OM's "stay within their competencies." Not settled. Report differences.

BL. Explain the pressure.

RN Should say what is being done that *is* appropriate. Got to clarify that psychologists are not engaged in inappropriate behavior on the whole.

SS Say psychologists encounter conflicts, not that there are pressures.

BL There *are* pressures. Have to stand [up]: "Sir, I am your best advice, and I am going to give you other advice in this situation." We are subject-matter experts. That ability to say "no" is very powerful.

RF What advice can we give lower-level psychologists? Whom can I ask a classified question? Think about processes that would....

JMA How do psychologists get into the military?

MB They have internship sites.... [Or] sent to Uniformed Services University. [Much entanglement, money....]

MW 1. What kind of *damage* to APA if we say we do not support human rights as defined in the Geneva Conventions and other conventions? 2. What about damage to our national security? If we engage in human rights violations, the message that sends to other countries. They therefore become our enemies and attack.

Difficult to define when something acts in long-term gain. Short-term info may be long-term loss.

SS Says he agrees with MW

As a military officer, *cannot* take a public stand opposed to the U.S. Government. We *want* to have a good public discussion, so we want that to be discovered.

GK APA Code says we will advance human welfare. Also, a long historical tradition of civil disobedience. Whose view [of right]?

MW Taliban has philosophical practice. But there are covenants on human rights. The standards are not an issue for debate at this point. An international law [settled the] argument about whether the Convention on Children is right ... because the U.S. did not agree.

NT We will be uncomfortable in deviating from international law.

BL We are under *American* law as ____

MW APA code commits us to human rights. Does American law trump international law? As a professional society, do we have commitments in human rights direction? If we aspire to these things, can we throw international human rights away? APA is diverse but the diversity is not represented here. Others

will say human rights are first. In other parts of the world, U.S. is accused of exceptionalism. We are not acting in a way that generates respect. We would damage ourselves as an association if we support American law when it contradicts international law.

DoD has defined a set of standards not congruent with international law. If we endorse that we damage our credibility. [He] gives the story for other countries. The U.S. throws out human rights when expedient for U.S. policy. If the standard of *legal* is defend by the Department of Defense, I have a problem with this.

MB No problem. We accept the Geneva convention.

MW The abuses at Guantanamo before Col. James arrives....

LJ The President said captives do not fall under the Geneva Convention, but we will treat captives under the Geneva Convention anyway.

MB Geneva Conventions don't kick in....

MW But there was an act of assessment by the U.S. Government. Red Cross and other human right organizations said the U.S. interpretation was wrong. By international opinion, U.S. was wrong.

LJ When soldiers deploy, they must attend a Geneva Conventions workshop.

MB On Geneva Convention....

MJA Convention against Torture.

NT Agrees with me on Convention against torture. Gonzales and Bush have spoken against but all these terrible things have happened.

GK It's a distraction from where we're at. We're not talking about international human rights standards.

MW As APA will we support DoD level of stress but against international law.

GK Not even willing to say APA members should obey U.S. law. APA opposing Patriot Law in aspects. It's a distraction to draw international law into the [APA] ethics law.

MW Back to the phrase "safe, legal, ethical, effective..." We've problematized it.

BL Uniform code of Military Ethics — wants this.

[Much discussion.]

SS ____

MW Standards have two functions: 1. aspire to high level; 2. prosecutory.

BL If you stand outside your community, by definition you're unethical.

MW As a professional association, as a moment of national panic, take a high standard. If someone is going to work with children, should obey Convention on Children.

RF If person disobeys Convention on Children, should person be censured by APA?

SB It's a conflict-of-laws situation. The ethics code would refer to the jurisdiction [of the episode].

MW When you're working in an international situation [you have to abide by the Convention on Children].

RN There is not a specific law. There are many laws. E.g., confidentiality is absolute or non absolute depending on jurisdiction. If legal but not ethical, we still don't do it.

MW No monolithic interpretation.

Are international human rights standards international law or APA says international human rights are not part of its commitments, will damage itself.

[Lunch. Gerry Koocher had to leave. Family medical emergency.
Lunch conversation with BL. Says my father should be congratulated....]

SB The bottom line from this morning.

Document A [SB's first draft of PENS report from morning discussion. See photocopies that follow.]

BL Can psychologists recommend playing on a person's fears? Example of suicidal Islamic detainee, threatened if dies will bury him with a pig.

RN In treating teens, manipulated them all the time for their well being.

SB Certain words very evocative: explicit, manipulate, interrogate.

