

THE NATURE EDITORIAL

“RESPONSIBLE INTERROGATION”

AND

PSYCHOLOGISTS FOR AN ETHICAL APA’S

LETTERS TO THE EDITOR

June 1, 2009

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Editorial

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<http://www.nature.com/nature/journal/v459/n7245/full/459300a.html>

Responsible interrogation

Psychologists have a moral duty to help prevent torture.

There are unequivocal points to be made within the debate now raging in the United States over the Bush administration's use of what it described in its sanitized parlance as 'enhanced interrogation techniques' to wring information from detainees suspected of terrorism — techniques better described as torture.

Despite plausible-sounding talk about 'states of induced dependency' and the like, there is no scientific basis for asserting that techniques such as waterboarding, or slamming people against a wall, are fast or effective ways of getting at the truth (see [Nature 445, 349; 2007](#)). Indeed, it is hard to imagine any ethical way a controlled study on that question could be carried out. What is known to work — and surprisingly rapidly, according to field anthropologists, investigative journalists, police detectives and others with practical experience at getting information from reluctant or hostile sources — are the 'soft' methods of building rapport and trust.

And even if physical or mental torture could be shown to be effective in some immediate, tactical sense, that would be beside the point: torture is a violation of human rights and of international law, and is a threat to the long-term health of democracy. It is not to be tolerated.

Beyond that, there are few easy answers. Witness the struggles by the American Psychological Association (APA) to lay out ethical guidelines for psychologists involved in US national-security-related interrogations such as those that took place at Guantanamo Bay in Cuba.

The discussions, which were made public earlier this month on the non-profit news site ProPublica, were carried out on a confidential listserv in 2005 and involved the ten members of the APA Task Force on Psychological Ethics and National Security. Their work led to a set of 12 principles that were issued in a 2005 report (www.apa.org/releases/pens0705.html).

The most inflammatory issue, now that the task force's work has been thrust back into the limelight, is that six of its members were on the Pentagon's payroll. This might seem reasonable: guidelines should be informed by people who know what they're talking about. But it has led the Massachusetts-based activist group Physicians for Human Rights, among others, to charge the APA with having excessively cosy relations with the

military on torture — or, at the very least, with letting the Pentagon dictate a set of guidelines to its own liking.

The evidence for this is not obvious in the 12 principles themselves. One forbids psychologists to engage in, direct, support, facilitate or offer training in torture or other cruel, inhuman or degrading treatment; another articulates a moral obligation for them to report acts of torture to the "appropriate authority". But the very fact that collusion charges have been made suggests how sensitive the subject is.

Another, long-standing issue for many APA members can be found in the first of the 12 principles, which explicitly states that it is ethical for psychologists to be involved in interrogations. Other professional societies have taken a less permissive tack; the American Medical Association, the American Psychiatric Association and the World Medical Association have all come out against having their members participate in interrogations.

But such restrictions fly in the face of the reality that interrogation is a necessity in preventing loss of life from terrorism, and that some professionals feel it is their duty to ensure that the activity is conducted responsibly. The risks of abuse are ever present, and having a professional present should serve as protection for detainees, provided the professional adheres to, and is held accountable to, the most fundamental medical ethic of all: 'do no harm'.

Mike Gelles, a task-force member who was at the time chief psychologist for the Naval Criminal Investigative Service, maintains that his active involvement at Guantanamo Bay allowed him to bring concerns about interrogation methods to military leaders there, leading them to change those methods. He deserves the last word. "Removing professional psychologists from these settings," he wrote in 2007 to colleagues who were calling for a moratorium on psychologists' involvement in interrogations, "will impact the degree of oversight and inevitably increase the likelihood of abuse, thus having precisely the opposite effect of what occurred as a result of my involvement at Guantanamo Bay."

Letter to the editor:

I am writing in response to "Responsible Interrogation" (21 May, 2009 issue, vol. 459, p. 300, <http://www.nature.com/nature/journal/v459/n7245/full/459300a.html>).

The author writes, "The risks of abuse are ever present, and having a professional present should serve as protection for detainees . . ." There no logic in this statement, nor is there evidence to support the statement.

