

Positive Illusions and the Necessity of a Bright Line Forbidding Psychologist Involvement in Detainee Interrogations

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The authors commend Costanzo, Gerrity, and Lykes (2007) and their cogent summary of a number of ethical and scientific considerations relevant to evaluating the proper role of psychologists in national security interrogations of so-called “enemy combatants.” From their careful analysis they derive a series of recommendations for the American Psychological Association (APA) and other psychology-related associations, all of which are quite powerful. While supporting these recommendations, the authors also argue that the logic and evidence presented by Costanzo et al. imply, in current legal, political, and organizational circumstances, that psychologists should play no role in the interrogations process. The authors propose that a “bright line” should separate the profession of psychology completely from national security interrogations. The argument is based partly upon ethical considerations, on the practical knowledge available for documenting psychologist participation in interrogations as members of the so-called Behavioral Science Consultation Teams (BSCTs) at Guantánamo, evidence from other locations and sources, and equally upon the social psychological research regarding the interrogation process so adroitly summarized by Costanzo et al.

Costanzo, Gerrity, and Lykes (2007) cogently summarize a number of ethical and scientific considerations relevant to evaluating the proper role of psychologists in national security interrogations of so-called “enemy combatants.” From their careful analysis they derive a series of recommendations for the American

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Psychological Association (APA) and other psychology-related associations. These recommendations include the call for the APA to (1) make an unambiguous condemnation of torture or other cruel, inhuman, or degrading treatment or punishment (CIDTP) in interrogations while banning psychologist participation in such interrogations, and to call upon the U.S. government to explicitly ban the use of all such techniques; (2) conduct an investigation of the extent to which psychologists have been involved with the use of torture or CIDTP in interrogations, and to take appropriate professional sanctions, if warranted; and (3) create “guidelines and explicit codes consistent with international treaties and human rights covenants as well as guidelines developed for health professions.” These guidelines for psychologists would govern their participation in military detention settings and help direct investigation and enforcement mechanisms in the event of violations.

While supporting these recommendations, we wish to argue that the logic and evidence presented by Costanzo et al. implies to us, in current legal, political, and organizational circumstances, that psychologists should play no role in the interrogations process, period. That is, that a “bright line” should separate the profession of psychology completely from national security interrogations. Our argument is based partly on ethical considerations, but also on the practical knowledge available for documenting psychologist participation in interrogations as members of the so-called Behavioral Science Consultation Teams (BSCTs) at Guantanamo, and equally upon the social psychological research regarding the interrogation process so adroitly summarized by Costanzo et al.

Ethical Considerations

Costanzo et al. examine various ethics codes regulating the profession of psychology. Relying on Guathier (Costanzo et al., 2004), the authors refer to “five cross-cutting principles” identified across various international codes. The first two of these principles are particularly relevant in the present context: “1) respect for the dignity and rights of persons and 2) caring for others and concern for their welfare.” Similar sentiments are echoed in the APA’s ethics code (American Psychological Association, 2002). Principle A of this code begins: “Psychologists strive to benefit those with whom they work and take care to do no harm. In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons.” Principle E of the code additionally states, “Psychologists respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination.”

In even the best of circumstances, it is difficult to believe that psychologists involved in interrogations of alleged terrorists can follow these key ethical maxims. Given all that is known about (a) the nature and extent of human rights abuses

perpetrated upon those detained by U.S. forces in the “war on terrorism” (Amnesty International, 2004; Gall & Rohde, 2004; Human Rights Watch, 2005a, 2005b, 2006; McCoy, 2006; Smith & Eggen, 2004), about (b) health providers’ role in this abuse (Bloche & Marks, 2005a; Bloche & Marks, 2005b; Lewis, 2005; Miles, 2006; Miles & Goodman, 2006; Rubenstein, Pross, Davidoff, & Iacopino, 2005; Stephens, 2005; Xenakis, 2005), and about (c) the various social influence factors described by Costanzo et al., the ability to “do no harm” and “respect the dignity and worth” of detainees is virtually inconceivable. This is particularly true in the current political and legal climate and the ways in which BSCT psychologists reciprocally interact with the governing principles and organizational climate of the military detention settings themselves.