MB Document A-9. At some point Guantanamo doctors would not give *any* information. Detainee had gunshot wound to the leg. Q: Does he have gunshot wound? [Authority] wanted to identify guy.

RF Suppose if identified, he will then be interrogated or this information exploited.

MB You've discovered he's a diabetic. Told interrogator Snickers bar not to be given to him. But then interrogator uses it against him. The medical records, not the technique, is the problem.

BA Is the problem the medical record of the psychological record.

LJ The allegation is that Biscuit psychologists are taking medical information and using it against detainees. Picture: fiftyish diabetic, 120 degrees Fahrenheit outside. Eighteen year-old interrogator: "I'll keep you here twelve hours. You might go into a diabetic coma."

RN Using information to make persons medically safe versus using it for knowledge versus using it against medical safety.

JMA I want to add the proviso that the psychologist make a broad consideration of the possible situations of disadvantage. [See A-9.]

RF, LJ, MB Agree with me.

MW The Torture Convention talks about severe suffering. The sense of obligations to family varies across culture. It would be useful to hear from some human rights people.

MG Are you saying that telling the Afghan diabetic he won't see his family soon is serious pain?

LJ What about a Chicago detective doing the same? Is it coercive or making an informed decision?

MW I want to flag it as a question of culture.

SS A very important point. Suffering versus severe suffering.

RF The perception question is so important. Say an uneducated Afghanian is picked up, gets medical treatment, goes home. From his perspective, maybe the medical treatment was worth it.

SS There was criticism of people sleeping on mats. But most slept on mats or no mats before capture. So also *not* understanding culture.

JMA Document A-7. "Psychologists clarify the identity of the client" to whom?

SB It's an informed consent process.

MB What's inappropriate is misrepresenting oneself to the client.

RF Scenario: A psychologist, B case officer, C target. Does A have to be identified to C as a psychologist.

SS In U.S. APA guidelines say you have to follow the law in the U.S. But suppose we're overseas and there is no stipulation.

JMA I say this is a worse problem, trying to get foreigners to betray their country.

MG Case officer B meets with C. We were B. Then A....

JMA I say, no, psychologists should not be involved in enticement of spies.

RN What about deceit in psychological research?

SB We have a standard on deception in research, code 8.0.7. Excludes physical pain or severe emotional stress. Deception is okay but there must be a debriefing.

MB Can psychologists provide recommendations for advertising campaign? Ethical?

MB or SB? How about Virginia Lottery? (To promote a healthy life style.)

SB It has never been held unethical. Some said *should be* unethical for psychologists' to help ads for children under a certain age.

MG Training to deceive—soldiers, police officers, etc.

JMA I'm not comfortable with this.

SS Hard to draw a line. The line moves. Can never account for all the variables.

OM This is where I wanted to start today, with the examples.

MG But this happens with police psychologists every day.

OM We need to address these, too.

MG Life-and-death national security cases. Squillacote case.... If you can tell patterned behavior, don't need to check therapy files. They'll take the garbage [of the subject] over the therapy files.

BA Go back to informed consent. Didn't find applicable. This ethics code does not include examples. Typical reader of ethics code won't generate good examples. Let's add examples.

SS Getting publishable examples will be awful. No useful product.

SS? Use spy novels, already fictionalized.

BA What would be helpful for our colleagues out there?

NT Aren't there adequate public cases?

SS maybe APA can generate it. DoD psychologists can't.

NT For the next iteration, include another....

MG Don't necessarily want bad guys to know garbage is important.

RN Some issues already consequences of existing ethics code. Then need to add some examples. Must show how they apply.

SB Traffic coming across his desk says people think psychologists are involved in torture. Wrong.

[Missed simultaneous conversation.]

RF People's biases have an interpretive aspect....Can APA aid relevant organization to offer this kind of discussion to your psychologists?

[Recess.]

OM We are headed for another draft.

AB What are the rules of confidentiality of *this* group?

OM We must agree this has to stay in this room. Beyond this room should not talk.

SB What get said here stays here.

NT Will be explained.

SB We want the Task Force report to stand for....

MW Suppose members of the media contact us?

SB We will not reveal the substance of the discussion.

[Overlapping talk.]

RN The media will want to know, just as will counsel. Create a statement *for* the press. Must get more proactive.

JMA I complain about the secrecy.

RF Firmly objects to us speaking. Says it makes them vulnerable.

SS There are confidentiality requirements all over. Military psychologists also deal with classified information.

MG Our examples.

SS Others may not realize the significance.

NT Maybe shouldn't identify anyone.

LJ ____

MW Wants to identify places where we couldn't reach agreement, e.g., on human rights.