In spite of Mike Gelles' claim in 2007 to have altered interrogation methods by his presence at Guantanamo in 2002, again, there is no evidence that any significant changes occurred. Approximately 500 prisoners have now been released from Guantanamo and reports of abuse and torture run rampant, which has been documented with evidence.

Though Nature appears to find the PENS report defensible, there are in fact many aspects of the report that are alarming, including the following paragraph from the fourth of the twelve statements: "The Task Force notes that psychologists sometimes encounter conflicts between ethics and law. When such conflicts arise, psychologists make known their commitment to the APA Ethics Code and attempt to resolve the conflict in a responsible manner. If the conflict cannot be resolved in this manner, psychologists may adhere to the requirements of the law. (Ethical Standard 1.02)"

The "law" of the United States had been shredded by Bush administrative attorneys and others at the time of the PENS report with the result that all prisoners at Guantanamo and elsewhere had no habeas corpus rights, and it was "lawful" to use torture in interrogations. The PENS report was intended to twist ethics just as the Justice Department memos were intended to twist the legal framework.

Psychologists have been at interrogation and detention centers since 2002. Perhaps we could give tortured detainees, those who were tortured in spite of the presence of psychologists, the last word.

Trudy Bond

To the Editor:

The Nature editorial of May 21, 2009 (459, 300), Responsible Interrogation, on psychologists' involvement in detention center interrogations was misleading in a number of respects. In this short space, I can only focus on its most egregious misstatements. The editorial defends psychologists participation in interrogations on the basis that "having a professional present should serve as a protection for detainees, provided the professional adheres to, and is held accountable to, the most fundamental medical ethic of all: do no harm." Perhaps this "should" be the case, but the evidence is indisputable that psychologists at Guantanamo and other detention centers have been consulting on the use of techniques that amount to torture and cruel, inhumane, and degrading treatment under international agreements, such as the United Nations Convention Against Torture, to which the United States is a signatory. On September 16, 2002, at a conference held at Fort Bragg, North Carolina, psychologists taught reverse engineered Survival, Evasion, Resistance (SERE) techniques to Guantanamo personnel, after which these techniques became widespread at Guantanamo. The SERE program was begun during the Korean War to teach our soldiers to resist torture by the Chinese Communists or North Koreans in the event of their capture. To "reverse engineer" SERE is to use the torture which the soldiers were being taught to resist.

Two separate Red Cross International reports (2004, 2008) and a report of the UN Commission On Human Rights (February, 2006) found that health care professionals, including psychologists, consulted on "interrogation methods" that amount to torture under international law. At Guantanamo, one psychologist not only advised but directed some of the torture of Mohammed al-Qahtani. Another psychologist had to take the Fifth Amendment at a Congressional hearing in order not to incriminate herself. Recently declassified memos also show extensive involvement of psychologists in "enhanced interrogation techniques" that constitute torture under international law. Because of these and other similar abuses, the membership of the American Psychological Association approved a referendum this year prohibiting psychologists' involvement in interrogations at these detention centers. Shockingly, the Nature editorial does not even mention that this prohibition is APA policy.

In short, the editorial leaves the impression without providing any support that psychologists in some way have been helping to reduce abuse while failing to mention the overwhelming amount of data to the contrary.

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Dear Editor,

I am writing in response to "Responsible Interrogation" (21 May, 2009 issue, vol. 459, p. 300, <http://www.nature.com/nature/journal/v459/n7245/full/459300a.html>). I was under the impression that Nature was devoted to science, that is to an evidence-based view of the world. Therefore it is especially distressing to see this editorial which ignores many relevant facts and is contrary to so many others.

Regarding APA's task force on Psychological Ethics and National Security, you neglected to mention that the task force membership – dominated as you acknowledge by six members "on the Pentagon's payroll" – was kept secret from APA members and the public till revealed by a reporter over a year later. You also ignored the obvious conflict of interest in having military employees write ethics policy for psychologists' involvement in a controversial military activity. Do you similarly believe that a drug-development ethics policy secretly written by drug company employees, or a tobacco policy secretly written by tobacco employees, would be acceptable? Have we learned nothing from demands for transparency and disclosure of conflicts of interest for scientific and scholarly work?

