

THE WALL STREET JOURNAL

NY judge queries sides in Gitmo psychologist case

Associated Press
April 6, 2011

NEW YORK — A push to shed light on psychologists' role in terror suspect interrogations got a rare court airing Wednesday, as a judge told human rights advocates she shared their "sensibility" but wasn't sure they had legal grounds to force a state investigation.

Rights groups and some psychologists have pressed regulators in several states to explore whether psychologists violated professional rules by designing or observing abusive interrogations, but Wednesday's court hearing was the first on the issue, advocates said.

The hearing swept questions about national security and overseas detention sites into a New York City court, where the New York Civil Liberties Union and the San Francisco-based Center for Justice and Accountability are seeking to force state regulators to decide whether Army psychologist John F. Leso should be stripped of his New York license. They say he developed "psychologically and physically abusive" interrogation techniques for use on detainees at Guantanamo Bay, Cuba.

State officials have said Leso's Army work is outside their responsibilities. They want the case dismissed.

Civil Court Judge Saliann Scarpulla didn't immediately rule after asking pointed questions of both sides Wednesday. But she suggested the rights groups were overreaching by asking her to order a state agency to do an investigation it had decided wasn't within its purview.

"My sensibility is with you, but I'm not sure that the law is on your side," she said. "I do think it has a huge moral implication here, and it's not our job to do that. ... I'm not sure the judicial process is the right way to do this."

Leso isn't named in the lawsuit, and no working telephone number could be found for him. An Army spokesman didn't immediately return a message left by The Associated Press.

While leading a behavioral science consultation team at Guantanamo in 2002 and 2003, Leso recommended interrogation tactics such as exposing detainees to severe cold, depriving them of sleep and forcing liquids into them intravenously, and he participated in at least one interrogation that used some of those methods, the Center for Justice and Accountability says. It said those

allegations are based on government documents — some of them redacted — as well as academic journal articles and other sources.

The group and a psychologist who specializes in addressing the effects of trauma say Leso's alleged activities amount to professional misconduct, and the state Office of Professional Discipline should investigate.

"In this case, the violation of ethical standards is obvious," the psychologist, Steven Reisner, said after court Wednesday.

The American Psychological Association voted in 2008 to ban members from taking part in interrogations at the Guantanamo prison and other military detention sites where the professional group believes international law is being violated.

But the New York discipline agency's director said in a letter last summer that the allegations don't concern "the practice of psychology as understood in the state of New York," and it wasn't the agency's place to address larger questions about the appropriateness of detainee interrogation methods.

"This happened eight years ago in unique circumstances having nothing to do with New York state" or the patient-focused psychology practices the agency usually examines, assistant attorney general James M. Hershler told the judge Wednesday.

"The intention here was to avoid another Sept. 11, and that's an important fact that can't be overlooked," he added. "I'm not going to get into a battle of morality over this."

Psychologist licensing boards in California, Louisiana, Ohio and Texas also have rejected complaints about other military psychologists who were said to have played a role in abusive interrogations of detainees at Guantanamo and elsewhere.