SS Has big concerns because the media have blown up the human rights issue. Could be misconstrued that they are not being attentive to human rights.

RF Members of the Task Force chosen not to represent....

BL Also, doesn't want sharing.

BA *Confidentiality* versus *secrecy*. He chides me.

RN Two good reasons for the confidentiality. This is a group that is undertaking a very controversial topic. To the extent the information gets outside of the meeting, can ignite the fire instead of dampen it.

Barry, what have other groups done?

BA What goes on here cannot be taken out of context, given out in fragments.

OM We need to reach agreement.

BL Wants to take the discussion back to his community. Doesn't think it's a breach of confidentiality.

RF I disagree. The ground rules should be not to say anything.

BL I want to take the *issues* to my community to discuss.

OM & NT Want confidentiality.

BL The *issues* only.

OM Give me a concrete example.

BL. E.g., you are consulted. Somebody consults with you overseas....

RF Doesn't want *any* mention.

BA Go back to our three-point charge from the Board of Directors. This is what *we produce*, what we are supposed to do.

SG Whatever document we give to the board reflects our best thinking about these issues.

JMA I ask for [supplying the] reasoning that takes us to the conclusions.

S Breckler Given the potential for varying interpretations, [let the PENS report] be said in a single voice. Otherwise, 12 different versions. Let Olivia work out what will and will not be said and trust them to produce a document. Avoids interpretation in 12 different voices but doesn't hide anything.

SS We have lived in closed community and may ____ us. *Don't take notes* (to JMA). It worries him.

RN Worried about rekindling the fires. The [APA] President undertook this [Task Force] to calm the issues. Many of the same problems with other Task Forces. The press is not interested in harmony. We are now on the firing line.

The value of the Task Force members is what we can agree on with clarity. That is very helpful.

Where we have disagreement, we'll agree on *how* to represent....

MW The crux of ethics is struggle. We want at some time to be able to communicate the struggle. Not to feed the press. "The task force struggled with issues."

____ There have been other extreme-topic task forces. We have to work together to get to our topics. The process is rich. We can talk to....

Notes later: In the afternoon on Friday, there was a big to do about confidentiality of the meeting. I resisted strongly. It was finally put to a vote. JMA dissented. MW abstained. All others voted for confidentiality, which I called secrecy.

[Assignment for tomorrow, read APA Code. What needs to be changed?]

6/24/05 Dinner. I sat with MW and MB. MB talked about training issues. Said *everyone* at command level understood the problems of coercive interrogation. Didn't want it.

It's an organizational problem now. They didn't have proper staff for interrogations. Should appropriate be technical specialists, warrant officers, 40 years old. But warrant officers are paid at level of major or lieutenant colonel. Only have so many positions. Would have to get congress to approve many more positions. *Big* expense. Therefore using recruits with six to eight weeks of training at Ft. Huachuca. Army provides most of the interrogators. He supervises all army interrogators.

U.S. hasn't interrogated people in numbers for years. Even warrant officer specialist might have only interrogated five people in their careers.

6/25/05 Breakfast. Discussion with MB. He is trying to get psychologists at all interrogation facilities [because they prevent detainee abuse and other problems]. Doesn't know of any in Uzbekistan.

Mel Gravitz joins Task Force discussion. A retired clinical psychologist. Had directed navy internship program.

[JMA What other areas of intelligence and national security should we consider? Use or threat of psychological examination to discredit subordinates. Use of psychologists to deceive people into undertaking harmful or illegal actions. Illegal experimentation. Impersonation of psychologists by interrogators or counterintelligence.— I may not have been able to raise all these issues. The ones I did raise were dismissed as unimportant to our central purpose.—At some point I passed out a page of quotes from my interrogator correspondent concerning doctors and psychologists.]

Sketchy notes from margins of PENS report draft #2, 6/25/05. Numbers, then • , approximately indicate changes in topic of discussion.

1. LJ Wants to say psychologists can do interrogation if trained.

Other military psychologists object.

2. MG Build boundaries! Example: being swept up in espionage or homicide case. A "narrowest." He looks to future of psychology in national security.

An argument about “never” a psychologist as interrogator. Military unwilling.

MG asks for attention to psychological research.

RN Don’t go too far in discussing psychologists as interrogators so as not to expose ourselves and complicate the issue.

3. SB Attend to level of specificity in document so as not to cause difficulties.

JMA I ask for “alert” [to be inserted into text of report]. Military psychologists like this.

MG The scope of APA ethics. Wants an ethical code for psychologists in general.

JMA I don’t succeed in getting a statement about psychologists don’t do interrogation except in emergency field situation.