Perhaps more importantly, you ignore that these were not just any six people "on the Pentagon's payroll." Rather, four of these psychologists served in chains of command accused of abuses at Guantanamo and in Afghanistan. Thus, these psychologists were, with the APA's assistance, giving themselves get-out-of-jail-free cards. Given who these psychologists were, and their domination of the task force, there was no chance they would find psychologists' participation in interrogations unethical. That is, the books were cooked.

In your support for psychologists participation in "responsible interrogations" you also ignore the plethora of recent evidence – from reporters, the Justice Department torture memos, and the Senate Armed Services Committee report – that psychologists, rather than prevent torture, designed, supervised, and legitimated the Bush administration program of abusive interrogations amounting to torture. You cite Dr. Gelles' claim that his efforts led to change in abusive interrogations. Yet official reports and press accounts tell the opposite, that Dr. Gelles' concerns were ignored by those responsible for US torture.

It is not by accident that 57% of APA members voted last summer to repudiate the policy of participation in illegal interrogations defended by Dr. Gelles, the APA leadership, and your editorial. This vote was another fact ignored by the editorial.

Sincerely,

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Dear Nature editors,

As a U.S. psychologist who actively worked to oppose APA's misguided policy of "engagement" with the Guantanamo program, I was appalled by the misinformation stated in your editorial, "Responsible Interrogation" of 5/21/09 (459,300). In Sept. 2008 the members of APA voted by referendum to change their organization's policy by barring psychologists from working in settings that violate international law, unless working directly for the detainees. At that time, APA president Alan Kazdin informed President Bush of the new policy saying, "The effect of this new policy is to prohibit psychologists from any involvement in interrogations or any other operational procedures at detention sites that are in violation of the U.S. Constitution or international law." (10/8/09) Apparently the new APA president, James Bray, and APA staff would like to pretend otherwise, and Nature is willing to go along with the fiction. Please retract and correct your editorial.

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Re: "Responsible Interrogation" (21 May, 2009 issue, vol. 459, p. 300,
<http://www.nature.com/nature/journal/v459/n7245/full/459300a.html>)

Last year APA members were presented with a stark choice: they could vote to continue the then current policy of 'engagement', i.e., allowing psychologists to remain in torture centers in the hopes that their presence could improve the conditions there, or, they could vote to have psychologists leave these dark places, refusing to aid and abet torture. By a margin of 59 percent to 41 percent, APA members chose to walk away from torture.

It is becoming increasingly clear that the membership of the APA got it right. Newly released memos make it crystal clear that psychologists were at the center of the U.S. torture program – psychologists designed, participated in and legitimized torture sessions. The centrality of their role cannot be emphasized enough – an interrogation session could not take place without the legitimizing presence of a psychologist. Psychologists evaluated prisoners to determine if a particular technique would result in 'prolonged mental harm', they evaluated prisoners just before an interrogation session to see if they were mentally capable of withstanding the abuse they were about to receive and they evaluated detainees after an interrogation session to determine if the torture caused any protracted mental harm. This presence gave the interrogators moral and legal cover – if a psychologist was there to oversee the proceedings, the treatment was deemed to be both ethical and legal.

Psychologists played a role analogous to that of a physician who determines if a prisoner is sufficiently healthy to face execution – the torture could not have taken place if a psychologist was not present. Psychologists discharge their moral duty to prevent torture when they refuse to allow their presence to legitimize it. This is why it is right to walk from torture, this is why the membership was right to say that psychologists do not work in torture centers and why so many are so very disappointed that your editorial made no mention of current APA policy.

Dan Aalbers
co-author of the APA membership referendum

Dear Editor,

I am writing in response to "Responsible Interrogation" (21 May, 2009 issue, vol. 459, up. 300, <http://www.nature.com/nature/journal/v459/n7245/full/459300a.html>). I was actually quite surprised to see it there, I thought Nature only published science that had research to back it up and/or were evidence-based. I see none of this in this article.