Experience of Psychologists in Interrogations

Given general agreement on the necessity of the psychologist to follow the stirring ethical statements articulated in the APA code and elsewhere, we are led to ask, how consistent is the actual experience and behavior of BSCT psychologists with these moral precepts? Immediately, we are confronted with a major problem. The activities of psychologists at Guantánamo, as indeed most other activities at that facility, are shrouded in secrecy. The only independent observers allowed to interact with detainees are officials of the International Committee of the Red Cross (ICRC) who are sworn, by mandate, to secrecy. Nonetheless, as reported in the November 30, 2004 *New York Times*, the ICRC, in its leaked confidential reports, found that “the American military has intentionally used psychological and sometimes physical coercion ‘tantamount to torture’ on prisoners at Guantánamo Bay, Cuba” (Lewis, 2004).

Consistent with the ICRC’s account, virtually all reporters who have examined the issue—including Jane Mayer of the *New Yorker* (2005), Mark Benjamin of *Salon* (2006a; 2006b), Bill Dedman of *MSNBC* (2006a; 2006b), and Adam Zagorin of *Time* (Zagorin & Duffy, 2005) have reported that the BSCTs, most of them currently psychologists, actively participated in and helped in the designing of abusive interrogation strategies. According to these reporters, the military Survival, Evasion, Resistance, Escape (SERE) program, designed to train U.S. Special Forces and others to withstand torture or abusive interrogation if captured, was actively “reverse-engineered” to create psychological techniques to break down detainees (Physicians for Human Rights, 2005).

The most detailed view of the nature of Guantánamo interrogations comes from the case of Mohammed al-Qahtani, Prisoner 063. In 2005, *Time* magazine obtained a portion of the Interrogation Log for this case (ORCON, 2003; Zagorin & Duffy, 2005). An interesting feature of this log is that psychologist Major John Leso, Chair of the BSCT at Guantánamo (Miles, 2007), and active member of the APA, was immediately present as a consultant to the interrogation.

Bioethicist Steven Miles has recently published a detailed examination of this case (Miles, 2007). While space precludes an exhaustive account of al-Qahtani's interrogation—involving sexual abuse, induced hypothermia resulting in hospitalization, threatening with a dog, forced urination upon self, and numerous other “outrages upon personal dignity” banned by the Geneva Conventions—suffice it to say that the treatment of al-Qahtani is indisputably categorized as either torture or as “cruel, inhuman, or degrading.” What is more, a psychologist is demonstrably present during *at least* portions of the abuse. While the BSCT psychologists' contributions derived from the log are relatively banal and sophomoric, such as the turning of a chair to prevent al-Qahtani from focusing his concentration on a single spot on the wall, they are all designed to escalate detainee stress and never to prevent abuse.

While other details of the psychologists' contributions to interrogations are sparse, it is known that SERE psychologists consulted to and trained staff at Guantánamo (Benjamin, 2006b; Mayer, 2005). As *Salon's* Benjamin puts it, “There are striking similarities between the reported detainee abuse at both Guantánamo and Abu Ghraib and the techniques used on soldiers going through SERE school, including forced nudity, stress positions, isolation, sleep deprivation, sexual humiliation and exhaustion from exercise.”

While we have few details on other interrogations, and of psychologists' participation in them, accounts in recent years by attorneys for Guantánamo detainees indicate that the general treatment of detainees, many of whom are likely innocent of any terrorist involvement, remains abusive to the extent that many detainees reportedly are being “driven insane” (Dinmore, 2007; Hoffer, 2007; Mickum, 2007). Thus, British attorney Mickum tells of a detainee kept in total isolation, with nothing to distract him from harsh, beaming lights 24 hours a day. “Bisher is given 15 sheets of toilet paper per day, but because he used his sheets to cover his eyes to help him to sleep, his toilet paper – considered another comfort item by his beneficent constabulary – has been removed for ‘misuse’. Accordingly, he no longer receives his daily ration of 15 sheets of toilet paper.” As Mickum concludes, “What the British government knows and the British public needs to know is that Bisher's treatment is designed to achieve a single objective: causing an individual to lose his psychological balance and, ultimately, his mind. Every aspect of Bisher's prison environment is controlled and manipulated to create constant mental instability. . . . What is so ineffably sad about all this is that Bisher realises he is losing his mind. He is constantly stressed and tired. He has told us that he knows that he is no longer normal.” Another of Mickum's clients, also in total isolation, has the letters from his children redacted, removing such “dangerous” language as “Daddy, I love you” and “Daddy, I miss you.” If this treatment is not “cruel, inhuman, or degrading,” it is difficult to imagine a more concrete set of examples. No report of any BSCT psychologist protesting any treatment of a detainee is on record.