BA Psychologist as advisor to induce stress.

5. MP Thinks confession is legitimate purpose [for consultation with a psychologist].

Psychologists do not conduct interrogation except possibly in emergency field condition.

MB Often we do try to exploit psychological distress. We need the boundaries.

MG Creating conflict in a person is the way to move towards confession.

6. MW On International Convention against Torture, compares it with Bush doctrine. This discrepancy leaves open unethical procedure to U.S.

LJ DoD interrogators have to agree.

[Overlapping conversations unrecorded.]

10. RF No big research on psychological effects. Wants research. Analyze past [results?]. Can get compliance by force. But little support for getting accurate information.

11. MW The disorientation techniques remain. Our reputation in this profession depends on this document.

12. MG Wants to postpone.

13. I miss national security in table of contents. Forensics experience.
14. BA Look at Task Force mandate. Is there debriefing or deception?
15. B A goes back to our three-part mandate. Do it! Don't pass the buck.
16. BL Says pain and stress are not so bad. The Hanoi Hilton survivors reported gains.
17. Ethics Code is adequate. [I.e., Task Force doesn't need to write new principles.]
18. JMA My concern about innocents who are interrogated. Can the psychologist make innocence a first order of business?

National security member: It's not our business.

Also, NT and OM are against my concern. "Stay in your lane." [I.e., military psychologists should not go out of their expertise to try to establish guilt or innocence of subject.] This works into MB's amendment.

19. MB: What psychologists contribute: maps and birth dates examples [of assistance to both interrogator and detainee. In these examples, detainee says he will cooperate. Interrogator doesn't believe him because detainee cannot point to critical location or map or won't reveal birth date. What the psychologist brings is the knowledge that the detainee cannot read a map, or people in his village don't know their birth dates.] They educate how to ask a question and how to interpret [the response].

20. JMA [Wants] ethics cases for military psychologists part of our report. An ethics case book?

RN *Must* show application of ethics code to our issue. Big support of examples.

SS Says thought that examples would alarm [people about the use of] psychological science.

RF [Let us] produce an article for the *American Psychologist* that we could refer to.

SB Examples are necessary but examples should be in a compendium.

21. MW Still worried about the gray areas.

22. BA & RN Searching for an analogue to psychological consulting for interrogation.

NT Advising on child custody issues.

RN Advising on depositions.

[Good] analogue not found.

23. the point on the dial. Do we need to address this? We will be asked. E.g., sleep deprivation.

RF Recommend that APA continue proactively. It's a national process. It's multistep, education, informing.

24. NT (on #12) What about psychologists consulting on difficult cases. APA has no provisions for classified consultation.

LJ wouldn't do it. The military people except for LJ support this.

RF wants a process going forward.

M APA could recommend such a system be established.

25. Draft [returning to draft of PENS report].

MG The panties on the head story [referring to treatment designed to humiliate of Islamic detainees].

RN Very much in favor of this example.

MB SERE training. *Must* have a psychologist on site. "Drift" happens every five minutes.

BL ____

26. Regarding confidentiality, keep point 9 because public is wrought up about use of medical information.

RN We *must* discuss confidentiality. Discussion about _____. Ethics versus law. What the law dictates. We need room for discussion.

MW A proactive ethics code wants to adhere to law but cannot be bound.

28. MW on the US interrogation rule versus Convention [on Torture]

29 JMA I talk about interrogation in Middle East without psychologists. Psychologists' reach should be extended [on the military psychologists' assertion that they protect against torture].

[Lunch recess.]

Saturday afternoon

30. Division 48 letter introduced. MW and I wanted ____

LJ Abu Ghraib, June 2002[?] [when his service began, the ethics problems with physicians and psychologists ceased.]

1000 + 2500. Treatment.

I want cases and research.

31 MW wants to say we know torture occurs and we deplore it.

RN Much effort to calm public attack.

JMA [I bring up article by the racist William Henry] Anderson [MD, former Navy Chief of Neuropsychiatry at Guantanamo Bay.]

LJ He never was at Guantanamo Bay [in current War on Terror].

NT Shuts me up abruptly.

MB [An aside.] "We think he is a kook." We agree with you.

[Missed conversation.]

RN Do our own process, not Division 48's.

SS Takes offense at my [characterization of our confidentiality agreement as] "hush-hush."

NT We've been asked to review, but we don't have to respond. Any response will feel inadequate.

MW Wants a *true* review [of psychologists involvement in interrogation of terrorist suspects].

- GM Now, what is now here, and think about the code.

LJ About treatment.

RF This [discussion of] process with military and APA should continue.