As you say, APA's task force on Psychological Ethics and National Security included six military members. What you did not mention was the fact that four of these psychologists served active roles in Guantanamo and Afghanistan, indeed in units that had already been accused of abusing detainees. Why did you not make the link that this represented a conflict of interest? Why should military psychologist write ethics policy for the APA concerning an already controversial military practice? There have been recent revelations of articles on drugs being written by researchers who were paid by the drug company that was producing the drug. Is this not a similar situation?

As the newly released Justice Department memos it is clear that two psychologists at least were involved in the development and application of such tortures as waterboarding, stress positions and other such abuses.

Last summer the majority of APA members voted to institute similar policies as those developed by the American Medical Association and the American Psychiatric Association, that psychologists will not participate in any kind of torture or abuse. Yet the leadership of APA have yet to put that policy into practice. The California State Legislature approved a bill proposed by State Senator Ridley-Thomas stating that any mental health profession found to be involved in any type of torture or abuse will be prosecuted which may include license revocation. Given the stand of the AMA, American Psychiatric Association and the State of California, why is the APA still dragging its heels?

Sincerely,

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To the editor

Your editorial, Responsible Interrogation, (Nature, May 21, 2009, Vol 459, 300) is anything but responsible. Rather than reflecting current American Psychological Association policy, the writer states that "having a professional present [in interrogations of terror suspects] should serve as protection for detainees..." This position was rejected by the APA membership in the fall of 2008 when a referendum stating that psychologists may not work in settings where detainees are held outside of, or in violation of, either International Law or the U.S. Constitution was brought to a vote and passed with an 18 point margin. In 2003, the International Committee of the Red Cross determined that the conditions of detention in Guantanamo Bay in themselves were tantamount to torture. In voting for the passage of the referendum, APA members accepted the argument that while the presence of psychologists may confer an aura of professional legitimacy on these illegal settings, by their very presence in such settings, psychologists are complicit in torture.

As for the argument that psychologists keep detainees safe in actual interrogations, surely a responsible scientific writer would recall the experiments of psychologists Stanley Milgram and Philip Zimbardo demonstrating that social pressure can lead well meaning people to commit acts of violence. What makes your writer believe that psychologists, particularly those in the military chain of command, are any less prone to behavioral drift in interrogations than the rest of the human race?

The position your writer favors led several hundred APA members to withhold their professional dues or to outright resign from an organization that, they believed, was making a mockery of its first ethical principle, do no harm. Please set this record straight. Many of us worked hard (Ethicalapa.com) to correct the APA's damaging policies, it is disheartening to see these now outdated policies characterized as responsible in the pages of Nature.

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Re: "Responsible Interrogation" (21 May, 2009 issue, Vol. 459, p. 300,
<http://www.nature.com/nature/journal/v459/n7245/full/459300a.html>)

To the Editor:

As a social psychologist, I read your recent editorial, "Responsible Interrogation", with great interest. Although the editorial is generally well-written, and appears to condemn torture along with the involvement of mental health professionals in its perpetration, I couldn't help but notice some omissions and misconceptions that need immediate clarification.

First, it should be readily apparent to anyone who has followed the news in recent years that torture has indeed occurred (and continues to occur) in facilities such as the one at Guantánamo Bay. It is equally apparent that not only have psychologists participated in interrogation sessions resulting in torture, but that some psychologists have been instrumental in creating the conditions in which torture has occurred in military detention facilities such as the one at Guantánamo Bay (see the Senate Armed Services Committee's recent report, "Inquiry into the Treatment of Detainees in U.S. Custody"). Had the editorial included that particular piece of information, a somewhat different interpretation of the fact that six of the APA PENS task force members had been on the Pentagon payroll. Rather than merely conclude that those particular members were best positioned to make guidelines regarding psychologists' ethical obligations in interrogation situations, the editorial writer might have instead made a more skeptical interpretation.

