FACT SHEET ON STEPHEN BEHNKE, DIRECTOR OF APA'S ETHICS OFFICE

Dr. Stephen Behnke is the Director of the American Psychological Association's (APA) Ethics Office. For almost a decade he has played a key role in shaping and defending APA's facilitation of psychologist–assisted torture and abusive interrogation. Here is a partial list of pertinent positions and activities by Dr. Behnke.

1. Dr. Behnke played a key role in the creation and management of the 2005 PENS (Psychological Ethics and National Security) Task Force. Questionable aspects of this Task Force include:

    a. *Membership.* The Task Force membership consisted of a majority from the military-intelligence establishment, including *several members who served in chains of command that had been accused of torture or detainee abuse prior to the Task Force creation.* One member, Dr. Michael Gelles, had previously been the target of an ethics complaint for prisoner abuse submitted to the APA ethics committee by a prominent human rights attorney. Dr. Behnke did not disclose this filing when he was involved in appointing Dr. Gelles to the PENS Task Force. Moreover, prior to this appointment, Dr. Gelles had published a recommendation that intelligence psychologists should be freed from the constraints of the APA ethics code. This is not information that would have been outside the purview of the APA Ethics Office.

    b. *Secrecy.* Dr. Behnke withheld the names of PENS Task Force members from the APA membership at the 2005 Annual Convention. At that time, Dr. Ed Tejerian of the Divisions for Social Justice (and currently an APA Council member) asked Dr. Behnke about the transparency of the Task Force membership. In this public forum, Dr. Behnke refused to divulge the names of PENS members, claiming that this information was "confidential." PENS member Dr. Michael Gelles subsequently praised Dr. Behnke for this stance, writing on the PENS listserv: "I was once again impressed with how Dr. Behnke eloquently represented our work and insured the confidentiality of the panel, despite pressure to reveal the identities of the Task Force members and the process that unfolded during the Task Force meetings." Later, Dr. Behnke asserted that the membership had never been confidential. In fact, when asked by a member of the Coalition for an Ethical Psychology in December 2006 why he had told Dr. Tejerian that the membership was confidential, he replied, "I don't know."

    c. *Conflicts of Interest.* The PENS Task Force involved numerous conflicts of interest, all of which were ignored or misrepresented by Dr. Behnke and the other meeting organizers. The most egregious instance involved observer Russ Newman, then Director of APA's Practice Directorate. Dr. Newman's wife was Lt. Col. Debra Dunivin, a member of the Guantanamo Behavioral Science Consultation Team (BSCT) – the very form of psychologist involvement that was a primary focus of the PENS Task Force's ethics deliberations. Dr. Newman shifted the agenda of the Task Force from development of ethical guidelines to strategy for putting out the fires of controversy. Lt. Col. Dunivin subsequently joined members of the Task Force in revising the BSCT instructions on the basis of the PENS Report. As PENS Task Force member Col. Morgan Banks described on the PENS listerv: "Last Friday, I spent

eight hours with the Army's Surgeon General, LTG Kiley, along with [Task Force member] Larry James, Debra Dunivin, and several others. We were trying to establish the doctrinal guidelines and training model for psychologists performing this job."

d. *Other Irregularities.* Based on reports from Task Force members, Dr.Behnke inexplicably took the role of sole reporter for the Task Force, including writing all drafts of the PENS Report. This arrangement stands in sharp contrast to the usual APA task force process, in which the report is composed by the members themselves. Moreover, the PENS members were instructed against speaking in public about the proceedings or any of its conclusions. Communications with the public were to be the sole responsibility of Dr. Behnke himself and the APA press office.

2. In his writing and public statements, Dr. Behnke was at the forefront in repeatedly asserting the APA position that psychologists should be involved in interrogations at national security settings to keep them "safe, legal, ethical, and effective." This phrase in the PENS Report was actually taken directly from the Bush Administration's BSCT instructions. The phrase was provided to the group by its author, Task Force member Col. Morgan Banks, on the opening day of the PENS deliberations. When the U.S. Justice Department Torture Memos were eventually made public, it became clear that the APA's claim had its origins in the infamous Yoo-Bybee memos, whereby psychologists provided a form of protection for the government. According to the memos, a psychologist's statement that abuse does not cause permanent harm serves as a defense for the perpetrator, regardless of any actual harm to the victim. Despite this obvious misuse of the practice of psychology, APA Ethics Director Behnke, has continued to defend this APA claim, long after it became clear that, rather than keeping interrogations "safe," psychologists were intentionally designing, implementing, teaching, researching, and providing for the U.S. government's longstanding torture program.