Social Psychology of Interrogations

The American Psychological Association defends psychologist participation in interrogations partially through a claim that psychologists can help prevent “behavioral drift” by interrogators who may be swept, apparently like a breeze, into torture or CIDTP. As Stephen Behnke, the APA’s ethics director expressed it: “APA frames a role that psychologists have unique training to fill: the role of observing interrogations in order to guard against ‘behavioral drift’ on the part of interrogators. Behavioral drift, which may arise in high stress situations where there is insufficient ethical guidance or oversight, involves a deviation from professionally and ethically acceptable behavior and so may lead to coercive interrogation techniques. Psychologists, as experts in human behavior, are trained to observe and intervene to prevent behavioral drift” (Behnke, 2006). First, it should be noted that we, as psychologists, do not recall a single moment of training “to observe and intervene to prevent behavioral drift,” nor do we know of any psychological colleagues who report the receiving of such training. Moreover, while APA may “frame . . . a role,” this does not appear to be the way the Department of Defense frames the primary duties of a BSCT, at least in the objective, official, and unbiased set of circumstances reported on Leso. Therefore, the notion that psychologists are competently trained and that they actually engage in this safeguard role is suspect. Such an assertion can only be characterized as a “positive illusion.”

Costanzo et al. detail social psychological research illustrating the situational pressures on interrogators, tasked as they are to obtain information from detainees who may, or may not, be telling the truth or possess any truth to tell. Since psychological professionals, as Costanzo et al. point out, can detect deception at rates only slightly higher than chance, they are in a near-impossible situation. The dilemma is this: Should the interrogator accept a detainee’s claims of ignorance? Or should that interrogator press ever harder to make certain the detainee is not in fact insulting the interrogator through wile or deception? Detainees who are truly innocent, who have no useful information to impart, are consequently those who are at greatest risk of being abused as the interrogators strive to become continually more certain they are not being deceived. One can only imagine the pressures on BSCT psychologists whose professional persona is shaped to lead others into believing they possess a special expertise in detecting dissimulation while the reality is that the science behind their abilities has little more established validity than phrenology or psychology’s many other misguided tools that always seem to cause the most harm to the marginalized. To believe that such “experts,” even if—a big if—they possessed the ability and inclination, would be able to prevent “behavioral drift” to keep “interrogations safe and ethical” (Brehm, 2007), is another illusion. The psychologist is being asked to perform two contradictory roles, acting as the interrogator’s therapist, providing insight into the potentiality for behavioral excess, while simultaneously acting as the interrogator’s accomplice in the interrogation,

as consultant strategist for effective interrogation (see PENS task force report's prohibition against "mixed-roles"; American Psychological Association, 2005, and the APA ethics code regarding conflicts of interest and dual loyalty; American Psychological Association, 2002).

Since the writing of the Costanzo et al. article, a major report from the intelligence community has been released, which euphemistically renames the field of interrogation "educing information" (Intelligence Science Board, 2006). This report corroborates past scientific reviews, concluding that scientific research has little to contribute regarding the efficacy of detainee interrogations. Yet there is equally a sense that this "educing information" movement is largely an attempt to open the doors to a whole new line of research, not to mention research funding. Moreover, the American Psychological Association appears to be equally interested in this report as a way to advocate for greater funding of psychological research in part, but also as an avenue to defend the potential contribution of psychology in these settings, even while admitting that the current research provides no present contribution for BSCT practice.

Costanzo et al., in contrast to the "educing information" report, perform an excellent service in that their examination of the literature never strays from the context of ethical constraint; this responsible attention constitutes one of the finest and most responsible components of this article. Scientific research is essential to our understandings of the world, but we must simultaneously pay the closest attention to the ethical contexts. Effect sizes, the ability of a study to generalize to locations like Guantánamo, the differential nature of the samples and their ethnic origin, how the legal and social climate places inextricable risks in these detention settings, and the many other validity threats and ethical dangers present when research is conducted in this arena, all require the greatest scholarly vigilance. After all, research on deception conducted with college students from the Psych 101 pool is unlikely to satisfy the intelligence community, or any scientist for that matter. Rather, research, in order to be fully useful, will need external validity, which can only come from real field settings, that is, in detention centers or similar institutions. Research conducted in these settings—if applicable to the present interrogation techniques—will likely violate many of the ethical standards that have come to define properly conducted psychological studies and the basic ethics of the American Psychological Association.