In the spirit of healthy skepticism, I would offer that there is tons of research in social psychology (as well as in industrial-organizational psychology) on the profound role played by normative influences on behavior. One very obvious conclusion that one would draw from reading the "Inquiry into the Treatment of Detainees in U.S. Custody" is that since 2002, a set of norms have been in place within the organizational cultures of the US Department of Defense and the leadership of the American Psychological Association that would encourage abuses such as torture. In fact, as Pope and Gutheil note in their recent article, "Psychologists Abandon the Nuremberg Ethic: Concerns for Detainee Interrogations", in 2002 the APA modified Section 1.02 of its Ethics Code in a manner that abandoned the concept of individual accountability – in essence a rationale similar to that used by Nuremberg defendants following WWII. Even a cursory review of the Milgram obedience experiments should remind readers of the potential for abuses such as torture in situations in which individual accountability has been explicitly removed.

One of the misconceptions in the editorial that needs to be clarified then has to do with the assertion of psychologists as safeguarding detainees in U.S. military prisons, such as in Guantánamo Bay, Bagram, or elsewhere. In the face of strong normative influences that encourage atrocities such as torture at, say, Guantánamo Bay, and the abandonment of the principle individual accountability of mental health professionals in such situations in favor of a principle similar to that of Nuremberg defendants, the much more probable likelihood is that mental health professionals will not only fail to safeguard detainees, but

will become active participants in the abuses that occur. Surely there will be those mental health professionals in such settings who will refuse to go along and who will voice their concerns, but the overwhelming situational pressure will encourage many to simply “follow orders.”

The editorial would also have been more accurate had it mentioned that among the rank and file of the American Psychological Association, there has indeed been a great deal of dissent regarding the organization’s stance on the ethical obligations of its professionals in military detention facilities. Last year, by a 60% to 40% margin, the APA’s members passed a member-sponsored initiative forbidding APA members’ participation in interrogations in such facilities. Of course, the initiative is non-binding, and the APA leadership can choose to ignore the will of its members.

The reputation of the science and profession of psychology, much like the reputation of the United States, has already been badly damaged in recent years by the current regime of torture, and if history is a guide, the damage will be far worse before all is said and done. As a psychologist and as a citizen I am appalled at what is being done, and what is considered acceptable by both the US government and by my profession’s major umbrella organization, the APA. Surely, a journal with a reputation such as yours would be wise to provide a much more fair and accurate account of the APA’s policies, the consequences of those policies, and the efforts of the APA’s rank and file members to direct the organization’s leadership to take a stand against involving its members in the perpetration of torture.

Sincerely,

Arlin James Benjamin Jr, Ph.D.

Re: "Responsible Interrogation" (21 May, 2009 issue, Vol. 459, p. 300,
<http://www.nature.com/nature/journal/v459/n7245/full/459300a.html>)

To the Editor:

As a psychologist, I wish to commend your journal for addressing, in your May 21 editorial entitled "Responsible Interrogation," a topic which is of paramount importance today: the role of psychologists and health professionals in "interrogations" in extralegal U.S. prisons such as Guantánamo, Abu Ghraib, Bagram, and the CIA's "black sites." Further, I appreciated your observation that there are "unequivocal" points to be made regarding this issue, one of which is that what we are discussing here is torture rather than "enhanced interrogation techniques," a misnomer you rightly reject as "sanitized parlance."

However, I was greatly disturbed by the remainder of the editorial, including everything after your first paragraph. After starting out by clearly and "unequivocally" condemning torture, your subsequent three paragraphs proceed to muddy the waters as they oscillate bizarrely between suggesting that torture may not be "effective," wondering whether research could be done to clarify its efficacy, suggesting that "soft" methods might be more effective, noting that even if torture were in fact sometimes effective it is "not to be tolerated," and then opining that "there are few easy answers," as evidenced by struggles within the APA to set policy regarding psychologists' participation in interrogations.