3. Dr. Behnke conducted behind-the-scenes discussions with the APA's military psychology division to develop a Board alternative to undercut the 2007 Moratorium resolution supported by Division 48 and the Divisions for Social Justice (DSJ). No DSJ members or Moratorium supporters were involved in these discussions. The night before the Council vote, Dr. Behnke inserted language into the proposed condemnation of specific torture techniques. Major journalists interpreted Dr. Behnke's actions as allowing the CIA to continue the then-active portion of its "enhanced interrogation" program (see Mark Benjamin's article "Will psychologists still abet torture?" at http://www.salon.com/news/feature/2007/08/21/psychologists/index.html).

   Media questions about the origins of these clauses went unanswered. Reporter Mark Benjamin stated: "But getting a straight explanation from the APA leadership on the loophole issue was not easy…. Stephen Behnke, the director of the APA's ethics office who drafted the resolution, insisted on Saturday that Physicians for Human Rights [PHR] had suggested some qualifying language with respect to sleep and sensory deprivation. In fact, PHR had fought vigorously against any qualifying language, including a letter sent to Behnke asking for the removal of any 'qualifications' regarding sensory and sleep deprivation."

4. In light of psychologists' involvement in "war on terror" national security settings, repeated APA Council requests were made for revisions to APA Ethics Code Section 1.02, the "Nuremberg Defense." As director of the Ethics Office, Dr. Behnke delayed for many years taking any action on these requests. In the meantime, the loopholes they provided allowed military-intelligence psychologists, known for participating in acts of torture, to disregard the ethics code when following orders. In place of action, Dr. Behnke repeatedly claimed that 1.02 had nothing to do with intelligence issues. The instructions to the BSCTs that were provided to the PENS Task Force, with his approval, emphasized in detail that BSCTs should follow "laws and regulations" over the ethics code. This "Nuremberg Defense" clause was only modified in February 2010, after prolonged pressure, and long after the end of the Bush administration that had initiated this torture program.

   By the time of this ethics code revision, the Department of Defense (DOD) no longer required that psychologists follow the APA ethics code. The BSCT manual had been changed in 2009 to read: "The DoD requires that all military professionals perform their duties in an ethical manner, consistent with their professional ethics although they are neither required to join nor adhere to the policies of any specific professional organization… the OTSG [Office of the Surgeon General] determines that performance of behavioral science consultation duties as described herein is deemed ethical practice consistent with medical and psychological ethics."

5. In the summer of 2006, the Guantánamo interrogation log of Mohammed al-Qahtani was released. According to Susan Crawford, the Bush administration appointed Convener of the Military Commissions, Mr. Qahtani was, in fact, "tortured." In 2006, at least three ethics complaints were filed with Dr. Behnke's Ethics Office regarding the participation in this torture by Maj. John Leso, an APA member. At least one of these complaints was repeatedly "lost" by that office. Today, over four years later, no action has been taken on these very serious allegations. Recently, after a New York State licensing board refused to investigate similar complaints against Maj. Leso, the APA ethics office wrote a complainant with a new justification for the failure to act. They stated that any investigation would begin only pending the resolution of the New York case in the courts -- a rationale that has further delayed deliberations within APA. This is now apparently the longest unadjudicated ethics case in APA history.

6. The APA Ethics Office has refused even to open an investigation into complaints against Col. Larry James. James, an APA member and PENS Task Force member, has long been known to have participated in or turned a blind eye to detainee abuse, including accounts detailed in his own book. In addition, a 2010 complaint against an Air Force psychologist charging a fraudulent diagnosis to discredit an anti-torture Air Force General is still pending at the APA Ethics Committee, in spite of prior censure by the psychologist's state board. Thus, in all, evidence indicates that the APA Ethics Office under Dr. Behnke has served to protect psychologists from investigation rather than investigate allegations of their complicity in torture.