In this context, it is appropriate that Costanzo et al. remind us of the Nuremberg Code of Ethics in Medical Research (Costanzo et al., 2007). Research conducted in these settings without IRB protections, particularly on vulnerable detained populations, has a high probability of violating the Nuremberg Code, as well as the more mundane APA Ethics Code statements governing the conduct of scientific research. If absolute secrecy did not reign outside of the purview of ethics watchdog panels and if confined silence was not the *modus operandi* in these institutions,

some hope for safeguards to prevent the complex of risks inherent in BSCT and other psychological work may exist. Until then, it does not. Instead, the purposefully sealed and remote nature of these detention centers, their cells, the behavioral practices within, and the undue pressures against whistle-blowing, demand nothing short of a bright line policy against all these military-based, psychologist-involved interrogations.

Psychology, Mental Health, and the Bright Line

Psychologists play many roles outside of their traditional mental health activities, and yet it is almost impossible to discuss psychology in any circumstance and not consider its implications on mental health. We know of many psychologists who are against BSCT activities and support a bright line forbidding participation in interrogations; there remains, however, considerable debate as to whether psychologists should work at all in settings where human rights are known to be systematically violated, particularly where the mental health of a vulnerable population is continually subject to risk. Costanzo et al.'s extensive list of serious detriments to mental health directly attributable to coercive interrogations is undeniable. Whether psychologists are responsible to be present to try to reduce or ameliorate these harms or, alternatively, whether their presence serves as an enabling agent is a question of serious moral significance. Intuitively, we believe the separation between a psychologist working for the Red Cross in Darfur to reduce trauma and a psychologist acting to perpetuate the systemic harms of, say, a governmental agency within Darfur (through, for instance, interrogation) is not a subtle line. Either activity is, in its own way, high risk for the client or the person who is most impacted by the practice of psychology in these circumstances. Nevertheless, we would assert that reducing fear and anxiety for the person experiencing it is always more noble than the escalating of fear and anxiety with the purpose of extracting information for an individual in the service of a third party. The mental-health-care provider in the "war on terror" detention center is in an even more difficult and ethically questionable circumstance if the remedying of symptoms of mental illness simply sends the client back to be subjected to additional, harmful interrogations.

The participation of BSCT psychologists in these detention center interrogations piles on even more consequential complications in that their fear-escalation activities create a hitherto unexamined moral pressure for any mental-health-care provider trying to benefit detainee clients. Not only do BSCTs contribute to the continual exacerbation of detainee harm, but their behaviors inevitably produce a severe chasm of trust between the detainee and "psychologists" as a whole. Regardless of how pressing and psychically horrifying the mental health problems are for detainees, after interactions with BSCT psychologists, the possibilities of trust erode so extremely that it is unlikely that even the most skilled practitioner

could rebuild anything remotely akin to a therapeutic alliance with these detainees, particularly in the same detention setting. Therefore, BSCT psychologist presence harms not only detainees' perception of BSCTs, but of psychologists (and of other health care providers) in totality. As word spreads of psychologists' roles in interrogations, such distrust becomes inexorably widespread far beyond these detention facilities. Any role not intended to help detainees compromises all other mental health roles and reduces the potential for detainees, and for many others around the world, to obtain the benefits of well-being generally offered by the profession.

We therefore fall short of advocating for the exclusion of psychologists from these settings in any capacity. We believe the most responsible middle-ground policy is a bright line, separating cleanly the psychologist from the interrogation process in secret and sequestered military detention centers. Such a policy is in every way consistent with the APA ethics code that the role of psychologists in these settings, as everywhere, is "to benefit those with whom they work and take care to do no harm" (American Psychological Association, 2002). To reiterate an often-misperceived point, the bright line does *not* mean that psychologists cannot provide care for detainees (unless it just leads detainees back into interrogation) or protect detainees by reporting abuses. It also does not mean that psychologists cannot work with ethical interrogators outside of the interrogation booth, to keep those interrogators mentally stable. In arguing for a bright line, we are most simply arguing that psychologists should "do no harm" and "do good," and not necessarily in this order, to the individual most impacted by the psychologists in these settings, namely, the detainee. As Costanzo et al. maintain throughout the article, clear rules and procedures are beneficial to national security, the reputation of the discipline, the APA, the military psychologist, and the detainee—and the bright line, in congruence with policies set forth by the American Medical Association (American Medical Association, 2006) and the American Psychiatric Association (American Psychiatric Association, 2006), is an effective ethical strategy for all.

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