

Reply to Schafer: Defending the Facts

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Despite the promising title of his article, Special Agent (SA) John Schafer neglects to describe, explore, or otherwise illustrate "The Ethical Use of Psychology in Criminal Investigations." I would not disagree that such an argument can be made. But he does not make it. Instead, he criticizes what appears to him to be a sympathetic portrait of two traitors. My article did not take a position on the general subject of the ethical uses of psychology in criminal investigations. I did, however, suggest that the involvement of a psychologist in planning the undercover operation against Theresa Squillacote raises compelling questions of ethics:

Should a professional trained to heal instead use his or her expertise to devise an undercover blueprint that is likely to result in harm? . . . On the other hand, since the psychologist who advised the FBI did not have a therapeutic relationship with Squillacote, is he governed by conventional ethical constraints? It is hardly unprecedented for professionals with psychological training to assist law enforcement officers in ferreting out suspected wrongdoers.¹

The declassified plan of the Behavioral Assessment Program (BAP), which my article presents in detail, indeed strongly supports the conclusion that an ethical line was crossed in the preparation and execution of one specific operation against one specific individual.

Squillacote had had a secret security clearance since April 1992. Yet, as late as August 1996, after intense and ongoing surveillance, the Federal Bureau of Investigation (FBI) had gathered no evidence that Squillacote or her husband Kurt Stand had passed classified information. Although three searches of their house and telephone taps at her home and office for approximately a year and a half had failed to yield a "smoking gun," the government surveillance had

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resulted in amassing a huge amount of very private, very personal information on a deeply psychologically disturbed woman—much more than her psychiatrist possessed. Would it have been prudent for the BAP team to consider the ethical implications of using the details of her severe mental illness to develop their extremely potent plan? Having expressly noted that "it is possible that once she has been arrested she will make a suicide attempt" (Ref. 1, p 218), did they ponder the potential consequences of what they were about to do to a United States citizen? Defense lawyer Richard Sauber asked the FBI's SA in the case, Douglas Gregory, whether anyone at the BAP team meeting had ever said:

"We have been at this for a long time, we haven't found anything, let's just get her fired from her job at the Pentagon."

Gregory responded, "That's not the role of the BAP Team. . . . No, nobody said that."

Sauber: "Did anyone at the BAP raise concerns about proceeding with such a sting operation if it might result in a death of a target?"

Gregory: "No."

Sauber: "Okay. Did anyone say, you know, gee, if this sting might result in death, maybe we should think of a different way to do it?"

Gregory: "No."

Sauber: ". . . Are there any FBI rules or regulations about when death might result in an investigation, of steps you are supposed to take?"

Gregory: "No" (Ref. 1, p 220)

Would SA Schafer agree that the members of a BAP team ought to assess the potential consequences of their actions? Have such questions ever been raised by any member of his BAP team? Would he consider such questions to be irrelevant? Does grappling with the issue of suicide resulting from a law enforcement sting require that one formally adopt the American Psychological Association (APA) code of ethics? Schafer suggests that "psychologists who do not belong to the APA or another professional association of psychologists are not required to adhere to the

code of ethics of these respective groups.” Does that mean that psychologists working for the FBI or other law enforcement agencies are required to forgo membership in the APA as a prerequisite of employment?

Schafer also states that “the FBI and the BAP team are required to adhere to federal laws and rules of evidence, which are enforceable and far more stringent than professional codes of ethics.” Yet he neglects to explain what he means. Is he suggesting that adherence to federal laws and rules of evidence cannot or need not be squared with adherence to a professional code of ethics?

I am disappointed that SA Schafer, despite his “extensive experience in espionage and other criminal violations,” did not choose to shed any light whatsoever on the legitimate uses of psychology in criminal investigations. I also take issue with his numerous mischaracterizations of my article. He levels charges but does not back them up with evidence. Among his most egregious errors are the following:

1. My personal opinions “consumed a large portion of the article.”

2. I cited only “facts that supported [my] position, instead of presenting a more evenly measured argument.”

3. I “introduced the notion of a governmental conspiracy.”

4. I viewed Squillacote and Stand through a skewed and misguided “filter” or “schema.”

Among SA Schafer’s criticisms is the text of my introductions of Squillacote and Stand. Although his own schema has somehow convinced him that I am

painting a sympathetic portrait of the couple, the facts I present are accurate and not subject to dispute. My inclusion of the fact that Squillacote’s mother, a young chemist at the University of Chicago during World War II, worked on the development of the atomic bomb, was not offered, as SA Schafer misrepresents, as an exculpatory argument for Theresa Squillacote. This information adds texture and perhaps irony to Squillacote’s story. If anything, it suggests a great patriotic divide between daughter and mother.

SA Schafer is also disturbed that I present “Squillacote as an award-winning, model government worker.” If he had read my article carefully, he would have learned that the prosecution capitalized on her exemplary Pentagon employment. Dr. Martin Kelly, the government’s expert witness, argued that Squillacote’s work proves that she was not the helpless individual painted by the defense.

Now, more than ever, our country needs FBI agents who carefully and dispassionately consider the evidence. SA Schafer may be correct that “the use of psychology in national security matters, as well as in the individual clinical setting, saves lives and prevents untold human suffering.” But he does not even begin to develop his argument.

Reference

1. Danoff L: The Foreign Intelligence Surveillance Act: law enforcement’s secret weapon. *J Am Acad Psychiatry Law* 28:213–24, 2000