JMA I ask for recommendations to attend later to many other psychologists-national security issues. Several, ____.

NT Backs me on this one.
Supply examples.

- Discussion of profiling. "Indirect assessment." Who does it? Military interest and discussion.
- MJA [Proposes] oral histories [of national security psychologists with experience in War on Terror].

LT, SS, RF for this.

RF will write it up

Classified [oral histories], yes.

Military [psychologist] also suggests and unclassified version.

- Argument between MG and MG about whether there should be psychologists in all interrogation centers. I say I value psychologists for bring reason and accountability into interrogation. MG disagrees strongly with the implication that they should monitor.
- NT *et al.*, much discussion of "drift."
- I raise issue of vulnerability of frameworks. A struggle to classify

.SB The goodness of fit between ethics code and....

RF Many military psychology functions and agents not represented here. But need an ongoing process. Solicit perspectives.

WS (MW?) Yes. Need more discussion.

MGravitz Yes, we have to redefine basics to apply APA code.

MG If APA says informed consent needed for indirect assessment, he would have to drop APA membership.

SS Off the record—provides deniability to both to probe possibility of....

RF If APA disparages military psychology, then duck....

RN Happened with Media Psychology Division.

Late Saturday afternoon.

RF Young psychologist in unnamed institution. Tells others to use instrument X to get A, B, C.... It's classified. Managers don't want to anger psychologists, who have power.

MGravitz: Military psychologists are *more* interested in ethical issues.

RF Likes our openness.

As opposed to people who say you're a bad person.

MGravitz: APA person took a discussion like this [to] national security community a few years ago. National security folks delighted—"our" profession.

....

MGravitz: For over a decade....

- JMA I ask about the meaning of *American* in American Psychological Association, having to do with international law.

LJ Shuts me up.

[Missing discussion.]

JMA As a last proviso, I clarify that the ethics code tells how to behave if you are a military psychologist but does not endorse working as an American psychologist. [i.e., as a psychologist for the American military].

Going forward, can we include other militaries?

[Military psychologist] No, our military *cannot* talk with them.

- Communicating with the press.

Sunday, June 26, 2005 [Some margin notes on the third draft of the PENS report.]

P 1.

- I object to "...the Task Force was nonetheless able to set forth clear and unanimous statements about psychologists' ethical obligations," replacing "unanimous" with "consensus."
- I object to "Many association members work for the United States government It is the responsibility of APA to think through ...challenges that face these psychologists, who apply their training, skills, and expertise in our nation's service." I propose instead "work for their respective governments" and "expertise in national security."

P. 7 If this document has no new ethical principles, can be approved quickly. If new principles, it takes a year to approve. — This is was a huge consideration raised by APA staff [Russ Newman, I think—JMA 8/31/06] because of the felt urgency.

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**Sunday, June 26, 2005** [Returning to notes recorded during recess in my professional journal No. 22: June 18 - September 11, 2005, pp. 63.]

RF Last advice (through speaker phone) from APA public affairs person, Rhea Farberman: Say we are not investigative. Don't imply torture at Abu Ghraib or Guantanamo Bay. She tells how reporters will look at this.

Corruption — of interrogation.

APA governance

APA membership

media

military

MB [Will personally be] briefing the army surgeon general

In 24 hours we must respond to Task Force draft [to accept or reject it].

Steve Behnke will speak for the Task Force

But report *must* go from APA to the government.

Goes to the government before the media. Goes to government: Donald Rumsfeld, Senate, House, will be leaked to media [by the political offices].

SS wants to send report to the executive branch.

Send to government just very briefly before public release because of leaks, [which leads to] others framing it first.

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Addendum

The APA had situated us at the conference table with name placards. The 10 Task Force members sat at one end of the table, with the Chairperson at the

very end. Steve Behnke, the rapporteur, at a computer desk adjacent to the Chairperson. Other APA staff members and visitors sat at the other end of the table. I was seated at the dividing line between the two groups, with Barry Anton on my left and Morgan Banks on my right, across the seminar table from all other national security Task Force members.

On the first morning, some authority (the Task Force Chairperson, I think) [OM – JMA, 8/31/06] reviewed our mandate from the APA Board of Directors and stated that the Task Force business excluded investigation of allegations of psychologists' involvement in coercive interrogation. I questioned this limitation. Gerald Koocher, who was sitting directly across from me, chastised me sharply. He said that if I didn't agree with the Task Force constraints I should not have come to the meeting. This experience subdued me for much of the day. At the time, I did not understand he was the President-Elect, only that he was substituting for President Levant who could not attend.