Let's clarify a few points before we proceed, points which I would suggest are also "unequivocal." Torture *has* happened. Not in a few instances, nor due to a few "bad apples," but in a concerted, coordinated, programmatic fashion. The basic outline of this story, including psychologists' role in the migration of the psychological torture techniques and programs from "SERE School" at Fort Bragg to the above-named prisons, is now well-documented and indisputable. In the 2007 International Committee of the Red Cross (ICRC) report entitled "ICRC Report on the Treatment of Fourteen 'High Value Detainees' in CIA Custody," the ICRC provides ample evidence that not only do particular techniques (such as "waterboarding," hooding, short-shackling, prolonged standing, dousing with cold water, prolonged isolation, sensory deprivation and overstimulation, beatings, threats, and many others), considered singly or collectively, constitute torture, but so do the overall *conditions of detention* in Guantánamo. Thus, reverting to "softer" techniques, focusing on "rapport-building" interrogations, banning certain techniques such as "waterboarding," and so forth, while continuing to hold detainees incommunicado, without effective *habeas corpus* rights, and in conditions of extreme isolation and stress, sensory deprivation, and so on, is still torture. This is not to mention the recent reports suggesting that detainees are still, at this late date, being subjected to severe physical beatings by the "Initial Reaction Force" or IRF. Nor is it to mention the many detainees who are currently hunger striking and being force-fed, in direct contravention of international standards of medical ethics, in the most rough and brutal of fashions with large plastic tubes shoved violently up their noses twice a day, under the supervision of medical doctors.

Regarding psychologists, one further point that I would suggest is unequivocal is that the only “struggle” that has gone on in the APA in terms of this issue is the ongoing “struggle” by the leadership of the APA to set and maintain the policy it prefers (one of “engagement”), over and against adamant, sustained, public, and vocal objections and resistance from an ever-growing majority of its rank and file membership. As you point out at the outset of your piece, the issue of participation in torture is fairly straightforward and unequivocal: don’t do it. At Guantánamo, in which the ICRC and others have rightly contested that the conditions of detention themselves constitute torture, there can be no ethical role for psychologists in such settings until the basic conditions of detention change and detainees are given their basic human rights.

A further point that is unequivocal, but somehow escapes mention in your editorial, is that APA policy regarding psychologists’ participation in these settings was officially and dramatically changed in September 2008, when the APA membership pushed through a resolution banning members’ participation in interrogations in these facilities. This was the first time such a member-sponsored resolution was brought to a vote in APA’s history, and it passed by a roughly 60/40 margin, with a turn-out that was, again, historical. This was a case of the membership advocating for a change in official policy over a period of years and against stiff resistance from the APA leadership. Again, the historical record on this point is clear and unambiguous, if you would care to look.

As to the final two paragraphs of your editorial, they offer such a combination of willful ignorance and apparent loathing for human decency that I would rather not discuss them at all. However, I feel I must. You suggest that it is “the reality that interrogation is a necessity in preventing loss of life from terrorism, and that some professionals feel it is their duty to ensure that the activity is conducted responsibly.” If this is “reality,” and a “necessity,” then surely you can provide some evidence as to how our cruel regime of torture in these illegal prisons has “prevented loss of life from terrorism?” This willful, systematic, and cruel torture is, in fact, a form of terrorism, and to date over one hundred detainees have died during interrogation and confinement in these prisons. I can only assume, then, from the above passage that the only “loss of life from terrorism” that concerns you is that of U.S. citizens.

You then point out the only known example of a psychologist working in these facilities who spoke out against psychologists’ direct involvement in torture (as opposed to the vast majority, who instead chose to remain silent and complicit and collect their paychecks), and suggest that he deserves “the last word,” which amounts in this case to a veiled threat that removal of psychologists will “increase the likelihood of abuse.” Given that the *conditions of detention* at Guantánamo constitute torture, the issue, with all due respect to Dr. Gelles and his noble act, isn’t one of “likelihood of abuse,” it’s one of “certainty of torture.” It is a certainty that torture has been and is occurring in Guantanamo, simply based upon the conditions there alone. It is also a certainty that any psychologists who currently remain there or in other extralegal U.S.-controlled prisons around the world and are working within the military or CIA’s chains of command in those facilities rather than on behalf of the detainees or international human rights

organizations, are doing so in direct contravention of their own professional body's policy.

History will not look kindly upon this regime of physical and psychological torture, nor upon psychologists' and other health professionals' involvement in it. I would suggest that the least that a respectable journal such as yours could do would be to accurately represent the APA's own policies in this regard to other concerned scientists around the world.

Yours,

Ryan Hunt, Ph.D.