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To: Carter, Danielle

Cc: Hoffman, David H.

From: Behnke, Stephen

Re: Independent Review

Apr 21, 2015 12:14 AM

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1 Attachment

Danielle and David,

I look forward to speaking with you
next Friday, May 1, at 10am.

When we last spoke I mentioned a
text that I was drafting and that I'll
be using as a reference when we
be using as a reference when we
next speak. The text, regarding
APA policy and the relevant
chronology, is in a "question and
answer" format and addresses
allegations in James Risen's book,
"All the President's Psychologists,"
and some other articles critical of
APA.

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APA.

Thank you,

Steve

From: Carter, Danielle
<djcarter@sidley.com>

Questions and responses regarding the allegations in James Risen's "Pay Any Price" (2014) and "All the President's Psychologists" (2015)

In "Pay Any Price" (2014), James Risen claims that the American Psychological Association colluded with the Bush administration's enhanced interrogation/torture program, despite APA knowing that such interrogations deviated from ethical and effective interrogations. "All the President's Psychologists" (2015) repeats and elaborates these allegations.

Stephen Behnke

- 1. James Risen alleges that "America's Psychologists...quietly changed their profession's ethics code to allow torture to continue." (Risen, page 178) The allegation makes reference to a change in ethical standard 1.02 of the APA Ethics Code, which addresses conflicts between ethics and law.**

Is this allegation true?

This allegation is demonstrably false. The language at issue, in standard 1.02 of the APA Ethics Code, was drafted by the Ethics Code Task Force (ECTF) in October 2000. The ECTF was the task force charged with revising the APA Ethics Code and forwarding draft language for final adoption by APA's governing body, the Council of Representatives.

The ECTF retained this language for standard 1.02 from October 2000 through August 2002, when the Council of Representatives voted to adopt the ECTF's draft language for standard 1.02 in the new Ethics Code. The October 2000 draft language in question predates the Bush administration, the events of September 11, and the global war on terror. The Bush administration did not exist when this language was drafted.

There is no connection between the language that was drafted by the ECTF in October 2000 and the use of enhanced interrogation techniques/torture by the Bush administration. The chronology refutes Risen's allegation.

- 2. James Risen alleges that "The change in the APA's ethics code was essential to the Bush Administration's ability to use enhanced interrogation techniques on detainees." (Risen, page 195)**

Is this allegation true?

This allegation is demonstrably false. First, there is no reason to suppose the Bush administration viewed the change to standard 1.02 as essential to the enhanced interrogation/torture program, or that the Bush administration was even aware that APA was revising its Ethics Code. The ECTF worked from 1997 until 2002. The Council of Representatives adopted the ECTF's proposed

revisions when Council met August 21/25, 2002. Council voted that the new Ethics Code would become effective on June 1, 2003, over nine months later.

Two United States Senate reports have examined Bush administration interrogation practices in detail, the Senate Armed Services Committee *Inquiry into the Treatment of Detainees in U.S. Custody*, 2008 (hereinafter the “2008 Senate Armed Services Report”) and the 2014 Senate Select Committee on Intelligence, *Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program*, (hereinafter “2014 Senate Select Committee Report”). Both reports make clear that the foundation for the enhanced interrogation/torture program was well in place prior to Council’s August 2002 vote to adopt the ECTF’s recommended revisions, and well prior to the effective date of the revised Ethics Code in June 2003 . The 2008 Senate Armed Services Report recounts, for example:

[The Joint Personnel Recovery Agency] developed a two day lesson for [redacted] covering “the full spectrum [of] exploitation,” including both explanations and demonstrations of physical pressures that were approved for use at JPRA’s SERE [Survival, Evasion, Resistance, Escape] school. At the time, JPRA-approved techniques included body slaps, face slaps, hooding, stress positions, walling, immersion in water, stripping, isolation, and sleep deprivation, among others.

The two day training took place at [redacted] headquarters on July 1-2, 2002. (2008 Senate Armed Services Report, page 21, emphasis added)

Likewise, the 2014 Senate Select Committee Report recounts how the CIA moved away from a rapport-based approach in the spring of 2002, and how the enhanced interrogation/torture program followed soon after. (See, e.g., 2014 Senate Select Committee Report, pages 24-31, “On April 13, 2002, while Abu Zubaydah was still in the hospital, the CIA implemented the ‘new interrogation program.’” Emphasis added)

The enhanced interrogation/torture program itself was under way approximately one year prior to when the revised Ethics Code became effective on June 1, 2003.

That the revised Ethics Code did not become effective until June 1, 2003, after the enhanced interrogation/torture program was under way, demonstrates that James Risen’s allegation—the change to the Ethics Code was “essential” to the Bush administration’s ability to use enhanced interrogation techniques/torture—cannot be accurate.

3. If James Risen’s allegations are not correct, how can APA explain the change to ethical standard 1.02?

During the 1997-2002 Ethics Code revision process, the ECTF solicited comments widely from APA members, governance groups, and the public. The previous (1992) version of the Ethics Code stated that, when ethics and law conflict, “psychologists make known their commitment to